

Amendment No. 395

Assembly Amendment to Assembly Bill No. 376 (BDR 21-148)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to A.B. 376 (§§ 4, 6).

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: 4/24/2011

A.B. No. 376—Makes various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes.
(BDR 21-148)



ASSEMBLY BILL NO. 376--ASSEMBLYMEN SMITH, BOBZIEN,
KIRKPATRICK; CONKLIN, HOGAN AND OCEGUERA

MARCH 21, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes. (BDR 21-148)

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

CONTAINS UNFUNDED MANDATE (§§ 4, 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to tourism improvement districts; making various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes; providing a procedure for the selection of subcontractors on certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section 2** of this bill requires the independent auditing of claims made under agreements to provide such financing ~~and prohibits the use of such financing to pay various fees and costs.~~ **Section 2** also prohibits the use of such financing with respect to a TID created on or after July 1, 2011, to pay various fees and costs and for the relocation within ~~the~~ the TID of a retailer from another location within 3 miles outside of the boundary of the TID, and excludes the use for such financing of the tax revenue from such a retailer. **Section 3** of this bill ~~requires certain contractors on funded projects to select their subcontractors by competitive bidding.~~ specifies the procedure required for the selection of subcontractors by contractors and developers who enter into certain construction contracts on financed projects or on property within a TID which benefits from financed infrastructure improvements. **Section 4** of this bill requires a municipality that creates a TID to prepare and submit to the Legislature annual reports regarding ~~projects within a TID.~~ the TID, and requires the Department of Taxation to prepare and submit to the Legislature and the municipality semiannual reports regarding businesses

within a TID. Section 6 of this bill applies the prevailing wage provisions applicable to public works to construction contracts for financed projects within a TID to the same extent as if the contracts were awarded by the municipality and the projects constituted public works.

Existing law does not allow the creation of a TID unless the pertinent governing body makes a written finding at a public hearing, based upon reports from independent consultants, as to whether the proposed project and financing will have a positive fiscal effect on the provision of local governmental services. (NRS 271A.080) Section 5 of this bill requires the selection of those independent consultants from a list provided by the Commission on Tourism.

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

Section 1. Chapter 271A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *The governing body of a municipality:*

1. *Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.*

2. *Shall not , with respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:*

(a) *Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.*

(b) *Any project that includes the relocation on or after July 1, 2011, to ~~the~~ the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to ~~the~~ the district from another location outside of and within 3 miles of the boundary of the district.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, a contractor or developer who enters into a contract ~~[with an owner or lessee of any property included in the project]~~ for original construction or a contract for benefited construction shall:*

(a) *~~[Select each subcontractor who will perform any portion of the contract based on a process of competitive bidding approved by the governing body of the municipality;~~*

~~—(b) Ensure]~~ *Advertise for at least 7 calendar days for bids on each subcontract for the performance of any portion of the contract;*

(b) *At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the governing body of the municipality;*

(c) *Make available to all prospective bidders on the subcontract a written set of plans and specifications for the pertinent work;*

(d) *Provide public notice of the name and address of each person who submits a bid on the subcontract; and*

(e) *After closing the period for the solicitation of bids and receiving at least three timely and responsive bids, select any subcontractor from those timely and responsive bids that the contractor or developer, in his or her sole discretion, determines to be appropriate, except that the contractor or developer shall ensure that each subcontractor who will perform any portion of the contract is appropriately licensed pursuant to chapter 624 of NRS. ~~It and~~*

~~(c) Submit to the governing body of the municipality a list containing the name of each subcontractor who will perform any portion of the contract.~~

2. The provisions of subsection 1 do not apply to:

(a) Any contract which is awarded by ~~the~~ a municipality; or

(b) Any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. A governing body of a municipality that receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1:

(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the municipality; and

(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.

4. As used in this section ~~is~~ "contract":

(a) "Contract for benefited construction":

(I) Except as otherwise provided in subparagraphs (2) and (3), means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any property which is located within a district and which benefits from any infrastructure improvements paid for in whole or in part:

(I) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(II) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(2) Except as otherwise provided in subparagraph (3) and unless the work is paid for in whole or in part with any public funding, does not include any:

(I) Contract or other agreement for the improvement, repair, demolition or reconstruction of any project;

(II) Contract or other agreement with the original tenant of any leased property for any improvement of the property which is to be undertaken more than 60 months after the property is first made available for lease; or

(III) Contract or other agreement for the improvement of any leased property made with any tenant of the property other than the original tenant.

(3) Does not include any contract for original construction.

(b) "Contract for original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

~~(a)~~ (1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

~~(b)~~ (2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(c) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.

Sec. 4. 1. On or before ~~March~~ September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

~~(b) A projection of the tax revenue anticipated to be generated by each project located in the district.~~

~~1 (c) The number of jobs created, directly or indirectly, as a result of each project located in the district.~~

~~2 (d) An assessment of the financial impact of the district on the provision of~~
~~3 local governmental services, including, without limitation, services for~~
~~4 education, police protection and fire protection.~~

~~5~~
~~6 2. [The governing body of a municipality that creates a district before, on or~~
~~7 after July 1, 2011, shall require one or more of the projects located in the district~~
~~8 to report to the Department of Taxation, on or before February 1 of each year,~~
~~9 such information as the governing body deems to be necessary to determine the~~
~~10 percentage of the tax revenue collected by the project from out of state customers~~
~~11 during the immediately preceding calendar year. The projects required to make~~
~~12 such a report must be selected by the governing body in such a manner as to~~
~~13 ensure that the projects selected collectively generate not less than 50 percent of~~
~~14 the tax revenue from the district. On or before March 1 of each year, the~~
~~15 Department shall provide to the Fiscal Analysis Division of the Legislative~~
~~16 Counsel Bureau~~

~~17 (a) A statement of the tax revenue generated by each project located in each~~
~~18 district for the immediately preceding calendar year; and~~

~~19 (b) The information reported to the Department pursuant to this subsection~~
~~20 for the immediately preceding calendar year.] If the governing body of a~~
~~21 municipality creates a district before, on or after July 1, 2011, the Department of~~
~~22 Taxation shall:~~

~~23 (a) On or before April 1 and October 1 of each year, prepare and submit to~~
~~24 the Director of the Legislative Counsel Bureau for submission to the Legislature,~~
~~25 or to the Legislative Commission when the Legislature is not in regular session,~~
~~26 and to the governing body of the municipality a semiannual report which states:~~

~~27 (1) The amount of revenue from the taxable sales made each month by~~
~~28 each business within the district;~~

~~29 (2) To the extent that the pertinent information is available, the portion~~
~~30 of that revenue which is attributable to persons who are not residents of this~~
~~31 State;~~

~~32 (3) The amount of the wages paid each month by each business within~~
~~33 the district; and~~

~~34 (4) The number of full-time and part-time employees employed each~~
~~35 month by each business within the district.~~

~~36 (b) Require each business within the district to report to the Department of~~
~~37 Taxation, at such times as the Department may specify on a form provided by the~~
~~38 Department, such information as the Department determines to be necessary to~~
~~39 carry out the provisions of paragraph (a).~~

~~40 3. Except as otherwise provided in ~~§~~~~

~~41 (a) Subsection] subsection 2 or another specific statute, the Department of~~
~~42 Taxation shall not disclose any information reported to the Department pursuant~~
~~43 to subsection 2.~~

~~44 (b) Subsection 2, this paragraph or another specific statute, any information~~
~~45 obtained by the Fiscal Analysis Division pursuant to subsection 2 shall be deemed~~
~~46 a work product that is confidential pursuant to NRS 218F.150. The Fiscal~~
~~47 Analysis Division may analyze the information and issue written reports based on~~
~~48 that information but shall not disclose any proprietary or confidential~~
~~49 information obtained from the Department pursuant to subsection 2.]~~

~~50 4. As used in this section, [~~“tax revenue”~~] “taxable sales” means [revenue~~
~~51 from sales and use taxes,] any sales that are taxable pursuant to chapter 372 of~~
~~52 NRS.~~

1 **Sec. 5.** NRS 271A.080 is hereby amended to read as follows:

2 271A.080 The governing body of a municipality shall not adopt an ordinance
3 pursuant to NRS 271A.070 unless:

4 1. If the ordinance:

5 (a) Creates a district, the governing body has determined that no retailers will
6 have maintained or will be maintaining a fixed place of business within the district
7 on or within the 120 days immediately preceding the date of the adoption of the
8 ordinance; or

9 (b) Amends the boundaries of the district to add any additional area, the
10 governing body has determined that no retailers will have maintained or will be
11 maintaining a fixed place of business within that area on or within 120 days
12 immediately preceding the date of the adoption of the ordinance.

13 2. The governing body has made a written finding at a public hearing that the
14 project will benefit the district.

15 3. The governing body has made a written finding at a public hearing, based
16 upon reports from independent consultants which were addressed to the governing
17 body, to the board of county commissioners, if the governing body is not the board
18 of county commissioners for the county in which the tourism **improvement** district
19 is or will be located, and to the board of trustees of the school district in which the
20 tourism improvement district is or will be located, as to whether the project and
21 the financing thereof pursuant to this chapter will have a positive fiscal effect on the
22 provision of local governmental services, after considering:

23 (a) The amount of the proceeds of all taxes and other governmental revenue
24 projected to be received as a result of the properties and businesses expected to be
25 located in the district;

26 (b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

27 (c) Any increase in costs for the provision of local governmental services,
28 including, without limitation, services for education, including operational and
29 capital costs, and services for police protection and fire protection, as a result of the
30 project and the development of land within the district; and

31 (d) Estimates of any increases in the proceeds from sales and use taxes
32 collected by retailers located outside of the district and of any displacement of the
33 proceeds from sales and use taxes collected by those retailers, as a result of the
34 properties and businesses expected to be located in the district.

35 ***↪ The reports required from independent consultants pursuant to this subsection
36 must be obtained from independent consultants selected by the governing body
37 from a list of independent consultants provided by the Commission on Tourism.
38 For the purposes of this subsection, the Commission shall, upon the request of a
39 governing body, provide the governing body with a list of at least three qualified
40 independent consultants, each of whom must be located outside of this State.***

41 4. The governing body has, at least 45 days before making the written finding
42 required by subsection 3, provided to the board of trustees of the school district in
43 which the tourism improvement district is or will be located:

44 (a) Written notice of the time and place of the meeting at which the governing
45 body will consider making that written finding; and

46 (b) Each analysis prepared by or for or presented to the governing body
47 regarding the fiscal effect of the project and the use of any money proposed to be
48 pledged pursuant to NRS 271A.070 on the provision of local governmental
49 services, including education.

50 ***↪ After the receipt of the notice required by this subsection and before the date of
51 the meeting at which the governing body will consider making the written finding
52 required by subsection 3, the board of trustees shall conduct a hearing regarding the
53 fiscal effect on the school district, if any, of the project and the use of any money***

1 proposed to be pledged pursuant to NRS 271A.070, and may submit to the
2 governing body of the municipality any comments regarding that fiscal effect. The
3 governing body shall consider those comments when making any written finding
4 pursuant to subsection 3 and shall consider those comments when considering the
5 terms of any agreement pursuant to NRS 271A.110.

6 5. If the governing body is not the board of county commissioners for the
7 county in which the tourism *improvement* district is or will be located, the
8 governing body has, at least 45 days before making the written finding required by
9 subsection 3, provided to the board of county commissioners in the county in which
10 the tourism improvement district is or will be located:

11 (a) Written notice of the time and place of the meeting at which the governing
12 body will consider making that written finding; and

13 (b) Each analysis prepared by or for or presented to the governing body
14 regarding the fiscal effect of the project and the use of any money proposed to be
15 pledged pursuant to NRS 271A.070 on the provision of local governmental
16 services.

17 ➤ After the receipt of the notice required by this subsection and before the date of
18 the meeting at which the governing body will consider making the written finding
19 required by subsection 3, the board of county commissioners may conduct a
20 hearing regarding the fiscal effect on local governmental services, if any, of the
21 project and the use of any money proposed to be pledged pursuant to NRS
22 271A.070, and may submit to the governing body of the municipality any
23 comments regarding that fiscal effect. The governing body may consider those
24 comments when making any written finding pursuant to subsection 3 and shall
25 consider those comments when considering the terms of any agreement pursuant to
26 NRS 271A.110.

27 6. The governing body has determined, at a public hearing conducted at least
28 15 days after providing notice of the hearing by publication, that:

29 (a) As a result of the project:

30 (1) Retailers will locate their businesses as such in the district; and

31 (2) There will be a substantial increase in the proceeds from sales and use
32 taxes remitted by retailers with regard to tangible personal property sold at retail, or
33 stored, used or otherwise consumed, in the district; and

34 (b) A preponderance of that increase in the proceeds from sales and use taxes
35 will be attributable to transactions with tourists who are not residents of this State.

36 7. The Commission on Tourism has determined, at a public hearing
37 conducted at least 15 days after providing notice of the hearing by publication, that
38 a preponderance of the increase in the proceeds from sales and use taxes identified
39 pursuant to subsection 6 will be attributable to transactions with tourists who are
40 not residents of this State.

41 8. The Governor has determined that the project and the use of any money
42 proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to
43 economic development and tourism in this State. Before making that determination,
44 the Governor:

45 (a) Must consider the fiscal effects of the pledge of money on educational
46 funding, including any fiscal effects described in comments provided pursuant to
47 subsection 4 by the school district in which the tourism improvement district is or
48 will be located, and for that purpose may require the Department of Education or
49 the Department of Taxation, or both, to provide an appropriate fiscal report; and

50 (b) If the Governor determines that the pledge of money will have a substantial
51 adverse fiscal effect on educational funding, may require a commitment from the
52 municipality for the provision of specified payments to the school district in which
53 the tourism improvement district is or will be located during the term of the use of

any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

Sec. 6. NRS 271A.130 is hereby amended to read as follows:

271A.130 1. Except as otherwise provided in this section ~~and~~ *and section 3 of this act and* notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. ~~[The provisions of NRS 338.010 to 338.090, inclusive, apply to]~~ *A person who enters into* any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or


(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

~~[regardless of whether the project is publicly or privately owned.]~~ *shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The governing body of the municipality, the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement shall comply with the provisions of NRS 338.013 to 338.090,*

1 *inclusive, in the same manner as if the governing body of the municipality had*
2 *undertaken the project or had awarded the contract.*

3 *4. The governing body of the municipality shall ensure that each contractor*
4 *and developer to whom the provisions of section 3 of this act apply complies with*
5 *those provisions.*

6 **Sec. 7.** NRS 372.750 is hereby amended to read as follows:

7 372.750 1. Except as otherwise provided in this section or NRS 360.247 
8 *or section 4 of this act*, it is a misdemeanor for any member of the Tax
9 Commission or officer, agent or employee of the Department to make known in any
10 manner whatever the business affairs, operations or information obtained by an
11 investigation of records and equipment of any retailer or any other person visited or
12 examined in the discharge of official duty, or the amount or source of income,
13 profits, losses, expenditures or any particular of them, set forth or disclosed in any
14 return, or to permit any return or copy of a return, or any book containing any
15 abstract or particulars of it to be seen or examined by any person not connected
16 with the Department.

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

20 3. The Governor may, by general or special order, authorize the examination
21 of the records maintained by the Department under this chapter by other state
22 officers, by tax officers of another state, by the Federal Government, if a reciprocal
23 arrangement exists, or by any other person. The information so obtained may not be
24 made public except to the extent and in the manner that the order may authorize
25 that it be made public.


26 4. Upon written request made by a public officer of a local government, the
27 Executive Director shall furnish from the records of the Department, the name and
28 address of the owner of any seller or retailer who must file a return with the
29 Department. The request must set forth the social security number of the owner of
30 the seller or retailer about which the request is made and contain a statement signed
31 by the proper authority of the local government certifying that the request is made
32 to allow the proper authority to enforce a law to recover a debt or obligation owed
33 to the local government. Except as otherwise provided in NRS 239.0115, the
34 information obtained by the local government is confidential and may not be used
35 or disclosed for any purpose other than the collection of a debt or obligation owed
36 to that local government. The Executive Director may charge a reasonable fee for
37 the cost of providing the requested information.

38 5. Successors, receivers, trustees, executors, administrators, assignees and
39 guarantors, if directly interested, may be given information as to the items included
40 in the measure and amounts of any unpaid tax or amounts of tax required to be
41 collected, interest and penalties.

42 6. Relevant information that the Tax Commission has determined is not
43 proprietary or confidential information in a hearing conducted pursuant to NRS
44 360.247 may be disclosed as evidence in an appeal by the taxpayer from a
45 determination of tax due.

46 7. At any time after a determination, decision or order of the Executive
47 Director or other officer of the Department imposing upon a person a penalty for
48 fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or
49 other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by
50 the Commission, any member of the Commission or officer, agent or employee of
51 the Department may publicly disclose the identity of that person and the amount of
52 tax assessed and penalties imposed against that person.

1 **Sec. 8.** NRS 374.755 is hereby amended to read as follows:

2 374.755 1. Except as otherwise provided in this section or NRS 360.247 
3 *or section 4 of this act*, it is a misdemeanor for any member of the Nevada Tax
4 Commission or officer, agent or employee of the Department to make known in any
5 manner whatever the business affairs, operations or information obtained by an
6 investigation of records and equipment of any retailer or any other person visited or
7 examined in the discharge of official duty, or the amount or source of income,
8 profits, losses, expenditures or any particular thereof, set forth or disclosed in any
9 return, or to permit any return or copy thereof, or any book containing any abstract
10 or particulars thereof to be seen or examined by any person not connected with the
11 Department.

12 2. The Nevada Tax Commission may agree with any county fair and
13 recreation board or the governing body of any county, city or town for the
14 continuing exchange of information concerning taxpayers.

15 3. The Governor may, however, by general or special order, authorize the
16 examination of the records maintained by the Department under this chapter by
17 other state officers, by tax officers of another state, by the Federal Government, if a
18 reciprocal arrangement exists, or by any other person. The information so obtained
19 pursuant to the order of the Governor may not be made public except to the extent
20 and in the manner that the order may authorize that it be made public.

21 4. Upon written request made by a public officer of a local government, the
22 Executive Director shall furnish from the records of the Department, the name and
23 address of the owner of any seller or retailer who must file a return with the
24 Department. The request must set forth the social security number of the owner of
25 the seller or retailer about which the request is made and contain a statement signed
26 by the proper authority of the local government certifying that the request is made
27 to allow the proper authority to enforce a law to recover a debt or obligation owed
28 to the local government. Except as otherwise provided in NRS 239.0115, the
29 information obtained by the local government is confidential and may not be used
30 or disclosed for any purpose other than the collection of a debt or obligation owed
31 to that local government. The Executive Director may charge a reasonable fee for
32 the cost of providing the requested information.

33 5. Successors, receivers, trustees, executors, administrators, assignees and
34 guarantors, if directly interested, may be given information as to the items included
35 in the measure and amounts of any unpaid tax or amounts of tax required to be
36 collected, interest and penalties.

37 6. Relevant information that the Nevada Tax Commission has determined is
38 not proprietary or confidential information in a hearing conducted pursuant to NRS
39 360.247 may be disclosed as evidence in an appeal by the taxpayer from a
40 determination of tax due.

41 7. At any time after a determination, decision or order of the Executive
42 Director or other officer of the Department imposing upon a person a penalty for
43 fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or
44 other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by
45 the Commission, any member of the Commission or officer, agent or employee of
46 the Department may publicly disclose the identity of that person and the amount of
47 tax assessed and penalties imposed against that person.

48 **Sec. 9.** The provisions of NRS 354.599 do not apply to any additional
49 expenses of a local government that are related to the provisions of this act.

50 **Sec. 10.** 1. This section and sections 5 and 9 of this act become effective
51 upon passage and approval.

52 2. Sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective on July 1,
53 2011.