

Amendment No. 162

Senate Amendment to Senate Bill No. 170	(BDR 32-765)
<b>Proposed by:</b> Senate Committee on Revenue and Economic Development	
<b>Amends:</b> Summary: No Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MSN/BJE



Date: 3/27/2015

S.B. No. 170—Provides for a partial abatement of certain taxes for new or expanding data centers and related businesses in this State.  
(BDR 32-765)



SENATE BILL NO. 170—SENATORS ROBERSON,  
FORD, LIPPARELLI AND HARRIS

FEBRUARY 17, 2015

JOINT SPONSORS: ASSEMBLYMEN KIRKPATRICK  
AND HAMBRICK

Referred to Committee on Revenue and  
Economic Development

SUMMARY—Provides for a partial abatement of certain taxes for new or expanding data centers and related businesses in this State. (BDR 32-765)

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 economic development; authorizing a person who locates or expands a data center in this State to apply to the Office of Economic Development for a partial abatement of certain property taxes and local sales and use taxes; establishing criteria by which a data center may qualify for such a partial abatement; establishing the maximum duration and percentage of such partial abatements; requiring the Office to approve an application for a partial abatement if the applicant meets the criteria for eligibility; authorizing the Office to approve a partial abatement of taxes for certain qualified businesses that colocate with a data center for which a partial abatement has been approved; revising provisions governing eligibility for a partial abatement of certain property taxes and sales and use taxes for a data center that is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210) **Section 1** of this bill authorizes the Office of Economic Development to grant a partial abatement of property taxes and local sales and use taxes to a data center that locates or expands in this State and meets certain qualifications.

**Section 1** establishes the criteria by which a data center must demonstrate eligibility for a partial abatement, including requirements concerning the number of full-time employees that must be employed by a data center and minimum requirements for capital investment. If the Office of Economic Development approves a partial abatement for a data center, **section 1** authorizes the Office of Economic Development to grant the same partial abatement to certain businesses that colocate with the data center. **Section 5** of this bill specifies that the amount of the abatement must not exceed 75 percent of the amount of personal property taxes payable by a data center for eligible equipment and machinery located in the data center. **Section 6** of this bill specifies the duration of the partial abatement applicable to the local sales and use taxes otherwise payable by a data center for eligible equipment and machinery located in the data center.

**Section 6** ~~also~~ prohibits the Office of Economic Development from approving any abatements pursuant to the provisions of sections 1-6, 7-9 and 10-12 of this bill on or after January 1, 2036.

~~Pursuant to, but, pursuant to section 13 of this bill, the provisions of this bill expire by limitation on December 31, 2026.~~ sections 1-6, 7-9 and 10-12 will remain effective until December 31, 2036, so that the Office of Economic Development and the Department of Taxation may continue to administer the law with regard to any abatements approved pursuant to the provisions of this bill and in effect on January 1, 2036.

Existing law authorizes the Office of Economic Development to grant, for a period of at least 1 year but not more than 5 years, a partial abatement of property taxes and sales and use taxes to an eligible business that is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community. Under existing law, a data center that locates in such an area is eligible for such partial abatements for a period of at least 1 year but not more than 15 years. (NRS 274.310, 274.320, 274.330, 374.358) Sections 6.5, 9.3-9.7 and 12.5 of this bill delete the provisions which apply specifically to a data center which is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community.

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

**Section 1.** 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 data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.*

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

*(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.*

*(b) The applicant has executed an agreement with the Office of Economic Development which must:*

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

*(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;*

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

~~+(2)+~~ (4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant 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 each county, city or town in which the data center operates.

(d) ~~Except as otherwise provided in NRS 361.0687, if~~ If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added ~~100~~ 25 or more full-time employees who will be employed at the data center and will continue to employ ~~100~~ 25 or more full-time employees at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and ~~any colocated business~~ one or more colocated businesses to make, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least ~~\$100,000,000~~ \$50,000,000 in this State in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center 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 data center will, by not later than the date which is ~~1 year~~ 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The ~~cost to the data center for the~~ health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 10.

(e) ~~Except as otherwise provided in NRS 361.0687, if~~ If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added ~~200~~ 50 or more full-time employees who will be employed at the data center and will continue to employ ~~200~~ 50 or more full-time employees at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and ~~any colocated business~~ one or more colocated businesses to make, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least ~~\$250,000,000~~ \$100,000,000 in this State in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center 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 data center will, by not later than the date which is ~~1 year~~ 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The ~~cost to the data center for the~~ health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 10.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

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

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

(b) Shall consider the level of health care benefits provided ~~by the data center to its employees~~ to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

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

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

~~##~~ (3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office 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 of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center ~~##~~ , including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in

1 which a data center is required by subsection 7 to repay the Department or a  
2 county treasurer. If a data center ceases to meet the requirements of subsection 2  
3 or ceases operation before the time specified in the agreement described in  
4 paragraph (b) of subsection 2, any partial abatement approved for a colocated  
5 business ceases to be in effect ~~and~~, but the colocated business is not required to  
6 repay the amount of the abatement that was allowed before the date on which the  
7 abatement ceases to be in effect. A data center shall provide the Executive  
8 Director of the Office and the Department with a list of the colocated businesses  
9 that are qualified to receive a partial abatement pursuant to this subsection and  
10 shall notify the ~~Office~~ Executive Director within 30 days after any change to the  
11 list. The ~~Office~~ Executive Director shall provide the list and any updates to the  
12 list to the Department and the county treasurer of each affected county.

13 6. An applicant for a partial abatement pursuant to this section or a data  
14 center whose partial abatement is in effect shall, upon the request of the  
15 Executive Director of the Office of Economic Development, furnish the  
16 Executive Director with copies of all records necessary to verify that the applicant  
17 meets the requirements of subsection 2.

18 7. If a data center whose partial abatement has been approved pursuant to  
19 this section and is in effect ceases:

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

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

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

35 8. A county treasurer:

36 (a) Shall deposit any money that he or she receives pursuant to subsection 5  
37 or 7 in one or more of the funds established by a local government of the county  
38 pursuant to NRS 354.6113 or 354.6115; and

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

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

44 10. The Office of Economic Development:

45 (a) Shall adopt regulations relating to the minimum level of health care  
46 benefits that a data center must provide to its employees to meet the requirement  
47 set forth in paragraph (d) or (e) of subsection 2;

48 (b) May adopt such other regulations as the Office determines to be  
49 necessary to carry out the provisions of this section; and

50 (c) Shall not approve any application for a partial abatement submitted  
51 pursuant to this section which is received on or after January 1, 2036.

52 11. The Nevada Tax Commission:

53 (a) Shall adopt regulations regarding:

(1) *The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and*

(2) *Any security that a data center 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.*

12. *As used in this section, unless the context otherwise requires:*

(a) *“Colocated business” means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.*

(b) *“Data center” means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.*

(c) *“Full-time employee” means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.*

Sec. 2. 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 eligible property pursuant to NRS 372.397 or 374.402;

(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;

(e) A partial abatement of taxes pursuant to NRS 360.752; ~~for~~

(f) *A partial abatement of taxes pursuant to section 1 of this act; or*

(g) An abatement of taxes pursuant to NRS 360.950,

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 Office of Economic Development and take any other necessary actions.

Sec. 3. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750 or 360.752 ~~or~~ *or section 1 of this act*, the agreement with the Office must provide that the business:

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



1 abatement, the Department shall, upon request, provide the audit report to the  
2 Office of Economic Development.

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

- 6 (a) Is confidential proprietary information of the business;
- 7 (b) Is not a public record; and
- 8 (c) Must not be disclosed to any person who is not an officer or employee of  
9 the Office of Economic Development unless the business consents to the disclosure.

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

- 12 (a) The audit report provided to the Office of Economic Development is a  
13 public record; and

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

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

- 27 (a) Is confidential proprietary information of the business;
- 28 (b) Is not a public record;
- 29 (c) Must be redacted by the Executive Director from any audit report that is  
30 disclosed to the public; and

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

33 **Sec. 4.** NRS 360.757 is hereby amended to read as follows:

34 360.757 1. The Office of Economic Development shall not take any action  
35 on an application for any abatement of taxes pursuant to NRS 274.310, 274.320,  
36 274.330 or 360.750 *or section 1 of this act* or any other specific statute unless the  
37 Office:

- 38 (a) Takes that action at a public meeting conducted for that purpose; and
- 39 (b) At least 30 days before the meeting, provides notice of the application to:
  - 40 (1) The governing body of the county, the board of trustees of the school  
41 district and the governing body of the city or town, if any, in which the pertinent  
42 business is or will be located;
  - 43 (2) The governing body of any other political subdivision that could be  
44 affected by the abatement; and
  - 45 (3) The general public.

46 2. The notice required by this section must set forth the date, time and  
47 location of the meeting at which the Office of Economic Development will consider  
48 the application.

49 3. The Office of Economic Development shall adopt regulations relating to  
50 the notice required by this section.



1       **Sec. 5.** Chapter 361 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *A person who intends to locate or expand a data center in this State may,*  
4 *pursuant to section 1 of this act, apply to the Office of Economic Development for*  
5 *a partial abatement from the taxes imposed by this chapter on personal property*  
6 *located at the data center.*

7       2. *If a partial abatement from the taxes imposed by this chapter on personal*  
8 *property located at the data center is approved by the Office of Economic*  
9 *Development pursuant to section 1 of this act:*

10       (a) *The partial abatement must:*

11       (1) *For an applicant seeking an abatement pursuant to paragraph (d) of*  
12 *subsection 2 of section 1 of this act:*

13       (I) *Be for a duration of at least 1 year but not more than 10 years;*  
14 *and*

15       (II) *Not exceed 75 percent of the taxes payable by the data center*  
16 *each year pursuant to this chapter on personal property located at the data*  
17 *center;*

18       (2) *For an applicant seeking an abatement pursuant to paragraph (e) of*  
19 *subsection 2 of section 1 of this act:*

20       (I) *Be for a duration of at least 10 years but not more than 20 years;*  
21 *and*

22       (II) *Not exceed 75 percent of the taxes payable by the data center*  
23 *each year pursuant to this chapter on personal property located at the data*  
24 *center; and*

25       (3) *Be administered and carried out in the manner set forth in section 1*  
26 *of this act.*

27       (b) *The Executive Director of the Office of Economic Development shall*  
28 *notify the county assessor of each county in which the data center is located of*  
29 *the approval of the partial abatement, including, without limitation, the duration*  
30 *and percentage of the partial abatement that the Office granted and the*  
31 *applicability of the partial abatement to any colocated business. The Executive*  
32 *Director shall, on or before April 15 of each year, advise the county assessor of*  
33 *each county in which a data center qualifies for a partial abatement during the*  
34 *current fiscal year as to whether the data center or any colocated business is still*  
35 *eligible for the partial abatement in the next succeeding fiscal year.*

36       3. *As used in this section:*

37       (a) *“Colocated business” has the meaning ascribed to it in section 1 of this*  
38 *act.*

39       (b) *“Data center” has the meaning ascribed to it in section 1 of this act.*

40       **Sec. 6.** Chapter 374 of NRS is hereby amended by adding thereto a new  
41 section to read as follows:

42       1. *A person who intends to locate or expand a data center in this State may,*  
43 *pursuant to section 1 of this act, apply to the Office of Economic Development for*  
44 *a partial abatement from the taxes imposed by this chapter on the gross receipts*  
45 *from the sale, and the storage, use or other consumption, of eligible machinery or*  
46 *equipment for use at a data center which has been approved for a partial*  
47 *abatement pursuant to section 1 of this act.*

48       2. *If an application for a partial abatement is approved:*

49       (a) *For an applicant seeking an abatement pursuant to paragraph (d) of*  
50 *subsection 2 of section 1 of this act, the data center and any colocated business is*  
51 *eligible for an abatement from the tax imposed by this chapter for a period of not*  
52 *more than 10 years.*

(b) For an applicant seeking an abatement pursuant to paragraph (e) of subsection 2 of section 1 of this act, the data center and any colocated business is eligible for an abatement from the tax imposed by this chapter for a period of not more than 20 years.

(c) The abatement must be administered and carried out in the manner set forth in section 1 of this act.

3. As used in this section:

(a) "Colocated business" has the meaning ascribed to it in section 1 of this act.

(b) "Data center" has the meaning ascribed to it in section 1 of this act.

(c) "Eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include buildings or the structural components of buildings.

**Sec. 6.5. NRS 374.358 is hereby amended to read as follows:**

374.358 1. A person who maintains a business or intends to locate a business in a historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 in this State may, pursuant to the applicable provisions of NRS 274.310, 274.320 or 274.330, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 274.310, 274.320 or 274.330.

2. If an application for an abatement is approved pursuant to NRS 274.310, 274.320 or 274.330:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for:

~~(1) Except as otherwise provided in subparagraph (2), a duration of not less than 1 year but not more than 5 years; or~~

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective, a minimum of \$100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, a duration of not less than 1 year but not more than 15 years.~~

(b) The abatement must be administered and carried out in the manner set forth in the applicable provisions of NRS 274.310, 274.320 or 274.330.

3. As used in this section, unless the context otherwise requires:

~~(a) "Data center" has the meaning ascribed to it in NRS 274.025.~~

~~(b) "Eligible"~~ **"eligible"** machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

- (1) Buildings or the structural components of buildings;
- (2) Equipment used by a public utility;
- (3) Equipment used for medical treatment;
- (4) Machinery or equipment used in mining; or
- (5) Machinery or equipment used in gaming.

**Sec. 7. NRS 218D.355 is hereby amended to read as follows:**

218D.355 1. Except as otherwise provided in NRS 360.965 ~~H~~ **and section 1 of this act**, any state legislation enacted on or after July 1, 2012, which authorizes

or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(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.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director for transmittal to the Legislature.

**Sec. 8.** NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office 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 Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~or~~ *or section 1 of this act*. The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years 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. The value of infrastructure included as an incentive for the business;

4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;

5. Whether the business for which the abatement was approved is a new business or an existing business;

6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and

7. Any other information that the Office determines to be useful.

**Sec. 9.** NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. The following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~or~~ **or section 1 of this act.**

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

**Sec. 9.3. NRS 274.310 is hereby amended to read as follows:**

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth

1 the date, time and location of the hearing at which the governing body will consider  
2 whether to endorse the application.

3 2. The governing body of a county, city or town shall develop procedures for:

4 (a) Evaluating whether such an abatement would be beneficial for the  
5 economic development of the county, city or town.

6 (b) Issuing a certificate of endorsement for an application for such an  
7 abatement that is found to be beneficial for the economic development of the  
8 county, city or town.

9 3. A person whose application has been endorsed by the governing body of  
10 the county, city or town, as applicable, pursuant to this section may submit the  
11 application to the Office of Economic Development. The Office shall approve the  
12 application if the Office makes the following determinations:

13 (a) The business is consistent with:

14 (1) The State Plan for Economic Development developed by the  
15 Administrator pursuant to subsection 2 of NRS 231.053; and

16 (2) Any guidelines adopted by the Administrator to implement the State  
17 Plan for Economic Development.

18 (b) The applicant has executed an agreement with the Office which states that  
19 the business will, after the date on which the abatement becomes effective:

20 (1) Commence operation and continue in operation in the historically  
21 underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area  
22 created pursuant to chapter 279 of NRS, area eligible for a community development  
23 block grant pursuant to 24 C.F.R. Part 570 or enterprise community established  
24 pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be  
25 at least 5 years; and

26 (2) Continue to meet the eligibility requirements set forth in this  
27 subsection.

28 ➤ The agreement must bind successors in interest of the business for the specified  
29 period.

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

33 (d) The applicant invested or commits to invest a minimum of \$500,000 in  
34 capital assets that will be retained at the location of the business in the historically  
35 underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area  
36 created pursuant to chapter 279 of NRS, area eligible for a community development  
37 block grant pursuant to 24 C.F.R. Part 570 or enterprise community established  
38 pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date  
39 on which the abatement becomes effective.

40 4. If the Office of Economic Development approves an application for a  
41 partial abatement, the Office shall immediately forward a certificate of eligibility  
42 for the abatement to:

43 (a) The Department of Taxation;

44 (b) The Nevada Tax Commission; and

45 (c) If the partial abatement is from the property tax imposed pursuant to  
46 chapter 361 of NRS, the county treasurer of the county in which the business will  
47 be located.

48 5. If the Office of Economic Development approves an application for a  
49 partial abatement pursuant to this section:

50 (a) The partial abatement must ~~be~~ <sup>+</sup>

51 ~~(1) Except as otherwise provided in subparagraph (2),~~ be for a duration of  
52 not less than 1 year but not more than 5 ~~years, or~~

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of \$100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 151 years.~~

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

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

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

the business shall repay to the Department of Taxation 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. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

**Sec. 9.5. NRS 274.320 is hereby amended to read as follows:**

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which the abatement becomes effective:

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➤ The agreement must bind 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 applicant invested or commits to invest a minimum of \$250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must ~~be~~

~~(1) Except as otherwise provided in subparagraph (2), be for a duration of not less than 1 year but not more than 5 years; or~~

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of \$100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 15 years.~~

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.



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

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

the business shall repay to the Department of Taxation 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. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

**Sec. 9.7. NRS 274.330 is hereby amended to read as follows:**

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which the abatement becomes effective:

(1) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

1     ↪ The agreement must bind successors in interest of the business for the specified  
2     period.

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

6     (d) The business:

7         (1) Employs one or more dislocated workers who reside in the enterprise  
8         community; and

9         (2) Pays such employees a wage of not less than 100 percent of the  
10        federally designated level signifying poverty for a family of four persons and  
11        provides medical benefits to the employees and their dependents.

12     4. If the Office of Economic Development approves an application for a  
13     partial abatement, the Office shall:

14        (a) Determine the percentage of employees of the business which meet the  
15        requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to  
16        that percentage; and

17        (b) Immediately forward a certificate of eligibility for the abatement to:

18            (1) The Department of Taxation;

19            (2) The Nevada Tax Commission; and

20            (3) If the partial abatement is from the property tax imposed pursuant to  
21        chapter 361 of NRS, the county treasurer of the county in which the business is  
22        located.

23     5. If the Office of Economic Development approves an application for a  
24     partial abatement pursuant to this section:

25        (a) The partial abatement must ~~be~~ <sup>be</sup>

26        ~~(1) Except as otherwise provided in subparagraph (2),~~ be for a duration of  
27        not less than 1 year but not more than 5 ~~years; or~~

28        ~~(2) If the business is a data center that has invested or commits to invest~~  
29        ~~during the period in which the abatement is effective a minimum of \$100,000,000~~  
30        ~~in the enterprise community established pursuant to 24 C.F.R. Part 597, be for a~~  
31        ~~duration of not less than 1 year but not more than 15] years.~~

32        (b) If the abatement is from the property tax imposed pursuant to chapter 361  
33        of NRS, the partial abatement must not exceed 75 percent of the taxes on personal  
34        property payable by a business each year pursuant to that chapter.

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

37        (a) To meet the eligibility requirements for the partial abatement; or

38        (b) Operation before the time specified in the agreement described in  
39        paragraph (b) of subsection 3,

40     ↪ the business shall repay to the Department of Taxation or, if the partial  
41     abatement was from the property tax imposed pursuant to chapter 361 of NRS, to  
42     the county treasurer, the amount of the exemption that was allowed pursuant to this  
43     section before the failure of the business to comply unless the Nevada Tax  
44     Commission determines that the business has substantially complied with the  
45     requirements of this section. Except as otherwise provided in NRS 360.232 and  
46     360.320, the business shall, in addition to the amount of the exemption required to  
47     be paid pursuant to this subsection, pay interest on the amount due at the rate most  
48     recently established pursuant to NRS 99.040 for each month, or portion thereof,  
49     from the last day of the month following the period for which the payment would  
50     have been made had the partial abatement not been approved until the date of  
51     payment of the tax.

52     7. The Office of Economic Development:

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

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

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

9. As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

**Sec. 10.** NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210 ~~or~~ **or section 1 of this act**, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

**Sec. 11.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 12.** The Legislature hereby finds that each abatement provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the abatement are expected to exceed any adverse effect of the abatement 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 abatement 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 abatement would be granted was pledged.

**Sec. 12.5. NRS 274.025 is hereby repealed.**

Sec. 13. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

**2. ~~Expires~~ Sections 6.5, 9.3, 9.5 and 9.7 of this act expire by limitation on June 30, 2032.**

**3. Sections 1 to 6, inclusive, 7, 8, 9, 10, 11 and 12 of this act expire by limitation on December 31, 2056.**

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#### TEXT OF REPEALED SECTION

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**274.025 “Data center” defined. “Data center” means one or more buildings located at one physical location which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to a particular business and includes the associated telecommunications and storage systems at the location.**