

REQUIRES TWO-THIRDS MAJORITY VOTE (§§ 9, 11-16, 18, 20, 21, 24.32, 24.38, 24.50, 36-38, 40, 42, 44-49, 53, 54, 66, 67, 69-74, 76-87, 90-93, 95-102, 112-124, 134, 135, 138-141, 143, 162, 169-178, 180, 181, 184, 185, 186-187)

S.B. 6

SENATE BILL NO. 6—COMMITTEE OF THE WHOLE

JUNE 26, 2003

Referred to Committee of the Whole

SUMMARY—Makes various changes concerning state financial administration. (BDR 32-14)

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 an excise tax on employers based on wages paid to their employees; providing for the imposition and administration of a tax on financial institutions for the privilege of doing business in this state; 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; revising the taxes on liquor and cigarettes; imposing a state tax on the transfer of real property and revising the provisions governing the existing tax; imposing an additional tax on the gross receipts from the rental of transient lodging; revising the fees charged for certain gaming licenses; establishing the Legislative Committee on Taxation, Public Revenue and Tax Policy; making various other changes relating to state financial administration; making an 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 24, 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 6, inclusive,*
6 *of this act have the meanings ascribed to them in those sections.*

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

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

12 1. *“Indian tribe” includes any entity described in subsection*
13 *10 of NRS 612.055.*

14 2. *“Nonprofit organization” means any entity described in*
15 *subsection 1 of NRS 612.121.*

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

18 **Sec. 5.** *“Employment” has the meaning ascribed to it in NRS*
19 *612.065 to 612.145, inclusive.*

20 **Sec. 6.** *“Taxpayer” means any person liable for the tax*
21 *imposed by this chapter.*

22 **Sec. 7.** *The Department shall:*

23 1. *Administer and enforce the provisions of this chapter, and*
24 *may adopt such regulations as it deems appropriate for those*
25 *purposes.*

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

29 **Sec. 8. 1.** *Each person responsible for maintaining the*
30 *records of a taxpayer shall:*

31 (a) *Keep such records as may be necessary to determine the*
32 *amount of the liability of the taxpayer pursuant to the provisions*
33 *of this chapter;*

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

37 (c) *Make the records available for inspection by the*
38 *Department upon demand at reasonable times during regular*
39 *business hours.*

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

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



1 **Sec. 9. 1.** *To verify the accuracy of any return filed or, if*
2 *no return is filed by a taxpayer, to determine the amount required*
3 *to be paid, the Department, or any person authorized in writing by*
4 *the Department, may examine the books, papers and records of*
5 *any person who may be liable for the tax imposed by this chapter.*

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

15 **Sec. 9.5.** *The Executive Director may request from any other*
16 *governmental agency or officer such information as he deems*
17 *necessary to carry out the provisions of this chapter. If the*
18 *Executive Director obtains any confidential information pursuant*
19 *to such a request, he shall maintain the confidentiality of that*
20 *information in the same manner and to the same extent as*
21 *provided by law for the agency or officer from whom the*
22 *information was obtained.*

23 **Sec. 10. 1.** *Except as otherwise provided in this section and*
24 *NRS 360.250, the records and files of the Department concerning*
25 *the administration of this chapter are confidential and privileged.*
26 *The Department, and any employee engaged in the administration*
27 *of this chapter or charged with the custody of any such records or*
28 *files, shall not disclose any information obtained from the*
29 *Department's records or files or from any examination,*
30 *investigation or hearing authorized by the provisions of this*
31 *chapter. Neither the Department nor any employee of the*
32 *Department may be required to produce any of the records, files*
33 *and information for the inspection of any person or for use in any*
34 *action or proceeding.*

35 2. *The records and files of the Department concerning the*
36 *administration of this chapter are not confidential and privileged*
37 *in the following cases:*

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



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

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

6 (d) *Exchanges of information with the Internal Revenue*
7 *Service in accordance with compacts made and provided for in*
8 *such cases.*

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

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

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

21 **Sec. 11.** 1. *There is hereby imposed an excise tax on each*
22 *employer at the rate of 1 percent of the wages, as determined*
23 *pursuant to NRS 612.545, paid by the employer during a calendar*
24 *quarter with respect to employment.*

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

28 3. *Each employer shall, on or before the last day of the month*
29 *immediately following each calendar quarter for which the*
30 *employer is required to pay a contribution pursuant to NRS*
31 *612.535:*

32 (a) *File with the Department:*

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

34 (2) *A copy of any report required by the Employment*
35 *Security Division of the Department of Employment, Training and*
36 *Rehabilitation for determining the amount of the contribution*
37 *required pursuant to NRS 612.535 for any wages paid by the*
38 *employer during that calendar quarter; and*

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

41 **Sec. 12.** *Upon written application made before the date on*
42 *which payment must be made, the Department may for good cause*
43 *extend by 30 days the time within which a taxpayer is required to*
44 *pay the tax imposed by this chapter. If the tax is paid during the*
45 *period of extension, no penalty or late charge may be imposed for*



1 *failure to pay at the time required, but the taxpayer shall pay*
2 *interest at the rate of 1 percent per month from the date on which*
3 *the amount would have been due without the extension until the*
4 *date of payment, unless otherwise provided in NRS 360.232 or*
5 *360.320.*

6 **Sec. 13.** *The remedies of the State provided for in this*
7 *chapter are cumulative, and no action taken by the Department or*
8 *the Attorney General constitutes an election by the State to pursue*
9 *any remedy to the exclusion of any other remedy for which*
10 *provision is made in this chapter.*

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

21 **Sec. 15.** *1. Except as otherwise provided in NRS 360.235*
22 *and 360.395:*

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

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

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

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

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

39 **Sec. 16.** *1. Except as otherwise provided in this section and*
40 *NRS 360.320, interest must be paid upon any overpayment of any*
41 *amount of the taxes imposed by this chapter at the rate of 0.5*
42 *percent per month, or fraction thereof, from the last day of the*
43 *calendar month following the calendar quarter for which the*
44 *overpayment was made. No refund or credit may be made of any*



1 *interest imposed upon the person making the overpayment with*
2 *respect to the amount being refunded or credited.*

3 *2. The interest must be paid:*

4 *(a) In the case of a refund, to the last day of the calendar*
5 *month following the date upon which the person making the*
6 *overpayment, if he has not already filed a claim, is notified by*
7 *the Department that a claim may be filed or the date upon which*
8 *the claim is certified to the State Board of Examiners, whichever is*
9 *earlier.*

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

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

16 **Sec. 17.** *1. No injunction, writ of mandate or other legal or*
17 *equitable process may issue in any suit, action or proceeding in*
18 *any court against this state or against any officer of the State to*
19 *prevent or enjoin the collection under this chapter of the tax*
20 *imposed by this chapter or any amount of tax, penalty or interest*
21 *required to be collected.*

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

26 **Sec. 18.** *1. Within 90 days after a final decision upon a*
27 *claim filed pursuant to this chapter is rendered by the*
28 *Commission, the claimant may bring an action against the*
29 *Department on the grounds set forth in the claim in a court of*
30 *competent jurisdiction in Carson City, the county of this state*
31 *where the claimant resides or maintains his principal place of*
32 *business or a county in which any relevant proceedings were*
33 *conducted by the Department, for the recovery of the whole or any*
34 *part of the amount with respect to which the claim has been*
35 *disallowed.*

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

39 **Sec. 19.** *1. If the Department fails to mail notice of action*
40 *on a claim within 6 months after the claim is filed, the claimant*
41 *may consider the claim disallowed and file an appeal with the*
42 *Commission within 30 days after the last day of the 6-month*
43 *period. If the claimant is aggrieved by the decision of the*
44 *Commission rendered on appeal, the claimant may, within 90 days*
45 *after the decision is rendered, bring an action against the*



1 *Department on the grounds set forth in the claim for the recovery*
2 *of the whole or any part of the amount claimed as an*
3 *overpayment.*

4 *2. If judgment is rendered for the plaintiff, the amount of the*
5 *judgment must first be credited towards any tax due from the*
6 *plaintiff.*

7 *3. The balance of the judgment must be refunded to the*
8 *plaintiff.*

9 **Sec. 20.** *In any judgment, interest must be allowed at the rate*
10 *of 6 percent per annum upon the amount found to have been*
11 *illegally collected from the date of payment of the amount to the*
12 *date of allowance of credit on account of the judgment, or to a*
13 *date preceding the date of the refund warrant by not more than 30*
14 *days. The date must be determined by the Department.*

15 **Sec. 21.** *A judgment may not be rendered in favor of the*
16 *plaintiff in any action brought against the Department to recover*
17 *any amount paid when the action is brought by or in the name of*
18 *an assignee of the person paying the amount or by any person*
19 *other than the person who paid the amount.*

20 **Sec. 22.** *1. The Department may recover a refund or any*
21 *part thereof which is erroneously made and any credit or part*
22 *thereof which is erroneously allowed in an action brought in a*
23 *court of competent jurisdiction in Carson City or Clark County in*
24 *the name of the State of Nevada.*

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

28 *3. The Attorney General shall prosecute the action, and the*
29 *provisions of NRS, the Nevada Rules of Civil Procedure and the*
30 *Nevada Rules of Appellate Procedure relating to service of*
31 *summons, pleadings, proofs, trials and appeals are applicable to*
32 *the proceedings.*

33 **Sec. 23.** *1. If any amount in excess of \$25 has been*
34 *illegally determined, either by the Department or by the person*
35 *filing the return, the Department shall certify this fact to the State*
36 *Board of Examiners, and the latter shall authorize the*
37 *cancellation of the amount upon the records of the Department.*

38 *2. If an amount not exceeding \$25 has been illegally*
39 *determined, either by the Department or by the person filing the*
40 *return, the Department, without certifying this fact to the State*
41 *Board of Examiners, shall authorize the cancellation of the*
42 *amount upon the records of the Department.*

43 **Sec. 24.** *1. A person shall not:*

44 *(a) Make, cause to be made or permit to be made any false or*
45 *fraudulent return or declaration or false statement in any return*



1 *or declaration with intent to defraud the State or to evade payment*
2 *of the tax or any part of the tax imposed by this chapter.*

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

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

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

13 **Sec. 24.10.** Title 32 of NRS is hereby amended by adding
14 thereto a new chapter to consist of the provisions set forth as
15 sections 24.12 to 24.74, inclusive, of this act.

16 **Sec. 24.12.** *As used in this chapter, unless the context*
17 *otherwise requires, the words and terms defined in sections 24.14*
18 *to 24.26, inclusive, of this act have the meanings ascribed to them*
19 *in those sections.*

20 **Sec. 24.14.** *“Commission” means the Nevada Tax*
21 *Commission.*

22 **Sec. 24.16.** *“Federal taxable income” means the taxable*
23 *income of a financial institution for a taxable year, as set forth in*
24 *the federal income tax return filed by the financial institution for*
25 *that year with the Internal Revenue Service, and any other taxable*
26 *income of a financial institution for a taxable year under federal*
27 *law, regardless of whether it is actually reported.*

28 **Sec. 24.18.** *“Financial institution” means an institution*
29 *licensed, registered or otherwise authorized to do business in this*
30 *state pursuant to the provisions of chapter 604, 645B, 645E or 649*
31 *of NRS or title 55 or 56 of NRS, a similar institution chartered or*
32 *licensed pursuant to federal law and doing business in this state or*
33 *a person conducting loan or credit card processing activities in*
34 *this state. The term does not include:*

35 1. *A nonprofit organization that is recognized as exempt from*
36 *taxation pursuant to 26 U.S.C. § 501(c).*

37 2. *A credit union organized under the provisions of chapter*
38 *678 of NRS or the Federal Credit Union Act.*

39 **Sec. 24.20.** *“Gross income” means all gains, profits and*
40 *other income earned by a financial institution from its operation*
41 *as a financial institution including, without limitation:*

42 1. *All rents, compensation for services, commissions and*
43 *brokerage and other fees;*

44 2. *All gains or profits from the sale or other disposition of*
45 *any real or personal property; and*



1 3. *All recoveries on losses sustained in the ordinary course of*
2 *business,*
3 *and excluding any income which this state is prohibited from*
4 *taxing pursuant to the laws or Constitution of the United States or*
5 *the Nevada Constitution.*

6 **Sec. 24.22.** *"Nevada taxable income" means the amount of*
7 *the federal taxable income of a financial institution, as adjusted*
8 *pursuant to section 24.44 of this act.*

9 **Sec. 24.24.** *"Taxable year" means the taxable year used by*
10 *the financial institution for the purposes of federal income*
11 *taxation.*

12 **Sec. 24.26.** *"Taxpayer" means any person liable for a tax*
13 *imposed pursuant to this chapter.*

14 **Sec. 24.28.** *The Department shall:*

15 1. *Administer and enforce the provisions of this chapter, and*
16 *may adopt such regulations as it deems appropriate for that*
17 *purpose.*

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

21 **Sec. 24.30.** 1. *Each person responsible for maintaining the*
22 *records of a financial institution shall:*

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

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

28 (c) *Make the records available for inspection by the*
29 *Department upon demand at reasonable times during regular*
30 *business hours.*

31 2. *For the purposes of this section, "record" includes any*
32 *federal income tax return filed by a financial institution with the*
33 *Internal Revenue Service.*

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

36 **Sec. 24.32.** 1. *To verify the accuracy of any return filed or,*
37 *if no return is filed by a financial institution, to determine the*
38 *amount required to be paid, the Department, or any person*
39 *authorized in writing by the Department, may examine the books,*
40 *papers and records of any person or financial institution that may*
41 *be liable for the tax imposed by this chapter.*

42 2. *Any person or financial institution which may be liable for*
43 *the tax imposed by this chapter and which keeps outside of this*
44 *state its books, papers and records relating thereto shall pay to the*
45 *Department an amount equal to the allowance provided for state*



1 officers and employees generally while traveling outside of the
2 State for each day or fraction thereof during which an employee
3 of the Department is engaged in examining those documents, plus
4 any other actual expenses incurred by the employee while he is
5 absent from his regular place of employment to examine those
6 documents.

7 **Sec. 24.34.** *The Executive Director may request from any*
8 *other governmental agency or officer such information as he*
9 *deems necessary to carry out the provisions of this chapter. If the*
10 *Executive Director obtains any confidential information pursuant*
11 *to such a request, he shall maintain the confidentiality of that*
12 *information in the same manner and to the same extent as*
13 *provided by law for the agency or officer from whom the*
14 *information was obtained.*

15 **Sec. 24.36.** *1. Except as otherwise provided in this section*
16 *and NRS 360.250, the records and files of the Department*
17 *concerning the administration of this chapter are confidential and*
18 *privileged. The Department, and any employee engaged in the*
19 *administration of this chapter or charged with the custody of any*
20 *such records or files, shall not disclose any information obtained*
21 *from the Department's records or files or from any examination,*
22 *investigation or hearing authorized by the provisions of this*
23 *chapter. Neither the Department nor any employee of the*
24 *Department may be required to produce any of the records, files*
25 *and information for the inspection of any person or for use in any*
26 *action or proceeding.*

27 *2. The records and files of the Department concerning the*
28 *administration of this chapter are not confidential and privileged*
29 *in the following cases:*

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

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

39 *(c) Publication of statistics so classified as to prevent the*
40 *identification of a particular financial institution or document.*

41 *(d) Exchanges of information with the Internal Revenue*
42 *Service in accordance with compacts made and provided for in*
43 *such cases.*

44 *(e) Disclosure in confidence to the Governor or his agent in*
45 *the exercise of the Governor's general supervisory powers, or to*



1 any person authorized to audit the accounts of the Department in
2 pursuance of an audit, or to the Attorney General or other legal
3 representative of the State in connection with an action or
4 proceeding pursuant to this chapter, or to any agency of this or
5 any other state charged with the administration or enforcement of
6 laws relating to taxation.

7 (f) Exchanges of information pursuant to subsection 3.

8 3. The Commission may agree with any county fair and
9 recreation board or the governing body of any county, city or town
10 for the continuing exchange of information concerning taxpayers.

11 **Sec. 24.38.** 1. A franchise tax is hereby imposed upon each
12 financial institution for the privilege of engaging in a business in
13 this state at the rate of 3 percent of the Nevada taxable income of
14 the financial institution each taxable year. The tax for each
15 taxable year is due on the last day of that taxable year.

16 2. Each financial institution engaging in a business in this
17 state during a taxable year shall file with the Department a return
18 on a form prescribed by the Department, together with the
19 remittance of any tax due pursuant to this chapter for that taxable
20 year, not later than the date the financial institution is required to
21 file its federal income tax return for that taxable year with the
22 Internal Revenue Service. The return required by this subsection
23 must include:

24 (a) A statement that the return is made under penalty of
25 perjury; and

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

27 **Sec. 24.40.** 1. In addition to the returns required by section
28 24.38 of this act, a financial institution that is a member of an
29 affiliated group and is engaged in a unitary business in this state
30 with one or more other members of the affiliated group shall file
31 with the Department such reports regarding the unitary business
32 as the Department determines is appropriate for the
33 administration and enforcement of the provisions of this chapter.

34 2. The Department may allow two or more financial
35 institutions that are members of an affiliated group to file a
36 consolidated return for the purposes of this chapter if the financial
37 institutions are allowed to file a consolidated return for the
38 purposes of federal income taxation.

39 3. As used in this section:

40 (a) "Affiliated group" means a group of two or more financial
41 institutions, each of which is controlled by a common owner or by
42 one or more of the members of the group.

43 (b) "Controlled by" means the possession, directly or
44 indirectly, of the power to direct or cause the direction of the
45 management and policies of a financial institution, whether



1 *through the ownership of voting securities, by contract or*
2 *otherwise.*

3 (c) *“Unitary business” means a business characterized by*
4 *unity of ownership, functional integration, centralization of*
5 *management and economy of scale.*

6 **Sec. 24.42.** 1. *If a financial institution files an amended*
7 *federal income tax return that reflects a change in income*
8 *required to be reported pursuant to this chapter, the financial*
9 *institution shall file an amended return with the Department not*
10 *later than the date it files the amended federal return.*

11 2. *If a final determination of federal taxable income is made*
12 *under federal law and, pursuant to that determination, the federal*
13 *taxable income of a financial institution is found to differ from*
14 *that initially reported to the Internal Revenue Service, the*
15 *financial institution shall, within 30 days after the date of that*
16 *determination, report the determination to the Department in*
17 *writing, together with such information as the Department deems*
18 *appropriate.*

19 3. *If, based upon an amended return or report filed pursuant*
20 *to this section, it appears that the tax imposed by this chapter has*
21 *not been fully assessed, the Department shall assess the deficiency,*
22 *with interest calculated at the rate and in the manner set forth in*
23 *NRS 360.417. Any assessment required by this subsection must be*
24 *made within 1 year after the Department receives the amended*
25 *return or report.*

26 **Sec. 24.44.** 1. *In computing the Nevada taxable income of*
27 *a financial institution, its federal taxable income must be:*

28 (a) *Increased by:*

29 (1) *The amount of any deduction for the tax imposed by*
30 *section 24.38 of this act or the equivalent taxing statute of another*
31 *state;*

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

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

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

41 (b) *Decreased by:*

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



1 (2) Any interest income received on obligations of the
2 United States; and

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

6 2. After making the calculations required by subsection 1, the
7 resulting amount must be allocated or apportioned to this state in
8 accordance with the regulations adopted pursuant to section 24.46
9 of this act to determine the amount of the tax liability of the
10 financial institution. The Nevada taxable income of the financial
11 institution consists of the amount of the tax liability of the
12 financial institution determined pursuant to this subsection.

13 3. The Department shall adopt regulations for the
14 administration of this section.

15 **Sec. 24.46.** The Department shall adopt regulations providing
16 for the allocation or apportionment to this state of the tax liability
17 of a financial institution pursuant to this chapter. If the federal
18 taxable income of a financial institution is derived from business
19 conducted both within and outside this state, whether or not the
20 financial institution is physically present in another state or is
21 subject to another state's jurisdiction to impose a tax on the
22 financial institution, the apportionment factor for determining the
23 tax liability of the financial institution derived from business
24 conducted by it in this state must consist of a fraction, the
25 numerator of which is the gross income of the financial institution
26 from customers whose address is within this state, and the
27 denominator of which is the gross income of the financial
28 institution from its entire operation as a financial institution in
29 this state.

30 **Sec. 24.48. 1.** For the purposes of this chapter, the method
31 of accounting and the taxable year used by a financial institution
32 must be the same as those used by the financial institution for the
33 purposes of federal income taxation. If the financial institution
34 does not regularly use a single method of accounting, the taxable
35 income of the financial institution must be computed under such a
36 method as the Department determines will fairly reflect that
37 income.

38 2. If there is any change in the method of accounting or the
39 taxable year used by a financial institution for the purposes of
40 federal income taxation, the same change must be implemented
41 for the purposes of this chapter.

42 **Sec. 24.50.** Upon written application made before the date on
43 which a financial institution is otherwise required to file a return
44 and to pay the tax imposed by this chapter, the Department may:



1 1. *If the financial institution is granted an extension of time*
2 *by the Federal Government for the filing of its federal income tax*
3 *return, extend the time for filing the return required by this*
4 *chapter until not later than the date the financial institution is*
5 *required to file its federal income tax return pursuant to the*
6 *extension of time granted by the Federal Government. The*
7 *Department shall require, as a condition to the granting of any*
8 *extension pursuant to this subsection, the payment of the tax*
9 *estimated to be due pursuant to this chapter.*

10 2. *For good cause, extend by 30 days the time within which*
11 *the financial institution is required to pay the tax. If the tax is paid*
12 *during a period of extension granted pursuant to this subsection,*
13 *no penalty or late charge may be imposed for failure to pay at the*
14 *time required, but the financial institution shall pay interest at the*
15 *rate of 1 percent per month from the date on which the amount*
16 *would have been due without the extension until the date of*
17 *payment, unless otherwise provided in NRS 360.232 or 360.320.*

18 **Sec. 24.52.** *The remedies of the State provided for in this*
19 *chapter are cumulative, and no action taken by the Department or*
20 *the Attorney General constitutes an election by the State to pursue*
21 *any remedy to the exclusion of any other remedy for which*
22 *provision is made in this chapter.*

23 **Sec. 24.54.** *If the Department determines that any tax,*
24 *penalty or interest has been paid more than once or has been*
25 *erroneously or illegally collected or computed, the Department*
26 *shall set forth that fact in the records of the Department and shall*
27 *certify to the State Board of Examiners the amount collected in*
28 *excess of the amount legally due and the financial institution or*
29 *person from which it was collected or by whom it was paid. If*
30 *approved by the State Board of Examiners, the excess amount*
31 *collected or paid must be credited on any amounts then due from*
32 *the person or financial institution under this chapter, and the*
33 *balance refunded to the person or financial institution, or its*
34 *successors, administrators or executors.*

35 **Sec. 24.56.** 1. *Except as otherwise provided in NRS 360.235*
36 *and 360.395:*

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

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

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



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

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

8 **Sec. 24.58.** 1. *Except as otherwise provided in this section*
9 *and NRS 360.320, interest must be paid upon any overpayment of*
10 *any amount of the tax imposed by this chapter at the rate of 0.5*
11 *percent per month, or fraction thereof, from the last day of the*
12 *calendar month immediately following the calendar month in*
13 *which the overpayment was made. No refund or credit may be*
14 *made of any interest imposed upon the person or financial*
15 *institution making the overpayment with respect to the amount*
16 *being refunded or credited.*

17 2. *The interest must be paid:*

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

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

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

30 **Sec. 24.60.** 1. *No injunction, writ of mandate or other legal*
31 *or equitable process may issue in any suit, action or proceeding in*
32 *any court against this state or against any officer of the State to*
33 *prevent or enjoin the collection under this chapter of the tax*
34 *imposed by this chapter or any amount of tax, penalty or interest*
35 *required to be collected.*

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

40 **Sec. 24.62.** 1. *Within 90 days after a final decision upon a*
41 *claim filed pursuant to this chapter is rendered by the*
42 *Commission, the claimant may bring an action against the*
43 *Department on the grounds set forth in the claim in a court of*
44 *competent jurisdiction in Carson City, the county of this state*
45 *where the claimant resides or maintains his principal place of*



1 *business or a county in which any relevant proceedings were*
2 *conducted by the Department, for the recovery of the whole or any*
3 *part of the amount with respect to which the claim has been*
4 *disallowed.*

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

8 **Sec. 24.64.** *1. If the Department fails to mail notice of*
9 *action on a claim within 6 months after the claim is filed, the*
10 *claimant may consider the claim disallowed and may file an*
11 *appeal with the Commission within 30 days after the last day of*
12 *the 6-month period. If the claimant is aggrieved by the decision of*
13 *the Commission rendered on appeal, the claimant may, within 90*
14 *days after the decision is rendered, bring an action against the*
15 *Department on the grounds set forth in the claim for the recovery*
16 *of the whole or any part of the amount claimed as an*
17 *overpayment.*

18 *2. If judgment is rendered for the plaintiff, the amount of the*
19 *judgment must first be credited towards any tax due from the*
20 *plaintiff.*

21 *3. The balance of the judgment must be refunded to the*
22 *plaintiff.*

23 **Sec. 24.66.** *In any judgment, interest must be allowed at the*
24 *rate of 6 percent per annum upon the amount found to have been*
25 *illegally collected from the date of payment of the amount to the*
26 *date of allowance of credit on account of the judgment, or to a*
27 *date preceding the date of the refund warrant by not more than 30*
28 *days. The date must be determined by the Department.*

29 **Sec. 24.68.** *A judgment may not be rendered in favor of the*
30 *plaintiff in any action brought against the Department to recover*
31 *any amount paid when the action is brought by or in the name of*
32 *an assignee of the financial institution paying the amount or by*
33 *any person other than the person or financial institution which*
34 *paid the amount.*

35 **Sec. 24.70.** *1. The Department may recover a refund or any*
36 *part thereof which is erroneously made and any credit or part*
37 *thereof which is erroneously allowed in an action brought in a*
38 *court of competent jurisdiction in Carson City or Clark County in*
39 *the name of the State of Nevada.*

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

43 *3. The Attorney General shall prosecute the action, and the*
44 *provisions of NRS, the Nevada Rules of Civil Procedure and the*
45 *Nevada Rules of Appellate Procedure relating to service of*



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1 *summons, pleadings, proofs, trials and appeals are applicable to*
2 *the proceedings.*

3 **Sec. 24.72.** 1. *If any amount in excess of \$25 has been*
4 *illegally determined, either by the Department or by the person*
5 *filing the return, the Department shall certify this fact to the State*
6 *Board of Examiners, and the latter shall authorize the*
7 *cancellation of the amount upon the records of the Department.*

8 2. *If an amount not exceeding \$25 has been illegally*
9 *determined, either by the Department or by the person or financial*
10 *institution filing the return, the Department, without certifying*
11 *this fact to the State Board of Examiners, shall authorize the*
12 *cancellation of the amount upon the records of the Department.*

13 **Sec. 24.74.** 1. *A person shall not:*

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

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

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

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

28 **Sec. 25.** Title 32 of NRS is hereby amended by adding thereto
29 a new chapter to consist of the provisions set forth as sections 26 to
30 58, inclusive, of this act.

31 **Sec. 26.** *As used in this chapter, unless the context otherwise*
32 *requires, the words and terms defined in sections 27 to 33,*
33 *inclusive, of this act have the meanings ascribed to them in those*
34 *sections.*

35 **Sec. 27.** "Amount paid for live entertainment" means:

36 1. *If the live entertainment is provided at a facility owned,*
37 *leased or otherwise occupied by a taxable business entity, the*
38 *consideration, expressed in terms of money, paid for the right or*
39 *privilege to have access to that facility. For the purposes of this*
40 *subsection, the term includes all amounts paid for food,*
41 *refreshments and merchandise purchased at the facility if the*
42 *facility has a maximum seating capacity of not more than 5,000*
43 *persons.*

44 2. *If the live entertainment is provided at a location other*
45 *than a facility owned, leased or otherwise occupied by the taxable*



1 *business entity providing the live entertainment, the total amount*
2 *of consideration, expressed in terms of money, paid to the business*
3 *entity for providing the live entertainment.*

4 **Sec. 28.** *“Board” means the State Gaming Control Board.*

5 **Sec. 29.** *“Business” means any activity engaged in or*
6 *caused to be engaged in by a business entity with the object of*
7 *gain, benefit or advantage, either direct or indirect, to any person*
8 *or governmental entity.*

9 **Sec. 30.** 1. *“Business entity” includes:*

10 (a) *A corporation, partnership, proprietorship, business*
11 *association and any other person engaging in business.*

12 (b) *A natural person engaging in a business if he is deemed to*
13 *be a business entity pursuant to section 34 of this act.*

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

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

16 **Sec. 31.** *“Licensed gaming establishment” has the meaning*
17 *ascribed to it in NRS 463.0169.*

18 **Sec. 32.** *“Live entertainment” means any activity provided*
19 *for pleasure, enjoyment, recreation, relaxation, diversion or other*
20 *similar purpose by a person or persons who are physically present*
21 *when providing that activity to a patron or group of patrons who*
22 *are physically present.*

23 **Sec. 33.** *“Taxpayer” means any person liable for the tax*
24 *imposed pursuant to this chapter.*

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

34 **Sec. 35.** *The Department shall provide by regulation for a*
35 *more detailed definition of live entertainment consistent with the*
36 *general definition set forth in section 32 of this act for use by the*
37 *Board and the Department in determining whether an activity is a*
38 *taxable activity under the provisions of this chapter.*

39 **Sec. 36.** 1. *There is hereby imposed an excise tax of 10*
40 *percent of all amounts paid for live entertainment. Amounts paid*
41 *for gratuities directly or indirectly remitted to employees of a*
42 *business entity providing live entertainment or for service charges,*
43 *including those imposed in connection with the use of credit cards*
44 *or debit cards, which are collected and retained by persons other*
45 *than the taxpayer, are not taxable pursuant to this section.*



1 2. A business entity that collects any amount paid for live
2 entertainment is liable for the tax imposed by this section, but is
3 entitled to collect reimbursement from any person paying that
4 amount.

5 3. Any ticket for live entertainment must state whether the tax
6 imposed by this section is included in the price of the ticket. If the
7 ticket does not include such a statement, the taxpayer shall pay the
8 tax based on the face amount of the ticket.

9 4. The tax imposed by this section does not apply to:

10 (a) Any amount paid for live entertainment that this state is
11 prohibited from taxing under the Constitution, laws or treaties of
12 the United States or the Nevada Constitution.

13 (b) Any merchandise sold outside the premises where live
14 entertainment is provided, unless the purchase of the merchandise
15 entitles the purchaser to admission to the entertainment.

16 (c) Any amount paid for live entertainment that is provided by
17 or entirely for the benefit of a nonprofit organization that is
18 recognized as exempt from taxation pursuant to 26 U.S.C. §
19 501(c).

20 (d) Live entertainment that is provided at a trade show.

21 (e) Music performed by musicians who move constantly
22 through the audience if no other form of live entertainment is
23 afforded to the patrons.

24 **Sec. 37.** A taxpayer shall hold the amount of all taxes for
25 which he is liable pursuant to this chapter in a separate account in
26 trust for the State.

27 **Sec. 38. 1.** The Board shall:

28 (a) Collect the tax imposed by this chapter from taxpayers who
29 are licensed gaming establishments; and

30 (b) Adopt such regulations as are necessary to carry out the
31 provisions of paragraph (a). The regulations must be adopted in
32 accordance with the provisions of chapter 233B of NRS and must
33 be codified in the Nevada Administrative Code.

34 **2.** The Department shall:

35 (a) Collect the tax imposed by this chapter from all other
36 taxpayers; and

37 (b) Adopt such regulations as are necessary to carry out the
38 provisions of paragraph (a).

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

40 (a) Subsection 1, the provisions of chapter 463 of NRS relating
41 to the payment, collection, administration and enforcement of
42 gaming license fees and taxes, including, without limitation, any
43 provisions relating to the imposition of penalties and interest, shall
44 be deemed to apply to the payment, collection, administration and



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

3 *(b) Subsection 2, the provisions of chapter 360 of NRS relating*
4 *to the payment, collection, administration and enforcement of*
5 *taxes, including, without limitation, any provisions relating to the*
6 *imposition of penalties and interest, shall be deemed to apply to*
7 *the payment, collection, administration and enforcement of the*
8 *taxes imposed by this chapter to the extent that those provisions do*
9 *not conflict with the provisions of this chapter.*

10 *4. To ensure that the tax imposed by section 36 of this act is*
11 *collected fairly and equitably, the Board and the Department shall,*
12 *jointly, coordinate the administration and collection of that tax*
13 *and the regulation of taxpayers who are liable for the payment of*
14 *the tax.*

15 **Sec. 39.** *1. Each taxpayer who is a licensed gaming*
16 *establishment shall file with the Board, on or before the 24th day*
17 *of each month, a report showing the amount of all taxable receipts*
18 *for the preceding month. The report must be in a form prescribed*
19 *by the Board.*

20 *2. All other taxpayers shall file with the Department, on or*
21 *before the 24th day of each month, a report showing the amount*
22 *of all taxable receipts for the preceding month. The report must be*
23 *in a form prescribed by the Department.*

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

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

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

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

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



1 (b) *Preserve those records for at least 4 years or until any*
2 *litigation or prosecution pursuant to this chapter is finally*
3 *determined, whichever is longer; and*

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

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

11 3. *Any agreement that is entered into, modified or extended*
12 *after January 1, 2004, for the lease, assignment or transfer of any*
13 *premises upon which any activity subject to the tax imposed by this*
14 *chapter is, or thereafter may be, conducted shall be deemed to*
15 *include a provision that the taxpayer required to pay the tax must*
16 *be allowed access to, upon demand, all books, records and*
17 *financial papers held by the lessee, assignee or transferee which*
18 *must be kept pursuant to this section. Any person conducting*
19 *activities subject to the tax imposed by section 36 of this act who*
20 *fails to maintain or disclose his records pursuant to this subsection*
21 *is liable to the taxpayer for any penalty paid by the taxpayer for*
22 *the late payment or nonpayment of the tax caused by the failure to*
23 *maintain or disclose records.*

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

26 **Sec. 42.** 1. *To verify the accuracy of any report filed or, if*
27 *no report is filed by a taxpayer, to determine the amount of tax*
28 *required to be paid:*

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

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

37 2. *Any person who may be liable for the tax imposed by this*
38 *chapter and who keeps outside of this state any books, papers and*
39 *records relating thereto shall pay to the Board or the Department*
40 *an amount equal to the allowance provided for state officers and*
41 *employees generally while traveling outside of the State for each*
42 *day or fraction thereof during which an employee of the Board or*
43 *the Department is engaged in examining those documents, plus*
44 *any other actual expenses incurred by the employee while he is*



1 *absent from his regular place of employment to examine those*
2 *documents.*

3 **Sec. 43. 1.** *Except as otherwise provided in this section and*
4 *NRS 360.250, the records and files of the Board and the*
5 *Department concerning the administration of this chapter are*
6 *confidential and privileged. The Board, the Department and any*
7 *employee of the Board or the Department engaged in the*
8 *administration of this chapter or charged with the custody of any*
9 *such records or files shall not disclose any information obtained*
10 *from the records or files of the Board or the Department or from*
11 *any examination, investigation or hearing authorized by the*
12 *provisions of this chapter. The Board, the Department and any*
13 *employee of the Board or the Department may not be required to*
14 *produce any of the records, files and information for the*
15 *inspection of any person or for use in any action or proceeding.*

16 **2.** *The records and files of the Board and the Department*
17 *concerning the administration of this chapter are not confidential*
18 *and privileged in the following cases:*

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

25 (b) *Delivery to a taxpayer or his authorized representative of a*
26 *copy of any report or other document filed by the taxpayer*
27 *pursuant to this chapter.*

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

30 (d) *Exchanges of information with the Internal Revenue*
31 *Service in accordance with compacts made and provided for in*
32 *such cases.*

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

41 **Sec. 44. 1.** *If:*

42 (a) *The Board determines that a licensed gaming*
43 *establishment is collecting an amount paid for live entertainment*
44 *with the intent to defraud the State or to evade the payment of the*
45 *tax or any part of the tax imposed by this chapter, the Board shall*



1 *establish an amount upon which the tax imposed by this chapter*
2 *must be based.*

3 *(b) The Department determines that a taxpayer who is not a*
4 *licensed gaming establishment is collecting an amount paid for*
5 *live entertainment with the intent to defraud the State or to evade*
6 *the payment of the tax or any part of the tax imposed by this*
7 *chapter, the Department shall establish an amount upon which the*
8 *tax imposed by this chapter must be based.*

9 *2. The amount paid for live entertainment established by the*
10 *Board or the Department pursuant to subsection 1 must be based*
11 *upon amounts paid for live entertainment to business entities that*
12 *are deemed comparable by the Board or the Department to that of*
13 *the taxpayer.*

14 **Sec. 45. 1. If a taxpayer:**

15 *(a) Is unable to collect all or part of the amount paid for live*
16 *entertainment which was included in the taxable receipts reported*
17 *for a previous reporting period; and*

18 *(b) Has taken a deduction on his federal income tax return*
19 *pursuant to 26 U.S.C. § 166(a) for the amount which he is unable*
20 *to collect,*

21 *he is entitled to receive a credit for the amount of tax paid on*
22 *account of that uncollected amount. The credit may be used*
23 *against the amount of tax that the taxpayer is subsequently*
24 *required to pay pursuant to this chapter.*

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

32 *3. If a taxpayer collects all or part of the amount paid for live*
33 *entertainment for which he claimed a credit on a return for a*
34 *previous reporting period pursuant to subsection 2, he shall*
35 *include:*

36 *(a) The amount collected in the amount paid for live*
37 *entertainment reported pursuant to paragraph (a) of subsection 1;*
38 *and*

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

43 *4. Except as otherwise provided in subsection 5, upon*
44 *determining that a taxpayer has filed a return which contains one*



1 *or more violations of the provisions of this section, the Board or*
2 *the Department shall:*

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

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

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

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

21 *Sec. 46. The remedies of the State provided for in this*
22 *chapter are cumulative, and no action taken by the Board, the*
23 *Department or the Attorney General constitutes an election by the*
24 *State to pursue any remedy to the exclusion of any other remedy*
25 *for which provision is made in this chapter.*

26 *Sec. 47. If the Board or the Department determines that any*
27 *tax, penalty or interest has been paid more than once or has been*
28 *erroneously or illegally collected or computed, the Board or the*
29 *Department shall set forth that fact in its records and shall certify*
30 *to the State Board of Examiners the amount collected in excess of*
31 *the amount legally due and the person from which it was collected*
32 *or by whom it was paid. If approved by the State Board of*
33 *Examiners, the excess amount collected or paid must be credited*
34 *on any amounts then due from the person under this chapter, and*
35 *the balance refunded to the person or his successors in interest.*

36 *Sec. 48. 1. Except as otherwise provided in NRS 360.235*
37 *and 360.395:*

38 *(a) No refund may be allowed unless a claim for it is filed*
39 *with:*

40 *(1) The Board, if the taxpayer is a licensed gaming*
41 *establishment; or*

42 *(2) The Department, if the taxpayer is not a licensed*
43 *gaming establishment.*

44 *A claim must be filed within 3 years after the last day of the month*
45 *following the month for which the overpayment was made.*



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

4 2. Each claim must be in writing and must state the specific
5 grounds upon which the claim is founded.

6 3. Failure to file a claim within the time prescribed in this
7 chapter constitutes a waiver of any demand against the State on
8 account of overpayment.

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

13 **Sec. 49.** 1. Except as otherwise provided in this section and
14 NRS 360.320, interest must be paid upon any overpayment of any
15 amount of the tax imposed by this chapter at the rate of 0.5
16 percent per month, or fraction thereof, from the last day of the
17 calendar month following the month for which the overpayment
18 was made. No refund or credit may be made of any interest
19 imposed upon the person making the overpayment with respect to
20 the amount being refunded or credited.

21 2. The interest 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 Board or the Department that a claim may be filed or the date
26 upon which the claim is certified to the State Board of Examiners,
27 whichever is 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. 50.** 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. 51.** *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. 52.** *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 6-*
22 *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. 53.** *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. 54.** *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. 55. 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. 56. 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. 57.** *Any licensed gaming establishment liable for the*
38 *payment of the tax imposed by section 36 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. 58. 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*



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. 59.** Chapter 360 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 60 to 66, inclusive, of this
14 act.

15 **Sec. 60.** *The Nevada Tax Commission shall adopt*
16 *regulations providing for:*

17 *1. The electronic submission of returns to the Department;*
18 *and*

19 *2. The payment of taxes, fees, interest and penalties to the*
20 *Department through the use of credit cards, debit cards and*
21 *electronic transfers of money.*

22 **Sec. 61.** *As used in sections 61 to 66, inclusive, of this act,*
23 *unless the context otherwise requires, the words and terms defined*
24 *in sections 62, 63 and 64 of this act have the meanings ascribed to*
25 *them in those sections.*

26 **Sec. 62.** *1. "Business" includes:*

27 *(a) A corporation, partnership, proprietorship, limited-liability*
28 *company, business association, joint venture, limited-liability*
29 *partnership, business trust, and their equivalents organized under*
30 *the laws of another jurisdiction, and any other person that*
31 *conducts an activity for profit; and*

32 *(b) The activities of a natural person which are deemed to be a*
33 *business pursuant to section 65 of this act.*

34 *2. The term does not include:*

35 *(a) A governmental entity.*

36 *(b) A nonprofit religious, charitable, fraternal or other*
37 *organization that qualifies as a tax-exempt organization pursuant*
38 *to 26 U.S.C. § 501(c), unless the organization has federal taxable*
39 *income for a taxable year from any unrelated trade or business, as*
40 *defined in 26 U.S.C. § 513.*

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



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

4 **Sec. 63. 1. “Employee” includes:**

5 (a) A natural person who receives wages or other
6 remuneration from a business for personal services, including
7 commissions and bonuses and remuneration payable in a medium
8 other than cash; and

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

10 **2. The term includes:**

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

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

14 (1) Employment Security Division of the Department of
15 Employment, Training and Rehabilitation;

16 (2) Administrator of the Division of Industrial Relations of
17 the Department of Business and Industry; or

18 (3) Internal Revenue Service on an Employer’s Quarterly
19 Federal Tax Return (Form 941), Employer’s Monthly Federal
20 Tax Return (Form 941-M), Employer’s Annual Tax Return for
21 Agricultural Employees (Form 943) or any equivalent or
22 successor form.

23 **3. The term does not include:**

24 (a) A business or an independent contractor that performs
25 services on behalf of another business.

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

28 (c) A newspaper carrier or the immediate supervisor of a
29 newspaper carrier who is an independent contractor of the
30 newspaper and receives compensation solely from persons who
31 purchase the newspaper.

32 (d) A natural person who performs all of his duties for the
33 business outside of this state.

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

36 **Sec. 64. “Wages” means any remuneration paid for personal**
37 **services, including commissions, and bonuses and remuneration**
38 **payable in any medium other than cash.**

39 **Sec. 65. The activity or activities conducted by a natural**
40 **person shall be deemed to be a business that is subject to the**
41 **provisions of sections 61 to 66, inclusive, of this act if the person is**
42 **required to file with the Internal Revenue Service a Schedule C**
43 **(Form 1040), Profit or Loss From Business, or its equivalent or**
44 **successor form, a Schedule E (Form 1040), Supplemental Income**
45 **and Loss, or its equivalent or successor form, or a Schedule F**



1 (Form 1040), Profit or Loss From Farming, or its equivalent or
2 successor form, for the business.

3 **Sec. 66.** 1. Except as otherwise provided in subsection 8, a
4 person shall not conduct a business in this state unless he has a
5 business license issued by the Department.

6 2. An application for a business license must:

7 (a) Be made upon a form prescribed by the Department;

8 (b) Set forth the name under which the applicant transacts or
9 intends to transact business and the location of his place or places
10 of business;

11 (c) Declare the estimated number of employees for the
12 previous calendar quarter;

13 (d) Be accompanied by a fee of \$75; and

14 (e) Include any other information that the Department deems
15 necessary.

16 3. The application must be signed by:

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

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

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

22 4. If the application is signed pursuant to paragraph (c) of
23 subsection 3, written evidence of the signer's authority must be
24 attached to the application.

25 5. A person who has been issued a business license by the
26 Department shall submit a fee of \$75 to the Department on or
27 before the last day of the month in which the anniversary date of
28 issuance of the business license occurs in each year, unless the
29 person submits a written statement to the Department, at least 10
30 days before the anniversary date, indicating that the person will
31 not be conducting business in this state after the anniversary date.

32 6. The business license required to be obtained pursuant to
33 this section is in addition to any license to conduct business that
34 must be obtained from the local jurisdiction in which the business
35 is being conducted.

36 7. For the purposes of sections 61 to 66, inclusive, of this act,
37 a person shall be deemed to conduct a business in this state if a
38 business for which the person is responsible:

39 (a) Is organized pursuant to title 7 of NRS, other than a
40 business organized pursuant to chapter 82 or 84 of NRS;

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

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

44 8. A person who takes part in a trade show or convention
45 held in this state for a purpose related to the conduct of a business



1 *is not required to obtain a business license specifically for that*
2 *event.*

3 **Sec. 67.** NRS 360.095 is hereby amended to read as follows:

4 360.095 In the adoption of regulations, policies of
5 enforcement, and policies for auditing of taxpayers, with respect to
6 all taxes and fees for whose administration the Department is
7 responsible, the Nevada Tax Commission shall apply the following
8 principles:

9 1. Forms, instructions and regulations governing the
10 computation of the amount of tax due must be brief and easily
11 understood.

12 2. In cases where another authority, such as the United States
13 or a local government, also imposes a tax upon the same property or
14 revenue, the mechanism for collecting the tax imposed by the State
15 must be as nearly compatible with the collection of the other taxes
16 as is feasible.

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

21 4. Exemptions or waivers, where permitted by statute, must be
22 granted:

23 (a) Equitably among eligible taxpayers; and

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

26 5. Audits and other procedures for enforcement must be
27 applied as uniformly as is feasible, not only as among persons
28 subject to a particular tax but also as among different taxes ~~[(f)]~~, *but*
29 *must consider a weighting of indicators of noncompliance.*

30 6. Collection of taxes due must be pursued in an equitable
31 manner, so that every taxpayer pays the full amount imposed by
32 law.

33 **Sec. 68.** NRS 360.225 is hereby amended to read as follows:

34 360.225 1. During the course of an investigation undertaken
35 pursuant to NRS 360.130 of a person claiming:

36 (a) A partial abatement of property taxes pursuant to NRS
37 361.0687;

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

40 ~~—(e)]~~ A deferral of the payment of taxes on the sale of capital
41 goods pursuant to NRS 372.397 or 374.402; or

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



1 the Department shall investigate whether the person meets the
2 eligibility requirements for the abatement, partial abatement ~~[-~~
3 ~~exemption]~~ or deferral that the person is claiming.

4 2. If the Department finds that the person does not meet the
5 eligibility requirements for the abatement ~~[- exemption]~~ or deferral
6 which the person is claiming, the Department shall report its
7 findings to the Commission on Economic Development and take
8 any other necessary actions.

9 **Sec. 69.** NRS 360.2935 is hereby amended to read as follows:

10 360.2935 Except as otherwise provided in ~~[NRS 361.485.]~~ *this*
11 *title*, a taxpayer is entitled to receive on any overpayment of taxes,
12 after the offset required by NRS 360.320 has been made, a refund
13 together with interest at a rate determined pursuant to NRS 17.130.
14 No interest is allowed on a refund of any penalties or interest paid
15 by a taxpayer.

16 **Sec. 70.** NRS 360.300 is hereby amended to read as follows:

17 360.300 1. If a person fails to file a return or the Department
18 is not satisfied with the return or returns of any tax, contribution or
19 premium or amount of tax, contribution or premium required to be
20 paid to the State by any person, in accordance with the applicable
21 provisions of this chapter, chapter 362, ~~[364A.]~~ 369, 370, 372,
22 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, or chapter
23 585 or 680B of NRS , *or sections 2 to 24, inclusive, or 24.12 to*
24 *24.74, inclusive, of this act*, as administered or audited by the
25 Department, it may compute and determine the amount required to
26 be paid upon the basis of:

27 (a) The facts contained in the return;

28 (b) Any information within its possession or that may come into
29 its possession; or

30 (c) Reasonable estimates of the amount.

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

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

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

41 5. When a business is discontinued, a determination may be
42 made at any time thereafter within the time prescribed in NRS
43 360.355 as to liability arising out of that business, irrespective of
44 whether the determination is issued before the due date of the
45 liability.



1 **Sec. 71.** NRS 360.417 is hereby amended to read as follows:
2 360.417 Except as otherwise provided in NRS 360.232 and
3 360.320, and unless a different penalty or rate of interest is
4 specifically provided by statute, any person who fails to pay any tax
5 provided for in chapter 362, ~~364A,~~ 369, 370, 372, 374, 377, 377A,
6 444A or 585 of NRS, *or sections 2 to 24, inclusive, or 24.12 to*
7 *24.74, inclusive, of this act*, or the fee provided for in NRS 482.313,
8 to the State or a county within the time required, shall pay a penalty
9 of not more than 10 percent of the amount of the tax or fee which is
10 owed, as determined by the Department, in addition to the tax or fee,
11 plus interest at the rate of 1 percent per month, or fraction of a
12 month, from the last day of the month following the period for
13 which the amount or any portion of the amount should have been
14 reported until the date of payment. The amount of any penalty
15 imposed must be based on a graduated schedule adopted by the
16 Nevada Tax Commission which takes into consideration the length
17 of time the tax or fee remained unpaid.

18 **Sec. 72.** NRS 360.419 is hereby amended to read as follows:
19 360.419 1. If the Executive Director or a designated hearing
20 officer finds that the failure of a person to make a timely return or
21 payment of a tax imposed pursuant to NRS 361.320 or chapter
22 361A, 376A, 377 or 377A of NRS, or by chapter 362, ~~364A,~~ 369,
23 370, 372, 372A, 374, 375A or 375B of NRS, *or sections 2 to 24,*
24 *inclusive, or 24.12 to 24.74, inclusive, of this act* is the result of
25 circumstances beyond his control and occurred despite the exercise
26 of ordinary care and without intent, the Department may relieve him
27 of all or part of any interest or penalty, or both.

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

31 3. The Department shall disclose, upon the request of any
32 person:

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

35 4. The Executive Director or a designated hearing officer shall
36 act upon the request of a taxpayer seeking relief pursuant to NRS
37 361.4835 which is deferred by a county treasurer or county assessor.

38 **Sec. 73.** NRS 360.510 is hereby amended to read as follows:

39 360.510 1. If any person is delinquent in the payment of any
40 tax or fee administered by the Department or if a determination has
41 been made against him which remains unpaid, the Department may:

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



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



1 give a notice of the delinquency and a demand to transmit
2 personally or by registered or certified mail to any person,
3 including, without limitation, any officer or department of this state
4 or any political subdivision or agency of this state, who has in his
5 possession or under his control any credits or other personal
6 property belonging to the delinquent, or owing any debts to the
7 delinquent or person against whom a determination has been made
8 which remains unpaid, or owing any debts to the delinquent or that
9 person. In the case of any state officer, department or agency, the
10 notice must be given to the officer, department or agency before
11 the Department presents the claim of the delinquent taxpayer to the
12 State Controller.

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

16 3. After receiving the demand to transmit, the person notified
17 by the demand may not transfer or otherwise dispose of the credits,
18 other personal property, or debts in his possession or under his
19 control at the time he received the notice until the Department
20 consents to a transfer or other disposition.

21 4. Every person notified by a demand to transmit shall, within
22 10 days after receipt of the demand to transmit, inform the
23 Department of  and transmit to the Department all such credits,
24 other personal property  or debts in his possession, under his
25 control or owing by him within the time and in the manner
26 requested by the Department. Except as otherwise provided in
27 subsection 5, no further notice is required to be served to that
28 person.

29 5. If the property of the delinquent taxpayer consists of a series
30 of payments owed to him, the person who owes or controls the
31 payments shall transmit the payments to the Department until
32 otherwise notified by the Department. If the debt of the delinquent
33 taxpayer is not paid within 1 year after the Department issued the
34 original demand to transmit, the Department shall issue another
35 demand to transmit to the person responsible for making the
36 payments informing him to continue to transmit payments to
37 the Department or that his duty to transmit the payments to the
38 Department has ceased.

39 6. If the notice of the delinquency seeks to prevent the transfer
40 or other disposition of a deposit in a bank or credit union or other
41 credits or personal property in the possession or under the control of
42 a bank, credit union or other depository institution, the notice must
43 be delivered or mailed to any branch or office of the bank, credit
44 union or other depository institution at which the deposit is carried
45 or at which the credits or personal property is held.



1 7. If any person notified by the notice of the delinquency
2 makes any transfer or other disposition of the property or debts
3 required to be withheld or transmitted, to the extent of the value of
4 the property or the amount of the debts thus transferred or paid, he is
5 liable to the State for any indebtedness due pursuant to this chapter,
6 or chapter 362, ~~[364A.]~~ 369, 370, 372, 372A, 374, 377, 377A or
7 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, *or*
8 *sections 2 to 24, inclusive, or 24.12 to 24.74, inclusive, of this act*
9 from the person with respect to whose obligation the notice was
10 given if solely by reason of the transfer or other disposition the State
11 is unable to recover the indebtedness of the person with respect to
12 whose obligation the notice was given.

13 **Sec. 74.** NRS 360.750 is hereby amended to read as follows:

14 360.750 1. A person who intends to locate or expand a
15 business in this state may apply to the Commission on Economic
16 Development for a partial abatement of one or more of the taxes
17 imposed on the new or expanded business pursuant to chapter 361 ~~to~~
18 ~~364A]~~ or 374 of NRS.

19 2. The Commission on Economic Development shall approve
20 an application for a partial abatement if the Commission makes the
21 following determinations:

22 (a) The business is consistent with:

23 (1) The State Plan for Industrial Development and
24 Diversification that is developed by the Commission pursuant to
25 NRS 231.067; and

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

27 (b) The applicant has executed an agreement with the
28 Commission which states that the business will, after the date on
29 which a certificate of eligibility for the abatement is issued pursuant
30 to subsection 5, continue in operation in this state for a period
31 specified by the Commission, which must be at least 5 years, and
32 will continue to meet the eligibility requirements set forth in this
33 subsection. The agreement must bind the successors in interest of
34 the business for the specified period.

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

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

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



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

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

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

11 (II) The cost to the business for the benefits the business
12 provides to its employees in this state will meet the minimum
13 requirements for benefits established by the Commission by
14 regulation pursuant to subsection 9.

15 (e) Except as otherwise provided in NRS 361.0687, if the
16 business is a new business in a county whose population is less than
17 100,000 or a city whose population is less than 60,000, the business
18 meets at least two of the following requirements:

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

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

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

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

32 (II) The cost to the business for the benefits the business
33 provides to its employees in this state will meet the minimum
34 requirements for benefits established by the Commission by
35 regulation pursuant to subsection 9.

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

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

41 (2) The business will expand by making a capital investment
42 in this state in an amount equal to at least 20 percent of the value of
43 the tangible property possessed by the business in the immediately
44 preceding fiscal year. The determination of the value of the tangible



1 property possessed by the business in the immediately preceding
2 fiscal year must be made by the:

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

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

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

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

14 (II) The cost to the business for the benefits the business
15 provides to its new employees in this state will meet the minimum
16 requirements for benefits established by the Commission by
17 regulation pursuant to subsection 9.

18 3. Notwithstanding the provisions of subsection 2, the
19 Commission on Economic Development may:

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

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

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

28 4. If a person submits an application to the Commission on
29 Economic Development pursuant to subsection 1, the Commission
30 shall provide notice to the governing body of the county and the city
31 or town, if any, in which the person intends to locate or expand a
32 business. The notice required pursuant to this subsection must set
33 forth the date, time and location of the hearing at which the
34 Commission will consider the application.

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

38 (a) The Department;

39 (b) The Nevada Tax Commission; and

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

42 6. An applicant for a partial abatement pursuant to this section
43 or an existing business whose partial abatement is in effect shall,
44 upon the request of the Executive Director of the Commission on
45 Economic Development, furnish the Executive Director with copies



1 of all records necessary to verify that the applicant meets the
2 requirements of subsection 2.

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

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

6 (b) Operation before the time specified in the agreement
7 described in paragraph (b) of subsection 2,
8 the business shall repay to the Department or, if the partial
9 abatement was from the property tax imposed pursuant to chapter
10 361 of NRS, to the county treasurer, the amount of the exemption
11 that was allowed pursuant to this section before the failure of the
12 business to comply unless the Nevada Tax Commission determines
13 that the business has substantially complied with the requirements of
14 this section. Except as otherwise provided in NRS 360.232 and
15 360.320, the business shall, in addition to the amount of the
16 exemption required to be paid pursuant to this subsection, pay
17 interest on the amount due at the rate most recently established
18 pursuant to NRS 99.040 for each month, or portion thereof, from the
19 last day of the month following the period for which the payment
20 would have been made had the partial abatement not been approved
21 until the date of payment of the tax.

22 8. A county treasurer:

23 (a) Shall deposit any money that he receives pursuant to
24 subsection 7 in one or more of the funds established by a local
25 government of the county pursuant to NRS 354.6113 or 354.6115;
26 and

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

29 9. The Commission on Economic Development:

30 (a) Shall adopt regulations relating to:

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

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

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

39 10. The Nevada Tax Commission:

40 (a) Shall adopt regulations regarding:

41 (1) The capital investment that a new business must make to
42 meet the requirement set forth in paragraph (d) or (e) of subsection
43 2; and

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



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

4 11. An applicant for an abatement who is aggrieved by a final
5 decision of the Commission on Economic Development may
6 petition for judicial review in the manner provided in chapter 233B
7 of NRS.

8 **Sec. 75.** NRS 360A.020 is hereby amended to read as follows:
9 360A.020 The Department shall adopt ~~[such]~~ :

10 **1. Such** regulations as are necessary to carry out the provisions
11 of this chapter.

12 **2. Regulations providing for:**

13 (a) *The electronic submission of returns to the Department;*
14 *and*

15 (b) *The payment to the Department of any amount required to*
16 *be paid pursuant to this chapter or chapter 365, 366 or 373 of*
17 *NRS, or NRS 590.120 or 590.840 through the use of credit cards,*
18 *debit cards and electronic transfers of money.*

19 **Sec. 75.3.** NRS 364A.020 is hereby amended to read as
20 follows:

21 364A.020 1. “Business” includes:

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

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

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

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

34 ~~—3.—~~ The term does not include:

35 (a) A nonprofit religious, charitable, fraternal or other
36 organization that qualifies as a tax-exempt organization pursuant to
37 26 U.S.C. § 501(c) ~~[1]~~, *unless the organization has taxable income*
38 *for the purposes of federal income taxation from any unrelated*
39 *trade or business, as defined in 26 U.S.C. 513;*

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

41 (c) *A person who operates a business from his home and earns*
42 *from that business not more than 66 2/3 percent of the average*
43 *annual wage, as computed for the preceding calendar year*
44 *pursuant to chapter 612 of NRS and rounded to the nearest*
45 *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. 75.7.** 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, or its equivalent or*
12 *successor form,* or a Schedule F (Form 1040), Farm Income and
13 Expenses, ~~[Form,]~~ or its equivalent or successor form, for the
14 activity or activities.

15 **Sec. 76.** NRS 364A.130 is hereby amended to read as follows:

16 364A.130 1. Except as otherwise provided in subsection ~~[6,]~~
17 **8**, a person shall not conduct a business in this state unless he has a
18 business license issued by the Department.

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

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

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

26 (d) Be accompanied by a fee of ~~[\$25,]~~ **\$75**; and

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

29 3. The application must be signed by:

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

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

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

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

38 5. *A person who has been issued a business license by the*
39 *Department shall submit a fee of \$75 to the Department on or*
40 *before the last day of the month in which the anniversary date of*
41 *issuance of the business license occurs in each year, unless the*
42 *person submits a written statement to the Department, at least 10*
43 *days before the anniversary date, indicating that the person will*
44 *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 ~~6.1~~ 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. 77.** NRS 369.174 is hereby amended to read as follows:

18 369.174 Each month, the State Controller shall transfer to the
19 Tax on Liquor Program Account in the State General Fund, from the
20 tax on liquor containing more than 22 percent of alcohol by volume,
21 the portion of the tax which exceeds ~~[\$1.90]~~ *\$3.72* per wine gallon.

22 **Sec. 78.** NRS 369.330 is hereby amended to read as follows:

23 369.330 Except as otherwise provided in this chapter, an excise
24 tax is hereby levied and must be collected respecting all liquor and
25 upon the privilege of importing, possessing, storing or selling liquor,
26 according to the following rates and classifications:

27 1. On liquor containing more than 22 percent of alcohol by
28 volume, ~~[\$2.05]~~ *\$3.87* per wine gallon or proportionate part thereof.

29 2. On liquor containing more than 14 percent up to and
30 including 22 percent of alcohol by volume, ~~[75-cents]~~ *\$1.42* per
31 wine gallon or proportionate part thereof.

32 3. On liquor containing from one-half of 1 percent up to and
33 including 14 percent of alcohol by volume, ~~[40]~~ *76* cents per wine
34 gallon or proportionate part thereof.

35 4. On all malt beverage liquor brewed or fermented and bottled
36 in or outside this state, ~~[9]~~ *17* cents per gallon.

37 **Sec. 79.** NRS 369.370 is hereby amended to read as follows:

38 369.370 1. For the privilege of importing, possessing, storing
39 or selling liquors, all licensed importers and manufacturers of liquor
40 in this state shall pay the excise tax imposed and established by this
41 chapter.

42 2. If, after the tax is paid on any such liquor, satisfactory
43 evidence is presented to the Department that the imports have been
44 actually exported and sold outside this state in a manner not in
45 conflict with the law of the place of sale, the Department shall direct



1 that a refund or credit of the tax so paid be made to the taxpayer.
2 The taxpayer shall report all such exports and imports, and pay the
3 tax on the imports monthly, on forms and subject to regulations
4 prescribed by the Department.

5 3. The excise tax imposed by this chapter is due on or before
6 the 20th day of the following month. If all such taxes are paid on or
7 before the 15th day of the following month, a discount in the
8 amount of ~~3~~ 0.5 percent of the tax must be allowed to the taxpayer.
9 The Department may, for good cause, extend for not more than 15
10 days after the date the tax is due the time for paying the tax if a
11 request for such an extension of time is received by the Department
12 on or before the date the tax was due. If such an extension is
13 granted, interest accrues from the original date the tax was due.

14 4. The Department shall allow refunds or credits on any
15 shipments lost, stolen or damaged in transit, or damaged or spoiled
16 on the premises, may require all claims in connection therewith to
17 be sworn to and may make ratable tax adjustments, credits or
18 refunds to effectuate the purposes of this chapter.

19 **Sec. 80.** NRS 370.165 is hereby amended to read as follows:

20 370.165 There is hereby levied a tax upon the purchase or
21 possession of cigarettes by a consumer in the State of Nevada at the
22 rate of ~~17.5~~ 45 mills per cigarette. The tax may be represented and
23 precollected by the affixing of a revenue stamp or other approved
24 evidence of payment to each package, packet or container in which
25 cigarettes are sold. The tax must be precollected by the wholesale or
26 retail dealer, and must be recovered from the consumer by adding
27 the amount of the tax to the selling price. Each person who sells
28 cigarettes at retail shall prominently display on his premises a notice
29 that the tax is included in the selling price and is payable under the
30 provisions of this chapter.

31 **Sec. 81.** NRS 370.220 is hereby amended to read as follows:

32 370.220 In the sale of any cigarette revenue stamps or any
33 metered machine settings to a licensed cigarette dealer, the
34 Department and its agents shall allow the purchaser a discount of ~~3~~
35 0.5 percent against the amount of excise tax otherwise due for the
36 services rendered in affixing cigarette revenue stamps or metered
37 machine impressions to the cigarette packages.

38 **Sec. 82.** NRS 370.260 is hereby amended to read as follows:

39 370.260 1. All taxes and license fees imposed by the
40 provisions of NRS 370.001 to 370.430, inclusive, less any refunds
41 granted as provided by law, must be paid to the Department in the
42 form of remittances payable to the Department.

43 2. The Department shall:

44 (a) As compensation to the State for the costs of collecting the
45 taxes and license fees, transmit each month the sum the Legislature



1 specifies from the remittances made to it pursuant to subsection 1
2 during the preceding month to the State Treasurer for deposit to the
3 credit of the Department. The deposited money must be expended
4 by the Department in accordance with its work program.

5 (b) From the remittances made to it pursuant to subsection 1
6 during the preceding month, less the amount transmitted pursuant to
7 paragraph (a), transmit each month the portion of the tax which is
8 equivalent to ~~12.5~~ 40 mills per cigarette to the State Treasurer for
9 deposit to the credit of the Account for the Tax on Cigarettes in the
10 State General Fund.

11 (c) Transmit the balance of the payments each month to the
12 State Treasurer for deposit in the Local Government Tax
13 Distribution Account created by NRS 360.660.

14 (d) Report to the State Controller monthly the amount of
15 collections.

16 3. The money deposited pursuant to paragraph (c) of
17 subsection 2 in the Local Government Tax Distribution Account is
18 hereby appropriated to Carson City and to each of the counties in
19 proportion to their respective populations and must be credited to
20 the respective accounts of Carson City and each county.

21 **Sec. 83.** NRS 370.350 is hereby amended to read as follows:

22 370.350 1. Except as otherwise provided in subsection 3, a
23 tax is hereby levied and imposed upon the use of cigarettes in this
24 state.

25 2. The amount of the use tax is ~~17.5~~ 45 mills per cigarette.

26 3. The use tax does not apply where:

27 (a) Nevada cigarette revenue stamps have been affixed to
28 cigarette packages as required by law.

29 (b) Tax exemption is provided for in this chapter.

30 **Sec. 84.** NRS 370.450 is hereby amended to read as follows:

31 370.450 1. Except as otherwise provided in subsection 2,
32 there is hereby imposed upon the purchase or possession of products
33 made from tobacco, other than cigarettes, by a customer in this state
34 a tax of 30 percent of the wholesale price of those products.

35 2. The provisions of subsection 1 do not apply to those
36 products which are:

37 (a) Shipped out of the State for sale and use outside the State; or

38 (b) Displayed or exhibited at a trade show, convention or other
39 exhibition in this state by a manufacturer or wholesale dealer who is
40 not licensed in this state.

41 3. This tax must be collected and paid by the wholesale dealer
42 to the Department, in accordance with the provisions of NRS
43 370.465, after the sale or distribution of those products by the
44 wholesale dealer. The wholesale dealer is entitled to retain ~~2~~ 0.5
45 percent of the taxes collected to cover the costs of collecting and



1 administering the taxes ~~if~~ *if the taxes are paid in accordance with*
2 *the provisions of NRS 370.465.*

3 4. Any wholesale dealer who sells or distributes any of those
4 products without paying the tax provided for by this section is guilty
5 of a misdemeanor.

6 **Sec. 85.** NRS 370.490 is hereby amended to read as follows:

7 370.490 1. The Department shall allow a credit of 30 percent
8 of the wholesale price, less a discount of ~~2~~ 0.5 percent for the
9 services rendered in collecting the tax, for products made from
10 tobacco, other than cigarettes, upon which the tax has been paid
11 pursuant to NRS 370.450 and that may no longer be sold. If the
12 products have been purchased and delivered, a credit memo of the
13 manufacturer is required for proof of returned merchandise.

14 2. A credit must also be granted for any products made from
15 tobacco, other than cigarettes, shipped from this state and destined
16 for retail sale and consumption outside the State on which the tax
17 has previously been paid. A duplicate or copy of the invoice is
18 required for proof of the sale outside the State.

19 3. A wholesale dealer may claim a credit by filing with the
20 Department the proof required by this section. The claim must be
21 made on a form prescribed by the Department.

22 **Sec. 86.** NRS 372.130 is hereby amended to read as follows:

23 372.130 At the time of making an application, the applicant
24 must pay to the Department a permit fee of ~~1~~ \$5 for each permit.

25 **Sec. 87.** NRS 372.140 is hereby amended to read as follows:

26 372.140 A seller whose permit has been previously suspended
27 or revoked must pay the Department a fee of ~~1~~ \$5 for the renewal
28 or issuance of a permit.

29 **Sec. 88.** NRS 372.220 is hereby amended to read as follows:

30 372.220 1. Every retailer who sells tangible personal
31 property for storage, use or other consumption in this state shall
32 register with the Department and give:

33 ~~1~~ (a) The name and address of all agents operating in this
34 state.

35 ~~2~~ (b) The location of all distribution or sales houses or offices
36 or other places of business in this state.

37 ~~3~~ (c) Such other information as the Department may require.

38 2. *Every business that purchases tangible personal property*
39 *for storage, use or other consumption in this state shall, at the*
40 *time the business obtains a business license pursuant to NRS*
41 *364A.130, register with the Department on a form prescribed by*
42 *the Department. As used in this section, "business" has the*
43 *meaning ascribed to it in NRS 364A.020.*



1 **Sec. 89.** NRS 372.220 is hereby amended to read as follows:
2 372.220 1. Every retailer who sells tangible personal
3 property for storage, use or other consumption in this state shall
4 register with the Department and give:

5 (a) The name and address of all agents operating in this state.
6 (b) The location of all distribution or sales houses or offices or
7 other places of business in this state.

8 (c) Such other information as the Department may require.

9 2. Every business that purchases tangible personal property for
10 storage, use or other consumption in this state shall, at the time the
11 business obtains a business license pursuant to ~~NRS 364A.130,~~
12 *section 66 of this act*, register with the Department on a form
13 prescribed by the Department. As used in this section, "business"
14 has the meaning ascribed to it in ~~NRS 364A.020,~~ *section 62 of this*
15 *act.*

16 **Sec. 90.** NRS 372.370 is hereby amended to read as follows:
17 372.370 ~~[The taxpayer shall]~~ *If the taxes imposed by this*
18 *chapter are paid in accordance with NRS 372.355, the taxpayer*
19 *may* deduct and withhold from the taxes otherwise due from him
20 ~~[1.25]~~ *0.5* percent of ~~[it]~~ *those taxes* to reimburse himself for the
21 cost of collecting the tax.

22 **Sec. 91.** NRS 374.135 is hereby amended to read as follows:
23 374.135 At the time of making an application, the applicant
24 shall pay to the Department a permit fee of ~~[\$1]~~ *\$5* for each permit.

25 **Sec. 92.** NRS 374.145 is hereby amended to read as follows:
26 374.145 A seller whose permit has been previously suspended
27 or revoked shall pay the Department a fee of ~~[\$1]~~ *\$5* for the renewal
28 or issuance of a permit.

29 **Sec. 93.** NRS 374.375 is hereby amended to read as follows:
30 374.375 ~~[The taxpayer shall]~~ *If the taxes imposed by this*
31 *chapter are paid in accordance with NRS 374.360, the taxpayer*
32 *may* deduct and withhold from the taxes otherwise due from him
33 ~~[1.25]~~ *0.5* percent thereof to reimburse himself for the cost of
34 collecting the tax.

35 **Sec. 94.** Chapter 375 of NRS is hereby amended by adding
36 thereto the provisions set forth as sections 95 and 96 of this act.

37 **Sec. 95. 1.** *In addition to all other taxes imposed on*
38 *transfers of real property, a tax, at the rate of \$1.30 on each \$500*
39 *of value or fraction thereof, is hereby imposed on each deed by*
40 *which any lands, tenements or other realty is granted, assigned,*
41 *transferred or otherwise conveyed to, or vested in, another person,*
42 *if the consideration or value of the interest or property conveyed*
43 *exceeds \$100.*



1 2. *The amount of the tax must be computed on the basis of*
2 *the value of the transferred property as declared pursuant to NRS*
3 *375.060.*

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

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

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

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

16 **Sec. 96.** 1. *The Department shall, to ensure that the tax*
17 *imposed by section 95 of this act is collected fairly and equitably in*
18 *all counties, coordinate the collection and administration of that*
19 *tax. For this purpose, the Department may conduct such audits of*
20 *the records of the various counties as are necessary to carry out*
21 *the provisions of section 95 of this act.*

22 2. *When requested, the Department shall render assistance to*
23 *the county recorder of a county whose population is less than*
24 *30,000 relating to the imposition and collection of the tax imposed*
25 *by section 95 of this act.*

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

28 **Sec. 97.** NRS 375.018 is hereby amended to read as follows:

29 375.018 With regard to the administration of ~~the real property~~
30 ~~transfer tax,~~ *any tax imposed by this chapter,* the county recorder
31 shall apply the following principles:

32 1. Forms, instructions and regulations governing the
33 computation of the amount of tax due must be brief and easily
34 understood.

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

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

44 4. Exemptions or waivers, where permitted by statute, must be
45 granted:



- 1 (a) Equitably among eligible taxpayers; and
- 2 (b) As sparingly as is consistent with the legislative intent, to
- 3 retain the broadest feasible base for the tax.

4 **Sec. 98.** NRS 375.030 is hereby amended to read as follows:

5 375.030 1. If any deed evidencing a transfer of title subject to
6 the tax imposed by NRS 375.020 ~~[and, if applicable, NRS 375.025,]~~
7 is offered for recordation, the county recorder shall compute the
8 amount of the tax due and shall collect that amount before
9 acceptance of the deed for recordation.

10 2. The buyer and seller are jointly and severally liable for the
11 payment of the taxes imposed by NRS 375.020 ~~[and 375.025]~~ and
12 any penalties and interest imposed pursuant to subsection 3. The
13 escrow holder is not liable for the payment of the taxes imposed by
14 NRS 375.020 ~~[and 375.025]~~ or any penalties or interest imposed
15 pursuant to subsection 3.

16 3. If after recordation of the deed, the county recorder
17 disallows an exemption that was claimed at the time the deed was
18 recorded or through audit or otherwise determines that an additional
19 amount of tax is due, the county recorder shall promptly notify the
20 person who requested the recording of the deed and the buyer and
21 seller of the additional amount of tax due. If the additional amount
22 of tax is not paid within 30 days after the date the buyer and seller
23 are notified, the county recorder shall impose a penalty of 10
24 percent of the additional amount due in addition to interest at the
25 rate of 1 percent per month, or portion thereof, of the additional
26 amount due calculated from the date of the original recordation of
27 the deed on which the additional amount is due through the date on
28 which the additional amount due, penalty and interest are paid to the
29 county recorder.

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

36 **Sec. 99.** NRS 375.030 is hereby amended to read as follows:

37 375.030 1. If any deed evidencing a transfer of title subject to
38 the tax imposed by NRS 375.020 *and section 95 of this act* is
39 offered for recordation, the county recorder shall compute the
40 amount of the tax due and shall collect that amount before
41 acceptance of the deed for recordation.

42 2. The buyer and seller are jointly and severally liable for the
43 payment of the taxes imposed by NRS 375.020 *and section 95 of*
44 *this act* and any penalties and interest imposed pursuant to
45 subsection 3. The escrow holder is not liable for the payment of the



1 taxes imposed by NRS 375.020 *and section 95 of this act* or any
2 penalties or interest imposed pursuant to subsection 3.

3 3. If after recordation of the deed, the county recorder
4 disallows an exemption that was claimed at the time the deed was
5 recorded or through audit or otherwise determines that an additional
6 amount of tax is due, the county recorder shall promptly notify the
7 person who requested the recording of the deed and the buyer and
8 seller of the additional amount of tax due. If the additional amount
9 of tax is not paid within 30 days after the date the buyer and seller
10 are notified, the county recorder shall impose a penalty of 10
11 percent of the additional amount due in addition to interest at the
12 rate of 1 percent per month, or portion thereof, of the additional
13 amount due calculated from the date of the original recordation of
14 the deed on which the additional amount is due through the date on
15 which the additional amount due, penalty and interest are paid to the
16 county recorder.

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

23 **Sec. 100.** NRS 375.070 is hereby amended to read as follows:

24 375.070 1. The county recorder shall transmit the proceeds of
25 the ~~real property transfer~~ tax *imposed by NRS 375.020* at the end
26 of each quarter in the following manner:

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

32 (b) In a county whose population is more than 400,000, an
33 amount equal to that portion of the proceeds which is equivalent to
34 60 cents for each \$500 of value or fraction thereof must be
35 transmitted to the county treasurer for deposit in the county school
36 district's fund for capital projects established pursuant to NRS
37 387.328, to be held and expended in the same manner as other
38 money deposited in that fund.

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

43 2. In addition to any other authorized use of the proceeds it
44 receives pursuant to subsection 1, a county or city may use the
45 proceeds to pay expenses related to or incurred for the development



1 of affordable housing for families whose income does not exceed 80
2 percent of the median income for families residing in the same
3 county, as that percentage is defined by the United States
4 Department of Housing and Urban Development. A county or city
5 that uses the proceeds in that manner must give priority to the
6 development of affordable housing for persons who are disabled or
7 elderly.

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

- 10 (a) The costs to acquire land and developmental rights;
11 (b) Related predevelopment expenses;
12 (c) The costs to develop the land, including the payment of
13 related rebates;
14 (d) Contributions toward down payments made for the purchase
15 of affordable housing; and
16 (e) The creation of related trust funds.

17 **Sec. 101.** NRS 375.090 is hereby amended to read as follows:

18 375.090 The tax imposed by NRS 375.020 ~~and 375.025~~ does
19 not apply to:

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

24 2. A transfer of title to the United States, any territory or state
25 or any agency, department, instrumentality or political subdivision
26 thereof.

27 3. A transfer of title recognizing the true status of ownership of
28 the real property.

29 4. A transfer of title without consideration from one joint
30 tenant or tenant in common to one or more remaining joint tenants
31 or tenants in common.

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

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

36 7. A transfer of title between spouses to effect a property
37 settlement agreement or between former spouses in compliance with
38 a decree of divorce.

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

- 41 (a) The trustor of the trust;
42 (b) The trustor's legal representative; or
43 (c) A person related to the trustor in the first degree of
44 consanguinity.



1 As used in this subsection, “legal representative” has the meaning
2 ascribed to it in NRS 167.020.

3 9. Transfers, assignments or conveyances of unpatented mines
4 or mining claims.

5 10. A transfer, assignment or other conveyance of real property
6 to a corporation or other business organization if the person
7 conveying the property owns 100 percent of the corporation or
8 organization to which the conveyance is made.

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

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

14 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.
15 §§ 101 et seq.;

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

18 (c) Approved in an equity receivership proceeding involving a
19 corporation, as defined in the Bankruptcy Act,
20 if the making, delivery or filing of instruments of transfer or
21 conveyance occurs within 5 years after the date of the confirmation,
22 approval or change.

23 13. The making or delivery of conveyances of real property to
24 make effective any order of the Securities and Exchange
25 Commission if:

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

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

33 (c) The transfer or conveyance is made in obedience to the
34 order.

35 14. A transfer to an educational foundation. As used in this
36 subsection, “educational foundation” has the meaning ascribed to it
37 in subsection 3 of NRS 388.750.

38 15. A transfer to a university foundation. As used in this
39 subsection, “university foundation” has the meaning ascribed to it in
40 subsection 3 of NRS 396.405.

41 16. A transfer, assignment or other conveyance of real property
42 to a corporation sole from another corporation sole. As used in this
43 subsection, “corporation sole” means a corporation which is
44 organized pursuant to the provisions of chapter 84 of NRS.



1 **Sec. 102.** NRS 375.090 is hereby amended to read as follows:
2 375.090 The ~~{tax}~~ *taxes* imposed by NRS 375.020 ~~{does}~~ *and*
3 *section 95 of this act do* not apply to:

4 1. A mere change in ~~{identity, form or place of organization,~~
5 ~~such as a transfer between a corporation and its parent corporation, a~~
6 ~~subsidiary or an affiliated corporation if the affiliated corporation~~
7 ~~has identical common ownership.}~~ *the name of the owner of the*
8 *property without a change in the ownership interest of the*
9 *property.*

10 2. A transfer of title to the United States, any territory or state
11 or any agency, department, instrumentality or political subdivision
12 thereof.

13 3. A transfer of title recognizing the true status of ownership of
14 the real property.

15 4. A transfer of title without consideration from one joint
16 tenant or tenant in common to one or more remaining joint tenants
17 or tenants in common.

18 5. ~~{A transfer of title to community property without~~
19 ~~consideration when held in the name of one spouse to both spouses~~
20 ~~as joint tenants or tenants in common, or as community property.~~
21 ~~—6.}~~ A transfer of title between spouses, including gifts ~~{~~

22 ~~—7. A transfer of title between spouses}~~, *or* to effect a property
23 settlement agreement or between former spouses in compliance with
24 a decree of divorce.

25 ~~{8.}~~ 6. A transfer of title to or from a trust ~~{, if the transfer is~~
26 ~~made}~~ without consideration ~~{, and is made to or from:~~

27 ~~—(a) The trustor of the trust;~~

28 ~~—(b) The trustor's legal representative; or~~

29 ~~—(c) A person related to the trustor in the first degree of~~
30 ~~consanguinity.~~

31 ~~As used in this subsection, "legal representative" has the meaning~~
32 ~~ascribed to it in NRS 167.020.~~

33 ~~—9.}~~ *if a certificate of trust is presented at the time of transfer.*

34 7. Transfers, assignments or conveyances of unpatented mines
35 or mining claims.

36 ~~{10. A transfer, assignment or other conveyance of real~~
37 ~~property to a corporation or other business organization if the person~~
38 ~~conveying the property owns 100 percent of the corporation or~~
39 ~~organization to which the conveyance is made.~~

40 ~~—11.}~~ 8. A transfer, assignment or other conveyance of real
41 property if the owner of the property is related to the person to
42 whom it is conveyed within the first degree of consanguinity.

43 ~~{12.}~~ 9. The making, delivery or filing of conveyances of real
44 property to make effective any plan of reorganization or adjustment:



1 (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C.
2 §§ 101 et seq.;

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

5 (c) Approved in an equity receivership proceeding involving a
6 corporation, as defined in the Bankruptcy Act,
7 if the making, delivery or filing of instruments of transfer or
8 conveyance occurs within 5 years after the date of the confirmation,
9 approval or change.

10 ~~[13.]~~ 10. The making or delivery of conveyances of real
11 property to make effective any order of the Securities and Exchange
12 Commission if:

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

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

20 (c) The transfer or conveyance is made in obedience to the
21 order.

22 ~~[14. — A transfer to an educational foundation. As used in this~~
23 ~~subsection, “educational foundation” has the meaning ascribed to it~~
24 ~~in subsection 3 of NRS 388.750.~~

25 ~~— 15. — A transfer to a university foundation. As used in this~~
26 ~~subsection, “university foundation” has the meaning ascribed to it in~~
27 ~~subsection 3 of NRS 396.405.~~

28 ~~— 16. — A transfer, assignment or other conveyance of real property~~
29 ~~to a corporation sole from another corporation sole. As used in this~~
30 ~~subsection, “corporation sole” means a corporation which is~~
31 ~~organized pursuant to the provisions of chapter 84 of NRS.]~~

32 **Sec. 103.** NRS 375.120 is hereby amended to read as follows:

33 375.120 The county recorder shall:

34 1. Conduct and apply audits and other procedures for
35 enforcement as uniformly as is feasible.

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

39 **Sec. 104.** NRS 375.130 is hereby amended to read as follows:

40 375.130 1. The county recorder may audit all records relating
41 to the collection and calculation of ~~[the real property transfer tax.]~~
42 *any tax imposed by this chapter.* If the county recorder deems it
43 necessary to conduct an audit, the audit must be completed within 3
44 years after the date of the original recording of the document that
45 evidences the transfer of property for which the tax was imposed.



1 2. The county recorder may issue subpoenas to require the
2 production of documents necessary for him to determine the amount
3 of ~~real property transfer~~ *the* tax due pursuant to this chapter or to
4 determine whether a person qualifies for an exemption from taxes
5 pursuant to this chapter. The county recorder may have the
6 subpoenas served, and upon application of the district attorney, to
7 any court of competent jurisdiction, enforced in the manner
8 provided by law for the service and enforcement of subpoenas in a
9 civil action.

10 **Sec. 105.** NRS 375.160 is hereby amended to read as follows:

11 375.160 1. If any ~~real property transfer~~ tax imposed
12 pursuant to this chapter is not paid when due, the county may,
13 within 3 years after the date that the tax was due, record a certificate
14 in the office of the county recorder which states:

15 (a) The amount of the ~~real property transfer~~ tax and any
16 interest or penalties due;

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

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

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

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

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

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

30 4. Within 5 years after the date of recording the certificate or
31 within 5 years after the date of the last extension of the lien pursuant
32 to this subsection, the lien may be extended by recording a new
33 certificate in the office of the county recorder. From the time of
34 recording the new certificate, the lien is extended for 5 years, unless
35 sooner released or otherwise discharged.

36 **Sec. 106.** NRS 375.170 is hereby amended to read as follows:

37 375.170 1. If a person is delinquent in the payment of ~~the~~
38 ~~real property transfer~~ *any* tax *imposed by this chapter* or has not
39 paid the amount of a deficiency determination, the county may bring
40 an action in a court of this state, a court of any other state or a court
41 of the United States that has competent jurisdiction to collect the
42 delinquent or deficient amount, penalties and interest. The action:

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



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

3 2. The district attorney shall prosecute the action. The
4 provisions of the Nevada Revised Statutes, Nevada Rules of Civil
5 Procedure and Nevada Rules of Appellate Procedure relating to
6 service of summons, pleadings, proofs, trials and appeals are
7 applicable to the proceedings. In the action, a writ of attachment
8 may issue. A bond or affidavit is not required before an attachment
9 may be issued.

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

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

13 (b) The delinquency of the amounts; and

14 (c) The compliance by the county recorder with all the
15 procedures required by law relating to the computation and
16 determination of the amounts.

17 **Sec. 107.** NRS 375.250 is hereby amended to read as follows:

18 375.250 1. The Legislature hereby declares that each
19 taxpayer has the right:

20 (a) To be treated by officers and employees of the county
21 recorder with courtesy, fairness, uniformity, consistency and
22 common sense.

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

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

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

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

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

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

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

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

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



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

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

8 (i) To a full explanation of the authority of the county recorder
9 to collect the ~~real property transfer~~ tax or to collect a delinquent
10 ~~real property transfer~~ tax, including, without limitation, the
11 procedures and notices for review and appeal that are required for
12 the protection of the taxpayer. An explanation which meets the
13 requirements of this section must also be included with each notice
14 to a taxpayer that an audit will be conducted by the county.

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

18 (1) The tax is paid;
19 (2) The period of limitation for collecting the tax expires;
20 (3) The lien is the result of an error by the county recorder;
21 (4) The county recorder determines that the taxes, interest
22 and penalties are secured sufficiently by a lien on other real
23 property;

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

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

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

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

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

36 **Sec. 108.** NRS 375.270 is hereby amended to read as follows:

37 375.270 The county recorder shall provide each taxpayer who
38 it determines may be liable for taxes pursuant to this chapter with
39 simplified written instructions concerning the rights and
40 responsibilities of the taxpayer, including the:

41 1. Keeping of records sufficient for audit purposes;
42 2. Procedures for paying ~~the real property transfer tax;~~ any
43 taxes that are due; and

44 3. Procedures for challenging any liability for ~~real property~~
45 ~~transfer~~ any tax, penalties or interest and for requesting refunds of



1 *any* erroneously paid ~~real property transfer~~ tax, including the steps
2 for appealing a denial thereof.

3 **Sec. 109.** NRS 375.290 is hereby amended to read as follows:
4 375.290 A taxpayer is entitled to receive on any overpayment
5 of ~~the real property transfer~~ *any* tax *imposed by this chapter* a
6 refund together with interest at a rate determined pursuant to NRS
7 17.130. No interest is allowed on a refund of any penalties or
8 interest on the ~~real property transfer~~ tax that is paid by a taxpayer.

9 **Sec. 110.** NRS 375.300 is hereby amended to read as follows:
10 375.300 The county recorder shall provide a taxpayer with a
11 response to any written request submitted by the taxpayer that
12 relates to a ~~real property transfer~~ tax *imposed by this chapter*
13 within 30 days after the county treasurer receives the request.

14 **Sec. 111.** NRS 375.330 is hereby amended to read as follows:
15 375.330 1. The county recorder may waive any ~~real property~~
16 ~~transfer~~ tax, penalty and interest owed by the taxpayer *pursuant to*
17 *this chapter, other than the tax imposed by section 95 of this act*, if
18 the taxpayer meets the criteria adopted by regulation. If a waiver is
19 granted pursuant to this subsection, the county shall prepare and
20 maintain on file a statement that contains:

21 (a) The reason for the waiver;
22 (b) The amount of the tax, penalty and interest owed by the
23 taxpayer; and
24 (c) The amount of the tax, penalty and interest waived by the
25 county.

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

32 3. If a person proves to the satisfaction of the county recorder
33 that he has in good faith remitted the ~~real property transfer~~ tax in
34 reliance upon written advice provided by an officer or employee of
35 the county recorder, an opinion of the district attorney or Attorney
36 General, or the written results of an audit of his records conducted
37 by the county recorder, the county recorder may not require the
38 taxpayer to pay delinquent taxes, penalties or interest if the county
39 recorder determines after the completion of a subsequent audit that
40 the taxes the taxpayer remitted were deficient.

41 **Sec. 112.** NRS 376A.040 is hereby amended to read as
42 follows:

43 376A.040 1. In addition to all other taxes imposed on the
44 revenues from retail sales, a board of county commissioners of a
45 county whose population is less than 400,000 may by ordinance, but



1 not as in a case of emergency, impose a tax at the rate of up to 1/4 of
2 1 percent of the gross receipts of any retailer from the sale of all
3 tangible personal property sold at retail, or stored, used or otherwise
4 consumed in the county, after receiving the approval of a majority
5 of the registered voters of the county voting on the question at a
6 primary, general or special election. The question may be combined
7 with questions submitted pursuant to NRS ~~[375.025, 376A.050 and~~
8 ~~376A.070 or any combination thereof.] 376A.050 or 376A.070, or~~
9 ~~both.~~

10 2. If a county imposes a sales tax pursuant to this section and
11 NRS 376A.050, the combined additional sales tax must not exceed
12 1/4 of 1 percent. A tax imposed pursuant to this section applies
13 throughout the county, including incorporated cities in the county.

14 3. Before the election may occur, an open-space plan must be
15 adopted by the board of county commissioners pursuant to NRS
16 376A.020 and the adopted open-space plan must be endorsed by
17 resolution by the city council of each incorporated city within the
18 county.

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

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

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

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

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

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



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

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

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

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

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

12 **Sec. 113.** NRS 376A.040 is hereby amended to read as
13 follows:

14 376A.040 1. In addition to all other taxes imposed on the
15 revenues from retail sales, a board of county commissioners of a
16 county whose population is 100,000 or more but less than 400,000,
17 may by ordinance, but not as in a case of emergency, impose a tax at
18 the rate of up to 1/4 of 1 percent of the gross receipts of any retailer
19 from the sale of all tangible personal property sold at retail, or
20 stored, used or otherwise consumed in the county, after receiving
21 the approval of a majority of the registered voters of the county
22 voting on the question at a primary, general or special election. The
23 question may be combined with questions submitted pursuant to
24 NRS ~~{375.025, 376A.050 and 376A.070 or any combination~~
25 ~~thereof.}~~ **376A.050 or 376A.070, or both.**

26 2. If a county imposes a sales tax pursuant to this section and
27 NRS 376A.050, the combined additional sales tax must not exceed
28 1/4 of 1 percent. A tax imposed pursuant to this section applies
29 throughout the county, including incorporated cities in the county.

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

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



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

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

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

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

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

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

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

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

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

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

27 **Sec. 114.** NRS 376A.050 is hereby amended to read as
28 follows:

29 376A.050 1. Except as otherwise provided in subsection 2, in
30 addition to all other taxes imposed on the revenues from retail sales,
31 a board of county commissioners in each county whose population
32 is less than 400,000 may by ordinance, but not as in a case of
33 emergency, impose a tax at the rate of up to 1/4 of 1 percent of the
34 gross receipts of any retailer from the sale of all tangible personal
35 property sold at retail, or stored, used or otherwise consumed in the
36 county, after receiving the approval of a majority of the registered
37 voters of the county voting on the question at a primary, general or
38 special election. The question may be combined with questions
39 submitted pursuant to NRS ~~{375.025, 376A.040 and 376A.070 or~~
40 ~~any combination thereof.}~~ **376A.040 or 376A.070, or both.**

41 2. If a county imposes a sales tax pursuant to this section and
42 NRS 376A.040, the combined additional sales tax must not exceed
43 1/4 of 1 percent. A tax imposed pursuant to this section applies
44 throughout the county, including incorporated cities in the county.



1 3. Before the election occurs, an open-space plan must be
2 adopted by the board of county commissioners pursuant to NRS
3 376A.020 and the adopted open-space plan must be endorsed by
4 resolution by the city council of each incorporated city in the
5 county.

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

17 **Sec. 115.** NRS 376A.050 is hereby amended to read as
18 follows:

19 376A.050 1. Except as otherwise provided in subsection 2, in
20 addition to all other taxes imposed on the revenues from retail sales,
21 a board of county commissioners in each county whose population
22 is 100,000 or more but less than 400,000, may by ordinance, but not
23 as in a case of emergency, impose a tax at the rate of up to 1/4 of 1
24 percent of the gross receipts of any retailer from the sale of all
25 tangible personal property sold at retail, or stored, used or otherwise
26 consumed in the county, after receiving the approval of a majority
27 of the registered voters of the county voting on the question at a
28 primary, general or special election. The question may be combined
29 with questions submitted pursuant to NRS ~~375.025, 376A.040 and~~
30 ~~376A.070 or any combination thereof.~~ *376A.040 or 376A.070, or*
31 *both.*

32 2. If a county imposes a sales tax pursuant to this section and
33 NRS 376A.040, the combined additional sales tax must not exceed
34 1/4 of 1 percent. A tax imposed pursuant to this section applies
35 throughout the county, including incorporated cities in the county.

36 3. Before the election occurs, an open-space plan must be
37 adopted by the board of county commissioners pursuant to NRS
38 376A.020 and the adopted open-space plan must be endorsed by
39 resolution by the city council of each incorporated city in the
40 county.

41 4. All fees, taxes, interest and penalties imposed and all
42 amounts of tax required to be paid pursuant to this section must be
43 paid to the Department of Taxation in the form of remittances
44 payable to the Department of Taxation. The Department of Taxation
45 shall deposit the payments with the State Treasurer for credit to the



1 Sales and Use Tax Account in the State General Fund. The State
2 Controller, acting upon the collection data furnished by the
3 Department of Taxation, shall transfer monthly all fees, taxes,
4 interest and penalties collected during the preceding month to the
5 Intergovernmental Fund and remit the money to the county
6 treasurer.

7 **Sec. 116.** NRS 376A.070 is hereby amended to read as
8 follows:

9 376A.070 1. The board of county commissioners in a county
10 whose population is less than 400,000 may levy an ad valorem tax at
11 the rate of up to 1 cent on each \$100 of assessed valuation upon all
12 taxable property in the county after receiving the approval of a
13 majority of the registered voters of the county voting on the question
14 at a primary, general or special election. The question may be
15 combined with questions submitted pursuant to NRS ~~[375.025,~~
16 ~~376A.040 and 376A.050 or any combination thereof.]~~ **376A.040 or**
17 **376A.050, or both.** A tax imposed pursuant to this section applies
18 throughout the county, including incorporated cities in the county.

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

23 3. Before the tax is imposed, an open-space plan must be
24 adopted by the board of county commissioners pursuant to NRS
25 376A.020 and the adopted open-space plan must be endorsed by
26 resolution by the city council of each incorporated city within the
27 county.

28 **Sec. 117.** NRS 376A.070 is hereby amended to read as
29 follows:

30 376A.070 1. The board of county commissioners in a county
31 whose population is 100,000 or more but less than 400,000, may
32 levy an ad valorem tax at the rate of up to 1 cent on each \$100 of
33 assessed valuation upon all taxable property in the county after
34 receiving the approval of a majority of the registered voters of the
35 county voting on the question at a primary, general or special
36 election. The question may be combined with questions submitted
37 pursuant to NRS ~~[375.025, 376A.040 and 376A.050 or any~~
38 ~~combination thereof.]~~ **376A.040 or 376A.050, or both.** A tax
39 imposed pursuant to this section applies throughout the county,
40 including incorporated cities in the county.

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



1 3. Before the tax is imposed, an open-space plan must be
2 adopted by the board of county commissioners pursuant to NRS
3 376A.020 and the adopted open-space plan must be endorsed by
4 resolution by the city council of each incorporated city within the
5 county.

6 **Sec. 118.** NRS 78.150 is hereby amended to read as follows:

7 78.150 1. A corporation organized pursuant to the laws of
8 this state shall, on or before the first day of the second month after
9 the filing of its articles of incorporation with the Secretary of State,
10 file with the Secretary of State a list, on a form furnished by him,
11 containing:

- 12 (a) The name of the corporation;
- 13 (b) The file number of the corporation, if known;
- 14 (c) The names and titles of the president, secretary, treasurer and
15 of all the directors of the corporation;
- 16 (d) The mailing or street address, either residence or business, of
17 each officer and director listed, following the name of the officer or
18 director;
- 19 (e) The name and street address of the resident agent of the
20 corporation; and
- 21 (f) The signature of an officer of the corporation certifying that
22 the list is true, complete and accurate.

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

28 3. Each list required by subsection 1 or 2 must be accompanied
29 by a declaration under penalty of perjury that the corporation has
30 complied with the provisions of ~~chapter 364A of NRS.~~ *section 66*
31 *of this act.*

32 4. Upon filing the list required by:

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

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

37 5. The Secretary of State shall, 60 days before the last day for
38 filing each annual list required by subsection 2, cause to be mailed
39 to each corporation which is required to comply with the provisions
40 of NRS 78.150 to 78.185, inclusive, and which has not become
41 delinquent, a notice of the fee due pursuant to subsection 4 and a
42 reminder to file the annual list required by subsection 2. Failure of
43 any corporation to receive a notice or form does not excuse it from
44 the penalty imposed by law.



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

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

11 8. If the corporation is an association as defined in NRS
12 116.110315, the Secretary of State shall not accept the filing
13 required by this section unless it is accompanied by evidence of the
14 payment of the fee required to be paid pursuant to NRS 116.31155
15 that is provided to the association pursuant to subsection 4 of that
16 section.

17 **Sec. 119.** NRS 80.110 is hereby amended to read as follows:

18 80.110 1. Each foreign corporation doing business in this
19 state shall, on or before the first day of the second month after the
20 filing of its certificate of corporate existence with the Secretary of
21 State, and annually thereafter on or before the last day of the month
22 in which the anniversary date of its qualification to do business in
23 this state occurs in each year, file with the Secretary of State a list,
24 on a form furnished by him, that contains:

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

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

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

29 Each list filed pursuant to this subsection must be accompanied by a
30 declaration under penalty of perjury that the foreign corporation has
31 complied with the provisions of ~~chapter 364A of NRS.~~ *section 66*
32 *of this act.*

33 2. Upon filing:

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

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

38 3. The Secretary of State shall, 60 days before the last day for
39 filing each annual list required by subsection 1, cause to be mailed
40 to each corporation required to comply with the provisions of NRS
41 80.110 to 80.170, inclusive, which has not become delinquent, the
42 blank forms to be completed and filed with him. Failure of any
43 corporation to receive the forms does not excuse it from the penalty
44 imposed by the provisions of NRS 80.110 to 80.170, inclusive.



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

6 **Sec. 120.** NRS 86.263 is hereby amended to read as follows:

7 86.263 1. A limited-liability company shall, on or before the
8 first day of the second month after the filing of its articles of
9 organization with the Secretary of State, file with the Secretary of
10 State, on a form furnished by him, a list that contains:

- 11 (a) The name of the limited-liability company;
12 (b) The file number of the limited-liability company, if known;
13 (c) The names and titles of all of its managers or, if there is no
14 manager, all of its managing members;
15 (d) The mailing or street address, either residence or business, of
16 each manager or managing member listed, following the name of
17 the manager or managing member;
18 (e) The name and street address of the resident agent of the
19 limited-liability company; and
20 (f) The signature of a manager or managing member of the
21 limited-liability company certifying that the list is true, complete
22 and accurate.

23 2. The limited-liability company shall annually thereafter, on
24 or before the last day of the month in which the anniversary date of
25 its organization occurs, file with the Secretary of State, on a form
26 furnished by him, an amended list containing all of the information
27 required in subsection 1. If the limited-liability company has had no
28 changes in its managers or, if there is no manager, its managing
29 members, since its previous list was filed, no amended list need be
30 filed if a manager or managing member of the limited-liability
31 company certifies to the Secretary of State as a true and accurate
32 statement that no changes in the managers or managing members
33 have occurred.

34 3. Each list required by subsection 1 and each list or
35 certification required by subsection 2 must be accompanied by a
36 declaration under penalty of perjury that the limited-liability
37 company has complied with the provisions of ~~chapter 364A of~~
38 ~~NRS.~~ *section 66 of this act.*

39 4. Upon filing:

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

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



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

9 6. If the list to be filed pursuant to the provisions of subsection
10 1 or 2 is defective or the fee required by subsection 4 is not paid, the
11 Secretary of State may return the list for correction or payment.

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

15 **Sec. 121.** NRS 87.510 is hereby amended to read as follows:

16 87.510 1. A registered limited-liability partnership shall, on
17 or before the first day of the second month after the filing of its
18 certificate of registration with the Secretary of State, and annually
19 thereafter on or before the last day of the month in which the
20 anniversary date of the filing of its certificate of registration with the
21 Secretary of State occurs, file with the Secretary of State, on a form
22 furnished by him, a list that contains:

23 (a) The name of the registered limited-liability partnership;

24 (b) The file number of the registered limited-liability
25 partnership, if known;

26 (c) The names of all of its managing partners;

27 (d) The mailing or street address, either residence or business, of
28 each managing partner;

29 (e) The name and street address of the resident agent of the
30 registered limited-liability partnership; and

31 (f) The signature of a managing partner of the registered limited-
32 liability partnership certifying that the list is true, complete and
33 accurate.

34 Each list filed pursuant to this subsection must be accompanied by a
35 declaration under penalty of perjury that the registered limited-
36 liability partnership has complied with the provisions of ~~chapter~~
37 ~~364A of NRS.~~ *section 66 of this act.*

38 2. Upon filing:

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

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



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

8 4. If the list to be filed pursuant to the provisions of subsection
9 1 is defective, or the fee required by subsection 2 is not paid, the
10 Secretary of State may return the list for correction or payment.

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

16 **Sec. 122.** NRS 88.395 is hereby amended to read as follows:

17 88.395 1. A limited partnership shall, on or before the first
18 day of the second month after the filing of its certificate of limited
19 partnership with the Secretary of State, and annually thereafter on or
20 before the last day of the month in which the anniversary date of the
21 filing of its certificate of limited partnership occurs, file with the
22 Secretary of State, on a form furnished by him, a list that contains:

- 23 (a) The name of the limited partnership;
24 (b) The file number of the limited partnership, if known;
25 (c) The names of all of its general partners;
26 (d) The mailing or street address, either residence or business, of
27 each general partner;
28 (e) The name and street address of the resident agent of the
29 limited partnership; and
30 (f) The signature of a general partner of the limited partnership
31 certifying that the list is true, complete and accurate.

32 Each list filed pursuant to this subsection must be accompanied by a
33 declaration under penalty of perjury that the limited partnership has
34 complied with the provisions of ~~chapter 364A of NRS.~~ **section 66**
35 **of this act.**

36 2. Upon filing:

37 (a) The initial list required by subsection 1, the limited
38 partnership shall pay to the Secretary of State a fee of \$165.

39 (b) Each annual list required by subsection 1, the limited
40 partnership shall pay to the Secretary of State a fee of \$85.

41 3. The Secretary of State shall, 60 days before the last day for
42 filing each annual list required by subsection 1, cause to be mailed
43 to each limited partnership required to comply with the provisions
44 of this section which has not become delinquent a notice of the fee
45 due pursuant to the provisions of subsection 2 and a reminder to file



1 the annual list. Failure of any limited partnership to receive a notice
2 or form does not excuse it from the penalty imposed by NRS
3 88.400.

4 4. If the list to be filed pursuant to the provisions of subsection
5 1 is defective or the fee required by subsection 2 is not paid, the
6 Secretary of State may return the list for correction or payment.

7 5. An annual list for a limited partnership not in default that is
8 received by the Secretary of State more than 60 days before its due
9 date shall be deemed an amended list for the previous year and does
10 not satisfy the requirements of subsection 1 for the year to which the
11 due date is applicable.

12 6. A filing made pursuant to this section does not satisfy the
13 provisions of NRS 88.355 and may not be substituted for filings
14 submitted pursuant to NRS 88.355.

15 **Sec. 123.** NRS 88A.600 is hereby amended to read as follows:

16 88A.600 1. A business trust formed pursuant to this chapter
17 shall, on or before the first day of the second month after the filing
18 of its certificate of trust with the Secretary of State, and annually
19 thereafter on or before the last day of the month in which the
20 anniversary date of the filing of its certificate of trust with the
21 Secretary of State occurs, file with the Secretary of State, on a form
22 furnished by him, a list signed by at least one trustee that contains
23 the name and mailing address of its resident agent and at least one
24 trustee. Each list filed pursuant to this subsection must be
25 accompanied by a declaration under penalty of perjury that the
26 business trust has complied with the provisions of ~~chapter 364A of~~
27 ~~NRS.]~~ *section 66 of this act.*

28 2. Upon filing:

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

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

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

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

43 **Sec. 124.** NRS 89.250 is hereby amended to read as follows:

44 89.250 1. Except as otherwise provided in subsection 2, a
45 professional association shall, on or before the first day of the



1 second month after the filing of its articles of association with the
2 Secretary of State, and annually thereafter on or before the last day
3 of the month in which the anniversary date of its organization occurs
4 in each year, furnish a statement to the Secretary of State showing
5 the names and residence addresses of all members and employees in
6 the association and certifying that all members and employees are
7 licensed to render professional service in this state.

8 2. A professional association organized and practicing pursuant
9 to the provisions of this chapter and NRS 623.349 shall, on or
10 before the first day of the second month after the filing of its articles
11 of association with the Secretary of State, and annually thereafter on
12 or before the last day of the month in which the anniversary date of
13 its organization occurs in each year, furnish a statement to the
14 Secretary of State:

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

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

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

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

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

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

29 (c) Accompanied by a declaration under penalty of perjury that
30 the professional association has complied with the provisions of
31 ~~chapter 364A of NRS.~~ *section 66 of this act.*

32 4. Upon filing:

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

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

37 5. As used in this section, "signed" means to have executed or
38 adopted a name, word or mark, including, without limitation, an
39 electronic signature as defined in NRS 719.100, with the present
40 intention to authenticate a document.

41 **Sec. 125.** Chapter 218 of NRS is hereby amended by adding
42 thereto the provisions set forth as sections 126 to 131, inclusive, of
43 this act.

44 **Sec. 126.** *The Nevada Legislature hereby finds and declares*
45 *that:*



1 1. *The 19th Special Session of the Nevada Legislature has*
2 *responded to concerns for the provision of additional state revenue*
3 *by enacting several measures that affect the burden on taxpayers*
4 *in this state.*

5 2. *The Nevada Legislature must continue to be responsive to*
6 *the requirements of a growing school population and the needs of*
7 *the people of this state, and in order to accomplish these goals*
8 *must provide itself with timely and accurate information regarding*
9 *the effects of the measures it has enacted.*

10 3. *It is the intent of the Nevada Legislature to create a*
11 *legislative committee to study the effects of the measures it has*
12 *enacted with regard to both the resulting revenue and the resulting*
13 *expenses, and to report the information it obtains for use at the*
14 *next regular session of the Nevada Legislature.*

15 **Sec. 127.** *As used in sections 126 to 131, inclusive, of this*
16 *act, “Committee” means the Legislative Committee on Taxation,*
17 *Public Revenue and Tax Policy.*

18 **Sec. 128.** *1. There is hereby established a Legislative*
19 *Committee on Taxation, Public Revenue and Tax Policy*
20 *consisting of:*

21 (a) *The Speaker of the Assembly, or a member of the Assembly*
22 *designated by the Speaker of the Assembly;*

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

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

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

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

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

35 2. *The members of the Committee shall elect a Chairman and*
36 *Vice Chairman from among their members. The Chairman must*
37 *be elected from one house of the Legislature and the Vice*
38 *Chairman from the other house. After the initial election of a*
39 *Chairman and Vice Chairman, each of those officers holds office*
40 *for a term of 2 years commencing on July 1 of each odd-numbered*
41 *year. If a vacancy occurs in the Chairmanship or Vice*
42 *Chairmanship, the members of the Committee shall elect a*
43 *replacement for the remainder of the unexpired term.*



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

4 4. Vacancies on the Committee must be filled in the same
5 manner as the original appointments.

6 **Sec. 129.** 1. The members of the Committee shall meet
7 throughout each year at the times and places specified by a call of
8 the Chairman or a majority of the Committee.

9 2. The Director of the Legislative Counsel Bureau or his
10 designee shall act as the nonvoting recording Secretary.

11 3. The Committee shall prescribe regulations for its own
12 management and government.

13 4. Except as otherwise provided in subsection 5, five voting
14 members of the Committee constitute a quorum.

15 5. Any recommended legislation proposed by the Committee
16 must be approved by a majority of the members of the Senate and
17 by a majority of the members of the Assembly serving on the
18 Committee.

19 6. Except during a regular or special session of the
20 Legislature, the members of the Committee are entitled to receive
21 the compensation provided for a majority of the members of the
22 Legislature during the first 60 days of the preceding regular
23 session, the per diem allowance provided for state officers and
24 employees generally and the travel expenses provided pursuant to
25 NRS 218.2207 for each day or portion of a day of attendance at a
26 meeting of the Committee and while engaged in the business of
27 the Committee. The salaries and expenses paid pursuant to this
28 subsection and the expenses of the Committee must be paid from
29 the Legislative Fund.

30 **Sec. 130.** The Committee may:

31 1. Review and study:

32 (a) The specific taxes collected in this state as a result of
33 legislation enacted by the Legislature;

34 (b) The implementation of the taxes, fees and other methods
35 for generating public revenue in this state enacted by the
36 Legislature;

37 (c) The impact of any changes to taxes, fees and other methods
38 for generating public revenue that result from legislation enacted
39 by the Legislature on the residents of this state and on the
40 businesses located in this state, doing business in this state or
41 considering locating in this state;

42 (d) The fiscal effects of the taxes, fees and other methods for
43 generating public revenue enacted by the Legislature;

44 (e) Broad issues of tax policy and fiscal policy relevant to the
45 future legislation by the Legislature;



1 (f) *The feasibility of providing a credit against any taxes*
2 *imposed on a business if the business provides basic medical*
3 *coverage for its employees;*

4 (g) *Potential legislative means to provide a cost-effective,*
5 *efficient method for taxing transfers of real property effected*
6 *through transfers of corporate stock;*

7 (h) *Potential sources of revenue to provide money for the*
8 *Fund to Stabilize the Operation of the State Government; and*

9 (i) *Any other issues regarding legislative related to taxation,*
10 *the generation of public revenue, tax policy or fiscal policy which*
11 *affect this state.*

12 2. *Conduct investigations and hold hearings in connection*
13 *with its powers pursuant to this section.*

14 3. *Appoint such technical subcommittees as it deems*
15 *necessary and appropriate.*

16 4. *Contract with one or more consultants to obtain technical*
17 *advice concerning its review and study.*

18 5. *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 6. *Request that the Legislative Counsel Bureau assist in the*
22 *research, investigations, hearings, studies and reviews of the*
23 *Committee.*

24 7. *Not later than December 1, 2004, submit a report of its*
25 *findings, including any recommended legislation, to the Director*
26 *of the Legislative Counsel Bureau for transmittal to the 73rd*
27 *session of the Nevada Legislature.*

28 **Sec. 131. 1.** *If the Committee conducts investigations or*
29 *holds hearings pursuant to subsection 2 of section 129 of this act:*

30 (a) *The Secretary of the Committee or, in his absence, a*
31 *member designated by the Committee may administer oaths;*

32 (b) *The Secretary or Chairman of the Committee may cause*
33 *the deposition of witnesses, residing either within or outside of this*
34 *state, to be taken in the manner prescribed by rule of court for*
35 *taking depositions in civil actions in the district courts; and*

36 (c) *The Chairman of the Committee may issue subpoenas to*
37 *compel the attendance of witnesses and the production of books*
38 *and papers.*

39 2. *If a witness refuses to attend or testify or produce books or*
40 *papers as required by the subpoena, the Chairman of the*
41 *Committee may report to the district court by a petition which sets*
42 *forth that:*

43 (a) *Due notice has been given of the time and place of*
44 *attendance of the witness or the production of the books or papers;*



1 (b) *The witness has been subpoenaed by the Committee*
2 *pursuant to this section; and*

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

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

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

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

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

29 **Sec. 132.** NRS 218.53883 is hereby amended to read as
30 follows:

31 218.53883 1. The Committee shall:

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

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

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



1 (b) Study whether removing the authority of the Board of
2 County Commissioners of Washoe County to impose a certain
3 additional governmental services tax is a prudent act which is in the
4 best interests of this state.

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

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

9 (1) The local school support tax imposed by chapter 374 of
10 NRS;

11 (2) The tax on aviation fuel and motor vehicle fuel imposed
12 by or pursuant to chapter 365 of NRS;

13 (3) The tax on intoxicating liquor imposed by chapter 369 of
14 NRS;

15 (4) The tax on fuel imposed pursuant to chapter 373 of NRS;

16 (5) The tax on tobacco imposed by chapter 370 of NRS;

17 (6) The governmental services tax imposed by or pursuant to
18 chapter 371 of NRS;

19 (7) The tax imposed on gaming licensees by or pursuant to
20 chapter 463 of NRS;

21 (8) Property taxes imposed pursuant to chapter 361 of NRS;

22 (9) The tax on the transfer of real property imposed by or
23 pursuant to chapter 375 of NRS; and

24 (10) Any other state or local tax.

25 (b) The proper crediting of gasoline tax revenue if the collection
26 is moved to the terminal rack level.

27 3. The Committee may:

28 (a) Conduct investigations and hold hearings in connection with
29 its review and study;

30 (b) Contract with one or more consultants to obtain technical
31 advice concerning the study conducted pursuant to NRS 218.53884;

32 (c) Apply for any available grants and accept any gifts, grants or
33 donations and use any such gifts, grants or donations to aid the
34 committee in carrying out its duties pursuant to this chapter;

35 (d) Direct the Legislative Counsel Bureau to assist in its
36 research, investigations, review and study; and

37 (e) Recommend to the Legislature, as a result of its review and
38 study, any appropriate legislation.

39 **Sec. 133.** NRS 233B.039 is hereby amended to read as
40 follows:

41 233B.039 1. The following agencies are entirely exempted
42 from the requirements of this chapter:

43 (a) The Governor.

44 (b) The Department of Corrections.

45 (c) The University and Community College System of Nevada.



- 1 (d) The Office of the Military.
2 (e) ~~[The]~~ *Except as otherwise provided in section 38 of this act,*
3 *the* State Gaming Control Board.
4 (f) The Nevada Gaming Commission.
5 (g) The Welfare Division of the Department of Human
6 Resources.
7 (h) The Division of Health Care Financing and Policy of the
8 Department of Human Resources.
9 (i) The State Board of Examiners acting pursuant to chapter 217
10 of NRS.
11 (j) Except as otherwise provided in NRS 533.365, the Office of
12 the State Engineer.
13 (k) The Division of Industrial Relations of the Department of
14 Business and Industry acting to enforce the provisions of NRS
15 618.375.
16 (l) The Administrator of the Division of Industrial Relations of
17 the Department of Business and Industry in establishing and
18 adjusting the schedule of fees and charges for accident benefits
19 pursuant to subsection 2 of NRS 616C.260.
20 (m) The Board to Review Claims in adopting resolutions to
21 carry out its duties pursuant to NRS 590.830.
22 2. Except as otherwise provided in subsection 5 and NRS
23 391.323, the Department of Education, the Board of the Public
24 Employees' Benefits Program and the Commission on Professional
25 Standards in Education are subject to the provisions of this chapter
26 for the purpose of adopting regulations but not with respect to any
27 contested case.
28 3. The special provisions of:
29 (a) Chapter 612 of NRS for the distribution of regulations by
30 and the judicial review of decisions of the Employment Security
31 Division of the Department of Employment, Training and
32 Rehabilitation;
33 (b) Chapters 616A to 617, inclusive, of NRS for the
34 determination of contested claims;
35 (c) Chapter 703 of NRS for the judicial review of decisions of
36 the Public Utilities Commission of Nevada;
37 (d) Chapter 91 of NRS for the judicial review of decisions of the
38 Administrator of the Securities Division of the Office of the
39 Secretary of State; and
40 (e) NRS 90.800 for the use of summary orders in contested
41 cases,
42 prevail over the general provisions of this chapter.
43 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
44 233B.126 do not apply to the Department of Human Resources in



1 the adjudication of contested cases involving the issuance of letters
2 of approval for health facilities and agencies.

3 5. The provisions of this chapter do not apply to:

4 (a) Any order for immediate action, including, but not limited
5 to, quarantine and the treatment or cleansing of infected or infested
6 animals, objects or premises, made under the authority of the State
7 Board of Agriculture, the State Board of Health or any other agency
8 of this state in the discharge of a responsibility for the preservation
9 of human or animal health or for insect or pest control;

10 (b) An extraordinary regulation of the State Board of Pharmacy
11 adopted pursuant to NRS 453.2184; or

12 (c) A regulation adopted by the State Board of Education
13 pursuant to NRS 392.644 or 394.1694.

14 6. The State Board of Parole Commissioners is subject to the
15 provisions of this chapter for the purpose of adopting regulations but
16 not with respect to any contested case.

17 **Sec. 134.** Chapter 244 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *1. There is hereby imposed a tax at a rate of 1 percent of the*
20 *gross receipts from the rental of transient lodging in each county*
21 *upon those persons in the business of providing lodging who are*
22 *required to pay the tax imposed pursuant to NRS 244.3352. This*
23 *tax is in addition to any other taxes imposed on the revenue from*
24 *the rental of transient lodging.*

25 *2. The tax imposed pursuant to subsection 1 must be:*

26 *(a) Collected and administered by the county in which the*
27 *transient lodging is located in the same manner as provided for*
28 *the tax imposed pursuant to NRS 244.3352.*

29 *(b) Paid within the time set forth in the schedule of payment*
30 *adopted by that county for the tax imposed pursuant to NRS*
31 *244.3352.*

32 *3. The tax imposed pursuant to subsection 1 may be collected*
33 *from the paying guests and may be shown as an addition to the*
34 *charge for the rental of transient lodging. The person providing*
35 *the transient lodging is liable to the State for the payment of the*
36 *tax whether or not it is actually collected from the paying guest.*

37 *4. If the tax imposed pursuant to subsection 1 is not paid*
38 *within the time set forth in the schedule for payment, the*
39 *governmental entity collecting the tax shall charge and collect in*
40 *addition to the tax:*

41 *(a) A penalty of not more than 10 percent of the amount due,*
42 *exclusive of interest, or the administrative fee established by the*
43 *board of county commissioners pursuant to NRS 244.3352,*
44 *whichever is greater; and*



1 (b) *Interest on the amount due at the rate of not more than 1.5*
2 *percent per month or fraction thereof from the date on which the*
3 *tax became due until the date of payment.*

4 5. *The governmental entity collecting the tax imposed*
5 *pursuant to subsection 1 shall deposit all proceeds of the tax and*
6 *any applicable penalties and interest with the State Treasurer for*
7 *credit to the State General Fund.*

8 6. *As used in this section, "gross receipts from the rental of*
9 *transient lodging" does not include the tax imposed and collected*
10 *from paying guests pursuant to this section or NRS 244.3352 or*
11 *268.096.*

12 **Sec. 135.** NRS 244.335 is hereby amended to read as follows:

13 244.335 1. Except as otherwise provided in subsection 2, the
14 board of county commissioners may:

15 (a) Regulate all character of lawful trades, callings, industries,
16 occupations, professions and business conducted in its county
17 outside of the limits of incorporated cities and towns.

18 (b) Except as otherwise provided in NRS 244.3359 and 576.128,
19 fix, impose and collect a license tax for revenue or for regulation, or
20 for both revenue and regulation, on such trades, callings, industries,
21 occupations, professions and business.

22 2. The county license boards have the exclusive power in their
23 respective counties to regulate entertainers employed by an
24 entertainment by referral service and the business of conducting a
25 dancing hall, escort service, entertainment by referral service or
26 gambling game or device permitted by law, outside of an
27 incorporated city. The county license boards may fix, impose and
28 collect license taxes for revenue or for regulation, or for both
29 revenue and regulation, on such employment and businesses.

30 3. No license to engage in any type of business may be granted
31 unless the applicant for the license signs an affidavit affirming that
32 the business has complied with the provisions of ~~chapter 364A of~~
33 ~~NRS.]~~ *section 66 of this act.* The county license board shall provide
34 upon request an application for a business license pursuant to
35 ~~chapter 364A of NRS.]~~ *section 66 of this act.*

36 4. No license to engage in business as a seller of tangible
37 personal property may be granted unless the applicant for the license
38 presents written evidence that:

39 (a) The Department of Taxation has issued or will issue a permit
40 for this activity, and this evidence clearly identifies the business by
41 name; or

42 (b) Another regulatory agency of the State has issued or will
43 issue a license required for this activity.

44 5. Any license tax levied for the purposes of NRS 244.3358 or
45 244A.597 to 244A.655, inclusive, constitutes a lien upon the real



1 and personal property of the business upon which the tax was levied
2 until the tax is paid. The lien has the same priority as a lien for
3 general taxes. The lien must be enforced in the following manner:

4 (a) By recording in the office of the county recorder, within 6
5 months after the date on which the tax became delinquent or was
6 otherwise determined to be due and owing, a notice of the tax lien
7 containing the following:

- 8 (1) The amount of tax due and the appropriate year;
9 (2) The name of the record owner of the property;
10 (3) A description of the property sufficient for identification;
11 and

12 (4) A verification by the oath of any member of the board of
13 county commissioners or the county fair and recreation board; and

14 (b) By an action for foreclosure against the property in the same
15 manner as an action for foreclosure of any other lien, commenced
16 within 2 years after the date of recording of the notice of the tax
17 lien, and accompanied by appropriate notice to other lienholders.

18 6. The board of county commissioners may delegate the
19 authority to enforce liens from taxes levied for the purposes of NRS
20 244A.597 to 244A.655, inclusive, to the county fair and recreation
21 board. If the authority is so delegated, the board of county
22 commissioners shall revoke or suspend the license of a business
23 upon certification by the county fair and recreation board that the
24 license tax has become delinquent, and shall not reinstate the license
25 until the tax is paid. Except as otherwise provided in NRS 244.3357,
26 all information concerning license taxes levied by an ordinance
27 authorized by this section or other information concerning the
28 business affairs or operation of any licensee obtained as a result of
29 the payment of such license taxes or as the result of any audit or
30 examination of the books by any authorized employee of a county
31 fair and recreation board of the county for any license tax levied for
32 the purpose of NRS 244A.597 to 244A.655, inclusive, is
33 confidential and must not be disclosed by any member, officer or
34 employee of the county fair and recreation board or the county
35 imposing the license tax unless the disclosure is authorized by the
36 affirmative action of a majority of the members of the appropriate
37 county fair and recreation board. Continuing disclosure may be so
38 authorized under an agreement with the Department of Taxation for
39 the exchange of information concerning taxpayers.

40 **Sec. 136.** NRS 244.3357 is hereby amended to read as
41 follows:

42 244.3357 On or before August 15 of each year, the board of
43 county commissioners in each county shall submit a report to the
44 Department of Taxation which states:



1 1. The rate of all taxes imposed on the revenues from the rental
2 of transient lodging pursuant to NRS 244.335 and 244.3352 and any
3 special act in the preceding fiscal year;

4 2. The total amount of revenue collected from all taxes
5 imposed on the revenues from the rental of transient lodging
6 pursuant to NRS 244.335 and 244.3352 and any special act in the
7 preceding fiscal year; ~~and~~

8 3. *The total amount of revenue collected from the tax*
9 *imposed on the revenues from the rental of transient lodging*
10 *pursuant to section 134 of this act; and*

11 4. The manner in which the revenue *reported pursuant to*
12 *subsection 2* was used in the previous fiscal year.

13 **Sec. 137.** NRS 244.3358 is hereby amended to read as
14 follows:

15 244.3358 1. A county whose population is less than 100,000
16 may by ordinance assign to a district created pursuant to chapter 318
17 of NRS which has been granted the basic power of furnishing
18 recreational facilities all or any portion of the proceeds of any tax on
19 the revenues from the rental of transient lodging which is imposed
20 by the county and collected within the boundaries of the district,
21 except the tax imposed pursuant to NRS 244.3352 , ~~for~~ a tax
22 imposed pursuant to NRS 244.3351 ~~for~~ *or the tax imposed pursuant*
23 *to section 134 of this act.*

24 2. The district may use the proceeds assigned pursuant to
25 subsection 1 for any purpose authorized pursuant to NRS 318.143.

26 3. The district may, with the consent of the board of county
27 commissioners or as otherwise provided in NRS 268.460,
28 irrevocably pledge the proceeds assigned pursuant to subsection 1
29 for:

30 (a) The repayment of any bonds or short-term or medium-term
31 obligations issued pursuant to chapter 318 or 350 of NRS for any
32 lawful purpose pertaining to the furnishing of recreational facilities;
33 or

34 (b) The refinancing of any such bonds or obligations.
35 The consent of the board of county commissioners must be given by
36 resolution. If any proceeds are pledged pursuant to this subsection,
37 the assignment of the proceeds may not be revoked until the bonds
38 or short-term or medium-term obligations for which the proceeds
39 were pledged have been completely repaid.

40 4. No assignment may be made pursuant to this section which
41 is inconsistent with an assignment made or contract entered into for
42 the purposes of NRS 244A.597 to 244A.655, inclusive.

43 5. A county which makes an assignment pursuant to this
44 section may retain an amount equal to the reasonable cost of



1 collecting the tax, which must not exceed 2 percent of the proceeds
2 of the tax for any period of collection.

3 **Sec. 138.** NRS 244.3359 is hereby amended to read as
4 follows:

5 244.3359 1. A county whose population is 400,000 or more
6 shall not impose a new tax on the rental of transient lodging or
7 increase the rate of an existing tax on the rental of transient lodging
8 after March 25, 1991, except pursuant to NRS 244.3351 and
9 244.3352 ~~§~~ *and section 134 of this act.*

10 2. A county whose population is 100,000 or more but less than
11 400,000 shall not impose a new tax on the rental of transient lodging
12 or increase the rate of an existing tax on the rental of transient
13 lodging after March 25, 1991 ~~§~~ *, except pursuant to section 134 of*
14 *this act.*

15 3. The Legislature hereby declares that the limitation imposed
16 by subsection 2 will not be repealed or amended except *as otherwise*
17 *provided in section 134 of this act or* to allow the imposition of an
18 increase in such a tax for the promotion of tourism or for the
19 construction or operation of tourism facilities by a convention and
20 visitors authority.

21 **Sec. 139.** NRS 244A.637 is hereby amended to read as
22 follows:

23 244A.637 1. For the acquisition of any recreational facilities
24 authorized in NRS 244A.597 to 244A.655, inclusive, the county fair
25 and recreation board, at any time or from time to time may:

26 (a) In the name of and on behalf of the county, issue:

27 (1) General obligation bonds, payable from taxes; and

28 (2) General obligation bonds, payable from taxes, which
29 payment is additionally secured by a pledge of gross or net revenues
30 derived from the operation of such recreational facilities, and, if so
31 determined by the board, further secured by a pledge of such other
32 gross or net revenues as may be derived from any other income-
33 producing project of the county or from any license or other excise
34 taxes levied for revenue by the county, or otherwise, as may be
35 legally made available for their payment;

36 (b) In the name of and on behalf of the county fair and
37 recreation board, issue revenue bonds:

38 (1) Payable from the net revenues to be derived from the
39 operation of such recreational facilities;

40 (2) Secured by a pledge of revenues from any tax on the
41 rental of transient lodging levied for revenue by the county or a city
42 ~~§~~ *, other than revenues from the tax on the rental of transient*
43 *lodging imposed pursuant to section 134 of this act;*

44 (3) Secured by any other revenue that may be legally made
45 available for their payment; or



1 (4) Payable or secured by any combination of subparagraph
2 (1), (2) or (3); and

3 (c) Make a contract with the United States of America, or any
4 agency or instrumentality thereof, or any other person or agency,
5 public or private, creating an indebtedness if a question authorizing
6 such contract is submitted to and approved by a majority of the
7 qualified electors of the county in the manner provided in NRS
8 350.020 to 350.070, inclusive. This paragraph does not apply to
9 contracts for the prepayment of rent or other similar obligations.

10 2. Revenue bonds issued pursuant to this section must be
11 authorized by resolution of the county fair and recreation board, and
12 no further approval by any person, board or commission is required.

13 **Sec. 140.** Chapter 268 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *1. There is hereby imposed a tax at a rate of 1 percent of the*
16 *gross receipts from the rental of transient lodging in each city*
17 *upon those persons in the business of providing lodging who are*
18 *required to pay the tax imposed pursuant to NRS 268.096. This tax*
19 *is in addition to any other taxes imposed on the revenue from the*
20 *rental of transient lodging.*

21 *2. The tax imposed pursuant to subsection 1 must be:*

22 *(a) Collected and administered by the city in which the*
23 *transient lodging is located in the same manner as provided for*
24 *the tax imposed pursuant to NRS 268.096.*

25 *(b) Paid within the time set forth in the schedule of payment*
26 *adopted by that city for the tax imposed pursuant to NRS 268.096.*

27 *3. The tax imposed pursuant to subsection 1 may be collected*
28 *from the paying guests and may be shown as an addition to the*
29 *charge for the rental of transient lodging. The person providing*
30 *the transient lodging is liable to the State for the payment of the*
31 *tax whether or not it is actually collected from the paying guest.*

32 *4. If the tax imposed pursuant to subsection 1 is not paid*
33 *within the time set forth in the schedule for payment, the city shall*
34 *charge and collect in addition to the tax:*

35 *(a) A penalty of not more than 10 percent of the amount due,*
36 *exclusive of interest, or the administrative fee established by the*
37 *governing body of the city pursuant to NRS 268.096, whichever is*
38 *greater; and*

39 *(b) Interest on the amount due at the rate of not more than 1.5*
40 *percent per month or fraction thereof from the date on which the*
41 *tax became due until the date of payment.*

42 *5. The governmental entity collecting the tax imposed*
43 *pursuant to subsection 1 shall deposit all proceeds of the tax and*
44 *any applicable penalties and interest with the State Treasurer for*
45 *credit to the State General Fund.*



1 **6. As used in this section, “gross receipts from the rental of**
2 **transient lodging” does not include the tax imposed and collected**
3 **from paying guests pursuant to this section or NRS 244.3352 or**
4 **268.096.**

5 **Sec. 141.** NRS 268.095 is hereby amended to read as follows:

6 268.095 1. The city council or other governing body of each
7 incorporated city in this state, whether organized under general law
8 or special charter, may:

9 (a) Except as otherwise provided in NRS 268.0968 and 576.128,
10 fix, impose and collect for revenues or for regulation, or both, a
11 license tax on all character of lawful trades, callings, industries,
12 occupations, professions and businesses conducted within its
13 corporate limits.

14 (b) Assign the proceeds of any one or more of such license taxes
15 to the county within which the city is situated for the purpose or
16 purposes of making the proceeds available to the county:

17 (1) As a pledge as additional security for the payment of any
18 general obligation bonds issued pursuant to NRS 244A.597 to
19 244A.655, inclusive;

20 (2) For redeeming any general obligation bonds issued
21 pursuant to NRS 244A.597 to 244A.655, inclusive;

22 (3) For defraying the costs of collecting or otherwise
23 administering any such license tax so assigned, of the county fair
24 and recreation board and of officers, agents and employees hired
25 thereby, and of incidentals incurred thereby;

26 (4) For operating and maintaining recreational facilities
27 under the jurisdiction of the county fair and recreation board;

28 (5) For improving, extending and bettering recreational
29 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

30 (6) For constructing, purchasing or otherwise acquiring such
31 recreational facilities.

32 (c) Pledge the proceeds of any tax imposed on the revenues from
33 the rental of transient lodging pursuant to this section for the
34 payment of any general or special obligations issued by the city for
35 a purpose authorized by the laws of this state.

36 (d) Use the proceeds of any tax imposed pursuant to this section
37 on the revenues from the rental of transient lodging:

38 (1) To pay the principal, interest or any other indebtedness
39 on any general or special obligations issued by the city pursuant to
40 the laws of this state;

41 (2) For the expense of operating or maintaining, or both, any
42 facilities of the city; and

43 (3) For any other purpose for which other money of the city
44 may be used.



1 2. The proceeds of any tax imposed pursuant to this section
2 that are pledged for the repayment of general obligations may be
3 treated as "pledged revenues" for the purposes of NRS 350.020.

4 3. No license to engage in any type of business may be granted
5 unless the applicant for the license signs an affidavit affirming that
6 the business has complied with the provisions of ~~chapter 364A of~~
7 ~~NRS.]~~ *section 66 of this act.* The city licensing agency shall provide
8 upon request an application for a business license pursuant to
9 ~~chapter 364A of NRS.]~~ *section 66 of this act.*

10 4. No license to engage in business as a seller of tangible
11 personal property may be granted unless the applicant for the license
12 presents written evidence that:

13 (a) The Department of Taxation has issued or will issue a permit
14 for this activity, and this evidence clearly identifies the business by
15 name; or

16 (b) Another regulatory agency of the State has issued or will
17 issue a license required for this activity.

18 5. Any license tax levied under the provisions of this section
19 constitutes a lien upon the real and personal property of the business
20 upon which the tax was levied until the tax is paid. The lien has the
21 same priority as a lien for general taxes. The lien must be enforced
22 in the following manner:

23 (a) By recording in the office of the county recorder, within 6
24 months following the date on which the tax became delinquent or
25 was otherwise determined to be due and owing, a notice of the tax
26 lien containing the following:

- 27 (1) The amount of tax due and the appropriate year;
28 (2) The name of the record owner of the property;
29 (3) A description of the property sufficient for identification;

30 and

31 (4) A verification by the oath of any member of the board of
32 county commissioners or the county fair and recreation board; and

33 (b) By an action for foreclosure against such property in the
34 same manner as an action for foreclosure of any other lien,
35 commenced within 2 years after the date of recording of the notice
36 of the tax lien, and accompanied by appropriate notice to other
37 lienholders.

38 6. The city council or other governing body of each
39 incorporated city may delegate the power and authority to enforce
40 such liens to the county fair and recreation board. If the authority is
41 so delegated, the governing body shall revoke or suspend the license
42 of a business upon certification by the board that the license tax has
43 become delinquent, and shall not reinstate the license until the tax is
44 paid. Except as otherwise provided in NRS 268.0966, all
45 information concerning license taxes levied by an ordinance



1 authorized by this section or other information concerning the
2 business affairs or operation of any licensee obtained as a result of
3 the payment of those license taxes or as the result of any audit or
4 examination of the books of the city by any authorized employee of
5 a county fair and recreation board for any license tax levied for the
6 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential
7 and must not be disclosed by any member, official or employee of
8 the county fair and recreation board or the city imposing the license
9 tax unless the disclosure is authorized by the affirmative action of a
10 majority of the members of the appropriate county fair and
11 recreation board. Continuing disclosure may be so authorized under
12 an agreement with the Department of Taxation for the exchange of
13 information concerning taxpayers.

14 7. The powers conferred by this section are in addition and
15 supplemental to, and not in substitution for, and the limitations
16 imposed by this section do not affect the powers conferred by, any
17 other law. No part of this section repeals or affects any other law or
18 any part thereof, it being intended that this section provide a
19 separate method of accomplishing its objectives, and not an
20 exclusive one.

21 **Sec. 142.** NRS 268.0966 is hereby amended to read as
22 follows:

23 268.0966 On or before August 15 of each year, the governing
24 body of each city shall submit a report to the Department of
25 Taxation which states:

26 1. The rate of all taxes imposed on the revenues from the rental
27 of transient lodging pursuant to NRS 268.095 and 268.096 and any
28 special act in the preceding fiscal year;

29 2. The total amount of revenue collected from all taxes
30 imposed on the revenues from the rental of transient lodging
31 pursuant to NRS 268.095 and 268.096 and any special act in the
32 preceding fiscal year; ~~and~~

33 3. *The total amount of revenue collected from the tax*
34 *imposed on the revenues from the rental of transient lodging*
35 *pursuant to section 140 of this act; and*

36 4. The manner in which the revenue *reported pursuant to*
37 *subsection 2* was used in the previous fiscal year.

38 **Sec. 143.** NRS 268.0968 is hereby amended to read as
39 follows:

40 268.0968 1. Except as otherwise provided in NRS 268.096
41 and 268.801 to 268.808, inclusive, *and section 140 of this act*, a
42 city located in a county whose population is 400,000 or more shall
43 not impose a new tax on the rental of transient lodging or increase
44 the rate of an existing tax on the rental of transient lodging after
45 March 25, 1991.



1 2. Except as otherwise provided in NRS 268.7845 ~~§~~ *and*
2 *section 140 of this act*, a city located in a county whose population
3 is 100,000 or more but less than 400,000 shall not impose a new tax
4 on the rental of transient lodging or increase the rate of an existing
5 tax on the rental of transient lodging after March 25, 1991.

6 3. The Legislature hereby declares that the limitation imposed
7 by subsection 2 will not be repealed or amended except *as otherwise*
8 *provided in section 140 of this act or* to allow the imposition of an
9 increase in such a tax for:

- 10 (a) The promotion of tourism;
11 (b) The construction or operation of tourism facilities by a
12 convention and visitors authority; or
13 (c) The acquisition, establishment, construction or expansion of
14 one or more railroad grade separation projects.

15 **Sec. 144.** Chapter 338 of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *A public body shall include in each contract for the*
18 *construction, alteration or repair of any public work a clause*
19 *requiring each contractor, subcontractor and other person who*
20 *provides labor, equipment, materials, supplies or services for the*
21 *public work to comply with the requirements of all applicable state*
22 *and local laws, including, without limitation, any applicable*
23 *licensing requirements and requirements for the payment of sales*
24 *and use taxes on equipment, materials and supplies provided for*
25 *the public work.*

26 **Sec. 145.** Chapter 353 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 *“Account” means the Disaster Relief Account created by NRS*
29 *353.2735.*

30 **Sec. 146.** NRS 353.1465 is hereby amended to read as
31 follows:

32 353.1465 1. Upon approval of the State Board of Finance, a
33 state agency may enter into contracts with issuers of credit cards or
34 debit cards or operators of systems that provide for the electronic
35 transfer of money to provide for the acceptance of credit cards, debit
36 cards or electronic transfers of money by the agency:

- 37 (a) For the payment of money owed to the agency for taxes,
38 interest, penalties or any other obligation; or
39 (b) In payment for goods or services.

40 2. Before a state agency may enter into a contract pursuant to
41 subsection 1, the agency must submit the proposed contract to the
42 State Treasurer for his review and transmittal to the State Board of
43 Finance.

44 3. Except as otherwise provided in subsection 4, if the issuer or
45 operator charges the state agency a fee for each use of a credit card



1 or debit card or for each electronic transfer of money, the state
2 agency may require the cardholder or the person requesting the
3 electronic transfer of money to pay a fee ~~to~~ which must not exceed
4 the amount charged to the state agency by the issuer or operator.

5 4. A state agency that is required to pay a fee charged by the
6 issuer or operator for the use of a credit card or debit card or for an
7 electronic transfer of money may, pursuant to NRS 353.148, file a
8 claim with the Director of the Department of Administration for
9 reimbursement of the fees paid to the issuer or operator during the
10 immediately preceding quarter.

11 5. *The Director of the Department of Administration shall*
12 *adopt regulations providing for the submission of payments to*
13 *state agencies pursuant to contracts authorized by this section.*
14 *The regulations must not conflict with a regulation adopted*
15 *pursuant to NRS 360A.020 or section 60 of this act.*

16 6. As used in this section:

17 (a) "Cardholder" means the person or organization named on the
18 face of a credit card or debit card to whom or for whose benefit the
19 credit card or debit card is issued by an issuer.

20 (b) "Credit card" means any instrument or device, whether
21 known as a credit card or credit plate ~~to~~ or by any other name,
22 issued with or without a fee by an issuer for the use of the
23 cardholder in obtaining money, property, goods, services or
24 anything else of value on credit.

25 (c) "Debit card" means any instrument or device, whether
26 known as a debit card or by any other name, issued with or without
27 a fee by an issuer for the use of the cardholder in depositing,
28 obtaining or transferring funds.

29 (d) "Electronic transfer of money" has the meaning ascribed to it
30 in NRS 463.01473.

31 (e) "Issuer" means a business organization, financial institution
32 or authorized agent of a business organization or financial institution
33 that issues a credit card or debit card.

34 **Sec. 147.** NRS 353.210 is hereby amended to read as follows:

35 353.210 1. Except as otherwise provided in subsection 6, on
36 or before September 1 of each even-numbered year, all departments,
37 institutions and other agencies of the Executive Department of the
38 State Government, and all agencies of the Executive Department of
39 the State Government receiving state money, fees or other money
40 under the authority of the State, including those operating on money
41 designated for specific purposes by the *Nevada* Constitution or
42 otherwise, shall prepare, on blanks furnished them by the Chief, and
43 submit to the Chief ~~estimates~~:

44 (a) *The number of positions within the department, institution*
45 *or agency that have been vacant for at least 12 months, the*



1 *number of months each such position has been vacant and the*
2 *reasons for each such vacancy; and*

3 (b) *Estimates* of their expenditure requirements, together with
4 all anticipated income from fees and all other sources, for the next 2
5 fiscal years compared with the corresponding figures of the last
6 completed fiscal year and the estimated figures for the current fiscal
7 year.

8 2. The Chief shall direct that one copy of the forms submitted
9 pursuant to subsection 1, accompanied by every supporting schedule
10 and any other related material, be delivered directly to the Fiscal
11 Analysis Division of the Legislative Counsel Bureau on or before
12 September 1 of each even-numbered year.

13 3. The Budget Division of the Department of Administration
14 shall give advance notice to the Fiscal Analysis Division of the
15 Legislative Counsel Bureau of any conference between the Budget
16 Division of the Department of Administration and personnel of
17 other state agencies regarding budget estimates. A fiscal analyst of
18 the Legislative Counsel Bureau or his designated representative may
19 attend any such conference.

20 4. The estimates of expenditure requirements submitted
21 pursuant to subsection 1 must be classified to set forth the data of
22 funds, organizational units, and the character and objects of
23 expenditures, and must include a mission statement and
24 measurement indicators for each program. The organizational units
25 may be subclassified by functions and activities, or in any other
26 manner at the discretion of the Chief.

27 5. If any department, institution or other agency of the
28 Executive Department of the State Government, whether its money
29 is derived from state money or from other money collected under
30 the authority of the State, fails or neglects to submit estimates of its
31 expenditure requirements as provided in this section, the Chief may,
32 from any data at hand in his office or which he may examine or
33 obtain elsewhere, make and enter a proposed budget for the
34 department, institution or agency in accordance with the data.

35 6. Agencies, bureaus, commissions and officers of the
36 Legislative Department, the Public Employees' Retirement System
37 and the Judicial Department of the State Government shall submit to
38 the Chief for his information in preparing the proposed executive
39 budget the budgets which they propose to submit to the Legislature.

40 **Sec. 148.** NRS 353.213 is hereby amended to read as follows:

41 353.213 1. In preparing the proposed budget for the
42 Executive Department of the State Government for each biennium,
43 the Chief shall not exceed the limit upon total proposed
44 expenditures for purposes other than construction from the State
45 General Fund calculated pursuant to this section. The base for each



1 biennium is the total expenditure, for the purposes limited, from the
2 State General Fund appropriated and authorized by the Legislature
3 for the ~~[biennium beginning on July 1, 1975.]~~ *immediately*
4 *preceding biennium, minus any amount transferred from the State*
5 *General Fund to any other fund during that biennium.*

6 2. The limit for each biennium is calculated as follows:

7 (a) The amount of expenditure constituting the base is
8 multiplied by the percentage of change in population ~~[for] on July 1~~
9 *of the first fiscal year in* the current biennium from the population
10 on ~~[July 1, 1974,]~~ *July 1 of the first fiscal year in the immediately*
11 *preceding biennium,* and this product is added to or subtracted from
12 the amount of expenditure constituting the base.

13 (b) The amount calculated pursuant to paragraph (a) is
14 multiplied by the percentage of inflation or deflation, and this
15 product is added to or subtracted from the amount calculated
16 pursuant to paragraph (a).

17 (c) Subject to the limitations of this paragraph:

18 (1) If the amount resulting from the calculations pursuant to
19 paragraphs (a) and (b) represents a net increase over the base
20 biennium, the Chief may increase the proposed expenditure
21 accordingly.

22 (2) If the amount represents a net decrease, the Chief shall
23 decrease the proposed expenditure accordingly.

24 (3) If the amount is the same as in the base biennium, that
25 amount is the limit of permissible proposed expenditure.

26 The proposed budget for each fiscal year of the biennium must
27 provide for a reserve of not less than 5 percent nor more than ~~[10]~~
28 *15* percent of the total of all proposed appropriations from the State
29 General Fund for the operation of all departments, institutions and
30 agencies of the State Government and authorized expenditures from
31 the State General Fund for the regulation of gaming for that fiscal
32 year.

33 3. The ~~[revised estimate of]~~ population for the State ~~[issued by~~
34 ~~the United States Department of Commerce as of July 1, 1974, must~~
35 ~~be used, and]~~ *certified by* the Governor ~~[shall certify]~~ *pursuant to*
36 *NRS 360.285 must be used to calculate* the percentage of increase
37 or decrease in population for each ~~[succeeding biennium.]~~ *biennium*
38 *pursuant to paragraph (a) of subsection 2.* The Consumer Price
39 Index published by the United States Department of Labor for July
40 preceding each biennium must be used in determining the
41 percentage of inflation or deflation ~~[.]~~ *pursuant to paragraph (b) of*
42 *subsection 2.*

43 4. The Chief may exceed the limit to the extent necessary to
44 ~~[meet]~~ :



1 (a) *Include a proposed expenditure from the State General*
2 *Fund to pay for expenditures made during the current biennium*
3 *that were to be paid from a source other than the State General*
4 *Fund, but for which the alternative source of revenue was not*
5 *received or will not be received during the next biennium.*

6 (b) *Meet* situations in which there is a threat to life or property.

7 **Sec. 149.** NRS 353.2705 is hereby amended to read as
8 follows:

9 353.2705 As used in NRS 353.2705 to 353.2771, inclusive,
10 *and section 145 of this act*, unless the context otherwise requires,
11 the words and terms defined in NRS 353.271 to 353.2731, inclusive,
12 *and section 145 of this act* have the meanings ascribed to them in
13 those sections.

14 **Sec. 150.** NRS 353.2735 is hereby amended to read as
15 follows:

16 353.2735 1. The Disaster Relief ~~[Fund]~~ *Account* is hereby
17 created as a special ~~[revenue-fund-]~~ *account in the Fund to*
18 *Stabilize the Operation of the State Government.* The Interim
19 Finance Committee shall administer the ~~[Fund-]~~ *Account.*

20 2. The Division may accept grants, gifts or donations for
21 deposit in the ~~[Fund-]~~ *Account.* Except as otherwise provided in
22 subsection 3, money received from:

23 (a) A direct legislative appropriation to the ~~[Fund-]~~ *Account;*

24 (b) A transfer of ~~[one-half of the interest earned on money]~~ *not*
25 *more than 10 percent of the aggregate balance* in the Fund to
26 Stabilize the Operation of *the* State Government made pursuant to
27 NRS 353.288; and

28 (c) A grant, gift or donation to the ~~[Fund-]~~ *Account,*
29 must be deposited in the ~~[Fund-]~~ *Account.* Except as otherwise
30 provided in NRS 414.135, the interest and income earned on the
31 money in the ~~[Fund]~~ *Account* must, after deducting any applicable
32 charges, be credited to the ~~[Fund-]~~ *Account.*

33 3. If, at the end of each quarter of a fiscal year, the balance in
34 the ~~[Fund]~~ *Account* exceeds 0.75 percent of the total amount of all
35 appropriations from the State General Fund for the operation of all
36 departments, institutions and agencies of State Government and
37 authorized expenditures from the State General Fund for the
38 regulation of gaming for that fiscal year, the State Controller shall
39 not, until the balance in the ~~[Fund]~~ *Account* is 0.75 percent or less
40 of that amount, transfer any ~~[interest earned on]~~ money in the Fund
41 to Stabilize the Operation of *the* State Government from the State
42 General Fund to the ~~[Fund]~~ *Account* pursuant to the provisions of
43 NRS 353.288.

44 4. Money in the ~~[Fund]~~ *Account* may be distributed through
45 grants and loans to state agencies and local governments as provided



1 in NRS 353.2705 to 353.2771, inclusive ~~{ }~~, and *section 145 of this*
2 *act*. Except as otherwise provided in NRS 353.276, such grants will
3 be disbursed on the basis of reimbursement of costs authorized
4 pursuant to NRS 353.274 and 353.2745.

5 5. If the Governor declares a disaster, the State Board of
6 Examiners shall estimate:

7 (a) The money in the ~~{Fund}~~ *Account* that is available for grants
8 and loans for the disaster pursuant to the provisions of NRS
9 353.2705 to 353.2771, inclusive ~~{ }~~, and *section 145 of this act*;
10 and

11 (b) The anticipated amount of those grants and loans for the
12 disaster.

13 Except as otherwise provided in this subsection, if the anticipated
14 amount determined pursuant to paragraph (b) exceeds the available
15 money in the ~~{Fund}~~ *Account* for such grants and loans, all grants
16 and loans from the ~~{Fund}~~ *Account* for the disaster must be reduced
17 in the same proportion that the anticipated amount of the grants and
18 loans exceeds the money in the ~~{Fund}~~ *Account* that is available for
19 grants and loans for the disaster. If the reduction of a grant or loan
20 from the ~~{Fund}~~ *Account* would result in a reduction in the amount
21 of money that may be received by a state agency or local
22 government from the Federal Government, the reduction in the grant
23 or loan must not be made.

24 **Sec. 151.** NRS 353.274 is hereby amended to read as follows:

25 353.274 Money in the ~~{Fund}~~ *Account* may be distributed as a
26 grant to a state agency because of a disaster for the payment of
27 expenses incurred by the state agency for:

28 1. The repair or replacement of public roads, public streets,
29 bridges, water control facilities, public buildings, public utilities,
30 recreational facilities and parks owned by the State and damaged by
31 the disaster;

32 2. Any emergency measures undertaken to save lives, protect
33 public health and safety or protect public property, including,
34 without limitation, an emergency measure undertaken in response to
35 a crisis involving violence on school property, at a school activity or
36 on a school bus, in the jurisdiction in which the disaster occurred;

37 3. The removal of debris from publicly or privately owned land
38 and waterways undertaken because of the disaster; and

39 4. The administration of a disaster assistance program.

40 **Sec. 152.** NRS 353.2745 is hereby amended to read as
41 follows:

42 353.2745 Money in the ~~{Fund}~~ *Account* may be distributed as
43 a grant to a local government because of a disaster for:

44 1. The payment of not more than 50 percent of the expenses
45 incurred by the local government for:



1 (a) The repair or replacement of public roads, public streets,
2 bridges, water control facilities, public buildings, public utilities,
3 recreational facilities and parks owned by the local government and
4 damaged by the disaster; and

5 (b) Any emergency measures undertaken to save lives, protect
6 public health and safety or protect public property, including,
7 without limitation, an emergency measure undertaken in response to
8 a crisis involving violence on school property, at a school activity or
9 on a school bus, in the jurisdiction in which the disaster occurred;
10 and

11 2. The payment of not more than 50 percent of any grant match
12 the local government must provide to obtain a grant from a federal
13 disaster assistance agency for an eligible project to repair damage
14 caused by the disaster within the jurisdiction of the local
15 government.

16 **Sec. 153.** NRS 353.2751 is hereby amended to read as
17 follows:

18 353.2751 Money in the ~~Fund~~ **Account** may be distributed as
19 a loan to a local government because of a disaster for:

20 1. The payment of expenses incurred by the local government
21 for:

22 (a) The repair or replacement of public roads, public streets,
23 bridges, water control facilities, public buildings, public utilities,
24 recreational facilities and parks owned by the local government and
25 damaged by the disaster;

26 (b) Any overtime worked by an employee of the local
27 government because of the disaster or any other extraordinary
28 expenses incurred by the local government because of the disaster;
29 and

30 (c) Any projects to reduce or prevent the possibility of damage
31 to persons or property from similar disasters in the future; and

32 2. The payment of not more than 50 percent of any grant match
33 the local government must provide to obtain a grant from a federal
34 disaster assistance agency for an eligible project to repair damage
35 caused by the disaster within the jurisdiction of the local
36 government. Before a loan may be distributed to a local government
37 pursuant to this subsection:

38 (a) The Interim Finance Committee must make a determination
39 that the local government is currently unable to meet its financial
40 obligations; and

41 (b) The local government must execute a loan agreement in
42 which the local government agrees to:

43 (1) Use the money only for the purpose of paying the grant
44 match; and



1 (2) Repay the entire amount of the loan, without any interest
2 or other charges, to the ~~[Disaster Relief Fund]~~ *Account* not later
3 than 10 years after the date on which the agreement is executed.

4 **Sec. 154.** NRS 353.2753 is hereby amended to read as
5 follows:

6 353.2753 1. A state agency or local government may request
7 the Division to conduct a preliminary assessment of the damages
8 related to an event for which the state agency or local government
9 seeks a grant or loan from the ~~[Fund.]~~ *Account*.

10 2. Upon receipt of such a request, the Division shall investigate
11 the event or cause the event to be investigated to make a preliminary
12 assessment of the damages related to the event and shall make or
13 cause to be made a written report of the damages related to the
14 event.

15 3. As soon as practicable after completion of the investigation
16 and preparation of the report of damages, the Division shall:

17 (a) Determine whether the event constitutes a disaster for which
18 the state agency or local government may seek a grant or loan from
19 the ~~[Fund.]~~ *Account*; and

20 (b) Submit the report prepared pursuant to this section and its
21 written determination regarding whether the event constitutes a
22 disaster to the state agency or local government.

23 4. The Division shall prescribe by regulation the information
24 that must be included in a report of damages, including, without
25 limitation, a description of the damage caused by the event, an
26 estimate of the costs to repair such damage and a specification of
27 whether the purpose of the project is for repair or replacement,
28 emergency response or mitigation.

29 **Sec. 155.** NRS 353.2754 is hereby amended to read as
30 follows:

31 353.2754 A local government may request a grant or loan from
32 the ~~[Fund]~~ *Account* if:

33 1. Pursuant to NRS 414.090, the governing body of the local
34 government determines that an event which has occurred constitutes
35 a disaster; and

36 2. After the Division conducts a preliminary assessment of the
37 damages pursuant to NRS 353.2753, the Division determines that an
38 event has occurred that constitutes a disaster.

39 **Sec. 156.** NRS 353.2755 is hereby amended to read as
40 follows:

41 353.2755 1. A state agency or local government may submit
42 a request to the State Board of Examiners for a grant or loan from
43 the ~~[Fund]~~ *Account* as provided in NRS 353.2705 to 353.2771,
44 inclusive, *and section 145 of this act* if:



- 1 (a) The agency or local government finds that, because of a
2 disaster, it is unable to pay for an expense or grant match specified
3 in NRS 353.274, 353.2745 or 353.2751 from money appropriated or
4 otherwise available to the agency or local government;
- 5 (b) The request has been approved by the chief administrative
6 officer of the state agency or the governing body of the local
7 government; and
- 8 (c) If the requester is an incorporated city, the city has requested
9 financial assistance from the county and was denied all or a portion
10 of the requested assistance.
- 11 2. A request for a grant or loan submitted pursuant to
12 subsection 1 must be made within 60 days after the disaster and
13 must include:
- 14 (a) A statement setting forth the amount of money requested by
15 the state agency or local government;
- 16 (b) An assessment of the need of the state agency or local
17 government for the money requested;
- 18 (c) If the request is submitted by a local government that has
19 established a fund pursuant to NRS 354.6115 to mitigate the effects
20 of a natural disaster, a statement of the amount of money that is
21 available in that fund, if any, for the payment of expenses incurred
22 by the local government as a result of a disaster;
- 23 (d) A determination of the type, value and amount of resources
24 the state agency or local government may be required to provide as
25 a condition for the receipt of a grant or loan from the ~~Fund;~~
26 *Account*;
- 27 (e) A written report of damages prepared by the Division and the
28 written determination made by the Division that the event
29 constitutes a disaster pursuant to NRS 353.2753; and
- 30 (f) If the requester is an incorporated city, all documents which
31 relate to a request for assistance submitted to the board of county
32 commissioners of the county in which the city is located.
- 33 Any additional documentation relating to the request that is
34 requested by the State Board of Examiners must be submitted within
35 6 months after the disaster unless the State Board of Examiners and
36 the Interim Finance Committee ~~grants~~ *grant* an extension.
- 37 3. Upon the receipt of a complete request for a grant or loan
38 submitted pursuant to subsection 1, the State Board of Examiners:
- 39 (a) Shall consider the request; and
- 40 (b) May require any additional information that it determines is
41 necessary to make a recommendation.
- 42 4. If the State Board of Examiners finds that a grant or loan is
43 appropriate, it shall include in its recommendation to the Interim
44 Finance Committee the proposed amount of the grant or loan. If the
45 State Board of Examiners recommends a grant, it shall include a



1 recommendation regarding whether or not the state agency or local
2 government requires an advance to avoid severe financial hardship.
3 If the State Board of Examiners recommends a loan for a local
4 government, it shall include the information required pursuant to
5 subsection 1 of NRS 353.2765. If the State Board of Examiners
6 finds that a grant or loan is not appropriate, it shall include in its
7 recommendation the reason for its determination.

8 5. The provisions of this section do not prohibit a state agency
9 or local government from submitting more than one request for a
10 grant or loan from the ~~Fund~~ Account.

11 6. As used in this section, the term “natural disaster” has the
12 meaning ascribed to it in NRS 354.6115.

13 **Sec. 157.** NRS 353.276 is hereby amended to read as follows:

14 353.276 1. The State Board of Examiners shall submit a
15 recommendation for each request for a grant or loan made pursuant
16 to NRS 353.2755 to the Director of the Legislative Counsel Bureau.
17 Upon receipt of the recommendation, the Director shall notify the
18 Chairman of the Interim Finance Committee of that
19 recommendation. The Chairman shall call a meeting of the
20 Committee to consider the recommendation.

21 2. The Interim Finance Committee may reject any
22 recommendation of the State Board of Examiners and independently
23 evaluate and act upon any request submitted pursuant to NRS
24 353.2755.

25 3. If the Interim Finance Committee finds that a grant or loan
26 from the ~~Fund~~ Account is appropriate and may be made in
27 accordance with the provisions of NRS 353.2705 to 353.2771,
28 inclusive, *and section 145 of this act*, it shall, by resolution:

29 (a) Establish the amount and purpose of the grant or loan.

30 (b) Except as otherwise provided in this paragraph, provide for
31 the transfer of that amount from the ~~Fund~~ Account to the
32 appropriate state agency or local government. If the request is for a
33 grant, the Interim Finance Committee shall authorize disbursement
34 of the grant from the ~~Fund~~ Account on the basis of reimbursement
35 for costs unless it determines that disbursement in that manner
36 would cause severe financial hardship to the state agency or local
37 government. If the Interim Finance Committee determines that
38 disbursement on the basis of reimbursement of costs would cause
39 severe financial hardship, the Interim Finance Committee may
40 authorize an advance of money to the state agency or local
41 government in an amount not to exceed 25 percent of the total
42 estimated cost of the projects for which the grant is requested.

43 4. No grant or loan from the ~~Fund~~ Account may be made by
44 the Interim Finance Committee to increase the salaries of any
45 officers or employees of the State or a local government.



1 **Sec. 158.** NRS 353.2765 is hereby amended to read as
2 follows:

3 353.2765 1. In addition to any applicable requirements set
4 forth in NRS 353.2751, if the Interim Finance Committee approves
5 a loan to a local government pursuant to the provisions of NRS
6 353.2705 to 353.2771, inclusive, *and section 145 of this act*, the
7 approval must include a schedule for the repayment of the loan. The
8 schedule must specify:

9 (a) A period of not more than 10 years for the repayment of the
10 loan; and

11 (b) The rate of interest, if any, for the loan.

12 2. Except as otherwise provided in subsection 3, if a local
13 government receives a loan from the ~~Fund~~ *Account* and, before the
14 loan is repaid, the local government receives money from the
15 Federal Government for a grant match or any of the expenses set
16 forth in subsection 1 of NRS 353.2751 for which the local
17 government received the loan, the local government shall deposit
18 with the State Treasurer for credit to the ~~Fund~~ *Account* an amount
19 of money equal to the money it received from the Federal
20 Government for the grant match or the expenses.

21 3. Any money deposited with the State Treasurer for credit to
22 the ~~Fund~~ *Account* pursuant to subsection 2 must be used to pay the
23 unpaid balance of the loan specified in subsection 2. If any money
24 remains after that payment is made, the remaining money must be
25 paid to the local government to whom the loan was made.

26 **Sec. 159.** NRS 353.2771 is hereby amended to read as
27 follows:

28 353.2771 1. Except as otherwise provided in this section, no
29 grant or loan may be made from the ~~Fund~~ *Account* to a state
30 agency or local government unless, as a condition of making the
31 grant or loan, the state agency or local government agrees to provide
32 an amount of its resources equal to at least 25 percent of the grant or
33 loan. The State Board of Examiners shall determine the type, value
34 and amount of the resources, including money, labor, materials,
35 supplies and equipment, that is required to be provided by the state
36 agency or local government.

37 2. If a state agency or local government submits a request for a
38 grant or loan pursuant to NRS 353.2755 and:

39 (a) It maintains a policy of insurance providing coverage for
40 damages, injuries or other losses incurred because of a disaster; or

41 (b) If the request is submitted by a local government, it has
42 established a district for the control of floods pursuant to NRS
43 543.170 to 543.830, inclusive,



1 the State Board of Examiners may recommend that the state agency
2 or local government provide a portion of its resources in an amount
3 that is less than the amount required pursuant to subsection 1.

4 3. The State Board of Examiners may, if it determines that the
5 state agency or local government is unable to provide any portion of
6 its resources as its contribution for the receipt of a grant or loan,
7 recommend that the state agency or local government not be
8 required to provide any portion of its resources as a condition for the
9 receipt of the grant or loan.

10 **Sec. 160.** NRS 353.288 is hereby amended to read as follows:

11 353.288 1. The Fund to Stabilize the Operation of the State
12 Government is hereby created as a special revenue fund. Except as
13 otherwise provided in subsections 2 and 3, each year after the close
14 of the fiscal year and before the issuance of the *State* Controller's
15 annual report, the State Controller shall deposit to the credit of the
16 Fund 40 percent of the unrestricted balance of the State General
17 Fund, as of the close of the fiscal year, which remains after
18 subtracting an amount equal to ~~{10}~~ 5 percent of all appropriations
19 made from the State General Fund during that year for the operation
20 of all departments, institutions and agencies of State Government
21 and for the funding of schools.

22 2. The balance in the Fund must not exceed ~~{10}~~ 15 percent of
23 the total of all appropriations from the State General Fund for the
24 operation of all departments, institutions and agencies of the State
25 Government and for the funding of schools and authorized
26 expenditures from the State General Fund for the regulation of
27 gaming for the fiscal year in which that revenue will be deposited in
28 the Fund.

29 3. Except as otherwise provided in this subsection and NRS
30 353.2735, beginning with the fiscal year that begins on July 1,
31 ~~{1999}~~ 2003, the State Controller shall, at the end of each quarter of
32 a fiscal year, transfer from the State General Fund to the Disaster
33 Relief ~~{Fund}~~ *Account* created pursuant to NRS 353.2735 an
34 amount equal to ~~{one-half of the interest earned on money}~~ *not more*
35 *than 10 percent of the aggregate balance* in the Fund to Stabilize
36 the Operation of *the* State Government during the previous quarter.
37 The State Controller shall not transfer more than \$500,000 for any
38 quarter pursuant to this subsection.

39 4. Money from the Fund to Stabilize the Operation of the State
40 Government may be appropriated only:

41 (a) If the total actual revenue of the State falls short by 5 percent
42 or more of the total anticipated revenue for the biennium in which
43 the appropriation is made; or

44 (b) If the Legislature and the Governor declare that a fiscal
45 emergency exists.



1 **Sec. 161.** Chapter 353C of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 162 to 165, inclusive, of
3 this act.

4 **Sec. 162.** *1. The State Controller shall adopt regulations*
5 *establishing a fee of \$25 that an agency shall charge a person for*
6 *each check or draft returned to the agency because the person had*
7 *insufficient money or credit with the drawee to pay the check or*
8 *draft, or because the person stopped payment on the check or*
9 *draft.*

10 *2. Notwithstanding any specific statute or regulation to the*
11 *contrary, an agency may only charge and collect a fee for a check*
12 *or draft returned to the agency because the person has insufficient*
13 *money or credit, or because the person stopped payment on the*
14 *check or draft, in accordance with the regulations adopted by the*
15 *State Controller pursuant to this section.*

16 *3. For the purposes of this section, “agency” does not include*
17 *the Department of Taxation, Nevada Gaming Commission or State*
18 *Gaming Control Board.*

19 **Sec. 163.** *The State Controller, in cooperation with the*
20 *Department of Motor Vehicles and the Department of Wildlife,*
21 *may establish and maintain a program to improve the collection of*
22 *debts owed to an agency or the State of Nevada through the*
23 *suspension of, cancellation of or refusal to renew vehicle*
24 *registrations and certain licenses and permits issued by the State*
25 *and the refusal to provide related services.*

26 **Sec. 164.** *1. If a program is established pursuant to section*
27 *163 of this act, the Department of Motor Vehicles, when it receives*
28 *a notice from the State Controller that a person to whom the*
29 *Department has issued a license or permit or for whom the*
30 *Department has registered a vehicle is in default on a debt owed to*
31 *an agency or the State of Nevada, shall send a written notice to*
32 *that person advising him that his license or permit and vehicle*
33 *registration are subject to suspension, cancellation or refusal to*
34 *renew.*

35 *2. The notice must include:*

36 *(a) The reason for the suspension of, cancellation of or refusal*
37 *to renew the license or permit and vehicle registration;*

38 *(b) The text of this section; and*

39 *(c) Any other information that the Department deems*
40 *necessary.*

41 *3. Upon receipt of notice from the State Controller pursuant*
42 *to subsection 1 that a person to whom the Department has issued a*
43 *license or permit or for whom the Department has registered a*
44 *vehicle is in default on a debt owed to an agency or the State of*
45 *Nevada, the Department may, after sending the written notice*



1 *required pursuant to that subsection, suspend, cancel or refuse to*
2 *renew the license or permit of the person and the registration of a*
3 *vehicle owned by the person.*

4 *4. The Department shall reinstate such a license or permit*
5 *and vehicle registration if it receives:*

6 *(a) A notice from the State Controller that the person has:*

7 *(1) Paid the debt, including all penalties, interest, costs and*
8 *fees, if any;*

9 *(2) Entered into an agreement for the payment of the debt*
10 *on an installment basis pursuant to NRS 353C.130; or*

11 *(3) Obtained a discharge in bankruptcy of the debt; and*

12 *(b) Payment of the fee prescribed in:*

13 *(1) NRS 483.410 for reinstatement of a suspended or*
14 *cancelled license; or*

15 *(2) NRS 482.480 for reinstatement of a suspended vehicle*
16 *registration.*

17 *5. The Department shall not require a person whose driver's*
18 *license or permit is suspended or cancelled pursuant to this section*
19 *to submit to the tests and other requirements which are adopted by*
20 *regulation pursuant to subsection 1 of NRS 483.495 as a condition*
21 *of the reinstatement of the license or permit.*

22 **Sec. 165. 1.** *If a program is established pursuant to section*
23 *163 of this act, the Department of Wildlife, when it receives a*
24 *notice from the State Controller that a person who holds a license*
25 *or permit to hunt, fish or trap, or any other license or permit*
26 *issued by the Department, is in default on a debt owed to an*
27 *agency or the State of Nevada, shall send a written notice to that*
28 *person advising him that his license or permit is subject to*
29 *suspension, cancellation or refusal to renew.*

30 *2. The notice must include:*

31 *(a) The reason for the suspension of, cancellation of or refusal*
32 *to renew the license or permit;*

33 *(b) The text of this section; and*

34 *(c) Any other information that the Department deems*
35 *necessary.*

36 *3. Upon receipt of notice from the State Controller pursuant*
37 *to subsection 1 that a person to whom the Department has issued a*
38 *license or permit is in default on a debt owed to an agency or the*
39 *State of Nevada, the Department may, after sending the written*
40 *notice required pursuant to that subsection, suspend, cancel or*
41 *refuse to renew the license or permit of the person.*

42 *4. The Department shall reinstate such a license or permit if:*

43 *(a) The license or permit is still valid and has not expired; and*

44 *(b) The Department receives a notice from the State Controller*
45 *that the person has:*



1 (1) *Paid the debt, including all penalties, interest, costs and*
2 *fees, if any;*

3 (2) *Entered into an agreement for the payment of the debt*
4 *on an installment basis pursuant to NRS 353C.130; or*

5 (3) *Obtained a discharge in bankruptcy of the debt.*

6 5. *The Department shall not issue a new license or permit to*
7 *hunt, fish or trap, or any other license or permit issued by the*
8 *Department, to a person whose license or permit is suspended,*
9 *cancelled or refused renewal pursuant to this section unless the*
10 *Department receives a notice from the State Controller that the*
11 *person has:*

12 (a) *Paid the debt, including all penalties, interest, costs and*
13 *fees, if any;*

14 (b) *Entered into an agreement for the payment of the debt on*
15 *an installment basis pursuant to NRS 353C.130; or*

16 (c) *Obtained a discharge in bankruptcy of the debt.*

17 **Sec. 166.** NRS 388.750 is hereby amended to read as follows:

18 388.750 1. An educational foundation:

19 (a) Shall comply with the provisions of chapter 241 of NRS;
20 *and*

21 (b) Except as otherwise provided in subsection 2, shall make its
22 records public and open to inspection pursuant to NRS 239.010 . ~~†~~

23 ~~and~~

24 ~~—(c) Is exempt from the tax on transfers of real property pursuant~~
25 ~~to subsection 14 of NRS 375.090.]~~

26 2. An educational foundation is not required to disclose the
27 names of the contributors to the foundation or the amount of their
28 contributions. The educational foundation shall, upon request, allow
29 a contributor to examine, during regular business hours, any record,
30 document or other information of the foundation relating to that
31 contributor.

32 3. As used in this section, “educational foundation” means a
33 nonprofit corporation, association or institution or a charitable
34 organization that is:

35 (a) Organized and operated exclusively for the purpose of
36 supporting one or more kindergartens, elementary schools, junior
37 high or middle schools or high schools, or any combination thereof;

38 (b) Formed pursuant to the laws of this state; and

39 (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

40 **Sec. 167.** NRS 396.405 is hereby amended to read as follows:

41 396.405 1. A university foundation:

42 (a) Shall comply with the provisions of chapter 241 of NRS;

43 (b) Except as otherwise provided in subsection 2, shall make its
44 records public and open to inspection pursuant to NRS 239.010; *and*



1 (c) ~~Is exempt from the tax on transfers of real property pursuant~~
2 ~~to subsection 14 of NRS 375.090; and~~

3 ~~—(d)~~ May allow a president or an administrator of the university
4 or community college which it supports to serve as a member of its
5 governing body.

6 2. A university foundation is not required to disclose the name
7 of any contributor or potential contributor to the university
8 foundation, the amount of his contribution or any information which
9 may reveal or lead to the discovery of his identity. The university
10 foundation shall, upon request, allow a contributor to examine,
11 during regular business hours, any record, document or other
12 information of the foundation relating to that contributor.

13 3. As used in this section, “university foundation” means a
14 nonprofit corporation, association or institution or a charitable
15 organization that is:

16 (a) Organized and operated exclusively for the purpose of
17 supporting a university or a community college;

18 (b) Formed pursuant to the laws of this state; and

19 (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

20 **Sec. 168.** NRS 414.135 is hereby amended to read as follows:

21 414.135 1. There is hereby created the Emergency Assistance
22 ~~[Account]~~ *Subaccount* within the Disaster Relief ~~[Fund]~~ *Account*
23 created pursuant to NRS 353.2735. Beginning with the fiscal year
24 that begins on July 1, 1999, the State Controller shall, at the end of
25 each fiscal year, transfer the interest earned during the previous
26 fiscal year on the money in the Disaster Relief ~~[Fund]~~ *Account* to
27 the ~~[Account]~~ *Subaccount* in an amount not to exceed \$500,000.

28 2. The Division of Emergency Management of the Department
29 of Public Safety shall administer the ~~[Account]~~ *Subaccount*. The
30 Division may adopt regulations authorized by this section before, on
31 or after July 1, 1999.

32 3. All expenditures from the ~~[Account]~~ *Subaccount* must be
33 approved in advance by the Division. Except as otherwise provided
34 in subsection 4, all money in the ~~[Account]~~ *Subaccount* must be
35 expended solely to:

36 (a) Provide supplemental emergency assistance to this state or to
37 local governments in this state that are severely and adversely
38 affected by a natural, technological or man-made emergency or
39 disaster for which available resources of this state or the local
40 government are inadequate to provide a satisfactory remedy; and

41 (b) Pay any actual expenses incurred by the Division for
42 administration during a natural, technological or man-made
43 emergency or disaster.

44 4. Beginning with the fiscal year that begins on July 1, 1999, if
45 any balance remains in the ~~[Account]~~ *Subaccount* at the end of a



1 fiscal year and the balance has not otherwise been committed for
2 expenditure, the Division may, with the approval of the Interim
3 Finance Committee, allocate all or any portion of the remaining
4 balance, not to exceed \$250,000, to this state or to a local
5 government to:

6 (a) Purchase equipment or supplies required for emergency
7 management;

8 (b) Provide training to personnel related to emergency
9 management; and

10 (c) Carry out the provisions of NRS 392.600 to 392.656,
11 inclusive.

12 5. Beginning with the fiscal year that begins on July 1, 1999,
13 the Division shall, at the end of each quarter of a fiscal year, submit
14 to the Interim Finance Committee a report of the expenditures made
15 from the ~~{Account}~~ Subaccount for the previous quarter.

16 6. The Division shall adopt such regulations as are necessary to
17 administer the ~~{Account}~~ Subaccount.

18 7. The Division may adopt regulations to provide for
19 reimbursement of expenditures made from the ~~{Account}~~
20 Subaccount. If the Division requires such reimbursement, the
21 Attorney General shall take such action as is necessary to recover
22 the amount of any unpaid reimbursement plus interest at a rate
23 determined pursuant to NRS 17.130, computed from the date on
24 which the money was removed from the ~~{Fund}~~ Account, upon
25 request by the Division.

26 **Sec. 169.** NRS 459.3824 is hereby amended to read as
27 follows:

28 459.3824 1. The owner of a regulated facility shall pay to the
29 Division an annual fee based on the fiscal year. The annual fee for
30 each facility is the sum of a base fee set by the State Environmental
31 Commission and any additional fee imposed by the Commission
32 pursuant to subsection 2. The annual fee must be prorated and may
33 not be refunded.

34 2. The State Environmental Commission may impose an
35 additional fee upon the owner of a regulated facility in an amount
36 determined by the Commission to be necessary to enable the
37 Division to carry out its duties pursuant to NRS 459.380 to
38 459.3874, inclusive. The additional fee must be based on a
39 graduated schedule adopted by the Commission which takes into
40 consideration the quantity of hazardous substances located at each
41 facility.

42 3. After the payment of the initial annual fee, the Division shall
43 send the owner of a regulated facility a bill in July for the annual fee
44 for the fiscal year then beginning which is based on the applicable
45 reports for the preceding year.



1 4. The owner of a regulated facility shall submit, with any
2 payment required by this section, the *business license* number
3 assigned by the Department of Taxation ~~[, for the imposition and~~
4 ~~collection of taxes pursuant to chapter 364A of NRS, to the business~~
5 ~~for which the payment is made.]~~ *upon compliance by the owner*
6 *with section 66 of this act.*

7 5. All fees collected pursuant to this section and penalties
8 collected pursuant to NRS 459.3833, 459.3834 and 459.3874, and
9 any interest earned thereon, must be deposited with the State
10 Treasurer for credit to the Fund for Precaution Against Chemical
11 Accidents, which is hereby created as a special revenue fund.

12 **Sec. 170.** NRS 463.0136 is hereby amended to read as
13 follows:

14 463.0136 "Associated equipment" means:

15 1. Any equipment or mechanical, electromechanical or
16 electronic contrivance, component or machine used remotely or
17 directly in connection with gaming, any game, race book or sports
18 pool that would not otherwise be classified as a gaming device,
19 including dice, playing cards, links which connect to progressive
20 slot machines, equipment which affects the proper reporting of gross
21 revenue, computerized systems of betting at a race book or sports
22 pool, computerized systems for monitoring slot machines and
23 devices for weighing or counting money; or

24 2. A computerized system for recordation of sales for use in an
25 area subject to the ~~[casino-entertainment]~~ tax *imposed* pursuant to
26 ~~[NRS 463.401.]~~ *section 36 of this act.*

27 **Sec. 171.** NRS 463.270 is hereby amended to read as follows:

28 463.270 1. Subject to the power of the Board to deny, revoke,
29 suspend, condition or limit licenses, any state license in force may
30 be renewed by the Board for the next succeeding license period
31 upon proper application for renewal and payment of state license
32 fees and taxes as required by law and the regulations of the Board.

33 2. All state gaming licenses are subject to renewal on the ~~[1st]~~
34 *first* day of each January and all quarterly state gaming licenses on
35 the ~~[1st]~~ *first* day of each calendar quarter thereafter.

36 3. Application for renewal must be filed with the Board , and
37 all state license fees and taxes required by law, including , without
38 limitation , NRS 463.370, 463.373 to 463.3855, inclusive,
39 ~~[463.401.]~~ 463.660, 464.015 and 464.040, *and section 36 of this*
40 *act*, must be paid to the Board on or before the dates respectively
41 provided by law for each fee or tax.

42 4. Application for renewal of licenses for slot machines only
43 must be made by the operators of the locations where such machines
44 are situated.



1 5. Any person failing to pay any state license fees or taxes due
2 at the times respectively provided shall pay in addition to such
3 license fees or taxes a penalty of not less than \$50 or 25 percent of
4 the amount due, whichever is the greater, but not more than \$1,000
5 if the fees or taxes are less than 10 days late and in no case in excess
6 of \$5,000. The penalty must be collected as are other charges,
7 license fees and penalties under this chapter.

8 6. Any person who operates, carries on or exposes for play any
9 gambling game, gaming device or slot machine or who
10 manufactures, sells or distributes any gaming device, equipment,
11 material or machine used in gaming ~~H~~ after his license becomes
12 subject to renewal, and thereafter fails to apply for renewal as
13 provided in this section, is guilty of a misdemeanor and, in addition
14 to the penalties provided by law, is liable to the State of Nevada for
15 all license fees, taxes and penalties which would have been due
16 upon application for renewal.

17 7. If any licensee or other person fails to renew his license as
18 provided in this section, the Board may order the immediate closure
19 of all his gaming activity until the license is renewed by the
20 payment of the necessary fees, taxes, interest and any penalties.
21 Except for a license for which fees are based on the gross revenue of
22 the licensee, failure to renew a license within 30 days after the date
23 required by this chapter shall be deemed a surrender of the license.

24 8. The voluntary surrender of a license by a licensee does not
25 become effective until accepted in the manner provided in the
26 regulations of the Board. The surrender of a license does not relieve
27 the former licensee of any penalties, fines, fees, taxes or interest
28 due.

29 **Sec. 172.** NRS 463.370 is hereby amended to read as follows:

30 463.370 1. Except as otherwise provided in NRS 463.373,
31 the Commission shall charge and collect from each licensee a
32 license fee based upon all the gross revenue of the licensee as
33 follows:

34 (a) Three *and one-half* percent of all the gross revenue of the
35 licensee which does not exceed \$50,000 per calendar month;

36 (b) Four *and one-half* percent of all the gross revenue of the
37 licensee which exceeds \$50,000 per calendar month and does not
38 exceed \$134,000 per calendar month; and

39 (c) Six and ~~one-quarter~~ *three-quarters* percent of all the gross
40 revenue of the licensee which exceeds \$134,000 per calendar month.

41 2. Unless the licensee has been operating for less than a full
42 calendar month, the Commission shall charge and collect the fee
43 prescribed in subsection 1, based upon the gross revenue for the
44 preceding calendar month, on or before the 24th day of the
45 following month. Except for the fee based on the first full month of



1 operation, the fee is an estimated payment of the license fee for the
2 third month following the month whose gross revenue is used as its
3 basis.

4 3. When a licensee has been operating for less than a full
5 calendar month, the Commission shall charge and collect the fee
6 prescribed in subsection 1, based on the gross revenue received
7 during that month, on or before the 24th day of the following
8 calendar month of operation. After the first full calendar month of
9 operation, the Commission shall charge and collect the fee based on
10 the gross revenue received during that month, on or before the 24th
11 day of the following calendar month. The payment of the fee due for
12 the first full calendar month of operation must be accompanied by
13 the payment of a fee equal to three times the fee for the first full
14 calendar month. This additional amount is an estimated payment of
15 the license fees for the next 3 calendar months. Thereafter, each
16 license fee must be paid in the manner described in subsection 2.
17 Any deposit held by the Commission on July 1, 1969, must be
18 treated as an advance estimated payment.

19 4. All revenue received from any game or gaming device
20 which is operated on the premises of a licensee, regardless of
21 whether any portion of the revenue is shared with any other person,
22 must be attributed to the licensee for the purposes of this section and
23 counted as part of the gross revenue of the licensee. Any other
24 person, including, without limitation, an operator of an inter-casino
25 linked system, who is authorized to receive a share of the revenue
26 from any game, gaming device or inter-casino linked system that is
27 operated on the premises of a licensee is liable to the licensee for
28 that person's proportionate share of the license fees paid by the
29 licensee pursuant to this section and shall remit or credit the full
30 proportionate share to the licensee on or before the 24th day of each
31 calendar month. The proportionate share of an operator of an inter-
32 casino linked system must be based on all compensation and other
33 consideration received by the operator of the inter-casino linked
34 system, including, without limitation, amounts that accrue to the
35 meter of the primary progressive jackpot of the inter-casino linked
36 system and amounts that fund the reserves of such a jackpot, subject
37 to all appropriate adjustments for deductions, credits, offsets and
38 exclusions that the licensee is entitled to take or receive pursuant to
39 the provisions of this chapter. A licensee is not liable to any other
40 person authorized to receive a share of the licensee's revenue from
41 any game, gaming device or inter-casino linked system that is
42 operated on the premises of the licensee for that person's
43 proportionate share of the license fees to be remitted or credited to
44 the licensee by that person pursuant to this section.



* S B 6 *

1 5. An operator of an inter-casino linked system shall not enter
2 into any agreement or arrangement with a licensee that provides for
3 the operator of the inter-casino linked system to be liable to the
4 licensee for less than its full proportionate share of the license fees
5 paid by the licensee pursuant to this section, whether accomplished
6 through a rebate, refund, charge-back or otherwise.

7 6. Any person required to pay a fee pursuant to this section
8 shall file with the Commission, on or before the 24th day of each
9 calendar month, a report showing the amount of all gross revenue
10 received during the preceding calendar month. Each report must be
11 accompanied by:

12 (a) The fee due based on the revenue of the month covered by
13 the report; and

14 (b) An adjustment for the difference between the estimated fee
15 previously paid for the month covered by the report, if any, and the
16 fee due for the actual gross revenue earned in that month. If
17 the adjustment is less than zero, a credit must be applied to the
18 estimated fee due with that report.

19 7. If the amount of license fees required to be reported and paid
20 pursuant to this section is later determined to be greater or less than
21 the amount actually reported and paid, the Commission shall:

22 (a) Charge and collect the additional license fees determined to
23 be due, with interest thereon until paid; or

24 (b) Refund any overpayment to the person entitled thereto
25 pursuant to this chapter, with interest thereon.

26 Interest pursuant to paragraph (a) must be computed at the rate
27 prescribed in NRS 17.130 from the first day of the first month
28 following the due date of the additional license fees until paid.
29 Interest pursuant to paragraph (b) must be computed at one-half the
30 rate prescribed in NRS 17.130 from the first day of the first month
31 following the date of overpayment until paid.

32 8. Failure to pay the fees provided for in this section shall be
33 deemed a surrender of the license at the expiration of the period for
34 which the estimated payment of fees has been made, as established
35 in subsection 2.

36 9. Except as otherwise provided in NRS 463.386, the amount
37 of the fee prescribed in subsection 1 must not be prorated.

38 10. Except as otherwise provided in NRS 463.386, if a licensee
39 ceases operation, the Commission shall:

40 (a) Charge and collect the additional license fees determined to
41 be due with interest computed pursuant to paragraph (a) of
42 subsection 7; or

43 (b) Refund any overpayment to the licensee with interest
44 computed pursuant to paragraph (b) of subsection 7,



1 based upon the gross revenue of the licensee during the last 3
2 months immediately preceding the cessation of operation, or
3 portions of those last 3 months.

4 11. If in any month ~~[-]~~ the amount of gross revenue is less than
5 zero, the licensee may offset the loss against gross revenue in
6 succeeding months until the loss has been fully offset.

7 12. If in any month ~~[-]~~ the amount of the license fee due is less
8 than zero, the licensee is entitled to receive a credit against any
9 license fees due in succeeding months until the credit has been fully
10 offset.

11 **Sec. 173.** NRS 463.373 is hereby amended to read as follows:

12 463.373 1. Before issuing a state gaming license to an
13 applicant for a restricted operation, the Commission shall charge
14 and collect from him for each slot machine for each quarter year:

15 (a) A license fee of ~~[\$61]~~ **\$81** for each slot machine if he will
16 have at least one but not more than five slot machines.

17 (b) A license fee of ~~[\$305 plus \$106]~~ **\$405 plus \$141** for each
18 slot machine in excess of five if he will have at least six but not
19 more than 15 slot machines.

20 2. The Commission shall charge and collect the fee prescribed
21 in subsection 1:

22 (a) On or before the last day of the last month in a calendar
23 quarter, for the ensuing calendar quarter, from a licensee whose
24 operation is continuing.

25 (b) In advance from a licensee who begins operation or puts
26 additional slot machines into play during a calendar quarter.

27 3. Except as otherwise provided in NRS 463.386, no proration
28 of the fee prescribed in subsection 1 may be allowed for any reason.

29 4. The operator of the location where slot machines are situated
30 shall pay the fee prescribed in subsection 1 upon the total number of
31 slot machines situated in that location, whether or not the machines
32 are owned by one or more licensee-owners.

33 **Sec. 174.** NRS 463.401 is hereby amended to read as follows:

34 463.401 1. In addition to any other license fees and taxes
35 imposed by this chapter, a casino entertainment tax equivalent to 10
36 percent of all amounts paid for admission, food, refreshments and
37 merchandise is hereby levied, except as *otherwise* provided in
38 subsection 2, upon each licensed gaming establishment in this state
39 where ~~[music and dancing privileges or any other]~~ **live**
40 entertainment is provided to the patrons ~~[in a cabaret, nightclub,~~
41 ~~cocktail lounge or casino showroom in connection with the serving~~
42 ~~or selling of food or refreshments or the selling of any~~
43 ~~merchandise.]~~ **of the licensed gaming establishment.** Amounts paid
44 for gratuities directly or indirectly remitted to employees of the



1 licensee or for service charges, including those imposed in
2 connection with use of credit cards or debit cards, that are collected
3 and retained by persons other than the licensee are not taxable
4 pursuant to this section.

5 2. A licensed gaming establishment is not subject to tax
6 pursuant to this section if ~~it~~:

7 ~~—(a) The~~ *the* establishment is licensed for less than 51 slot
8 machines, less than six games, or any combination of slot machines
9 and games within those respective limits . ~~it~~

10 ~~—(b) The entertainment is presented in a facility that would not~~
11 ~~have been subject to taxation pursuant to 26 U.S.C. § 4231(6) as that~~
12 ~~provision existed in 1965;~~

13 ~~—(c) The entertainment is presented in a facility that would have~~
14 ~~been subject to taxation pursuant to 26 U.S.C. § 4231(1), (2), (3),~~
15 ~~(4) or (5) as those provisions existed in 1965; or~~

16 ~~—(d) In other cases, if:~~

17 ~~—(1) No distilled spirits, wine or beer is served or permitted to~~
18 ~~be consumed;~~

19 ~~—(2) Only light refreshments are served;~~

20 ~~—(3) Where space is provided for dancing, no charge is made~~
21 ~~for dancing; and~~

22 ~~—(4) Where music is provided or permitted, the music is~~
23 ~~provided without any charge to the owner, lessee or operator of the~~
24 ~~establishment or to any concessionaire.]~~

25 3. The tax imposed by this section does not apply to
26 ~~merchandise~~ :

27 *(a) Live entertainment that this state is prohibited from taxing*
28 *under the Constitution, laws or treaties of the United States or the*
29 *Nevada Constitution.*

30 *(b) Merchandise* sold outside the facility in which the *live*
31 entertainment is presented, unless the purchase of the merchandise
32 entitles the purchaser to admission to the entertainment.

33 *(c) Any live entertainment that is provided by or entirely for*
34 *the benefit of a nonprofit organization that is recognized as*
35 *exempt from taxation pursuant to 26 U.S.C. § 501(c).*

36 *(d) Live entertainment that is provided at a trade show.*

37 *(e) Music performed by musicians who move constantly*
38 *through the audience if no other form of live entertainment is*
39 *afforded to the patrons.*

40 4. The tax imposed by this section must be paid by the licensee
41 of the establishment.

42 5. *As used in this section, “live entertainment” means any*
43 *activity provided for pleasure, enjoyment, recreation, relaxation,*
44 *diversion or other similar purpose by a person or persons who are*



1 *physically present when providing that activity to a patron or*
2 *group of patrons who are physically present.*

3 **Sec. 175.** NRS 463.4055 is hereby amended to read as
4 follows:

5 463.4055 Any ticket for admission to ~~[a cabaret, nightclub,~~
6 ~~cocktail lounge or casino showroom]~~ *an activity subject to the tax*
7 *imposed by NRS 463.401* must state whether the casino
8 entertainment tax is included in the price of the ticket. If the ticket
9 does not include such a statement, the licensed gaming
10 establishment shall pay the casino entertainment tax on the face
11 amount of the ticket.

12 **Sec. 176.** NRS 463.408 is hereby amended to read as follows:

13 463.408 1. As used in this section, "holidays or special
14 events" refers to periods during which the influx of tourist activity
15 in this state or any area thereof may require additional or alternative
16 industry accommodation as determined by the Board.

17 2. Any licensee holding a valid license under this chapter may
18 apply to the Board, on application forms prescribed by the Board,
19 for a holiday or special event permit to:

20 (a) Increase the licensee's game operations during holidays or
21 special events; or

22 (b) Provide persons who are attending a special event with
23 gaming in an area of the licensee's establishment to which access by
24 the general public may be restricted.

25 3. The application must be filed with the Board at least 15 days
26 before the date of the holiday or special event.

27 4. If the Board approves the application, it shall issue to the
28 licensee a permit to operate presently existing games or any
29 additional games in designated areas of the licensee's establishment.
30 The number of additional games must not exceed 50 percent of the
31 number of games operated by the licensee at the time the application
32 is filed. The permit must state the period for which it is issued and
33 the number, if any, of additional games allowed. For purposes of
34 computation, any fractional game must be counted as one full game.
35 The licensee shall present any such permit on the demand of any
36 inspecting agent of the Board or Board.

37 5. Before issuing any permit, the Board shall charge and collect
38 from the licensee a fee of \$14 per game per day for each day the
39 permit is effective. The fees are in lieu of the fees required under
40 NRS 463.380, 463.383 and 463.390.

41 6. The additional games allowed under a permit must not be
42 counted in computing the ~~[casino entertainment tax under NRS~~
43 ~~463.401.]~~ *tax imposed by section 36 of this act.*



1 7. If any such additional games are not removed at the time the
2 permit expires, the licensee is immediately subject to the fees
3 provided for in this chapter.

4 **Sec. 177.** NRS 463.770 is hereby amended to read as follows:

5 463.770 1. All gross revenue from operating interactive
6 gaming received by an establishment licensed to operate interactive
7 gaming, regardless of whether any portion of the revenue is shared
8 with another person, must be attributed to the licensee and counted
9 as part of the gross revenue of the licensee for the purpose of
10 computing the license fee required by NRS 463.370.

11 2. A manufacturer of interactive gaming systems who is
12 authorized by an agreement to receive a share of the revenue from
13 an interactive gaming system from an establishment licensed to
14 operate interactive gaming is liable to the establishment for a
15 portion of the license fee paid pursuant to subsection 1. The portion
16 for which the manufacturer of interactive gaming systems is liable is
17 ~~[6.25]~~ 6.75 percent of the amount of revenue to which the
18 manufacturer of interactive gaming systems is entitled pursuant to
19 the agreement.

20 3. For the purposes of subsection 2, the amount of revenue to
21 which the manufacturer of interactive gaming systems is entitled
22 pursuant to an agreement to share the revenue from an interactive
23 gaming system:

24 (a) Includes all revenue of the manufacturer of interactive
25 gaming systems that is his share of the revenue from the interactive
26 gaming system pursuant to the agreement; and

27 (b) Does not include revenue that is the fixed purchase price for
28 the sale of a component of the interactive gaming system.

29 **Sec. 178.** NRS 481.079 is hereby amended to read as follows:

30 481.079 1. Except as otherwise provided by specific statute,
31 all taxes, license fees and money collected ~~[pursuant to NRS~~
32 ~~481.0475]~~ *by the Department* must be deposited with the State
33 Treasurer to the credit of the Motor Vehicle Fund.

34 2. If a check or any other method of payment accepted by the
35 Department in payment of *such* fees ~~[pursuant to NRS 481.0475]~~ is
36 dishonored upon presentation for payment:

37 (a) The drawer or any other person responsible for payment of
38 the fee is subject to a ~~[service charge of \$25,]~~ *fee in the amount*
39 *established by the State Controller pursuant to section 162 of this*
40 *act* in addition to any other penalties provided by law; and

41 (b) The Department may require that future payments from the
42 person be made by cashier's check, money order, traveler's check or
43 cash.



1 3. The Department may adjust the amount of a deposit made
2 with the State Treasurer to the credit of the Motor Vehicle Fund for
3 any cash shortage or overage resulting from the collection of fees.

4 **Sec. 179.** NRS 612.265 is hereby amended to read as follows:

5 612.265 1. Except as otherwise provided in this section,
6 information obtained from any employing unit or person pursuant to
7 the administration of this chapter and any determination as to the
8 benefit rights of any person is confidential and may not be disclosed
9 or be open to public inspection in any manner which would reveal
10 the person's or employing unit's identity.

11 2. Any claimant or his legal representative is entitled to
12 information from the records of the Division, to the extent necessary
13 for the proper presentation of his claim in any proceeding pursuant
14 to this chapter. A claimant or an employing unit is not entitled to
15 information from the records of the Division for any other purpose.

16 3. Subject to such restrictions as the Administrator may by
17 regulation prescribe, the information obtained by the Division may
18 be made available to:

19 (a) Any agency of this or any other state or any federal agency
20 charged with the administration or enforcement of laws relating to
21 unemployment compensation, public assistance, workers'
22 compensation or labor and industrial relations, or the maintenance
23 of a system of public employment offices;

24 (b) Any state or local agency for the enforcement of child
25 support;

26 (c) The Internal Revenue Service of the Department of the
27 Treasury;

28 (d) The Department of Taxation; and

29 (e) The State Contractors' Board in the performance of its duties
30 to enforce the provisions of chapter 624 of NRS.

31 Information obtained in connection with the administration of the
32 Employment Service may be made available to persons or agencies
33 for purposes appropriate to the operation of a public employment
34 service or a public assistance program.

35 4. Upon written request made by a public officer of a local
36 government, the Administrator shall furnish from the records of the
37 Division the name, address and place of employment of any person
38 listed in the records of employment of the Division. The request
39 must set forth the social security number of the person about whom
40 the request is made and contain a statement signed by proper
41 authority of the local government certifying that the request is made
42 to allow the proper authority to enforce a law to recover a debt or
43 obligation owed to the local government. The information obtained
44 by the local government is confidential and may not be used or
45 disclosed for any purpose other than the collection of a debt or



1 obligation owed to that local government. The Administrator may
2 charge a reasonable fee for the cost of providing the requested
3 information.

4 5. The Administrator may publish or otherwise provide
5 information on the names of employers, their addresses, their type
6 or class of business or industry, and the approximate number of
7 employees employed by each such employer, if the information
8 released will assist unemployed persons to obtain employment or
9 will be generally useful in developing and diversifying the economic
10 interests of this state. Upon request by a state agency which is able
11 to demonstrate that its intended use of the information will benefit
12 the residents of this state, the Administrator may, in addition to the
13 information listed in this subsection, disclose the number of
14 employees employed by each employer and the total wages paid by
15 each employer. The Administrator may charge a fee to cover the
16 actual costs of any administrative expenses relating to the disclosure
17 of this information to a state agency. The Administrator may require
18 the state agency to certify in writing that the agency will take all
19 actions necessary to maintain the confidentiality of the information
20 and prevent its unauthorized disclosure.

21 6. Upon request therefor the Administrator shall furnish to any
22 agency of the United States charged with the administration of
23 public works or assistance through public employment, and may
24 furnish to any state agency similarly charged, the name, address,
25 ordinary occupation and employment status of each recipient of
26 benefits and the recipient's rights to further benefits pursuant to this
27 chapter.

28 7. To further a current criminal investigation, the chief
29 executive officer of any law enforcement agency of this state may
30 submit a written request to the Administrator that he furnish, from
31 the records of the Division, the name, address and place of
32 employment of any person listed in the records of employment of
33 the Division. The request must set forth the social security number
34 of the person about whom the request is made and contain a
35 statement signed by the chief executive officer certifying that the
36 request is made to further a criminal investigation currently being
37 conducted by the agency. Upon receipt of such a request, the
38 Administrator shall furnish the information requested. He may
39 charge a fee to cover the actual costs of any related administrative
40 expenses.

41 8. In addition to the provisions of subsection 5, the
42 Administrator shall provide lists containing the names and addresses
43 of employers, ~~{the number of employees employed by each~~
44 ~~employer}~~ and *information regarding* the ~~{total}~~ wages paid by each
45 employer to the Department of Taxation, upon request, for use in



1 verifying returns for the ~~business tax.~~ *tax imposed pursuant to*
2 *sections 2 to 24, inclusive, of this act.* The Administrator may
3 charge a fee to cover the actual costs of any related administrative
4 expenses.

5 9. A private carrier that provides industrial insurance in this
6 state shall submit to the Administrator a list containing the name of
7 each person who received benefits pursuant to chapters 616A to
8 616D, inclusive, or 617 of NRS during the preceding month and
9 request that he compare the information so provided with the
10 records of the Division regarding persons claiming benefits pursuant
11 to chapter 612 of NRS for the same period. The information
12 submitted by the private carrier must be in a form determined by the
13 Administrator and must contain the social security number of each
14 such person. Upon receipt of the request, the Administrator shall
15 make such a comparison and, if it appears from the information
16 submitted that a person is simultaneously claiming benefits under
17 chapter 612 of NRS and under chapters 616A to 616D, inclusive, or
18 617 of NRS, the Administrator shall notify the Attorney General or
19 any other appropriate law enforcement agency. The Administrator
20 shall charge a fee to cover the actual costs of any related
21 administrative expenses.

22 10. The Administrator may request the Comptroller of the
23 Currency of the United States to cause an examination of the
24 correctness of any return or report of any national banking
25 association rendered pursuant to the provisions of this chapter, and
26 may in connection with the request transmit any such report or
27 return to the Comptroller of the Currency of the United States as
28 provided in Section 3305(c) of the Internal Revenue Code of 1954.

29 11. If any employee or member of the Board of Review, the
30 Administrator or any employee of the Administrator, in violation of
31 the provisions of this section, discloses information obtained from
32 any employing unit or person in the administration of this chapter,
33 or if any person who has obtained a list of applicants for work, or of
34 claimants or recipients of benefits pursuant to this chapter uses or
35 permits the use of the list for any political purpose, he is guilty of a
36 gross misdemeanor.

37 12. All letters, reports or communications of any kind, oral or
38 written, from the employer or employee to each other or to the
39 Division or any of its agents, representatives or employees are
40 privileged and must not be the subject matter or basis for any
41 lawsuit if the letter, report or communication is written, sent,
42 delivered or prepared pursuant to the requirements of this chapter.

43 **Sec. 180.** NRS 612.618 is hereby amended to read as follows:

44 612.618 1. If a check is tendered on or before the due date in
45 payment of contributions but is afterward dishonored by the



1 financial institution on which it is drawn, the check does not
2 constitute timely payment unless the Administrator determines that
3 dishonor occurred because of fault on the part of the financial
4 institution.

5 2. The Administrator ~~[may]~~ *shall* charge an additional fee ~~of~~
6 ~~not more than \$25]~~ *in the amount established by the State*
7 *Controller pursuant to section 162 of this act* for handling against a
8 person who presents a check afterward dishonored. The fee must be
9 deposited in the Unemployment Compensation Administration
10 Fund.

11 **Sec. 181.** 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-~~ *tax imposed pursuant to sections 2 to 24, inclusive, of this act.*
31 The Administrator may charge a reasonable fee to cover any related
32 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. 182.** NRS 616B.679 is hereby amended to read as
2 follows:
3 616B.679 1. Each application must include:
4 (a) The applicant's name and title of his position with the
5 employee leasing company.
6 (b) The applicant's age, place of birth and social security
7 number.
8 (c) The applicant's address.
9 (d) The business address of the employee leasing company.
10 (e) The business address of the resident agent of the employee
11 leasing company, if the applicant is not the resident agent.
12 (f) If the applicant is a:
13 (1) Partnership, the name of the partnership and the name,
14 address, age, social security number and title of each partner.
15 (2) Corporation, the name of the corporation and the name,
16 address, age, social security number and title of each officer of the
17 corporation.
18 (g) Proof of:
19 (1) ~~The payment of any taxes required by chapter 364A of~~
20 ~~NRS.]~~ *Compliance with the provisions of section 66 of this act.*
21 (2) The payment of any premiums for industrial insurance
22 required by chapters 616A to 617, inclusive, of NRS.
23 (3) The payment of contributions or payments in lieu of
24 contributions required by chapter 612 of NRS.
25 (4) Insurance coverage for any benefit plan from an insurer
26 authorized pursuant to title 57 of NRS that is offered by the
27 employee leasing company to its employees.
28 (h) Any other information the Administrator requires.
29 2. Each application must be notarized and signed under penalty
30 of perjury:
31 (a) If the applicant is a sole proprietorship, by the sole
32 proprietor.
33 (b) If the applicant is a partnership, by each partner.
34 (c) If the applicant is a corporation, by each officer of the
35 corporation.
36 3. An applicant shall submit to the Administrator any change in
37 the information required by this section within 30 days after the
38 change occurs. The Administrator may revoke the certificate of
39 registration of an employee leasing company which fails to comply
40 with the provisions of NRS 616B.670 to 616B.697, inclusive.
41 4. If an insurer cancels an employee leasing company's policy,
42 the insurer shall immediately notify the Administrator in writing.
43 The notice must comply with the provisions of NRS 687B.310 to
44 687B.355, inclusive, and must be served personally on or sent by
45 first-class mail or electronic transmission to the Administrator.



1 **Sec. 183.** NRS 616B.691 is hereby amended to read as
2 follows:

3 616B.691 1. For the purposes of chapters ~~364A,~~ 612 and
4 616A to 617, inclusive, of NRS, *and sections 2 to 24, inclusive, of*
5 *this act*, an employee leasing company which complies with the
6 provisions of NRS 616B.670 to 616B.697, inclusive, shall be
7 deemed to be the employer of the employees it leases to a client
8 company.

9 2. An employee leasing company shall be deemed to be the
10 employer of its leased employees for the purposes of sponsoring and
11 maintaining any benefit plans.

3. An employee leasing company shall not offer its employees any self-funded insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or pursuant to title 57 of NRS.

18 4. If an employee leasing company fails to:

19 (a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required, pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

25 **Sec. 184.** NRS 623A.240 is hereby amended to read as
26 follows:

27 623A.240 1. The following fees must be prescribed by the
28 Board and must not exceed the following amounts:

29		
30	Application fee	\$200.00
31	Examination fee	100.00,
32		plus the actual
33		cost of the
34		examination
35	Certificate of registration	25.00
36	Annual renewal fee	200.00
37	Reinstatement fee	300.00
38	Delinquency fee	50.00
39	Change of address fee	10.00
40	Copy of a document, per page.....	.25

42 2. In addition to the fees set forth in subsection 1, the Board
43 may charge and collect a fee for any other service it provides. The
44 fee must not exceed the cost incurred by the Board to provide the
45 service.



1 3. The Board may authorize a landscape architect intern to pay
2 the application fee or any portion of that fee during any period in
3 which he is the holder of a certificate to practice as a landscape
4 architect intern. If a landscape architect intern pays the fee or any
5 portion of the fee during that period, the Board shall credit the
6 amount paid by him towards the entire amount of the application fee
7 for the certificate of registration required pursuant to this section.

8 4. The fees prescribed by the Board pursuant to this section
9 must be paid in United States currency in the form of a check,
10 cashier's check or money order. If any check submitted to the Board
11 is dishonored upon presentation for payment, repayment of the fee,
12 including the fee for a returned check ~~is~~ *in the amount established*
13 *by the State Controller pursuant to section 162 of this act*, must be
14 made by money order or certified check.

15 5. The fees prescribed by the Board pursuant to this section are
16 nonrefundable.

17 **Sec. 185.** NRS 634.135 is hereby amended to read as follows:

18 634.135 1. The Board may charge and collect fees not to
19 exceed:

21	For an application for a license to practice	
22	chiropractic	\$200.00
23	For an examination for a license to practice	
24	chiropractic	200.00
25	For an application for, and the issuance of, a	
26	certificate as a chiropractor's assistant	100.00
27	For an examination for a certificate as a	
28	chiropractor's assistant.....	100.00
29	For the issuance of a license to practice chiropractic....	300.00
30	For the annual renewal of a license to practice	
31	chiropractic	300.00
32	For the annual renewal of an inactive license to	
33	practice chiropractic.....	100.00
34	For the annual renewal of a certificate as a	
35	chiropractor's assistant.....	50.00
36	For the restoration to active status of an inactive	
37	license to practice chiropractic.....	300.00
38	For reinstating a license to practice chiropractic	
39	which has been suspended or revoked	500.00
40	For reinstating a certificate as a chiropractor's	
41	assistant which has been suspended pursuant to	
42	NRS 634.130.....	100.00
43	For a review of any subject on the examination	25.00
44	For the issuance of a duplicate license or for	
45	changing the name on a license	\$35.00



1	For written certification of licensure.....	25.00
2	For providing a list of persons who are licensed to	
3	practice chiropractic to a person who is not	
4	licensed to practice chiropractic.....	25.00
5	For providing a list of persons who were licensed to	
6	practice chiropractic following the most recent	
7	examination of the Board to a person who is not	
8	licensed to practice chiropractic.....	10.00
9	For a set of mailing labels containing the names and	
10	addresses of the persons who are licensed to	
11	practice chiropractic in this state.....	35.00
12	For a check made payable to the Board that is	
13	dishonored upon presentation for payment.....	25.00
14	For providing a copy of the statutes, regulations and	
15	other rules governing the practice of chiropractic	
16	in this state to a person who is not licensed to	
17	practice chiropractic.....	25.00
18	For each page of a list of continuing education	
19	courses that have been approved by the Board.....	.50
20	For an application to a preceptor program offered	
21	by the Board to graduates of chiropractic schools	
22	or colleges	35.00
23	For a review by the Board of a course offered by a	
24	chiropractic school or college or a course of	
25	continuing education in chiropractic.....	10.00

26
27 2. In addition to the fees set forth in subsection 1, the Board
28 may charge and collect reasonable and necessary fees for any other
29 service it provides.

30 3. *For a check made payable to the Board that is dishonored*
31 *upon presentation for payment, the Board shall assess and collect*
32 *a fee in the amount established by the State Controller pursuant to*
33 *section 162 of this act.*

34 **Sec. 185.30.** NRS 645B.060 is hereby amended to read as
35 follows:

36 645B.060 1. Subject to the administrative control of the
37 Director of the Department of Business and Industry, the
38 Commissioner shall exercise general supervision and control over
39 mortgage brokers doing business in this state.

40 2. In addition to the other duties imposed upon him by law, the
41 Commissioner shall:

42 (a) Adopt any regulations that are necessary to carry out the
43 provisions of this chapter, except as to loan brokerage fees.

44 (b) Conduct such investigations as may be necessary to
45 determine whether any person has violated any provision of this



1 chapter, a regulation adopted pursuant to this chapter or an order of
2 the Commissioner.

3 (c) Conduct an annual examination of each mortgage broker
4 doing business in this state. The annual examination must include,
5 without limitation, a formal exit review with the mortgage broker.
6 The Commissioner shall adopt regulations prescribing:

7 (1) Standards for determining the rating of each mortgage
8 broker based upon the results of the annual examination; and

9 (2) Procedures for resolving any objections made by the
10 mortgage broker to the results of the annual examination. The
11 results of the annual examination may not be opened to public
12 inspection pursuant to NRS 645B.090 until any objections made by
13 the mortgage broker have been decided by the Commissioner.

14 (d) Conduct such other examinations, periodic or special audits,
15 investigations and hearings as may be necessary and proper for the
16 efficient administration of the laws of this state regarding mortgage
17 brokers and mortgage agents. The Commissioner shall adopt
18 regulations specifying the general guidelines that will be followed
19 when a periodic or special audit of a mortgage broker is conducted
20 pursuant to this chapter.

21 (e) Classify as confidential certain records and information
22 obtained by the Division when those matters are obtained from a
23 governmental agency upon the express condition that they remain
24 confidential. This paragraph does not limit examination by ~~the~~ :

25 (1) *The* Legislative Auditor ~~+~~; or

26 (2) *The Department of Taxation if necessary to carry out*
27 *the provisions of sections 24.12 to 24.74, inclusive, of this act.*

28 (f) Conduct such examinations and investigations as are
29 necessary to ensure that mortgage brokers meet the requirements of
30 this chapter for obtaining a license, both at the time of the
31 application for a license and thereafter on a continuing basis.

32 3. For each special audit, investigation or examination, a
33 mortgage broker shall pay a fee based on the rate established
34 pursuant to NRS 658.101.

35 **Sec. 185.32.** NRS 645B.670 is hereby amended to read as
36 follows:

37 645B.670 Except as otherwise provided in NRS 645B.690:

38 1. For each violation committed by an applicant, whether or
39 not he is issued a license, the Commissioner may impose upon the
40 applicant an administrative fine of not more than \$10,000, if the
41 applicant:

42 (a) Has knowingly made or caused to be made to the
43 Commissioner any false representation of material fact;

44 (b) Has suppressed or withheld from the Commissioner any
45 information which the applicant possesses and which, if submitted



1 by him, would have rendered the applicant ineligible to be licensed
2 pursuant to the provisions of this chapter; or

3 (c) Has violated any provision of this chapter, a regulation
4 adopted pursuant to this chapter or an order of the Commissioner in
5 completing and filing his application for a license or during the
6 course of the investigation of his application for a license.

7 2. For each violation committed by a licensee, the
8 Commissioner may impose upon the licensee an administrative fine
9 of not more than \$10,000, may suspend, revoke or place conditions
10 upon his license, or may do both, if the licensee, whether or not
11 acting as such:

12 (a) Is insolvent;

13 (b) Is grossly negligent or incompetent in performing any act for
14 which he is required to be licensed pursuant to the provisions of this
15 chapter;

16 (c) Does not conduct his business in accordance with law or has
17 violated any provision of this chapter, a regulation adopted pursuant
18 to this chapter or an order of the Commissioner;

19 (d) Is in such financial condition that he cannot continue in
20 business with safety to his customers;

21 (e) Has made a material misrepresentation in connection with
22 any transaction governed by this chapter;

23 (f) Has suppressed or withheld from a client any material facts,
24 data or other information relating to any transaction governed by the
25 provisions of this chapter which the licensee knew or, by the
26 exercise of reasonable diligence, should have known;

27 (g) Has knowingly made or caused to be made to the
28 Commissioner any false representation of material fact or has
29 suppressed or withheld from the Commissioner any information
30 which the licensee possesses and which, if submitted by him, would
31 have rendered the licensee ineligible to be licensed pursuant to the
32 provisions of this chapter;

33 (h) Has failed to account to persons interested for all money
34 received for a trust account;

35 (i) Has refused to permit an examination by the Commissioner
36 of his books and affairs or has refused or failed, within a reasonable
37 time, to furnish any information or make any report that may be
38 required by the Commissioner pursuant to the provisions of this
39 chapter or a regulation adopted pursuant to this chapter;

40 (j) Has been convicted of, or entered a plea of nolo contendere
41 to, a felony or any crime involving fraud, misrepresentation or
42 moral turpitude;

43 (k) Has refused or failed to pay, within a reasonable time, any
44 fees, assessments, costs or expenses that the licensee is required to



1 pay pursuant to this chapter or a regulation adopted pursuant to this
2 chapter;

3 (l) Has failed to satisfy a claim made by a client which has been
4 reduced to judgment;

5 (m) Has failed to account for or to remit any money of a client
6 within a reasonable time after a request for an accounting or
7 remittal;

8 (n) Has commingled the money or other property of a client
9 with his own or has converted the money or property of others to his
10 own use;

11 (o) Has engaged in any other conduct constituting a deceitful,
12 fraudulent or dishonest business practice;

13 (p) Has repeatedly violated the policies and procedures of the
14 mortgage broker;

15 (q) Has failed to exercise reasonable supervision over the
16 activities of a mortgage agent as required by NRS 645B.460;

17 (r) Has instructed a mortgage agent to commit an act that would
18 be cause for the revocation of the license of the mortgage broker,
19 whether or not the mortgage agent commits the act;

20 (s) Has employed a person as a mortgage agent or authorized a
21 person to be associated with the licensee as a mortgage agent at a
22 time when the licensee knew or, in light of all the surrounding facts
23 and circumstances, reasonably should have known that the person:

24 (1) Had been convicted of, or entered a plea of nolo
25 contendere to, a felony or any crime involving fraud,
26 misrepresentation or moral turpitude; or

27 (2) Had a financial services license or registration suspended
28 or revoked within the immediately preceding 10 years; ~~for~~

29 (t) *Has failed to pay the franchise tax imposed pursuant to the*
30 *provisions of sections 24.12 to 24.74, inclusive, of this act; or*

31 (u) Has not conducted verifiable business as a mortgage broker
32 for 12 consecutive months, except in the case of a new applicant.
33 The Commissioner shall determine whether a mortgage broker is
34 conducting business by examining the monthly reports of activity
35 submitted by the licensee or by conducting an examination of the
36 licensee.

37 **Sec. 185.34.** NRS 645E.300 is hereby amended to read as
38 follows:

39 645E.300 1. Subject to the administrative control of the
40 Director of the Department of Business and Industry, the
41 Commissioner shall exercise general supervision and control over
42 mortgage companies doing business in this state.

43 2. In addition to the other duties imposed upon him by law, the
44 Commissioner shall:



1 (a) Adopt any regulations that are necessary to carry out the
2 provisions of this chapter, except as to loan fees.

3 (b) Conduct such investigations as may be necessary to
4 determine whether any person has violated any provision of this
5 chapter, a regulation adopted pursuant to this chapter or an order of
6 the Commissioner.

7 (c) Conduct an annual examination of each mortgage company
8 doing business in this state.

9 (d) Conduct such other examinations, periodic or special audits,
10 investigations and hearings as may be necessary and proper for the
11 efficient administration of the laws of this state regarding mortgage
12 companies.

13 (e) Classify as confidential certain records and information
14 obtained by the Division when those matters are obtained from a
15 governmental agency upon the express condition that they remain
16 confidential. This paragraph does not limit examination by ~~the~~ :

17 (1) *The Legislative Auditor* ~~+~~; or

18 (2) *The Department of Taxation if necessary to carry out*
19 *the provisions of sections 24.12 to 24.74, inclusive, of this act.*

20 (f) Conduct such examinations and investigations as are
21 necessary to ensure that mortgage companies meet the requirements
22 of this chapter for obtaining a license, both at the time of the
23 application for a license and thereafter on a continuing basis.

24 3. For each special audit, investigation or examination, a
25 mortgage company shall pay a fee based on the rate established
26 pursuant to NRS 658.101.

27 **Sec. 185.36.** NRS 645E.670 is hereby amended to read as
28 follows:

29 645E.670 1. For each violation committed by an applicant,
30 whether or not he is issued a license, the Commissioner may impose
31 upon the applicant an administrative fine of not more than \$10,000,
32 if the applicant:

33 (a) Has knowingly made or caused to be made to the
34 Commissioner any false representation of material fact;

35 (b) Has suppressed or withheld from the Commissioner any
36 information which the applicant possesses and which, if submitted
37 by him, would have rendered the applicant ineligible to be licensed
38 pursuant to the provisions of this chapter; or

39 (c) Has violated any provision of this chapter, a regulation
40 adopted pursuant to this chapter or an order of the Commissioner in
41 completing and filing his application for a license or during the
42 course of the investigation of his application for a license.

43 2. For each violation committed by a licensee, the
44 Commissioner may impose upon the licensee an administrative fine
45 of not more than \$10,000, may suspend, revoke or place conditions



1 upon his license, or may do both, if the licensee, whether or not
2 acting as such:

3 (a) Is insolvent;

4 (b) Is grossly negligent or incompetent in performing any act for
5 which he is required to be licensed pursuant to the provisions of this
6 chapter;

7 (c) Does not conduct his business in accordance with law or has
8 violated any provision of this chapter, a regulation adopted pursuant
9 to this chapter or an order of the Commissioner;

10 (d) Is in such financial condition that he cannot continue in
11 business with safety to his customers;

12 (e) Has made a material misrepresentation in connection with
13 any transaction governed by this chapter;

14 (f) Has suppressed or withheld from a client any material facts,
15 data or other information relating to any transaction governed by the
16 provisions of this chapter which the licensee knew or, by the
17 exercise of reasonable diligence, should have known;

18 (g) Has knowingly made or caused to be made to the
19 Commissioner any false representation of material fact or has
20 suppressed or withheld from the Commissioner any information
21 which the licensee possesses and which, if submitted by him, would
22 have rendered the licensee ineligible to be licensed pursuant to the
23 provisions of this chapter;

24 (h) Has failed to account to persons interested for all money
25 received for a trust account;

26 (i) Has refused to permit an examination by the Commissioner
27 of his books and affairs or has refused or failed, within a reasonable
28 time, to furnish any information or make any report that may be
29 required by the Commissioner pursuant to the provisions of this
30 chapter or a regulation adopted pursuant to this chapter;

31 (j) Has been convicted of, or entered a plea of nolo contendere
32 to, a felony or any crime involving fraud, misrepresentation or
33 moral turpitude;

34 (k) Has refused or failed to pay, within a reasonable time, any
35 fees, assessments, costs or expenses that the licensee is required to
36 pay pursuant to this chapter or a regulation adopted pursuant to this
37 chapter;

38 (l) *Has failed to pay the franchise tax imposed pursuant to the*
39 *provisions of sections 24.12 to 24.74, inclusive, of this act;*

40 (m) Has failed to satisfy a claim made by a client which has
41 been reduced to judgment;

42 ~~(m)~~ (n) Has failed to account for or to remit any money of a
43 client within a reasonable time after a request for an accounting or
44 remittal;



1 ~~[(a)]~~ (o) Has commingled the money or other property of a
2 client with his own or has converted the money or property of others
3 to his own use; or

4 ~~[(a)]~~ (p) Has engaged in any other conduct constituting a
5 deceitful, fraudulent or dishonest business practice.

6 **Sec. 185.38.** NRS 649.395 is hereby amended to read as
7 follows:

8 649.395 1. The Commissioner may impose an administrative
9 fine, not to exceed \$500 for each violation, or suspend or revoke the
10 license of a collection agency, or both impose a fine and suspend or
11 revoke the license, by an order made in writing and filed in his
12 office and served on the licensee by registered or certified mail at
13 the address shown in the records of the Commissioner, if:

14 (a) The licensee is adjudged liable in any court of law for breach
15 of any bond given under the provisions of this chapter; ~~[(a)]~~

16 (b) After notice and hearing, the licensee is found guilty of:

17 (1) Fraud or misrepresentation;

18 (2) An act or omission inconsistent with the faithful
19 discharge of his duties and obligations; or

20 (3) A violation of any provision of this chapter ~~[(3)]~~; or

21 *(c) The Commissioner determines that the licensee has failed*
22 *to pay the franchise tax imposed pursuant to the provisions of*
23 *sections 24.12 to 24.74, inclusive, of this act.*

24 2. The Commissioner may suspend or revoke the license of a
25 collection agency without notice and hearing if:

26 (a) The suspension or revocation is necessary for the immediate
27 protection of the public; and

28 (b) The licensee is afforded a hearing to contest the suspension
29 or revocation within 20 days after the written order of suspension or
30 revocation is served upon the licensee.

31 3. Upon revocation of his license, all rights of the licensee
32 under this chapter terminate, and no application may be received
33 from any person whose license has once been revoked.

34 **Sec. 185.40.** NRS 658.151 is hereby amended to read as
35 follows:

36 658.151 1. The Commissioner may forthwith take possession
37 of the business and property of any depository institution to which
38 this title or title 56 of NRS applies when it appears that the
39 depository institution:

40 (a) Has violated its charter or any laws applicable thereto.

41 (b) Is conducting its business in an unauthorized or unsafe
42 manner.

43 (c) Is in an unsafe or unsound condition to transact its business.

44 (d) Has an impairment of its stockholders' or members' equity.



1 (e) Has refused to pay its depositors in accordance with the
2 terms on which such deposits were received, or has refused to pay
3 its holders of certificates of indebtedness or investment in
4 accordance with the terms upon which those certificates of
5 indebtedness or investment were sold.

6 (f) Has become otherwise insolvent.

7 (g) Has neglected or refused to comply with the terms of a
8 lawful order of the Commissioner.

9 (h) Has refused, upon proper demand, to submit its records,
10 affairs and concerns for inspection and examination of an appointed
11 or authorized examiner of the Commissioner.

12 (i) Has made a voluntary assignment of its assets to trustees.

13 *(j) Has failed to pay the franchise tax imposed pursuant to the*
14 *provisions of sections 24.12 to 24.74, inclusive, of this act.*

15 2. The Commissioner also may forthwith take possession of the
16 business and property of any depository institution to which this title
17 or title 56 of NRS applies when it appears that the officers of the
18 depository institution have refused to be examined upon oath
19 regarding its affairs.

20 **Sec. 185.42.** NRS 665.133 is hereby amended to read as
21 follows:

22 665.133 1. The records and information described in NRS
23 665.130 may be disclosed to:

24 (a) An agency of the Federal Government or of another state
25 which regulates the financial institution which is the subject of the
26 records or information;

27 (b) The Director of the Department of Business and Industry for
28 his confidential use;

29 (c) The State Board of Finance for its confidential use, if the
30 report or other information is necessary for the State Board of
31 Finance to perform its duties under this title;

32 *(d) The Department of Taxation for its use in carrying out the*
33 *provisions of sections 24.12 to 24.74, inclusive, of this act;*

34 *(e) An entity which insures or guarantees deposits;*

35 ~~(f)~~ (f) A public officer authorized to investigate criminal
36 charges in connection with the affairs of the depository institution;

37 ~~(g)~~ (g) A person preparing a proposal for merging with or
38 acquiring an institution or holding company, but only after notice of
39 the disclosure has been given to the institution or holding company;

40 ~~(h)~~ (h) Any person to whom the subject of the report has
41 authorized the disclosure;

42 ~~(i)~~ (i) Any other person if the Commissioner determines, after
43 notice and opportunity for hearing, that disclosure is in the public
44 interest and outweighs any potential harm to the depository



1 institution and its stockholders, members, depositors and creditors;
2 and

3 ~~(i)~~ (j) Any court in a proceeding initiated by the
4 Commissioner concerning the financial institution.

5 2. All the reports made available pursuant to this section
6 remain the property of the Division of Financial Institutions, and no
7 person, agency or authority to whom the reports are made available,
8 or any officer, director or employee thereof, may disclose any of the
9 reports or any information contained therein, except in published
10 statistical material that does not disclose the affairs of any natural
11 person or corporation.

12 **Sec. 185.44.** NRS 673.484 is hereby amended to read as
13 follows:

14 673.484 The Commissioner may after notice and hearing
15 suspend or revoke the charter of any association for ~~repeated~~ :

16 1. *Repeated* failure to abide by the provisions of this chapter or
17 the regulations adopted thereunder.

18 2. *Failure to pay the franchise tax imposed pursuant to the*
19 *provisions of sections 24.12 to 24.74, inclusive, of this act.*

20 **Sec. 185.46.** NRS 675.440 is hereby amended to read as
21 follows:

22 675.440 1. If the Commissioner has reason to believe that
23 grounds for revocation or suspension of a license exist, he shall give
24 20 days' written notice to the licensee stating the contemplated
25 action and, in general, the grounds therefor and set a date for a
26 hearing.

27 2. At the conclusion of a hearing, the Commissioner shall:

28 (a) Enter a written order either dismissing the charges, revoking
29 the license, or suspending the license for a period of not more than
30 60 days, which period must include any prior temporary suspension.
31 A copy of the order must be sent by registered or certified mail to
32 the licensee.

33 (b) Impose upon the licensee a fine of \$500 for each violation by
34 the licensee of any provision of this chapter or any lawful regulation
35 adopted under it.

36 (c) If a fine is imposed pursuant to this section, enter such order
37 as is necessary to recover the costs of the proceeding, including his
38 investigative costs and attorney's fees.

39 3. The grounds for revocation or suspension of a license are
40 that:

41 (a) The licensee has failed to pay the annual license fee;

42 (b) The licensee, either knowingly or without any exercise of
43 due care to prevent it, has violated any provision of this chapter or
44 any lawful regulation adopted under it;



1 (c) *The licensee has failed to pay the franchise tax imposed*
2 *pursuant to the provisions of sections 24.12 to 24.74, inclusive, of*
3 *this act;*

4 (d) Any fact or condition exists which would have justified the
5 Commissioner in denying the licensee's original application for a
6 license hereunder; or

7 ~~[(d)]~~ (e) The applicant failed to open an office for the conduct
8 of the business authorized under this chapter within 120 days from
9 the date the license was issued, or has failed to remain open for the
10 conduct of the business for a period of 120 days without good cause
11 therefor.

12 4. Any revocation or suspension applies only to the license
13 granted to a person for the particular office for which grounds for
14 revocation or suspension exist.

15 5. An order suspending or revoking a license becomes effective
16 5 days after being entered unless the order specifies otherwise or a
17 stay is granted.

18 **Sec. 185.48.** NRS 676.290 is hereby amended to read as
19 follows:

20 676.290 1. The Commissioner may, pursuant to the
21 procedure provided in this chapter, deny, suspend or revoke any
22 license for which application has been made or which has been
23 issued under the provisions of this chapter if he finds, as to the
24 licensee, its associates, directors or officers, grounds for action.

25 2. Any one of the following grounds may provide the requisite
26 grounds for denial, suspension or revocation:

27 (a) Conviction of a felony or of a misdemeanor involving moral
28 turpitude.

29 (b) Violation of any of the provisions of this chapter or
30 regulations of the Commissioner.

31 (c) Fraud or deceit in procuring the issuance of the license.

32 (d) Continuous course of unfair conduct.

33 (e) Insolvency, filing in bankruptcy, receivership or assigning
34 for the benefit of creditors by any licensee or applicant for a license
35 under this chapter.

36 (f) *Failure to pay the franchise tax imposed pursuant to the*
37 *provisions of sections 24.12 to 24.74, inclusive, of this act.*

38 (g) Failure to pay the fee for renewal or reinstatement of a
39 license.

40 3. The Commissioner shall, after notice and hearing, impose
41 upon the licensee a fine of \$500 for each violation by the licensee of
42 any of the provisions of this chapter or regulations of the
43 Commissioner. If a fine is imposed pursuant to this section, the
44 costs of the proceeding, including investigative costs and attorney's
45 fees, may be recovered by the Commissioner.



1 **Sec. 185.50.** NRS 677.510 is hereby amended to read as
2 follows:

3 677.510 1. If the Commissioner has reason to believe that
4 grounds for revocation or suspension of a license exist, he shall give
5 20 days' written notice to the licensee stating the contemplated
6 action and, in general, the grounds therefor and set a date for a
7 hearing.

8 2. At the conclusion of a hearing, the Commissioner shall:

9 (a) Enter a written order either dismissing the charges, or
10 revoking the license, or suspending the license for a period of not
11 more than 60 days, which period must include any prior temporary
12 suspension. A copy of the order must be sent by registered or
13 certified mail to the licensee.

14 (b) Impose upon the licensee a fine of \$500 for each violation by
15 the licensee of any provision of this chapter or any lawful regulation
16 adopted pursuant thereto.

17 (c) If a fine is imposed pursuant to this section, enter such order
18 as is necessary to recover the costs of the proceeding, including his
19 investigative costs and attorney's fees.

20 3. The grounds for revocation or suspension of a license are
21 that:

22 (a) The licensee has failed to pay the annual license fee;

23 (b) The licensee, either knowingly or without any exercise of
24 due care to prevent it, has violated any provision of this chapter, or
25 any lawful regulation adopted pursuant thereto;

26 (c) *The licensee has failed to pay the franchise tax imposed*
27 *pursuant to the provisions of sections 24.12 to 24.74, inclusive, of*
28 *this act;*

29 (d) Any fact or condition exists which would have justified the
30 Commissioner in denying the licensee's original application for a
31 license hereunder; or

32 ~~[(d)]~~ (e) The applicant failed to open an office for the conduct
33 of the business authorized under this chapter within 120 days from
34 the date the license was issued, or has failed to remain open for the
35 conduct of the business for a period of 120 days without good cause
36 therefor.

37 4. Any revocation or suspension applies only to the license
38 granted to a person for the particular office for which grounds for
39 revocation or suspension exist.

40 5. An order suspending or revoking a license becomes effective
41 5 days after being entered unless the order specifies otherwise or a
42 stay is granted.

43 **Sec. 186.** NRS 679B.228 is hereby amended to read as
44 follows:



1 679B.228 The Division ~~may~~ *shall* charge a person a fee ~~of~~
2 ~~\$25~~ *in the amount established by the State Controller pursuant to*
3 *section 162 of this act* for each check returned to the Division
4 because the person had insufficient money or credit with the drawee
5 to pay the check or because the person stopped payment on the
6 check.

7 **Sec. 186.3.** NRS 680B.037 is hereby amended to read as
8 follows:

9 680B.037 ~~Payment~~

10 *1. Except as otherwise provided in subsection 2, payment* by
11 an insurer of the tax imposed by NRS 680B.027 is in lieu of all
12 taxes imposed by the State or any city, town or county upon
13 premiums or upon income of insurers and of franchise, privilege or
14 other taxes measured by income of the insurer.

15 *2. The provisions of subsection 1 do not apply to the*
16 *franchise tax imposed pursuant to the provisions of sections 24.12*
17 *to 24.74, inclusive, of this act.*

18 **Sec. 186.5.** NRS 687A.130 is hereby amended to read as
19 follows:

20 687A.130 The Association is exempt from payment of all fees
21 and all taxes levied by this state or any of its subdivisions, except
22 ~~taxes~~ :

23 *1. Taxes* levied on real or personal property.

24 *2. The franchise tax imposed pursuant to sections 24.12 to*
25 *24.74, inclusive, of this act.*

26 **Sec. 186.7.** NRS 694C.450 is hereby amended to read as
27 follows:

28 694C.450 1. Except as otherwise provided in this section, a
29 captive insurer shall pay to the Division, not later than March 1 of
30 each year, a tax at the rate of:

31 (a) Two-fifths of 1 percent on the first \$20,000,000 of its net
32 direct premiums;

33 (b) One-fifth of 1 percent on the next \$20,000,000 of its net
34 direct premiums; and

35 (c) Seventy-five thousandths of 1 percent on each additional
36 dollar of its net direct premiums.

37 2. Except as otherwise provided in this section, a captive
38 insurer shall pay to the Division, not later than March 1 of each
39 year, a tax at a rate of:

40 (a) Two hundred twenty-five thousandths of 1 percent on the
41 first \$20,000,000 of revenue from assumed reinsurance premiums;

42 (b) One hundred fifty thousandths of 1 percent on the next
43 \$20,000,000 of revenue from assumed reinsurance premiums; and

44 (c) Twenty-five thousandths of 1 percent on each additional
45 dollar of revenue from assumed reinsurance premiums.



1 The tax on reinsurance premiums pursuant to this subsection must
2 not be levied on premiums for risks or portions of risks which are
3 subject to taxation on a direct basis pursuant to subsection 1. A
4 captive insurer is not required to pay any reinsurance premium tax
5 pursuant to this subsection on revenue related to the receipt of assets
6 by the captive insurer in exchange for the assumption of loss
7 reserves and other liabilities of another insurer that is under
8 common ownership and control with the captive insurer, if the
9 transaction is part of a plan to discontinue the operation of the other
10 insurer and the intent of the parties to the transaction is to renew or
11 maintain such business with the captive insurer.

12 3. If the sum of the taxes to be paid by a captive insurer
13 calculated pursuant to subsections 1 and 2 is less than \$5,000 in any
14 given year, the captive insurer shall pay a tax of \$5,000 for that
15 year.

16 4. Two or more captive insurers under common ownership and
17 control must be taxed as if they were a single captive insurer.

18 5. Notwithstanding any specific statute to the contrary, ~~and~~
19 except as otherwise provided in this subsection, the tax provided for
20 by this section constitutes all the taxes collectible pursuant to the
21 laws of this state from a captive insurer, and no occupation tax or
22 other taxes may be levied or collected from a captive insurer by this
23 state or by any county, city or municipality within this state, except
24 for *the franchise tax imposed pursuant to the provisions of*
25 *sections 24.12 to 24.74, inclusive, of this act and* ad valorem taxes
26 on real or personal property located in this state used in the
27 production of income by the captive insurer.

28 6. Ten percent of the revenues collected from the tax imposed
29 pursuant to this section must be deposited with the State Treasurer
30 for credit to the Account for the Regulation and Supervision of
31 Captive Insurers created pursuant to NRS 694C.460. The remaining
32 90 percent of the revenues collected must be deposited with the
33 State Treasurer for credit to the State General Fund.

34 7. As used in this section, unless the context otherwise
35 requires:

36 (a) "Common ownership and control" means:

37 (1) In the case of a stock insurer, the direct or indirect
38 ownership of 80 percent or more of the outstanding voting stock of
39 two or more corporations by the same member or members.

40 (2) In the case of a mutual insurer, the direct or indirect
41 ownership of 80 percent or more of the surplus and the voting power
42 of two or more corporations by the same member or members.

43 (b) "Net direct premiums" means the direct premiums collected
44 or contracted for on policies or contracts of insurance written by a
45 captive insurer during the preceding calendar year, less the amounts



1 paid to policyholders as return premiums, including dividends on
2 unabsorbed premiums or premium deposits returned or credited to
3 policyholders.

4 **Sec. 187.** Section 66 of this act is hereby amended to read as
5 follows:

6 Sec. 66. 1. Except as otherwise provided in subsection
7 8, a person shall not conduct a business in this state unless he
8 has a business license issued by the Department.

9 2. An application for a business license must:

10 (a) Be made upon a form prescribed by the Department;

11 (b) Set forth the name under which the applicant transacts
12 or intends to transact business and the location of his place or
13 places of business;

14 (c) Declare the estimated number of employees for the
15 previous calendar quarter;

16 (d) Be accompanied by a fee of \$75; and

17 (e) Include any other information that the Department
18 deems necessary.

19 3. The application must be signed by:

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

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

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

27 4. If the application is signed pursuant to paragraph (c)
28 of subsection 3, written evidence of the signer's authority
29 must be attached to the application.

30 5. A person who has been issued a business license by
31 the Department shall submit a fee of \$75 to the Department
32 on or before the last day of the month in which the
33 anniversary date of issuance of the business license occurs in
34 each year, unless the person submits a written statement to
35 the Department, at least 10 days before the anniversary date,
36 indicating that the person will not be conducting business in
37 this state after the anniversary date. *A person who fails to
38 submit the annual fee required pursuant to this subsection
39 in a timely manner shall pay a penalty in the amount of \$75
40 in addition to the annual fee.*

41 6. The business license required to be obtained pursuant
42 to this section is in addition to any license to conduct business
43 that must be obtained from the local jurisdiction in which the
44 business is being conducted.



1 7. For the purposes of sections 61 to 66, inclusive, of
2 this act, a person shall be deemed to conduct a business in
3 this state if a business for which the person is responsible:

4 (a) Is organized pursuant to title 7 of NRS, other than a
5 business organized pursuant to chapter 82 or 84 of NRS:

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

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

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

15 **Sec. 188.** Section 6 of chapter 458, Statutes of Nevada 1999,
16 at page 2133, is hereby amended to read as follows:

17 Sec. 6. The amendatory provisions of *sections 2 to 5,*
18 *inclusive, of* this act expire by limitation on October 1, 2029.

19 **Sec. 189.** 1. NRS 353.272, 375.025, 375.075, 463.4001,
20 463.4002, 463.4004, 463.4006, 463.4008, 463.4009 and 463.4015
21 are hereby repealed.

22 2. NRS 364A.010, 364A.020, 364A.030, 364A.040, 364A.050,
23 364A.060, 364A.070, 364A.080, 364A.090, 364A.100, 364A.110,
24 364A.120, 364A.130, 364A.135, 364A.140, 364A.150, 364A.151,
25 364A.152, 364A.1525, 364A.160, 364A.170, 364A.175, 364A.180,
26 364A.190, 364A.230, 364A.240, 364A.250, 364A.260, 364A.270,
27 364A.280, 364A.290, 364A.300, 364A.310, 364A.320, 364A.330,
28 364A.340, 364A.350, 463.401, 463.402, 463.403, 463.404,
29 463.4045, 463.405, 463.4055 and 463.406 are hereby repealed.

30 **Sec. 190.** Except as otherwise provided by specific statute:

31 1. After the close of the 2003-2004 Fiscal Year and after the
32 close of the 2004-2005 Fiscal Year, the Interim Finance Committee
33 shall determine the amount, if any, by which the total revenue from
34 all sources to the State General Fund, excluding reversions to the
35 State General Fund, exceeds:

36 (a) One hundred seven percent of the total revenue from all
37 sources to the State General Fund as projected by the 2003
38 Legislature for the applicable fiscal year; and

39 (b) The total amount of all applicable contingent appropriations
40 enacted by the 2003 Legislature for which the conditions for the
41 contingent appropriations were satisfied.

42 2. If the amount determined pursuant to subsection 1 is greater
43 than \$0, the Interim Finance Committee, upon making the
44 determination, shall cause to be transferred from the State General
45 Fund to the Fund to Stabilize the Operation of the State Government



1 created by NRS 353.288 the portion of the amount determined
2 pursuant to subsection 1 that may be transferred without exceeding
3 the permissible balance of the Fund to Stabilize the Operation of the
4 State Government as set forth in NRS 353.288.

5 3. If less than the full amount determined pursuant to
6 subsection 1 is transferred to the Fund to Stabilize the Operation of
7 the State Government pursuant to subsection 2, the Interim Finance
8 Committee shall cause to be transferred from the State General Fund
9 to the Fund for Tax Accountability created by section 191 of this act
10 the remainder of the amount determined pursuant to subsection 1.

11 **Sec. 191.** 1. The Fund for Tax Accountability is hereby
12 created as a special revenue fund.

13 2. Money from the Fund may be appropriated only for the
14 purpose of supplementing future revenue of this state to allow the
15 reduction of the rate or amount of a tax or fee.

16 3. This section does not authorize a refund or other return of
17 any tax or fee paid to this state pursuant to any statute or regulation
18 in effect at the time the tax or fee was paid.

19 **Sec. 192.** 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. 193.** Notwithstanding the provisions of section 61 of
35 Assembly Bill No. 553 of the 72nd Session of the Nevada
36 Legislature, the sums appropriated to the Interim Finance
37 Committee by subsection 1 of that section may be allocated and
38 used pursuant to that section for information technology and
39 additional operational costs that may be required by the Department
40 of Taxation or other state agency to implement or modify the
41 collections of State General Fund revenues approved by the 19th
42 Special Session of the Nevada Legislature.

43 **Sec. 194.** 1. There is hereby appropriated from the State
44 General Fund to the Legislative Fund for use by the Legislative
45 Committee on Taxation, Public Revenue and Tax Policy to exercise



1 its powers pursuant to section 130 of this act, including, without
2 limitation, to hire a consultant:

3 For Fiscal Year 2003-2004..... \$125,000
4 For Fiscal Year 2004-2005..... \$125,000

5 2. The sums appropriated by subsection 1 are available for
6 either fiscal year. Any balance of those sums must not be committed
7 for expenditure after June 30, 2005, and reverts to the State General
8 Fund as soon as all payments of money committed have been made.

9 **Sec. 195.** The provisions of:

10 1. Sections 77, 78, 172 and 173 of this act do not affect the
11 amount of any license fees or taxes due for any period ending on or
12 before June 30, 2003.

13 2. Sections 80, 82, 83 and 89 of this act do not apply to any
14 taxes precollected pursuant to chapter 370 of NRS on or before
15 June 30, 2003.

16 3. Sections 26 to 58, inclusive, of this act apply to any taxable
17 amount paid for live entertainment that is collected on or after
18 January 1, 2004.

19 4. Section 144 of this act does not apply to any contracts made
20 on or before June 30, 2003.

21 **Sec. 196.** The provisions of subsection 2 of section 189 of this
22 act do not:

23 1. Affect any rights, duties or liability of any person relating to
24 any taxes imposed pursuant to chapter 364A of NRS for any period
25 ending before January 1, 2004.

26 2. Apply to the administration, collection and enforcement of
27 any taxes imposed pursuant to chapter 364A of NRS for any period
28 ending before January 1, 2004.

29 **Sec. 196.3.** The Committee on Taxation, Public Revenue and
30 Tax Policy created pursuant to the provisions of section 128 of this
31 act shall:

32 1. Review and study:

33 (a) The impact, if any, that the imposition of the tax on amounts
34 paid for live entertainment imposed pursuant to section 36 of this act
35 has had on revenue received by the state and local governments
36 from special events conducted in this state.

37 (b) Whether promoters of special events are contracting with
38 entities in other states to hold the special events in those other states
39 as a result of the imposition of the tax.

40 (c) The loss of revenue, if any, from special events resulting
41 from the imposition of the tax.

42 (d) The feasibility and need for exempting such special events
43 from the tax.



1 (e) Standards and procedures that may be adopted for
2 determining whether special events should be exempt from the tax
3 and the qualifications for such an exemption.

4 2. Submit a report of the results of its review and any
5 recommendations for legislation to the 73rd Session of the Nevada
6 Legislature.

7 **Sec. 196.5.** 1. The franchise tax imposed by section 24.38 of
8 this act applies to any Nevada taxable income earned by a financial
9 institution on or after January 1, 2004.

10 2. Notwithstanding the provisions of section 24.38 of this act,
11 the tax return and remittance of the tax required pursuant to section
12 24.38 of this act for any taxable year ending before November 1,
13 2004, is due on January 15, 2005.

14 3. As used in this section:

15 (a) "Nevada taxable income" has the meaning ascribed to it in
16 section 24.22 of this act.

17 (b) "Taxable year" has the meaning ascribed to it in section
18 24.24 of this act.

19 **Sec. 197.** The Budget Division of the Department of
20 Administration and the Fiscal Analysis Division of the Legislative
21 Counsel Bureau shall jointly:

22 1. Identify all departments, institutions and agencies of the
23 Executive Department of the State Government that administer
24 programs for the treatment of alcohol and drug abuse or provide
25 funding to local governments for such programs;

26 2. Develop a proposal for coordinating such programs,
27 reducing the administrative costs associated with such programs and
28 maximizing the use of state revenue being expended for such
29 programs; and

30 3. Report their recommendations to the Governor and the
31 Director of the Legislative Counsel Bureau not later than
32 December 1, 2004.

33 **Sec. 198.** 1. This section and sections 190, 191 and 196 of
34 this act become effective upon passage and approval.

35 2. Sections 59, 60, 67, 69, 75 to 80, 81, 82, 83, 84 to 88,
36 inclusive, 90 to 93, inclusive, 98, 101, 112, 114, 116, 125 to 132,
37 inclusive, 144 to 165, inclusive, 168, 172 to 175, inclusive, 177,
38 178, 180, 184, 185, 186, 188 and 192 to 195, inclusive, 196.3 and
39 197 of this act and subsection 1 of section 189 of this act become
40 effective:

41 (a) Upon passage and approval for the purpose of adopting
42 regulations and performing any other preparatory administrative
43 tasks that are necessary to carry out the provisions of this act; and

44 (b) On July 1, 2003, for all other purposes.



- 1 3. Sections 1 to 58, inclusive, 61 to 66, inclusive, 68, 70 to 74,
2 inclusive, 89, 118 to 124, inclusive, 133, 135, 141, 169, 170, 171,
3 176, 179, 181, 182, 183, 185.30 to 185.50, inclusive, 186.3, 186.5,
4 186.7 and 196.5 of this act and subsection 2 of section 189 of this
5 act become effective:
6 (a) Upon passage and approval for the purpose of adopting
7 regulations and performing any other preparatory administrative
8 tasks that are necessary to carry out the provisions of this act; and
9 (b) On January 1, 2004, for all other purposes.
10 4. Sections 94 to 97, inclusive, 99, 100, 102 to 111, inclusive,
11 166, 167 and 187 of this act become effective:
12 (a) Upon passage and approval for the purpose of adopting
13 regulations and performing any other preparatory administrative
14 tasks that are necessary to carry out the provisions of this act; and
15 (b) On July 1, 2004, for all other purposes.
16 5. Sections 134, 136 to 140, inclusive, 142 and 143 of this act
17 become effective on August 1, 2003.
18 6. Sections 113, 115 and 117 of this act become effective at
19 12:01 a.m. on October 1, 2029.
20 7. Sections 126 to 131, inclusive, of this act expire by
21 limitation on June 30, 2005.
22 8. Sections 112, 114 and 116 of this act expire by limitation on
23 September 30, 2029.

LEADLINES OF REPEALED SECTIONS

- 353.272 "Fund" defined.
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.



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- 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.

