

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB FILE #R134-13

Department of Taxation – Final draft SB 165 Transferable Tax Credit Regulation

November 19, 2013

- 1. For purposes of this regulation, “transferable tax credit” means a tax credit issued by the State of Nevada, Governor’s Office of Economic Development (the “Office”) pursuant to NRS 360.759.*
- 2. When the Office notifies the producer that it has certified the audit and determined that all other requirements for the transferable tax credits have been met, the Office shall notify the Department at the same time it notifies the producer that the transferable tax credits will be issued. The notification must include the name of the Producer and amount of the transferable tax credits that will be issued.*
- 3. Upon receipt of the irrevocable declaration made by the producer of the amount of transferable tax credits that will be applied to each tax, as required by NRS 360.759(6), the office shall provide to the Department the certification that contains an accounting of all of the dollar amounts of all credits which will be issued applicable to NRS Chapters 363A, 363B and 680B.*
- 4. When the producer notifies the Office of the transfer of the transferable tax credits as required by NRS 360.759(6), the Office shall, within 5 calendar days, notify the Department of all transferable tax credits transferred segregated by each credit applicable to NRS Chapters 363A, 363B and 680B. The notification shall include, without limitation:*

- A. Contact information for the current holder of the transferable tax credits and for the person or entity purchasing the credits*
 - B. The current state of residence of the holder of the transferable tax credits and for the person or entity purchasing the credits*
 - C. The dollar amount of the transfer of transferable tax credits*
 - D. The proposed date of the transfer.*
- 5. Each holder of a tax credit(s) who subsequent intends to transfer its tax credit(s) shall, notify the Department of all transferable tax credits transferred segregated by each credit applicable to NRS Chapters 363A, 363B and 680B. The notification shall include, without limitation:*
 - A. Contact information for the current holder of the transferable tax credits and for the person or entity purchasing the credits*
 - B. The current state of residence of the holder of the transferable tax credits and for the person or entity purchasing the credits*
 - C. The dollar amount of the transfer of transferable tax credits*
 - D. The proposed date of the transfer.*
- 6. Each holder of a tax credit who is applying the credit to a tax amount due shall file the return as required by NRS 363A.120(2), NRS 363B.110(3), NRS 680B.030 or NRS 680B.032, as applicable. The return must be accompanied by a form provided by the Department that indicates the amount of the credit to apply to the tax due for that return.*
- 7. The tax return that includes application of a transferable tax credit shall be mailed to the Department of Taxation as follows:*

Film Tax Credit Return Processing

Nevada Department of Taxation

1550 College Parkway, Suite 115

Carson City, NV 89706

- 8. The tax credit claimed for a specific tax return cannot exceed the amount of tax owed for that return.*