
ASSEMBLY BILL NO. 375—ASSEMBLYMEN SPRINKLE,
BENITEZ-THOMPSON, JOINER AND DALY

MARCH 20, 2017

Referred to Committee on Taxation

SUMMARY—Allows the imposition of certain taxes in a county to fund flood management projects of a flood management authority based on the recommendations of a flood control project needs committee and voter approval. (BDR S-473)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to taxation; authorizing the governing body of a flood management authority under specified circumstances to adopt a resolution establishing a flood control project needs committee to recommend the imposition of certain taxes to fund the flood management projects of the flood management authority; providing that if such a committee is established and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2018 General Election asking whether the recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain flood management projects; providing that if a flood control project needs committee is established, the committee is required to obtain information and submit a report concerning certain flooding issues in the county; providing for the prospective expiration of the authority of a governing body to establish such a committee; and providing other matters properly relating thereto.



* A B 3 7 5 *

Legislative Counsel's Digest:

1 **Section 1** of this bill authorizes the governing body of a flood management
2 authority to establish by resolution a flood control project needs committee to
3 recommend the imposition of certain taxes for consideration by the voters at the
4 2018 General Election to fund the flood management projects of the flood
5 management authority.

6 **Sections 2 and 3** of this bill provide that if such a committee is established, the
7 committee may recommend the imposition of one or more of the following taxes:
8 (1) an additional tax on the gross receipts from the rental of transient lodging in the
9 county; (2) a supplemental governmental services tax for the privilege of operating
10 a vehicle upon the public streets, roads and highways of the county; (3) an
11 additional tax on the transfer of real property in the county; (4) an additional sales
12 and use tax in the county; and (5) an additional property tax in the county. The
13 recommendations of the committee must specify the rate or rates for each of the
14 recommended taxes and may specify the period during which the recommended
15 taxes will be imposed. If the committee submits its recommendations to the board
16 of county commissioners on or before April 2, 2018, the board of county
17 commissioners is required to submit a question to the voters at the November 6,
18 2018, General Election asking whether any of the taxes recommended by the
19 committee should be imposed in the county. If a majority of the voters approve the
20 question, the board of county commissioners is required to impose the approved
21 taxes at the rate specified in the question submitted to the voters. If a majority of
22 the voters approve the imposition of an additional property tax, the additional rate
23 is exempt from the partial abatement of property taxes on certain property and the
24 requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed
25 valuation.

26 **Section 4** of this bill provides that the proceeds resulting from the imposition of
27 such taxes: (1) must be deposited in the fund for flood management projects of the
28 flood management authority; and (2) may be pledged to the payment of the
29 principal and interest on bonds or other obligations issued for certain flood
30 management projects.

31 **Section 5** of this bill provides that if a flood control project needs committee is
32 established, the committee must conduct meetings to receive information and
33 evidence about flooding issues in the county and provide a report to the Governor,
34 the Legislature, the board of county commissioners, the city council or other
35 governing body of each city in the county and the board of directors of the flood
36 management authority of the county.

37 **Section 6** of this bill provides that the provisions of this bill authorizing the
38 governing body of a flood management authority to establish such a flood control
39 project needs committee expire by limitation on April 2, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** 1. The governing body of a flood management
2 authority may, by resolution, establish a flood control project needs
3 committee to recommend the imposition of one or more of the taxes
4 described in section 3 of this act for consideration by the voters at
5 the 2018 General Election to fund the flood management projects of
6 the flood management authority. If such a resolution is adopted, the
7 committee must be appointed consisting of:



- 1 (a) The chief executive officer of the flood management
2 authority, who serves ex officio, or his or her designee.
- 3 (b) One Senator whose legislative district includes all or part of
4 the flood management authority. If the legislative district of more
5 than one Senator includes the flood management authority, those
6 Senators shall jointly appoint the member to serve.
- 7 (c) One member of the Assembly whose legislative district
8 includes all or part of the flood management authority. If the
9 legislative district of more than one member of the Assembly
10 includes the flood management authority, those members of the
11 Assembly shall jointly appoint the member to serve.
- 12 (d) One member who is a representative of the Nevada
13 Association of Realtors, appointed by that Association.
- 14 (e) One member who is a representative of the Retail
15 Association of Nevada, appointed by that Association.
- 16 (f) One member appointed by the board of county
17 commissioners.
- 18 (g) If the county includes one or more cities, the mayor of each
19 such city shall appoint a member to serve.
- 20 (h) One member who is a representative of a labor organization,
21 appointed by the State of Nevada AFL-CIO.
- 22 (i) One member of the general public, appointed by the
23 Governor of the State of Nevada.
- 24 (j) One member who represents economic development in the
25 county, appointed by the regional development authority, as defined
26 in NRS 231.009, for that county.
- 27 (k) One member who represents gaming, appointed by the
28 gaming association with the largest membership in the county or, if
29 there are no members of a gaming association in the county, the
30 governing body of the flood management authority.
- 31 (l) One member who represents business or commercial
32 interests, other than gaming, appointed by the local chamber of
33 commerce with the largest membership in the county or, if there is
34 no local chamber of commerce in the county, the governing body of
35 the flood management authority.
- 36 (m) One member who represents homebuilders in the county,
37 appointed by the association of homebuilders with the largest
38 membership in the county or, if there are no members of an
39 association of homebuilders in the county, the governing body of the
40 flood management authority.
- 41 (n) One member who represents the largest airport in the county,
42 if any, appointed by that airport's governing board.
- 43 (o) One member representing commercial developers in the
44 county, appointed by the Northern Nevada Chapter of the National
45 Association of Industrial and Office Properties.



1 2. The members appointed pursuant to paragraphs (d) to (o),
2 inclusive, of subsection 1 must be residents of the county.

3 3. Any vacancy occurring in the appointed membership of a
4 committee established pursuant to subsection 1 must be filled in the
5 same manner as the original appointment not later than 30 days after
6 the vacancy occurs.

7 4. If a committee is established pursuant to subsection 1, the
8 committee shall hold its first meeting upon the call of the chief
9 executive officer of the flood management authority as soon as
10 practicable after the appointments are made pursuant to subsection
11 1. At the first meeting of the committee, the members of the
12 committee shall elect a Chair.

13 5. A majority of a committee established pursuant to
14 subsection 1 constitutes a quorum for the transaction of business,
15 and a majority of those members present at any meeting is sufficient
16 for any official action taken by the committee.

17 6. If a committee is established pursuant to subsection 1, the
18 chief executive officer of the flood management authority shall
19 provide administrative support to the committee.

20 7. As used in this section, "flood management authority" has
21 the meaning ascribed to it in NRS 244A.0293.

22 **Sec. 2.** 1. If a flood control project needs committee is
23 established pursuant to subsection 1 of section 1 of this act, the
24 committee shall, on or before April 2, 2018:

25 (a) Prepare recommendations for the imposition of one or more
26 of the taxes described in section 3 of this act in the county to
27 provide funding to the flood management authority for one or more
28 flood management projects, as defined in NRS 244A.0297. The
29 recommendations must specify the proposed rate or rates for each of
30 the recommended taxes and may specify the period during which
31 one or more of the recommended taxes will be imposed.

32 (b) Submit the recommendations to the board of county
33 commissioners.

34 2. Upon the receipt of recommendations pursuant to subsection
35 1, the board of county commissioners shall, at the General Election
36 on November 6, 2018, submit a question to the voters of the county
37 asking whether any of the recommended taxes should be imposed in
38 the county. The question submitted to the voters of the county must
39 specify the proposed rate or rates for each of the recommended taxes
40 and the period during which each of the recommended taxes will be
41 imposed, if the period was specified in the recommendations
42 submitted pursuant to subsection 1. If the question submitted to the
43 voters pursuant to this subsection asks the voters of the county
44 whether to impose the tax described in subsection 5 of section 3 of
45 this act, the question must state that any such tax imposed is exempt



1 from each partial abatement from taxation provided pursuant to
2 NRS 361.4722, 361.4723 and 361.4724.

3 3. If a majority of the voters voting on the question submitted
4 to the voters pursuant to subsection 2 vote affirmatively on the
5 question:

6 (a) The board of county commissioners shall impose the
7 recommended tax or taxes in accordance with the provisions of
8 section 3 of this act and at the rate or rates specified in the question
9 submitted to the voters pursuant to subsection 2.

10 (b) If the question recommended the imposition of the tax
11 described in subsection 5 of section 3 of this act:

12 (1) Any such tax imposed is exempt from each partial
13 abatement from taxation provided pursuant to NRS 361.4722,
14 361.4723 and 361.4724.

15 (2) The provisions of NRS 361.453 do not apply to any such
16 tax imposed.

17 (c) The tax or taxes must be imposed notwithstanding the
18 provisions of any specific statute to the contrary and, except as
19 otherwise specifically provided in sections 1 to 4, inclusive, of this
20 act, such tax or taxes are not subject to any limitations set forth in
21 any statute which authorizes the board of county commissioners to
22 impose such tax or taxes, including, without limitation, any
23 limitations on the maximum rate or rates which may be imposed or
24 the duration of the period during which such taxes may be imposed.

25 **Sec. 3.** 1. Upon approval of the registered voters of a county
26 voting on a question presented to the voters pursuant to section 2 of
27 this act recommending the imposition of a tax on the gross receipts
28 from the rental of transient lodging, in addition to all other taxes
29 imposed on the revenue from the rental of transient lodging, the
30 board of county commissioners shall impose a tax on the gross
31 receipts from the rental of transient lodging at the rate specified in
32 the question presented to the voters pursuant to section 2 of this act.
33 The tax must be imposed throughout the county, including its
34 incorporated cities, upon all persons in the business of providing
35 transient lodging. The tax must be administered and enforced in the
36 same manner as similar taxes imposed pursuant to chapter 244 of
37 NRS on the revenue from the rental of transient lodging are
38 administered and enforced.

39 2. Upon approval of the registered voters of a county voting on
40 a question presented to the voters pursuant to section 2 of this act
41 recommending the imposition of a supplemental governmental
42 services tax for the privilege of operating a vehicle upon the public
43 streets, roads and highways of the county, the board of county
44 commissioners shall, in addition to any supplemental governmental
45 services tax imposed pursuant to NRS 371.043 or 371.045, impose a



1 supplemental governmental services tax at the rate specified in the
2 question presented to the voters pursuant to section 2 of this act on
3 each vehicle based in the county except:

4 (a) A vehicle exempt from the governmental services tax
5 pursuant to chapter 371 of NRS; or

6 (b) A vehicle subject to NRS 706.011 to 706.861, inclusive,
7 which is engaged in interstate or intercounty operations.

8 ➔ The tax must be administered and enforced in the same manner
9 as the taxes imposed pursuant to NRS 371.043 and 371.045 are
10 administered and enforced.

11 3. Upon approval of the registered voters of a county voting on
12 a question presented to the voters pursuant to section 2 of this act
13 recommending the imposition of a tax on transfers of real property,
14 in addition to all other taxes imposed on transfers of real property
15 pursuant to chapter 375 of NRS, the board of county commissioners
16 shall impose a tax at the rate specified in the question presented to
17 the voters pursuant to section 2 of this act on each deed by which
18 any lands, tenements or other realty is granted, assigned, transferred
19 or otherwise conveyed to, or vested in, another person, or land sale
20 installment contract, if the consideration or value of the interest or
21 property conveyed exceeds \$100. The amount of the tax must be
22 computed on the basis of the value of the real property that is the
23 subject of the transfer or land sale installment contract as declared
24 pursuant to NRS 375.060. The county recorder shall collect the tax
25 in the manner provided in NRS 375.030.

26 4. Upon approval of the registered voters of a county voting on
27 a question presented to the voters pursuant to section 2 of this act
28 recommending the imposition of a tax on the gross receipts of any
29 retailer from the sale of all tangible personal property sold at retail,
30 or stored, used or otherwise consumed in the county, the board of
31 county commissioners shall impose the tax at the rate specified in
32 the question presented to the voters pursuant to section 2 of this act.
33 The tax must be administered and enforced in the same manner as
34 the taxes imposed pursuant to chapter 374 of NRS are administered
35 and enforced.

36 5. Upon approval of the registered voters of a county voting on
37 a question presented to the voters pursuant to section 2 of this act
38 recommending an increase in the rate of the tax levied in accordance
39 with NRS 361.460, the board of county commissioners shall, in
40 addition to any tax levied in accordance with NRS 361.460, levy a
41 tax on the assessed valuation of taxable property within the county
42 in the amount described in the question presented to the voters
43 pursuant to section 2 of this act. The tax must be administered and
44 enforced in the same manner as the tax imposed pursuant to NRS
45 361.460 is administered and enforced.



1 **Sec. 4.** The proceeds of any tax or taxes imposed pursuant to
2 sections 2 and 3 of this act:

3 1. Must be deposited in the flood management authority's fund
4 for flood management projects to be held and, except as otherwise
5 provided in subsection 2, expended to pay the costs of one or more
6 of the flood management projects set forth in NRS 244A.0297.

7 2. May be pledged to the payment of principal and interest on
8 bonds or other obligations issued for one or more of the flood
9 management projects set forth in NRS 244A.0297. The proceeds of
10 such taxes so pledged may be treated as pledged revenues for the
11 purposes of subsection 3 of NRS 350.020, and the governing body
12 of the flood management authority may issue bonds for those
13 purposes in accordance with the provisions of chapter 350 of NRS.

14 **Sec. 5.** 1. If a flood control project needs committee is
15 established pursuant to subsection 1 of section 1 of this act, the
16 committee shall, not later than 18 months after the date of the first
17 meeting of the committee:

18 (a) Conduct meetings at which the committee receives
19 information and evidence concerning the issue of flooding in areas
20 of the county not covered by a plan for protection against floods
21 which is adopted by the flood management authority of the county,
22 regardless of the source or cause of such flooding; and

23 (b) Submit a report to the Governor, the Director of the
24 Legislative Counsel Bureau for transmission to the next session of
25 the Legislature, the board of county commissioners, the city council
26 or other governing body of each incorporated city in the county and
27 the board of directors of the flood management authority. The report
28 must contain:

29 (1) A description of the areas of the county which are most
30 affected by flooding and which are not covered by the plan for
31 protection against floods which is adopted by the flood management
32 authority of the county;

33 (2) A description of the source of flooding in the areas of the
34 county described pursuant to subparagraph (1);

35 (3) A compilation of projects suggested in existing
36 community planning documents that would address known areas of
37 flooding in the county;

38 (4) Recommendations for flood protection or mitigation
39 measures for known sources of flooding and sources of flooding
40 identified during the course of the meetings conducted pursuant to
41 subsection 1; and

42 (5) Recommendations of issues that need further study and
43 modeling.

44 2. As used in this section, "flood management authority" has
45 the meaning ascribed to it in NRS 244A.0293.



- 1 **Sec. 6.** 1. This act becomes effective upon passage and
2 approval.
3 2. Section 1 of this act expires by limitation on April 2, 2018.

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