

Amendment No. 615

Senate Amendment to Assembly Bill No. 368 First Reprint	(BDR 22-17)
Proposed by: Senate Committee on Revenue and Economic Development	
Amends: Summary: Yes 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.

JFS/EGO



Date: 5/19/2021

A.B. No. 368—Revises provisions relating to tourism improvement districts.
(BDR 22-17)



ASSEMBLY BILL NO. 368--ASSEMBLYWOMAN BENITEZ-THOMPSON

MARCH 22, 2021

Referred to Committee on Revenue

SUMMARY—Revises provisions relating to ~~tourism~~ improvement districts. (BDR 22-17)

FISCAL NOTE: Effect on Local Government: No.
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 ~~tourism~~ improvement districts; **eliminating the authority to create tourism improvement districts;** revising the reporting requirements for the Department of Taxation related to tourism improvement districts; **eliminating the authority to pledge certain proceeds to finance certain projects for the promotion of economic development and tourism in a local improvement district;** 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. (Chapter 271A of NRS) Section 4 of this bill eliminates the authority of a city or county to create a TID on or after July 1, 2021.

Existing law requires, with certain exceptions, the Department of Taxation to prepare and submit a semiannual report to the Director of the Legislative Counsel Bureau and the governing body of a municipality related to a tourism improvement district (TID) that states: (1) the amount of revenue from the taxable sales made each month by the businesses within a TID; (2) the portion of revenue which is attributable to persons who are not residents of this State; (3) the amount of the wages paid each month by the businesses within the TID; and (4) the number of full-time and part-time employees employed each month by businesses within the TID. The report must provide the information separately for each TID in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. Further, the Department is not required to prepare and submit the report if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business. (NRS 271A.105)

Section 6 of this bill additionally requires the report to state: (1) the name and geographic location of the TID; (2) the total amount of money pledged and distributed to the municipality; and (3) the remaining number of payments, and the amount of those payments, on any bonds or notes issued by the municipality. **Section 6** requires the Department to report alternate information if the Department determines that reporting the prescribed information for a district which includes more than one business would disclose or result in the disclosure of proprietary information about an individual business. **Section 6** also requires, to the extent possible, the report to provide the information separately for each TID that includes more than one business. **Section 7** of this bill makes a conforming change to

make an exception to the law that provides that records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected are confidential and privileged.

Existing law authorizes under certain circumstances the pledge of certain sales and use tax proceeds by a city, county or town in a county whose population is less than 700,000 (currently all counties other than Clark County) to finance certain projects for the promotion of economic development and tourism in a local improvement district. (NRS 271.650-271.680) Section 14 of this bill eliminates this authority. Sections 1-3, 5 and 8-12 of this bill make conforming changes as a result of the elimination of the authority.

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

Section 1. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) A curb and gutter project;
- (b) A drainage project;
- (c) An energy efficiency improvement project;
- (d) A neighborhood improvement project;
- (e) An off-street parking project;
- (f) An overpass project;
- (g) A park project;
- (h) A public safety project;
- (i) A renewable energy project;
- (j) A sanitary sewer project;
- (k) A security wall;
- (l) A sidewalk project;
- (m) A storm sewer project;
- (n) A street project;
- (o) A street beautification project;
- (p) A transportation project;
- (q) An underpass project;
- (r) A water project;
- (s) A waterfront project;
- (t) A waterfront maintenance project; and
- (u) Any combination of such projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

- (a) An electrical project;
- (b) A telephone project;
- (c) A combination of an electrical project and a telephone project;
- (d) A combination of an electrical project or a telephone project with any of the projects, or any combination thereof, specified in subsection 1; and
- (e) A combination of an electrical project and a telephone project with any of the projects, or any combination thereof, specified in subsection 1.

3. In addition to the power specified in subsections 1 and 2, the governing body of a municipality, on behalf of the municipality and in its name, without an election, may finance an underground conversion project with the approval of each service provider that owns the overhead service facilities to be converted.

~~4. [In addition to the power specified in subsections 1, 2 and 3, if the governing body of a municipality in a county whose population is less than 700,000 complies with the provisions of NRS 271.650, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality,~~

~~— (a) An art project; and~~

~~— (b) A tourism and entertainment project.~~

~~5.]~~ In addition to the power specified in this section, if a qualified project is located within the jurisdiction of the municipality, the governing body of the municipality, on behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality, an electrical project for the qualified project, a fire protection project for the qualified project or a rail project for the qualified project.

~~6.]~~ 5. As used in this section, “qualified project” has the meaning ascribed to it in NRS 360.888 or 360.940.

Sec. 2. NRS 271.431 is hereby amended to read as follows:

271.431 As used in NRS 271.431 to 271.434, inclusive, “revenue” means any money pledged wholly or in part for crediting to or payment of assessments, subject to any existing pledges or other contractual limitations and may include:

1. Moneys derived from one, all or any combination of revenue resources appertaining to any facilities of the municipality, financed in whole or in part with the proceeds of assessments levied pursuant to the assessment ordinance, including, but not limited to, use and service charges, rents, fees and any other income derived from the operation or ownership of, from the use or services of, or from the availability of or services appertaining to, the lease of, any sale or other disposal of, any contract or other arrangement, or otherwise derived in connection with such facilities or all or any part of any property appertaining to the facilities.

2. Any loans, grants or contributions to the municipality from the Federal Government, the State or any public body for the payment of all or any portion of the cost of the project for which the assessments were levied.

3. The proceeds of any excise taxes levied and collected by the municipality or otherwise received by it and authorized by law to be pledged for the payment of the project for which the assessments were levied or for the payment of the assessments levied to finance the cost of the project but excluding the proceeds of any general (ad valorem) taxes.

~~4. Any money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650.]~~

Sec. 3. NRS 271.4315 is hereby amended to read as follows:

271.4315 1. The governing body may apply any revenues to the payment of assessments and in so doing may pledge the revenue to such payment. The revenues must be credited in the proportion which each individual assessment or installment of principal bears to the total of all individual assessments in the assessment to which the revenues are to be credited. The application of revenues must be made pursuant to the provisions set forth in the assessment ordinance.

2. If an individual assessment, or any installment of principal and interest has been paid in cash, the credit must be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of payment. Where all

1 or any part of an individual assessment remains unpaid and is payable in
2 installments of principal, the credit must be applied to the installment, and if after
3 the payment of the installment there remains an unused portion of the credit, the
4 unused portion must be applied to the payment of interests, and if after the payment
5 of such principal and interest there remains an unused portion of the credit, the
6 unused portion must be ~~for~~

7 ~~applied to the next ensuing~~
8 ~~installment or installments of principal and interest for~~

9 ~~(b) If the credit is derived from money pledged pursuant to an assessment~~
10 ~~ordinance adopted in accordance with NRS 271.650, remitted to the State~~
11 ~~Controller for distribution in the manner set forth in subsection 2 of NRS 260.850,~~
12 until the credit is applied in its entirety.

13 **Sec. 4. NRS 271A.070 is hereby amended to read as follows:**

14 271A.070 1. Except as otherwise provided in this section and NRS
15 271A.080, the governing body of a municipality may:

16 (a) Create a tourism improvement district for the purposes of carrying out this
17 chapter and revise the boundaries of the district by adopting an ordinance
18 describing the boundaries of the district and generally describing the types of
19 projects which may be financed within the district pursuant to this chapter.

20 (b) Without any election, acquire, improve, equip, operate and maintain a
21 project within a district created pursuant to paragraph (a). The project may be
22 owned by the municipality, another governmental entity, any other person, or any
23 combination thereof.

24 (c) For the purposes of carrying out paragraph (b), include in an ordinance
25 adopted pursuant to paragraph (a) the pledge of a single percentage specified in the
26 ordinance, which must not exceed 75 percent, of:

27 (1) An amount equal to the proceeds of the taxes imposed pursuant to NRS
28 372.105 and 372.185 with regard to tangible personal property sold at retail, or
29 stored, used or otherwise consumed, in the district during a fiscal year, after the
30 deduction of a sum equal to 1.75 percent of the amount of those proceeds;

31 (2) The amount of the proceeds of the taxes imposed pursuant to NRS
32 374.110 and 374.190 with regard to tangible personal property sold at retail, or
33 stored, used or otherwise consumed, in the district during a fiscal year, after the
34 deduction of 0.75 percent of the amount of those proceeds; and

35 (3) The amount of the proceeds of the tax imposed pursuant to NRS
36 377.030 with regard to tangible personal property sold at retail, or stored, used or
37 otherwise consumed, in the improvement district during a fiscal year, after the
38 deduction of 1.75 percent of the amount of those proceeds.

39 2. The governing body of a municipality may not include in an ordinance
40 adopted to create or revise the boundaries of a district pursuant to paragraph (a) of
41 subsection 1 on or after July 1, 2013, the pledge of any proceeds described in
42 subparagraph (2) of paragraph (c) of subsection 1. The provisions of this subsection
43 do not apply to the governing body of a municipality with respect to any district
44 created before July 1, 2013, if the governing body obtains an opinion from
45 independent bond counsel stating that the applicability of this provision would
46 impair an existing contract for the sale of bonds which were issued before July 1,
47 2013.

48 3. A district created pursuant to this section by:

49 (a) A city must be located entirely within the boundaries of that city.

50 (b) A county must be located entirely within the boundaries of that county and,
51 when the district is created, entirely outside of the boundaries of any city.

52 4. If any property within the boundaries of a district is also included within
53 the boundaries of any other tourism improvement district, ~~for any improvement~~

~~district for which any money has been pledged pursuant to NRS 271.650,] the total amount of money pledged pursuant to this section [and NRS 271.650] with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.~~

5. If the governing body of a municipality creates a tourism improvement district:

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and an agency:

(1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

6. A governing body of a municipality may not create a tourism improvement district on or after July 1, 2021.

7. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

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

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

1. If the ordinance:

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

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

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

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

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

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

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and

capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

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

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

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

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

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

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

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

(a) As a result of the project:

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

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

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

6. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 5 will be attributable to transactions with tourists who are not residents of this State.

7. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district, ~~for 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~~ **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.

~~{Section 1}~~ **Sec. 6.** NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before 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) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall ~~{~~

~~— (a) On~~ **on** or before April 1 and October 1 of each year, except as otherwise provided in ~~{subsection 3,}~~ **subsections 3 and 5**, 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, and to the governing body of the municipality a semiannual report which states ~~{~~

~~— (1) the name and geographic location of the district and;~~

(a) The amount of revenue from the taxable sales made each month by the businesses within the district;

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

~~{(3)}~~ (c) **The total amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality;**

(d) **The remaining number of payments, and the amounts of those payments, on any bonds or notes issued by the municipality pursuant to NRS 271A.120;**

(e) The amount of the wages paid each month by the businesses within the district; and

~~{(4)}~~ (f) The number of full-time and part-time employees employed each month by the businesses within the district.

➤ The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of **proprietary** information about an individual business, in which case ~~{the report must provide}~~ the information **may be provided** in the aggregate ~~{~~

~~— (b) Require each}~~ **for two or more districts in the municipality in a manner that does not result in the disclosure of proprietary information about an individual business. To the extent possible, the report must provide the information separately for each district which includes more than one business.**

3. **Except as otherwise provided in subsection 5, if the Department of Taxation determines that reporting the information set forth in paragraphs (a) to**

(f), inclusive, of subsection 2 for a district that includes more than one business would disclose or result in the disclosure of proprietary information about an individual business, the Department shall provide the following information for that district:

(a) The taxable sales and the amount of money pledged pursuant to NRS 271A.070 from the taxable sales in a manner that reports the number of businesses, taxable sales and pledged money in ranges of taxable sales and does not result in the disclosure of proprietary information about individual businesses in the district;

(b) The number of businesses in the district;

(c) The amount of revenue from taxable sales made each month in the district; and

(d) The amount of money pledged pursuant to NRS 271A.070 and distributed to the municipality.

4. Each business within the district ~~to~~ shall report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of ~~paragraph (a) of~~ subsections 2 and 3.

~~3.~~ 5. The Department of Taxation is not required to prepare and submit a report pursuant to ~~paragraph (a) of~~ subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of proprietary information about an individual business.

~~4.~~ 6. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

~~Sec. 2.~~ Sec. 7. NRS 360.255 is hereby amended to read as follows:

360.255 1. Except as otherwise provided in this section and NRS 239.0115, 271A.105 and 360.250, the records and files of the Department concerning the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are confidential and privileged. The Department, an employee of the Department and any other person engaged in the administration or collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action or charged with the custody of any such records or files:

(a) Shall not disclose any information obtained from those records or files; and

(b) May not be required to produce any of the records or files for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files of the Department concerning the administration and collection of any tax, fee, assessment or other amount required by law to be collected or the imposition of disciplinary action are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding before the Nevada Tax Commission, the State Board of Equalization, the Department, a grand jury or any court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to the provisions of any law of this State.

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

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases, or disclosure to any federal agency, state or local law enforcement agency, including, without limitation, the

1 Cannabis Compliance Board, or local regulatory agency that requests the
2 information for the use of the agency in a federal, state or local prosecution or
3 criminal, civil or regulatory investigation.

4 (e) Disclosure in confidence to the Governor or his or her agent in the exercise
5 of the Governor's general supervisory powers, or to any person authorized to audit
6 the accounts of the Department in pursuance of an audit, or to the Attorney General
7 or other legal representative of the State in connection with an action or proceeding
8 relating to a taxpayer or licensee, or to any agency of this or any other state charged
9 with the administration or enforcement of laws relating to workers' compensation,
10 unemployment compensation, public assistance, taxation, labor or gaming.

11 (f) Exchanges of information pursuant to an agreement between the Nevada
12 Tax Commission and any county fair and recreation board or the governing body of
13 any county, city or town.

14 (g) Upon written request made by a public officer of a local government,
15 disclosure of the name and address of a taxpayer or licensee who must file a return
16 with the Department. The request must set forth the social security number of the
17 taxpayer or licensee about which the request is made and contain a statement signed
18 by the proper authority of the local government certifying that the request is made
19 to allow the proper authority to enforce a law to recover a debt or obligation owed
20 to the local government. Except as otherwise provided in NRS 239.0115, the
21 information obtained by the local government is confidential and privileged and
22 may not be used or disclosed for any purpose other than the collection of a debt or
23 obligation owed to that local government. The Executive Director may charge a
24 reasonable fee for the cost of providing the requested information.

25 (h) Disclosure of information as to amounts of any unpaid tax or amounts of
26 tax required to be collected, interest and penalties to successors, receivers, trustees,
27 executors, administrators, assignees and guarantors, if directly interested.

28 (i) Disclosure of relevant information as evidence in an appeal by the taxpayer
29 from a determination of tax due if the Nevada Tax Commission has determined the
30 information is not proprietary or confidential in a hearing conducted pursuant to
31 NRS 360.247.

32 (j) Disclosure of the identity of a person and the amount of tax assessed and
33 penalties imposed against the person at any time after a determination, decision or
34 order of the Executive Director or other officer of the Department imposing upon
35 the person a penalty for fraud or intent to evade a tax imposed by law becomes final
36 or is affirmed by the Nevada Tax Commission.

37 (k) Disclosure of the identity of a licensee against whom disciplinary action
38 has been taken and the type of disciplinary action imposed against the licensee at
39 any time after a determination, decision or order of the Executive Director or other
40 officer of the Department imposing upon the licensee disciplinary action becomes
41 final or is affirmed by the Nevada Tax Commission.

42 (l) Disclosure of information pursuant to subsection 2 of NRS 370.257.

43 (m) With respect to an application for a registration certificate to operate a
44 medical marijuana establishment pursuant to chapter 453A of NRS, as that chapter
45 existed on June 30, 2020, or a license to operate a marijuana establishment pursuant
46 to chapter 453D of NRS, as that chapter existed on June 30, 2020, which was
47 submitted on or after May 1, 2017, and on or before June 30, 2020, and regardless
48 of whether the application was ultimately approved, disclosure of the following
49 information:

50 (1) The identity of an applicant, including, without limitation, any owner,
51 officer or board member of an applicant;

52 (2) The contents of any tool used by the Department to evaluate an
53 applicant;

1 (3) The methodology used by the Department to score and rank applicants
2 and any documentation or other evidence showing how that methodology was
3 applied; and

4 (4) The final ranking and scores of an applicant, including, without
5 limitation, the score assigned to each criterion in the application that composes a
6 part of the total score of an applicant.

7 (n) Disclosure of the name of a licensee and the jurisdiction of that licensee
8 pursuant to chapter 453A or 453D of NRS, as those chapters existed on June 30,
9 2020, and any regulations adopted pursuant thereto.

10 3. The Executive Director shall periodically, as he or she deems appropriate,
11 but not less often than annually, transmit to the Administrator of the Division of
12 Industrial Relations of the Department of Business and Industry a list of the
13 businesses of which the Executive Director has a record. The list must include the
14 mailing address of the business as reported to the Department.

15 4. The Executive Director may request from any other governmental agency
16 or officer such information as the Executive Director deems necessary to carry out
17 his or her duties with respect to the administration or collection of any tax, fee,
18 assessment or other amount required by law to be collected or the imposition of
19 disciplinary action. If the Executive Director obtains any confidential information
20 pursuant to such a request, he or she shall maintain the confidentiality of that
21 information in the same manner and to the same extent as provided by law for the
22 agency or officer from whom the information was obtained.

23 5. As used in this section:

24 (a) "Applicant" means any person listed on the application for a registration
25 certificate to operate a medical marijuana establishment pursuant to chapter 453A
26 of NRS, as that chapter existed on June 30, 2020, or a license to operate a
27 marijuana establishment pursuant to chapter 453D of NRS, as that chapter existed
28 on June 30, 2020.

29 (b) "Disciplinary action" means any suspension or revocation of a license,
30 registration, permit or certificate issued by the Department pursuant to this title or
31 chapter 453A or 453D of NRS, as those chapters existed on June 30, 2020, or any
32 other disciplinary action against the holder of such a license, registration, permit or
33 certificate.

34 (c) "Licensee" means a person to whom the Department has issued a license,
35 registration, permit or certificate pursuant to this title or chapter 453A or 453D of
36 NRS, as those chapters existed on June 30, 2020. The term includes, without
37 limitation, any owner, officer or board member of an entity to whom the
38 Department has issued a license.

39 (d) "Records" or "files" means any records and files related to an investigation
40 or audit or a disciplinary action, financial information, correspondence, advisory
41 opinions, decisions of a hearing officer in an administrative hearing and any other
42 information specifically related to a taxpayer or licensee.

43 (e) "Taxpayer" means a person who pays any tax, fee, assessment or other
44 amount required by law to the Department.

45 **Sec. 8. NRS 374.785 is hereby amended to read as follows:**

46 374.785 1. All fees, taxes, interest and penalties imposed and all amounts of
47 tax required to be paid to counties under this chapter must be paid to the
48 Department in the form of remittances payable to the Department.

49 2. The Department shall deposit the payments in the State Treasury to the
50 credit of the Sales and Use Tax Account in the State General Fund.

51 3. The State Controller, acting upon the collection data furnished by the
52 Department, shall, each month, from the Sales and Use Tax Account in the State
53 General Fund:

(a) Transfer .75 percent of all fees, taxes, interest and penalties collected in each county during the preceding month to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Transfer .75 percent of all fees, taxes, interest and penalties collected during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(c) Transfer the total amount of fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month, less the amount transferred pursuant to paragraphs (a) and (b) and excluding any ~~amount~~ amount required to be remitted pursuant to NRS ~~360.850 and~~ 360.855, to the State Education Fund.

Sec. 9. NRS 377.050 is hereby amended to read as follows:

377.050 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to counties under this chapter must be paid to the Department in the form of remittances made payable to the Department.

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, before making the distributions required by NRS ~~360.850, 360.855, 377.055 and 377.057~~, monthly transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interests and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

Sec. 10. NRS 377.055 is hereby amended to read as follows:

377.055 The Department shall monthly determine for each county an amount of money equal to the sum of:

1. Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050; and

2. That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State, less the corresponding amount transferred to the State General Fund pursuant to subsection 3 of NRS 377.050, which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance,

➤ and, except as otherwise required to carry out NRS ~~360.850 and~~ 360.855, deposit the money in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective subaccounts of each county.

Sec. 11. NRS 377.057 is hereby amended to read as follows:

377.057 1. The State Controller, acting upon the relevant information furnished by the Department, shall distribute monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, excluding any ~~amount~~ amount required to be remitted pursuant to NRS ~~360.850 and~~ 360.855 and except as otherwise provided in subsection 2, to:

(a) Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties, an amount equal to one-twelfth of the amount distributed in the immediately preceding fiscal year multiplied by one plus:

(1) The percentage change in the total receipts from the supplemental city-county relief tax for all counties and from out-of-state businesses, from the fiscal

1 year 2 years preceding the immediately preceding fiscal year to the fiscal year
2 preceding the immediately preceding fiscal year; or

3 (2) Except as otherwise provided in this paragraph, the percentage change
4 in the population of the county, as certified by the Governor pursuant to NRS
5 360.285, added to the percentage change in the Consumer Price Index for the year
6 ending on December 31 next preceding the year of distribution,

7 ➤ whichever is less, except that the amount distributed to the county must not be
8 less than the amount specified in subsection 5. If the Bureau of the Census of the
9 United States Department of Commerce issues population totals that conflict with
10 the totals certified by the Governor pursuant to NRS 360.285, the percentage
11 change calculated pursuant to subparagraph (2) for the ensuing fiscal year must be
12 an estimate of the change in population for the calendar year, based upon the
13 population totals issued by the Bureau of the Census.

14 (b) All other counties, the amount remaining after making the distributions
15 required by paragraph (a) to each of these counties in the proportion that the
16 amount of supplemental city-county relief tax collected in the county for the month
17 bears to the total amount of supplemental city-county relief tax collected for that
18 month in the counties whose distribution will be determined pursuant to this
19 paragraph.

20 2. If the amount of supplemental city-county relief tax collected in a county
21 listed in paragraph (a) of subsection 1 for the 12 most recent months for which
22 information concerning the actual amount collected is available on February 15 of
23 any year exceeds by more than 10 percent the amount distributed pursuant to
24 paragraph (a) of subsection 1 to that county for the same period, the State
25 Controller shall distribute that county's portion of the proceeds from the
26 supplemental city-county relief tax pursuant to paragraph (b) of subsection 1 in all
27 subsequent fiscal years, unless a waiver is granted pursuant to subsection 3.

28 3. A county which, pursuant to subsection 2, is required to have its portion of
29 the proceeds from the supplemental city-county relief tax distributed pursuant to
30 paragraph (b) of subsection 1 may file a request with the Nevada Tax Commission
31 for a waiver of the requirements of subsection 2. The request must be filed on or
32 before February 20 next preceding the fiscal year for which the county will first
33 receive its portion of the proceeds from the supplemental city-county relief tax
34 pursuant to paragraph (b) of subsection 1 and must be accompanied by evidence
35 which supports the granting of the waiver. The Commission shall grant or deny a
36 request for a waiver on or before March 10 next following the timely filing of the
37 request. If the Commission determines that the increase in the amount of
38 supplemental city-county relief tax collected in the county was primarily caused by:

39 (a) Nonrecurring taxable sales, it shall grant the request.

40 (b) Normal or sustainable growth in taxable sales, it shall deny the request.

41 ➤ A county which is granted a waiver pursuant to this subsection is not required to
42 obtain a waiver in any subsequent fiscal year to continue to receive its portion of
43 the proceeds from the supplemental city-county relief tax pursuant to paragraph (a)
44 of subsection 1 unless the amount of supplemental city-county relief tax collected
45 in the county in a fiscal year again exceeds the threshold established in subsection
46 2.

47 4. The amount apportioned to each county must be deposited in the Local
48 Government Tax Distribution Account created by NRS 360.660 for credit to the
49 respective accounts of each county.

50 5. The minimum amount which may be distributed to the following counties
51 in a month pursuant to paragraph (a) of subsection 1 is as follows:

1	Douglas	\$580,993
2	Esmeralda	53,093
3	Lander	155,106
4	Lincoln	72,973
5	Lyon	356,858
6	Mineral	118,299
7	Nye	296,609
8	Pershing	96,731
9	Storey	69,914
10	White Pine	158,863

11
12 6. As used in this section, unless the context otherwise requires:

13 (a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

14 (b) "Local government" has the meaning ascribed to it in NRS 360.640.

15 (c) "Special district" has the meaning ascribed to it in NRS 360.650.

16 **Sec. 12. NRS 387.1212 is hereby amended to read as follows:**

17 387.1212 1. The State Education Fund is hereby created as a special
18 revenue fund to be administered by the Superintendent of Public Instruction for the
19 purpose of supporting the operation of the public schools in this State. The interest
20 and income earned on the money in the Fund, after deducting any applicable
21 charges, must be credited to the Fund.

22 2. Money which must be deposited for credit to the State Education Fund
23 includes, without limitation:

24 (a) All money derived from interest on the State Permanent School Fund, as
25 provided in NRS 387.030;

26 (b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any
27 applicable penalty or interest, less any amount retained by the county treasurer for
28 the actual cost of collecting and administering the tax;

29 (c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

30 (d) The portion of the money in each special account created pursuant to
31 subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2
32 of NRS 179.1187;

33 (e) The money identified in subsection 1 of NRS 328.450;

34 (f) The money identified in subsection 1 of NRS 328.460;

35 (g) ~~[(a)] The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~

36 ~~[(b)]~~ (h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

37 ~~[(c)]~~ (h) The money required to be paid over to the State Treasurer for deposit
38 to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

39 ~~[(d)]~~ (i) The portion of the proceeds of the tax imposed pursuant to subsection
40 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

41 ~~[(e)]~~ (j) The proceeds of the tax imposed pursuant to subsection 3 of NRS
42 372A.290;

43 ~~[(f)]~~ (k) The proceeds of the fees, taxes, interest and penalties imposed
44 pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS
45 374.785;

46 ~~[(g)]~~ (l) The money identified in paragraph (b) of subsection 3 of NRS
47 678B.390;

48 ~~[(h)]~~ (m) The portion of the proceeds of the excise tax imposed pursuant to
49 subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS
50 463.385;

51 ~~[(i)]~~ (n) The money required to be distributed to the State Education Fund
52 pursuant to subsection 3 of NRS 482.181;

~~[(o)]~~ (o) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

~~[(p)]~~ (p) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

~~[(q)]~~ (q) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and

~~[(r)]~~ (r) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

~~[(Sec. 3.)~~ Sec. 13. 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. 14. NRS 271.650, 271.660, 271.670, 271.680 and 360.850 are hereby repealed.

~~[(Sec. 4.)~~ Sec. 15. This act becomes effective ~~[upon passage and approval.]~~ on July 1, 2021.

LEADLINES OF REPEALED SECTIONS

271.650 Pledge of sales or use tax proceeds in assessment ordinance for project in certain counties: Amount; required determinations; interlocal agreements; conclusiveness of determinations.

271.660 Agreement with Department of Taxation regarding distribution of pledged amounts.

271.670 Agreement with owner of property interest in district to defray cost of local governmental services during term of pledge: Contents; determination by governing body of municipality; notice to and hearing by board of trustees of school district; conclusiveness of governing body's determination.

271.680 Limitations on issuance of bonds.

360.850 Distribution of money pledged pursuant to NRS 271.650; distribution and use of excess amounts; adoption of regulations by Nevada Tax Commission for collection and distribution of pledged money.