



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** April 4, 2019

Staff Contact: Adriana Fralick, Deputy City Manager

Agenda Title: For Possible Action: Discussion and possible action on Senate Bill (SB) 281 of the 80th (2019) Session of the Nevada Legislature, a bill that authorizes the board of county commissioners to provide for reimbursements to be made to retailers of motor vehicle fuel and special fuel for certain fuel taxes imposed in those counties. (Adriana Fralick, afralick@carson.org)

Staff Summary: During this legislative session of the Nevada Legislature, City staff will bring to meetings of the Board of Supervisors legislative bills as requested by the Board for review or those that Staff believes will impact Carson City. SB 281 authorizes the board of county commissioners of certain counties to provide for reimbursements to be made to retailers of motor vehicle fuel and special fuel for certain fuel taxes imposed in those counties.

Agenda Action: Formal Action / Motion **Time Requested:** 5 mins

Proposed Motion

I move to (support, oppose, remain neutral on) SB 281.

Board's Strategic Goal

Efficient Government

Previous Action

None

Background/Issues & Analysis

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS). Under existing law, certain taxes on motor vehicle fuels and special fuels used in motor vehicles which are imposed by a county are automatically increased each year based upon certain measures of inflation. (NRS 373.065, 373.066, 373.0663)

This bill authorizes the board of county commissioners in a county in which these taxes are imposed to adopt an ordinance establishing a program to reimburse certain retailers of motor vehicle fuel and special fuel for a portion of the taxes which were included in the cost of motor vehicle fuel and special fuel purchased by the retailers. Under this bill, the reimbursements must be paid from money belonging to the county other than the proceeds of the taxes on motor vehicle fuel and special fuel received by the county. An ordinance adopted pursuant to this bill is required to: (1) provide for payments to each retailer in the county who is placed at a competitive disadvantage to retailers located in another county in this State or in another state by the taxes because the retailer is located in an area of the county that is near the border of another county or state; (2) establish the amount of the payment to each retailer, which may not exceed the amount of the tax included in the cost of the motor vehicle fuel and special fuel purchased from the supplier; and (3) require the payment to

be made by the county treasurer from money other than the proceeds of the tax received by the county on a monthly basis.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 373

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

Take a position to support, oppose or remain neutral; not take a position; Mayor remand back to staff with instructions based discussion on the record.

Attachments:

[SB281.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

SENATE BILL NO. 281—SENATOR HARDY

MARCH 14, 2019

JOINT SPONSOR: ASSEMBLYMAN LEAVITT

Referred to Committee on Revenue and
Economic Development

SUMMARY—Authorizes the board of county commissioners of certain counties to provide for reimbursements to be made to retailers of motor vehicle fuel and special fuel for certain fuel taxes imposed in those counties. (BDR 32-613)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 taxation; authorizing the board of county commissioners of certain counties to provide for reimbursements to be made to retailers of motor vehicle fuel and special fuel for certain fuel taxes imposed in those counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes counties to impose certain taxes on motor vehicle fuels
2 and special fuels used in motor vehicles. (Chapter 373 of NRS) Under existing law,
3 certain taxes on motor vehicle fuels and special fuels used in motor vehicles which
4 are imposed by a county are automatically increased each year based upon certain
5 measures of inflation. (NRS 373.065, 373.066, 373.0663)

6 This bill authorizes the board of county commissioners in a county in which
7 these taxes are imposed to adopt an ordinance establishing a program to reimburse
8 certain retailers of motor vehicle fuel and special fuel for a portion of the taxes
9 which were included in the cost of motor vehicle fuel and special fuel purchased by
10 the retailers. Under this bill, the reimbursements must be paid from money
11 belonging to the county other than the proceeds of the taxes on motor vehicle fuel
12 and special fuel received by the county. An ordinance adopted pursuant to this bill
13 is required to: (1) provide for payments to each retailer in the county who is placed
14 at a competitive disadvantage to retailers located in another county in this State or



15 in another state by the taxes because the retailer is located in an area of the county
16 that is near the border of another county or state; (2) establish the amount of the
17 payment to each retailer, which may not exceed the amount of the tax included in
18 the cost of the motor vehicle fuel and special fuel purchased from the supplier; and
19 (3) require the payment to be made by the county treasurer from money other than
20 the proceeds of the tax received by the county on a monthly basis.

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

1 **Section 1.** Chapter 373 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *In a county in which a tax is imposed pursuant to NRS*
4 *373.065, 373.066 or 373.0663, the board may by ordinance*
5 *establish a program to reimburse each retailer located in the*
6 *county that the board determines is placed at a competitive*
7 *disadvantage to retailers located in another county in this State or*
8 *in another state by the taxes imposed pursuant to NRS 373.065,*
9 *373.066 or 373.0663, as applicable, because of the location of the*
10 *retailer in an area of the county that is near the border with the*
11 *other county or state. A reimbursement authorized by an*
12 *ordinance adopted pursuant to this subsection must be paid from*
13 *money belonging to the county, except that such a reimbursement*
14 *may not be paid from the proceeds of any tax imposed pursuant to*
15 *this chapter which are received by the county.*

16 2. *An ordinance enacted pursuant to this section must:*

17 (a) *Require the county treasurer to make payments to each*
18 *retailer located in the county that the board determines is placed at*
19 *a competitive disadvantage to retailers in another county in this*
20 *State or in another state by the taxes imposed pursuant to NRS*
21 *373.065, 373.066 or 373.0663, as applicable, because of the*
22 *location of the retailer in an area of the county that is near the*
23 *border with the other county or state.*

24 (b) *Establish the amount of the payment to be made to retailers*
25 *authorized to receive a payment. The amount of each payment*
26 *may be equal to all or part of the amount of the taxes imposed*
27 *pursuant to NRS 373.065, 373.066 or 373.0663, as applicable,*
28 *which were included in the cost of motor vehicle fuel and special*
29 *fuel purchased by the retailer from a supplier, but may not exceed*
30 *the amount of those taxes included in the cost of motor vehicle*
31 *fuel and special fuel purchased by the retailer.*

32 (c) *Require the county treasurer to make payments to a retailer*
33 *authorized to receive a payment on a monthly basis.*

34 3. *As used in this section:*



1 (a) *“Retailer” includes a retailer, as defined in NRS 365.080,*
2 *and a retailer, as defined in NRS 366.058.*

3 (b) *“Supplier” includes a supplier, as defined in NRS 365.084,*
4 *and a special fuel supplier, as defined in NRS 366.070.*

5 **Sec. 2.** This act becomes effective upon passage and approval
6 for the purpose of adopting regulations and ordinances and
7 performing any other administrative tasks that are necessary to carry
8 out the provisions of this act and on January 1, 2020, for all other
9 purposes.

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