

**PROPOSED REGULATION OF THE
DEPARTMENT OF TAXATION**

LCB File No. R152-03

October 1, 2003

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

AUTHORITY: §1, section 7 of Senate Bill No. 8 of the 20th Special Session of the Nevada Legislature, chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 135 (NRS 363A.070).

Section 1. Chapter 363A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The entire amount of the excise tax imposed by section 10.5 of Senate Bill No. 8 of the 20th Special Session of the Nevada Legislature, chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 136 (NRS 363A.120), becomes due for all the branch offices in excess of one operated or otherwise maintained by a bank in this state on the first day of a calendar quarter, regardless of whether the bank ceases to operate or otherwise maintain any of those branch offices during that calendar quarter.

2. If the operation or other maintenance of a branch office commences after the first day of a calendar quarter, no excise tax is due pursuant to the provisions of section 10.5 of Senate Bill No. 8 of the 20th Special Session of the Nevada Legislature, chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 136 (NRS 363A.120), for the branch office for that calendar quarter.

3. For the purposes of this section:

(a) The operation or other maintenance of a branch office shall be deemed to commence on the date the branch office first opens for business to the public.

(b) If the first day of a calendar quarter does not occur on a regular banking day for a bank, the bank shall be deemed to operate or otherwise maintain a branch office on that date if the bank:

(1) Holds the branch office open for business to the public at any time during that calendar quarter; and

(2) Held the branch office open for business to the public at any time during the immediately preceding calendar quarter.

4. As used in this section, the words and terms defined in section 10.5 of Senate Bill No. 8 of the 20th Special Session of the Nevada Legislature, chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 136 (NRS 363A.120), have the meanings ascribed to them in that section.

Alternative proposal for paragraph (b) of subsection 3 of section 1:

(b) If the first day of a calendar quarter does not occur on a regular banking day for a bank, the bank shall be deemed to operate or otherwise maintain a branch office on that date if the bank:

(1) Held the branch office open for business to the public at any time during the immediately preceding 5 regular banking days for the bank; and

(2) Holds the branch office open for business to the public at any time during the immediately succeeding 5 regular banking days for the bank.

