
ASSEMBLY BILL NO. 3—COMMITTEE OF THE WHOLE

JULY 18, 2003

Referred to Committee of the Whole

SUMMARY—Makes various changes concerning state financial administration. (BDR 32-48)

FISCAL NOTE: Effect on Local Government: Yes.
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 state financial administration; providing for the imposition and administration of a franchise tax on business entities based on the amount of their Nevada taxable income; providing for the imposition and administration of an excise tax on employers based on wages paid to their employees; replacing the casino entertainment tax with a tax on all live entertainment; eliminating the tax imposed on the privilege of conducting business in this state; imposing a state tax on the transfer of real property and revising the provisions governing the existing tax; revising the fees charged for a state license for the restricted operation of slot machines; establishing the Legislative Committee on Taxation, Public Revenue and Tax Policy; making an additional appropriation; providing penalties; 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.** Title 32 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 38, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in sections 3 to 13,*



1 *inclusive, of this act have the meanings ascribed to them in those*
2 *sections.*

3 **Sec. 3.** *“Business” means any activity engaged in or caused*
4 *to be engaged in with the object of gain, benefit or advantage,*
5 *either direct or indirect, to any person or governmental entity.*

6 **Sec. 4. 1.** *“Business entity” includes:*

7 *(a) A corporation, partnership, proprietorship, limited-liability*
8 *company, business association, joint venture, limited-liability*
9 *partnership, business trust and their equivalents organized under*
10 *the laws of this state or another jurisdiction and any other type of*
11 *entity engaging in a business; and*

12 *(b) A natural person engaging in a business if he is deemed to*
13 *be a business entity pursuant to section 19 of this act.*

14 **2.** *The term does not include:*

15 *(a) A governmental entity;*

16 *(b) A nonprofit religious, charitable, fraternal or other*
17 *organization that qualifies as a tax-exempt organization pursuant*
18 *to 26 U.S.C. § 501(c);*

19 *(c) A person who operates a business from his home and earns*
20 *from that business not more than 66 2/3 percent of the average*
21 *annual wage, as computed for the preceding calendar year*
22 *pursuant to chapter 612 of NRS and rounded to the nearest*
23 *hundred dollars; or*

24 *(d) A financial institution.*

25 **Sec. 5.** *“Commission” means the Nevada Tax Commission.*

26 **Sec. 6.** *“Engaging in a business” means commencing,*
27 *conducting or continuing a business, the exercise of corporate or*
28 *franchise powers regarding a business, or the liquidation of a*
29 *business entity which is or was engaging in a business when the*
30 *liquidator holds itself out to the public as conducting that*
31 *business.*

32 **Sec. 7.** *“Federal taxable income” means the taxable income*
33 *of a business entity for a taxable year, as set forth in the federal*
34 *income tax return filed by the business entity for that year with the*
35 *Internal Revenue Service, and any other taxable income of a*
36 *business entity for a taxable year under federal law, regardless of*
37 *whether it is actually reported.*

38 **Sec. 8.** *“Financial institution” means:*

39 **1.** *An institution licensed, registered or otherwise authorized*
40 *to do business in this state pursuant to the provisions of chapter*
41 *604, 645B, 645E or 649 of NRS or title 55 or 56 of NRS, or a*
42 *similar institution chartered or licensed pursuant to federal law;*

43 **2.** *Any other person conducting loan or credit card*
44 *processing activities; and*



1 3. Any other bank, bank holding company, national bank,
2 savings association, federal savings bank, trust company, credit
3 union, building and loan association, investment company,
4 registered broker or dealer in securities or commodities, finance
5 company, dealer in commercial paper or other business entity
6 engaged in the business of lending money, providing credit,
7 securitizing receivables or fleet leasing, or any related business
8 entity.

9 **Sec. 9.** "Gross revenue" means the total amount received or
10 receivable on the use, sale or exchange of property or capital or
11 for the performance of services, from any transaction involving a
12 business entity, without any reduction for the basis of property
13 sold, the cost of goods or services sold, or any other expense of the
14 business entity.

15 **Sec. 10.** "Nevada taxable income" means the amount of the
16 federal taxable income of a business entity, as adjusted pursuant
17 to section 23 of this act.

18 **Sec. 11.** "Taxable year" means the taxable year used by a
19 business entity for the purposes of federal income taxation.

20 **Sec. 12.** "Taxpayer" means any person liable for a tax
21 imposed pursuant to this chapter.

22 **Sec. 13.** "Total amount received or receivable" means the
23 total sum of any money and the fair market value of any other
24 property or services received or receivable, including, without
25 limitation, rents, royalties, interest and dividends, and aggregate
26 net gains realized from the sale or exchange of stocks, bonds,
27 asset-backed securities, investment and trading assets and other
28 evidence of indebtedness.

29 **Sec. 14.** The Department shall:

30 1. Administer and enforce the provisions of this chapter, and
31 may adopt such regulations as it deems appropriate for that
32 purpose.

33 2. Deposit all taxes, interest and penalties it receives pursuant
34 to this chapter in the State Treasury for credit to the State General
35 Fund.

36 **Sec. 15.** 1. Each person responsible for maintaining the
37 records of a business entity shall:

38 (a) Keep such records as may be necessary to determine the
39 amount of its liability pursuant to the provisions of this chapter;

40 (b) Preserve those records for 4 years or until any litigation or
41 prosecution pursuant to this chapter is finally determined,
42 whichever is longer; and

43 (c) Make the records available for inspection by the
44 Department upon demand at reasonable times during regular
45 business hours.



1 2. For the purposes of this section, "record" includes any
2 federal income tax return filed by a business entity with the
3 Internal Revenue Service.

4 3. Any person who violates the provisions of subsection 1 is
5 guilty of a misdemeanor.

6 **Sec. 16.** 1. To verify the accuracy of any return filed or, if
7 no return is filed by a business entity, to determine the amount
8 required to be paid, the Department, or any person authorized in
9 writing by the Department, may examine the books, papers and
10 records of any person or business entity that may be liable for the
11 tax imposed by this chapter.

12 2. Any person or business entity which may be liable for the
13 tax imposed by this chapter and which keeps outside of this state
14 its books, papers and records relating thereto shall pay to the
15 Department an amount equal to the allowance provided for state
16 officers and employees generally while traveling outside of the
17 State for each day or fraction thereof during which an employee
18 of the Department is engaged in examining those documents, plus
19 any other actual expenses incurred by the employee while he is
20 absent from his regular place of employment to examine those
21 documents.

22 **Sec. 17.** The Executive Director may request from any other
23 governmental agency or officer such information as he deems
24 necessary to carry out the provisions of this chapter. If the
25 Executive Director obtains any confidential information pursuant
26 to such a request, he shall maintain the confidentiality of that
27 information in the same manner and to the same extent as
28 provided by law for the agency or officer from whom the
29 information was obtained.

30 **Sec. 18.** 1. Except as otherwise provided in this section and
31 NRS 360.250, the records and files of the Department concerning
32 the administration of this chapter are confidential and privileged.
33 The Department, and any employee engaged in the administration
34 of this chapter or charged with the custody of any such records or
35 files, shall not disclose any information obtained from the
36 Department's records or files or from any examination,
37 investigation or hearing authorized by the provisions of this
38 chapter. Neither the Department nor any employee of the
39 Department may be required to produce any of the records, files
40 and information for the inspection of any person or for use in any
41 action or proceeding.

42 2. The records and files of the Department concerning the
43 administration of this chapter are not confidential and privileged
44 in the following cases:



1 (a) *Testimony by a member or employee of the Department*
2 *and production of records, files and information on behalf of the*
3 *Department or a taxpayer in any action or proceeding pursuant to*
4 *the provisions of this chapter if that testimony or the records, files*
5 *or information, or the facts shown thereby, are directly involved in*
6 *the action or proceeding.*

7 (b) *Delivery to a taxpayer or his authorized representative of a*
8 *copy of any return or other document filed by the taxpayer*
9 *pursuant to this chapter.*

10 (c) *Publication of statistics so classified as to prevent the*
11 *identification of a particular business entity or document.*

12 (d) *Exchanges of information with the Internal Revenue*
13 *Service in accordance with compacts made and provided for in*
14 *such cases.*

15 (e) *Disclosure in confidence to the Governor or his agent in*
16 *the exercise of the Governor's general supervisory powers, or to*
17 *any person authorized to audit the accounts of the Department in*
18 *pursuance of an audit, or to the Attorney General or other legal*
19 *representative of the State in connection with an action or*
20 *proceeding pursuant to this chapter, or to any agency of this or*
21 *any other state charged with the administration or enforcement of*
22 *laws relating to taxation.*

23 (f) *Exchanges of information pursuant to subsection 3.*

24 3. *The Commission may agree with any county fair and*
25 *recreation board or the governing body of any county, city or town*
26 *for the continuing exchange of information concerning taxpayers.*

27 **Sec. 19.** *A natural person engaging in a business shall be*
28 *deemed to be a business entity that is subject to the provisions of*
29 *this chapter if the person is required to file with the Internal*
30 *Revenue Service a Schedule C (Form 1040), Profit or Loss From*
31 *Business Form, or its equivalent or successor form, a Schedule E*
32 *(Form 1040), Supplemental Income and Loss Form, or its*
33 *equivalent or successor form, or a Schedule F (Form 1040), Profit*
34 *or Loss From Farming Form, or its equivalent or successor form,*
35 *for the business.*

36 **Sec. 20. 1.** *A franchise tax is hereby imposed upon each*
37 *business entity for the privilege of engaging in a business in this*
38 *state at the rate of 3 percent of the amount of the Nevada taxable*
39 *income of the business entity for each taxable year. The tax for*
40 *each taxable year is due on the last day of that taxable year.*

41 2. *Each business entity engaging in a business in this state*
42 *during a taxable year shall file with the Department a return on a*
43 *form prescribed by the Department, together with the remittance*
44 *of any tax due pursuant to this chapter for that taxable year, not*
45 *later than the date the business entity is required to file its federal*



1 *income tax return for that taxable year with the Internal Revenue*
2 *Service. The return required by this subsection must include:*

3 (a) *A statement that the return is made under penalty of*
4 *perjury; and*

5 (b) *Such information as is required by the Department.*

6 **Sec. 21.** 1. *In addition to the returns required by section 20*
7 *of this act, a business entity that is a member of an affiliated group*
8 *and is engaged in a unitary business in this state with one or more*
9 *other members of the affiliated group shall file with the*
10 *Department such reports regarding the unitary business as the*
11 *Department determines appropriate for the administration and*
12 *enforcement of the provisions of this chapter.*

13 2. *The Department may allow two or more business entities*
14 *that are members of an affiliated group to file a consolidated*
15 *return for the purposes of this chapter if the business entities are*
16 *allowed to file a consolidated return for the purposes of federal*
17 *income taxation.*

18 3. *As used in this section:*

19 (a) *"Affiliated group" means a group of two or more business*
20 *entities, each of which is controlled by a common owner or by one*
21 *or more of the members of the group.*

22 (b) *"Controlled by" means the possession, directly or*
23 *indirectly, of the power to direct or cause the direction of the*
24 *management and policies of a business entity, whether through*
25 *the ownership of voting securities, by contract or otherwise.*

26 (c) *"Unitary business" means a business characterized by*
27 *unity of ownership, functional integration, centralization of*
28 *management and economy of scale.*

29 **Sec. 22.** 1. *If a business entity files an amended federal*
30 *income tax return that reflects a change in income required to be*
31 *reported pursuant to this chapter, the business entity shall file an*
32 *amended return with the Department not later than the date it files*
33 *the amended federal return.*

34 2. *If a final determination of federal taxable income is made*
35 *under federal law and, pursuant to that determination, the federal*
36 *taxable income of a business entity is found to differ from that*
37 *initially reported to the Internal Revenue Service, the business*
38 *entity shall, within 30 days after the date of that determination,*
39 *report the determination to the Department in writing, together*
40 *with such information as the Department deems appropriate.*

41 3. *If, based upon an amended return or report filed pursuant*
42 *to this section, it appears that the tax imposed by this chapter has*
43 *not been fully assessed, the Department shall assess the deficiency,*
44 *with interest calculated at the rate and in the manner set forth in*
45 *NRS 360.417. Any assessment required by this subsection must be*



1 *made within 1 year after the Department receives the amended*
2 *return or report.*

3 **Sec. 23.** 1. *In computing the Nevada taxable income of a*
4 *business entity, its federal taxable income must be:*

5 (a) *Increased by:*

6 (1) *The amount of any deduction for the tax imposed by*
7 *section 20 of this act or the equivalent taxing statute of another*
8 *state;*

9 (2) *The amount of any net operating loss in the taxable*
10 *year that is carried back to previous taxable years pursuant to 26*
11 *U.S.C. § 172;*

12 (3) *The amount of any deduction claimed for the taxable*
13 *year pursuant to 26 U.S.C. § 172 which was previously used to*
14 *offset any increase required by this subsection; and*

15 (4) *Any interest or dividends on the obligations or securities*
16 *of any state or political subdivision of a state, other than this state*
17 *or a political subdivision of this state; and*

18 (b) *Decreased by:*

19 (1) *Any income that is exempt from taxation by this state*
20 *under the Constitution, laws or treaties of the United States or the*
21 *Nevada Constitution;*

22 (2) *Any interest income received on obligations of the*
23 *United States; and*

24 (3) *The amount of any refund of income tax received from*
25 *another state which has been included as income in computing*
26 *federal taxable income.*

27 2. *After making the calculations required by subsection 1, the*
28 *resulting amount must be allocated or apportioned to this state in*
29 *accordance with the regulations adopted pursuant to section 24 of*
30 *this act to determine the amount of the tax liability of the business*
31 *entity. Except as otherwise provided in subsection 3, the Nevada*
32 *taxable income of the business entity consists of the amount of the*
33 *tax liability of the business entity determined pursuant to this*
34 *subsection.*

35 3. *If a business entity is required to pay:*

36 (a) *A tax on the net proceeds of minerals pursuant to chapter*
37 *362 of NRS, the Nevada taxable income of the business entity*
38 *consists of the amount of the tax liability of the business entity*
39 *determined pursuant to subsection 2, less the amount of the*
40 *exempt mining revenue of the business entity for the taxable year.*

41 (b) *A license fee pursuant to NRS 463.370, the Nevada taxable*
42 *income of the business entity consists of the amount of the tax*
43 *liability of the business entity determined pursuant to subsection 2,*
44 *less the amount of the exempt gaming revenue of the business*
45 *entity for the taxable year.*



1 (c) *A tax on premiums pursuant to title 57 of NRS, the Nevada*
2 *taxable income of the business entity consists of the amount of the*
3 *tax liability of the business entity determined pursuant to*
4 *subsection 2, less the amount of the exempt insurance revenue of*
5 *the business entity for the taxable year.*

6 4. *The Department shall adopt regulations for the*
7 *administration of this section.*

8 5. *For the purposes of this section:*

9 (a) *“Exempt gaming revenue” means a percentage of the*
10 *amount of the tax liability of a business entity, as determined*
11 *pursuant to subsection 2, which is equal to the percentage*
12 *obtained by dividing the amount of the gross gaming revenue of*
13 *the business entity for the taxable year by the amount of the gross*
14 *revenue of the business entity for the taxable year.*

15 (b) *“Exempt insurance revenue” means a percentage of the*
16 *amount of the tax liability of a business entity, as determined*
17 *pursuant to subsection 2, which is equal to the percentage*
18 *obtained by dividing the amount of the gross revenue of the*
19 *business entity for the taxable year derived from direct premiums*
20 *written, by the amount of the gross revenue of the business entity*
21 *for the taxable year.*

22 (c) *“Exempt mining revenue” means a percentage of the*
23 *amount of the tax liability of a business entity, as determined*
24 *pursuant to subsection 2, which is equal to the percentage*
25 *obtained by dividing the amount of the gross proceeds used to*
26 *determine the amount of the tax due pursuant to chapter 362 of*
27 *NRS from the business entity for the taxable year, by the amount*
28 *of the gross revenue of the business entity for the taxable year.*

29 (d) *“Gross gaming revenue” means the total sum of all*
30 *amounts specifically included by statute in and all amounts*
31 *specifically excluded by statute from the calculation of the license*
32 *fee required by NRS 463.370.*

33 (e) *“Gross revenue” means the amount of the gross revenue of*
34 *a business entity which is allocated or apportioned to this state in*
35 *accordance with the regulations adopted pursuant to section 24 of*
36 *this act.*

37 **Sec. 24.** *The Department shall adopt regulations providing*
38 *for the allocation or apportionment to this state of the tax liability*
39 *pursuant to this chapter of a business entity engaging in a*
40 *business in this state. The regulations must be consistent with*
41 *the methods of dividing income contained in the provisions of the*
42 *Uniform Division of Income for Tax Purposes Act approved by the*
43 *National Conference of Commissioners on Uniform State Laws,*
44 *as those provisions existed on July 1, 2003.*



1 **Sec. 25. 1.** *For the purposes of this chapter, the method of*
2 *accounting and the taxable year used by a business entity must be*
3 *the same as those used by the business entity for the purposes of*
4 *federal income taxation. If the business entity does not regularly*
5 *use a single method of accounting, the taxable income of the*
6 *business entity must be computed under such a method as the*
7 *Department determines will fairly reflect that income.*

8 2. *If there is any change in the method of accounting or the*
9 *taxable year used by a business entity for the purposes of federal*
10 *income taxation, the same change must be implemented for the*
11 *purposes of this chapter.*

12 **Sec. 26.** *Upon written application made before the date on*
13 *which a business entity is otherwise required to file a return and*
14 *pay the tax imposed by this chapter, the Department may:*

15 1. *If the business entity is granted an extension of time by the*
16 *Federal Government for the filing of its federal income tax return,*
17 *extend the time for filing the return required by this chapter until*
18 *not later than the date the business entity is required to file its*
19 *federal income tax return pursuant to the extension of time*
20 *granted by the Federal Government. The Department shall*
21 *require, as a condition to the granting of any extension pursuant*
22 *to this subsection, the payment of the tax estimated to be due*
23 *pursuant to this chapter.*

24 2. *For good cause, extend by 30 days the time within which*
25 *the business entity is required to pay the tax. If the tax is paid*
26 *during a period of extension granted pursuant to this subsection,*
27 *no penalty or late charge may be imposed for failure to pay at the*
28 *time required, but the business entity shall pay interest at the rate*
29 *of 1 percent per month from the date on which the amount would*
30 *have been due without the extension until the date of payment,*
31 *unless otherwise provided in NRS 360.232 or 360.320.*

32 **Sec. 27.** *The remedies of the State provided for in this*
33 *chapter are cumulative, and no action taken by the Department or*
34 *the Attorney General constitutes an election by the State to pursue*
35 *any remedy to the exclusion of any other remedy for which*
36 *provision is made in this chapter.*

37 **Sec. 28.** *If the Department determines that any tax, penalty*
38 *or interest has been paid more than once or has been erroneously*
39 *or illegally collected or computed, the Department shall set forth*
40 *that fact in the records of the Department and shall certify to the*
41 *State Board of Examiners the amount collected in excess of the*
42 *amount legally due and the business entity or person from which it*
43 *was collected or by whom it was paid. If approved by the State*
44 *Board of Examiners, the excess amount collected or paid must be*
45 *credited on any amounts then due from the person or business*



1 *entity under this chapter, and the balance refunded to the person*
2 *or business entity, or its successors, administrators or executors.*

3 **Sec. 29.** 1. *Except as otherwise provided in NRS 360.235*
4 *and 360.395:*

5 (a) *No refund may be allowed unless a claim for it is filed with*
6 *the Department within 3 years after the last day of the month*
7 *immediately following the close of the taxable year for which the*
8 *overpayment was made.*

9 (b) *No credit may be allowed after the expiration of the period*
10 *specified for filing claims for refund unless a claim for credit is*
11 *filed with the Department within that period.*

12 2. *Each claim must be in writing and must state the specific*
13 *grounds upon which the claim is founded.*

14 3. *Failure to file a claim within the time prescribed in this*
15 *chapter constitutes a waiver of any demand against the State on*
16 *account of overpayment.*

17 4. *Within 30 days after rejecting any claim in whole or in*
18 *part, the Department shall serve notice of its action on the*
19 *claimant in the manner prescribed for service of notice of a*
20 *deficiency determination.*

21 **Sec. 30.** 1. *Except as otherwise provided in this section and*
22 *NRS 360.320, interest must be paid upon any overpayment of any*
23 *amount of the tax imposed by this chapter at the rate of 0.5*
24 *percent per month, or fraction thereof, from the last day of the*
25 *calendar month immediately following the calendar month in*
26 *which the overpayment was made. No refund or credit may be*
27 *made of any interest imposed upon the person or business entity*
28 *making the overpayment with respect to the amount being*
29 *refunded or credited.*

30 2. *The interest must be paid:*

31 (a) *In the case of a refund, to the last day of the calendar*
32 *month following the date upon which the person making the*
33 *overpayment, if he has not already filed a claim, is notified by*
34 *the Department that a claim may be filed or the date upon which*
35 *the claim is certified to the State Board of Examiners, whichever is*
36 *earlier.*

37 (b) *In the case of a credit, to the same date as that to which*
38 *interest is computed on the tax or the amount against which the*
39 *credit is applied.*

40 3. *If the Department determines that any overpayment has*
41 *been made intentionally or by reason of carelessness, it shall not*
42 *allow any interest on the overpayment.*

43 **Sec. 31.** 1. *No injunction, writ of mandate or other legal or*
44 *equitable process may issue in any suit, action or proceeding in*
45 *any court against this state or against any officer of the State to*



1 *prevent or enjoin the collection under this chapter of the tax*
2 *imposed by this chapter or any amount of tax, penalty or interest*
3 *required to be collected.*

4 *2. No suit or proceeding may be maintained in any court for*
5 *the recovery of any amount alleged to have been erroneously or*
6 *illegally determined or collected unless a claim for refund or credit*
7 *has been filed.*

8 **Sec. 32.** *1. Within 90 days after a final decision upon a*
9 *claim filed pursuant to this chapter is rendered by the*
10 *Commission, the claimant may bring an action against the*
11 *Department on the grounds set forth in the claim in a court of*
12 *competent jurisdiction in Carson City, the county of this state*
13 *where the claimant resides or maintains his principal place of*
14 *business or a county in which any relevant proceedings were*
15 *conducted by the Department, for the recovery of the whole or any*
16 *part of the amount with respect to which the claim has been*
17 *disallowed.*

18 *2. Failure to bring an action within the time specified*
19 *constitutes a waiver of any demand against the State on account of*
20 *alleged overpayments.*

21 **Sec. 33.** *1. If the Department fails to mail notice of action*
22 *on a claim within 6 months after the claim is filed, the claimant*
23 *may consider the claim disallowed and file an appeal with the*
24 *Commission within 30 days after the last day of the 6-month*
25 *period. If the claimant is aggrieved by the decision of the*
26 *Commission rendered on appeal, the claimant may, within 90 days*
27 *after the decision is rendered, bring an action against the*
28 *Department on the grounds set forth in the claim for the recovery*
29 *of the whole or any part of the amount claimed as an*
30 *overpayment.*

31 *2. If judgment is rendered for the plaintiff, the amount of the*
32 *judgment must first be credited towards any tax due from the*
33 *plaintiff.*

34 *3. The balance of the judgment must be refunded to the*
35 *plaintiff.*

36 **Sec. 34.** *In any judgment, interest must be allowed at the rate*
37 *of 6 percent per annum upon the amount found to have been*
38 *illegally collected from the date of payment of the amount to the*
39 *date of allowance of credit on account of the judgment, or to a*
40 *date preceding the date of the refund warrant by not more than 30*
41 *days. The date must be determined by the Department.*

42 **Sec. 35.** *A judgment may not be rendered in favor of the*
43 *plaintiff in any action brought against the Department to recover*
44 *any amount paid when the action is brought by or in the name of*
45 *an assignee of the business entity paying the amount or by any*



1 *person other than the person or business entity which paid the*
2 *amount.*

3 **Sec. 36.** *1. The Department may recover a refund or any*
4 *part thereof which is erroneously made and any credit or part*
5 *thereof which is erroneously allowed in an action brought in a*
6 *court of competent jurisdiction in Carson City or Clark County in*
7 *the name of the State of Nevada.*

8 *2. The action must be tried in Carson City or Clark County*
9 *unless the court, with the consent of the Attorney General, orders*
10 *a change of place of trial.*

11 *3. The Attorney General shall prosecute the action, and the*
12 *provisions of NRS, the Nevada Rules of Civil Procedure and the*
13 *Nevada Rules of Appellate Procedure relating to service of*
14 *summons, pleadings, proofs, trials and appeals are applicable to*
15 *the proceedings.*

16 **Sec. 37.** *1. If any amount in excess of \$25 has been*
17 *illegally determined, either by the Department or by the person*
18 *filing the return, the Department shall certify this fact to the State*
19 *Board of Examiners, and the latter shall authorize the*
20 *cancellation of the amount upon the records of the Department.*

21 *2. If an amount not exceeding \$25 has been illegally*
22 *determined, either by the Department or by the person or business*
23 *entity filing the return, the Department, without certifying this fact*
24 *to the State Board of Examiners, shall authorize the cancellation*
25 *of the amount upon the records of the Department.*

26 **Sec. 38.** *1. A person shall not:*

27 *(a) Make, cause to be made or permit to be made any false or*
28 *fraudulent return or declaration or false statement in any return*
29 *or declaration with intent to defraud the State or to evade payment*
30 *of the tax or any part of the tax imposed by this chapter.*

31 *(b) Make, cause to be made or permit to be made any false*
32 *entry in books, records or accounts with intent to defraud the State*
33 *or to evade the payment of the tax or any part of the tax imposed*
34 *by this chapter.*

35 *(c) Keep, cause to be kept or permit to be kept more than one*
36 *set of books, records or accounts with intent to defraud the State*
37 *or to evade the payment of the tax or any part of the tax imposed*
38 *by this chapter.*

39 *2. Any person who violates the provisions of subsection 1 is*
40 *guilty of a gross misdemeanor.*

41 **Sec. 39.** *Title 32 of NRS is hereby amended by adding thereto*
42 *a new chapter to consist of the provisions set forth as sections 40 to*
43 *63, inclusive, of this act.*

44 **Sec. 40.** *As used in this chapter, unless the context otherwise*
45 *requires, the words and terms defined in sections 41 to 44,*



1 *inclusive, of this act have the meanings ascribed to them in those*
2 *sections.*

3 **Sec. 41.** *“Commission” means the Nevada Tax Commission.*

4 **Sec. 42.** *“Employer” means any employer who is required to*
5 *pay a contribution pursuant to NRS 612.535 for any calendar*
6 *quarter, except an Indian tribe, nonprofit organization or political*
7 *subdivision. For the purposes of this section:*

8 1. *“Indian tribe” includes any entity described in subsection*
9 *10 of NRS 612.055.*

10 2. *“Nonprofit organization” means a nonprofit religious,*
11 *charitable, fraternal or other organization that qualifies as a tax-*
12 *exempt organization pursuant to 26 U.S.C. § 501(c).*

13 3. *“Political subdivision” means any entity described in*
14 *subsection 9 of NRS 612.055.*

15 **Sec. 43.** *“Employment” has the meaning ascribed to it in*
16 *NRS 612.065 to 612.145, inclusive.*

17 **Sec. 44.** *“Taxpayer” means any person liable for the tax*
18 *imposed by this chapter.*

19 **Sec. 45.** *The Department shall:*

20 1. *Administer and enforce the provisions of this chapter, and*
21 *may adopt such regulations as it deems appropriate for those*
22 *purposes.*

23 2. *Deposit all taxes, interest and penalties it receives pursuant*
24 *to this chapter in the State Treasury for credit to the State General*
25 *Fund.*

26 **Sec. 46.** 1. *Each person responsible for maintaining the*
27 *records of a taxpayer shall:*

28 (a) *Keep such records as may be necessary to determine the*
29 *amount of the liability of the taxpayer pursuant to the provisions*
30 *of this chapter;*

31 (b) *Preserve those records for 4 years or until any litigation or*
32 *prosecution pursuant to this chapter is finally determined,*
33 *whichever is longer; and*

34 (c) *Make the records available for inspection by the*
35 *Department upon demand at reasonable times during regular*
36 *business hours.*

37 2. *The Department may by regulation specify the types of*
38 *records which must be kept to determine the amount of the*
39 *liability of a taxpayer pursuant to the provisions of this chapter.*

40 3. *Any person who violates the provisions of subsection 1 is*
41 *guilty of a misdemeanor.*

42 **Sec. 47.** 1. *To verify the accuracy of any return filed or, if*
43 *no return is filed by a taxpayer, to determine the amount required*
44 *to be paid, the Department, or any person authorized in writing by*



1 *the Department, may examine the books, papers and records of*
2 *any person who may be liable for the tax imposed by this chapter.*

3 *2. Any person who may be liable for the tax imposed by this*
4 *chapter and who keeps outside of this state any books, papers and*
5 *records relating thereto shall pay to the Department an amount*
6 *equal to the allowance provided for state officers and employees*
7 *generally while traveling outside of the State for each day or*
8 *fraction thereof during which an employee of the Department is*
9 *engaged in examining those documents, plus any other actual*
10 *expenses incurred by the employee while he is absent from his*
11 *regular place of employment to examine those documents.*

12 **Sec. 48.** *The Executive Director may request from any other*
13 *governmental agency or officer such information as he deems*
14 *necessary to carry out the provisions of this chapter. If the*
15 *Executive Director obtains any confidential information pursuant*
16 *to such a request, he shall maintain the confidentiality of that*
17 *information in the same manner and to the same extent as*
18 *provided by law for the agency or officer from whom the*
19 *information was obtained.*

20 **Sec. 49. 1.** *Except as otherwise provided in this section and*
21 *NRS 360.250, the records and files of the Department concerning*
22 *the administration of this chapter are confidential and privileged.*
23 *The Department, and any employee engaged in the administration*
24 *of this chapter or charged with the custody of any such records or*
25 *files, shall not disclose any information obtained from the*
26 *Department's records or files or from any examination,*
27 *investigation or hearing authorized by the provisions of this*
28 *chapter. Neither the Department nor any employee of the*
29 *Department may be required to produce any of the records, files*
30 *and information for the inspection of any person or for use in any*
31 *action or proceeding.*

32 *2. The records and files of the Department concerning the*
33 *administration of this chapter are not confidential and privileged*
34 *in the following cases:*

35 *(a) Testimony by a member or employee of the Department*
36 *and production of records, files and information on behalf of the*
37 *Department or a taxpayer in any action or proceeding pursuant to*
38 *the provisions of this chapter if that testimony or the records, files*
39 *or information, or the facts shown thereby are directly involved in*
40 *the action or proceeding.*

41 *(b) Delivery to a taxpayer or his authorized representative of a*
42 *copy of any return or other document filed by the taxpayer*
43 *pursuant to this chapter.*

44 *(c) Publication of statistics so classified as to prevent the*
45 *identification of a particular person or document.*



1 (d) *Exchanges of information with the Internal Revenue*
2 *Service in accordance with compacts made and provided for in*
3 *such cases.*

4 (e) *Disclosure in confidence to the Governor or his agent in*
5 *the exercise of the Governor's general supervisory powers, or to*
6 *any person authorized to audit the accounts of the Department in*
7 *pursuance of an audit, or to the Attorney General or other legal*
8 *representative of the State in connection with an action or*
9 *proceeding pursuant to this chapter, or to any agency of this or*
10 *any other state charged with the administration or enforcement of*
11 *laws relating to taxation.*

12 (f) *Exchanges of information pursuant to subsection 3.*
13 3. *The Commission may agree with any county fair and*
14 *recreation board or the governing body of any county, city or town*
15 *for the continuing exchange of information concerning taxpayers.*

16 **Sec. 50.** 1. *There is hereby imposed an excise tax on each*
17 *employer at the rate of 0.6 percent of the wages, as determined*
18 *pursuant to NRS 612.545, paid by the employer during a calendar*
19 *quarter with respect to employment.*

20 2. *The tax imposed by this section must not be deducted, in*
21 *whole or in part, from any wages of persons in the employment of*
22 *the employer.*

23 3. *Each employer shall, on or before the last day of the month*
24 *immediately following each calendar quarter for which the*
25 *employer is required to pay a contribution pursuant to*
26 *NRS 612.535:*

27 (a) *File with the Department:*

28 (1) *A return on a form prescribed by the Department; and*

29 (2) *A copy of any report required by the Employment*
30 *Security Division of the Department of Employment, Training and*
31 *Rehabilitation for determining the amount of the contribution*
32 *required pursuant to NRS 612.535 for any wages paid by the*
33 *employer during that calendar quarter; and*

34 (b) *Remit to the Department any tax due pursuant to this*
35 *chapter for that calendar quarter.*

36 **Sec. 51.** *Upon written application made before the date on*
37 *which payment must be made, the Department may for good cause*
38 *extend by 30 days the time within which a taxpayer is required to*
39 *pay the tax imposed by this chapter. If the tax is paid during the*
40 *period of extension, no penalty or late charge may be imposed for*
41 *failure to pay at the time required, but the taxpayer shall pay*
42 *interest at the rate of 1 percent per month from the date on which*
43 *the amount would have been due without the extension until the*
44 *date of payment, unless otherwise provided in NRS 360.232 or*
45 *360.320.*



1 **Sec. 52.** *The remedies of the State provided for in this*
2 *chapter are cumulative, and no action taken by the Department or*
3 *the Attorney General constitutes an election by the State to pursue*
4 *any remedy to the exclusion of any other remedy for which*
5 *provision is made in this chapter.*

6 **Sec. 53.** *If the Department determines that any tax, penalty*
7 *or interest has been paid more than once or has been erroneously*
8 *or illegally collected or computed, the Department shall set forth*
9 *that fact in the records of the Department and certify to the State*
10 *Board of Examiners the amount collected in excess of the amount*
11 *legally due and the person from whom it was collected or by whom*
12 *it was paid. If approved by the State Board of Examiners, the*
13 *excess amount collected or paid must be credited on any amounts*
14 *then due from the person under this chapter, and the balance*
15 *refunded to the person or his successors in interest.*

16 **Sec. 54.** *1. Except as otherwise provided in NRS 360.235*
17 *and 360.395:*

18 *(a) No refund may be allowed unless a claim for it is filed with*
19 *the Department within 3 years after the last day of the month*
20 *following the calendar quarter for which the overpayment was*
21 *made.*

22 *(b) No credit may be allowed after the expiration of the period*
23 *specified for filing claims for refund unless a claim for credit is*
24 *filed with the Department within that period.*

25 *2. Each claim must be in writing and must state the specific*
26 *grounds upon which the claim is founded.*

27 *3. Failure to file a claim within the time prescribed in this*
28 *chapter constitutes a waiver of any demand against the State on*
29 *account of overpayment.*

30 *4. Within 30 days after rejecting any claim in whole or in*
31 *part, the Department shall serve notice of its action on the*
32 *claimant in the manner prescribed for service of notice of a*
33 *deficiency determination.*

34 **Sec. 55.** *1. Except as otherwise provided in this section and*
35 *NRS 360.320, interest must be paid upon any overpayment of any*
36 *amount of the taxes imposed by this chapter at the rate of 0.5*
37 *percent per month, or fraction thereof, from the last day of the*
38 *calendar month following the calendar quarter for which the*
39 *overpayment was made. No refund or credit may be made of any*
40 *interest imposed upon the person making the overpayment with*
41 *respect to the amount being refunded or credited.*

42 *2. The interest must be paid:*

43 *(a) In the case of a refund, to the last day of the calendar*
44 *month following the date upon which the person making the*
45 *overpayment, if he has not already filed a claim, is notified by the*



1 *Department that a claim may be filed or the date upon which the*
2 *claim is certified to the State Board of Examiners, whichever is*
3 *earlier.*

4 *(b) In the case of a credit, to the same date as that to which*
5 *interest is computed on the tax or the amount against which the*
6 *credit is applied.*

7 *3. If the Department determines that any overpayment has*
8 *been made intentionally or by reason of carelessness, the*
9 *Department shall not allow any interest on the overpayment.*

10 **Sec. 56.** *1. No injunction, writ of mandate or other legal or*
11 *equitable process may issue in any suit, action or proceeding in*
12 *any court against this state or against any officer of the State to*
13 *prevent or enjoin the collection under this chapter of the tax*
14 *imposed by this chapter or any amount of tax, penalty or interest*
15 *required to be collected.*

16 *2. No suit or proceeding may be maintained in any court for*
17 *the recovery of any amount alleged to have been erroneously or*
18 *illegally determined or collected unless a claim for refund or credit*
19 *has been filed.*

20 **Sec. 57.** *1. Within 90 days after a final decision upon a*
21 *claim filed pursuant to this chapter is rendered by the*
22 *Commission, the claimant may bring an action against the*
23 *Department on the grounds set forth in the claim in a court of*
24 *competent jurisdiction in Carson City, the county of this state*
25 *where the claimant resides or maintains his principal place of*
26 *business or a county in which any relevant proceedings were*
27 *conducted by the Department, for the recovery of the whole or any*
28 *part of the amount with respect to which the claim has been*
29 *disallowed.*

30 *2. Failure to bring an action within the time specified*
31 *constitutes a waiver of any demand against the State on account of*
32 *alleged overpayments.*

33 **Sec. 58.** *1. If the Department fails to mail notice of action*
34 *on a claim within 6 months after the claim is filed, the claimant*
35 *may consider the claim disallowed and file an appeal with the*
36 *Commission within 30 days after the last day of the 6-month*
37 *period. If the claimant is aggrieved by the decision of the*
38 *Commission rendered on appeal, the claimant may, within 90 days*
39 *after the decision is rendered, bring an action against the*
40 *Department on the grounds set forth in the claim for the recovery*
41 *of the whole or any part of the amount claimed as an*
42 *overpayment.*

43 *2. If judgment is rendered for the plaintiff, the amount of the*
44 *judgment must first be credited towards any tax due from the*
45 *plaintiff.*



1 3. The balance of the judgment must be refunded to the
2 plaintiff.

3 Sec. 59. In any judgment, interest must be allowed at the rate
4 of 6 percent per annum upon the amount found to have been
5 illegally collected from the date of payment of the amount to the
6 date of allowance of credit on account of the judgment, or to a
7 date preceding the date of the refund warrant by not more than 30
8 days. The date must be determined by the Department.

9 Sec. 60. A judgment may not be rendered in favor of the
10 plaintiff in any action brought against the Department to recover
11 any amount paid when the action is brought by or in the name of
12 an assignee of the person paying the amount or by any person
13 other than the person who paid the amount.

14 Sec. 61. 1. The Department may recover a refund or any
15 part thereof which is erroneously made and any credit or part
16 thereof which is erroneously allowed in an action brought in a
17 court of competent jurisdiction in Carson City or Clark County in
18 the name of the State of Nevada.

19 2. The action must be tried in Carson City or Clark County
20 unless the court, with the consent of the Attorney General, orders
21 a change of place of trial.

22 3. The Attorney General shall prosecute the action, and the
23 provisions of NRS, the Nevada Rules of Civil Procedure and the
24 Nevada Rules of Appellate Procedure relating to service of
25 summons, pleadings, proofs, trials and appeals are applicable to
26 the proceedings.

27 Sec. 62. 1. If any amount in excess of \$25 has been
28 illegally determined, either by the Department or by the person
29 filing the return, the Department shall certify this fact to the State
30 Board of Examiners, and the latter shall authorize the
31 cancellation of the amount upon the records of the Department.

32 2. If an amount not exceeding \$25 has been illegally
33 determined, either by the Department or by the person filing the
34 return, the Department, without certifying this fact to the State
35 Board of Examiners, shall authorize the cancellation of the
36 amount upon the records of the Department.

37 Sec. 63. 1. A person shall not:

38 (a) Make, cause to be made or permit to be made any false or
39 fraudulent return or declaration or false statement in any return
40 or declaration with intent to defraud the State or to evade payment
41 of the tax or any part of the tax imposed by this chapter.

42 (b) Make, cause to be made or permit to be made any false
43 entry in books, records or accounts with intent to defraud the State
44 or to evade the payment of the tax or any part of the tax imposed
45 by this chapter.



1 (c) *Keep, cause to be kept or permit to be kept more than one*
2 *set of books, records or accounts with intent to defraud the State*
3 *or to evade the payment of the tax or any part of the tax imposed*
4 *by this chapter.*

5 2. *Any person who violates the provisions of subsection 1 is*
6 *guilty of a gross misdemeanor.*

7 **Sec. 64.** Title 32 of NRS is hereby amended by adding thereto
8 a new chapter to consist of the provisions set forth as sections 65 to
9 100, inclusive, of this act.

10 **Sec. 65.** *As used in this chapter, unless the context otherwise*
11 *requires, the words and terms defined in sections 66 to 75,*
12 *inclusive, of this act have the meanings ascribed to them in those*
13 *sections.*

14 **Sec. 66.** *“Admission charge” means the total amount,*
15 *expressed in terms of money, of consideration paid for the right or*
16 *privilege to have access to a facility where live entertainment is*
17 *provided.*

18 **Sec. 67.** *“Board” means the State Gaming Control Board.*

19 **Sec. 68.** *“Business” means any activity engaged in or caused*
20 *to be engaged in by a business entity with the object of gain,*
21 *benefit or advantage, either direct or indirect, to any person or*
22 *governmental entity.*

23 **Sec. 69. 1.** *“Business entity” includes:*

24 (a) *A corporation, partnership, proprietorship, limited-liability*
25 *company, business association, joint venture, limited-liability*
26 *partnership, business trust and their equivalents organized under*
27 *the laws of this state or another jurisdiction and any other type of*
28 *entity that engages in business.*

29 (b) *A natural person engaging in a business if he is deemed to*
30 *be a business entity pursuant to section 76 of this act.*

31 (c) *A brothel authorized to conduct business in this state.*

32 2. *The term does not include a governmental entity.*

33 **Sec. 70.** *“Facility” means:*

34 1. *Any area or premises where live entertainment is provided*
35 *and for which consideration is collected for the right or privilege*
36 *of entering that area or those premises if the live entertainment is*
37 *provided at:*

38 (a) *An establishment that is not a licensed gaming*
39 *establishment; or*

40 (b) *A licensed gaming establishment that is licensed for less*
41 *than 51 slot machines, less than six games, or any combination of*
42 *slot machines and games within those respective limits.*

43 2. *Any area or premises where live entertainment is provided*
44 *if the live entertainment is provided at any other licensed gaming*
45 *establishment.*



1 **Sec. 71.** *“Game” has the meaning ascribed to it in*
2 *NRS 463.0152.*

3 **Sec. 72.** *“Licensed gaming establishment” has the meaning*
4 *ascribed to it in NRS 463.0169.*

5 **Sec. 73.** *“Live entertainment” means any activity provided*
6 *for pleasure, enjoyment, recreation, relaxation, diversion or other*
7 *similar purpose by a person or persons who are physically present*
8 *when providing that activity to a patron or group of patrons who*
9 *are physically present.*

10 **Sec. 74.** *“Slot machine” has the meaning ascribed to it in*
11 *NRS 463.0191.*

12 **Sec. 75.** *“Taxpayer” means:*

13 1. *If live entertainment that is taxable under this chapter is*
14 *provided at a licensed gaming establishment, the person licensed*
15 *to conduct gaming at that establishment.*

16 2. *Except as otherwise provided in subsection 3, if live*
17 *entertainment that is taxable under this chapter is not provided at*
18 *a licensed gaming establishment, the owner or operator of the*
19 *facility where the live entertainment is provided.*

20 3. *If live entertainment that is taxable under this chapter is*
21 *provided at a publicly owned facility or on public land, the person*
22 *who collects the taxable receipts.*

23 **Sec. 76.** *A natural person engaging in a business shall be*
24 *deemed to be a business entity that is subject to the provisions of*
25 *this chapter if the person is required to file with the Internal*
26 *Revenue Service a Schedule C (Form 1040), Profit or Loss From*
27 *Business Form, or its equivalent or successor form, or a Schedule*
28 *E (Form 1040), Supplemental Income and Loss Form, or its*
29 *equivalent or successor form, for the business.*

30 **Sec. 77.** *The Department shall provide by regulation for a*
31 *more detailed definition of “live entertainment” consistent with*
32 *the general definition set forth in section 73 of this act for use by*
33 *the Board and the Department in determining whether an activity*
34 *is a taxable activity under the provisions of this chapter.*

35 **Sec. 78.** 1. *Except as otherwise provided in this section,*
36 *there is hereby imposed an excise tax on admission to any facility*
37 *in this state where live entertainment is provided. If the live*
38 *entertainment is provided at a facility with a maximum seating*
39 *capacity of:*

40 (a) *Less than 7,500, the rate of the tax is 10 percent of the*
41 *admission charge to the facility plus 10 percent of any amounts*
42 *paid for food, refreshments and merchandise purchased at the*
43 *facility.*

44 (b) *At least 7,500, the rate of the tax is 5 percent of the*
45 *admission charge to the facility.*



1 2. Amounts paid for gratuities directly or indirectly remitted
2 to persons employed at a facility where live entertainment is
3 provided or for service charges, including those imposed in
4 connection with the use of credit cards or debit cards, which are
5 collected and retained by persons other than the taxpayer are not
6 taxable pursuant to this section.

7 3. A business entity that collects any amount that is taxable
8 pursuant to subsection 1 is liable for the tax imposed, but is
9 entitled to collect reimbursement from any person paying that
10 amount.

11 4. Any ticket for live entertainment must state whether the tax
12 imposed by this section is included in the price of the ticket. If the
13 ticket does not include such a statement, the taxpayer shall pay the
14 tax based on the face amount of the ticket.

15 5. The tax imposed by subsection 1 does not apply to:

16 (a) Live entertainment that this state is prohibited from taxing
17 under the Constitution, laws or treaties of the United States or the
18 Nevada Constitution.

19 (b) Live entertainment that is provided by or entirely for the
20 benefit of a nonprofit religious, charitable, fraternal or other
21 organization that qualifies as a tax-exempt organization pursuant
22 to 26 U.S.C. § 501(c).

23 (c) Any boxing contest or exhibition governed by the
24 provisions of chapter 467 of NRS.

25 (d) Live entertainment that is not provided at a licensed
26 gaming establishment if the facility in which the live
27 entertainment is provided has a maximum seating capacity of less
28 than 300.

29 (e) Live entertainment that is provided at a licensed gaming
30 establishment that is licensed for less than 51 slot machines, less
31 than six games, or any combination of slot machines and games
32 within those respective limits, if the facility in which the live
33 entertainment is provided has a maximum seating capacity of less
34 than 300.

35 (f) Merchandise sold outside the facility in which the live
36 entertainment is provided, unless the purchase of the merchandise
37 entitles the purchaser to admission to the entertainment.

38 (g) Live entertainment that is provided at a trade show.

39 (h) Music performed by musicians who move constantly
40 through the audience if no other form of live entertainment is
41 afforded to the patrons.

42 (i) Live entertainment that is provided at a licensed gaming
43 establishment at private meetings or dinners attended by members
44 of a particular organization or by a casual assemblage if the
45 purpose of the event is not primarily for entertainment.



1 (j) *Live entertainment that is provided in the common area of a*
2 *shopping mall, unless the entertainment is provided in a facility*
3 *located within the mall.*

4 6. *As used in this section, "maximum seating capacity"*
5 *means, in the following order of priority:*

6 (a) *The maximum occupancy of the facility in which live*
7 *entertainment is provided, as determined by the State Fire*
8 *Marshal or the local governmental agency that has the authority*
9 *to determine the maximum occupancy of the facility;*

10 (b) *If such a maximum occupancy has not been determined,*
11 *the maximum occupancy of the facility designated in any permit*
12 *required to be obtained in order to provide the live entertainment;*
13 *or*

14 (c) *If such a permit does not designate the maximum*
15 *occupancy of the facility, the actual seating capacity of the facility*
16 *in which the live entertainment is provided.*

17 **Sec. 79.** *A taxpayer shall hold the amount of all taxes for*
18 *which he is liable pursuant to this chapter in a separate account in*
19 *trust for the State.*

20 **Sec. 80. 1.** *The Board shall:*

21 (a) *Collect the tax imposed by this chapter from taxpayers who*
22 *are licensed gaming establishments; and*

23 (b) *Adopt such regulations as are necessary to carry out the*
24 *provisions of paragraph (a). The regulations must be adopted in*
25 *accordance with the provisions of chapter 233B of NRS and must*
26 *be codified in the Nevada Administrative Code.*

27 **2.** *The Department shall:*

28 (a) *Collect the tax imposed by this chapter from all other*
29 *taxpayers; and*

30 (b) *Adopt such regulations as are necessary to carry out the*
31 *provisions of paragraph (a).*

32 **3.** *For the purposes of:*

33 (a) *Subsection 1, the provisions of chapter 463 of NRS relating*
34 *to the payment, collection, administration and enforcement of*
35 *gaming license fees and taxes, including, without limitation, any*
36 *provisions relating to the imposition of penalties and interest, shall*
37 *be deemed to apply to the payment, collection, administration and*
38 *enforcement of the taxes imposed by this chapter to the extent that*
39 *those provisions do not conflict with the provisions of this chapter.*

40 (b) *Subsection 2, the provisions of chapter 360 of NRS relating*
41 *to the payment, collection, administration and enforcement of*
42 *taxes, including, without limitation, any provisions relating to the*
43 *imposition of penalties and interest, shall be deemed to apply to*
44 *the payment, collection, administration and enforcement of the*



1 *taxes imposed by this chapter to the extent that those provisions do*
2 *not conflict with the provisions of this chapter.*

3 *4. To ensure that the tax imposed by section 78 of this act is*
4 *collected fairly and equitably, the Board and the Department*
5 *shall:*

6 *(a) Jointly, coordinate the administration and collection of*
7 *that tax and the regulation of taxpayers who are liable for the*
8 *payment of the tax.*

9 *(b) Upon request, assist the other agency in the collection of*
10 *that tax.*

11 **Sec. 81. 1. Except as otherwise provided in this section:**

12 *(a) Each taxpayer who is a licensed gaming establishment*
13 *shall file with the Board, on or before the 24th day of each month,*
14 *a report showing the amount of all taxable receipts for the*
15 *preceding month. The report must be in a form prescribed by the*
16 *Board.*

17 *(b) All other taxpayers shall file with the Department, on or*
18 *before the 24th day of each month, a report showing the amount*
19 *of all taxable receipts for the preceding month. The report must be*
20 *in a form prescribed by the Department.*

21 *2. The Board or the Department, if it deems it necessary to*
22 *ensure payment to or facilitate the collection by the State of the tax*
23 *imposed by section 78 of this act, may require reports to be filed*
24 *not later than 10 days after the end of each calendar quarter.*

25 *3. Each report required to be filed by this section must be*
26 *accompanied by the amount of the tax that is due for the period*
27 *covered by the report.*

28 *4. The Board and the Department shall deposit all taxes,*
29 *interest and penalties it receives pursuant to this chapter in the*
30 *State Treasury for credit to the State General Fund.*

31 **Sec. 82. Upon written application made before the date on**
32 **which payment must be made, the Board or the Department may,**
33 **for good cause, extend by 30 days the time within which a**
34 **taxpayer is required to pay the tax imposed by this chapter. If the**
35 **tax is paid during the period of extension, no penalty or late**
36 **charge may be imposed for failure to pay at the time required, but**
37 **the taxpayer shall pay interest at the rate of 1 percent per month**
38 **from the date on which the amount would have been due without**
39 **the extension until the date of payment, unless otherwise provided**
40 **in NRS 360.232 or 360.320.**

41 **Sec. 83. 1. Each person responsible for maintaining the**
42 **records of a taxpayer shall:**

43 *(a) Keep such records as may be necessary to determine the*
44 *amount of the liability of the taxpayer pursuant to the provisions*
45 *of this chapter;*



1 (b) *Preserve those records for:*

2 (1) *At least 5 years if the taxpayer is a licensed gaming*
3 *establishment or until any litigation or prosecution pursuant to*
4 *this chapter is finally determined, whichever is longer; or*

5 (2) *At least 4 years if the taxpayer is not a licensed gaming*
6 *establishment or until any litigation or prosecution pursuant to*
7 *this chapter is finally determined, whichever is longer; and*

8 (c) *Make the records available for inspection by the Board or*
9 *the Department upon demand at reasonable times during regular*
10 *business hours.*

11 2. *The Board and the Department may by regulation specify*
12 *the types of records which must be kept to determine the amount*
13 *of the liability of a taxpayer from whom they are required to*
14 *collect the tax imposed by this chapter.*

15 3. *Any agreement that is entered into, modified or extended*
16 *after January 1, 2004, for the lease, assignment or transfer of any*
17 *premises upon which any activity subject to the tax imposed by this*
18 *chapter is, or thereafter may be, conducted shall be deemed to*
19 *include a provision that the taxpayer required to pay the tax must*
20 *be allowed access to, upon demand, all books, records and*
21 *financial papers held by the lessee, assignee or transferee which*
22 *must be kept pursuant to this section. Any person conducting*
23 *activities subject to the tax imposed by section 78 of this act who*
24 *fails to maintain or disclose his records pursuant to this subsection*
25 *is liable to the taxpayer for any penalty paid by the taxpayer for*
26 *the late payment or nonpayment of the tax caused by the failure to*
27 *maintain or disclose records.*

28 4. *A person who violates any provision of this section is guilty*
29 *of a misdemeanor.*

30 **Sec. 84. 1.** *To verify the accuracy of any report filed or, if*
31 *no report is filed by a taxpayer, to determine the amount of tax*
32 *required to be paid:*

33 (a) *The Board, or any person authorized in writing by the*
34 *Board, may examine the books, papers and records of any licensed*
35 *gaming establishment that may be liable for the tax imposed by*
36 *this chapter.*

37 (b) *The Department, or any person authorized in writing by*
38 *the Department, may examine the books, papers and records of*
39 *any other person who may be liable for the tax imposed by this*
40 *chapter.*

41 2. *Any person who may be liable for the tax imposed by this*
42 *chapter and who keeps outside of this state any books, papers and*
43 *records relating thereto shall pay to the Board or the Department*
44 *an amount equal to the allowance provided for state officers and*
45 *employees generally while traveling outside of the State for each*



1 day or fraction thereof during which an employee of the Board or
2 the Department is engaged in examining those documents, plus
3 any other actual expenses incurred by the employee while he is
4 absent from his regular place of employment to examine those
5 documents.

6 **Sec. 85. 1.** Except as otherwise provided in this section and
7 NRS 360.250, the records and files of the Board and the
8 Department concerning the administration of this chapter are
9 confidential and privileged. The Board, the Department and any
10 employee of the Board or the Department engaged in the
11 administration of this chapter or charged with the custody of any
12 such records or files shall not disclose any information obtained
13 from the records or files of the Board or the Department or from
14 any examination, investigation or hearing authorized by the
15 provisions of this chapter. The Board, the Department and any
16 employee of the Board or the Department may not be required to
17 produce any of the records, files and information for the
18 inspection of any person or for use in any action or proceeding.

19 2. The records and files of the Board and the Department
20 concerning the administration of this chapter are not confidential
21 and privileged in the following cases:

22 (a) Testimony by a member or employee of the Board or the
23 Department and production of records, files and information on
24 behalf of the Board or the Department or a taxpayer in any action
25 or proceeding pursuant to the provisions of this chapter, if that
26 testimony or the records, files or information, or the facts shown
27 thereby, are directly involved in the action or proceeding.

28 (b) Delivery to a taxpayer or his authorized representative of a
29 copy of any report or other document filed by the taxpayer
30 pursuant to this chapter.

31 (c) Publication of statistics so classified as to prevent the
32 identification of a particular person or document.

33 (d) Exchanges of information with the Internal Revenue
34 Service in accordance with compacts made and provided for in
35 such cases.

36 (e) Disclosure in confidence to the Governor or his agent in
37 the exercise of the Governor's general supervisory powers, or to
38 any person authorized to audit the accounts of the Board or the
39 Department in pursuance of an audit, or to the Attorney General
40 or other legal representative of the State in connection with an
41 action or proceeding pursuant to this chapter, or to any agency of
42 this or any other state charged with the administration or
43 enforcement of laws relating to taxation.

44 **Sec. 86. 1.** If:



1 (a) *The Board determines that a taxpayer who is a licensed*
2 *gaming establishment is taking any action with intent to defraud*
3 *the State or to evade the payment of the tax or any part of the tax*
4 *imposed by this chapter, the Board shall establish an amount upon*
5 *which the tax imposed by this chapter must be based.*

6 (b) *The Department determines that a taxpayer who is not a*
7 *licensed gaming establishment is taking any action with intent to*
8 *defraud the State or to evade the payment of the tax or any part of*
9 *the tax imposed by this chapter, the Department shall establish an*
10 *amount upon which the tax imposed by this chapter must be*
11 *based.*

12 2. *The amount established by the Board or the Department*
13 *pursuant to subsection 1 must be based upon the tax liability of*
14 *business entities that are deemed comparable by the Board or the*
15 *Department to that of the taxpayer.*

16 **Sec. 87. 1. If a taxpayer:**

17 (a) *Is unable to collect all or part of an admission charge or*
18 *charges for food, refreshments and merchandise which were*
19 *included in the taxable receipts reported for a previous reporting*
20 *period; and*

21 (b) *Has taken a deduction on his federal income tax return*
22 *pursuant to 26 U.S.C. § 166(a) for the amount which he is unable*
23 *to collect,*
24 *he is entitled to receive a credit for the amount of tax paid on*
25 *account of that uncollected amount. The credit may be used*
26 *against the amount of tax that the taxpayer is subsequently*
27 *required to pay pursuant to this chapter.*

28 2. *If the Internal Revenue Service disallows a deduction*
29 *described in paragraph (b) of subsection 1 and the taxpayer*
30 *claimed a credit on a return for a previous reporting period*
31 *pursuant to subsection 1, the taxpayer shall include the amount of*
32 *that credit in the amount of taxes reported pursuant to this chapter*
33 *in the first return filed with the Board or the Department after the*
34 *deduction is disallowed.*

35 3. *If a taxpayer collects all or part of an admission charge or*
36 *charges for food, refreshments and merchandise for which he*
37 *claimed a credit on a return for a previous reporting period*
38 *pursuant to subsection 2, he shall include:*

39 (a) *The amount collected in the charges reported pursuant to*
40 *paragraph (a) of subsection 1; and*

41 (b) *The tax payable on the amount collected in the amount of*
42 *taxes reported,*
43 *in the first return filed with the Board or the Department after that*
44 *collection.*



1 4. Except as otherwise provided in subsection 5, upon
2 determining that a taxpayer has filed a return which contains one
3 or more violations of the provisions of this section, the Board or
4 the Department shall:

5 (a) For the first return of any taxpayer that contains one or
6 more violations, issue a letter of warning to the taxpayer which
7 provides an explanation of the violation or violations contained in
8 the return.

9 (b) For the first or second return, other than a return
10 described in paragraph (a), in any calendar year which contains
11 one or more violations, assess a penalty equal to the amount of the
12 tax which was not reported.

13 (c) For the third and each subsequent return in any calendar
14 year which contains one or more violations, assess a penalty of
15 three times the amount of the tax which was not reported.

16 5. For the purposes of subsection 4, if the first violation of
17 this section by any taxpayer was determined by the Board or the
18 Department through an audit which covered more than one return
19 of the taxpayer, the Board or the Department shall treat all returns
20 which were determined through the same audit to contain a
21 violation or violations in the manner provided in paragraph (a) of
22 subsection 4.

23 **Sec. 88.** The remedies of the State provided for in this
24 chapter are cumulative, and no action taken by the Board, the
25 Department or the Attorney General constitutes an election by the
26 State to pursue any remedy to the exclusion of any other remedy
27 for which provision is made in this chapter.

28 **Sec. 89.** If the Board or the Department determines that any
29 tax, penalty or interest has been paid more than once or has been
30 erroneously or illegally collected or computed, the Board or the
31 Department shall set forth that fact in its records and shall certify
32 to the State Board of Examiners the amount collected in excess of
33 the amount legally due and the person from whom it was collected
34 or by whom it was paid. If approved by the State Board of
35 Examiners, the excess amount collected or paid must be credited
36 on any amounts then due from the person under this chapter, and
37 the balance refunded to the person or his successors in interest.

38 **Sec. 90.** 1. Except as otherwise provided in NRS 360.235
39 and 360.395:

40 (a) No refund may be allowed unless a claim for it is filed
41 with:

42 (1) The Board, if the taxpayer is a licensed gaming
43 establishment; or

44 (2) The Department, if the taxpayer is not a licensed
45 gaming establishment.



1 *A claim must be filed within 3 years after the last day of the month*
2 *following the reporting period for which the overpayment was*
3 *made.*

4 *(b) No credit may be allowed after the expiration of the period*
5 *specified for filing claims for refund unless a claim for credit is*
6 *filed with the Board or the Department within that period.*

7 *2. Each claim must be in writing and must state the specific*
8 *grounds upon which the claim is founded.*

9 *3. Failure to file a claim within the time prescribed in this*
10 *chapter constitutes a waiver of any demand against the State on*
11 *account of overpayment.*

12 *4. Within 30 days after rejecting any claim in whole or in*
13 *part, the Board or the Department shall serve notice of its action*
14 *on the claimant in the manner prescribed for service of notice of a*
15 *deficiency determination.*

16 **Sec. 91.** *1. Except as otherwise provided in this section and*
17 *NRS 360.320, interest must be paid upon any overpayment of any*
18 *amount of the tax imposed by this chapter in accordance with the*
19 *provisions of section 80 of this act.*

20 *2. If the overpayment is paid to the Department, the interest*
21 *must be paid:*

22 *(a) In the case of a refund, to the last day of the calendar*
23 *month following the date upon which the person making the*
24 *overpayment, if he has not already filed a claim, is notified by*
25 *the Department that a claim may be filed or the date upon which*
26 *the claim is certified to the State Board of Examiners, whichever is*
27 *earlier.*

28 *(b) In the case of a credit, to the same date as that to which*
29 *interest is computed on the tax or amount against which the credit*
30 *is applied.*

31 *3. If the Board or the Department determines that any*
32 *overpayment has been made intentionally or by reason of*
33 *carelessness, the Board or the Department shall not allow any*
34 *interest on the overpayment.*

35 **Sec. 92.** *1. No injunction, writ of mandate or other legal or*
36 *equitable process may issue in any suit, action or proceeding in*
37 *any court against this state or against any officer of the State to*
38 *prevent or enjoin the collection under this chapter of the tax*
39 *imposed by this chapter or any amount of tax, penalty or interest*
40 *required to be collected.*

41 *2. No suit or proceeding may be maintained in any court for*
42 *the recovery of any amount alleged to have been erroneously or*
43 *illegally determined or collected unless a claim for refund or credit*
44 *has been filed.*



1 **Sec. 93.** 1. *Within 90 days after a final decision upon a*
2 *claim filed pursuant to this chapter is rendered by:*

3 (a) *The Nevada Gaming Commission, the claimant may bring*
4 *an action against the Board on the grounds set forth in the claim.*

5 (b) *The Nevada Tax Commission, the claimant may bring an*
6 *action against the Department on the grounds set forth in the*
7 *claim.*

8 2. *An action brought pursuant to subsection 1 must be*
9 *brought in a court of competent jurisdiction in Carson City, the*
10 *county of this state where the claimant resides or maintains his*
11 *principal place of business or a county in which any relevant*
12 *proceedings were conducted by the Board or the Department, for*
13 *the recovery of the whole or any part of the amount with respect to*
14 *which the claim has been disallowed.*

15 3. *Failure to bring an action within the time specified*
16 *constitutes a waiver of any demand against the State on account of*
17 *alleged overpayments.*

18 **Sec. 94.** 1. *If the Board fails to mail notice of action on a*
19 *claim within 6 months after the claim is filed, the claimant may*
20 *consider the claim disallowed and file an appeal with the Nevada*
21 *Gaming Commission within 30 days after the last day of the*
22 *6-month period.*

23 2. *If the Department fails to mail notice of action on a claim*
24 *within 6 months after the claim is filed, the claimant may consider*
25 *the claim disallowed and file an appeal with the Nevada Tax*
26 *Commission within 30 days after the last day of the 6-month*
27 *period.*

28 3. *If the claimant is aggrieved by the decision of:*

29 (a) *The Nevada Gaming Commission rendered on appeal, the*
30 *claimant may, within 90 days after the decision is rendered, bring*
31 *an action against the Board on the grounds set forth in the claim*
32 *for the recovery of the whole or any part of the amount claimed as*
33 *an overpayment.*

34 (b) *The Nevada Tax Commission rendered on appeal, the*
35 *claimant may, within 90 days after the decision is rendered, bring*
36 *an action against the Department on the grounds set forth in the*
37 *claim for the recovery of the whole or any part of the amount*
38 *claimed as an overpayment.*

39 4. *If judgment is rendered for the plaintiff, the amount of the*
40 *judgment must first be credited towards any tax due from the*
41 *plaintiff.*

42 5. *The balance of the judgment must be refunded to the*
43 *plaintiff.*

44 **Sec. 95.** *In any judgment, interest must be allowed at the rate*
45 *of 6 percent per annum upon the amount found to have been*



1 *illegally collected from the date of payment of the amount to the*
2 *date of allowance of credit on account of the judgment, or to a*
3 *date preceding the date of the refund warrant by not more than 30*
4 *days. The date must be determined by the Board or the*
5 *Department.*

6 **Sec. 96.** *A judgment may not be rendered in favor of the*
7 *plaintiff in any action brought against the Board or the*
8 *Department to recover any amount paid when the action is*
9 *brought by or in the name of an assignee of the person paying the*
10 *amount or by any person other than the person who paid the*
11 *amount.*

12 **Sec. 97. 1.** *The Board or the Department may recover a*
13 *refund or any part thereof which is erroneously made and any*
14 *credit or part thereof which is erroneously allowed in an action*
15 *brought in a court of competent jurisdiction in Carson City or*
16 *Clark County in the name of the State of Nevada.*

17 **2.** *The action must be tried in Carson City or Clark County*
18 *unless the court, with the consent of the Attorney General, orders*
19 *a change of place of trial.*

20 **3.** *The Attorney General shall prosecute the action, and the*
21 *provisions of NRS, the Nevada Rules of Civil Procedure and the*
22 *Nevada Rules of Appellate Procedure relating to service of*
23 *summons, pleadings, proofs, trials and appeals are applicable to*
24 *the proceedings.*

25 **Sec. 98. 1.** *If any amount in excess of \$25 has been*
26 *illegally determined, either by the person filing the return or by the*
27 *Board or the Department, the Board or the Department shall*
28 *certify this fact to the State Board of Examiners, and the latter*
29 *shall authorize the cancellation of the amount upon the records of*
30 *the Board or the Department.*

31 **2.** *If an amount not exceeding \$25 has been illegally*
32 *determined, either by the person filing a return or by the Board or*
33 *the Department, the Board or the Department, without certifying*
34 *this fact to the State Board of Examiners, shall authorize the*
35 *cancellation of the amount upon the records of the Board or the*
36 *Department.*

37 **Sec. 99.** *Any licensed gaming establishment liable for the*
38 *payment of the tax imposed by section 78 of this act who willfully*
39 *fails to report, pay or truthfully account for the tax is subject to the*
40 *revocation of his gaming license by the Nevada Gaming*
41 *Commission.*

42 **Sec. 100. 1.** *A person shall not:*

43 *(a) Make, cause to be made or permit to be made any false or*
44 *fraudulent return or declaration or false statement in any report*
45 *or declaration, with intent to defraud the State or to evade*



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1 *payment of the tax or any part of the tax imposed by this chapter.*

2 *(b) Make, cause to be made or permit to be made any false*
3 *entry in books, records or accounts with intent to defraud the State*
4 *or to evade the payment of the tax or any part of the tax imposed*
5 *by this chapter.*

6 *(c) Keep, cause to be kept or permit to be kept more than one*
7 *set of books, records or accounts with intent to defraud the State*
8 *or to evade the payment of the tax or any part of the tax imposed*
9 *by this chapter.*

10 *2. Any person who violates the provisions of subsection 1 is*
11 *guilty of a gross misdemeanor.*

12 **Sec. 101.** Chapter 360 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 102 to 108, inclusive, of
14 this act.

15 **Sec. 102.** *As used in sections 102 to 108, inclusive, of this*
16 *act, unless the context otherwise requires, the words and terms*
17 *defined in sections 103, 104 and 105 of this act have the meanings*
18 *ascribed to them in those sections.*

19 **Sec. 103. 1. “Business” includes:**

20 *(a) A corporation, partnership, proprietorship, limited-liability*
21 *company, business association, joint venture, limited-liability*
22 *partnership, business trust and their equivalents organized under*
23 *the laws of this state or another jurisdiction and any other person*
24 *that conducts an activity for profit; and*

25 *(b) The activities of a natural person which are deemed to be a*
26 *business pursuant to section 107 of this act.*

27 **2. The term does not include:**

28 *(a) A governmental entity.*

29 *(b) A nonprofit religious, charitable, fraternal or other*
30 *organization that qualifies as a tax-exempt organization pursuant*
31 *to 26 U.S.C. § 501(c).*

32 *(c) A person who operates a business from his home and earns*
33 *from that business not more than 66 2/3 percent of the average*
34 *annual wage, as computed for the preceding calendar year*
35 *pursuant to chapter 612 of NRS and rounded to the nearest*
36 *hundred dollars.*

37 *(d) A business whose primary purpose is to create or produce*
38 *motion pictures. As used in this paragraph, “motion pictures” has*
39 *the meaning ascribed to it in NRS 231.020.*

40 **Sec. 104. 1. “Employee” includes:**

41 *(a) A natural person who receives wages or other*
42 *remuneration from a business for personal services, including*
43 *commissions and bonuses and remuneration payable in a medium*
44 *other than cash; and*

45 *(b) A natural person engaged in the operation of a business.*



1 2. *The term includes:*

2 (a) *A partner or other co-owner of a business; and*

3 (b) *Except as otherwise provided in subsection 3, a natural*
4 *person reported as an employee to the:*

5 (1) *Employment Security Division of the Department of*
6 *Employment, Training and Rehabilitation;*

7 (2) *Administrator of the Division of Industrial Relations of*
8 *the Department of Business and Industry; or*

9 (3) *Internal Revenue Service on an Employer's Quarterly*
10 *Federal Tax Return (Form 941), Employer's Monthly Federal*
11 *Tax Return (Form 941-M), Employer's Annual Tax Return for*
12 *Agricultural Employees (Form 943) or any equivalent or*
13 *successor form.*

14 3. *The term does not include:*

15 (a) *A business or an independent contractor that performs*
16 *services on behalf of another business.*

17 (b) *A natural person who is retired or otherwise receiving*
18 *remuneration solely because of past service to the business.*

19 (c) *A newspaper carrier or the immediate supervisor of a*
20 *newspaper carrier who is an independent contractor of the*
21 *newspaper.*

22 (d) *A natural person who performs all of his duties for the*
23 *business outside of this state.*

24 4. *An independent contractor is not an employee of a*
25 *business with which he contracts.*

26 **Sec. 105.** *"Wages" means any remuneration paid for*
27 *personal services, including commissions, and bonuses and*
28 *remuneration payable in any medium other than cash.*

29 **Sec. 106.** *The Department shall deposit all money it receives*
30 *pursuant to sections 102 to 108, inclusive, of this act in the State*
31 *Treasury for credit to the State General Fund.*

32 **Sec. 107.** *The activity or activities conducted by a natural*
33 *person shall be deemed to be a business that is subject to the*
34 *provisions of sections 102 to 108, inclusive, of this act if the person*
35 *is required to file with the Internal Revenue Service a Schedule C*
36 *(Form 1040), Profit or Loss From Business Form, or its*
37 *equivalent or successor form, a Schedule E (Form 1040),*
38 *Supplemental Income and Loss Form, or its equivalent or*
39 *successor form, or a Schedule F (Form 1040), Profit or Loss*
40 *From Farming Form, or its equivalent or successor form, for the*
41 *business.*

42 **Sec. 108.** 1. *Except as otherwise provided in subsection 8, a*
43 *person shall not conduct a business in this state unless he has a*
44 *business license issued by the Department.*

45 2. *An application for a business license must:*



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- 1 (a) *Be made upon a form prescribed by the Department;*
- 2 (b) *Set forth the name under which the applicant transacts or*
- 3 *intends to transact business and the location of his place or places*
- 4 *of business;*
- 5 (c) *Declare the estimated number of employees for the*
- 6 *previous calendar quarter;*
- 7 (d) *Be accompanied by a fee of \$100; and*
- 8 (e) *Include any other information that the Department deems*
- 9 *necessary.*
- 10 3. *The application must be signed by:*
- 11 (a) *The owner, if the business is owned by a natural person;*
- 12 (b) *A member or partner, if the business is owned by an*
- 13 *association or partnership; or*
- 14 (c) *An officer or some other person specifically authorized to*
- 15 *sign the application, if the business is owned by a corporation.*
- 16 4. *If the application is signed pursuant to paragraph (c) of*
- 17 *subsection 3, written evidence of the signer's authority must be*
- 18 *attached to the application.*
- 19 5. *A person who has been issued a business license by the*
- 20 *Department shall submit a fee of \$100 to the Department on or*
- 21 *before the last day of the month in which the anniversary date of*
- 22 *issuance of the business license occurs in each year, unless the*
- 23 *person submits a written statement to the Department, at least 10*
- 24 *days before the anniversary date, indicating that the person will*
- 25 *not be conducting business in this state after the anniversary date.*
- 26 6. *The business license required to be obtained pursuant to*
- 27 *this section is in addition to any license to conduct business that*
- 28 *must be obtained from the local jurisdiction in which the business*
- 29 *is being conducted.*
- 30 7. *For the purposes of sections 102 to 108, inclusive, of this*
- 31 *act, a person shall be deemed to conduct a business in this state if*
- 32 *a business for which the person is responsible:*
- 33 (a) *Is organized pursuant to title 7 of NRS, other than a*
- 34 *business organized pursuant to chapter 82 or 84 of NRS;*
- 35 (b) *Has an office or other base of operations in this state; or*
- 36 (c) *Pays wages or other remuneration to a natural person who*
- 37 *performs in this state any of the duties for which he is paid.*
- 38 8. *A person who takes part in a trade show or convention*
- 39 *held in this state for a purpose related to the conduct of a business*
- 40 *is not required to obtain a business license specifically for that*
- 41 *event.*
- 42 **Sec. 109.** NRS 360.225 is hereby amended to read as follows:
- 43 360.225 1. During the course of an investigation undertaken
- 44 pursuant to NRS 360.130 of a person claiming:



1 (a) A partial abatement of property taxes pursuant to
2 NRS 361.0687;

3 (b) ~~[An exemption from taxes upon the privilege of doing~~
4 ~~business in this state pursuant to NRS 364A.170;~~

5 ~~—(c)]~~ A deferral of the payment of taxes on the sale of capital
6 goods pursuant to NRS 372.397 or 374.402; or

7 ~~[(d)]~~ (c) An abatement of taxes on the gross receipts from the
8 sale, storage, use or other consumption of eligible machinery or
9 equipment pursuant to NRS 374.357,

10 the Department shall investigate whether the person meets the
11 eligibility requirements for the abatement, partial abatement ~~[~~
12 ~~exemption]~~ or deferral that the person is claiming.

13 2. If the Department finds that the person does not meet the
14 eligibility requirements for the abatement ~~[, exemption]~~ or deferral
15 which the person is claiming, the Department shall report its
16 findings to the Commission on Economic Development and take
17 any other necessary actions.

18 **Sec. 110.** NRS 360.2935 is hereby amended to read as
19 follows:

20 360.2935 Except as otherwise provided in ~~[NRS 361.485.]~~ *this*
21 *title*, a taxpayer is entitled to receive on any overpayment of taxes,
22 after the offset required by NRS 360.320 has been made, a refund
23 together with interest at a rate determined pursuant to NRS 17.130.
24 No interest is allowed on a refund of any penalties or interest paid
25 by a taxpayer.

26 **Sec. 111.** NRS 360.300 is hereby amended to read as follows:

27 360.300 1. If a person fails to file a return or the Department
28 is not satisfied with the return or returns of any tax, contribution or
29 premium or amount of tax, contribution or premium required to be
30 paid to the State by any person, in accordance with the applicable
31 provisions of this chapter, chapter 362, 364A, 369, 370, 372, 372A,
32 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter 585 or
33 680B of NRS , *or sections 2 to 38, inclusive, or 40 to 63, inclusive,*
34 *of this act*, as administered or audited by the Department, it may
35 compute and determine the amount required to be paid upon the
36 basis of:

37 (a) The facts contained in the return;

38 (b) Any information within its possession or that may come into
39 its possession; or

40 (c) Reasonable estimates of the amount.

41 2. One or more deficiency determinations may be made with
42 respect to the amount due for one or for more than one period.

43 3. In making its determination of the amount required to be
44 paid, the Department shall impose interest on the amount of tax
45 determined to be due, calculated at the rate and in the manner set



1 forth in NRS 360.417, unless a different rate of interest is
2 specifically provided by statute.

3 4. The Department shall impose a penalty of 10 percent in
4 addition to the amount of a determination that is made in the case of
5 the failure of a person to file a return with the Department.

6 5. When a business is discontinued, a determination may be
7 made at any time thereafter within the time prescribed in NRS
8 360.355 as to liability arising out of that business, irrespective of
9 whether the determination is issued before the due date of the
10 liability.

11 **Sec. 112.** NRS 360.300 is hereby amended to read as follows:

12 360.300 1. If a person fails to file a return or the Department
13 is not satisfied with the return or returns of any tax, contribution or
14 premium or amount of tax, contribution or premium required to be
15 paid to the State by any person, in accordance with the applicable
16 provisions of this chapter, chapter 362, ~~364A,~~ 369, 370, 372,
17 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter
18 585 or 680B of NRS, or sections 2 to 38, inclusive, or 40 to 63,
19 inclusive, of this act, as administered or audited by the Department,
20 it may compute and determine the amount required to be paid upon
21 the basis of:

22 (a) The facts contained in the return;

23 (b) Any information within its possession or that may come into
24 its possession; or

25 (c) Reasonable estimates of the amount.

26 2. One or more deficiency determinations may be made with
27 respect to the amount due for one or for more than one period.

28 3. In making its determination of the amount required to be
29 paid, the Department shall impose interest on the amount of tax
30 determined to be due, calculated at the rate and in the manner set
31 forth in NRS 360.417, unless a different rate of interest is
32 specifically provided by statute.

33 4. The Department shall impose a penalty of 10 percent in
34 addition to the amount of a determination that is made in the case of
35 the failure of a person to file a return with the Department.

36 5. When a business is discontinued, a determination may be
37 made at any time thereafter within the time prescribed in NRS
38 360.355 as to liability arising out of that business, irrespective of
39 whether the determination is issued before the due date of the
40 liability.

41 **Sec. 113.** NRS 360.417 is hereby amended to read as follows:

42 360.417 Except as otherwise provided in NRS 360.232 and
43 360.320, and unless a different penalty or rate of interest is
44 specifically provided by statute, any person who fails to pay any tax
45 provided for in chapter 362, 364A, 369, 370, 372, 374, 377, 377A,



1 444A or 585 of NRS, *or sections 2 to 38, inclusive, or 40 to 63,*
2 *inclusive, of this act,* or the fee provided for in NRS 482.313, to the
3 State or a county within the time required, shall pay a penalty of not
4 more than 10 percent of the amount of the tax or fee which is owed,
5 as determined by the Department, in addition to the tax or fee, plus
6 interest at the rate of 1 percent per month, or fraction of a month,
7 from the last day of the month following the period for which the
8 amount or any portion of the amount should have been reported
9 until the date of payment. The amount of any penalty imposed must
10 be based on a graduated schedule adopted by the Nevada Tax
11 Commission which takes into consideration the length of time the
12 tax or fee remained unpaid.

13 **Sec. 114.** NRS 360.417 is hereby amended to read as follows:
14 360.417 Except as otherwise provided in NRS 360.232 and
15 360.320, and unless a different penalty or rate of interest is
16 specifically provided by statute, any person who fails to pay any tax
17 provided for in chapter 362, ~~364A,~~ 369, 370, 372, 374, 377, 377A,
18 444A or 585 of NRS, or sections 2 to 38, inclusive, or 40 to 63,
19 inclusive, of this act, or the fee provided for in NRS 482.313, to the
20 State or a county within the time required, shall pay a penalty of not
21 more than 10 percent of the amount of the tax or fee which is owed,
22 as determined by the Department, in addition to the tax or fee, plus
23 interest at the rate of 1 percent per month, or fraction of a month,
24 from the last day of the month following the period for which the
25 amount or any portion of the amount should have been reported
26 until the date of payment. The amount of any penalty imposed must
27 be based on a graduated schedule adopted by the Nevada Tax
28 Commission which takes into consideration the length of time the
29 tax or fee remained unpaid.

30 **Sec. 115.** NRS 360.419 is hereby amended to read as follows:
31 360.419 1. If the Executive Director or a designated hearing
32 officer finds that the failure of a person to make a timely return or
33 payment of a tax imposed pursuant to NRS 361.320 or ~~chapter~~
34 ~~361A, 376A, 377 or 377A of NRS, or by~~ chapter *361A*, 362, 364A,
35 369, 370, 372, 372A, 374, 375A, ~~for~~ 375B, *376A, 377 or 377A* of
36 NRS, *or sections 2 to 38, inclusive, or 40 to 63, inclusive, of this*
37 *act,* is the result of circumstances beyond his control and occurred
38 despite the exercise of ordinary care and without intent, the
39 Department may relieve him of all or part of any interest or penalty,
40 or both.

41 2. A person seeking this relief must file with the Department a
42 statement under oath setting forth the facts upon which he bases his
43 claim.

44 3. The Department shall disclose, upon the request of any
45 person:



- 1 (a) The name of the person to whom relief was granted; and
- 2 (b) The amount of the relief.

3 4. The Executive Director or a designated hearing officer shall
4 act upon the request of a taxpayer seeking relief pursuant to NRS
5 361.4835 which is deferred by a county treasurer or county assessor.

6 **Sec. 116.** NRS 360.419 is hereby amended to read as follows:

7 360.419 1. If the Executive Director or a designated hearing
8 officer finds that the failure of a person to make a timely return or
9 payment of a tax imposed pursuant to NRS 361.320 or chapter
10 361A, 362, ~~364A,~~ 369, 370, 372, 372A, 374, 375A, 375B, 376A,
11 377 or 377A of NRS, or sections 2 to 38, inclusive, or 40 to 63,
12 inclusive, of this act, is the result of circumstances beyond his
13 control and occurred despite the exercise of ordinary care and
14 without intent, the Department may relieve him of all or part of any
15 interest or penalty, or both.

16 2. A person seeking this relief must file with the Department a
17 statement under oath setting forth the facts upon which he bases his
18 claim.

19 3. The Department shall disclose, upon the request of any
20 person:

- 21 (a) The name of the person to whom relief was granted; and
- 22 (b) The amount of the relief.

23 4. The Executive Director or a designated hearing officer shall
24 act upon the request of a taxpayer seeking relief pursuant to NRS
25 361.4835 which is deferred by a county treasurer or county assessor.

26 **Sec. 117.** NRS 360.510 is hereby amended to read as follows:

27 360.510 1. If any person is delinquent in the payment of any
28 tax or fee administered by the Department or if a determination has
29 been made against him which remains unpaid, the Department may:

30 (a) Not later than 3 years after the payment became delinquent
31 or the determination became final; or

32 (b) Not later than 6 years after the last recording of an abstract
33 of judgment or of a certificate constituting a lien for tax
34 owed,

35 give a notice of the delinquency and a demand to transmit
36 personally or by registered or certified mail to any person,
37 including, without limitation, any officer or department of this state
38 or any political subdivision or agency of this state, who has in his
39 possession or under his control any credits or other personal
40 property belonging to the delinquent, or owing any debts to the
41 delinquent or person against whom a determination has been made
42 which remains unpaid, or owing any debts to the delinquent or that
43 person. In the case of any state officer, department or agency, the
44 notice must be given to the officer, department or agency before



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1 the Department presents the claim of the delinquent taxpayer to the
2 State Controller.

3 2. A state officer, department or agency which receives such a
4 notice may satisfy any debt owed to it by that person before it
5 honors the notice of the Department.

6 3. After receiving the demand to transmit, the person notified
7 by the demand may not transfer or otherwise dispose of the credits,
8 other personal property, or debts in his possession or under his
9 control at the time he received the notice until the Department
10 consents to a transfer or other disposition.

11 4. Every person notified by a demand to transmit shall, within
12 10 days after receipt of the demand to transmit, inform the
13 Department of ~~§~~ and transmit to the Department all such credits,
14 other personal property ~~§~~ or debts in his possession, under his
15 control or owing by him within the time and in the manner
16 requested by the Department. Except as otherwise provided in
17 subsection 5, no further notice is required to be served to that
18 person.

19 5. If the property of the delinquent taxpayer consists of a series
20 of payments owed to him, the person who owes or controls the
21 payments shall transmit the payments to the Department until
22 otherwise notified by the Department. If the debt of the delinquent
23 taxpayer is not paid within 1 year after the Department issued the
24 original demand to transmit, the Department shall issue another
25 demand to transmit to the person responsible for making the
26 payments informing him to continue to transmit payments to
27 the Department or that his duty to transmit the payments to the
28 Department has ceased.

29 6. If the notice of the delinquency seeks to prevent the transfer
30 or other disposition of a deposit in a bank or credit union or other
31 credits or personal property in the possession or under the control of
32 a bank, credit union or other depository institution, the notice must
33 be delivered or mailed to any branch or office of the bank, credit
34 union or other depository institution at which the deposit is carried
35 or at which the credits or personal property is held.

36 7. If any person notified by the notice of the delinquency
37 makes any transfer or other disposition of the property or debts
38 required to be withheld or transmitted, to the extent of the value of
39 the property or the amount of the debts thus transferred or paid, he is
40 liable to the State for any indebtedness due pursuant to this chapter,
41 or chapter 362, 364A, 369, 370, 372, 372A, 374, 377, 377A or 444A
42 of NRS, NRS 482.313, or chapter 585 or 680B of NRS , *or sections*
43 *2 to 38, inclusive, or 40 to 63, inclusive, of this act* from the person
44 with respect to whose obligation the notice was given if solely by
45 reason of the transfer or other disposition the State is unable to



1 recover the indebtedness of the person with respect to whose
2 obligation the notice was given.

3 **Sec. 118.** NRS 360.510 is hereby amended to read as follows:

4 360.510 1. If any person is delinquent in the payment of any
5 tax or fee administered by the Department or if a determination has
6 been made against him which remains unpaid, the Department may:

7 (a) Not later than 3 years after the payment became delinquent
8 or the determination became final; or

9 (b) Not later than 6 years after the last recording of an abstract
10 of judgment or of a certificate constituting a lien for tax
11 owed,

12 give a notice of the delinquency and a demand to transmit
13 personally or by registered or certified mail to any person,
14 including, without limitation, any officer or department of this state
15 or any political subdivision or agency of this state, who has in his
16 possession or under his control any credits or other personal
17 property belonging to the delinquent, or owing any debts to the
18 delinquent or person against whom a determination has been made
19 which remains unpaid, or owing any debts to the delinquent or that
20 person. In the case of any state officer, department or agency, the
21 notice must be given to the officer, department or agency before
22 the Department presents the claim of the delinquent taxpayer to the
23 State Controller.

24 2. A state officer, department or agency which receives such a
25 notice may satisfy any debt owed to it by that person before it
26 honors the notice of the Department.

27 3. After receiving the demand to transmit, the person notified
28 by the demand may not transfer or otherwise dispose of the credits,
29 other personal property, or debts in his possession or under his
30 control at the time he received the notice until the Department
31 consents to a transfer or other disposition.

32 4. Every person notified by a demand to transmit shall, within
33 10 days after receipt of the demand to transmit, inform the
34 Department of and transmit to the Department all such credits, other
35 personal property or debts in his possession, under his control or
36 owing by him within the time and in the manner requested by the
37 Department. Except as otherwise provided in subsection 5, no
38 further notice is required to be served to that person.

39 5. If the property of the delinquent taxpayer consists of a series
40 of payments owed to him, the person who owes or controls the
41 payments shall transmit the payments to the Department until
42 otherwise notified by the Department. If the debt of the delinquent
43 taxpayer is not paid within 1 year after the Department issued the
44 original demand to transmit, the Department shall issue another
45 demand to transmit to the person responsible for making the



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1 payments informing him to continue to transmit payments to
2 the Department or that his duty to transmit the payments to the
3 Department has ceased.

4 6. If the notice of the delinquency seeks to prevent the transfer
5 or other disposition of a deposit in a bank or credit union or other
6 credits or personal property in the possession or under the control of
7 a bank, credit union or other depository institution, the notice must
8 be delivered or mailed to any branch or office of the bank, credit
9 union or other depository institution at which the deposit is carried
10 or at which the credits or personal property is held.

11 7. If any person notified by the notice of the delinquency
12 makes any transfer or other disposition of the property or debts
13 required to be withheld or transmitted, to the extent of the value of
14 the property or the amount of the debts thus transferred or paid, he is
15 liable to the State for any indebtedness due pursuant to this chapter,
16 or chapter 362, ~~364A.~~ 369, 370, 372, 372A, 374, 377, 377A or
17 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, or
18 sections 2 to 38, inclusive, or 40 to 63, inclusive, of this act from the
19 person with respect to whose obligation the notice was given if
20 solely by reason of the transfer or other disposition the State is
21 unable to recover the indebtedness of the person with respect to
22 whose obligation the notice was given.

23 **Sec. 119.** NRS 360.750 is hereby amended to read as follows:

24 360.750 1. A person who intends to locate or expand a
25 business in this state may apply to the Commission on Economic
26 Development for a partial abatement of one or more of the taxes
27 imposed on the new or expanded business pursuant to chapter 361 ~~364A.~~
28 ~~364A.~~ or 374 of NRS.

29 2. The Commission on Economic Development shall approve
30 an application for a partial abatement if the Commission makes the
31 following determinations:

32 (a) The business is consistent with:

33 (1) The State Plan for Industrial Development and
34 Diversification that is developed by the Commission pursuant to
35 NRS 231.067; and

36 (2) Any guidelines adopted pursuant to the State Plan.

37 (b) The applicant has executed an agreement with the
38 Commission which states that the business will, after the date on
39 which a certificate of eligibility for the abatement is issued pursuant
40 to subsection 5, continue in operation in this state for a period
41 specified by the Commission, which must be at least 5 years, and
42 will continue to meet the eligibility requirements set forth in this
43 subsection. The agreement must bind the successors in interest of
44 the business for the specified period.



1 (c) The business is registered pursuant to the laws of this state or
2 the applicant commits to obtain a valid business license and all other
3 permits required by the county, city or town in which the business
4 operates.

5 (d) Except as otherwise provided in NRS 361.0687, if the
6 business is a new business in a county whose population is 100,000
7 or more or a city whose population is 60,000 or more, the business
8 meets at least two of the following requirements:

9 (1) The business will have 75 or more full-time employees
10 on the payroll of the business by the fourth quarter that it is in
11 operation.

12 (2) Establishing the business will require the business to
13 make a capital investment of at least \$1,000,000 in this state.

14 (3) The average hourly wage that will be paid by the new
15 business to its employees in this state is at least 100 percent of the
16 average statewide hourly wage as established by the Employment
17 Security Division of the Department of Employment, Training and
18 Rehabilitation on July 1 of each fiscal year and:

19 (I) The business will provide a health insurance plan for
20 all employees that includes an option for health insurance coverage
21 for dependents of the employees; and

22 (II) The cost to the business for the benefits the business
23 provides to its employees in this state will meet the minimum
24 requirements for benefits established by the Commission by
25 regulation pursuant to subsection 9.

26 (e) Except as otherwise provided in NRS 361.0687, if the
27 business is a new business in a county whose population is less than
28 100,000 or a city whose population is less than 60,000, the business
29 meets at least two of the following requirements:

30 (1) The business will have 25 or more full-time employees
31 on the payroll of the business by the fourth quarter that it is in
32 operation.

33 (2) Establishing the business will require the business to
34 make a capital investment of at least \$250,000 in this state.

35 (3) The average hourly wage that will be paid by the new
36 business to its employees in this state is at least 100 percent of the
37 average statewide hourly wage as established by the Employment
38 Security Division of the Department of Employment, Training and
39 Rehabilitation on July 1 of each fiscal year and:

40 (I) The business will provide a health insurance plan for
41 all employees that includes an option for health insurance coverage
42 for dependents of the employees; and

43 (II) The cost to the business for the benefits the business
44 provides to its employees in this state will meet the minimum



1 requirements for benefits established by the Commission by
2 regulation pursuant to subsection 9.

3 (f) If the business is an existing business, the business meets at
4 least two of the following requirements:

5 (1) The business will increase the number of employees on
6 its payroll by 10 percent more than it employed in the immediately
7 preceding fiscal year or by six employees, whichever is greater.

8 (2) The business will expand by making a capital investment
9 in this state in an amount equal to at least 20 percent of the value of
10 the tangible property possessed by the business in the immediately
11 preceding fiscal year. The determination of the value of the tangible
12 property possessed by the business in the immediately preceding
13 fiscal year must be made by the:

14 (I) County assessor of the county in which the business
15 will expand, if the business is locally assessed; or

16 (II) Department, if the business is centrally assessed.

17 (3) The average hourly wage that will be paid by the existing
18 business to its new employees in this state is at least 100 percent of
19 the average statewide hourly wage as established by the
20 Employment Security Division of the Department of Employment,
21 Training and Rehabilitation on July 1 of each fiscal year and:

22 (I) The business will provide a health insurance plan for
23 all new employees that includes an option for health insurance
24 coverage for dependents of the employees; and

25 (II) The cost to the business for the benefits the business
26 provides to its new employees in this state will meet the minimum
27 requirements for benefits established by the Commission by
28 regulation pursuant to subsection 9.

29 3. Notwithstanding the provisions of subsection 2, the
30 Commission on Economic Development may:

31 (a) Approve an application for a partial abatement by a business
32 that does not meet the requirements set forth in paragraph (d), (e) or
33 (f) of subsection 2;

34 (b) Make the requirements set forth in paragraph (d), (e) or (f) of
35 subsection 2 more stringent; or

36 (c) Add additional requirements that a business must meet to
37 qualify for a partial abatement,
38 if the Commission determines that such action is necessary.

39 4. If a person submits an application to the Commission on
40 Economic Development pursuant to subsection 1, the Commission
41 shall provide notice to the governing body of the county and the city
42 or town, if any, in which the person intends to locate or expand a
43 business. The notice required pursuant to this subsection must set
44 forth the date, time and location of the hearing at which the
45 Commission will consider the application.



1 5. If the Commission on Economic Development approves an
2 application for a partial abatement, the Commission shall
3 immediately forward a certificate of eligibility for the abatement to:

4 (a) The Department;

5 (b) The Nevada Tax Commission; and

6 (c) If the partial abatement is from the property tax imposed
7 pursuant to chapter 361 of NRS, the county treasurer.

8 6. An applicant for a partial abatement pursuant to this section
9 or an existing business whose partial abatement is in effect shall,
10 upon the request of the Executive Director of the Commission on
11 Economic Development, furnish the Executive Director with copies
12 of all records necessary to verify that the applicant meets the
13 requirements of subsection 2.

14 7. If a business whose partial abatement has been approved
15 pursuant to this section and is in effect ceases:

16 (a) To meet the requirements set forth in subsection 2; or

17 (b) Operation before the time specified in the agreement
18 described in paragraph (b) of subsection 2,

19 the business shall repay to the Department or, if the partial
20 abatement was from the property tax imposed pursuant to chapter
21 361 of NRS, to the county treasurer, the amount of the exemption
22 that was allowed pursuant to this section before the failure of the
23 business to comply unless the Nevada Tax Commission determines
24 that the business has substantially complied with the requirements of
25 this section. Except as otherwise provided in NRS 360.232 and
26 360.320, the business shall, in addition to the amount of the
27 exemption required to be paid pursuant to this subsection, pay
28 interest on the amount due at the rate most recently established
29 pursuant to NRS 99.040 for each month, or portion thereof, from the
30 last day of the month following the period for which the payment
31 would have been made had the partial abatement not been approved
32 until the date of payment of the tax.

33 8. A county treasurer:

34 (a) Shall deposit any money that he receives pursuant to
35 subsection 7 in one or more of the funds established by a local
36 government of the county pursuant to NRS 354.6113 or 354.6115;
37 and

38 (b) May use the money deposited pursuant to paragraph (a) only
39 for the purposes authorized by NRS 354.6113 and 354.6115.

40 9. The Commission on Economic Development:

41 (a) Shall adopt regulations relating to:

42 (1) The minimum level of benefits that a business must
43 provide to its employees if the business is going to use benefits paid
44 to employees as a basis to qualify for a partial abatement; and



1 (2) The notice that must be provided pursuant to
2 subsection 4.

3 (b) May adopt such other regulations as the Commission on
4 Economic Development determines to be necessary to carry out the
5 provisions of this section.

6 10. The Nevada Tax Commission:

7 (a) Shall adopt regulations regarding:

8 (1) The capital investment that a new business must make to
9 meet the requirement set forth in paragraph (d) or (e) of subsection
10 2; and

11 (2) Any security that a business is required to post to qualify
12 for a partial abatement pursuant to this section.

13 (b) May adopt such other regulations as the Nevada Tax
14 Commission determines to be necessary to carry out the provisions
15 of this section.

16 11. An applicant for an abatement who is aggrieved by a final
17 decision of the Commission on Economic Development may
18 petition for judicial review in the manner provided in chapter 233B
19 of NRS.

20 **Sec. 120.** NRS 364A.020 is hereby amended to read as
21 follows:

22 364A.020 1. “Business” includes:

23 (a) A corporation, partnership, proprietorship, *limited-liability*
24 *company*, business association, *joint venture*, *limited-liability*
25 *partnership*, *business trust and their equivalents organized under*
26 *the laws of this state or another jurisdiction* and any other ~~[similar]~~
27 organization that conducts an activity for profit;

28 (b) The activities of a natural person which are deemed to be a
29 business pursuant to NRS 364A.120; and

30 (c) A trade show or convention held in this state in which a
31 business described in paragraph (a) or (b) takes part, or which a
32 person who conducts such a business attends, for a purpose related
33 to the conduct of the business.

34 2. ~~[The term includes an independent contractor.~~

35 ~~—3.]~~ The term does not include:

36 (a) A nonprofit religious, charitable, fraternal or other
37 organization that qualifies as a tax-exempt organization pursuant to
38 26 U.S.C. § 501(c);

39 (b) A governmental entity; ~~[or]~~

40 (c) *A person who operates a business from his home and earns*
41 *from that business not more than 66 2/3 percent of the average*
42 *annual wage, as computed for the preceding calendar year*
43 *pursuant to chapter 612 of NRS and rounded to the nearest*
44 *hundred dollars; or*



1 (d) A business that creates or produces motion pictures. As used
2 in this paragraph, “motion pictures” has the meaning ascribed to it
3 in NRS 231.020.

4 **Sec. 121.** NRS 364A.120 is hereby amended to read as
5 follows:

6 364A.120 The activity or activities conducted by a natural
7 person shall be deemed to be a business that is subject to the
8 provisions of this chapter if the person files with the Internal
9 Revenue Service a Schedule C (Form 1040), Profit or Loss from
10 Business Form, or its equivalent or successor form, *a Schedule E*
11 *(Form 1040), Supplemental Income and Loss Form, or its*
12 *equivalent or successor form*, or a Schedule F (Form 1040), Farm
13 Income and Expenses Form, or its equivalent or successor form, for
14 the activity or activities.

15 **Sec. 122.** NRS 364A.130 is hereby amended to read as
16 follows:

17 364A.130 1. Except as otherwise provided in subsection ~~[6,]~~
18 ~~8~~, a person shall not conduct a business in this state unless he has a
19 business license issued by the Department.

20 2. ~~[The]~~ *An* application for a business license must:

21 (a) Be made upon a form prescribed by the Department;
22 (b) Set forth the name under which the applicant transacts or
23 intends to transact business and the location of his place or places of
24 business;

25 (c) Declare the estimated number of employees for the previous
26 calendar quarter;

27 (d) Be accompanied by a fee of ~~[\$25;]~~ *\$100*; and

28 (e) Include any other information that the Department deems
29 necessary.

30 3. The application must be signed by:

31 (a) The owner, if the business is owned by a natural person;

32 (b) A member or partner, if the business is owned by an
33 association or partnership; or

34 (c) An officer or some other person specifically authorized to
35 sign the application, if the business is owned by a corporation.

36 4. If the application is signed pursuant to paragraph (c) of
37 subsection 3, written evidence of the signer’s authority must be
38 attached to the application.

39 5. *A person who has been issued a business license by the*
40 *Department shall submit a fee of \$100 to the Department on or*
41 *before the last day of the month in which the anniversary date of*
42 *issuance of the business license occurs in each year, unless the*
43 *person submits a written statement to the Department, at least 10*
44 *days before the anniversary date, indicating that the person will*
45 *not be conducting business in this state after the anniversary date.*



1 6. *The business license required to be obtained pursuant to*
2 *this section is in addition to any license to conduct business that*
3 *must be obtained from the local jurisdiction in which the business*
4 *is being conducted.*

5 7. For the purposes of this chapter, a person shall be deemed to
6 conduct a business in this state if a business for which the person is
7 responsible:

8 (a) Is ~~incorporated~~ *organized* pursuant to ~~chapter 78 or 78A~~
9 *title 7* of NRS ~~;~~, *other than a business organized pursuant to*
10 *chapter 82 or 84 of NRS;*

11 (b) Has an office or other base of operations in this state; or

12 (c) Pays wages or other remuneration to a natural person who
13 performs in this state any of the duties for which he is paid.

14 ~~6.~~ 8. A person who takes part in a trade show or convention
15 held in this state for a purpose related to the conduct of a business is
16 not required to obtain a business license specifically for that event.

17 **Sec. 123.** Chapter 375 of NRS is hereby amended by adding
18 thereto the provisions set forth as sections 124 and 125 of this act.

19 **Sec. 124. 1.** *In addition to all other taxes imposed on*
20 *transfers of real property, a tax, at the rate of \$1.30 on each \$500*
21 *of value or fraction thereof, is hereby imposed on each deed by*
22 *which any lands, tenements or other realty is granted, assigned,*
23 *transferred or otherwise conveyed to, or vested in, another person,*
24 *if the consideration or value of the interest or property conveyed*
25 *exceeds \$100.*

26 2. *The amount of the tax must be computed on the basis of*
27 *the value of the transferred property as declared pursuant to*
28 *NRS 375.060.*

29 3. *The county recorder of each county shall collect the tax in*
30 *the manner provided in NRS 375.030, except that the amount*
31 *collected must be transmitted to the State Controller for deposit in*
32 *the State General Fund within 30 days after the end of the*
33 *calendar quarter during which the tax was collected.*

34 4. *The county recorder of a county:*

35 (a) *Whose population is 100,000 or more may deduct and*
36 *withhold from the taxes collected 0.2 percent of those taxes to*
37 *reimburse the county for the cost of collecting the tax.*

38 (b) *Whose population is less than 100,000 may deduct and*
39 *withhold from the taxes collected 1 percent of those taxes to*
40 *reimburse the county for the cost of collecting the tax.*

41 **Sec. 125. 1.** *The Department shall, to ensure that the tax*
42 *imposed by section 124 of this act is collected fairly and equitably*
43 *in all counties, coordinate the collection and administration of*
44 *that tax. For this purpose, the Department may conduct such*



1 *audits of the records of the various counties as are necessary to*
2 *carry out the provisions of section 124 of this act.*

3 2. *When requested, the Department shall render assistance to*
4 *the county recorder of a county whose population is less than*
5 *30,000 relating to the imposition and collection of the tax imposed*
6 *by section 124 of this act.*

7 3. *The Department is not entitled to receive any fee for*
8 *rendering any assistance pursuant to subsection 2.*

9 **Sec. 126.** NRS 375.018 is hereby amended to read as follows:

10 375.018 With regard to the administration of ~~the real property~~
11 ~~transfer tax,~~ *any tax imposed by this chapter*, the county recorder
12 shall apply the following principles:

13 1. Forms, instructions and regulations governing the
14 computation of the amount of tax due must be brief and easily
15 understood.

16 2. In cases where another authority, such as the United States
17 or this state, also imposes a tax upon the same property or revenue,
18 the mechanism for collecting the tax imposed by the county must be
19 as nearly compatible with the collection of the other taxes as is
20 feasible.

21 3. Unless a change is made necessary by statute or to preserve
22 compatibility with a tax imposed by another authority, the forms,
23 instructions and regulations must remain the same from year to year,
24 to make the taxpayer's liability as predictable as is feasible.

25 4. Exemptions or waivers, where permitted by statute, must be
26 granted:

27 (a) Equitably among eligible taxpayers; and

28 (b) As sparingly as is consistent with the legislative intent, to
29 retain the broadest feasible base for the tax.

30 **Sec. 127.** NRS 375.030 is hereby amended to read as follows:

31 375.030 1. If any deed evidencing a transfer of title subject to
32 the tax imposed by NRS 375.020 ~~and, if applicable, NRS 375.025,~~
33 is offered for recordation, the county recorder shall compute the
34 amount of the tax due and shall collect that amount before
35 acceptance of the deed for recordation.

36 2. The buyer and seller are jointly and severally liable for the
37 payment of the taxes imposed by NRS 375.020 ~~and 375.025~~ and
38 any penalties and interest imposed pursuant to subsection 3. The
39 escrow holder is not liable for the payment of the taxes imposed by
40 NRS 375.020 ~~and 375.025~~ or any penalties or interest imposed
41 pursuant to subsection 3.

42 3. If , after recordation of the deed, the county recorder
43 disallows an exemption that was claimed at the time the deed was
44 recorded or through audit or otherwise determines that an additional
45 amount of tax is due, the county recorder shall promptly notify the



1 person who requested the recording of the deed and the buyer and
2 seller of the additional amount of tax due. If the additional amount
3 of tax is not paid within 30 days after the date the buyer and seller
4 are notified, the county recorder shall impose a penalty of 10
5 percent of the additional amount due in addition to interest at the
6 rate of 1 percent per month, or portion thereof, of the additional
7 amount due calculated from the date of the original recordation of
8 the deed on which the additional amount is due through the date on
9 which the additional amount due, penalty and interest are paid to the
10 county recorder.

11 4. This section does not prohibit a buyer and seller from
12 agreeing by contract or otherwise that one party or the other will be
13 responsible for the payment of the tax due pursuant to this chapter,
14 but such an agreement does not affect the ability of the county
15 recorder to collect the tax and any penalties and interest from either
16 the buyer or the seller.

17 **Sec. 128.** NRS 375.030 is hereby amended to read as follows:

18 375.030 1. If any deed evidencing a transfer of title subject to
19 the tax imposed by NRS 375.020 *and section 124 of this act* is
20 offered for recordation, the county recorder shall compute the
21 amount of the tax due and shall collect that amount before
22 acceptance of the deed for recordation.

23 2. The buyer and seller are jointly and severally liable for the
24 payment of the taxes imposed by NRS 375.020 *and section 124 of*
25 *this act* and any penalties and interest imposed pursuant to
26 subsection 3. The escrow holder is not liable for the payment of the
27 taxes imposed by NRS 375.020 *and section 124 of this act* or any
28 penalties or interest imposed pursuant to subsection 3.

29 3. If, after recordation of the deed, the county recorder
30 disallows an exemption that was claimed at the time the deed was
31 recorded or through audit or otherwise determines that an additional
32 amount of tax is due, the county recorder shall promptly notify the
33 person who requested the recording of the deed and the buyer and
34 seller of the additional amount of tax due. If the additional amount
35 of tax is not paid within 30 days after the date the buyer and seller
36 are notified, the county recorder shall impose a penalty of 10
37 percent of the additional amount due in addition to interest at the
38 rate of 1 percent per month, or portion thereof, of the additional
39 amount due calculated from the date of the original recordation of
40 the deed on which the additional amount is due through the date on
41 which the additional amount due, penalty and interest are paid to the
42 county recorder.

43 4. This section does not prohibit a buyer and seller from
44 agreeing by contract or otherwise that one party or the other will be
45 responsible for the payment of the tax due pursuant to this chapter,



1 but such an agreement does not affect the ability of the county
2 recorder to collect the tax and any penalties and interest from either
3 the buyer or the seller.

4 **Sec. 129.** NRS 375.070 is hereby amended to read as follows:

5 375.070 1. The county recorder shall transmit the proceeds of
6 the ~~real-property transfer~~ tax *imposed by NRS 375.020* at the end
7 of each quarter in the following manner:

8 (a) An amount equal to that portion of the proceeds which is
9 equivalent to 10 cents for each \$500 of value or fraction thereof
10 must be transmitted to the State Controller who shall deposit that
11 amount in the Account for Low-Income Housing created pursuant to
12 NRS 319.500.

13 (b) In a county whose population is more than 400,000, an
14 amount equal to that portion of the proceeds which is equivalent to
15 60 cents for each \$500 of value or fraction thereof must be
16 transmitted to the county treasurer for deposit in the county school
17 district's fund for capital projects established pursuant to NRS
18 387.328, to be held and expended in the same manner as other
19 money deposited in that fund.

20 (c) The remaining proceeds must be transmitted to the State
21 Controller for deposit in the Local Government Tax Distribution
22 Account created by NRS 360.660 for credit to the respective
23 accounts of Carson City and each county.

24 2. In addition to any other authorized use of the proceeds it
25 receives pursuant to subsection 1, a county or city may use the
26 proceeds to pay expenses related to or incurred for the development
27 of affordable housing for families whose income does not exceed 80
28 percent of the median income for families residing in the same
29 county, as that percentage is defined by the United States
30 Department of Housing and Urban Development. A county or city
31 that uses the proceeds in that manner must give priority to the
32 development of affordable housing for persons who are disabled or
33 elderly.

34 3. The expenses authorized by subsection 2 include, but are not
35 limited to:

36 (a) The costs to acquire land and developmental rights;

37 (b) Related predevelopment expenses;

38 (c) The costs to develop the land, including the payment of
39 related rebates;

40 (d) Contributions toward down payments made for the purchase
41 of affordable housing; and

42 (e) The creation of related trust funds.

43 **Sec. 130.** NRS 375.090 is hereby amended to read as follows:

44 375.090 The tax imposed by NRS 375.020 ~~and 375.025~~ does
45 not apply to:



1 1. A mere change in identity, form or place of organization,
2 such as a transfer between a corporation and its parent corporation, a
3 subsidiary or an affiliated corporation if the affiliated corporation
4 has identical common ownership.

5 2. A transfer of title to the United States, any territory or state
6 or any agency, department, instrumentality or political subdivision
7 thereof.

8 3. A transfer of title recognizing the true status of ownership of
9 the real property.

10 4. A transfer of title without consideration from one joint
11 tenant or tenant in common to one or more remaining joint tenants
12 or tenants in common.

13 5. A transfer of title to community property without
14 consideration when held in the name of one spouse to both spouses
15 as joint tenants or tenants in common, or as community property.

16 6. A transfer of title between spouses, including gifts.

17 7. A transfer of title between spouses to effect a property
18 settlement agreement or between former spouses in compliance with
19 a decree of divorce.

20 8. A transfer of title to or from a trust, if the transfer is made
21 without consideration, and is made to or from:

22 (a) The trustor of the trust;

23 (b) The trustor's legal representative; or

24 (c) A person related to the trustor in the first degree of
25 consanguinity.

26 As used in this subsection, "legal representative" has the meaning
27 ascribed to it in NRS 167.020.

28 9. Transfers, assignments or conveyances of unpatented mines
29 or mining claims.

30 10. A transfer, assignment or other conveyance of real property
31 to a corporation or other business organization if the person
32 conveying the property owns 100 percent of the corporation or
33 organization to which the conveyance is made.

34 11. A transfer, assignment or other conveyance of real property
35 if the owner of the property is related to the person to whom it is
36 conveyed within the first degree of consanguinity.

37 12. The making, delivery or filing of conveyances of real
38 property to make effective any plan of reorganization or adjustment:

39 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.
40 §§ 101 et seq.;

41 (b) Approved in an equity receivership proceeding involving a
42 railroad, as defined in the Bankruptcy Act; or

43 (c) Approved in an equity receivership proceeding involving a
44 corporation, as defined in the Bankruptcy Act,



1 if the making, delivery or filing of instruments of transfer or
2 conveyance occurs within 5 years after the date of the confirmation,
3 approval or change.

4 13. The making or delivery of conveyances of real property to
5 make effective any order of the Securities and Exchange
6 Commission if:

7 (a) The order of the Securities and Exchange Commission in
8 obedience to which the transfer or conveyance is made recites that
9 the transfer or conveyance is necessary or appropriate to effectuate
10 the provisions of section 11 of the Public Utility Holding Company
11 Act of 1935, 15 U.S.C. § 79k;

12 (b) The order specifies and itemizes the property which is
13 ordered to be transferred or conveyed; and

14 (c) The transfer or conveyance is made in obedience to the
15 order.

16 14. A transfer to an educational foundation. As used in this
17 subsection, "educational foundation" has the meaning ascribed to it
18 in subsection 3 of NRS 388.750.

19 15. A transfer to a university foundation. As used in this
20 subsection, "university foundation" has the meaning ascribed to it in
21 subsection 3 of NRS 396.405.

22 16. A transfer, assignment or other conveyance of real property
23 to a corporation sole from another corporation sole. As used in this
24 subsection, "corporation sole" means a corporation which is
25 organized pursuant to the provisions of chapter 84 of NRS.

26 **Sec. 131.** NRS 375.090 is hereby amended to read as follows:

27 375.090 The ~~tax~~ *taxes* imposed by NRS 375.020 ~~does~~ *and*
28 *section 124 this act do* not apply to:

29 1. A mere change in ~~identity, form or place of organization,~~
30 ~~such as a transfer between a corporation and its parent corporation, a~~
31 ~~subsidiary or an affiliated corporation if the affiliated corporation~~
32 ~~has identical common ownership.]~~ *the name of the owner of the*
33 *property without a change in the ownership interest of the*
34 *property.*

35 2. A transfer of title to the United States, any territory or state
36 or any agency, department, instrumentality or political subdivision
37 thereof.

38 3. A transfer of title recognizing the true status of ownership of
39 the real property.

40 4. A transfer of title without consideration from one joint
41 tenant or tenant in common to one or more remaining joint tenants
42 or tenants in common.

43 5. ~~[A transfer of title to community property without~~
44 ~~consideration when held in the name of one spouse to both spouses~~
45 ~~as joint tenants or tenants in common, or as community property.~~



1 ~~—6.]~~ A transfer of title between spouses, including gifts ~~[-~~
2 ~~—7.]~~ ~~A transfer of title between spouses]~~, *or* to effect a property
3 settlement agreement or between former spouses in compliance with
4 a decree of divorce.
5 ~~[8.]~~ *6.* A transfer of title to or from a trust ~~[-, if the transfer is~~
6 ~~made]~~ without consideration ~~[-, and is made to or from:~~
7 ~~—(a) The trustor of the trust;~~
8 ~~—(b) The trustor's legal representative; or~~
9 ~~—(c) A person related to the trustor in the first degree of~~
10 ~~consanguinity.~~
11 ~~As used in this subsection, "legal representative" has the meaning~~
12 ~~ascribed to it in NRS 167.020.~~
13 ~~—9.]~~ *if a certificate of trust is presented at the time of transfer.*
14 *7.* Transfers, assignments or conveyances of unpatented mines
15 or mining claims.
16 ~~[10.]~~ ~~A transfer, assignment or other conveyance of real~~
17 ~~property to a corporation or other business organization if the person~~
18 ~~conveying the property owns 100 percent of the corporation or~~
19 ~~organization to which the conveyance is made.~~
20 ~~—11.]~~ *8.* A transfer, assignment or other conveyance of real
21 property if the owner of the property is related to the person to
22 whom it is conveyed within the first degree of consanguinity.
23 ~~[12.]~~ *9.* The making, delivery or filing of conveyances of real
24 property to make effective any plan of reorganization or adjustment:
25 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.
26 §§ 101 et seq.;
27 (b) Approved in an equity receivership proceeding involving a
28 railroad, as defined in the Bankruptcy Act; or
29 (c) Approved in an equity receivership proceeding involving a
30 corporation, as defined in the Bankruptcy Act,
31 if the making, delivery or filing of instruments of transfer or
32 conveyance occurs within 5 years after the date of the confirmation,
33 approval or change.
34 ~~[13.]~~ *10.* The making or delivery of conveyances of real
35 property to make effective any order of the Securities and Exchange
36 Commission if:
37 (a) The order of the Securities and Exchange Commission in
38 obedience to which the transfer or conveyance is made recites that
39 the transfer or conveyance is necessary or appropriate to effectuate
40 the provisions of section 11 of the Public Utility Holding Company
41 Act of 1935, 15 U.S.C. § 79k;
42 (b) The order specifies and itemizes the property which is
43 ordered to be transferred or conveyed; and
44 (c) The transfer or conveyance is made in obedience to the
45 order.



1 ~~[14.]~~ **11.** A transfer to an educational foundation. As used in
2 this subsection, "educational foundation" has the meaning ascribed
3 to it in subsection 3 of NRS 388.750.

4 ~~[15.]~~ **12.** A transfer to a university foundation. As used in this
5 subsection, "university foundation" has the meaning ascribed to it in
6 subsection 3 of NRS 396.405.

7 ~~[16. A transfer, assignment or other conveyance of real
8 property to a corporation sole from another corporation sole. As
9 used in this subsection, "corporation sole" means a corporation
10 which is organized pursuant to the provisions of chapter 84 of
11 NRS.]~~

12 **Sec. 132.** NRS 375.120 is hereby amended to read as follows:

13 375.120 The county recorder shall:

14 1. Conduct and apply audits and other procedures for
15 enforcement as uniformly as is feasible.

16 2. Collect ~~[real property transfer]~~ **any tax that is due pursuant**
17 **to the provisions of this chapter** in an equitable manner ~~[.]~~ so that
18 every taxpayer pays the full amount imposed by law.

19 **Sec. 133.** NRS 375.130 is hereby amended to read as follows:

20 375.130 1. The county recorder may audit all records relating
21 to the collection and calculation of ~~[the real property transfer tax.]~~
22 **any tax imposed by this chapter.** If the county recorder deems it
23 necessary to conduct an audit, the audit must be completed within 3
24 years after the date of the original recording of the document that
25 evidences the transfer of property for which the tax was imposed.

26 2. The county recorder may issue subpoenas to require the
27 production of documents necessary for him to determine the amount
28 of ~~[real property transfer]~~ **the** tax due pursuant to this chapter or to
29 determine whether a person qualifies for an exemption from taxes
30 pursuant to this chapter. The county recorder may have the
31 subpoenas served, and upon application of the district attorney, to
32 any court of competent jurisdiction, enforced in the manner
33 provided by law for the service and enforcement of subpoenas in a
34 civil action.

35 **Sec. 134.** NRS 375.160 is hereby amended to read as follows:

36 375.160 1. If any ~~[real property transfer]~~ tax imposed
37 pursuant to this chapter is not paid when due, the county may,
38 within 3 years after the date that the tax was due, record a certificate
39 in the office of the county recorder which states:

40 (a) The amount of the ~~[real property transfer]~~ tax and any
41 interest or penalties due;

42 (b) The name and address of the person who is liable for the
43 amount due as they appear on the records of the county; and

44 (c) That the county recorder has complied with all procedures
45 required by law for determining the amount due.



1 2. From the time of the recording of the certificate, the amount
2 due, including interest and penalties, constitutes:

3 (a) A lien upon the real property for which the tax was due if the
4 person who owes the tax still owns the property; or

5 (b) A demand for payment if the property has been sold or
6 otherwise transferred to another person.

7 3. The lien has the effect and priority of a judgment lien and
8 continues for 5 years after the time of the recording of the certificate
9 unless sooner released or otherwise discharged.

10 4. Within 5 years after the date of recording the certificate or
11 within 5 years after the date of the last extension of the lien pursuant
12 to this subsection, the lien may be extended by recording a new
13 certificate in the office of the county recorder. From the time of
14 recording the new certificate, the lien is extended for 5 years, unless
15 sooner released or otherwise discharged.

16 **Sec. 135.** NRS 375.170 is hereby amended to read as follows:

17 375.170 1. If a person is delinquent in the payment of ~~the~~
18 ~~real property transfer~~ any tax *imposed by this chapter* or has not
19 paid the amount of a deficiency determination, the county may bring
20 an action in a court of this state, a court of any other state or a court
21 of the United States that has competent jurisdiction to collect the
22 delinquent or deficient amount, penalties and interest. The action:

23 (a) May not be brought if the decision that the payment is
24 delinquent or that there is a deficiency determination is on appeal to
25 a hearing officer pursuant to NRS 375.320.

26 (b) Must be brought not later than 3 years after the payment
27 became delinquent or the determination became final.

28 2. The district attorney shall prosecute the action. The
29 provisions of the Nevada Revised Statutes, Nevada Rules of Civil
30 Procedure and Nevada Rules of Appellate Procedure relating to
31 service of summons, pleadings, proofs, trials and appeals are
32 applicable to the proceedings. In the action, a writ of attachment
33 may issue. A bond or affidavit is not required before an attachment
34 may be issued.

35 3. In an action, a certificate by the county recorder showing the
36 delinquency is prima facie evidence of:

37 (a) The determination of the tax or the amount of the tax;

38 (b) The delinquency of the amounts; and

39 (c) The compliance by the county recorder with all the
40 procedures required by law relating to the computation and
41 determination of the amounts.

42 **Sec. 136.** NRS 375.250 is hereby amended to read as follows:

43 375.250 1. The Legislature hereby declares that each
44 taxpayer has the right:



1 (a) To be treated by officers and employees of the county
2 recorder with courtesy, fairness, uniformity, consistency and
3 common sense.

4 (b) To a prompt response from the county recorder to each
5 communication from the taxpayer.

6 (c) To provide the minimum documentation and other
7 information as may reasonably be required by the county recorder to
8 carry out his duties.

9 (d) To be notified, in writing, by the county recorder whenever
10 an officer or employee of the county recorder determines that the
11 taxpayer is entitled to an exemption or has been taxed more than is
12 required pursuant to this chapter.

13 (e) To written instructions indicating how the taxpayer may
14 petition for a refund for overpayment of ~~real property transfer~~ any
15 tax, interest or penalties.

16 (f) To recover an overpayment of ~~real property transfer~~ any tax
17 promptly upon the final determination of such an overpayment.

18 (g) To obtain specific advice from the county recorder
19 concerning ~~real property transfer~~ any tax.

20 (h) In any meeting with the county recorder, including an audit,
21 conference, interview or hearing:

22 (1) To an explanation by an officer, agent or employee of the
23 county recorder that describes the procedures to be followed and the
24 rights of the taxpayer thereunder;

25 (2) To be represented by himself or anyone who is otherwise
26 authorized by law to represent him before the county recorder;

27 (3) To make an audio recording using the taxpayer's
28 equipment and at the taxpayer's expense; and

29 (4) To receive a copy of any document or audio recording
30 made by or in the possession of the county recorder relating to the
31 determination or collection of any tax for which the taxpayer is
32 assessed pursuant to this chapter, upon payment of the actual cost to
33 the county recorder of making the copy.

34 (i) To a full explanation of the authority of the county recorder
35 to collect the ~~real property transfer~~ tax or to collect a delinquent
36 ~~real property transfer~~ tax, including, without limitation, the
37 procedures and notices for review and appeal that are required for
38 the protection of the taxpayer. An explanation which meets the
39 requirements of this section must also be included with each notice
40 to a taxpayer that an audit will be conducted by the county.

41 (j) To the immediate release of any lien which the county
42 recorder has placed on real property for the nonpayment of ~~the real~~
43 ~~property transfer~~ a tax when:

44 (1) The tax is paid;

45 (2) The period of limitation for collecting the tax expires;



1 (3) The lien is the result of an error by the county recorder;
2 (4) The county recorder determines that the taxes, interest
3 and penalties are secured sufficiently by a lien on other real
4 property;

5 (5) The release or subordination of the lien will not
6 jeopardize the collection of the taxes, interest and penalties; or

7 (6) The release of the lien will facilitate the collection of the
8 taxes, interest and penalties.

9 (k) To be free from harassment and intimidation by an officer or
10 employee of the county recorder for any reason.

11 2. The provisions of this chapter governing the administration
12 and collection of taxes by the county recorder must not be construed
13 in such a manner as to interfere or conflict with the provisions of
14 this section or any applicable regulations.

15 3. The provisions of this section apply to the administration
16 and collection of taxes pursuant to this chapter.

17 **Sec. 137.** NRS 375.270 is hereby amended to read as follows:

18 375.270 The county recorder shall provide each taxpayer who
19 it determines may be liable for taxes pursuant to this chapter with
20 simplified written instructions concerning the rights and
21 responsibilities of the taxpayer, including the:

22 1. Keeping of records sufficient for audit purposes;

23 2. Procedures for paying ~~{the real property transfer tax;}~~ *any*
24 *taxes that are due;* and

25 3. Procedures for challenging any liability for ~~{real property~~
26 ~~transfer}~~ *any* tax, penalties or interest and for requesting refunds of
27 *any* erroneously paid ~~{real property transfer}~~ tax, including the steps
28 for appealing a denial thereof.

29 **Sec. 138.** NRS 375.290 is hereby amended to read as follows:

30 375.290 A taxpayer is entitled to receive on any overpayment
31 of ~~{the real property transfer}~~ *any* tax *imposed by this chapter* a
32 refund together with interest at a rate determined pursuant to NRS
33 17.130. No interest is allowed on a refund of any penalties or
34 interest on the ~~{real property transfer}~~ tax that is paid by a taxpayer.

35 **Sec. 139.** NRS 375.300 is hereby amended to read as follows:

36 375.300 The county recorder shall provide a taxpayer with a
37 response to any written request submitted by the taxpayer that
38 relates to a ~~{real property transfer}~~ tax *imposed by this chapter*
39 within 30 days after the county treasurer receives the request.

40 **Sec. 140.** NRS 375.330 is hereby amended to read as follows:

41 375.330 1. The county recorder may waive any ~~{real property~~
42 ~~transfer}~~ tax, penalty and interest owed by the taxpayer *pursuant to*
43 *this chapter, other than the tax imposed by section 124 of this act,*
44 if the taxpayer meets the criteria adopted by regulation. If a waiver



1 is granted pursuant to this subsection, the county shall prepare and
2 maintain on file a statement that contains:

- 3 (a) The reason for the waiver;
- 4 (b) The amount of the tax, penalty and interest owed by the
5 taxpayer; and
- 6 (c) The amount of the tax, penalty and interest waived by the
7 county.

8 2. If the county recorder or a designated hearing officer finds
9 that the failure of a person to make a timely payment of ~~the real~~
10 ~~property transfer~~ **any** tax imposed is the result of circumstances
11 beyond his control and occurred despite the exercise of ordinary
12 care and without intent to avoid such payment, the county recorder
13 may relieve him of all or part of any interest or penalty, or both.

14 3. If a person proves to the satisfaction of the county recorder
15 that he has in good faith remitted the ~~real property transfer~~ tax in
16 reliance upon written advice provided by an officer or employee of
17 the county recorder, an opinion of the district attorney or Attorney
18 General, or the written results of an audit of his records conducted
19 by the county recorder, the county recorder may not require the
20 taxpayer to pay delinquent taxes, penalties or interest if the county
21 recorder determines after the completion of a subsequent audit that
22 the taxes the taxpayer remitted were deficient.

23 **Sec. 141.** NRS 376A.040 is hereby amended to read as
24 follows:

25 376A.040 1. In addition to all other taxes imposed on the
26 revenues from retail sales, a board of county commissioners of a
27 county whose population is less than 400,000 may by ordinance, but
28 not as in a case of emergency, impose a tax at the rate of up to 1/4 of
29 1 percent of the gross receipts of any retailer from the sale of all
30 tangible personal property sold at retail, or stored, used or otherwise
31 consumed in the county, after receiving the approval of a majority
32 of the registered voters of the county voting on the question at a
33 primary, general or special election. The question may be combined
34 with questions submitted pursuant to NRS ~~[375.025, 376A.050 and~~
35 ~~376A.070 or any combination thereof.]~~ **376A.050 or 376A.070, or**
36 **both.**

37 2. If a county imposes a sales tax pursuant to this section and
38 NRS 376A.050, the combined additional sales tax must not exceed
39 1/4 of 1 percent. A tax imposed pursuant to this section applies
40 throughout the county, including incorporated cities in the county.

41 3. Before the election may occur, an open-space plan must be
42 adopted by the board of county commissioners pursuant to NRS
43 376A.020 and the adopted open-space plan must be endorsed by
44 resolution by the city council of each incorporated city within the
45 county.



1 4. All fees, taxes, interest and penalties imposed and all
2 amounts of tax required to be paid pursuant to this section must be
3 paid to the Department of Taxation in the form of remittances
4 payable to the Department of Taxation. The Department of Taxation
5 shall deposit the payments with the State Treasurer for credit to the
6 Sales and Use Tax Account in the State General Fund. The State
7 Controller, acting upon the collection data furnished by the
8 Department of Taxation, shall transfer monthly all fees, taxes,
9 interest and penalties collected during the preceding month to the
10 Intergovernmental Fund and remit the money to the county
11 treasurer.

12 5. The money received from the tax imposed pursuant to
13 subsection 4 must be retained by the county, or remitted to a city or
14 general improvement district in the county. The money received by
15 a county, city or general improvement district pursuant to this
16 section must only be used to pay the cost of:

17 (a) The acquisition of land in fee simple for development and
18 use as open-space land;

19 (b) The acquisition of the development rights of land identified
20 as open-space land;

21 (c) The creation of a trust fund for the acquisition of land or
22 development rights of land pursuant to paragraphs (a) and (b);

23 (d) The principal and interest on notes, bonds or other
24 obligations issued by the county, city or general improvement
25 district for the acquisition of land or development rights of land
26 pursuant to paragraphs (a) and (b); or

27 (e) Any combination of the uses set forth in paragraphs (a) to
28 (d), inclusive.

29 6. The money received from the tax imposed pursuant to this
30 section and any applicable penalty or interest must not be used for
31 any neighborhood or community park or facility.

32 7. Any money used for the purposes described in this section
33 must be used in a manner:

34 (a) That is consistent with the provisions of the open-space plan
35 adopted pursuant to NRS 376A.020; and

36 (b) That provides an equitable allocation of the money among
37 the county and the incorporated cities within the county.

38 **Sec. 142.** NRS 376A.040 is hereby amended to read as
39 follows:

40 376A.040 1. In addition to all other taxes imposed on the
41 revenues from retail sales, a board of county commissioners of a
42 county whose population is 100,000 or more but less than 400,000,
43 may by ordinance, but not as in a case of emergency, impose a tax at
44 the rate of up to 1/4 of 1 percent of the gross receipts of any retailer
45 from the sale of all tangible personal property sold at retail, or



1 stored, used or otherwise consumed in the county, after receiving
2 the approval of a majority of the registered voters of the county
3 voting on the question at a primary, general or special election. The
4 question may be combined with questions submitted pursuant to
5 NRS ~~{375.025, 376A.050 and 376A.070 or any combination~~
6 ~~thereof.}~~ **376A.050 or 376A.070, or both.**

7 2. If a county imposes a sales tax pursuant to this section and
8 NRS 376A.050, the combined additional sales tax must not exceed
9 1/4 of 1 percent. A tax imposed pursuant to this section applies
10 throughout the county, including incorporated cities in the county.

11 3. Before the election may occur, an open-space plan must be
12 adopted by the board of county commissioners pursuant to NRS
13 376A.020 and the adopted open-space plan must be endorsed by
14 resolution by the city council of each incorporated city within the
15 county.

16 4. All fees, taxes, interest and penalties imposed and all
17 amounts of tax required to be paid pursuant to this section must be
18 paid to the Department of Taxation in the form of remittances
19 payable to the Department of Taxation. The Department of Taxation
20 shall deposit the payments with the State Treasurer for credit to the
21 Sales and Use Tax Account in the State General Fund. The State
22 Controller, acting upon the collection data furnished by the
23 Department of Taxation, shall transfer monthly all fees, taxes,
24 interest and penalties collected during the preceding month to the
25 Intergovernmental Fund and remit the money to the county
26 treasurer.

27 5. The money received from the tax imposed pursuant to
28 subsection 4 must be retained by the county, or remitted to a city or
29 general improvement district in the county. The money received by
30 a county, city or general improvement district pursuant to this
31 section must only be used to pay the cost of:

32 (a) The acquisition of land in fee simple for development and
33 use as open-space land;

34 (b) The acquisition of the development rights of land identified
35 as open-space land;

36 (c) The creation of a trust fund for the acquisition of land or
37 development rights of land pursuant to paragraphs (a) and (b);

38 (d) The principal and interest on notes, bonds or other
39 obligations issued by the county, city or general improvement
40 district for the acquisition of land or development rights of land
41 pursuant to paragraphs (a) and (b); or

42 (e) Any combination of the uses set forth in paragraphs (a) to
43 (d), inclusive.



1 6. The money received from the tax imposed pursuant to this
2 section and any applicable penalty or interest must not be used for
3 any neighborhood or community park or facility.

4 7. Any money used for the purposes described in this section
5 must be used in a manner:

6 (a) That is consistent with the provisions of the open-space plan
7 adopted pursuant to NRS 376A.020; and

8 (b) That provides an equitable allocation of the money among
9 the county and the incorporated cities within the county.

10 **Sec. 143.** NRS 376A.050 is hereby amended to read as
11 follows:

12 376A.050 1. Except as otherwise provided in subsection 2, in
13 addition to all other taxes imposed on the revenues from retail sales,
14 a board of county commissioners in each county whose population
15 is less than 400,000 may by ordinance, but not as in a case of
16 emergency, impose a tax at the rate of up to 1/4 of 1 percent of the
17 gross receipts of any retailer from the sale of all tangible personal
18 property sold at retail, or stored, used or otherwise consumed in the
19 county, after receiving the approval of a majority of the registered
20 voters of the county voting on the question at a primary, general or
21 special election. The question may be combined with questions
22 submitted pursuant to NRS ~~[375.025, 376A.040 and 376A.070 or~~
23 ~~any combination thereof.] 376A.040 or 376A.070, or both.~~

24 2. If a county imposes a sales tax pursuant to this section and
25 NRS 376A.040, the combined additional sales tax must not exceed
26 1/4 of 1 percent. A tax imposed pursuant to this section applies
27 throughout the county, including incorporated cities in the county.

28 3. Before the election occurs, an open-space plan must be
29 adopted by the board of county commissioners pursuant to NRS
30 376A.020 and the adopted open-space plan must be endorsed by
31 resolution by the city council of each incorporated city in the
32 county.

33 4. All fees, taxes, interest and penalties imposed and all
34 amounts of tax required to be paid pursuant to this section must be
35 paid to the Department of Taxation in the form of remittances
36 payable to the Department of Taxation. The Department of Taxation
37 shall deposit the payments with the State Treasurer for credit to the
38 Sales and Use Tax Account in the State General Fund. The State
39 Controller, acting upon the collection data furnished by the
40 Department of Taxation, shall transfer monthly all fees, taxes,
41 interest and penalties collected during the preceding month to the
42 Intergovernmental Fund and remit the money to the county
43 treasurer.



1 **Sec. 144.** NRS 376A.050 is hereby amended to read as
2 follows:

3 376A.050 1. Except as otherwise provided in subsection 2, in
4 addition to all other taxes imposed on the revenues from retail sales,
5 a board of county commissioners in each county whose population
6 is 100,000 or more but less than 400,000, may by ordinance, but not
7 as in a case of emergency, impose a tax at the rate of up to 1/4 of 1
8 percent of the gross receipts of any retailer from the sale of all
9 tangible personal property sold at retail, or stored, used or otherwise
10 consumed in the county, after receiving the approval of a majority
11 of the registered voters of the county voting on the question at a
12 primary, general or special election. The question may be combined
13 with questions submitted pursuant to NRS ~~[375.025, 376A.040 and~~
14 ~~376A.070 or any combination thereof.] 376A.040 or 376A.070, or~~
15 ~~both.~~

16 2. If a county imposes a sales tax pursuant to this section and
17 NRS 376A.040, the combined additional sales tax must not exceed
18 1/4 of 1 percent. A tax imposed pursuant to this section applies
19 throughout the county, including incorporated cities in the county.

20 3. Before the election occurs, an open-space plan must be
21 adopted by the board of county commissioners pursuant to NRS
22 376A.020 and the adopted open-space plan must be endorsed by
23 resolution by the city council of each incorporated city in the
24 county.

25 4. All fees, taxes, interest and penalties imposed and all
26 amounts of tax required to be paid pursuant to this section must be
27 paid to the Department of Taxation in the form of remittances
28 payable to the Department of Taxation. The Department of Taxation
29 shall deposit the payments with the State Treasurer for credit to the
30 Sales and Use Tax Account in the State General Fund. The State
31 Controller, acting upon the collection data furnished by the
32 Department of Taxation, shall transfer monthly all fees, taxes,
33 interest and penalties collected during the preceding month to the
34 Intergovernmental Fund and remit the money to the county
35 treasurer.

36 **Sec. 145.** NRS 376A.070 is hereby amended to read as
37 follows:

38 376A.070 1. The board of county commissioners in a county
39 whose population is less than 400,000 may levy an ad valorem tax at
40 the rate of up to 1 cent on each \$100 of assessed valuation upon all
41 taxable property in the county after receiving the approval of a
42 majority of the registered voters of the county voting on the question
43 at a primary, general or special election. The question may be
44 combined with questions submitted pursuant to NRS ~~[375.025,~~
45 ~~376A.040 and 376A.050 or any combination thereof.] 376A.040 or~~



1 **376A.050, or both.** A tax imposed pursuant to this section applies
2 throughout the county, including incorporated cities in the county.

3 2. The Department of Taxation shall add an amount equal to
4 the rate of any tax imposed pursuant to this section multiplied by the
5 total assessed valuation of the county to the allowed revenue from
6 taxes ad valorem of the county.

7 3. Before the tax is imposed, an open-space plan must be
8 adopted by the board of county commissioners pursuant to NRS
9 376A.020 and the adopted open-space plan must be endorsed by
10 resolution by the city council of each incorporated city within the
11 county.

12 **Sec. 146.** NRS 376A.070 is hereby amended to read as
13 follows:

14 376A.070 1. The board of county commissioners in a county
15 whose population is 100,000 or more but less than 400,000, may
16 levy an ad valorem tax at the rate of up to 1 cent on each \$100 of
17 assessed valuation upon all taxable property in the county after
18 receiving the approval of a majority of the registered voters of the
19 county voting on the question at a primary, general or special
20 election. The question may be combined with questions submitted
21 pursuant to NRS ~~[375.025, 376A.040 and 376A.050 or any~~
22 ~~combination thereof.] 376A.040 or 376A.050, or both.~~ A tax
23 imposed pursuant to this section applies throughout the county,
24 including incorporated cities in the county.

25 2. The Department of Taxation shall add an amount equal to
26 the rate of any tax imposed pursuant to this section multiplied by the
27 total assessed valuation of the county to the allowed revenue from
28 taxes ad valorem of the county.

29 3. Before the tax is imposed, an open-space plan must be
30 adopted by the board of county commissioners pursuant to NRS
31 376A.020 and the adopted open-space plan must be endorsed by
32 resolution by the city council of each incorporated city within the
33 county.

34 **Sec. 147.** NRS 78.150 is hereby amended to read as follows:

35 78.150 1. A corporation organized pursuant to the laws of
36 this state shall, on or before the first day of the second month after
37 the filing of its articles of incorporation with the Secretary of State,
38 file with the Secretary of State a list, on a form furnished by him,
39 containing:

- 40 (a) The name of the corporation;
41 (b) The file number of the corporation, if known;
42 (c) The names and titles of the president, secretary, treasurer and
43 of all the directors of the corporation;



1 (d) The mailing or street address, either residence or business, of
2 each officer and director listed, following the name of the officer or
3 director;

4 (e) The name and street address of the resident agent of the
5 corporation; and

6 (f) The signature of an officer of the corporation certifying that
7 the list is true, complete and accurate.

8 2. The corporation shall annually thereafter, on or before the
9 last day of the month in which the anniversary date of incorporation
10 occurs in each year, file with the Secretary of State, on a form
11 furnished by him, an annual list containing all of the information
12 required in subsection 1.

13 3. Each list required by subsection 1 or 2 must be accompanied
14 by a declaration under penalty of perjury that the corporation has
15 complied with the provisions of ~~chapter 364A of NRS.~~ *section 108*
16 *of this act.*

17 4. Upon filing the list required by:

18 (a) Subsection 1, the corporation shall pay to the Secretary of
19 State a fee of \$165.

20 (b) Subsection 2, the corporation shall pay to the Secretary of
21 State a fee of \$85.

22 5. The Secretary of State shall, 60 days before the last day for
23 filing each annual list required by subsection 2, cause to be mailed
24 to each corporation which is required to comply with the provisions
25 of NRS 78.150 to 78.185, inclusive, and which has not become
26 delinquent, a notice of the fee due pursuant to subsection 4 and a
27 reminder to file the annual list required by subsection 2. Failure of
28 any corporation to receive a notice or form does not excuse it from
29 the penalty imposed by law.

30 6. If the list to be filed pursuant to the provisions of subsection
31 1 or 2 is defective in any respect or the fee required by subsection 4
32 or 8 is not paid, the Secretary of State may return the list for
33 correction or payment.

34 7. An annual list for a corporation not in default which is
35 received by the Secretary of State more than 60 days before its due
36 date shall be deemed an amended list for the previous year and must
37 be accompanied by a fee of \$85 for filing. A payment submitted
38 pursuant to this subsection does not satisfy the requirements of
39 subsection 2 for the year to which the due date is applicable.

40 8. If the corporation is an association as defined in NRS
41 116.110315, the Secretary of State shall not accept the filing
42 required by this section unless it is accompanied by evidence of the
43 payment of the fee required to be paid pursuant to NRS 116.31155
44 that is provided to the association pursuant to subsection 4 of that
45 section.



1 **Sec. 148.** NRS 80.110 is hereby amended to read as follows:

2 80.110 1. Each foreign corporation doing business in this
3 state shall, on or before the first day of the second month after the
4 filing of its certificate of corporate existence with the Secretary of
5 State, and annually thereafter on or before the last day of the month
6 in which the anniversary date of its qualification to do business in
7 this state occurs in each year, file with the Secretary of State a list,
8 on a form furnished by him, that contains:

9 (a) The names of its president, secretary and treasurer or their
10 equivalent, and all of its directors;

11 (b) A designation of its resident agent in this state; and

12 (c) The signature of an officer of the corporation.

13 Each list filed pursuant to this subsection must be accompanied by a
14 declaration under penalty of perjury that the foreign corporation has
15 complied with the provisions of ~~chapter 364A of NRS.~~ **section 108**
16 **of this act.**

17 2. Upon filing:

18 (a) The initial list required by subsection 1, the corporation shall
19 pay to the Secretary of State a fee of \$165.

20 (b) Each annual list required by subsection 1, the corporation
21 shall pay to the Secretary of State a fee of \$85.

22 3. The Secretary of State shall, 60 days before the last day for
23 filing each annual list required by subsection 1, cause to be mailed
24 to each corporation required to comply with the provisions of NRS
25 80.110 to 80.170, inclusive, which has not become delinquent, the
26 blank forms to be completed and filed with him. Failure of any
27 corporation to receive the forms does not excuse it from the penalty
28 imposed by the provisions of NRS 80.110 to 80.170, inclusive.

29 4. An annual list for a corporation not in default which is
30 received by the Secretary of State more than 60 days before its due
31 date shall be deemed an amended list for the previous year and does
32 not satisfy the requirements of subsection 1 for the year to which the
33 due date is applicable.

34 **Sec. 149.** NRS 86.263 is hereby amended to read as follows:

35 86.263 1. A limited-liability company shall, on or before the
36 first day of the second month after the filing of its articles of
37 organization with the Secretary of State, file with the Secretary of
38 State, on a form furnished by him, a list that contains:

39 (a) The name of the limited-liability company;

40 (b) The file number of the limited-liability company, if known;

41 (c) The names and titles of all of its managers or, if there is no
42 manager, all of its managing members;

43 (d) The mailing or street address, either residence or business, of
44 each manager or managing member listed, following the name of
45 the manager or managing member;



1 (e) The name and street address of the resident agent of the
2 limited-liability company; and

3 (f) The signature of a manager or managing member of the
4 limited-liability company certifying that the list is true, complete
5 and accurate.

6 2. The limited-liability company shall annually thereafter, on
7 or before the last day of the month in which the anniversary date of
8 its organization occurs, file with the Secretary of State, on a form
9 furnished by him, an amended list containing all of the information
10 required in subsection 1. If the limited-liability company has had no
11 changes in its managers or, if there is no manager, its managing
12 members, since its previous list was filed, no amended list need be
13 filed if a manager or managing member of the limited-liability
14 company certifies to the Secretary of State as a true and accurate
15 statement that no changes in the managers or managing members
16 have occurred.

17 3. Each list required by subsection 1 and each list or
18 certification required by subsection 2 must be accompanied by a
19 declaration under penalty of perjury that the limited-liability
20 company has complied with the provisions of ~~chapter 364A of~~
21 ~~NRS.]~~ *section 108 of this act.*

22 4. Upon filing:

23 (a) The initial list required by subsection 1, the limited-liability
24 company shall pay to the Secretary of State a fee of \$165.

25 (b) Each annual list required by subsection 2 or certifying that
26 no changes have occurred, the limited-liability company shall pay to
27 the Secretary of State a fee of \$85.

28 5. The Secretary of State shall, 60 days before the last day for
29 filing each list required by subsection 2, cause to be mailed to each
30 limited-liability company required to comply with the provisions of
31 this section, which has not become delinquent, a notice of the fee
32 due under subsection 4 and a reminder to file a list required by
33 subsection 2 or a certification of no change. Failure of any company
34 to receive a notice or form does not excuse it from the penalty
35 imposed by law.

36 6. If the list to be filed pursuant to the provisions of subsection
37 1 or 2 is defective or the fee required by subsection 4 is not paid, the
38 Secretary of State may return the list for correction or payment.

39 7. An annual list for a limited-liability company not in default
40 received by the Secretary of State more than 60 days before its due
41 date shall be deemed an amended list for the previous year.

42 **Sec. 150.** NRS 87.510 is hereby amended to read as follows:

43 87.510 1. A registered limited-liability partnership shall, on
44 or before the first day of the second month after the filing of its
45 certificate of registration with the Secretary of State, and annually



1 thereafter on or before the last day of the month in which the
2 anniversary date of the filing of its certificate of registration with the
3 Secretary of State occurs, file with the Secretary of State, on a form
4 furnished by him, a list that contains:

- 5 (a) The name of the registered limited-liability partnership;
- 6 (b) The file number of the registered limited-liability
7 partnership, if known;
- 8 (c) The names of all of its managing partners;
- 9 (d) The mailing or street address, either residence or business, of
10 each managing partner;
- 11 (e) The name and street address of the resident agent of the
12 registered limited-liability partnership; and
- 13 (f) The signature of a managing partner of the registered limited-
14 liability partnership certifying that the list is true, complete and
15 accurate.

16 Each list filed pursuant to this subsection must be accompanied by a
17 declaration under penalty of perjury that the registered limited-
18 liability partnership has complied with the provisions of ~~chapter~~
19 ~~364A of NRS.]~~ *section 108 of this act.*

20 2. Upon filing:

21 (a) The initial list required by subsection 1, the registered
22 limited-liability partnership shall pay to the Secretary of State a fee
23 of \$165.

24 (b) Each annual list required by subsection 1, the registered
25 limited-liability partnership shall pay to the Secretary of State a fee
26 of \$85.

27 3. The Secretary of State shall, at least 60 days before the last
28 day for filing each annual list required by subsection 1, cause to be
29 mailed to the registered limited-liability partnership a notice of the
30 fee due pursuant to subsection 2 and a reminder to file the annual
31 list required by subsection 1. The failure of any registered limited-
32 liability partnership to receive a notice or form does not excuse it
33 from complying with the provisions of this section.

34 4. If the list to be filed pursuant to the provisions of subsection
35 1 is defective, or the fee required by subsection 2 is not paid, the
36 Secretary of State may return the list for correction or payment.

37 5. An annual list that is filed by a registered limited-liability
38 partnership which is not in default more than 60 days before it is due
39 shall be deemed an amended list for the previous year and does not
40 satisfy the requirements of subsection 1 for the year to which the
41 due date is applicable.

42 **Sec. 151.** NRS 88.395 is hereby amended to read as follows:

43 88.395 1. A limited partnership shall, on or before the first
44 day of the second month after the filing of its certificate of limited
45 partnership with the Secretary of State, and annually thereafter on or



1 before the last day of the month in which the anniversary date of the
2 filing of its certificate of limited partnership occurs, file with the
3 Secretary of State, on a form furnished by him, a list that contains:
4 (a) The name of the limited partnership;
5 (b) The file number of the limited partnership, if known;
6 (c) The names of all of its general partners;
7 (d) The mailing or street address, either residence or business, of
8 each general partner;
9 (e) The name and street address of the resident agent of the
10 limited partnership; and
11 (f) The signature of a general partner of the limited partnership
12 certifying that the list is true, complete and accurate.
13 Each list filed pursuant to this subsection must be accompanied by a
14 declaration under penalty of perjury that the limited partnership has
15 complied with the provisions of ~~chapter 364A of NRS.~~ **section 108**
16 **of this act.**
17 2. Upon filing:
18 (a) The initial list required by subsection 1, the limited
19 partnership shall pay to the Secretary of State a fee of \$165.
20 (b) Each annual list required by subsection 1, the limited
21 partnership shall pay to the Secretary of State a fee of \$85.
22 3. The Secretary of State shall, 60 days before the last day for
23 filing each annual list required by subsection 1, cause to be mailed
24 to each limited partnership required to comply with the provisions
25 of this section which has not become delinquent a notice of the fee
26 due pursuant to the provisions of subsection 2 and a reminder to file
27 the annual list. Failure of any limited partnership to receive a notice
28 or form does not excuse it from the penalty imposed by
29 NRS 88.400.
30 4. If the list to be filed pursuant to the provisions of subsection
31 1 is defective or the fee required by subsection 2 is not paid, the
32 Secretary of State may return the list for correction or payment.
33 5. An annual list for a limited partnership not in default that is
34 received by the Secretary of State more than 60 days before its due
35 date shall be deemed an amended list for the previous year and does
36 not satisfy the requirements of subsection 1 for the year to which the
37 due date is applicable.
38 6. A filing made pursuant to this section does not satisfy the
39 provisions of NRS 88.355 and may not be substituted for filings
40 submitted pursuant to NRS 88.355.
41 **Sec. 152.** NRS 88A.600 is hereby amended to read as follows:
42 88A.600 1. A business trust formed pursuant to this chapter
43 shall, on or before the first day of the second month after the filing
44 of its certificate of trust with the Secretary of State, and annually
45 thereafter on or before the last day of the month in which the



1 anniversary date of the filing of its certificate of trust with the
2 Secretary of State occurs, file with the Secretary of State, on a form
3 furnished by him, a list signed by at least one trustee that contains
4 the name and mailing address of its resident agent and at least one
5 trustee. Each list filed pursuant to this subsection must be
6 accompanied by a declaration under penalty of perjury that the
7 business trust has complied with the provisions of ~~chapter 364A of~~
8 ~~NRS.]~~ *section 108 of this act.*

9 2. Upon filing:

10 (a) The initial list required by subsection 1, the business trust
11 shall pay to the Secretary of State a fee of \$165.

12 (b) Each annual list required by subsection 1, the business trust
13 shall pay to the Secretary of State a fee of \$85.

14 3. The Secretary of State shall, 60 days before the last day for
15 filing each annual list required by subsection 1, cause to be mailed
16 to each business trust which is required to comply with the
17 provisions of NRS 88A.600 to 88A.660, inclusive, and which has
18 not become delinquent, the blank forms to be completed and filed
19 with him. Failure of a business trust to receive the forms does not
20 excuse it from the penalty imposed by law.

21 4. An annual list for a business trust not in default which is
22 received by the Secretary of State more than 60 days before its due
23 date shall be deemed an amended list for the previous year.

24 **Sec. 153.** NRS 89.250 is hereby amended to read as follows:

25 89.250 1. Except as otherwise provided in subsection 2, a
26 professional association shall, on or before the first day of the
27 second month after the filing of its articles of association with the
28 Secretary of State, and annually thereafter on or before the last day
29 of the month in which the anniversary date of its organization occurs
30 in each year, furnish a statement to the Secretary of State showing
31 the names and residence addresses of all members and employees in
32 the association and certifying that all members and employees are
33 licensed to render professional service in this state.

34 2. A professional association organized and practicing pursuant
35 to the provisions of this chapter and NRS 623.349 shall, on or
36 before the first day of the second month after the filing of its articles
37 of association with the Secretary of State, and annually thereafter on
38 or before the last day of the month in which the anniversary date of
39 its organization occurs in each year, furnish a statement to the
40 Secretary of State:

41 (a) Showing the names and residence addresses of all members
42 and employees of the association who are licensed or otherwise
43 authorized by law to render professional service in this state;



1 (b) Certifying that all members and employees who render
2 professional service are licensed or otherwise authorized by law to
3 render professional service in this state; and

4 (c) Certifying that all members who are not licensed to render
5 professional service in this state do not render professional service
6 on behalf of the association except as authorized by law.

7 3. Each statement filed pursuant to this section must be:

8 (a) Made on a form prescribed by the Secretary of State and
9 must not contain any fiscal or other information except that
10 expressly called for by this section.

11 (b) Signed by the chief executive officer of the association.

12 (c) Accompanied by a declaration under penalty of perjury that
13 the professional association has complied with the provisions of
14 ~~chapter 364A of NRS.~~ *section 108 of this act.*

15 4. Upon filing:

16 (a) The initial statement required by this section, the association
17 shall pay to the Secretary of State a fee of \$165.

18 (b) Each annual statement required by this section, the
19 association shall pay to the Secretary of State a fee of \$85.

20 5. As used in this section, “signed” means to have executed or
21 adopted a name, word or mark, including, without limitation, an
22 electronic signature as defined in NRS 719.100, with the present
23 intention to authenticate a document.

24 **Sec. 154.** Chapter 218 of NRS is hereby amended by adding
25 thereto the provisions set forth as sections 155 to 160, inclusive, of
26 this act.

27 **Sec. 155.** *As used in sections 155 to 160, inclusive, of this*
28 *act, “Committee” means the Legislative Committee on Taxation,*
29 *Public Revenue and Tax Policy.*

30 **Sec. 156. 1.** *There is hereby established a Legislative*
31 *Committee on Taxation, Public Revenue and Tax Policy*
32 *consisting of:*

33 (a) *The Speaker of the Assembly, or a member of the Assembly*
34 *designated by the Speaker of the Assembly;*

35 (b) *The Minority Leader of the Assembly, or a member of the*
36 *Assembly designated by the Minority Leader of the Assembly;*

37 (c) *The Majority Leader of the Senate, or a member of the*
38 *Senate designated by the Majority Leader of the Senate;*

39 (d) *The Minority Leader of the Senate, or a member of the*
40 *Senate designated by the Minority Leader of the Senate;*

41 (e) *Two members appointed by the Speaker of the Assembly*
42 *who were members of the Assembly Committee on Taxation*
43 *during the immediately preceding legislative session; and*



1 (f) *Two members appointed by the Majority Leader of the*
2 *Senate who were members of the Senate Committee on Taxation*
3 *during the immediately preceding legislative session.*

4 2. *The members of the Committee shall elect a Chairman and*
5 *Vice Chairman from among their members. The Chairman must*
6 *be elected from one house of the Legislature and the Vice*
7 *Chairman from the other house. After the initial election of a*
8 *Chairman and Vice Chairman, each of those officers holds office*
9 *for a term of 2 years commencing on July 1 of each odd-numbered*
10 *year. If a vacancy occurs in the Chairmanship or Vice*
11 *Chairmanship, the members of the Committee shall elect a*
12 *replacement for the remainder of the unexpired term.*

13 3. *Any member of the Committee who is not a candidate for*
14 *reelection or who is defeated for reelection continues to serve until*
15 *the convening of the next session of the Legislature.*

16 4. *Vacancies on the Committee must be filled in the same*
17 *manner as the original appointments.*

18 **Sec. 157.** 1. *The members of the Committee shall meet*
19 *throughout each year at the times and places specified by a call of*
20 *the Chairman or a majority of the Committee.*

21 2. *The Director of the Legislative Counsel Bureau or his*
22 *designee shall act as the nonvoting recording Secretary.*

23 3. *The Committee shall prescribe regulations for its own*
24 *management and government.*

25 4. *Except as otherwise provided in subsection 5, five voting*
26 *members of the Committee constitute a quorum.*

27 5. *Any recommended legislation proposed by the Committee*
28 *must be approved by a majority of the members of the Senate and*
29 *by a majority of the members of the Assembly serving on the*
30 *Committee.*

31 6. *Except during a regular or special session of the*
32 *Legislature, the members of the Committee are entitled to receive*
33 *the compensation provided for a majority of the members of the*
34 *Legislature during the first 60 days of the preceding regular*
35 *session, the per diem allowance provided for state officers and*
36 *employees generally and the travel expenses provided pursuant to*
37 *NRS 218.2207 for each day or portion of a day of attendance at a*
38 *meeting of the Committee and while engaged in the business of*
39 *the Committee. The salaries and expenses paid pursuant to this*
40 *subsection and the expenses of the Committee must be paid from*
41 *the Legislative Fund.*

42 **Sec. 158.** *The Committee may:*

43 1. *Review and study:*

44 (a) *The specific taxes collected in this state;*



- 1 (b) *The implementation of any taxes, fees and other methods*
- 2 *for generating public revenue in this state;*
- 3 (c) *The impact of any changes to taxes, fees and other methods*
- 4 *for generating public revenue that result from legislation enacted*
- 5 *by the Legislature on the residents of this state and on the*
- 6 *businesses located in this state, doing business in this state or*
- 7 *considering locating in this state;*
- 8 (d) *The fiscal effects of any taxes, fees and other methods for*
- 9 *generating public revenue;*
- 10 (e) *Broad issues of tax policy and fiscal policy relevant to the*
- 11 *future of the State of Nevada; and*
- 12 (f) *Any other issues related to taxation, the generation of*
- 13 *public revenue, tax policy or fiscal policy which affect this state.*
- 14 2. *Conduct investigations and hold hearings in connection*
- 15 *with its powers pursuant to this section.*
- 16 3. *Contract with one or more consultants to obtain technical*
- 17 *advice concerning its review and study.*
- 18 4. *Apply for any available grants and accept any gifts, grants*
- 19 *or donations and use any such gifts, grants or donations to aid the*
- 20 *Committee in exercising its powers pursuant to this section.*
- 21 5. *Request that the Legislative Counsel Bureau assist in the*
- 22 *research, investigations, hearings, studies and reviews of the*
- 23 *Committee.*
- 24 6. *Recommend to the Legislature, as a result of its review and*
- 25 *study, any appropriate legislation.*
- 26 **Sec. 159. 1. If the Committee conducts investigations or**
- 27 *holds hearings pursuant to subsection 2 of section 158 of this act:*
- 28 (a) *The Secretary of the Committee or, in his absence, a*
- 29 *member designated by the Committee may administer oaths;*
- 30 (b) *The Secretary or Chairman of the Committee may cause*
- 31 *the deposition of witnesses, residing either within or outside of this*
- 32 *state, to be taken in the manner prescribed by rule of court for*
- 33 *taking depositions in civil actions in the district courts; and*
- 34 (c) *The Chairman of the Committee may issue subpoenas to*
- 35 *compel the attendance of witnesses and the production of books*
- 36 *and papers.*
- 37 2. *If a witness refuses to attend or testify or produce books or*
- 38 *papers as required by the subpoena, the Chairman of the*
- 39 *Committee may report to the district court by a petition which sets*
- 40 *forth that:*
- 41 (a) *Due notice has been given of the time and place of*
- 42 *attendance of the witness or the production of the books or papers;*
- 43 (b) *The witness has been subpoenaed by the Committee*
- 44 *pursuant to this section; and*



1 (c) *The witness has failed or refused to attend or produce the*
2 *books or papers required by the subpoena before the Committee*
3 *that is named in the subpoena, or has refused to answer questions*
4 *propounded to him.*

5 *The petition may request an order of the court compelling the*
6 *witness to attend and testify or produce the books and papers*
7 *before the Committee.*

8 3. *Upon such a petition, the court shall enter an order*
9 *directing the witness to appear before the court at a time and place*
10 *to be fixed by the court in its order, the time to be not more than*
11 *10 days after the date of the order, and to show cause why he has*
12 *not attended or testified or produced the books or papers before*
13 *the Committee. A certified copy of the order must be served upon*
14 *the witness.*

15 4. *If it appears to the court that the subpoena was regularly*
16 *issued by the Committee, the court shall enter an order that the*
17 *witness appear before the Committee at the time and place fixed in*
18 *the order and testify or produce the required books or papers.*
19 *Failure to obey the order constitutes contempt of court.*

20 **Sec. 160.** *Each witness who appears before the Committee by*
21 *its order, except a state officer or employee, is entitled to receive*
22 *for his attendance the fees and mileage provided for witnesses in*
23 *civil cases in the courts of record of this state. The fees and*
24 *mileage must be audited and paid upon the presentation of proper*
25 *claims sworn to by the witness and approved by the Secretary and*
26 *Chairman of the Committee.*

27 **Sec. 161.** NRS 218.53883 is hereby amended to read as
28 follows:

29 218.53883 1. The Committee shall:

30 (a) Review the laws relating to *the exemptions from and* the
31 distribution of revenue generated by state and local taxes. In
32 conducting the review, the Committee ~~may~~ :

33 (1) *May* consider the purposes for which the various state
34 and local taxes were imposed, the actual use of the revenue
35 collected from the various state and local taxes, and any relief to the
36 taxpayers from the burden of the various state and local taxes that
37 may result from any possible recommendations of the Committee.

38 (2) *Shall consider the purposes for which various*
39 *exemptions from those taxes were adopted, whether any of those*
40 *exemptions have become obsolete or no longer serve their*
41 *intended purpose, and whether any of those exemptions should be*
42 *repealed.*

43 (b) Study whether removing the authority of the Board of
44 County Commissioners of Washoe County to impose a certain



1 additional governmental services tax is a prudent act which is in the
2 best interests of this state.

3 2. In conducting its review of the laws relating to *the*
4 *exemptions from and* the distribution of revenue generated by state
5 and local taxes, the Committee may review:

6 (a) The *exemptions and* distribution of the revenue from:

7 (1) The local school support tax imposed by chapter 374 of
8 NRS;

9 (2) The tax on aviation fuel and motor vehicle fuel imposed
10 by or pursuant to chapter 365 of NRS;

11 (3) The tax on intoxicating liquor imposed by chapter 369 of
12 NRS;

13 (4) The tax on fuel imposed pursuant to chapter 373 of NRS;

14 (5) The tax on tobacco imposed by chapter 370 of NRS;

15 (6) The governmental services tax imposed by or pursuant to
16 chapter 371 of NRS;

17 (7) The tax imposed on gaming licensees by or pursuant to
18 chapter 463 of NRS;

19 (8) Property taxes imposed pursuant to chapter 361 of NRS;

20 (9) The tax on the transfer of real property imposed by or
21 pursuant to chapter 375 of NRS; and

22 (10) Any other state or local tax.

23 (b) The proper crediting of gasoline tax revenue if the collection
24 is moved to the terminal rack level.

25 3. The Committee may:

26 (a) Conduct investigations and hold hearings in connection with
27 its review and study;

28 (b) Contract with one or more consultants to obtain technical
29 advice concerning the study conducted pursuant to NRS 218.53884;

30 (c) Apply for any available grants and accept any gifts, grants or
31 donations and use any such gifts, grants or donations to aid the
32 committee in carrying out its duties pursuant to this chapter;

33 (d) Direct the Legislative Counsel Bureau to assist in its
34 research, investigations, review and study; and

35 (e) Recommend to the Legislature, as a result of its review and
36 study, any appropriate legislation.

37 **Sec. 162.** NRS 233B.039 is hereby amended to read as
38 follows:

39 233B.039 1. The following agencies are entirely exempted
40 from the requirements of this chapter:

41 (a) The Governor.

42 (b) The Department of Corrections.

43 (c) The University and Community College System of Nevada.

44 (d) The Office of the Military.



- 1 (e) ~~[The]~~ *Except as otherwise provided in section 80 of this act,*
2 *the* State Gaming Control Board.
- 3 (f) The Nevada Gaming Commission.
- 4 (g) The Welfare Division of the Department of Human
5 Resources.
- 6 (h) The Division of Health Care Financing and Policy of the
7 Department of Human Resources.
- 8 (i) The State Board of Examiners acting pursuant to chapter 217
9 of NRS.
- 10 (j) Except as otherwise provided in NRS 533.365, the Office of
11 the State Engineer.
- 12 (k) The Division of Industrial Relations of the Department of
13 Business and Industry acting to enforce the provisions of
14 NRS 618.375.
- 15 (l) The Administrator of the Division of Industrial Relations of
16 the Department of Business and Industry in establishing and
17 adjusting the schedule of fees and charges for accident benefits
18 pursuant to subsection 2 of NRS 616C.260.
- 19 (m) The Board to Review Claims in adopting resolutions to
20 carry out its duties pursuant to NRS 590.830.
- 21 2. Except as otherwise provided in subsection 5 and NRS
22 391.323, the Department of Education, the Board of the Public
23 Employees' Benefits Program and the Commission on Professional
24 Standards in Education are subject to the provisions of this chapter
25 for the purpose of adopting regulations but not with respect to any
26 contested case.
- 27 3. The special provisions of:
- 28 (a) Chapter 612 of NRS for the distribution of regulations by
29 and the judicial review of decisions of the Employment Security
30 Division of the Department of Employment, Training and
31 Rehabilitation;
- 32 (b) Chapters 616A to 617, inclusive, of NRS for the
33 determination of contested claims;
- 34 (c) Chapter 703 of NRS for the judicial review of decisions of
35 the Public Utilities Commission of Nevada;
- 36 (d) Chapter 91 of NRS for the judicial review of decisions of the
37 Administrator of the Securities Division of the Office of the
38 Secretary of State; and
- 39 (e) NRS 90.800 for the use of summary orders in contested
40 cases,
41 prevail over the general provisions of this chapter.
- 42 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
43 233B.126 do not apply to the Department of Human Resources in
44 the adjudication of contested cases involving the issuance of letters
45 of approval for health facilities and agencies.



1 5. The provisions of this chapter do not apply to:

2 (a) Any order for immediate action, including, but not limited
3 to, quarantine and the treatment or cleansing of infected or infested
4 animals, objects or premises, made under the authority of the State
5 Board of Agriculture, the State Board of Health or any other agency
6 of this state in the discharge of a responsibility for the preservation
7 of human or animal health or for insect or pest control;

8 (b) An extraordinary regulation of the State Board of Pharmacy
9 adopted pursuant to NRS 453.2184; or

10 (c) A regulation adopted by the State Board of Education
11 pursuant to NRS 392.644 or 394.1694.

12 6. The State Board of Parole Commissioners is subject to the
13 provisions of this chapter for the purpose of adopting regulations but
14 not with respect to any contested case.

15 **Sec. 163.** NRS 244.335 is hereby amended to read as follows:

16 244.335 1. Except as otherwise provided in subsection 2, the
17 board of county commissioners may:

18 (a) Regulate all character of lawful trades, callings, industries,
19 occupations, professions and business conducted in its county
20 outside of the limits of incorporated cities and towns.

21 (b) Except as otherwise provided in NRS 244.3359 and 576.128,
22 fix, impose and collect a license tax for revenue or for regulation, or
23 for both revenue and regulation, on such trades, callings, industries,
24 occupations, professions and business.

25 2. The county license boards have the exclusive power in their
26 respective counties to regulate entertainers employed by an
27 entertainment by referral service and the business of conducting a
28 dancing hall, escort service, entertainment by referral service or
29 gambling game or device permitted by law, outside of an
30 incorporated city. The county license boards may fix, impose and
31 collect license taxes for revenue or for regulation, or for both
32 revenue and regulation, on such employment and businesses.

33 3. No license to engage in any type of business may be granted
34 unless the applicant for the license signs an affidavit affirming that
35 the business has complied with the provisions of ~~chapter 364A of~~
36 ~~NRS.]~~ *section 108 of this act.* The county license board shall
37 provide upon request an application for a business license pursuant
38 to ~~chapter 364A of NRS.]~~ *section 108 of this act.*

39 4. No license to engage in business as a seller of tangible
40 personal property may be granted unless the applicant for the license
41 presents written evidence that:

42 (a) The Department of Taxation has issued or will issue a permit
43 for this activity, and this evidence clearly identifies the business by
44 name; or



1 (b) Another regulatory agency of the State has issued or will
2 issue a license required for this activity.

3 5. Any license tax levied for the purposes of NRS 244.3358 or
4 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
5 and personal property of the business upon which the tax was levied
6 until the tax is paid. The lien has the same priority as a lien for
7 general taxes. The lien must be enforced in the following manner:

8 (a) By recording in the office of the county recorder, within 6
9 months after the date on which the tax became delinquent or was
10 otherwise determined to be due and owing, a notice of the tax lien
11 containing the following:

12 (1) The amount of tax due and the appropriate year;
13 (2) The name of the record owner of the property;
14 (3) A description of the property sufficient for identification;
15 and

16 (4) A verification by the oath of any member of the board of
17 county commissioners or the county fair and recreation board; and

18 (b) By an action for foreclosure against the property in the same
19 manner as an action for foreclosure of any other lien, commenced
20 within 2 years after the date of recording of the notice of the tax
21 lien, and accompanied by appropriate notice to other lienholders.

22 6. The board of county commissioners may delegate the
23 authority to enforce liens from taxes levied for the purposes of NRS
24 244A.597 to 244A.655, inclusive, to the county fair and recreation
25 board. If the authority is so delegated, the board of county
26 commissioners shall revoke or suspend the license of a business
27 upon certification by the county fair and recreation board that the
28 license tax has become delinquent, and shall not reinstate the license
29 until the tax is paid. Except as otherwise provided in NRS 244.3357,
30 all information concerning license taxes levied by an ordinance
31 authorized by this section or other information concerning the
32 business affairs or operation of any licensee obtained as a result of
33 the payment of such license taxes or as the result of any audit or
34 examination of the books by any authorized employee of a county
35 fair and recreation board of the county for any license tax levied for
36 the purpose of NRS 244A.597 to 244A.655, inclusive, is
37 confidential and must not be disclosed by any member, officer or
38 employee of the county fair and recreation board or the county
39 imposing the license tax unless the disclosure is authorized by the
40 affirmative action of a majority of the members of the appropriate
41 county fair and recreation board. Continuing disclosure may be so
42 authorized under an agreement with the Department of Taxation for
43 the exchange of information concerning taxpayers.



1 **Sec. 164.** NRS 268.095 is hereby amended to read as follows:
2 268.095 1. The city council or other governing body of each
3 incorporated city in this state, whether organized under general law
4 or special charter, may:
5 (a) Except as otherwise provided in NRS 268.0968 and 576.128,
6 fix, impose and collect for revenues or for regulation, or both, a
7 license tax on all character of lawful trades, callings, industries,
8 occupations, professions and businesses conducted within its
9 corporate limits.
10 (b) Assign the proceeds of any one or more of such license taxes
11 to the county within which the city is situated for the purpose or
12 purposes of making the proceeds available to the county:
13 (1) As a pledge as additional security for the payment of any
14 general obligation bonds issued pursuant to NRS 244A.597 to
15 244A.655, inclusive;
16 (2) For redeeming any general obligation bonds issued
17 pursuant to NRS 244A.597 to 244A.655, inclusive;
18 (3) For defraying the costs of collecting or otherwise
19 administering any such license tax so assigned, of the county fair
20 and recreation board and of officers, agents and employees hired
21 thereby, and of incidentals incurred thereby;
22 (4) For operating and maintaining recreational facilities
23 under the jurisdiction of the county fair and recreation board;
24 (5) For improving, extending and bettering recreational
25 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and
26 (6) For constructing, purchasing or otherwise acquiring such
27 recreational facilities.
28 (c) Pledge the proceeds of any tax imposed on the revenues from
29 the rental of transient lodging pursuant to this section for the
30 payment of any general or special obligations issued by the city for
31 a purpose authorized by the laws of this state.
32 (d) Use the proceeds of any tax imposed pursuant to this section
33 on the revenues from the rental of transient lodging:
34 (1) To pay the principal, interest or any other indebtedness
35 on any general or special obligations issued by the city pursuant to
36 the laws of this state;
37 (2) For the expense of operating or maintaining, or both, any
38 facilities of the city; and
39 (3) For any other purpose for which other money of the city
40 may be used.
41 2. The proceeds of any tax imposed pursuant to this section
42 that are pledged for the repayment of general obligations may be
43 treated as "pledged revenues" for the purposes of NRS 350.020.
44 3. No license to engage in any type of business may be granted
45 unless the applicant for the license signs an affidavit affirming that



1 the business has complied with the provisions of ~~chapter 364A of~~
2 ~~NRS.]~~ *section 108 of this act.* The city licensing agency shall
3 provide upon request an application for a business license pursuant
4 to ~~chapter 364A of NRS.]~~ *section 108 of this act.*

5 4. No license to engage in business as a seller of tangible
6 personal property may be granted unless the applicant for the license
7 presents written evidence that:

8 (a) The Department of Taxation has issued or will issue a permit
9 for this activity, and this evidence clearly identifies the business by
10 name; or

11 (b) Another regulatory agency of the State has issued or will
12 issue a license required for this activity.

13 5. Any license tax levied under the provisions of this section
14 constitutes a lien upon the real and personal property of the business
15 upon which the tax was levied until the tax is paid. The lien has the
16 same priority as a lien for general taxes. The lien must be enforced
17 in the following manner:

18 (a) By recording in the office of the county recorder, within 6
19 months following the date on which the tax became delinquent or
20 was otherwise determined to be due and owing, a notice of the tax
21 lien containing the following:

- 22 (1) The amount of tax due and the appropriate year;
23 (2) The name of the record owner of the property;
24 (3) A description of the property sufficient for identification;
25 and

26 (4) A verification by the oath of any member of the board of
27 county commissioners or the county fair and recreation board; and

28 (b) By an action for foreclosure against such property in the
29 same manner as an action for foreclosure of any other lien,
30 commenced within 2 years after the date of recording of the notice
31 of the tax lien, and accompanied by appropriate notice to other
32 lienholders.

33 6. The city council or other governing body of each
34 incorporated city may delegate the power and authority to enforce
35 such liens to the county fair and recreation board. If the authority is
36 so delegated, the governing body shall revoke or suspend the license
37 of a business upon certification by the board that the license tax has
38 become delinquent, and shall not reinstate the license until the tax is
39 paid. Except as otherwise provided in NRS 268.0966, all
40 information concerning license taxes levied by an ordinance
41 authorized by this section or other information concerning the
42 business affairs or operation of any licensee obtained as a result of
43 the payment of those license taxes or as the result of any audit or
44 examination of the books of the city by any authorized employee of
45 a county fair and recreation board for any license tax levied for the



1 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential
2 and must not be disclosed by any member, official or employee of
3 the county fair and recreation board or the city imposing the license
4 tax unless the disclosure is authorized by the affirmative action of a
5 majority of the members of the appropriate county fair and
6 recreation board. Continuing disclosure may be so authorized under
7 an agreement with the Department of Taxation for the exchange of
8 information concerning taxpayers.

9 7. The powers conferred by this section are in addition and
10 supplemental to, and not in substitution for, and the limitations
11 imposed by this section do not affect the powers conferred by, any
12 other law. No part of this section repeals or affects any other law or
13 any part thereof, it being intended that this section provide a
14 separate method of accomplishing its objectives, and not an
15 exclusive one.

16 **Sec. 165.** NRS 388.750 is hereby amended to read as follows:

17 388.750 1. An educational foundation:

- 18 (a) Shall comply with the provisions of chapter 241 of NRS;
19 (b) Except as otherwise provided in subsection 2, shall make its
20 records public and open to inspection pursuant to NRS 239.010; and
21 (c) Is exempt from the tax on transfer of real property pursuant
22 to subsection ~~144~~ 12 of NRS 375.090.

23 2. An educational foundation is not required to disclose the
24 names of the contributors to the foundation or the amount of their
25 contributions. The educational foundation shall, upon request, allow
26 a contributor to examine, during regular business hours, any record,
27 document or other information of the foundation relating to that
28 contributor.

29 3. As used in this section, “educational foundation” means a
30 nonprofit corporation, association or institution or a charitable
31 organization that is:

- 32 (a) Organized and operated exclusively for the purpose of
33 supporting one or more kindergartens, elementary schools, junior
34 high or middle schools or high schools, or any combination thereof;
35 (b) Formed pursuant to the laws of this state; and
36 (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

37 **Sec. 166.** NRS 396.405 is hereby amended to read as follows:

38 396.405 1. A university foundation:

- 39 (a) Shall comply with the provisions of chapter 241 of NRS;
40 (b) Except as otherwise provided in subsection 2, shall make its
41 records public and open to inspection pursuant to NRS 239.010;
42 (c) Is exempt from the tax on transfers of real property pursuant
43 to subsection ~~144~~ 12 of NRS 379.090; and



1 (d) May allow a president or an administrator of the university
2 or community college which it supports to serve as a member of its
3 governing body.

4 2. A university foundation is not required to disclose the name
5 of any contributor or potential contributor to the university
6 foundation, the amount of his contribution or any information which
7 may reveal or lead to the discovery of his identity. The university
8 foundation shall, upon request, allow a contributor to examine,
9 during regular business hours, any record, document or other
10 information of the foundation relating to that contributor.

11 3. As used in this section, "university foundation" means a
12 nonprofit corporation, association or institution or a charitable
13 organization that is:

14 (a) Organized and operated exclusively for the purpose of
15 supporting a university or a community college;

16 (b) Formed pursuant to the laws of this state; and

17 (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

18 **Sec. 167.** NRS 459.3824 is hereby amended to read as
19 follows:

20 459.3824 1. The owner of a regulated facility shall pay to the
21 Division an annual fee based on the fiscal year. The annual fee for
22 each facility is the sum of a base fee set by the State Environmental
23 Commission and any additional fee imposed by the Commission
24 pursuant to subsection 2. The annual fee must be prorated and may
25 not be refunded.

26 2. The State Environmental Commission may impose an
27 additional fee upon the owner of a regulated facility in an amount
28 determined by the Commission to be necessary to enable the
29 Division to carry out its duties pursuant to NRS 459.380 to
30 459.3874, inclusive. The additional fee must be based on a
31 graduated schedule adopted by the Commission which takes into
32 consideration the quantity of hazardous substances located at each
33 facility.

34 3. After the payment of the initial annual fee, the Division shall
35 send the owner of a regulated facility a bill in July for the annual fee
36 for the fiscal year then beginning which is based on the applicable
37 reports for the preceding year.

38 4. The owner of a regulated facility shall submit, with any
39 payment required by this section, the *business license* number
40 assigned by the Department of Taxation ~~[, for the imposition and~~
41 ~~collection of taxes pursuant to chapter 364A of NRS, to the business~~
42 ~~for which the payment is made.]~~ *upon compliance by the owner*
43 *with section 108 of this act.*

44 5. All fees collected pursuant to this section and penalties
45 collected pursuant to NRS 459.3833, 459.3834 and 459.3874, and



1 any interest earned thereon, must be deposited with the State
2 Treasurer for credit to the Fund for Precaution Against Chemical
3 Accidents, which is hereby created as a special revenue fund.

4 **Sec. 168.** NRS 463.0136 is hereby amended to read as
5 follows:

6 463.0136 "Associated equipment" means:

7 1. Any equipment or mechanical, electromechanical or
8 electronic contrivance, component or machine used remotely or
9 directly in connection with gaming, any game, race book or sports
10 pool that would not otherwise be classified as a gaming device,
11 including dice, playing cards, links which connect to progressive
12 slot machines, equipment which affects the proper reporting of gross
13 revenue, computerized systems of betting at a race book or sports
14 pool, computerized systems for monitoring slot machines and
15 devices for weighing or counting money; or

16 2. A computerized system for recordation of sales for use in an
17 area subject to the ~~casino-entertainment~~ tax *imposed* pursuant to
18 ~~[NRS 463.401.]~~ *section 78 of this act.*

19 **Sec. 169.** NRS 463.270 is hereby amended to read as follows:

20 463.270 1. Subject to the power of the Board to deny, revoke,
21 suspend, condition or limit licenses, any state license in force may
22 be renewed by the Board for the next succeeding license period
23 upon proper application for renewal and payment of state license
24 fees and taxes as required by law and the regulations of the Board.

25 2. All state gaming licenses are subject to renewal on the ~~[1st]~~
26 *first* day of each January and all quarterly state gaming licenses on
27 the ~~[1st]~~ *first* day of each calendar quarter thereafter.

28 3. Application for renewal must be filed with the Board , and
29 all state license fees and taxes required by law, including , without
30 limitation , NRS 463.370, 463.373 to 463.3855, inclusive,
31 ~~[463.401.]~~ 463.660, 464.015 and 464.040, *and section 78 of this act*
32 must be paid to the Board on or before the dates respectively
33 provided by law for each fee or tax.

34 4. Application for renewal of licenses for slot machines only
35 must be made by the operators of the locations where such machines
36 are situated.

37 5. Any person failing to pay any state license fees or taxes due
38 at the times respectively provided shall pay in addition to such
39 license fees or taxes a penalty of not less than \$50 or 25 percent of
40 the amount due, whichever is the greater, but not more than \$1,000
41 if the fees or taxes are less than 10 days late and in no case in excess
42 of \$5,000. The penalty must be collected as are other charges,
43 license fees and penalties under this chapter.

44 6. Any person who operates, carries on or exposes for play any
45 gambling game, gaming device or slot machine or who



1 manufactures, sells or distributes any gaming device, equipment,
2 material or machine used in gaming ~~§~~ after his license becomes
3 subject to renewal, and thereafter fails to apply for renewal as
4 provided in this section, is guilty of a misdemeanor and, in addition
5 to the penalties provided by law, is liable to the State of Nevada for
6 all license fees, taxes and penalties which would have been due
7 upon application for renewal.

8 7. If any licensee or other person fails to renew his license as
9 provided in this section, the Board may order the immediate closure
10 of all his gaming activity until the license is renewed by the
11 payment of the necessary fees, taxes, interest and any penalties.
12 Except for a license for which fees are based on the gross revenue of
13 the licensee, failure to renew a license within 30 days after the date
14 required by this chapter shall be deemed a surrender of the license.

15 8. The voluntary surrender of a license by a licensee does not
16 become effective until accepted in the manner provided in the
17 regulations of the Board. The surrender of a license does not relieve
18 the former licensee of any penalties, fines, fees, taxes or interest
19 due.

20 **Sec. 170.** NRS 463.373 is hereby amended to read as follows:

21 463.373 1. Before issuing a state gaming license to an
22 applicant for a restricted operation, the Commission shall charge
23 and collect from him for each slot machine for each quarter year:

24 (a) A license fee of ~~[\$61]~~ **\$81** for each slot machine if he will
25 have at least one but not more than five slot machines.

26 (b) A license fee of ~~[\$305 plus \$106]~~ **\$405 plus \$141** for each
27 slot machine in excess of five if he will have at least six but not
28 more than 15 slot machines.

29 2. The Commission shall charge and collect the fee prescribed
30 in subsection 1:

31 (a) On or before the last day of the last month in a calendar
32 quarter, for the ensuing calendar quarter, from a licensee whose
33 operation is continuing.

34 (b) In advance from a licensee who begins operation or puts
35 additional slot machines into play during a calendar quarter.

36 3. Except as otherwise provided in NRS 463.386, no proration
37 of the fee prescribed in subsection 1 may be allowed for any reason.

38 4. The operator of the location where slot machines are situated
39 shall pay the fee prescribed in subsection 1 upon the total number of
40 slot machines situated in that location, whether or not the machines
41 are owned by one or more licensee-owners.

42 **Sec. 171.** NRS 463.401 is hereby amended to read as follows:

43 463.401 1. In addition to any other license fees and taxes
44 imposed by this chapter, a casino entertainment tax equivalent to 10
45 percent of all amounts paid for admission, food, refreshments and



1 merchandise is hereby levied, except as *otherwise* provided in
2 subsection 2, upon each licensed gaming establishment in this state
3 where ~~[music and dancing privileges or any other]~~ *live*
4 entertainment is provided to the patrons ~~[in a cabaret, nightclub,~~
5 ~~cocktail lounge or casino showroom in connection with the serving~~
6 ~~or selling of food or refreshments or the selling of any~~
7 ~~merchandise.]~~ *of the licensed gaming establishment.* Amounts paid
8 for gratuities directly or indirectly remitted to employees of the
9 licensee or for service charges, including those imposed in
10 connection with use of credit cards or debit cards, that are collected
11 and retained by persons other than the licensee are not taxable
12 pursuant to this section.

13 2. A licensed gaming establishment is not subject to tax
14 pursuant to this section if:

15 (a) The establishment is licensed for less than 51 slot machines,
16 less than six games, or any combination of slot machines and games
17 within those respective limits ~~;~~

18 ~~—(b) The entertainment is presented in a facility that would not~~
19 ~~have been subject to taxation pursuant to 26 U.S.C. § 4231(6) as that~~
20 ~~provision existed in 1965;~~

21 ~~—(c) The entertainment is presented in a facility that would have~~
22 ~~been subject to taxation pursuant to 26 U.S.C. § 4231(1), (2), (3),~~
23 ~~(4) or (5) as those provisions existed in 1965; or~~

24 ~~—(d) In other cases, if:~~

25 ~~—(1) No distilled spirits, wine or beer is served or permitted to~~
26 ~~be consumed;~~

27 ~~—(2) Only light refreshments are served;~~

28 ~~—(3) Where space is provided for dancing, no charge is made~~
29 ~~for dancing; and~~

30 ~~—(4) Where music is provided or permitted, the music is~~
31 ~~provided without any charge to the owner, lessee or operator of the~~
32 ~~establishment or to any concessionaire.]; or~~

33 *(b) The facility in which the live entertainment is provided has*
34 *a maximum seating capacity that is at least 7,500.*

35 3. The tax imposed by this section does not apply to
36 ~~[merchandise]~~ :

37 *(a) Live entertainment that this state is prohibited from taxing*
38 *under the Constitution, laws or treaties of the United States or the*
39 *Nevada Constitution.*

40 *(b) Merchandise* sold outside the facility in which the *live*
41 entertainment is presented, unless the purchase of the merchandise
42 entitles the purchaser to admission to the entertainment.

43 *(c) Any live entertainment that is provided by or entirely for*
44 *the benefit of a nonprofit organization that is recognized as*
45 *exempt from taxation pursuant to 26 U.S.C. § 501(c).*



1 (d) *Live entertainment that is provided at a trade show.*
2 (e) *Music performed by musicians who move constantly*
3 *through the audience if no other form of live entertainment is*
4 *afforded to the patrons.*

5 (f) *Any boxing contest or exhibition governed by the provisions*
6 *of chapter 467 of NRS.*

7 (g) *Live entertainment that is provided or occurs at private*
8 *meetings or dinners attended by members of a particular*
9 *organization or by a casual assemblage and the purpose of the*
10 *event is not primarily for entertainment.*

11 (h) *Live entertainment presented in a common area of a*
12 *shopping mall, unless the entertainment is provided in a facility*
13 *located within the mall.*

14 4. The tax imposed by this section must be paid by the licensee
15 of the establishment.

16 5. *As used in this section, “live entertainment” means any*
17 *activity provided for pleasure, enjoyment, recreation, relaxation,*
18 *diversion or other similar purpose by a person or persons who are*
19 *physically present when providing that activity to a patron or*
20 *group of patrons who are physically present.*

21 **Sec. 172.** NRS 463.4055 is hereby amended to read as
22 follows:

23 463.4055 Any ticket for admission to ~~{a cabaret, nightclub,~~
24 ~~cocktail lounge or casino showroom}~~ *an activity subject to the tax*
25 *imposed by NRS 463.401* must state whether the casino
26 entertainment tax is included in the price of the ticket. If the ticket
27 does not include such a statement, the licensed gaming
28 establishment shall pay the casino entertainment tax on the face
29 amount of the ticket.

30 **Sec. 173.** NRS 463.408 is hereby amended to read as follows:

31 463.408 1. As used in this section, “holidays or special
32 events” refers to periods during which the influx of tourist activity
33 in this state or any area thereof may require additional or alternative
34 industry accommodation as determined by the Board.

35 2. Any licensee holding a valid license under this chapter may
36 apply to the Board, on application forms prescribed by the Board,
37 for a holiday or special event permit to:

38 (a) Increase the licensee’s game operations during holidays or
39 special events; or

40 (b) Provide persons who are attending a special event with
41 gaming in an area of the licensee’s establishment to which access by
42 the general public may be restricted.

43 3. The application must be filed with the Board at least 15 days
44 before the date of the holiday or special event.



1 4. If the Board approves the application, it shall issue to the
2 licensee a permit to operate presently existing games or any
3 additional games in designated areas of the licensee's establishment.
4 The number of additional games must not exceed 50 percent of the
5 number of games operated by the licensee at the time the application
6 is filed. The permit must state the period for which it is issued and
7 the number, if any, of additional games allowed. For purposes of
8 computation, any fractional game must be counted as one full game.
9 The licensee shall present any such permit on the demand of any
10 inspecting agent of the Board or Commission.

11 5. Before issuing any permit, the Board shall charge and collect
12 from the licensee a fee of \$14 per game per day for each day the
13 permit is effective. The fees are in lieu of the fees required under
14 NRS 463.380, 463.383 and 463.390.

15 6. The additional games allowed under a permit must not be
16 counted in computing the ~~casino entertainment tax under NRS~~
17 ~~463.401.] tax imposed by section 78 of this act.~~

18 7. If any such additional games are not removed at the time the
19 permit expires, the licensee is immediately subject to the fees
20 provided for in this chapter.

21 **Sec. 174.** NRS 612.265 is hereby amended to read as follows:

22 612.265 1. Except as otherwise provided in this section,
23 information obtained from any employing unit or person pursuant to
24 the administration of this chapter and any determination as to the
25 benefit rights of any person is confidential and may not be disclosed
26 or be open to public inspection in any manner which would reveal
27 the person's or employing unit's identity.

28 2. Any claimant or his legal representative is entitled to
29 information from the records of the Division, to the extent necessary
30 for the proper presentation of his claim in any proceeding pursuant
31 to this chapter. A claimant or an employing unit is not entitled to
32 information from the records of the Division for any other purpose.

33 3. Subject to such restrictions as the Administrator may by
34 regulation prescribe, the information obtained by the Division may
35 be made available to:

36 (a) Any agency of this or any other state or any federal agency
37 charged with the administration or enforcement of laws relating to
38 unemployment compensation, public assistance, workers'
39 compensation or labor and industrial relations, or the maintenance
40 of a system of public employment offices;

41 (b) Any state or local agency for the enforcement of child
42 support;

43 (c) The Internal Revenue Service of the Department of the
44 Treasury;

45 (d) The Department of Taxation; and



1 (e) The State Contractors' Board in the performance of its duties
2 to enforce the provisions of chapter 624 of NRS.

3 Information obtained in connection with the administration of the
4 Employment Service may be made available to persons or agencies
5 for purposes appropriate to the operation of a public employment
6 service or a public assistance program.

7 4. Upon written request made by a public officer of a local
8 government, the Administrator shall furnish from the records of the
9 Division the name, address and place of employment of any person
10 listed in the records of employment of the Division. The request
11 must set forth the social security number of the person about whom
12 the request is made and contain a statement signed by proper
13 authority of the local government certifying that the request is made
14 to allow the proper authority to enforce a law to recover a debt or
15 obligation owed to the local government. The information obtained
16 by the local government is confidential and may not be used or
17 disclosed for any purpose other than the collection of a debt or
18 obligation owed to that local government. The Administrator may
19 charge a reasonable fee for the cost of providing the requested
20 information.

21 5. The Administrator may publish or otherwise provide
22 information on the names of employers, their addresses, their type
23 or class of business or industry, and the approximate number of
24 employees employed by each such employer, if the information
25 released will assist unemployed persons to obtain employment or
26 will be generally useful in developing and diversifying the economic
27 interests of this state. Upon request by a state agency which is able
28 to demonstrate that its intended use of the information will benefit
29 the residents of this state, the Administrator may, in addition to the
30 information listed in this subsection, disclose the number of
31 employees employed by each employer and the total wages paid by
32 each employer. The Administrator may charge a fee to cover the
33 actual costs of any administrative expenses relating to the disclosure
34 of this information to a state agency. The Administrator may require
35 the state agency to certify in writing that the agency will take all
36 actions necessary to maintain the confidentiality of the information
37 and prevent its unauthorized disclosure.

38 6. Upon request therefor the Administrator shall furnish to any
39 agency of the United States charged with the administration of
40 public works or assistance through public employment, and may
41 furnish to any state agency similarly charged, the name, address,
42 ordinary occupation and employment status of each recipient of
43 benefits and the recipient's rights to further benefits pursuant to this
44 chapter.



1 7. To further a current criminal investigation, the chief
2 executive officer of any law enforcement agency of this state may
3 submit a written request to the Administrator that he furnish, from
4 the records of the Division, the name, address and place of
5 employment of any person listed in the records of employment of
6 the Division. The request must set forth the social security number
7 of the person about whom the request is made and contain a
8 statement signed by the chief executive officer certifying that the
9 request is made to further a criminal investigation currently being
10 conducted by the agency. Upon receipt of such a request, the
11 Administrator shall furnish the information requested. He may
12 charge a fee to cover the actual costs of any related administrative
13 expenses.

14 8. In addition to the provisions of subsection 5, the
15 Administrator shall provide lists containing the names and addresses
16 of employers, the number of employees employed by each employer
17 and *information regarding* the ~~total~~ wages paid by each employer
18 to the Department of Taxation, upon request, for use in verifying
19 returns for the ~~business tax~~ *taxes imposed pursuant to chapter*
20 *364A of NRS and sections 40 to 63, inclusive, of this act.* The
21 Administrator may charge a fee to cover the actual costs of any
22 related administrative expenses.

23 9. A private carrier that provides industrial insurance in this
24 state shall submit to the Administrator a list containing the name of
25 each person who received benefits pursuant to chapters 616A to
26 616D, inclusive, or 617 of NRS during the preceding month and
27 request that he compare the information so provided with the
28 records of the Division regarding persons claiming benefits pursuant
29 to chapter 612 of NRS for the same period. The information
30 submitted by the private carrier must be in a form determined by the
31 Administrator and must contain the social security number of each
32 such person. Upon receipt of the request, the Administrator shall
33 make such a comparison and, if it appears from the information
34 submitted that a person is simultaneously claiming benefits under
35 chapter 612 of NRS and under chapters 616A to 616D, inclusive, or
36 617 of NRS, the Administrator shall notify the Attorney General or
37 any other appropriate law enforcement agency. The Administrator
38 shall charge a fee to cover the actual costs of any related
39 administrative expenses.

40 10. The Administrator may request the Comptroller of the
41 Currency of the United States to cause an examination of the
42 correctness of any return or report of any national banking
43 association rendered pursuant to the provisions of this chapter, and
44 may in connection with the request transmit any such report or



1 return to the Comptroller of the Currency of the United States as
2 provided in Section 3305(c) of the Internal Revenue Code of 1954.

3 11. If any employee or member of the Board of Review, the
4 Administrator or any employee of the Administrator, in violation of
5 the provisions of this section, discloses information obtained from
6 any employing unit or person in the administration of this chapter,
7 or if any person who has obtained a list of applicants for work, or of
8 claimants or recipients of benefits pursuant to this chapter uses or
9 permits the use of the list for any political purpose, he is guilty of a
10 gross misdemeanor.

11 12. All letters, reports or communications of any kind, oral or
12 written, from the employer or employee to each other or to the
13 Division or any of its agents, representatives or employees are
14 privileged and must not be the subject matter or basis for any
15 lawsuit if the letter, report or communication is written, sent,
16 delivered or prepared pursuant to the requirements of this chapter.

17 **Sec. 175.** NRS 612.265 is hereby amended to read as follows:

18 612.265 1. Except as otherwise provided in this section,
19 information obtained from any employing unit or person pursuant to
20 the administration of this chapter and any determination as to the
21 benefit rights of any person is confidential and may not be disclosed
22 or be open to public inspection in any manner which would reveal
23 the person's or employing unit's identity.

24 2. Any claimant or his legal representative is entitled to
25 information from the records of the Division, to the extent necessary
26 for the proper presentation of his claim in any proceeding pursuant
27 to this chapter. A claimant or an employing unit is not entitled to
28 information from the records of the Division for any other purpose.

29 3. Subject to such restrictions as the Administrator may by
30 regulation prescribe, the information obtained by the Division may
31 be made available to:

32 (a) Any agency of this or any other state or any federal agency
33 charged with the administration or enforcement of laws relating to
34 unemployment compensation, public assistance, workers'
35 compensation or labor and industrial relations, or the maintenance
36 of a system of public employment offices;

37 (b) Any state or local agency for the enforcement of child
38 support;

39 (c) The Internal Revenue Service of the Department of the
40 Treasury;

41 (d) The Department of Taxation; and

42 (e) The State Contractors' Board in the performance of its duties
43 to enforce the provisions of chapter 624 of NRS.

44 Information obtained in connection with the administration of the
45 Employment Service may be made available to persons or agencies



1 for purposes appropriate to the operation of a public employment
2 service or a public assistance program.

3 4. Upon written request made by a public officer of a local
4 government, the Administrator shall furnish from the records of the
5 Division the name, address and place of employment of any person
6 listed in the records of employment of the Division. The request
7 must set forth the social security number of the person about whom
8 the request is made and contain a statement signed by proper
9 authority of the local government certifying that the request is made
10 to allow the proper authority to enforce a law to recover a debt or
11 obligation owed to the local government. The information obtained
12 by the local government is confidential and may not be used or
13 disclosed for any purpose other than the collection of a debt or
14 obligation owed to that local government. The Administrator may
15 charge a reasonable fee for the cost of providing the requested
16 information.

17 5. The Administrator may publish or otherwise provide
18 information on the names of employers, their addresses, their type
19 or class of business or industry, and the approximate number of
20 employees employed by each such employer, if the information
21 released will assist unemployed persons to obtain employment or
22 will be generally useful in developing and diversifying the economic
23 interests of this state. Upon request by a state agency which is able
24 to demonstrate that its intended use of the information will benefit
25 the residents of this state, the Administrator may, in addition to the
26 information listed in this subsection, disclose the number of
27 employees employed by each employer and the total wages paid by
28 each employer. The Administrator may charge a fee to cover the
29 actual costs of any administrative expenses relating to the disclosure
30 of this information to a state agency. The Administrator may require
31 the state agency to certify in writing that the agency will take all
32 actions necessary to maintain the confidentiality of the information
33 and prevent its unauthorized disclosure.

34 6. Upon request therefor the Administrator shall furnish to any
35 agency of the United States charged with the administration of
36 public works or assistance through public employment, and may
37 furnish to any state agency similarly charged, the name, address,
38 ordinary occupation and employment status of each recipient of
39 benefits and the recipient's rights to further benefits pursuant to this
40 chapter.

41 7. To further a current criminal investigation, the chief
42 executive officer of any law enforcement agency of this state may
43 submit a written request to the Administrator that he furnish, from
44 the records of the Division, the name, address and place of
45 employment of any person listed in the records of employment of



1 the Division. The request must set forth the social security number
2 of the person about whom the request is made and contain a
3 statement signed by the chief executive officer certifying that the
4 request is made to further a criminal investigation currently being
5 conducted by the agency. Upon receipt of such a request, the
6 Administrator shall furnish the information requested. He may
7 charge a fee to cover the actual costs of any related administrative
8 expenses.

9 8. In addition to the provisions of subsection 5, the
10 Administrator shall provide lists containing the names and addresses
11 of employers, ~~{the number of employees employed by each~~
12 ~~employer}~~ and information regarding the wages paid by each
13 employer to the Department of Taxation, upon request, for use in
14 verifying returns for the ~~{taxes}~~ *tax* imposed pursuant to ~~{chapter~~
15 ~~364A of NRS and}~~ sections 40 to 63, inclusive, of this act. The
16 Administrator may charge a fee to cover the actual costs of any
17 related administrative expenses.

18 9. A private carrier that provides industrial insurance in this
19 state shall submit to the Administrator a list containing the name of
20 each person who received benefits pursuant to chapters 616A to
21 616D, inclusive, or 617 of NRS during the preceding month and
22 request that he compare the information so provided with the
23 records of the Division regarding persons claiming benefits pursuant
24 to chapter 612 of NRS for the same period. The information
25 submitted by the private carrier must be in a form determined by the
26 Administrator and must contain the social security number of each
27 such person. Upon receipt of the request, the Administrator shall
28 make such a comparison and, if it appears from the information
29 submitted that a person is simultaneously claiming benefits under
30 chapter 612 of NRS and under chapters 616A to 616D, inclusive, or
31 617 of NRS, the Administrator shall notify the Attorney General or
32 any other appropriate law enforcement agency. The Administrator
33 shall charge a fee to cover the actual costs of any related
34 administrative expenses.

35 10. The Administrator may request the Comptroller of the
36 Currency of the United States to cause an examination of the
37 correctness of any return or report of any national banking
38 association rendered pursuant to the provisions of this chapter, and
39 may in connection with the request transmit any such report or
40 return to the Comptroller of the Currency of the United States as
41 provided in Section 3305(c) of the Internal Revenue Code of 1954.

42 11. If any employee or member of the Board of Review, the
43 Administrator or any employee of the Administrator, in violation of
44 the provisions of this section, discloses information obtained from
45 any employing unit or person in the administration of this chapter,



1 or if any person who has obtained a list of applicants for work, or of
2 claimants or recipients of benefits pursuant to this chapter uses or
3 permits the use of the list for any political purpose, he is guilty of a
4 gross misdemeanor.

5 12. All letters, reports or communications of any kind, oral or
6 written, from the employer or employee to each other or to the
7 Division or any of its agents, representatives or employees are
8 privileged and must not be the subject matter or basis for any
9 lawsuit if the letter, report or communication is written, sent,
10 delivered or prepared pursuant to the requirements of this chapter.

11 **Sec. 176.** NRS 616B.012 is hereby amended to read as
12 follows:

13 616B.012 1. Except as otherwise provided in this section and
14 in NRS 616B.015, 616B.021 and 616C.205, information obtained
15 from any insurer, employer or employee is confidential and may not
16 be disclosed or be open to public inspection in any manner which
17 would reveal the person's identity.

18 2. Any claimant or his legal representative is entitled to
19 information from the records of the insurer, to the extent necessary
20 for the proper presentation of a claim in any proceeding under
21 chapters 616A to 616D, inclusive, or chapter 617 of NRS.

22 3. The Division and Administrator are entitled to information
23 from the records of the insurer which is necessary for the
24 performance of their duties. The Administrator may, by regulation,
25 prescribe the manner in which otherwise confidential information
26 may be made available to:

27 (a) Any agency of this or any other state charged with the
28 administration or enforcement of laws relating to industrial
29 insurance, unemployment compensation, public assistance or labor
30 law and industrial relations;

31 (b) Any state or local agency for the enforcement of child
32 support;

33 (c) The Internal Revenue Service of the Department of the
34 Treasury;

35 (d) The Department of Taxation; and

36 (e) The State Contractors' Board in the performance of its duties
37 to enforce the provisions of chapter 624 of NRS.

38 Information obtained in connection with the administration of a
39 program of industrial insurance may be made available to persons or
40 agencies for purposes appropriate to the operation of a program of
41 industrial insurance.

42 4. Upon written request made by a public officer of a local
43 government, an insurer shall furnish from its records the name,
44 address and place of employment of any person listed in its records.
45 The request must set forth the social security number of the person



1 about whom the request is made and contain a statement signed by
2 proper authority of the local government certifying that the request
3 is made to allow the proper authority to enforce a law to recover a
4 debt or obligation owed to the local government. The information
5 obtained by the local government is confidential and may not be
6 used or disclosed for any purpose other than the collection of a debt
7 or obligation owed to that local government. The insurer may charge
8 a reasonable fee for the cost of providing the requested information.

9 5. To further a current criminal investigation, the chief
10 executive officer of any law enforcement agency of this state may
11 submit to the administrator a written request for the name, address
12 and place of employment of any person listed in the records of an
13 insurer. The request must set forth the social security number of the
14 person about whom the request is made and contain a statement
15 signed by the chief executive officer certifying that the request is
16 made to further a criminal investigation currently being conducted
17 by the agency. Upon receipt of a request, the Administrator shall
18 instruct the insurer to furnish the information requested. Upon
19 receipt of such an instruction, the insurer shall furnish the
20 information requested. The insurer may charge a reasonable fee to
21 cover any related administrative expenses.

22 6. Upon request by the Department of Taxation, the
23 Administrator shall provide:

24 (a) Lists containing the names and addresses of employers; and
25 (b) Other information concerning employers collected and
26 maintained by the Administrator or the Division to carry out the
27 purposes of chapters 616A to 616D, inclusive, or chapter 617 of
28 NRS,
29 to the Department for its use in verifying returns for the ~~business~~
30 ~~tax-~~ *taxes imposed pursuant to chapter 364A of NRS and sections*
31 *40 to 63, inclusive, of this act.* The Administrator may charge a
32 reasonable fee to cover any related administrative expenses.

33 7. Any person who, in violation of this section, discloses
34 information obtained from files of claimants or policyholders or
35 obtains a list of claimants or policyholders under chapters 616A to
36 616D, inclusive, or chapter 617 of NRS and uses or permits the use
37 of the list for any political purposes, is guilty of a gross
38 misdemeanor.

39 8. All letters, reports or communications of any kind, oral or
40 written, from the insurer, or any of its agents, representatives or
41 employees are privileged and must not be the subject matter or basis
42 for any lawsuit if the letter, report or communication is written, sent,
43 delivered or prepared pursuant to the requirements of chapters 616A
44 to 616D, inclusive, or chapter 617 of NRS.



1 **Sec. 177.** NRS 616B.012 is hereby amended to read as
2 follows:

3 616B.012 1. Except as otherwise provided in this section and
4 in NRS 616B.015, 616B.021 and 616C.205, information obtained
5 from any insurer, employer or employee is confidential and may not
6 be disclosed or be open to public inspection in any manner which
7 would reveal the person's identity.

8 2. Any claimant or his legal representative is entitled to
9 information from the records of the insurer, to the extent necessary
10 for the proper presentation of a claim in any proceeding under
11 chapters 616A to 616D, inclusive, or chapter 617 of NRS.

12 3. The Division and Administrator are entitled to information
13 from the records of the insurer which is necessary for the
14 performance of their duties. The Administrator may, by regulation,
15 prescribe the manner in which otherwise confidential information
16 may be made available to:

17 (a) Any agency of this or any other state charged with the
18 administration or enforcement of laws relating to industrial
19 insurance, unemployment compensation, public assistance or labor
20 law and industrial relations;

21 (b) Any state or local agency for the enforcement of child
22 support;

23 (c) The Internal Revenue Service of the Department of the
24 Treasury;

25 (d) The Department of Taxation; and

26 (e) The State Contractors' Board in the performance of its duties
27 to enforce the provisions of chapter 624 of NRS.

28 Information obtained in connection with the administration of a
29 program of industrial insurance may be made available to persons or
30 agencies for purposes appropriate to the operation of a program of
31 industrial insurance.

32 4. Upon written request made by a public officer of a local
33 government, an insurer shall furnish from its records the name,
34 address and place of employment of any person listed in its records.
35 The request must set forth the social security number of the person
36 about whom the request is made and contain a statement signed by
37 proper authority of the local government certifying that the request
38 is made to allow the proper authority to enforce a law to recover a
39 debt or obligation owed to the local government. The information
40 obtained by the local government is confidential and may not be
41 used or disclosed for any purpose other than the collection of a debt
42 or obligation owed to that local government. The insurer may charge
43 a reasonable fee for the cost of providing the requested information.

44 5. To further a current criminal investigation, the chief
45 executive officer of any law enforcement agency of this state may



1 submit to the administrator a written request for the name, address
2 and place of employment of any person listed in the records of an
3 insurer. The request must set forth the social security number of the
4 person about whom the request is made and contain a statement
5 signed by the chief executive officer certifying that the request is
6 made to further a criminal investigation currently being conducted
7 by the agency. Upon receipt of a request, the Administrator shall
8 instruct the insurer to furnish the information requested. Upon
9 receipt of such an instruction, the insurer shall furnish the
10 information requested. The insurer may charge a reasonable fee to
11 cover any related administrative expenses.

12 6. Upon request by the Department of Taxation, the
13 Administrator shall provide:

14 (a) Lists containing the names and addresses of employers; and
15 (b) Other information concerning employers collected and
16 maintained by the Administrator or the Division to carry out the
17 purposes of chapters 616A to 616D, inclusive, or chapter 617 of
18 NRS,

19 to the Department for its use in verifying returns for the ~~taxes~~ *tax*
20 imposed pursuant to ~~chapter 364A of NRS and~~ sections 40 to 63,
21 inclusive, of this act. The Administrator may charge a reasonable
22 fee to cover any related administrative expenses.

23 7. Any person who, in violation of this section, discloses
24 information obtained from files of claimants or policyholders or
25 obtains a list of claimants or policyholders under chapters 616A to
26 616D, inclusive, or chapter 617 of NRS and uses or permits the use
27 of the list for any political purposes, is guilty of a gross
28 misdemeanor.

29 8. All letters, reports or communications of any kind, oral or
30 written, from the insurer, or any of its agents, representatives or
31 employees are privileged and must not be the subject matter or basis
32 for any lawsuit if the letter, report or communication is written, sent,
33 delivered or prepared pursuant to the requirements of chapters 616A
34 to 616D, inclusive, or chapter 617 of NRS.

35 **Sec. 178.** NRS 616B.679 is hereby amended to read as
36 follows:

37 616B.679 1. Each application must include:

38 (a) The applicant's name and title of his position with the
39 employee leasing company.

40 (b) The applicant's age, place of birth and social security
41 number.

42 (c) The applicant's address.

43 (d) The business address of the employee leasing company.

44 (e) The business address of the resident agent of the employee
45 leasing company, if the applicant is not the resident agent.



- 1 (f) If the applicant is a:
- 2 (1) Partnership, the name of the partnership and the name,
- 3 address, age, social security number and title of each partner.
- 4 (2) Corporation, the name of the corporation and the name,
- 5 address, age, social security number and title of each officer of the
- 6 corporation.
- 7 (g) Proof of:
- 8 (1) ~~[The payment of any taxes required by chapter 364A of~~
- 9 ~~NRS.] *Compliance with the provisions of section 108 of this act.*~~
- 10 (2) The payment of any premiums for industrial insurance
- 11 required by chapters 616A to 617, inclusive, of NRS.
- 12 (3) The payment of contributions or payments in lieu of
- 13 contributions required by chapter 612 of NRS.
- 14 (4) Insurance coverage for any benefit plan from an insurer
- 15 authorized pursuant to title 57 of NRS that is offered by the
- 16 employee leasing company to its employees.
- 17 (h) Any other information the Administrator requires.
- 18 2. Each application must be notarized and signed under penalty
- 19 of perjury:
- 20 (a) If the applicant is a sole proprietorship, by the sole
- 21 proprietor.
- 22 (b) If the applicant is a partnership, by each partner.
- 23 (c) If the applicant is a corporation, by each officer of the
- 24 corporation.
- 25 3. An applicant shall submit to the Administrator any change in
- 26 the information required by this section within 30 days after the
- 27 change occurs. The Administrator may revoke the certificate of
- 28 registration of an employee leasing company which fails to comply
- 29 with the provisions of NRS 616B.670 to 616B.697, inclusive.
- 30 4. If an insurer cancels an employee leasing company's policy,
- 31 the insurer shall immediately notify the Administrator in writing.
- 32 The notice must comply with the provisions of NRS 687B.310 to
- 33 687B.355, inclusive, and must be served personally on or sent by
- 34 first-class mail or electronic transmission to the Administrator.
- 35 **Sec. 179.** NRS 616B.691 is hereby amended to read as
- 36 follows:
- 37 616B.691 1. For the purposes of chapters 364A, 612 and
- 38 616A to 617, inclusive, of NRS, *and sections 40 to 63, inclusive, of*
- 39 *this act*, an employee leasing company which complies with the
- 40 provisions of NRS 616B.670 to 616B.697, inclusive, shall be
- 41 deemed to be the employer of the employees it leases to a client
- 42 company.
- 43 2. An employee leasing company shall be deemed to be the
- 44 employer of its leased employees for the purposes of sponsoring and
- 45 maintaining any benefit plans.



1 3. An employee leasing company shall not offer its employees
2 any self-funded insurance program. An employee leasing company
3 shall not act as a self-insured employer or be a member of an
4 association of self-insured public or private employers pursuant to
5 chapters 616A to 616D, inclusive, or chapter 617 of NRS or
6 pursuant to title 57 of NRS.

7 4. If an employee leasing company fails to:

8 (a) Pay any contributions, premiums, forfeits or interest due; or

9 (b) Submit any reports or other information required,

10 pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of
11 NRS, the client company is jointly and severally liable for the
12 contributions, premiums, forfeits or interest attributable to the wages
13 of the employees leased to it by the employee leasing company.

14 **Sec. 180.** NRS 616B.691 is hereby amended to read as
15 follows:

16 616B.691 1. For the purposes of chapters ~~616A,~~ 612 and
17 616A to 617, inclusive, of NRS, and sections 40 to 63, inclusive, of
18 this act, an employee leasing company which complies with the
19 provisions of NRS 616B.670 to 616B.697, inclusive, shall be
20 deemed to be the employer of the employees it leases to a client
21 company.

22 2. An employee leasing company shall be deemed to be the
23 employer of its leased employees for the purposes of sponsoring and
24 maintaining any benefit plans.

25 3. An employee leasing company shall not offer its employees
26 any self-funded insurance program. An employee leasing company
27 shall not act as a self-insured employer or be a member of an
28 association of self-insured public or private employers pursuant to
29 chapters 616A to 616D, inclusive, or chapter 617 of NRS or
30 pursuant to title 57 of NRS.

31 4. If an employee leasing company fails to:

32 (a) Pay any contributions, premiums, forfeits or interest due; or

33 (b) Submit any reports or other information required,

34 pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of
35 NRS, the client company is jointly and severally liable for the
36 contributions, premiums, forfeits or interest attributable to the wages
37 of the employees leased to it by the employee leasing company.

38 **Sec. 181.** NRS 680B.037 is hereby amended to read as
39 follows:

40 680B.037 ~~Payment~~

41 1. *Except as otherwise provided in subsection 2, payment* by
42 an insurer of the tax imposed by NRS 680B.027 is in lieu of all
43 taxes imposed by the State or any city, town or county upon
44 premiums or upon income of insurers and of franchise, privilege or
45 other taxes measured by income of the insurer.



1 ***2. The provisions of subsection 1 do not apply to the***
2 ***franchise tax imposed pursuant to the provisions of sections 2 to***
3 ***38, inclusive, of this act.***

4 **Sec. 182.** NRS 687A.130 is hereby amended to read as
5 follows:

6 687A.130 The Association is exempt from payment of all fees
7 and all taxes levied by this state or any of its subdivisions, except
8 ~~{taxes}~~ :

9 ***1. Taxes*** levied on real or personal property.

10 ***2. The franchise tax imposed pursuant to the provisions of***
11 ***sections 2 to 38, inclusive, of this act.***

12 **Sec. 183.** NRS 694C.450 is hereby amended to read as
13 follows:

14 694C.450 1. Except as otherwise provided in this section, a
15 captive insurer shall pay to the Division, not later than March 1 of
16 each year, a tax at the rate of:

17 (a) Two-fifths of 1 percent on the first \$20,000,000 of its net
18 direct premiums;

19 (b) One-fifth of 1 percent on the next \$20,000,000 of its net
20 direct premiums; and

21 (c) Seventy-five thousandths of 1 percent on each additional
22 dollar of its net direct premiums.

23 2. Except as otherwise provided in this section, a captive
24 insurer shall pay to the Division, not later than March 1 of each
25 year, a tax at a rate of:

26 (a) Two hundred twenty-five thousandths of 1 percent on the
27 first \$20,000,000 of revenue from assumed reinsurance premiums;

28 (b) One hundred fifty thousandths of 1 percent on the next
29 \$20,000,000 of revenue from assumed reinsurance premiums; and

30 (c) Twenty-five thousandths of 1 percent on each additional
31 dollar of revenue from assumed reinsurance premiums.

32 The tax on reinsurance premiums pursuant to this subsection must
33 not be levied on premiums for risks or portions of risks which are
34 subject to taxation on a direct basis pursuant to subsection 1. A
35 captive insurer is not required to pay any reinsurance premium tax
36 pursuant to this subsection on revenue related to the receipt of assets
37 by the captive insurer in exchange for the assumption of loss
38 reserves and other liabilities of another insurer that is under
39 common ownership and control with the captive insurer, if the
40 transaction is part of a plan to discontinue the operation of the other
41 insurer and the intent of the parties to the transaction is to renew or
42 maintain such business with the captive insurer.

43 3. If the sum of the taxes to be paid by a captive insurer
44 calculated pursuant to subsections 1 and 2 is less than \$5,000 in any



1 given year, the captive insurer shall pay a tax of \$5,000 for that
2 year.

3 4. Two or more captive insurers under common ownership and
4 control must be taxed as if they were a single captive insurer.

5 5. Notwithstanding any specific statute to the contrary, ~~and~~
6 except as otherwise provided in this subsection, the tax provided for
7 by this section constitutes all the taxes collectible pursuant to the
8 laws of this state from a captive insurer, and no occupation tax or
9 other taxes may be levied or collected from a captive insurer by this
10 state or by any county, city or municipality within this state, except
11 for *the franchise tax imposed pursuant to the provisions of*
12 *sections 2 to 38, inclusive, of this act and* ad valorem taxes on real
13 or personal property located in this state used in the production of
14 income by the captive insurer.

15 6. Ten percent of the revenues collected from the tax imposed
16 pursuant to this section must be deposited with the State Treasurer
17 for credit to the Account for the Regulation and Supervision of
18 Captive Insurers created pursuant to NRS 694C.460. The remaining
19 90 percent of the revenues collected must be deposited with the
20 State Treasurer for credit to the State General Fund.

21 7. As used in this section, unless the context otherwise
22 requires:

23 (a) "Common ownership and control" means:

24 (1) In the case of a stock insurer, the direct or indirect
25 ownership of 80 percent or more of the outstanding voting stock of
26 two or more corporations by the same member or members.

27 (2) In the case of a mutual insurer, the direct or indirect
28 ownership of 80 percent or more of the surplus and the voting power
29 of two or more corporations by the same member or members.

30 (b) "Net direct premiums" means the direct premiums collected
31 or contracted for on policies or contracts of insurance written by a
32 captive insurer during the preceding calendar year, less the amounts
33 paid to policyholders as return premiums, including dividends on
34 unabsorbed premiums or premium deposits returned or credited to
35 policyholders.

36 **Sec. 184.** Section 108 of this act is hereby amended to read as
37 follows:

38 Sec. 108. 1. Except as otherwise provided in subsection
39 8, a person shall not conduct a business in this state unless he
40 has a business license issued by the Department.

41 2. An application for a business license must:

42 (a) Be made upon a form prescribed by the Department;

43 (b) Set forth the name under which the applicant transacts
44 or intends to transact business and the location of his place or
45 places of business;



1 (c) Declare the estimated number of employees for the
2 previous calendar quarter;

3 (d) Be accompanied by a fee of \$100; and

4 (e) Include any other information that the Department
5 deems necessary.

6 3. The application must be signed by:

7 (a) The owner, if the business is owned by a natural
8 person;

9 (b) A member or partner, if the business is owned by an
10 association or partnership; or

11 (c) An officer or some other person specifically
12 authorized to sign the application, if the business is owned by
13 a corporation.

14 4. If the application is signed pursuant to paragraph (c)
15 of subsection 3, written evidence of the signer's authority
16 must be attached to the application.

17 5. A person who has been issued a business license by
18 the Department shall submit a fee of \$100 to the Department
19 on or before the last day of the month in which the
20 anniversary date of issuance of the business license occurs in
21 each year, unless the person submits a written statement to
22 the Department, at least 10 days before the anniversary date,
23 indicating that the person will not be conducting business in
24 this state after the anniversary date. *A person who fails to
25 submit the annual fee required pursuant to this subsection
26 in a timely manner shall pay a penalty in the amount of
27 \$100 in addition to the annual fee.*

28 6. The business license required to be obtained pursuant
29 to this section is in addition to any license to conduct business
30 that must be obtained from the local jurisdiction in which the
31 business is being conducted.

32 7. For the purposes of sections 102 to 108, inclusive, of
33 this act, a person shall be deemed to conduct a business in
34 this state if a business for which the person is responsible:

35 (a) Is organized pursuant to title 7 of NRS, other than a
36 business organized pursuant to chapter 82 or 84 of NRS:

37 (b) Has an office or other base of operations in this state;
38 or

39 (c) Pays wages or other remuneration to a natural person
40 who performs in this state any of the duties for which he is
41 paid.

42 8. A person who takes part in a trade show or convention
43 held in this state for a purpose related to the conduct of a
44 business is not required to obtain a business license
45 specifically for that event.



1 **Sec. 185.** Section 6 of chapter 458, Statutes of Nevada 1999,
2 at page 2133, is hereby amended to read as follows:

3 Sec. 6. The amendatory provisions of *sections 2 to 5,*
4 *inclusive, of* this act expire by limitation on October 1,
5 2029.

6 **Sec. 186.** 1. NRS 375.025 and 375.075 are hereby repealed.

7 2. NRS 364A.160 is hereby repealed.

8 3. NRS 463.4001, 463.4002, 463.4004, 463.4006, 463.4008,
9 463.4009 and 463.4015 are hereby repealed.

10 4. NRS 463.401, 463.402, 463.403, 463.404, 463.4045,
11 463.405, 463.4055 and 463.406 are hereby repealed.

12 5. NRS 364A.010, 364A.020, 364A.030, 364A.040, 364A.050,
13 364A.060, 364A.070, 364A.080, 364A.090, 364A.100, 364A.110,
14 364A.120, 364A.130, 364A.135, 364A.140, 364A.150, 364A.151,
15 364A.152, 364A.1525, 364A.170, 364A.175, 364A.180, 364A.190,
16 364A.230, 364A.240, 364A.250, 364A.260, 364A.270, 364A.280,
17 364A.290, 364A.300, 364A.310, 364A.320, 364A.330, 364A.340
18 and 364A.350 are hereby repealed.

19 **Sec. 187.** 1. Notwithstanding the provisions of this act and
20 any other provision of law to the contrary, a public utility or local
21 government franchisee may increase its previously approved rates
22 by an amount which is reasonably estimated to produce an amount
23 of revenue equal to the amount of any tax liability incurred by the
24 public utility or local government franchisee before January 1, 2005,
25 as a result of the provisions of this act.

26 2. For the purposes of this section:

27 (a) "Local government franchisee" means a person to whom a
28 local government has granted a franchise for the provision of
29 services who is required to obtain the approval of a governmental
30 entity to increase any of the rates it charges for those services.

31 (b) "Public utility" means a public utility that is required to
32 obtain the approval of a governmental entity to increase any of the
33 rates it charges for a utility service.

34 **Sec. 188.** 1. The franchise tax imposed by section 20 of this
35 act applies to any Nevada taxable income earned by a business
36 entity on or after November 1, 2003.

37 2. Notwithstanding the provisions of section 20 of this act, the
38 tax return and remittance of the tax required pursuant to section 20
39 of this act for any taxable year ending before November 1, 2004, is
40 due on January 15, 2005.

41 3. As used in this section:

42 (a) "Business entity" has the meaning ascribed to it in section 4
43 of this act.

44 (b) "Nevada taxable income" has the meaning ascribed to it in
45 section 10 of this act.



1 (c) "Taxable year" has the meaning ascribed to it in section 11
2 of this act.

3 **Sec. 189.** 1. There is hereby appropriated from the State
4 General Fund to the Interim Finance Committee for allocation to the
5 Legislative Committee on Taxation, Public Revenue and Tax Policy
6 to exercise its powers pursuant to section 156 of this act, including,
7 without limitation, to hire a consultant:

8
9 For the Fiscal Year 2003-2004..... \$125,000
10 For the Fiscal Year 2004-2005..... \$125,000
11

12 2. The Interim Finance Committee may allocate to the
13 Legislative Committee on Taxation, Public Revenue and Tax Policy
14 all or any portion of the money appropriated by subsection 1.

15 3. The sums appropriated by subsection 1 are available for
16 either fiscal year. Any balance of those sums must not be committed
17 for expenditure after June 30, 2005, and reverts to the State General
18 Fund as soon as all payments of money committed have been made.

19 **Sec. 190.** 1. Section 170 of this act does not apply to any
20 license fees precollected pursuant to chapter 463 of NRS on or
21 before the effective date of that section.

22 2. For a licensed gaming establishment that is exempt from the
23 payment of the casino entertainment tax imposed by NRS 463.401
24 before September 1, 2003, but is required to pay that tax on and
25 after that date, sections 171 and 172 of this act apply to any taxable
26 receipts that are collected pursuant to those sections on or after
27 September 1, 2003, and before January 1, 2004.

28 3. Sections 65 to 100, inclusive, of this act apply to any taxable
29 receipts that are collected pursuant to the provisions of those
30 sections on or after January 1, 2004.

31 **Sec. 191.** 1. The provisions of subsection 4 of section 186 of
32 this act do not:

33 (a) Affect any rights, duties or liability of any person relating to
34 any taxes imposed pursuant to NRS 463.401 before January 1, 2004.

35 (b) Apply to the administration, collection and enforcement of
36 any taxes imposed pursuant to NRS 463.401 before January 1, 2004.

37 2. The provisions of subsection 5 of section 186 of this act do
38 not:

39 (a) Affect any rights, duties or liability of any person relating to
40 any taxes imposed pursuant to chapter 364A of NRS for any period
41 ending before July 1, 2004.

42 (b) Apply to the administration, collection and enforcement of
43 any taxes imposed pursuant to chapter 364A of NRS for any period
44 ending before July 1, 2004.



1 **Sec. 192.** The Legislative Committee on Taxation, Public
2 Revenue and Tax Policy established by the provisions of section
3 156 of this act shall:

4 1. Review and study:

5 (a) The impact, if any, that the imposition of the tax on live
6 entertainment imposed pursuant to section 78 of this act has had on
7 revenue received by the state and local governments from special
8 events conducted in this state.

9 (b) Whether promoters of special events are contracting with
10 entities in other states to hold the special events in those other states
11 as a result of the imposition of the tax.

12 (c) The loss of revenue, if any, from special events resulting
13 from the imposition of the tax.

14 (d) The feasibility and need for exempting such special events
15 from the tax.

16 (e) Standards and procedures that may be adopted for
17 determining whether special events should be exempt from the tax
18 and the qualifications for such an exemption.

19 2. Submit a report of the results of its review and any
20 recommendations for legislation to the 73rd Session of the Nevada
21 Legislature.

22 **Sec. 193.** 1. This section and sections 110, 127, 130, 141,
23 143, 145, 154 to 161, inclusive, 170, 185, 187, 190, 191 and 192 of
24 this act and subsection 1 of section 186 of this act become effective
25 upon passage and approval.

26 2. Section 189 of this act becomes effective upon passage and
27 approval and applies retroactively to July 1, 2003.

28 3. Sections 120, 121 and 122 of this act and subsection 2 of
29 section 186 of this act become effective on July 21, 2003.

30 4. Sections 171 and 172 of this act and subsection 3 of section
31 186 of this act become effective on September 1, 2003.

32 5. Sections 123 to 126, inclusive, 128, 129, 131 to 140,
33 inclusive, 165 and 166 of this act become effective:

34 (a) Upon passage and approval for the purpose of adopting
35 regulations and performing any other preparatory administrative
36 tasks that are necessary to carry out the provisions of this act; and

37 (b) On October 1, 2003, for all other purposes.

38 6. Sections 1 to 38, inclusive, 111, 113, 115, 117, 181, 182,
39 183 and 188 of this act become effective:

40 (a) Upon passage and approval for the purpose of adopting
41 regulations and performing any other preparatory administrative
42 tasks that are necessary to carry out the provisions of this act; and

43 (b) On November 1, 2003, for all other purposes.



- 1 7. Sections 39 to 100, inclusive, 162, 168, 169, 173, 174, 176
2 and 179 of this act and subsection 4 of section 186 of this act
3 become effective:
4 (a) Upon passage and approval for the purpose of adopting
5 regulations and performing any other preparatory administrative
6 tasks that are necessary to carry out the provisions of this act; and
7 (b) On January 1, 2004, for all other purposes.
8 8. Sections 101 to 109, inclusive, 112, 114, 116, 118, 119, 147
9 to 153, inclusive, 163, 164, 167, 175, 177, 178, 180 and 184 of this
10 act and subsection 5 of section 186 of this act become effective:
11 (a) Upon passage and approval for the purpose of adopting
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and
14 (b) On July 1, 2004, for all other purposes.
15 9. Sections 142, 144 and 146 of this act become effective at
16 12:01 a.m. on October 1, 2029.
17 10. Sections 154 to 160, inclusive, of this act expire by
18 limitation on June 30, 2005.
19 11. Sections 141, 143 and 145 of this act expire by limitation
20 on September 30, 2029.

LEADLINES OF REPEALED SECTIONS

- 364A.010 Definitions.**
364A.020 "Business" defined.
364A.030 "Commission" defined.
364A.040 "Employee" defined.
364A.050 "Wages" defined.
364A.060 Regulations of Nevada Tax Commission.
**364A.070 Maintenance and availability of records of
business; penalty.**
**364A.080 Examination of records by Department; payment
of expenses of Department for examination of records outside
State.**
**364A.090 Authority of Executive Director to request
information to carry out chapter.**
**364A.100 Confidentiality of records and files of
Department.**
364A.110 Business Tax Account: Deposits; refunds.
364A.120 Activities constituting business.
**364A.130 Business license required; application for license;
activities constituting conduct of business.**



364A.135 Revocation or suspension of business license for failure to comply with statutes or regulations.

364A.140 Imposition, payment and amount of tax; filing and contents of return.

364A.150 Calculation of total number of equivalent full-time employees; exclusion of hours of certain employees with lower incomes who received free child care from business.

364A.151 Exclusion of hours from calculation for employment of pupil as part of program that combines work and study.

364A.152 Responsibility of operator of facility for trade shows or conventions to pay tax on behalf of participants who do not have business license; exception.

364A.1525 Requirements to qualify as organization created for religious, charitable or educational purposes.

364A.160 Exemption for natural person with no employees during calendar quarter.

364A.170 Partial abatement of tax on new or expanded business.

364A.175 Exemption for activities conducted pursuant to certain contracts executed before July 1, 1991.

364A.180 Extension of time for payment; payment of interest during period of extension.

364A.190 Payment of penalty or interest not required under certain circumstances.

364A.230 Remedies of state are cumulative.

364A.240 Certification of excess amount collected; credit and refund.

364A.250 Limitations on claims for refund or credit; form and contents of claim; failure to file claim constitutes waiver; service of notice of rejection of claim.

364A.260 Interest on overpayments; disallowance of interest.

364A.270 Injunction or other process to prevent collection of tax prohibited; filing of claim condition precedent to maintaining action for refund.

364A.280 Action for refund: Time to sue; venue of action; waiver.

364A.290 Right of appeal on failure of Department to mail notice of action on claim; allocation of judgment for claimant.

364A.300 Allowance of interest in judgment for amount illegally collected.

364A.310 Standing to recover.

364A.320 Action for recovery of erroneous refund: Jurisdiction; venue; prosecution by Attorney General.



364A.330 Cancellation of illegal determination: Procedure; limitation.

364A.340 Proof of subcontractor's compliance with provisions of chapter.

364A.350 Penalty for false or fraudulent returns, statements or records.

375.025 Additional tax in certain counties.

375.075 Additional tax in certain counties: Disposition and use of proceeds.

463.4001 Definitions.

463.4002 "Auditorium" defined.

463.4004 "Casino showroom" defined.

463.4006 "Instrumental music" defined.

463.4008 "Mechanical music" defined.

463.4009 "Mechanical speech" defined.

463.401 Levy; amount; exemptions.

463.4015 Types of entertainment which are not subject to casino entertainment tax.

463.402 Forms for reports; regulations and standards.

463.403 Monthly reports and payments; overpayments and underpayments; interest.

463.404 Remittances must be deposited in State General Fund; refunds of tax erroneously paid.

463.4045 Refund of overpayment.

463.405 Records of receipts: Maintenance; inspection.

463.4055 Ticket for admission to certain establishments must indicate whether tax is included in price of ticket.

463.406 Penalties.

