

## Amendment No. 314

Assembly Amendment to Assembly Bill No. 191

(BDR 32-916)

**Proposed by:** Assembly Committee on Taxation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJC/BJE



Date: 4/23/2011

A.B. No. 191—Revises provisions governing the partial abatement of certain taxes.  
(BDR 32-916)



ASSEMBLY BILL NO. 191—ASSEMBLYMEN CONKLIN, KIRKPATRICK, BUSTAMANTE  
ADAMS, NEAL, OCEGUERA; ATKINSON, DIAZ, DONDERO LOOP, FLORES AND  
MASTROLUCA

FEBRUARY 21, 2011

Referred to Committee on Taxation

SUMMARY—Revises provisions governing the partial abatement of certain taxes.  
(BDR 32-916)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

AN ACT relating to taxation; revising provisions governing the partial abatement  
of certain taxes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 360.750, 361.0687, 363B.120, 374.357). This bill provides that a business which makes a capital investment of at least \$500,000 in a ~~research~~ program at the University of Nevada, Reno, ~~or~~ the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research , development or training related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of property ~~and~~ taxes, business taxes ~~and~~ and governmental services taxes. In addition, this bill provides that a business which makes a capital investment of at least \$250,000 in the Nevada State College or a community college within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of property taxes, business taxes and governmental services taxes.

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

**Section 1.** The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would

otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

**Sec. 2. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 371 of NRS.**

**2. The Commission on Economic Development shall approve an application for a partial abatement pursuant to this section if the Commission makes the following determinations:**

**(a) The business is consistent with:**

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

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

**(b) The applicant has executed an agreement with the Commission which must:**

**(1) Comply with the requirements of NRS 360.755;**

**(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;**

**(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;**

**(4) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and**

**(5) Bind the successors in interest of the business for the specified period.**

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

**(d) The business does not receive:**

**(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or**

**(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.**

**(e) The business meets the following requirements:**

**(1) The business makes a capital investment of at least \$500,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.**

**(2) The business will employ 15 or more full-time employees for the duration of the abatement.**

**(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis for the duration of the abatement.**

**(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly**

wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

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

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

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the institution at which the program operates, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Commission periodic reports, at such times and containing such information as the Commission may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(f) In lieu of meeting the requirements of paragraph (e), the business meets the following requirements:

(1) The business makes a capital investment of at least \$250,000 in the Nevada State College or a community college within the Nevada System of Higher Education to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college in which the capital investment is made on a part-time basis for the duration of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and;

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

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

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college in which the capital investment is made, which is signed by the chief administrative officer of the college and which includes, without limitation, a summary of the financial and other resources the business will provide to the college and an agreement that the college will provide to the Commission periodic reports, at such times and containing such information as the Commission may require, regarding the use of those resources; and

1 (II) A letter of support which is signed by the chair of the board of  
2 directors of the regional economic development authority within whose  
3 jurisdiction the college is located and which includes, without limitation, a  
4 summary of the role the business will play in diversifying the economy and, if  
5 applicable, in achieving the broader goals of the regional economic development  
6 authority for economic development and diversification.

7 3. Notwithstanding the provisions of subsection 2, the Commission on  
8 Economic Development:

9 (a) Shall not consider an application for a partial abatement pursuant to this  
10 section unless the Commission has requested a letter of acknowledgment of the  
11 request for the abatement from any affected county, school district, city or town.

12 (b) May, if the Commission determines that such action is necessary:

13 (1) Approve an application for a partial abatement pursuant to this  
14 section by a business that does not meet the requirements set forth in paragraph  
15 (e) or (f) of subsection 2; or

16 (2) Add additional requirements that a business must meet to qualify for  
17 a partial abatement pursuant to this section.

18 4. If the Commission on Economic Development approves an application  
19 for a partial abatement pursuant to this section:

20 (a) The total amount of the abatement must not exceed 50 percent of the  
21 amount of the capital investment by the business;

22 (b) The duration of the abatement must be for 5 years;

23 (c) Any abatement of:

24 (1) The property taxes imposed on a business pursuant to chapter 361 of  
25 NRS must not exceed 50 percent of the taxes on personal property payable by the  
26 business each year;

27 (2) The tax imposed on a business pursuant to chapter 363B of NRS  
28 must not exceed 50 percent of the amount of the tax otherwise due from the  
29 business pursuant to NRS 363B.110 during each year; and

30 (3) The governmental services tax imposed on a business pursuant to  
31 chapter 371 of NRS must not exceed 50 percent of the amount of the tax  
32 otherwise due from the business pursuant to that chapter during each year; and

33 (d) The abatement applies only to the business for which the abatement was  
34 approved pursuant to this section and the property used in connection with that  
35 business.

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

39 (a) The Department;

40 (b) The Nevada Tax Commission;

41 (c) If the partial abatement is from the property tax imposed pursuant to  
42 chapter 361 of NRS, the county treasurer of the county in which the business will  
43 be located; and

44 (d) If the partial abatement is from the governmental services tax imposed  
45 pursuant to chapter 371 of NRS, the Department of Motor Vehicles.

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

51 7. If a business whose partial abatement has been approved pursuant to this  
52 section and is in effect ceases to meet the requirements set forth in subsection 2

or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, the business shall:

(a) If the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, repay to the county treasurer;

(b) If the partial abatement was from the tax imposed on a business pursuant to chapter 363B of NRS, repay to the Department; and

(c) If the partial abatement was from the governmental services tax imposed pursuant to chapter 371 of NRS, repay to the Department of Motor Vehicles,

↳ the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

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

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

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

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

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

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

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3. NRS 360.225 is hereby amended to read as follows:

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

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

(b) An exemption from taxes pursuant to NRS 363B.120;

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

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357. ~~for~~

; or  
(e) A partial abatement of taxes pursuant to section 2 of this act.

↳ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

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

~~Sec. 2.~~ **Sec. 4.** NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement pursuant to this section if the Commission makes the following determinations:

(a) The business is consistent with:

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

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

(b) The applicant has executed an agreement with the Commission which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

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

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

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

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

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

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

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

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

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.



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

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

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

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

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

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

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

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

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

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

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

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) ~~or (f), (f) or (h),~~ if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

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

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

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



(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 8.

~~(h) In lieu of meeting the requirements of paragraph (d), (e), (f) or (g), the business meets the following requirements:~~

~~(1) The business makes a capital investment of at least \$500,000 in a research program at the University of Nevada, Reno, or the University of Nevada, Las Vegas, to be used in support of research related to the field of endeavor of the business.~~

~~(2) The business will employ 15 or more full-time employees for the duration of the abatement.~~

~~(3) The business will employ two or more graduate students from the university research program on a part-time basis for the duration of the abatement.~~

~~(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

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

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.~~

~~(5) The business does not receive:~~

~~(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or~~

~~(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.~~

~~(6) The business will submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355.~~

~~(7) The business submits with its application for a partial abatement:~~

~~(I) A letter of support from the University at which the research program operates, which is signed by the President of the University and the director or chair of the research program or the appropriate department and which includes, without limitation, a summary of the financial and other resources the business will provide to the research program; and~~

~~(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the University is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.~~

~~Any partial abatement which is approved for a business that meets the requirements of this paragraph does not apply to any taxes imposed pursuant to chapter 374 of NRS and must not exceed a term of 5 years.~~

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

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) ~~f (g) or (h)~~ of subsection 2;

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

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Commission on Economic Development approves an application for a partial abatement pursuant to this section, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

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

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

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

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

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

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

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

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

8. The Commission on Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

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

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

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~for~~ a partial abatement pursuant to this section who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

**Sec. 5. NRS 360.755 is hereby amended to read as follows:**

360.755 1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~or~~ section 2 of this act, the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

**Sec. 6. NRS 231.0685 is hereby amended to read as follows:**

231.0685 The Commission on Economic Development shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Commission approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~or~~ or section 2 of this act. The report must set forth, for each abatement from taxation that the Commission approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
4. Whether the business for which the abatement was approved is a new business or an existing business; and
5. Any other information that the Commission determines to be useful.

~~[Sec. 3.] Sec. 7. [1. The amendatory provisions of this act apply only to an abatement from taxation applied for on or after July 1, 2011.~~

~~2.] Notwithstanding the [amendatory] provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those [amendatory] provisions after June 30, 2021.~~

~~[Sec. 4.] Sec. 8. 1. This act becomes effective on July 1, 2011. [and expires]~~

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2021.