MINUTES OF THE MEETING OF THE JOINT SENATE AND ASSEMBLY COMMITTEES ON TAXATION

SIXTY-FIRST SESSION NEVADA STATE LEGISLATURE APRIL 6, 1981

The Joint Senate and Assembly Committees on Taxation were called to order by Chairman Keith Ashworth, at 1:18 p.m., Monday, April 6, 1981, in Room 131, Legislative Building, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator Keith Ashworth, Chairman Seantor Don Ashworth Senator Virgil M. Getto Senator James N. Kosinski Senator William J. Raggio Assemblyman Paul May, Chairman Assemblyman Steven A. Coulter, Vice Chairman Assemblyman Louis W. Bergevin Assemblyman Bill D. Brady Assemblyman Patty D. Cafferata Assemblyman Robert G. Craddock Assemblyman John Marvel Assemblyman Robert E. Price Assemblyman Robert F. Rusk Assemblyman Jan Stewart Assemblyman Peggy Westall

COMMITTEE MEMBERS ABSENT:

Senator Norman D. Glaser Senator Floyd R. Lamb

STAFF MEMBERS PRESENT:

Ed Shorr, Deputy Fiscal Analyst Dan Miles, Deputy Fiscal Analyst

Senator Keith Ashworth stated that Senate Taxation Committee had adopted some amendments for <u>SB 411</u> last Thursday and felt that they would be ready for this meeting. They are not yet available and therefore it would be impossible to review <u>SB 411</u> without copies of these amendments available for all interested parties. He stated that this hearing would therefore be confined to testimony on SB 69 and <u>AB 369</u>.

Assemblyman May stated that because of the time frame facing city and counties for required hearings and completion of budgets and the setting of tax rates, AB 430 had been introduced. AB 430 provides schedule for budgets and property taxes in 1981. This would be a one-time shot and changes the date requirements for

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hearings. Mr. May stated that he could see no problems with the bill but could not promise passage of it.

SENATE BILL NO. 69

Jay Milligan, City Manager of Sparks, stated that his comments were with the aspect of reassessment. There are a couple of cities in Nevada, such as North Las Vegas and Sparks, that have not been reassessed for about 5 years. Sparks concern with the tax plan has to do with the burden that it would place on cities that have not been reassessed lately. Sparks was last reassessed in 1976-77. Not only have they not been reassessed since that time, but everything new that has come on has been factored back to 1976-77.

Mr. Bergevin stated that he did not understand why they felt it would be a burden. Under the provisions of <u>SB 69</u> Sparks would be reassessed upward to January 1, 1980 values which would be used for this years budget.

Senator Keith Ashworth pointed out Section 31 of <u>SB 69</u>, which has the factoring procedures.

Mr. Bergevin stated that they would be required to bring everything up to current values by the factors in the bill. He added that he felt that it would be to the benefit of Sparks rather than be a hardship.

Senator Keith Ashworth stated that the plan would bring everybody up to current and after everyone gets even then they may factor back down. SB 411 would then trigger in and give additional tax break. The 15% would apply after that.

As there was no further testimony on \underline{SB} 69 and no testimony on \underline{AB} 369, Assemblyman Rusk asked if it would be possible to review \underline{AB} 369 with its amendments.

Marvin Leavitt was asked to review AB 369 for those present. He began by stating that to fully understand what AB 369 does it must be taken in connection with SB 69 and SB 411. The first thing it does is put sales tax on a monthly remittance instead of a quarterly one. Doing this not only increases the speed at which the money can come in , but also gets entities over the problem of first quarter money. Mr. Leavitt used an example of the County-City Relief Tax, where the tax is enacted to be effective on May 1, remitted to the Department of Taxation during the month of June and could be ready for remittance to the local governments during the month of July. That in effect would remit it one month prior to when they normally are getting property taxes. In effect this would give them one additional month of revenue. What could be done with this would be to place the money in a reserve fund established by the amended SB 411, which could be used to make up for

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any shortfalls between estimates and actual calculations. This would protect the local government against an economic down turn if the estimates prove incorrect.

Mr. Leavitt continued by explaining that the next thing covered in the bill was the local school support tax, which was increased to 1 1/2% from its current level. The CCRT (County-City Reliaf Tax) is made mandatory. The original percentage in existance is levied by the county on a county option basis. The levy actually comes through a county ordinance. The logical reason for doing it differently at this point in time is because of the timing problems which exist between now and the date that it is suppose to become effective. In many cases an ordinance could not be passed in time at the county level. Therefore it is a necessity that the tax be levied at the state level rather than on the individual county level.

Continuing, Mr. Leavitt explained that the next provision simply increases the CCRT and leave the 1/2¢ that is currently levied alone. He explained how the distribution formula works with the increased CCRT. It establishes what is called "basic ad valorem revenues". These revenues are obtained by multiplying the factored up assessed valuations, which uses the formula that is found at the end of <u>SB 69</u> that brings all property up to a common level, by the tax rate for the year ended June 30, 1981, to get an amount. That amount is then added to every other taxing district within any individual county and by the total of those amounts and the relationship you can determine percentage factor. The total for each county, determined this way, which will include every single taxing entity including the county, could then be applied on the statewide basis. This total applied on the statewide basis deter-This tax is placed mines the relationship between each county. in the pot and distributed to the counties based on this relationship between the factored up assessed valuation multiplied by the rate and then distributed within the county based on the same relationship as it exists between the entities. This has the advantage that it maintains the relationship still existing between assessed valuation of the county, so that the county that grows more rapidly than others, assessed valuation factor will still give the needed dollars flowing into that account. also gets rid of some previous problems that existed when they had to distribute the tax simply by county of origin and there were some strange amounts arrived at.

Senator Don Ashworth inquired if this was done by ratio of assessed value in one unit to total assessed value throughout the whole state.

Mr. Leavitt replied that it was not assessed value but it is assessed value multiplied by tax rate for the year ended June 30, 1981.

Senator Don Ashworth continued by asking if the tax rate took into consideration population growth.

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Mr. Leavitt replied that the tax rate is one existing at a point in time. Tax rate relates to what they have been living with as assessed valuation in the past to their current existing tax rate.

Senator Keith Ashworth pointed out that indirectly it would take into consideration growth because as the area grows there would be more assessed valuation. It accounts for growth but only through assessed valuation.

Mr. Leavitt that that historically he felt that they would find that the rates have remained somewhat constant and the assessed valuation has been what has been changing.

Mr. Leavitt continued by stating that the bill as it currently is distributes \$425,000 on a monthly basis equally to each county. This results in \$300,000 being distributed to each county on an annual basis. On calculations they have done to date, it appears that this \$300,000 is probably in excess of what is needed to overcome the difficiency in some of the counties. This may have to be reduced to \$150,000 or \$200,000 to make it work more equitably. What happens when they use \$300,000 in some of the smaller counties is that property tax is almost completely eliminated while there is still sizeable property tax in other counties.

Senator Keith Ashworth inquired if this was out of the supplemental tax, why don't they use the formula for the distribution based on percentage on the total amount.

Mr. Leavitt stated that the formula appears to have the opposite effect, in that they are leaving still too high tax rate in some of the rural counties.

Senator Don Ashworth pointed out that this was just a leveling effect for those counties that don't have the assessed value and this brings them up to a certain level and basically if they go the other way it has a converse effect.

Mr. Leavitt continued by stating that the bill would remove the caps on existing school levy. In <u>SB 204 of the previous session</u> there was a limitation placed on school levy of 50¢. That cap is removed and allows that 50¢ to grow with growth in assessed valuation. The bill would be effective on May 1, 1981; to understand the full effects it must be looked at in relation to what <u>SB 411</u> does, Mr. Leavitt concluded.

Ed Everett, Assistant County Manager of Washoe County, stated that they understood according to page 8 of AB 369 that there will be a 1% collection fee that will go to the Department of Taxation for handling and administrating. He pointed out that if the sale base is going up, rough numbers suggest that this might "pump in" about \$900,000 more to the Department. He questioned whether the Department would need this or if this might be able to stay in

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the pool and go back to the counties.

Roy Nickson, Director of the Department of Taxation, stated that while the Department is allocated 1% of the CCRT, cigarette tax, liquor tax, gasoline tax, for administration purposes, the Department actually does not receive any increase in its budget. The appropriations are set by the Legislation. It is a question of where the money comes from to support the Department as a whole. The funds are co-mingled and can t be identified by actual expenditures of the Department to a specific revenue source.

Assemblyman Stewart inquired if Mr. Nickson could give the committee a figure of what the 1% is and how it might relate to the Department's cost of handling and collection. He continued by asking if Mr. Nickson would know what the cost is to handle this tax. Mr. Nickson replied that it was not isolated. Actual administrative cost of administrating one portion of all the taxes is not identifiable. He added that he did not anticipate any increase in staff or expense.

Ralph Best, Director of Finance for the City of Sparks, stated that they have some concern about Section 26, subparagraph 2 wherein the County Treasurer would distribute to all other entities within the county their portion of the sales tax. Based on their experience with the 1/2% CCRT, they feel that it would be more expeditious to the local entities within the jurisdictions of the county if the money came directly from the State Controller to the cities. This would expedite the receipt of the money by local governments.

Mr. Nickson stated that it would make no difference to the Department of Taxation whether the checks came from the State Controller or County Treasurer. The information necessary to compute these amounts is available and could be fed into the computer without any problems.

Patrick Pine, Clark County, stated that they would have no big problem with the State Controller making the allocations provided there be some process where the various local entities could check the computations and resolve any disputes that might arise about such computations. Occasionally disputes arise over the computations no matter who does them. He added that if the County Treasurer doesn't have to do it, it would save the counties money.

Senator Keith Ashworth pointed out that presently the County Treasurer receives the money from the State Treasurer and he makes the allocations and computations within each entity based on the various different ordinances and allocations. Mr. Ashworth went on to inquire if Mr. Nickson felt the Department of Taxation could handle these various computations for each individual entity. Mr. Nickson replied that they do have the formula for the individual entities as specified with the blanket distribution of \$425,000 to each of the 17 counties and then on population basis or any

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other basis, they can calculate and advise the Controller of the figures. It would mean the State would issue 197 checks instead of the present 17 checks.

Senator Raggio inquired if there appeared to a problem of lag time existing currently. Mr. Pine replied that he could not speak for other counties but that as soon as Clark County possibly can that start computing the formula. He felt that they did not have any real lag time. It appeared from some comments from the audience that there may be problems in other areas of the state but no testimony was given on this.

Senator Keith Ashworth inquired if there would be a lag time if the State had to issue the checks and Mr. Nickson stated that he would anticipate no additional delay caused by issuing 197 checks as opposed to 17.

Mrs. Westall inquired if it would be more economical to have the state handle the checks. Senator Ashworth stated that it would be more economical to the counties of course, but more expense to the state. He added that he could see no reason that with available machinery in the State, why the process should have to be done twice.

Frank Castor (?), Finance Director City of Reno, stated that he supported the suggestion that this go through the State Controller for the reason that in the definition of basic ad valorem, the rate applied to the assessed valuation is a very low tax rate in the City of Reno compared to the rest of the entities of the state. As a result of this they are going to suffer in the amount of tax distributed to them. With this distribution they need the money faster so that they can invest it and gain back what they are losing in sales tax.

Copies of the amendments to <u>SB 4111</u> having been distributed, Mr. May stated that they would hope to have the bill reprinted and available tomorrow and the committees would welcome further testimony on it from Clark and Washoe Counties at that time. He briefly went over the joint hearings scheduled and the proposed time frame facing the committees in order to get the tax plan passed and to the Governor for signature.

Also distributed were copies of figures developed the Ad Hoc Committee and a memo from the committee. The figures are found in Exhibits G, H, and K and are found with the Secretary's Minute Book. The memo is attached to these minutes as Exhibit A.

The Exhibits mentioned above are charts which give projected figures and rational for the various proposed sales tax percentages. At the request of the committee, Mr. Marvin Leavitt went over the Exhibits briefly.

Mr. Leavitt used <u>Exhibitk</u> as the example and stated that this is using 5 3/4. He briefly explained what the various columns of

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of the Exhibit demonstrated. He explained that Column 1 shows computations and total limitations for 1981-82 budgets for each one of the local entities indicated, based on the formula in amended SB 411. Column 2 is the estimate of 1 3/4 of CCRT based on the formula previously discussed. The 3rd column is simply the difference between those two indicating the amount left to be made up from ad valorem taxes. Column 4 is their estimate of what has been called factored up assessed valuation. Column 5 is the local government rate which it would take to balance the dollars in column 3 with that assessed valuation. of the columns show the other districts and entities. Column 9 shows what 1981-82 rate would be and simply a comparison between that rate and current existing rate to show how much rate decrease Column 12 shows that some entities CCRT brings there would be. in money over and above what total limitations may be and that is called the sales tax overage. SB 411 has provisions for that overage to go into a reserve fund.

Mr. Leavitt stated that Exhibit G did basically the same thing using 5 1/4%. Exhibit H contains general information on local governments. The very first page shows the allocations and in columns 12 and 13 are found these broken down by the various percentages referred to previously. Some of the information in Exhibit H relates to concepts which have been discarded and would be of limited value at this point.

As there was no further business or testimony to discuss, Chairman Keith Ashworth adjourned the meeting at 2:30 p.m.

Respectfully submitted,

Sandee Gagnier
Assembly Attache

April 6, 1981

MEMORANDUM

TO:

Senator Keith Ashworth, Chairman, Senate Taxation Committee

Assemblyman Paul W. May, Chairman, Assembly Taxation Committee

FROM:

Ray Knisley and Your Ad Hoc Committee composed of David Henry, an authority on local government and presently advisor to Washoe County Commissioners on county affairs; Marvin Leavitt, financial officer for Las Vegas, and an expert in his field; and Ed Greer, budget and finance officer for Clark County schools, the most experienced man in the state in school finance

We have consulted with Merlin Jones and Lee Bergstrom, C.P.A.'s, whose firms have a wide practice in local government auditing and who have served on the local government advisory committee since its inception. They have been of great assistance; Jim Lien, presently with Metro, and formerly with Nevada tax commission, has been indispensable. Your instructions have been followed and a means developed to reduce ad valorem taxes and replace dollars lost to local governments and schools. All decisions reached by our group have been by consensus, after consulting with, and advice from, you.

The basic plan in the governor's message has been found to be the most realistic approach. If it were not for constitutional restraints simpler solutions could be had; however, elements of the basic plan would still be involved.

The three bills your committees have produced, A.B. 369, S.B. 69 and S.B. 411, with some amendments, will accomplish the results sought.

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School financing is a separate matter, repeal of the tax on food and drugs has caused a shortage of revenue that is hard to overcome. We find the only sources that could produce the volume of money required are ad valorm, sales and gaming taxes. A large increase of gaming taxes could well be counterproductive. As reduction of ad valorem taxes on homes is your main objective this area offers no relief because of constitutional limitation. Therefore, we recommend increasing the present school aid tax by 3/4 of 1 percent.

To reduce the ad valorem tax 50 percent and replace dollars lost to 197 local governments is not a simple operation. It will be necessary to increase the present city-county relief tax by 1 3/4 percent to get the job done. In accord with your instructions, budgetary controls are suggested which will not unduly hamper local governments in performance of their duties.

Professional people and those from industry have been helpful and Roy Nickson of the Nevada tax commission and his staff have fully cooperated in this work.

RK/llp

EXHIBIT G



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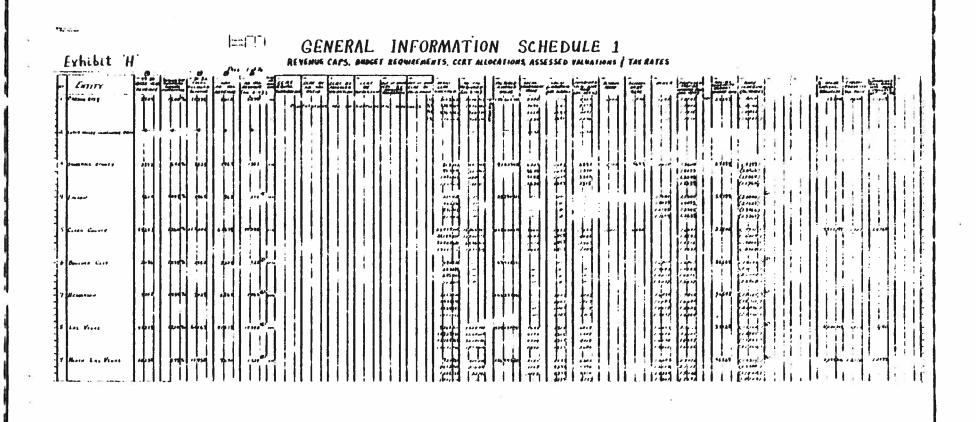
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