

Amendment No. 525

Senate Amendment to Assembly Bill No. 66 First Reprint	(BDR 32-266)
Proposed by: Senate Committee on Revenue and Economic Development	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

JFD/BJF



Date: 5/14/2021

A.B. No. 66—Revises provisions relating to the abatement of certain taxes.
(BDR 32-266)



ASSEMBLY BILL NO. 66—COMMITTEE ON REVENUE

(ON BEHALF OF THE OFFICE OF ECONOMIC DEVELOPMENT
IN THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Revenue

SUMMARY—Revises provisions relating to the abatement of certain taxes.
(BDR 32-266)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to taxation; revising requirements for agreements between the Office of Economic Development and applicants for an abatement or partial abatement of certain taxes; requiring the Department of Taxation to issue a document certifying an abatement or partial abatement of sales and use taxes to businesses for which the Office has approved certain abatements or partial abatements of sales and use taxes; authorizing a business for which the Office has approved certain abatements or partial abatements of sales and use taxes to apply for a refund of sales and use taxes paid for which the business was entitled to an abatement or partial abatement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.889, 360.945) The Office is prohibited from approving an application for such an abatement unless the applicant has entered into an agreement with the Office establishing certain terms for the abatement, which, in certain cases, includes the date on which the abatement becomes effective. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754, 360.889, 360.945) **Sections 1.5-6 and 9-11** of this bill prohibit the effective date of an abatement or partial abatement, as established by the agreement, from being later than 1 year after the date on which the application for the abatement is approved. **Sections 1.5-6 and 9-11** also require an applicant to enter into the agreement with the Office within 1 year after the application is received by the Office and, if the applicant fails to do so, requires the applicant to submit a new application to be eligible to receive approval for an abatement or partial abatement.

Section 1 of this bill provides that if the Office approves an application submitted by a business for certain abatements or partial abatements of sales and use taxes, the Department of Taxation is required to issue to the business a document: (1) certifying the abatement or

partial abatement; and (2) clearly stating that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay. **Section 1** authorizes a business for which the Office has approved certain abatements or partial abatements of sales and use taxes to seek a refund of the amount of sales and use taxes paid for which the business was entitled to an abatement if the business failed to present the certifying document. However, under **section 1**, if the failure of a business to present the certifying document results in a refund for 50 percent or more of the purchases for which the business is eligible for an abatement or partial abatement, the business is required to pay a penalty equal to 10 percent of the amount of sales and use taxes abated, and that penalty is required to be distributed proportionally to local governments affected by the refunds. **Section 1** additionally authorizes a business to apply to the Department for a refund of an amount of sales and use taxes paid on purchases for which the business was entitled to an abatement if the purchase is made after the application for the abatement or partial abatement is submitted and before the document certifying the partial abatement is issued. Finally, **section 1** provides that no interest may be paid on any refunds issued pursuant to **section 1**.

Section 12 of this bill provides that the amendatory provisions of this bill apply only to applications for an abatement that are submitted on or after July 1, 2021.

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. If the Office of Economic Development approves an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753, 360.754 or 360.890, the Department shall issue to the business a document certifying the abatement or partial abatement which can be presented to retailers at the time of purchase. The document must clearly state that the business is not required to pay sales and use taxes or the rate of sales and use tax that the business is required to pay.

2. If the Department has issued to a business a document pursuant to subsection 1 and the business pays an amount of sales and use taxes for which the business was entitled to an abatement because the business fails to present the document, the business may apply to the Department for a refund of the amount of sales and use tax paid for which the business was entitled to an abatement. If the Department has issued to a business a document pursuant to subsection 1 and the failure of the business to present the document results in the business paying the full amount of sales and use tax on 50 percent or more of the purchases for which the business was eligible for the abatement,

~~*(a) The business shall be deemed to be out of compliance with the abatement agreement entered into by the business; and*~~

~~*(b) The*~~ *the Department shall impose on the business a penalty equal to 10 percent of the total amount of the abatement. The Department shall distribute the proceeds of any penalty imposed pursuant to this* ~~*(paragraph)*~~ *subsection to each local government affected by a refund issued pursuant to this subsection in proportion to the amount of the refunds for which the affected local government is responsible.*

3. If, after submitting an application for an abatement of sales and use taxes pursuant to NRS 360.950 or a partial abatement of any sales and use taxes pursuant to NRS 360.750, 360.753, 360.754 or 360.890 and before receiving the document issued pursuant to subsection 1, a business pays an amount of sales and use tax for which the business is entitled to an abatement, the business may

1 *apply to the Department for a refund of the amount of sales and use tax which*
2 *the applicant paid for which the business is entitled to an abatement.*

3 *4. Notwithstanding any other provision of law, no interest is allowed on a*
4 *refund made pursuant to subsection 2 or 3.*

5 **Sec. 1.5.** NRS 360.750 is hereby amended to read as follows:

6 360.750 1. A person who intends to locate or expand a business in this State
7 may apply to the Office of Economic Development pursuant to this section for a
8 partial abatement of one or more of the taxes imposed on the:

9 (a) New business pursuant to chapter 361, 363B or 374 of NRS.

10 (b) Expanded business pursuant to chapter 361 or 363B of NRS or *a partial*
11 *abatement of* the local sales and use taxes ~~is~~ *imposed on the expanded business.*
12 As used in this paragraph, "local sales and use taxes" means the taxes imposed on
13 the gross receipts of any retailer from the sale of tangible personal property sold at
14 retail, or stored, used or otherwise consumed, in the political subdivision in which
15 the business is to be located or expanded, except the taxes imposed by the Sales and
16 Use Tax Act and the Local School Support Tax Law.

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

20 (a) The business offers primary jobs and is consistent with:

21 (1) The State Plan for Economic Development developed by the Executive
22 Director of the Office of Economic Development pursuant to subsection 2 of NRS
23 231.053; and

24 (2) Any guidelines adopted by the Executive Director of the Office to
25 implement the State Plan for Economic Development.

26 (b) ~~The~~ *Not later than 1 year after the date on which the application was*
27 *received by the Office, the* applicant has executed an agreement with the Office
28 which must:

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

30 (2) State the date on which the abatement becomes effective, as agreed to
31 by the applicant and the Office, which must not be earlier than the date on which
32 the Office received the application ~~is~~ *and not later than 1 year after the date on*
33 *which the Office approves the application;*

34 (3) State that the business will, after the date on which the abatement
35 becomes effective, continue in operation in this State for a period specified by the
36 Office, which must be at least 5 years, and will continue to meet the eligibility
37 requirements set forth in this subsection;

38 (4) State that the business will offer primary jobs; and

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

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

43 (d) Except as otherwise provided in subsection 4 or 5, the average hourly wage
44 that will be paid by the business to its new employees in this State is at least 100
45 percent of the average statewide hourly wage as established by the Employment
46 Security Division of the Department of Employment, Training and Rehabilitation
47 on July 1 of each fiscal year.

48 (e) The business will, by the eighth calendar quarter following the calendar
49 quarter in which the abatement becomes effective, offer a health insurance plan for
50 all employees that includes an option for health insurance coverage for dependents
51 of the employees, and the health care benefits the business offers to its employees
52 in this State will meet the minimum requirements for health care benefits
53 established by the Office.

1 (f) Except as otherwise provided in this subsection and NRS 361.0687, if the
2 business is a new business in a county whose population is 100,000 or more or a
3 city whose population is 60,000 or more, the business meets at least one of the
4 following requirements:

5 (1) The business will have 50 or more full-time employees on the payroll
6 of the business by the eighth calendar quarter following the calendar quarter in
7 which the abatement becomes effective who will be employed at the location of the
8 business in that county or city until at least the date which is 5 years after the date
9 on which the abatement becomes effective.

10 (2) Establishing the business will require the business to make, not later
11 than the date which is 2 years after the date on which the abatement becomes
12 effective, a capital investment of at least \$1,000,000 in this State in capital assets
13 that will be retained at the location of the business in that county or city until at
14 least the date which is 5 years after the date on which the abatement becomes
15 effective.

16 (g) Except as otherwise provided in NRS 361.0687, if the business is a new
17 business in a county whose population is less than 100,000, in an area of a county
18 whose population is 100,000 or more that is located within the geographic
19 boundaries of an area that is designated as rural by the United States Department of
20 Agriculture and at least 20 miles outside of the geographic boundaries of an area
21 designated as urban by the United States Department of Agriculture, or in a city
22 whose population is less than 60,000, the business meets at least one of the
23 following requirements:

24 (1) The business will have 10 or more full-time employees on the payroll
25 of the business by the eighth calendar quarter following the calendar quarter in
26 which the abatement becomes effective who will be employed at the location of the
27 business in that county or city until at least the date which is 5 years after the date
28 on which the abatement becomes effective.

29 (2) Establishing the business will require the business to make, not later
30 than the date which is 2 years after the date on which the abatement becomes
31 effective, a capital investment of at least \$250,000 in this State in capital assets that
32 will be retained at the location of the business in that county or city until at least the
33 date which is 5 years after the date on which the abatement becomes effective.

34 (h) If the business is an existing business, the business meets at least one of the
35 following requirements:

36 (1) For a business in:

37 (I) Except as otherwise provided in sub-subparagraph (II), a county
38 whose population is 100,000 or more or a city whose population is 60,000 or more,
39 the business will, by the eighth calendar quarter following the calendar quarter in
40 which the abatement becomes effective, increase the number of employees on its
41 payroll in that county or city by 10 percent more than it employed in the fiscal year
42 immediately preceding the fiscal year in which the abatement becomes effective or
43 by twenty-five employees, whichever is greater, who will be employed at the
44 location of the business in that county or city until at least the date which is 5 years
45 after the date on which the abatement becomes effective; or

46 (II) A county whose population is less than 100,000, an area of a
47 county whose population is 100,000 or more that is located within the geographic
48 boundaries of an area that is designated as rural by the United States Department of
49 Agriculture and at least 20 miles outside of the geographic boundaries of an area
50 designated as urban by the United States Department of Agriculture, or a city
51 whose population is less than 60,000, the business will, by the eighth calendar
52 quarter following the calendar quarter in which the abatement becomes effective,
53 increase the number of employees on its payroll in that county or city by 10 percent

1 more than it employed in the fiscal year immediately preceding the fiscal year in
2 which the abatement becomes effective or by six employees, whichever is greater,
3 who will be employed at the location of the business in that county or city until at
4 least the date which is 5 years after the date on which the abatement becomes
5 effective.

6 (2) The business will expand by making a capital investment in this State,
7 not later than the date which is 2 years after the date on which the abatement
8 becomes effective, in an amount equal to at least 20 percent of the value of the
9 tangible property possessed by the business in the fiscal year immediately
10 preceding the fiscal year in which the abatement becomes effective, and the capital
11 investment will be in capital assets that will be retained at the location of the
12 business in that county or city until at least the date which is 5 years after the date
13 on which the abatement becomes effective. The determination of the value of the
14 tangible property possessed by the business in the immediately preceding fiscal
15 year must be made by the:

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

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

19 (i) The applicant has provided in the application an estimate of the total
20 number of new employees which the business anticipates hiring in this State by the
21 eighth calendar quarter following the calendar quarter in which the abatement
22 becomes effective if the Office approves the application.

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

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

28 (b) Shall consider the level of health care benefits provided by the business to
29 its employees, the projected economic impact of the business and the projected tax
30 revenue of the business after deducting projected revenue from the abated taxes.

31 (c) May, if the Office determines that such action is necessary:

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

35 (2) Make any of the requirements set forth in paragraphs (d) to (h),
36 inclusive, of subsection 2 more stringent; or

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

39 4. Notwithstanding any other provision of law, the Office of Economic
40 Development shall not approve an application for a partial abatement pursuant to
41 this section if:

42 (a) The applicant intends to locate or expand in a county in which the rate of
43 unemployment is 7 percent or more and the average hourly wage that will be paid
44 by the applicant to its new employees in this State is less than 70 percent of the
45 average statewide hourly wage, as established by the Employment Security
46 Division of the Department of Employment, Training and Rehabilitation on July 1
47 of each fiscal year.

48 (b) The applicant intends to locate or expand in a county in which the rate of
49 unemployment is less than 7 percent and the average hourly wage that will be paid
50 by the applicant to its new employees in this State is less than 85 percent of the
51 average statewide hourly wage, as established by the Employment Security
52 Division of the Department of Employment, Training and Rehabilitation on July 1
53 of each fiscal year.

1 (c) The applicant intends to locate in a county but has already received a partial
2 abatement pursuant to this section for locating that business in that county.

3 (d) The applicant intends to expand in a county but has already received a
4 partial abatement pursuant to this section for expanding that business in that county.

5 (e) The applicant has changed the name or identity of the business to evade the
6 provisions of paragraph (c) or (d).

7 5. Notwithstanding any other provision of law, if the Office of Economic
8 Development approves an application for a partial abatement pursuant to this
9 section, in determining the types of taxes imposed on a new or expanded business
10 for which the partial abatement will be approved and the amount of the partial
11 abatement:

12 (a) If the new or expanded business is located in a county in which the rate of
13 unemployment is 7 percent or more and the average hourly wage that will be paid
14 by the business to its new employees in this State is less than 85 percent of the
15 average statewide hourly wage, as established by the Employment Security
16 Division of the Department of Employment, Training and Rehabilitation on July 1
17 of each fiscal year, the Office shall not:

18 (1) Approve an abatement of the taxes imposed pursuant to chapter 361 of
19 NRS which exceeds 25 percent of the taxes on personal property payable by the
20 business each year.

21 (2) Approve an abatement of the taxes imposed pursuant to chapter 363B
22 of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to
23 NRS 363B.110.

24 (b) If the new or expanded business is located in a county in which the rate of
25 unemployment is less than 7 percent and the average hourly wage that will be paid
26 by the business to its new employees in this State is less than 100 percent of the
27 average statewide hourly wage, as established by the Employment Security
28 Division of the Department of Employment, Training and Rehabilitation on July 1
29 of each fiscal year, the Office shall not:

30 (1) Approve an abatement of the taxes imposed pursuant to chapter 361 of
31 NRS which exceeds 25 percent of the taxes on personal property payable by the
32 business each year.

33 (2) Approve an abatement of the taxes imposed pursuant to chapter 363B
34 of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to
35 NRS 363B.110.

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

39 (a) The Department;

40 (b) The Nevada Tax Commission; and

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

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

48 8. *If an applicant for a partial abatement pursuant to this section fails to*
49 *enter into the agreement described in paragraph (b) of subsection 2 within 1 year*
50 *after the date on which the application was received by the Office, the applicant*
51 *shall not be approved for a partial abatement pursuant to this section unless the*
52 *applicant submits a new application.*

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

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

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

the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement 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 partial abatement 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.

~~9.1~~ 10. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection ~~8.1~~ 9 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

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

~~10.1~~ 11. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~11.1~~ 12. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

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

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

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

~~12.1~~ 13. An applicant for a partial abatement pursuant to this section 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.

~~13.1~~ 14. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.752 is hereby amended to read as follows:

360.752 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of the tax imposed on the new or expanded business pursuant to chapter 361 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 business is in one or more of the industry sectors for economic development promoted, identified or otherwise approved by the Governor's Workforce Investment Board described in NRS 232.935.

(b) The business is consistent with:

1 (1) The State Plan for Economic Development developed by the Executive
2 Director of the Office of Economic Development pursuant to subsection 2 of NRS
3 231.053; and

4 (2) Any guidelines adopted by the Executive Director of the Office to
5 implement the State Plan for Economic Development.

6 (c) ~~[(The)]~~ *Not later than 1 year after the date on which the application was*
7 *received by the Office, the* applicant has executed an agreement with the Office
8 which must:

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

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

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

14 (4) State the date on which the abatement becomes effective, as agreed to
15 by the applicant and the Office, which must not be earlier than the date on which
16 the Office received the application ~~[()]~~ *and not later than 1 year after the date on*
17 *which the Office approves the application;*

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

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

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

27 (e) The business does not receive:

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

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

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

37 (g) The business will offer a health insurance plan for all full-time employees
38 that includes an option for health insurance coverage for dependents of those
39 employees, or will abide by all applicable provisions of the Patient Protection and
40 Affordable Care Act, Public Law 111-148, or both, and the benefits the business
41 offers to its employees in this State will meet the minimum requirements for
42 benefits established by the Office.

43 (h) The business meets the following requirements:

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

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

50 (3) The business will employ two or more graduate students from the
51 program in which the capital investment is made on a part-time basis during years 2
52 through 5, inclusive, of the abatement.

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

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

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

(i) In lieu of meeting the requirements of paragraph (h), the business meets the following requirements:

(1) The business makes a capital investment of at least \$500,000 in the Nevada State College or an institution of the Nevada System of Higher Education other than those set forth in subparagraph (1) of paragraph (h), to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

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

(3) The business will employ two or more students from the college or institution in which the capital investment is made on a full-time basis during years 2 through 5, inclusive, of the abatement.

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

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

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

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

(a) Shall furnish to the board of county commissioners of each affected county a copy of each application for a partial abatement pursuant to this section.

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

(c) Shall not approve an application for a partial abatement pursuant to this section unless the abatement is approved or deemed approved as described in this paragraph. The board of county commissioners of each affected county must approve or deny the application not later than 30 days after the board of county commissioners receives a copy of the application as described in paragraph (a). If the board of county commissioners does not approve or deny the application within

30 days after the board of county commissioners receives a copy of the application, the application shall be deemed approved.

(d) May, if the Office determines that such action is necessary add additional requirements that a business 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:

(a) The total amount of the abatement must not exceed;

(1) Fifty percent of the amount of the taxes imposed on the personal property of the business pursuant to chapter 361 of NRS during the period of the abatement; or

(2) Fifty percent of the amount of the capital investment by the business, whichever amount is less;

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

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

5. 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 the county in which the business will be located.

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

7. If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (c) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2 or ceases operation before the time specified in the agreement described in paragraph (c) of subsection 2:

(a) The business shall repay to the county treasurer the amount of the partial abatement 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 partial abatement 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.

(b) The applicable institution of higher education is entitled to keep the entire capital investment made by the business in that institution.

~~18-1~~ 9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection ~~8~~ 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

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

~~9-1~~ 10. 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 a partial abatement pursuant to this section; and

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

~~10-1~~ 11. The Nevada Tax Commission:

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

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

~~11-1~~ 12. An applicant for a partial abatement pursuant to this section 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.

~~12-1~~ 13. Except as otherwise provided in this subsection, as used in this section, "capital investment" includes, without limitation, an investment of real or personal property, money or other assets by a business in an institution of the Nevada System of Higher Education. The Office of Economic Development may, by regulation, specify the types of real or personal property or assets that are included within the definition of "capital investment."

Sec. 3. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) ~~13-1~~ *Not later than 1 year after the date on which the application was received by the Office, the* applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~14~~ *and not later than 1 year after the date on which the Office approves the application;*

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

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

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 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;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least \$250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement;

(2) The business will maintain and possess in this State tangible personal property having a value of not less than \$5,000,000 during the period of partial abatement;

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21; and

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. 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 partial abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

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

7. If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

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

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2, the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement 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 partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~8.9.~~ 9. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

~~9.10.~~ 10. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

~~10.11.~~ 11. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

~~11.12.~~ 12. As used in this section:

- (a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.
- (b) "Component of an aircraft" means any:
 - (1) Element that makes up the physical structure of an aircraft, or is affixed thereto;
 - (2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and
 - (3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.
- (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 subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 4. NRS 360.754 is hereby amended to read as follows:

360.754 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~~ *Not later than 1 year after the date on which the application was received by the Office, 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 ~~and~~ *and not later than 1 year after the date on which the Office approves 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

(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) 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 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada 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 one or more colocated businesses to make in each county in this State in which the data center is located, 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 \$25,000,000 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 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 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 ~~12.13.~~

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) 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 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada 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 one or more colocated businesses to make in each county in this State in which the data center is located, 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 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 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 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 ~~12.13.~~

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(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.

(g) If the applicant is seeking a partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

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

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive

Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

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

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

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

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

~~8.9.~~ 9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or ~~8~~ 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

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

~~9.10.~~ 10. An applicant for a partial abatement pursuant to this section 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.

~~10.11.~~ 11. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

~~11.12.~~ 12. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the

requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

~~13.2.~~ **13.** The Office of Economic Development:

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

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

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

~~13.3.~~ **14.** The Nevada Tax Commission:

(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.

~~13.4.~~ **15.** 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. 5. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 5;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

1 (c) Provide documentation satisfactory to the Office that the participants in the
2 project collectively will make a total new capital investment of at least \$1 billion in
3 this State within the 10-year period immediately following approval of the
4 application;

5 (d) Provide documentation satisfactory to the Office that the participants in the
6 project are engaged in a common business purpose or industry;

7 (e) Provide documentation satisfactory to the Office that the place of business
8 of each participant is or will be located within the geographic boundaries of the
9 project site or sites;

10 (f) Provide documentation satisfactory to the Office that each participant in the
11 project is registered pursuant to the laws of this State or commits to obtaining a
12 valid business license and all other permits required by the county, city or town in
13 which the project operates;

14 (g) Provide documentation satisfactory to the Office of the number of
15 employees engaged in the construction of the project;

16 (h) Provide documentation satisfactory to the Office of the number of qualified
17 employees employed or anticipated to be employed at the project by the
18 participants;

19 (i) Provide documentation satisfactory to the Office that each employer
20 engaged in the construction of the project provides a plan of health insurance and
21 that each employee engaged in the construction of the project is offered coverage
22 under the plan of health insurance provided by his or her employer;

23 (j) Provide documentation satisfactory to the Office that each participant in the
24 project provides a plan of health insurance and that each employee employed at the
25 project by each participant is offered coverage under the plan of health insurance
26 provided by his or her employer;

27 (k) Provide documentation satisfactory to the Office that at least 50 percent of
28 the employees engaged in construction of the project and 50 percent of the
29 employees employed at the project are residents of Nevada, unless waived by the
30 Executive Director of the Office upon proof satisfactory to the Executive Director
31 of the Office that there is an insufficient number of Nevada residents available and
32 qualified for such employment;

33 (l) Agree to provide the Office with a full compliance audit of the participants
34 in the project at the end of each fiscal year which:

35 (1) Shows the amount of money invested in this State by each participant
36 in the project;

37 (2) Shows the number of employees engaged in the construction of the
38 project and the number of those employees who are residents of Nevada;

39 (3) Shows the number of employees employed at the project by each
40 participant and the number of those employees who are residents of Nevada; and

41 (4) Is certified by an independent certified public accountant in this State
42 who is approved by the Office;

43 (m) Pay the cost of the audit required by paragraph (l);

44 (n) Enter into an agreement with the governing body of the city or county in
45 which the qualified project is located that:

46 (1) Requires the lead participant to pay the cost of any engineering or
47 design work necessary to determine the cost of infrastructure improvements
48 required to be made by the governing body pursuant to an economic development
49 financing proposal approved pursuant to NRS 360.990; and

50 (2) Requires the lead participant to seek reimbursement for any costs paid
51 by the lead participant pursuant to subparagraph (1) from the proceeds of bonds
52 issued pursuant to NRS 360.991; and

53 (o) Meet any other requirements prescribed by the Office.

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 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;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➤ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. In addition to meeting the requirements set forth in subsection 2, a project is eligible for the transferable tax credits described in paragraph (a) of subsection 1 only if the Interim Finance Committee approves a written request for the issuance of the transferable tax credits. Such a request may only be submitted by the Office and only after the Office has approved the application submitted for the project pursuant to subsection 2. The Interim Finance Committee may approve a request submitted pursuant to this subsection only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053.

5. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least \$1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project *not later than 1 year after the date on which the application was received by the Office* which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~+~~ *and not later than 1 year after the date on which the Office approves the application;*

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set

1 forth in paragraph (k) of subsection 2 before making a decision regarding whether
2 to approve the request. If the Executive Director of the Office approves the request
3 for a waiver, the Executive Director of the Office must post the approval on the
4 Internet website of the Office within 3 days and ensure that the Internet website
5 allows members of the public to post comments regarding the approval.

6 *11. If an applicant for one or more partial abatements pursuant to this*
7 *section fails to enter into the agreement described in paragraph (e) of subsection*
8 *5 within 1 year after the date on which the application was received by the Office,*
9 *the applicant shall not be approved for a partial abatement pursuant to this*
10 *section unless the applicant submits a new application.*

11 **Sec. 6.** NRS 360.945 is hereby amended to read as follows:

12 360.945 1. On behalf of a project, the lead participant in the project may
13 apply to the Office of Economic Development for:

14 (a) A certificate of eligibility for transferable tax credits which may be applied
15 to:

- 16 (1) Any tax imposed by chapters 363A and 363B of NRS;
- 17 (2) The gaming license fees imposed by the provisions of NRS 463.370;
- 18 (3) Any tax imposed by chapter 680B of NRS; or
- 19 (4) Any combination of the fees and taxes described in subparagraphs (1),

20 (2) and (3).

21 (b) An abatement of property taxes, employer excise taxes or local sales and
22 use taxes, or any combination of any of those taxes.

23 2. For a project to be eligible for the transferable tax credits described in
24 paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b)
25 of subsection 1, the lead participant in the project must, on behalf of the project:

26 (a) Submit an application that meets the requirements of subsection 3;

27 (b) Provide documentation satisfactory to the Office that approval of the
28 application would promote the economic development of this State and aid the
29 implementation of the State Plan for Economic Development developed by the
30 Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

31 (c) Provide documentation satisfactory to the Office that the participants in the
32 project collectively will make a total new capital investment of at least \$3.5 billion
33 in this State within the 10-year period immediately following approval of the
34 application;

35 (d) Provide documentation satisfactory to the Office that the participants in the
36 project are engaged in a common business purpose or industry;

37 (e) Provide documentation satisfactory to the Office that the place of business
38 of each participant is or will be located within the geographic boundaries of the
39 project site;

40 (f) Provide documentation satisfactory to the Office that each participant in the
41 project is registered pursuant to the laws of this State or commits to obtaining a
42 valid business license and all other permits required by the county, city or town in
43 which the project operates;

44 (g) Provide documentation satisfactory to the Office of the number of
45 employees engaged in the construction of the project;

46 (h) Provide documentation satisfactory to the Office of the number of qualified
47 employees employed or anticipated to be employed at the project by the
48 participants;

49 (i) Provide documentation satisfactory to the Office that each employer
50 engaged in the construction of the project provides a plan of health insurance and
51 that each employee engaged in the construction of the project is offered coverage
52 under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; and

(o) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least \$3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project *not later than 1 year after the date on which the application was received by the Office* which:

(1) Complies with the requirements of NRS 360.755;

(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

(3) Binds successors in interest of the lead participant for the specified period; and

(f) Any other information required by the Office.

1 4. For an employee to be considered a resident of Nevada for the purposes of
2 this section, each participant in the project must maintain the following documents
3 in the personnel file of the employee:

4 (a) A copy of the current and valid Nevada driver's license of the employee or
5 a current and valid identification card for the employee issued by the Department of
6 Motor Vehicles;

7 (b) If the employee is a registered owner of one or more motor vehicles in
8 Nevada, a copy of the current motor vehicle registration of at least one of those
9 vehicles;

10 (c) Proof that the employee is employed full-time and scheduled to work for an
11 average minimum of 30 hours per week; and

12 (d) Proof that the employee is offered coverage under a plan of health
13 insurance provided by his or her employer.

14 5. For the purpose of obtaining from the Executive Director of the Office any
15 waiver of the requirement set forth in paragraph (k) of subsection 2, the lead
16 participant in the project must submit to the Executive Director of the Office
17 written documentation of the efforts to meet the requirement and documented proof
18 that an insufficient number of Nevada residents is available and qualified for
19 employment.

20 6. The Executive Director of the Office shall make available to the public and
21 post on the Internet website for the Office:

22 (a) Any request for a waiver of the requirements set forth in paragraph (k) of
23 subsection 2; and

24 (b) Any approval of such a request for a waiver that is granted by the
25 Executive Director of the Office.

26 7. The Executive Director of the Office shall post a request for a waiver of the
27 requirements set forth in paragraph (k) of subsection 2 on the Internet website of
28 the Office within 3 days after receiving the request and shall keep the request
29 posted on the Internet website for not less than 5 days. The Executive Director of
30 the Office shall ensure that the Internet website allows members of the public to
31 post comments regarding the request.

32 8. The Executive Director of the Office shall consider any comments posted
33 on the Internet website concerning any request for a waiver of the requirements set
34 forth in paragraph (k) of subsection 2 before making a decision regarding whether
35 to approve the request. If the Executive Director of the Office approves the request
36 for a waiver, the Executive Director of the Office must post the approval on the
37 Internet website of the Office within 3 days and ensure that the Internet website
38 allows members of the public to post comments regarding the approval.

39 9. *If an applicant for one or more abatements pursuant to this section fails*
40 *to enter into the agreement described in paragraph (e) of subsection 3 within 1*
41 *year after the date on which the application was received by the Office, the*
42 *applicant shall not be approved for an abatement pursuant to this section unless*
43 *the applicant submits a new application.*

44 Sec. 7. (Deleted by amendment.)

45 Sec. 8. (Deleted by amendment.)

46 Sec. 9. NRS 274.310 is hereby amended to read as follows:

47 274.310 1. A person who intends to locate a business in this State within:

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

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

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

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

1 ☛ may submit a request to the governing body of the county, city or town in which
2 the business would operate for an endorsement of an application by the person to
3 the Office of Economic Development for a partial abatement of one or more of the
4 taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The
5 governing body of the county, city or town shall provide notice of the request to the
6 board of trustees of the school district in which the business would operate. The
7 notice must set forth the date, time and location of the hearing at which the
8 governing body will consider whether to endorse the application. As used in this
9 subsection, "local sales and use taxes" means the taxes imposed on the gross
10 receipts of any retailer from the sale of tangible personal property sold at retail, or
11 stored, used or otherwise consumed, in the political subdivision in which the
12 business is located, except the taxes imposed by the Sales and Use Tax Act and the
13 Local School Support Tax Law.

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

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

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

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

24 (a) The business is consistent with:

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

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

29 (b) ~~The~~ *Not later than 1 year after the date on which the application was*
30 *received by the Office, the* applicant has executed an agreement with the Office
31 which states:

32 (1) The date on which the abatement becomes effective, as agreed to by the
33 applicant and the Office, which must not be earlier than the date on which the
34 Office received the application ~~and~~ *and not later than 1 year after the date on*
35 *which the Office approves the application;* and

36 (2) That the business will, after the date on which the abatement becomes
37 effective:

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

44 (II) Continue to meet the eligibility requirements set forth in this
45 subsection.

46 ☛ The agreement must bind successors in interest of the business for the specified
47 period.

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

51 (d) The applicant invested or commits to invest a minimum of \$500,000 in
52 capital assets that will be retained at the location of the business in the historically
53 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;

(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 the county in which the business will be located.

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

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 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 an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.*

7. 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 partial abatement 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 partial abatement 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.

~~7.1~~ 8. 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.

~~8.1~~ 9. 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. 10. 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 local sales and use taxes imposed on capital equipment. 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. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

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~~ *Not later than 1 year after the date on which the application was received by the Office, the* applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application ~~and~~ *and not later than 1 year after the date on which the Office approves the application;* and

(2) That the business will, after the date on which the abatement becomes effective:

(I) 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

(II) 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 for a duration of not less than 1 year but not more than 5 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 an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.*

7. 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 partial abatement 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 partial abatement 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.

~~7.7~~ 8. 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.

~~8.1~~ 9. 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. 11. 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 of NRS or the local sales and use taxes. 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. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any

1 retailer from the sale of tangible personal property sold at retail, or stored, used or
2 otherwise consumed, in the political subdivision in which the business is located,
3 except the taxes imposed by the Sales and Use Tax Act and the Local School
4 Support Tax Law.

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

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

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

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

15 (a) The business is consistent with:

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

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

20 (b) ~~The~~ *Not later than 1 year after the date on which the application was*
21 *received by the Office, the* applicant has executed an agreement with the Office
22 which states:

23 (1) The date on which the abatement becomes effective, as agreed to by the
24 applicant and the Office, which must not be earlier than the date on which the
25 Office received the application ~~+~~ *and not later than 1 year after the date on*
26 *which the Office approves the application;* and

27 (2) That the business will, after the date on which the abatement becomes
28 effective:

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

31 (II) Continue to meet the eligibility requirements set forth in this
32 subsection.

33 ➤ The agreement must bind successors in interest of the business for the specified
34 period.

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

38 (d) The business:

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

41 (2) Pays such employees a wage of not less than 100 percent of the
42 federally designated level signifying poverty for a family of four persons and
43 provides medical benefits to the employees and their dependents which meet the
44 minimum requirements for medical benefits established by the Office.

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

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

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

51 (1) The Department of Taxation;

52 (2) The Nevada Tax Commission; and

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

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

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 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 an applicant for a partial abatement pursuant to this section fails to enter into the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. 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 partial abatement 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 partial abatement 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.

~~7.7~~ 8. 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.

~~8.1~~ 9. 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.

~~9.1~~ 10. 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.

1 **Sec. 12.** The amendatory provisions of this act apply only to an application
2 for an abatement from taxation for which a person applies on or after July 1, 2021.

3 **Sec. 13.** This act becomes effective on July 1, 2021.