
EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 494—ASSEMBLYMAN HAMBRICK

MAY 31, 2015

Referred to Committee on Taxation

SUMMARY—Makes various changes relating to the Clark County Sales and Use Tax Act of 2005. (BDR S-1293)

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; creating a regional board for the purpose of considering whether to enact the legislatively authorized increase in the rate of the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; providing that any such increase in the rate must be approved by a two-thirds majority of the members of the regional board; specifying the membership and duties of the regional board; requiring the Board of County Commissioners of Clark County to impose an increase in the rate of the tax if such increase is approved by the regional board; specifying the date by which any such increase in the rate must first be imposed; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the Board of County Commissioners of Clark County
2 to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ
3 and equip additional police officers for the Boulder City Police Department,
4 Henderson Police Department, Las Vegas Metropolitan Police Department,
5 Mesquite Police Department and North Las Vegas Police Department, and allows
6 the imposition of an increase in that tax of not more than one-quarter of 1 percent if
7 the date on which the increased rate is first imposed is on or after October 1, 2009,
8 and if the Legislature first approves the increased rate. (Clark County Sales and Use
9 Tax Act of 2005, chapter 249, Statutes of Nevada 2005, p. 912) Section 3 of Senate
10 Bill No. 1 of the 27th Special Session provided the legislative approval required for
11 the imposition of an increase in that tax of not more than fifteen-hundredths of 1



12 percent if: (1) the increase is approved by two-thirds of the members of the Board
13 of County Commissioners of Clark County; and (2) the increased rate is first
14 imposed on or after October 1, 2013, but before July 1, 2016. (Chapter 1, Statutes
15 of Nevada 2013, 27th Special Session, p. 1) **Section 3** of this bill revises those
16 requirements for the imposition of the increased rate and instead provides that the
17 increase in the tax must be imposed by the Board of County Commissioners of
18 Clark County if the increase is approved, after a public meeting, by a two-thirds
19 majority of the members of a regional board composed of one member of each of
20 the respective governing bodies of Boulder City, the City of Henderson, the City of
21 Las Vegas, the City of Mesquite, the City of North Las Vegas and Clark County.
22 **Section 3** additionally provides that any increase in the rate of the tax approved by
23 the regional board must be first imposed on or after October 1, 2015, but before
24 July 1, 2018. **Section 1** of this bill creates the regional board for the purpose of
25 considering whether to approve an ordinance enacting the legislatively approved
26 increase in the tax and specifies the membership and additional duties of the
27 regional board. **Section 4** of this bill provides for the appointment of the members
28 of the regional board as soon as practicable after the effective date of this bill, but
29 not later than August 1, 2015.

30 **Section 2** of this bill amends the Clark County Sales and Use Tax Act of 2005
31 to extend the temporary suspension of certain provisions of the Act which require a
32 governing body to approve expenditures by a police department of certain proceeds
33 received from the taxes imposed pursuant to the Act if the governing body
34 determines that the proposed expenditure will not replace or supplant existing
35 funding for the police department.

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

1 **Section 1.** The Clark County Sales and Use Tax Act of 2005,
2 being chapter 249, Statutes of Nevada 2005, at page 912, is hereby
3 amended by adding thereto new sections to be designated as
4 sections 13.8 and 13.9, immediately following section 13.7, to read
5 as follows:

6 *Sec. 13.8. 1. There is hereby created a regional*
7 *board composed of the following 6 members:*

8 *(a) One member of the City Council of Boulder City,*
9 *appointed by the City Council;*

10 *(b) One member of the City Council of the City of*
11 *Henderson, appointed by the City Council;*

12 *(c) One member of the City Council of the City of Las*
13 *Vegas, appointed by the City Council;*

14 *(d) One member of the City Council of the City of*
15 *Mesquite, appointed by the City Council;*

16 *(e) One member of the City Council of the City of North*
17 *Las Vegas, appointed by the City Council; and*

18 *(f) One member of the Board of County Commissioners*
19 *of Clark County, appointed by the Board of County*
20 *Commissioners.*



1 2. *At the initial meeting of the regional board*
2 *created by this section, which must be held on or before*
3 *September 1, 2015, the members of the regional board shall*
4 *elect a Chair and a Secretary from among its members.*

5 3. *Members of the regional board created by this*
6 *section serve in that capacity without any additional*
7 *compensation.*

8 4. *The regional board created by this section shall*
9 *develop guidelines for use by the bodies designated in*
10 *section 13 of this act to determine whether a proposed*
11 *expenditure of proceeds from any sales and use tax imposed*
12 *pursuant to this act conforms to the requirements of*
13 *paragraphs (a) and (b) of subsection 1 of section 13 of this*
14 *act.*

15 *Sec. 13.9. 1. The regional board created by section*
16 *13.8 of this act shall, at a public meeting, consider whether*
17 *to approve an increase in the rate of the tax imposed*
18 *pursuant to this act which was approved by the Legislature*
19 *pursuant to section 3 of chapter 1, Statutes of Nevada 2013,*
20 *27th Special Session, at page 2.*

21 2. *If, after the public meeting conducted pursuant to*
22 *subsection 4, a two-thirds majority of the members of the*
23 *regional board created by this section approves an increase*
24 *in the rate of the tax imposed pursuant to this act, the*
25 *regional board shall provide a notice to the Board of County*
26 *Commissioners of Clark County which specifies:*

27 (a) *The amount of the increase in the rate, which must*
28 *not be more than fifteen-hundredths of 1 percent; and*

29 (b) *The date on which that increased rate must first be*
30 *imposed, which must be on or after October 1, 2015, but*
31 *before July 1, 2018.*

32 3. *Upon receipt of a notice provided pursuant to*
33 *subsection 2, the Board of County Commissioners of Clark*
34 *County shall, as soon as practicable, impose the tax*
35 *consistent with the provisions of the notice provided by the*
36 *regional board.*

37 **Sec. 2.** Section 13.3 of the Clark County Sales and Use Tax
38 Act of 2005, being chapter 249, Statutes of Nevada 2005, at page
39 912, as added by chapter 1, Statutes of Nevada 2013, 27th Special
40 Session, at page 2, is hereby amended to read as follows:

41 Sec. 13.3. 1. The provisions of paragraph (b) of
42 subsection 1 and subsections 3 to 8, inclusive, of section 13
43 of this act do not apply to any expenditure of proceeds from
44 any sales and use tax imposed pursuant to this act on or after
45 July 1, 2013, but before July 1, ~~2016~~ 2018.



1 2. In addition to the requirements of section 13.5 of this
2 act:

3 (a) The periodic reports required by that section must
4 include, with respect to the period covered by the report, a
5 separate detailed description of the expenditure of any
6 proceeds from the sales and use tax imposed pursuant to this
7 act as a result of the provisions of subsection 1; and

8 (b) A governing body that is required to submit a report
9 pursuant to section 13.5 of this act shall submit a copy of the
10 separate detailed description required by paragraph (a) for the
11 period covered by the report to the Director of the Legislative
12 Counsel Bureau for transmittal to the Interim Finance
13 Committee on or before the date by which the governing
14 body is required to submit the report for that period to the
15 Department pursuant to section 13.5 of this act.

16 **Sec. 3.** Section 3 of chapter 1, Statutes of Nevada 2013, 27th
17 Special Session, at page 2, is hereby amended to read as follows:

18 Sec. 3. The Legislature hereby approves an increase,
19 pursuant to paragraph (b) of subsection 1 of section 10 of the
20 Clark County Sales and Use Tax Act of 2005, being chapter
21 249, Statutes of Nevada 2005, at page 912, in the rate of the
22 tax imposed pursuant to that Act in the amount of not more
23 than fifteen-hundredths of 1 percent, if:

24 1. The increase authorized by this section is enacted by
25 an ordinance approved by a two-thirds majority of the
26 members of the ~~Board of County Commissioners of Clark~~
27 ~~County;~~ *regional board created by section 13.8 of that act;*
28 and

29 2. The date on which that increased rate is first imposed
30 is on or after October 1, ~~2013;~~ *2015*, but before July 1,
31 ~~2016;~~ *2018*.

32 **Sec. 4.** The appointive bodies identified in subsection 1 of
33 section 1 of this act shall appoint the members to the regional board
34 created by section 1 of this act as soon as practicable after the
35 effective date of this act, but not later than August 1, 2015.

36 **Sec. 5.** This act becomes effective upon passage and approval
37 and expires by limitation on October 1, 2025.

