

SENATE BILL NO. 471—COMMITTEE ON COMMERCE AND LABOR

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to impact fees. (BDR 22-1144)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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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 impact fees; defining “school project”; expanding the types of capital improvements for which a local government may impose certain impact fees to include a school project; prohibiting a local government from authorizing a developer to dedicate real property in lieu of paying an impact fee for a school project; providing an owner of land who pays a tax on residential construction is entitled to a credit against any impact fee imposed for certain school projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes a local government to impose an impact fee to pay the
- 2 costs of constructing or expanding a capital improvement required as the result of
- 3 new development. (NRS 278B.160) **Section 5** of this bill amends the definition of
- 4 “capital project” to include a school project so that an impact fee may be imposed
- 5 to pay the costs of a school project required as a result of new development.
- 6 **Section 2** of this bill defines “school project.” **Section 3** of this bill prohibits a
- 7 governing body from authorizing a developer to dedicate real property in lieu of
- 8 paying an impact fee to pay the costs of a school project.
- 9 Existing law authorizes a board of trustees in any school district whose
- 10 population is less than 55,000 to request the board of county commissioners impose
- 11 a tax on residential construction for the construction, remodeling or expansion of
- 12 school buildings. (NRS 387.331) **Section 6** of this bill provides that an owner of
- 13 land who is required to pay such a tax on residential construction is entitled to a
- 14 credit against any impact fee required for a school project.



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

1 **Section 1.** Chapter 278B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“School project” means all buildings or facilities that*
4 *compromise a public school described in NRS 388.020 and all*
5 *appurtenances and incidentals necessary for any such buildings or*
6 *facilities.*

7 **Sec. 3.** *1. The governing body of a local government that*
8 *imposes an impact fee by ordinance to pay the cost of constructing*
9 *a school project shall not authorize an owner of land to dedicate*
10 *real property or any interest in real property in lieu of paying the*
11 *impact fee required pursuant to such an ordinance.*

12 *2. The provisions of this section do not prohibit a school*
13 *district from requesting that a subdivider set aside a school site*
14 *pursuant to NRS 278.346.*

15 **Sec. 4.** NRS 278B.010 is hereby amended to read as follows:

16 278B.010 As used in this chapter, unless the context otherwise
17 requires, the words and terms defined in NRS 278B.020 to
18 278B.140, inclusive, *and section 2 of this act* have the meanings
19 ascribed to them in those sections.

20 **Sec. 5.** NRS 278B.020 is hereby amended to read as follows:

21 278B.020 “Capital improvement” means a:

- 22 1. Drainage project;
- 23 2. Fire station project;
- 24 3. Park project;
- 25 4. Police station project;
- 26 5. Sanitary sewer project;
- 27 6. *School project;*
- 28 7. Storm sewer project;
- 29 ~~7.~~ 8. Street project; or
- 30 ~~8.~~ 9. Water project.

31 **Sec. 6.** NRS 278B.240 is hereby amended to read as follows:

32 278B.240 1. If an owner is required by a local government,
33 as a condition of the approval of the development, to construct or
34 dedicate, or both, a portion of the off-site facilities for which impact
35 fees other than for a park project are imposed, the off-site facilities
36 must be credited against those impact fees.

37 2. If a school district is required by a local government to
38 construct or dedicate, or both, a portion of the off-site facilities for
39 which impact fees are imposed, the local government shall, upon the
40 request of the school district, reimburse or enter into an agreement
41 to reimburse the school district for the cost of the off-site facilities
42 constructed or dedicated, or both, minus the cost of the off-site



1 facilities immediately adjacent to or providing connection to the
2 school development which would be required by local ordinance in
3 the absence of an ordinance authorizing impact fees.

4 3. If an owner is required by a local government to:

5 (a) Pay a residential construction tax pursuant to NRS 278.4983;

6 (b) Dedicate land pursuant to NRS 278.4979 or otherwise
7 dedicate or improve land, or both, for use as a park; or

8 (c) Construct or dedicate a portion of the off-site facilities for
9 which impact fees for a park project are imposed,

10 ➤ the owner is entitled to a credit against the impact fee imposed
11 for the park project for the amount of the residential construction tax
12 paid, the fair market value of the land dedicated, the cost of any
13 improvements to the dedicated land or the cost of the off-site
14 facilities dedicated or constructed, as applicable.

15 *4. If an owner is required by a local government to pay a tax*
16 *on residential construction pursuant to NRS 387.331 to construct,*
17 *remodel or make additions to school buildings, the owner is*
18 *entitled to a credit against any impact fee imposed for the school*
19 *project pursuant to section 3 of this act for the amount of the tax*
20 *on residential construction paid by the owner.*

21 **Sec. 7.** This act becomes effective on July 1, 2019.



