

Assembly Bill No. 443–Committee on Taxation

CHAPTER.....

AN ACT relating to taxation; revising provisions governing the contents of the periodic reports on the use of the proceeds from the taxes imposed pursuant to the Clark County Sales and Use Tax Act of 2005 and the Clark County Crime Prevention Act of 2016; removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005 and amendments and other provisions relating thereto; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department. (Clark County Sales and Use Tax Act of 2005) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3158) Existing law also authorizes the Board of County Commissioners of Clark County to impose a sales and use tax to employ and equip additional police officers for the same police departments for which a tax is authorized by the Clark County Sales and Use Tax Act of 2005. (Clark County Crime Prevention Act of 2016, section 9 of chapter 1, Statutes of Nevada 2016, 30th Special Session, p. 5) Each of those Acts require that certain reports concerning expenditures from the proceeds of the taxes imposed be submitted to the Department of Taxation. (Section 13.5 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3160; section 13 of chapter 1, Statutes of Nevada 2016, 30th Special Session, p. 9) **Sections 1 and 1.3** of this bill require that the reports also include information relating to expenditures for equipment and academies for training officers. **Sections 1 and 1.3** also provide for a criminal penalty if a person knowingly provides or causes to be provided false or misleading information for such a report or includes or causes to be included such information in such a report.

The Clark County Sales and Use Tax Act of 2005 is set to expire on October 1, 2025. (Section 23 of chapter 249, Statutes of Nevada 2005, p. 917) **Sections 1.5-4** of this bill remove the prospective expiration of the Act and amendments and other provisions relating thereto, thereby authorizing the imposition of such a tax in Clark County after October 1, 2025.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.



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

Section 1. Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, at page 3160, is hereby amended to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this act shall submit to the Department the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the Department.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Department and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this act. ~~and~~

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this act. ~~and~~

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers. ~~and~~

(3) *The equipment purchased with the use of the proceeds from the sales and use tax imposed pursuant to this act, including, without limitation, computers, radios, firearms and holsters.*



(4) Expenditures for each academy for training officers, including, without limitation, expenditures for equipment for persons attending the academy. The expenditures must be disaggregated based on the persons attending the academy, including, without limitation:

(I) Each person who did not successfully complete the academy; and

(II) Each person who was recently hired by a public safety agency who completed the academy.

(5) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

*(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department . ~~†~~
and]*

(c) Any other information required to complete the form for the report.

4. The Department may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this act.

5. A person shall not knowingly:

(a) Provide or cause to be provided false or misleading information to an entity that is required to submit a report pursuant to this section; or

(b) Include or cause to be included false or misleading information in the report required to be submitted pursuant to this section.

6. A person who violates subsection 5 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 1.3. Section 13 of the Clark County Crime Prevention Act of 2016, being chapter 1, Statutes of Nevada 2016, 30th Special Session, at page 9, is hereby amended to read as follows:

Sec. 13. 1. A body designated pursuant to subsection 1 of section 12 of this act that approves an expenditure pursuant to section 12 of this act shall, for the relevant period, submit to the Department the reports required by this section, which must include, without limitation, the information required by this section and such other information relating to the administration of the provisions of this act as may be requested by the Department.



2. A body designated pursuant to subsection 1 of section 12 of this act shall submit the reports required by this section on or before:

(a) February 15, for the 3-month period ending on the immediately preceding December 31;

(b) May 15, for the 3-month period ending on the immediately preceding March 31;

(c) August 15, for the 3-month period ending on the immediately preceding June 30;

(d) November 15, for the 3-month period ending on the immediately preceding September 30; and

(e) August 15, for the 12-month period ending on the immediately preceding June 30.

3. Each report submitted pursuant to this section must be submitted on a form provided by the Department, which must be the same form as the form provided for the relevant report required by section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, and amended ~~[by chapter 497, Statutes of Nevada 2011, at page 3160.]~~ *from time to time thereafter*, and must include, with respect to the period covered by the report:

(a) The total amount of the allocation received by the respective police department from the proceeds of the tax authorized by subsection 1 of section 9 of this act. ~~[.]~~

(b) A detailed description of the use of the money allocated to the police department, including, without limitation:

(1) The total expenditures made by the police department from the allocation. ~~[.]~~

(2) The total number of police officers hired by the respective police department, the number of those officers that are filling authorized, funded positions for new officers and demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department concerning the reporting of such information. ~~[; and]~~

(3) *Any equipment purchased from the allocation, including, without limitation, computers, radios, firearms and holsters.*

(4) *Any expenditures made from the allocation for each academy for training officers, including, without limitation, any expenditures for equipment for persons*



attending the academy. The expenditures must be disaggregated based on the persons attending the academy, including, without limitation:

(I) Each person who did not successfully complete the academy; and

(II) Each person who was recently hired by a public safety agency who completed the academy.

(5) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding or staffing levels, which existed before October 1, 2016, for the respective police department. ~~;~~

(c) An analysis of the manner in which each expenditure is being used to prevent crimes and the effectiveness of each expenditure in preventing crimes. ~~;~~ ~~and~~

(d) Any other information required to complete the form of the report.

4. The Metropolitan Police Committee on Fiscal Affairs shall:

(a) Prepare and submit separate reports as required by this section for the expenditures approved from the allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraphs (a) and (b), respectively, of subsection 3 of section 9 of this act; and

(b) In addition to all other information required by this section, include in each report submitted pursuant to this section evidence that the expenditures from allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraph (a) of subsection 3 of section 9 of this act are not offsetting, supplanting, replacing or otherwise reducing the amount of money allocated to the Las Vegas Metropolitan Police Department pursuant to paragraph (b) of subsection 3 of section 9 of this act for expenditure on law enforcement and crime prevention in the resort corridor.

5. The Department may review and investigate the reports submitted pursuant to this section and any expenditure of any proceeds from the tax authorized by subsection 1 of section 9 of this act.

6. A person shall not knowingly:

(a) Provide or cause to be provided false or misleading information to an entity that is required to submit a report pursuant to this section; or



(b) Include or cause to be included false or misleading information in the report required to be submitted pursuant to this section.

7. A person who violates subsection 6 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 1.5. Section 23 of chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:

Sec. 23. ~~H.~~ This act becomes effective:

~~(a)~~ 1. Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~(b)~~ 2. On October 1, 2005, for all other purposes.

~~2. —This act expires by limitation on October 1, 2025.—~~

Sec. 2. Section 23 of chapter 545, Statutes of Nevada 2007, at page 3428, is hereby amended to read as follows:

Sec. 23. 1. This section and sections 3 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 1 and 2 of this act become effective on October 1, 2007 . ~~—and expire by limitation on October 1, 2025.—~~

3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.

Sec. 3. Section 28 of chapter 387, Statutes of Nevada 2009, at page 2104, is hereby amended to read as follows:

Sec. 28. 1. This section and sections 4, 18 and 27 of this act become effective upon passage and approval.

2. Sections 2, 3, 5, 6, 7, 9, 11 to 16, inclusive, and 19 to 26, inclusive, of this act become effective on July 1, 2009.

3. Section 17 of this act becomes effective on July 1, 2011.

4. ~~Section 20 of this act expires by limitation on September 30, 2025.~~

~~—5.—~~ 5. Section 25 of this act expires by limitation on September 30, 2027.

~~6.~~ 6. Sections 7 and 9 of this act expire by limitation on September 30, 2029.



~~[7.]~~ **6.** Sections 8 and 10 of this act become effective on October 1, 2029.

Sec. 4. Section 4 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:

Sec. 4. This act becomes effective upon passage and approval. ~~[and expires by limitation on October 1, 2025.]~~

Sec. 5. The provisions of section 1 of this act, which amend the Clark County Sales and Use Tax Act of 2005, and the provisions of section 1.3 of this act, which amend the Clark County Crime Prevention Act of 2016, apply to:

1. Each report that must be submitted to the Department of Taxation on or before:

(a) August 15, 2019, for the 3-month period ending on the immediately preceding June 30; and

(b) August 15, 2019, for the 12-month period ending on the immediately preceding June 30.

2. Each report that must be submitted to the Department of Taxation thereafter.

Sec. 6. This act becomes effective upon passage and approval.

