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S.B. 497

SENATE BILL NO. 497—SENATORS RAGGIO, TOWNSEND,
WASHINGTON AND MATHEWS

MAY 23, 2003

JOINT SPONSORS: ASSEMBLYMEN HETRICK, ANGLE, GUSTAVSON,
KNECHT, MARVEL, ANDERSON, GEDDES, GIBBONS
AND LESLIE

Referred to Committee on Government Affairs

SUMMARY—Authorizes imposition of fee on rental cars and
issuance of revenue bonds in certain counties to
finance minor league baseball stadium.
(BDR 20-1356)

FISCAL NOTE: Effect on Local Government: No.
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 county finances; authorizing the imposition of a
fee on rental cars and the issuance of revenue bonds in
certain counties to finance a minor league baseball
stadium; providing for the collection, distribution and use
of the fee; authorizing a county to revise certain schedules
of fees, rates, charges and taxes to ensure the payment of
certain revenue bonds of the county; and providing other
matters properly relating thereto.

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

- 1 **Section 1.** Chapter 244A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 7, inclusive,
3 of this act.
4 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act:*
5 1. *“Department” means the Department of Taxation.*



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1 2. *“Minor league baseball stadium project” has the meaning*
2 *ascribed to it in section 6 of this act.*

3 **Sec. 3.** *1. The board of county commissioners of a county*
4 *whose population is 100,000 or more but less than 400,000 may by*
5 *ordinance impose a fee upon the lease of a passenger car by a*
6 *short-term lessor in the county in the amount of not more than 2*
7 *percent of the total amount for which the passenger car was*
8 *leased, excluding any taxes or other fees imposed by a*
9 *governmental entity.*

10 2. *Any proceeds of a fee imposed pursuant to this section*
11 *which are received by a county must be used solely to pay the costs*
12 *to acquire, improve, equip, operate and maintain within the county*
13 *a minor league baseball stadium project, or to pay the principal of,*
14 *interest on or other payments due with respect to bonds issued to*
15 *pay such costs, including bonds issued to refund bonds issued to*
16 *pay such costs, or any combination thereof.*

17 3. *The board of county commissioners shall not repeal or*
18 *amend or otherwise directly or indirectly modify an ordinance*
19 *imposing a fee pursuant to subsection 1 in such a manner as to*
20 *impair any outstanding bonds issued by or other obligations*
21 *incurred by the county until all obligations for which revenue*
22 *from the ordinance have been pledged or otherwise made payable*
23 *from such revenue have been discharged in full or provision for*
24 *full payment and redemption has been made.*

25 4. *As used in this section, the words and terms defined in*
26 *NRS 482.053 and 482.087 have the meanings ascribed to them in*
27 *those sections.*

28 **Sec. 4.** *1. Any ordinance adopted pursuant to section 3 of*
29 *this act must include a provision requiring the board of county*
30 *commissioners to enter into a contract before the effective date of*
31 *the ordinance with the Department to perform all functions*
32 *incident to the collection and administration of the fee in the*
33 *county. Such a contract must:*

34 (a) *Authorize the Department to retain 0.25 percent of the*
35 *amount of the proceeds of the fee to reimburse the Department for*
36 *its expenses in collecting and administering the fee; and*

37 (b) *Require the distribution of the remaining amount of the*
38 *proceeds of the fee to the county at such a time and in such a*
39 *manner as the parties determine, which must be not less*
40 *frequently than once each calendar quarter.*

41 2. *Any ordinance amending an ordinance adopted pursuant*
42 *to section 3 of this act must include a provision in substance that*
43 *the county shall amend the contract made pursuant to subsection*
44 *1 by a contract made between the county and the Department,*
45 *before the effective date of the amendatory ordinance, unless the*



1 *county determines with the written concurrence of the Department*
2 *that no such amendment of the contract is necessary or desirable.*

3 **Sec. 5. 1.** *A board of county commissioners that adopts an*
4 *ordinance imposing a fee pursuant to section 3 of this act shall*
5 *create a stadium authority to operate the minor league baseball*
6 *stadium project. The stadium authority must consist of:*

7 *(a) One member of the board of county commissioners*
8 *appointed by the board;*

9 *(b) One member from the governing body of each city in the*
10 *county whose population is 60,000 or more, appointed by that*
11 *governing body; and*

12 *(c) If the stadium authority enters into an agreement with an*
13 *AA or AAA minor league baseball team pursuant to which the*
14 *team agrees to play its home games in the stadium, two persons*
15 *appointed by the owner of the team.*

16 **2.** *The members of the stadium authority serve at the pleasure*
17 *of the governmental entity or person who appointed them to serve*
18 *in that capacity.*

19 **3.** *The stadium authority shall:*

20 *(a) Be responsible for the normal operations of the minor*
21 *league baseball stadium project; and*

22 *(b) Enter into an agreement with the board of county*
23 *commissioners that sets forth the specific rights, obligations and*
24 *duties of the stadium authority regarding those operations.*

25 **Sec. 6.** *“Minor league baseball stadium project” means a*
26 *baseball stadium which can be used for the home games of an AA*
27 *or AAA minor league professional baseball team and for other*
28 *purposes, including structures, buildings and other improvements*
29 *and equipment therefor, parking facilities, and all other*
30 *appurtenances necessary, useful or desirable for a minor league*
31 *baseball stadium, including, without limitation, all types of*
32 *property therefor.*

33 **Sec. 7. 1.** *A board that has adopted an ordinance imposing*
34 *a fee pursuant to section 3 of this act may, on behalf of the county*
35 *and in its name:*

36 *(a) Acquire, improve, equip, operate and maintain within the*
37 *county a minor league baseball stadium project.*

38 *(b) Subject to the provisions of chapter 350 of NRS, issue*
39 *revenue bonds of the county to acquire, improve or equip, or any*
40 *combination thereof, within the county a minor league baseball*
41 *stadium project.*

42 **2.** *Bonds issued pursuant to this section must be payable from*
43 *the proceeds of the fee imposed by the county pursuant to section 3*
44 *of this act and may be additionally secured by and payable from*
45 *the gross or net revenues of the minor league baseball stadium*



1 *project, including, without limitation, amounts received from any*
2 *minor league baseball team pursuant to a contract with that team,*
3 *fees, rates and charges for the use of the stadium by a minor*
4 *league baseball team or any other uses of the stadium, and related*
5 *uses, including, without limitation, parking and concessions,*
6 *surcharges on tickets in an amount approved by the board, grants,*
7 *whether conditional or unconditional, made for the payment of*
8 *debt service or otherwise for the purposes of the minor league*
9 *baseball stadium project, and any and all other sources of revenue*
10 *attributable to the minor league baseball stadium project as*
11 *provided by the board in the ordinance authorizing the issuance of*
12 *bonds or any instrument supplemental or appertaining thereto.*

13 **Sec. 8.** NRS 244A.011 is hereby amended to read as follows:
14 244A.011 NRS 244A.011 to 244A.065, inclusive, *and sections*
15 *6 and 7 of this act* shall be known as the County Bond Law.

16 **Sec. 9.** NRS 244A.013 is hereby amended to read as follows:
17 244A.013 Except where the context otherwise requires, the
18 definitions in NRS 244A.015 to 244A.056, inclusive, *and section 6*
19 *of this act* govern the construction hereof.

20 **Sec. 10.** NRS 244A.063 is hereby amended to read as follows:
21 244A.063 In order to insure the payment, wholly or in part, of
22 the general obligation bonds *or revenue bonds* of the county the
23 payment of which bonds is additionally secured by a pledge of the
24 revenues derived from any such income-producing project and from
25 any such excise taxes, the board may establish and maintain, and the
26 board may from time to time revise, a schedule or schedules of fees,
27 rates and charges for services or facilities, or both services and
28 facilities, rendered by or through the project, within the corporate
29 limits of the county, and a schedule or schedules of license or other
30 excise taxes, in an amount sufficient for that purpose and also
31 sufficient to discharge any covenant in the proceedings of the board
32 authorizing the issuance of any of such bonds, including any
33 covenant for the establishment of reasonable reserve funds.

34 **Sec. 11.** NRS 360.417 is hereby amended to read as follows:
35 360.417 Except as otherwise provided in NRS 360.232 and
36 360.320, and unless a different penalty or rate of interest is
37 specifically provided by statute, any person who fails to pay any tax
38 provided for in chapter 362, 364A, 369, 370, 372, 374, 377, 377A,
39 444A or 585 of NRS, or ~~the~~ *any* fee provided for in NRS 482.313,
40 to the State or a county within the time required, shall pay a penalty
41 of not more than 10 percent of the amount of the tax or fee which is
42 owed, as determined by the Department, in addition to the tax or fee,
43 plus interest at the rate of 1 percent per month, or fraction of a
44 month, from the last day of the month following the period for
45 which the amount or any portion of the amount should have been



1 reported until the date of payment. The amount of any penalty
2 imposed must be based on a graduated schedule adopted by the
3 Nevada Tax Commission which takes into consideration the length
4 of time the tax or fee remained unpaid.

5 **Sec. 12.** NRS 482.313 is hereby amended to read as follows:
6 482.313 1. Upon the lease of a passenger car by a short-term
7 lessor in this state, the short-term lessor:

8 (a) Shall charge and collect from the short-term lessee ~~{a}~~ :
9 (1) *A* governmental services fee of 6 percent of the total
10 amount for which the passenger car was leased, excluding any taxes
11 or other fees imposed by a governmental entity ~~{}~~; *and*

12 (2) *Any fee required pursuant to section 3 of this act; and*
13 (b) May charge and collect from the short-term lessee a recovery
14 surcharge not to exceed 3.5 percent of the total amount for which
15 the passenger car was leased, excluding any taxes or other fees
16 imposed by a governmental entity, as reimbursement for vehicle
17 licensing fees and taxes paid by the short-term lessor.

18 The amount of any fee charged pursuant to this subsection must be
19 indicated in the lease agreement.

20 2. The ~~{governmental services}~~ fees due from a short-term
21 lessor to the Department of Taxation pursuant to ~~{this}~~ subsection *1*
22 are due on the last day of each calendar quarter. On or before the
23 last day of the month following each calendar quarter, the short-term
24 lessor shall:

25 (a) File with the Department of Taxation and the Department of
26 Motor Vehicles, on a form prescribed by the Department of
27 Taxation, a report indicating the total amount of:

28 (1) ~~{Governmental services}~~ *Each of the* fees collected by
29 the short-term lessor during the immediately preceding calendar
30 quarter pursuant to this section; and

31 (2) Vehicle licensing fees and taxes paid by the short-term
32 lessor during the immediately preceding calendar quarter pursuant
33 to this chapter.

34 (b) Remit to the Department of Taxation the ~~{governmental
35 services}~~ fees collected by the short-term lessor pursuant to
36 paragraph (a) of subsection 1 during the immediately preceding
37 calendar quarter.

38 3. ~~{The}~~ *Except as otherwise provided in a contract made
39 pursuant to section 4 of this act, the* Department of Taxation shall
40 deposit all money received from short-term lessors pursuant to the
41 provisions of this section with the State Treasurer for credit to the
42 State General Fund.

43 4. To ensure compliance with this section, the Department of
44 Taxation may audit the records of a short-term lessor.



1 5. The provisions of this section do not limit or affect the
2 payment of any taxes or fees imposed pursuant to the provisions of
3 this chapter.

4 6. The Department of Motor Vehicles shall, upon request,
5 provide to the Department of Taxation any information in its records
6 relating to a short-term lessor that the Department of Taxation
7 considers necessary to collect the ~~fee required by this section.~~ fees
8 *described in subsection 1.*

9 7. As used in this section, "vehicle licensing fees and taxes"
10 means:

11 (a) The fees paid by a short-term lessor for the registration of,
12 and the issuance of certificates of title for, the passenger cars leased
13 by him; and

14 (b) The basic and supplemental governmental services taxes
15 paid by the short-term lessor with regard to those passenger cars.

16 **Sec. 13.** The authorization to impose a fee pursuant to section
17 3 of this act expires by limitation on June 30 of the later of the fiscal
18 year that is 30 years after the fiscal year in which the ordinance
19 imposing the fee is adopted or the fiscal year in which all bonds
20 issued pursuant to section 7 of this act, including, without limitation,
21 any bonds issued to refund bonds issued pursuant to section 7 of this
22 act, are fully paid as to all principal, interest and any other amounts
23 due.

24 **Sec. 14.** This act becomes effective upon passage and
25 approval.

