AN ACT relating to public financial administration; imposing a tax on the admission charge to a place where entertainment is provided; imposing a tax for the privilege of providing certain services in this state; revising the taxes on liquor, cigarettes and the privilege of conducting business in this state; increasing various fees collected by the Secretary of State; imposing a state tax on the rental of transient lodging; revising the formula for calculating the limit upon total proposed expenditures from the State General Fund for purposes other than construction; revising the fees charged for certain gaming licenses; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 3. “Admission charge” means the total amount, expressed in terms of money:
1. Of any consideration provided, whether directly or indirectly, for the right or privilege to have access to a place or location where entertainment is provided; and
2. If any consideration is otherwise required for the right or privilege to have access to a place or location where entertainment is provided and all or part of that consideration is waived as part of a promotional or marketing plan, the total amount of the consideration that would otherwise be required.

Sec. 4. “Commission” means the Nevada Tax Commission.

Sec. 5. “Entertainment” means any activity provided for participants or spectators, or both, for pleasure, enjoyment, recreation, relaxation, diversion or another similar purpose.

Sec. 6. “Taxpayer” means any person liable for a tax imposed pursuant to this chapter.

Sec. 7. The Department shall:
1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for that purpose.
2. Deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 8. 1. Each person responsible for maintaining the records of a taxpayer shall:
   (a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;
   (b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and
   (c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.
   2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a taxpayer pursuant to the provisions of this chapter.
   3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 9. 1. To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount required to be paid, the Department, or any person authorized in writing by it, may, during regular business hours, examine the books, papers and records of any person who may be liable for a tax imposed by this chapter.
2. Any person who may be liable for a tax imposed by this chapter and who keeps outside of this state any books, papers and records relating thereto, shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 10. 1. Except as otherwise provided in this section and NRS 360.250, the records and files of the Department concerning the administration of this chapter are confidential and privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of this chapter are not confidential and privileged in the following cases:
(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby are directly involved in the action or proceeding.
(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.
(c) Publication of statistics so classified as to prevent the identification of a particular person or document.
(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.
(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or
any other state charged with the administration or enforcement of
laws relating to taxation.

(f) Exchanges of information pursuant to subsection 3.

3. The Commission may enter into a written agreement with
any county fair and recreation board or the governing body of any
county, city or town for the continuing exchange of information
concerning taxpayers.

Sec. 11. 1. There is hereby imposed an excise tax on the
admission charge to any place or location in this state where
entertainment is provided at a rate of 3 percent of that portion of
each individual admission charge that exceeds $10.

2. The person who receives an admission charge is liable for
the tax imposed by this section, but is entitled to collect
reimbursement from the person paying the admission charge.

3. Any ticket for admission to a place or location in this state
where entertainment is provided must state whether the tax
imposed by this section is included in the price of the ticket. If the
ticket does not include such a statement, the taxpayer shall pay the
tax on the face amount of the ticket.

4. The tax imposed by this section does not apply to an
admission charge:

(a) Included in the computation of the tax imposed pursuant to
NRS 463.401 or any fee imposed pursuant to chapter 467 of NRS;

(b) Provided to a governmental entity or a public or private
educational institution for any entertainment sponsored by such
an entity or institution;

(c) Provided to a nonprofit organization that qualifies as a tax-
exempt organization pursuant to 26 U.S.C. § 501(c) or to a person
who remits to such a nonprofit organization at least 60 percent of
the net revenue from the entertainment for which access is
granted; or

(d) Provided for the right or privilege to have access to a
convention, an exhibition or a trade show, if the opportunity for
admission is not made available to the general public.

Sec. 12. A taxpayer shall hold the amount of all taxes for
which he is liable pursuant to this chapter in a separate account in
trust for the State.

Sec. 13. 1. The tax imposed by this chapter is payable to the
Department monthly on or before the last day of the month
immediately following the month in which liability for the tax
arose.

2. Each taxpayer shall file with the Department a return on a
form prescribed by the Department, together with the remittance
of any tax due pursuant to this chapter, on or before the last day

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of the month immediately following the month in which liability for the tax arose.

Sec. 14. A taxpayer may deduct and withhold from the amount of the taxes otherwise due from him pursuant to this chapter 1 percent of that amount to reimburse himself for the cost of collecting, reporting and remitting the taxes if the taxes are remitted during the first half of the period for which they are due.

Sec. 15. Upon written application made before the date on which payment must be made, the Department may for good cause extend by 30 days the time within which a taxpayer is required to pay a tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the taxpayer shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 16. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 17. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Examiners, the excess amount collected or paid must be credited on any amounts then due from the person under this chapter, and the balance refunded to the person or his successors in interest.

Sec. 18. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.
4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 19. 1. Except as otherwise provided in this section and NRS 360.320, interest must be paid upon any overpayment of any amount of the taxes imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month following the month for which the overpayment was made. No refund or credit may be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

2. The interest must be paid:
   (a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.
   (b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

3. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 20. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this state or against any officer of the State to prevent or enjoin the collection under this chapter of a tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 21. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this state where the claimant resides or maintains his principal place of business, or a county in which any relevant proceedings were conducted by the Department for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.
2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 22. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, he may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 23. In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 24. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 25. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 26. 1. If any amount in excess of $25 has been illegally determined, either by the person filing the return or by the Department, the Department shall certify this fact to the State
Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.

2. If an amount not exceeding $25 has been illegally determined, either by the person filing a return or by the Department, the Department, without certifying this fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 27. 1. A person shall not:
   (a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration, with intent to defraud the State or to evade payment of a tax or any part of a tax imposed by this chapter.
   (b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of a tax or any part of a tax imposed by this chapter.
   (c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of a tax or any part of a tax imposed by this chapter.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 28. It is the intent of the Legislature that the tax imposed pursuant to this chapter must not be increased for a period of at least 10 years after January 1, 2004.

Sec. 29. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 30 to 72, inclusive, of this act.

Sec. 30. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 31 to 37, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 31. 1. “Amount charged for service” means the total amount collected by a provider of service for the provision of a service, valued in money, whether received in money or otherwise, without deduction for any cost, expense or loss incurred in providing that service.

2. The term does not include the amount of the tax imposed by this chapter if added to the amount collected by the provider of service.

Sec. 32. “Business or profession” includes any activity engaged in by a person, with the object of gain, benefit or advantage, directly or indirectly, whether as a corporation, partnership, proprietorship, business association or other similar
organization, as a natural person or as an independent contractor. The term does not include the activity of a governmental entity.

Sec. 33. “Commission” means the Nevada Tax Commission.

Sec. 34. “Exempted from the taxes imposed by this chapter” means exempted from the computation of the amount of taxes imposed.

Sec. 35. “In this state” means within the exterior limits of the State of Nevada and includes all territory within these limits owned or ceded to the United States of America.

Sec. 36. “Provider of service” means a person engaged in a business or profession that provides a service in this state that is not exempted from the taxes imposed by this chapter.

Sec. 37. 1. “Service” means any result of useful effort that does not produce a tangible commodity.

2. The term does not include labor for hire or employment for a salary or commission.

Sec. 38. 1. A tax is hereby imposed upon each business or profession for the privilege of providing a service in this state at the following rates:

(a) For a personal service provided, the business or profession providing the service shall pay a tax at the rate of 3 percent of that portion of the amount charged for service which exceeds $50.

(b) For all other services, the business or profession providing the service shall pay a tax at a rate of 3 percent of the amount charged for service.

2. As used in this section “personal service” means a service purchased by a natural person for his personal needs and not for business purposes or for the production of revenue, income or other object of gain, benefit or advantage.

Sec. 39. 1. Except as otherwise provided in this section, a person shall not conduct a business or profession in this state whose amount charged for service is taxable under this chapter unless he has obtained a permit issued by the Department for each location where he offers his services.

2. Each application for a permit must:

(a) Be made upon a form prescribed by the Department;

(b) Set forth the name under which the applicant provides or intends to provide services and the location of the place or places where services will be provided;

(c) Set forth such other information as the Department may require; and

(d) Be accompanied by a fee of $5.

3. The application must be signed by:

(a) The owner, if the business or profession is owned by a natural person;
(b) A member or partner, if the business or profession is owned by an association or partnership; or

c) An officer or some other person specifically authorized to sign the application, if the business or profession is owned by a corporation. If an application is signed pursuant to this paragraph, written evidence of the signor’s authority must be attached to the application.

4. The provisions of this section do not apply to a business or profession that has been issued a permit pursuant to NRS 372.135.

Sec. 40. 1. If the holder of a permit issued pursuant to the provisions of this chapter fails to comply with a provision of this chapter or a regulation adopted pursuant thereto, the Department may revoke or suspend his permit. Before doing so, the Department must hold a hearing after 10 days’ written notice to the holder of the permit. The notice must specify the time and place of the hearing and require the holder thereof to show cause why the permit should not be revoked or suspended.

2. If a permit is suspended or revoked, the Department shall give written notice of the action to the holder of the permit.

3. The notices required by this section may be served personally or by mail in the manner provided in NRS 360.350 for the service of a notice of the determination of a deficiency.

4. The Department shall not issue a new permit to the former holder of a revoked permit unless it is satisfied that he will comply with the provisions of this chapter and the regulations of the Department adopted pursuant thereto.

Sec. 41. There are exempted from the tax imposed by the provisions of this chapter the amount charged for service for the provision of the following services:

1. Any service that this state is prohibited from taxing under the Constitution or laws of the United States or the Constitution of the State of Nevada.

2. Any service by one member of a group of affiliated enterprises to another member of the same group. For the purposes of this subsection, enterprises are affiliated if a majority interest in each enterprise is owned by the same person.

3. Any service which is a component of new residential construction.


5. Health care.

6. Any service provided by a public utility that is regulated by the provisions of chapter 704 of NRS.

7. Any service related to entertainment, as defined in section 5 of this act.

8. Advertising.
9. Any service related to the collection and disposal of garbage.

Sec. 42. A provider of service shall hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State.

Sec. 43. Except as otherwise provided in section 46 of this act, the taxes imposed by this chapter are payable to the Department monthly on or before the last day of the month immediately following the month in which liability for the tax arose.

Sec. 44. On or before the last day of the month following each reporting period, a return for the preceding period, accompanied by a remittance of the tax due, must be filed by each provider of service with the Department in such form as the Department may prescribe. A return must be signed by the person required to file the return or by his authorized agent but need not be verified by oath.

Sec. 45. 1. If a provider of service:
(a) Is unable to collect all or part of the total amount he charged for a service rendered and the amount was included in the amount charged for service reported for a previous reporting period; and
(b) Has taken a deduction on his federal income tax return pursuant to 26 U.S.C. § 166(a) for the amount which he is unable to collect,
he is entitled to receive a credit for the amount of tax paid on account of that uncollected amount. The credit may be used against the amount of tax that the provider of service is subsequently required to pay pursuant to this chapter.

2. If the Internal Revenue Service of the Department of the Treasury disallows a deduction described in paragraph (b) of subsection 1 and the provider of service claimed a credit on a return for a previous reporting period pursuant to subsection 1, the provider of service shall include the amount of that credit in the amount of taxes reported pursuant to section 44 of this act in the first return filed with the Department after the deduction is disallowed.

3. If a provider of service claims a credit on a return for a previous reporting period pursuant to subsection 1 and he collects all or part of the amount that was previously uncollected, he shall include:
(a) The amount collected in the amount of service reported pursuant to section 44 of this act; and
(b) The tax payable on the amount collected in the amount of taxes reported pursuant to section 44 of this act.
in the first return filed with the Department after that collection.

4. To carry out the provisions of this section, the Department shall use the accounting method used by the provider of service to report amounts charged for service to the Internal Revenue Service.

5. Any provider of service who files a return that contains one or more violations of the provisions of this section shall pay a penalty of not more than 10 percent of the amount of tax which is owed, as determined by the Department, in addition to the tax owed, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Commission that takes into consideration the length of time the tax remained unpaid.

Sec. 46. 1. The reporting and payment period of a provider of service whose taxable amount charged for service does not exceed $10,000 per month is a calendar quarter.

2. The Department, if it deems this action necessary to ensure payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the provider of service, or for other than monthly or quarterly periods.

Sec. 47. The Department for good cause may extend for not to exceed 1 month the time for making any return or paying any amount required to be paid under this chapter.

Sec. 48. 1. A responsible person who willfully fails to collect or pay to the Department the tax imposed by this chapter or who willfully attempts to evade the payment of the tax is jointly and severally liable with the provider of service for the tax owed plus interest and all applicable penalties. The responsible person shall pay the tax upon notice from the Department that it is due.

2. As used in this section, “responsible person” includes:
   (a) An officer or employee of a corporation; and
   (b) A member or employee of a partnership or limited-liability company, whose job or duty it is to collect, account for or pay to the Department the tax imposed by this chapter.

Sec. 49. 1. The Department, whenever it deems it necessary to ensure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as otherwise provided in subsection 2,
may not be greater than twice the estimated average tax due
quarterly of persons filing returns for quarterly periods or three
times the estimated average tax due monthly of persons filing
returns for monthly periods, determined in such manner as the
Department deems proper.
2. In the case of persons who are habitually delinquent in
their obligations under this chapter, the amount of the security
may not be greater than three times the average actual tax due
quarterly of persons filing returns for quarterly periods or five
times the average actual tax due monthly of persons filing returns
for monthly periods.
3. The limitations provided in this section apply regardless of
the type of security placed with the Department.
4. The amount of the security may be increased or decreased
by the Department subject to the limitations provided in this
section.
5. The Department may sell the security at public auction if it
becomes necessary to recover any tax or any amount required to
be collected, interest or penalty due. Notice of the sale may be
served, personally or by mail, upon the person who placed the
security. If the notice is served by mail, service must be made in
the manner prescribed for service of a notice of a deficiency
determination and must be addressed to the person at his address
as it appears in the records of the Department. Security in the
form of a bearer bond issued by the United States or the State of
Nevada which has a prevailing market price may be sold by the
Department at a private sale at a price not lower than the
prevailing market price.
6. Upon any sale, any surplus above the amounts due must be
returned to the person who placed the security.

Sec. 51. 1. Except as otherwise provided in NRS 360.235
and 360.395:
(a) No refund may be allowed unless a claim for it is filed with
the Department within 3 years after the last day of the month
following the close of the period for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for a refund unless a claim for credit is filed with the Department within that period or unless the credit relates to a period for which a waiver is given pursuant to NRS 360.355.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 52. 1. Except as otherwise provided in this section and NRS 360.320, interest must be paid upon any overpayment of any amount of the tax imposed by this chapter at the rate of 0.5 percent per month, or fraction thereof, from the last day of the calendar month following the period for which the overpayment was made. No refund or credit may be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

2. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

3. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 53. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or
illegally determined or collected unless a claim for refund or credit has been filed.

Section 54. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this state where the claimant resides or maintains his principal place of business, or a county in which any relevant proceedings were conducted by the Department for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Section 55. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with a hearing officer within the 45 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the hearing officer on appeal, he may, pursuant to the provisions of NRS 360.245, appeal the decision to the Commission. If the claimant is aggrieved by the decision of the Commission rendered on appeal, he may, within 45 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due under this chapter from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Section 56. In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Section 57. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Section 58. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part
thereof which is erroneously allowed in an action brought in a
court of competent jurisdiction in Carson City or Clark County in
the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County
unless the court, with the consent of the Attorney General, orders
a change of place of trial.

3. The Attorney General shall prosecute the action, and the
provisions of NRS, the Nevada Rules of Civil Procedure and the
Nevada Rules of Appellate Procedure relating to service of
summons, pleadings, proofs, trials and appeals are applicable to
the proceedings.

Sec. 59. 1. If any amount in excess of $25 has been
illegally determined, either by the person filing the return or by the
Department, the Department shall certify this fact to the State
Board of Examiners, and the latter shall authorize the
Cancellation of the amount upon the records of the Department.

2. If an amount not exceeding $25 has been illegally
determined, either by the person filing a return or by the
Department, the Department, without certifying this fact to
the State Board of Examiners, shall authorize the cancellation of
the amount upon the records of the Department.

Sec. 60. The Department shall:

1. Administer and enforce the provisions of this chapter and
may adopt regulations relating to the administration and
enforcement of this chapter.

2. Deposit all taxes, interest and penalties it receives pursuant
to this chapter in the State Treasury for credit to the State General
Fund.

Sec. 61. The Department may employ accountants, auditors,
investigators, assistants and clerks necessary for the efficient
administration of this chapter, and may delegate authority to its
representatives to conduct hearings, adopt regulations or perform
any other duties imposed by this chapter.

Sec. 62. 1. Every provider of service in this state not
exempted from the tax imposed by this chapter shall keep records,
receipts, invoices and other pertinent papers in such form as the
Department may require.

2. Every such provider of service who files the returns
required under this chapter shall keep the records for not less than
4 years after their making unless the Department in writing sooner
authorizes their destruction.

3. Every such provider of service who fails to file the returns
required under this chapter shall keep the records for not less than
8 years after their making unless the Department in writing sooner
authorizes their destruction.
Sec. 63. 1. To verify the accuracy of any return filed or, if no return is filed by a provider of service, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for a tax imposed by this chapter.

2. Any person who may be liable for a tax imposed by this chapter and who keeps outside of this state any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 64. 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any person who is the subject of the provisions of this chapter or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

3. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of any person subject to the provisions of this chapter who must file a return with the Department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose.
other than the collection of a debt or obligation owed to that local
government. The Executive Director may charge a reasonable fee
for the cost of providing the requested information.

4. Successors, receivers, trustees, executors, administrators,
assignees and guarantors, if directly interested, may be given
information as to the items included in the measure and amounts
of any unpaid tax or amounts of tax required to be collected,
interest and penalties.

5. Relevant information may be disclosed as evidence in an
appeal by the provider of service from a determination of tax due.

6. At any time after a determination, decision or order of the
Executive Director or other officer of the Department imposing
upon a person a penalty for fraud or intent to evade the tax
imposed by this chapter becomes final or is affirmed by the
Commission, any member of the Commission or officer, agent or
employee of the Department may publicly disclose the identity of
that person and the amount of tax assessed and penalties imposed
against him.

Sec. 65. Any provider of service subject to taxation under
this chapter who fails or refuses to furnish any return required to
be made, or who fails or refuses to furnish a supplemental return
or other data required by the Department, or who renders a false
or fraudulent return shall be fined not more than $500 for each
offense.

Sec. 66. Any person required to make, render, sign or verify
any report required under this chapter who makes any false or
fraudulent return, with intent to defeat or evade the determination
of an amount due required by law to be made, shall for each
offense be fined not less than $300 nor more than $5,000, or be
imprisoned for not more than 1 year in the county jail, or be
punished by both fine and imprisonment.

Sec. 67. Any violation of this chapter, except as otherwise
provided by specific statute, is a misdemeanor.

Sec. 68. Any prosecution for violation of any of the penal
provisions of this chapter must be instituted within 3 years after
the commission of the offense.

Sec. 69. In the determination of any case arising under this
chapter, the rule of res judicata is applicable only if the liability
involved is for the same period as was involved in another case
previously determined.

Sec. 70. The remedies of the State provided for in this
chapter are cumulative, and no action taken by the Department or
the Attorney General constitutes an election by the State to pursue
any remedy to the exclusion of any other remedy for which
provision is made in this chapter.
Sec. 71. In all proceedings under this chapter, the Department may act for and on behalf of the people of the State of Nevada.

Sec. 72. It is the intent of the Legislature that the tax imposed pursuant to this chapter must not be increased for a period of at least 10 years after January 1, 2004.

Sec. 73. NRS 360.2935 is hereby amended to read as follows:

360.2935 Except as otherwise provided in this title, a taxpayer is entitled to receive on any overpayment of taxes, after the offset required by NRS 360.320 has been made, a refund together with interest at a rate determined pursuant to NRS 17.130. No interest is allowed on a refund of any penalties or interest paid by a taxpayer.

Sec. 74. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 362, 364A, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, NRS 482.313, [or] chapter 585 or 680B of NRS, or sections 2 to 28, inclusive, or 30 to 72, inclusive, of this act, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;
(b) Any information within its possession or that may come into its possession; or
(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.
Sec. 75. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 364A, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, or sections 2 to 28, inclusive, or 30 to 72, inclusive, of this act, or the fee provided for in NRS 482.313, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 76. NRS 360.419 is hereby amended to read as follows:

360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of a tax imposed pursuant to NRS 361.320, or chapter 361A, 361B, 362, 364A, 369, 370, 372A, 374, 375A, or 375B, 376A, 377 or 377A of NRS, or sections 2 to 28, inclusive, or 30 to 72, inclusive, of this act, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the Department may relieve him of all or part of any interest or penalty or both.

2. A person seeking this relief must file with the Department a statement under oath setting forth the facts upon which he bases his claim.

3. The Department shall disclose, upon the request of any person:

(a) The name of the person to whom relief was granted; and

(b) The amount of the relief.

4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

Sec. 77. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against him which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or
(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed, give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this state or any political subdivision or agency of this state, who has in his possession or under his control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his possession or under his control at the time he received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of, and transmit to the Department all such credits, other personal property, or debts in his possession, under his control or owing by him within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him to continue to transmit payments to the Department or that his duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit
union or other depository institution at which the deposit is carried
or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency
makes any transfer or other disposition of the property or debts
required to be withheld or transmitted, to the extent of the value of
the property or the amount of the debts thus transferred or paid, he is
liable to the State for any indebtedness due pursuant to this chapter,
444A of NRS, NRS 482.313, chapter 585 or 680B of NRS, or
sections 2 to 28, inclusive, or 30 to 72, inclusive, of this act from
the person with respect to whose obligation the notice was given if
solely by reason of the transfer or other disposition the State is
unable to recover the indebtedness of the person with respect to
whose obligation the notice was given.

Sec. 78. NRS 361.186 is hereby amended to read as follows:
361.186 1. A taxpayer may collect an admission fee for the
exhibition of fine art otherwise exempt from taxation pursuant to
NRS 361.068 if the taxpayer offers to residents of the State of
Nevada a discount of 50 percent from any admission fee charged to
nonresidents. The discounted admission fee for residents must be
offered at any time the exhibition is open to the public and
admission fees are being charged.

2. Except as otherwise provided in subsection 5, if a taxpayer
collects a fee for the exhibition of fine art otherwise exempt from
taxation pursuant to NRS 361.068, the exemption pertaining to that
fine art for the fiscal year must be reduced by the net revenue
derived by the taxpayer for that fiscal year. The exemption
pertaining to fine art for a particular fiscal year must not be reduced
below zero, regardless of the amount of the net revenue derived by
the taxpayer for that fiscal year.

3. A tax resulting from the operation of this section is due with
the tax otherwise due under the taxpayer’s first statement filed
pursuant to NRS 361.265 after the 15th day of the fourth month
after the end of the fiscal year in which the net revenue was received
or, if no such statement is required to be filed, under a statement of
the net revenue filed on or before the last day of the fourth month
after the end of that fiscal year.

4. A taxpayer who is required to pay a tax resulting from the
operation of this section may receive a credit against the tax for any
donations made by the taxpayer to the State Arts Council, the
Division of Museums and History Dedicated Trust Fund established
pursuant to NRS 381.0031, a museum that provides exhibits
specifically related to nature or a museum that provides exhibits
specifically related to children, if the taxpayer:
(a) Made the donation before the date that either statement required pursuant to subsection 3 is due; and
(b) Provides to the county assessor documentation of the donation at the time that he files the statement required pursuant to subsection 3.

5. If a taxpayer qualifies for and avails himself of both of the exemptions from taxation provided by NRS 361.068 and 374.291, the reduction of the exemptions by the net revenue derived by the taxpayer, as required pursuant to subsection 2 of this section and subsection 2 of NRS 374.291, must be carried out in such a manner that the total net revenue derived by the taxpayer is first applied to reduce the exemption provided pursuant to NRS 374.291. If the net revenue exceeds the amount of the exemption provided pursuant to NRS 374.291, the remaining net revenue must be applied to reduce the exemption provided pursuant to NRS 361.068. If the net revenue is less than or equal to the exemption provided pursuant to NRS 374.291 for that fiscal year, the exemption provided pursuant to NRS 361.068 must not be reduced.

6. For the purposes of this section:
(a) “Direct costs of owning and exhibiting the fine art” does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) “Net revenue” means the amount of the fees collected for exhibiting the fine art during that fiscal year less the following paid or made during that fiscal year:

(1) Any taxes on those fees imposed pursuant to section 11 of this act;

(2) The direct costs of owning and exhibiting the fine art; and

(3) The cost of educational programs associated with the taxpayer’s public display of fine art, including the cost of meeting the requirements of sub-subparagraph (IV) of subparagraph (1) of paragraph (b) of subsection 5 of NRS 361.068.

Sec. 79. Chapter 364A of NRS is hereby amended by adding thereto the provisions set forth as sections 80 and 81 of this act.

Sec. 80. 1. Each business license issued pursuant to NRS 364A.130 expires 1 year after the last day of the calendar month in which it was issued and must be renewed on or before that date.

2. A business license may be renewed by the holder thereof upon the payment of a renewal fee of $50.
3. If the holder of a business license fails to pay the annual renewal fee before the expiration of his business license, the business license may be reinstated upon the payment of a reinstatement fee of $50 in addition to the annual renewal fee. A business license may be reinstated pursuant to this subsection only if the fees are paid within 1 year after the business license expires.

Sec. 81. It is the intent of the Legislature that the tax imposed by the provisions of this chapter must not be increased for a period of at least 10 years after July 1, 2003.

Sec. 82. NRS 364A.040 is hereby amended to read as follows:

364A.040 1. “Employee” includes:

(a) A natural person who receives wages or other remuneration from a business for personal services, including commissions and bonuses and remuneration payable in a medium other than cash; and

(b) A natural person engaged in the operation of a business.

2. The term includes:

(a) A sole proprietor or any partner or other co-owner of a business; and

(b) Except as otherwise provided in subsection 3, a natural person reported as an employee to the:

(1) Employment Security Division of the Department of Employment, Training and Rehabilitation;

(2) Administrator of the Division of Industrial Relations of the Department of Business and Industry; or

(3) Internal Revenue Service on an Employer’s Quarterly Federal Tax Return (Form 941), Employer’s Monthly Federal Tax Return (Form 941-M), Employer’s Annual Tax Return for Agricultural Employees (Form 943) or any equivalent or successor form.

3. The term does not include:

(a) A business, including an independent contractor, that performs services on behalf of another business.

(b) A natural person who is retired or otherwise receiving remuneration solely because of past service to the business.

(c) A natural person whose activity is to care for children in one household at a time.

(d) A newspaper carrier or the immediate supervisor of a newspaper carrier who is an independent contractor of the newspaper and receives compensation solely from persons who purchase the newspaper.

(e) A natural person who performs all of his duties for the business outside of this state.

4. An independent contractor is not an employee of a business with whom he contracts.
Sec. 83. NRS 364A.130 is hereby amended to read as follows:

364A.130  1. Except as otherwise provided in subsection 6, a person shall not conduct a business in this state unless he has a business license issued by the Department.

2. The application for a business license must:
   (a) Be made upon a form prescribed by the Department;
   (b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;
   (c) Declare the estimated number of employees for the previous calendar quarter;
   (d) Be accompanied by a fee of $50; and
   (e) Include any other information that the Department deems necessary.

3. The application must be signed by:
   (a) The owner, if the business is owned by a natural person;
   (b) A member or partner, if the business is owned by an association or partnership; or
   (c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer’s authority must be attached to the application.

5. For the purposes of this chapter, a person shall be deemed to conduct a business in this state if a business for which the person is responsible:
   (a) Is formed pursuant to chapter 78 or 78A title 7 of NRS;
   (b) Has an office or other base of operations in this state; or
   (c) Pays wages or other remuneration to a natural person who performs in this state any of the duties for which he is paid.

6. A person who takes part in a trade show or convention held in this state for a purpose related to the conduct of a business is not required to obtain a business license specifically for that event.

Sec. 84. NRS 364A.140 is hereby amended to read as follows:

364A.140  1. A tax is hereby imposed upon the privilege of conducting business in this state. Except as otherwise provided in this section, the tax for each calendar quarter is due on the last day of the quarter and must be paid on or before the last day of the month immediately following the quarter on the basis of the total number of equivalent full-time employees employed by the business in the quarter.

2. If the tax required to be paid by a business for a calendar quarter pursuant to subsection 1 is less than $25, the business may submit a written request to the Department to pay the tax annually
for each calendar quarter of a fiscal year ending June 30. Upon
approval of the request, the tax becomes due on the last day of the
fiscal year and must be paid on or before the last day of July
immediately following the fiscal year. If a business ceases operation
before the end of the fiscal year, the tax becomes due on the date on
which the business ceases its operation and must be paid on or
before the last day of the month immediately following the calendar
quarter in which the business ceases its operation. A business may
continue to pay the tax annually until the Department withdraws its
approval for the annual payment. The Department may withdraw its
approval at any time if it determines that the tax due for any
calendar quarter is at least $25.

3. The total number of equivalent full-time employees
employed by a business in a quarter must be calculated pursuant to
NRS 364A.150.

4. Except as otherwise provided in NRS 364A.152 and
364A.170, the amount of tax due for a business for each calendar
quarter is $50 for each equivalent full-time employee
employed by the business in the quarter.

5. Each business shall file a return on a form prescribed by the
Department with each remittance of the tax. If the payment due is
greater than $1,000, the payment must be made by direct deposit at
a bank or credit union in which the State has an account, unless the
Department waives this requirement pursuant to regulations adopted
by the Commission. The return must include:
(a) If the tax is paid quarterly, a statement of the number of
equivalent full-time employees employed by the business in the
preceding quarter and any other information the Department
determines is necessary.
(b) If the tax is paid annually, a statement of the number of
equivalent full-time employees employed by the business for each
calendar quarter of the preceding fiscal year and any other
information the Department determines is necessary.

6. The Commission shall adopt regulations concerning the
payment of the tax imposed pursuant to this section by direct
deposit.

Sec. 85. NRS 364A.150 is hereby amended to read as follows:
364A.150 1. The total number of equivalent full-time
employees employed by a business in a quarter must be calculated
by dividing the total number of hours all employees have worked
during the quarter by 468.
2. To determine the total number of hours all employees have
worked during the quarter, the business must add the total number
of hours worked by full-time employees based in this state during
the quarter to the total number of hours worked by part-time
employees based in this state during the quarter and to the total
number of hours worked in this state by employees described in
subsection 6. A “full-time employee” is a person who is employed
to work at least 36 hours per week. All other employees are part-
time employees. An occasional reduction in the number of hours
actually worked in any week by a particular employee, as the result
of sickness, vacation or other compensated absence, does not affect
his status for the purposes of this section if his regular hours of work
are 36 or more per week. All hours for which a part-time employee
is paid must be included.

3. Except as otherwise provided in subsection 7, the total
number of hours worked by full-time employees of a business
during the quarter may be calculated by:
   (a) Determining from the records of the business the number of
hours each full-time employee has worked during the quarter up to a
maximum of 468 hours per quarter and totaling the results; or
   (b) Multiplying 7.2 hours by the number of days each full-time
employee was employed by the business up to a maximum of 65
days per quarter and totaling the results.

4. Except as otherwise provided in subsection 7, the total
number of hours worked by part-time employees of a business
during the quarter must be calculated by determining from the
records of the business the number of hours each part-time
employee has worked during the quarter and totaling the results.

5. The total number of hours all employees have worked
during the quarter must be calculated [excluding], [including] the
hours worked by a sole proprietor or one natural person in any
unincorporated business. [who shall be deemed the owner of the
business rather than an employee.]

6. To determine the total number of hours all employees have
worked during the quarter, in the case of a business which employs
a natural person at a base or business location outside Nevada, but
directs that person to perform at least some of his duties in Nevada,
the calculation must include the total number of hours actually
worked by that person in Nevada during the quarter. To calculate
the number of hours worked in Nevada, the formula in paragraph (b)
of subsection 3 must be used for full-time employees, and the
formula in subsection 4 must be used for part-time employees.

7. Except as otherwise provided in subsection 8, if a business
employs in a calendar quarter a person whose monthly income for
that calendar quarter is 150 percent or less of the federally
designated level signifying poverty, the business may exclude the
total number of hours which the employee worked during that
calendar quarter in calculating the total number of hours worked by
employees of the business during the quarter if the business provided to the employee for the whole calendar quarter:

(a) Free child care for the children of the employee at an on-site child care facility; or

(b) One or more vouchers for use by the employee to pay the total cost of child care for the calendar quarter at a licensed child care facility that is within a reasonable distance from the business.

8. The number of hours excluded pursuant to subsection 7 must not reduce the total tax liability of the business by more than 50 percent.

9. As used in this section, the term “on-site child care facility” has the meaning ascribed to it in NRS 432A.0275.

Sec. 86. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

It is the intent of the Legislature that the taxes imposed by the provisions of this chapter must not be increased for a period of at least 10 years after July 1, 2003.

Sec. 87. NRS 369.174 is hereby amended to read as follows:

369.174 Each month, the State Controller shall transfer to the Tax on Liquor Program Account in the State General Fund, from the tax on liquor containing more than 22 percent of alcohol by volume, the portion of the tax which exceeds $1.90 per wine gallon.

Sec. 88. NRS 369.330 is hereby amended to read as follows:

369.330 Except as otherwise provided in this chapter, an excise tax is hereby levied and must be collected respecting all liquor and upon the privilege of importing, possessing, storing or selling liquor, according to the following rates and classifications:

1. On liquor containing more than 22 percent of alcohol by volume, $2.05 per wine gallon or proportionate part thereof.

2. On liquor containing more than 14 percent up to and including 22 percent of alcohol by volume, 75 cents per wine gallon or proportionate part thereof.

3. On liquor containing from one-half of 1 percent up to and including 14 percent of alcohol by volume, 80 cents per wine gallon or proportionate part thereof.

4. On all malt beverage liquor brewed or fermented and bottled in or outside this state, 18 cents per gallon.

Sec. 89. Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:

It is the intent of the Legislature that the tax imposed by the provisions of this chapter must not be increased for a period of at least 10 years after July 1, 2004.

Sec. 90. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the
rate of \[17.5\] 30 mills per cigarette. The tax may be represented and
precollected by the affixing of a revenue stamp or other approved
evidence of payment to each package, packet or container in which
cigarettes are sold. The tax must be precollected by the wholesale or
retail dealer, and must be recovered from the consumer by adding
the amount of the tax to the selling price. Each person who sells
cigarettes at retail shall prominently display on his premises a notice
that the tax is included in the selling price and is payable under the
provisions of this chapter.

Sec. 91. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or
possession of cigarettes by a consumer in the State of Nevada at the
rate of \[30\] 37.5 mills per cigarette. The tax may be represented and
precollected by the affixing of a revenue stamp or other approved
evidence of payment to each package, packet or container in which
cigarettes are sold. The tax must be precollected by the wholesale or
retail dealer, and must be recovered from the consumer by adding
the amount of the tax to the selling price. Each person who sells
cigarettes at retail shall prominently display on his premises a notice
that the tax is included in the selling price and is payable under the
provisions of this chapter.

Sec. 92. NRS 370.260 is hereby amended to read as follows:

370.260 1. All taxes and license fees imposed by the
provisions of NRS 370.001 to 370.430, inclusive, less any refunds
granted as provided by law, must be paid to the Department in the
form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the
taxes and license fees, transmit each month the sum the Legislature
specifies from the remittances made to it pursuant to subsection 1
during the preceding month to the State Treasurer for deposit to the
credit of the Department. The deposited money must be expended
by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1
during the preceding month, less the amount transmitted pursuant to
paragraph (a), transmit each month the portion of the tax which is
equivalent to \[12.5\] 25 mills per cigarette to the State Treasurer for
deposit to the credit of the Account for the Tax on Cigarettes in the
State General Fund.

(c) Transmit the balance of the payments each month to the
State Treasurer for deposit in the Local Government Tax
Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of
collections.
3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

Sec. 93. NRS 370.260 is hereby amended to read as follows:
370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, less any refunds granted as provided by law, must be paid to the Department in the form of remittances payable to the Department.
2. The Department shall:
   (a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited money must be expended by the Department in accordance with its work program.
   (b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to $32.5 mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.
   (c) Transmit the balance of the payments each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.
   (d) Report to the State Controller monthly the amount of collections.
3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

Sec. 94. NRS 370.350 is hereby amended to read as follows:
370.350 1. Except as otherwise provided in subsection 3, a tax is hereby levied and imposed upon the use of cigarettes in this state.
2. The amount of the use tax is 30 mills per cigarette.
3. The use tax does not apply where:
   (a) Nevada cigarette revenue stamps have been affixed to cigarette packages as required by law.
   (b) Tax exemption is provided for in this chapter.
Sec. 95. NRS 370.350 is hereby amended to read as follows:

370.350 1. Except as otherwise provided in subsection 3, a
2 tax is hereby levied and imposed upon the use of cigarettes in this
3 state.
4 2. The amount of the use tax is [30] 37.5 mills per cigarette.
5 3. The use tax does not apply where:
6 (a) Nevada cigarette revenue stamps have been affixed to
7 cigarette packages as required by law.
8 (b) Tax exemption is provided for in this chapter.

Sec. 96. NRS 372.220 is hereby amended to read as follows:

372.220 1. Every retailer who sells tangible personal
2 property for storage, use or other consumption in this state shall
3 register with the Department and give:
4 (a) The name and address of all agents operating in this
5 state.
6 (b) The location of all distribution or sales houses or offices
7 or other places of business in this state.
8 (c) Such other information as the Department may require.

2. Every business that purchases tangible personal property
for storage, use or other consumption in this state shall, at the
1 time he obtains a business license pursuant to NRS 364A.130,
register with the Department on a form prescribed by the
1 Department. As used in this section, “business” has the meaning
1 ascribed to it in NRS 364A.020.

Sec. 97. NRS 374.2911 is hereby amended to read as follows:

374.2911 1. A taxpayer may collect an admission fee for the
2 exhibition of fine art otherwise exempt from taxation on its sale,
3 storage, use or other consumption pursuant to NRS 374.291 if the
4 taxpayer offers to residents of the State of Nevada a discount of 50
percent from any admission fee charged to nonresidents. The
5 discounted admission fee for residents must be offered at any time
6 the exhibition is open to the public and admission fees are being
7 charged.
8 2. If a taxpayer collects a fee for the exhibition of fine art
9 otherwise exempt from taxation on its sale, storage, use or other
10 consumption pursuant to NRS 374.291 and the fee is collected
11 during the first full fiscal year after the purchase of the fine art, the
12 exemption pertaining to that fine art must be reduced by the net
13 revenue derived by the taxpayer for that first full fiscal year. The
14 exemption pertaining to fine art must not be reduced below zero,
15 regardless of the amount of the net revenue derived by the taxpayer
16 for that first full fiscal year.
17 3. Any tax due pursuant to this section must be paid with the
18 first sales and use tax return otherwise required to be filed by the
19 taxpayer following the 15th day of the fourth month after the end of
the first full fiscal year following the purchase of the fine art or, if no sales and use tax return is otherwise required to be filed by the taxpayer, with a sales and use tax return filed specifically for this purpose on or before the last day of the fourth month after the end of the first full fiscal year following the purchase of the fine art.

4. A taxpayer who is required to pay a tax resulting from the operation of this section may receive a credit against the tax for any donations made by the taxpayer to the State Arts Council, the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, a museum that provides exhibits specifically related to nature or a museum that provides exhibits specifically related to children, if the taxpayer:

(a) Made the donation before the date that either return required pursuant to subsection 3 is due; and

(b) Provides the Department documentation of the donation at the time that he files the return required pursuant to subsection 3.

5. For the purposes of this section:

(a) “Direct costs of owning and exhibiting the fine art” does not include any allocation of the general and administrative expense of a business or organization that conducts activities in addition to the operation of the facility in which the fine art is displayed, including, without limitation, an allocation of the salary and benefits of a senior executive who is responsible for the oversight of the facility in which the fine art is displayed and who has substantial responsibilities related to the other activities of the business or organization.

(b) “Net revenue” means the amount of the fees collected for exhibiting the fine art during the fiscal year less the following paid or made during the fiscal year:

(1) Any taxes on those fees imposed pursuant to section 11 of this act;

(2) The direct costs of owning and exhibiting the fine art; and

(3) The cost of educational programs associated with the taxpayer’s public display of fine art, including the cost of meeting the requirements of subsubparagraph (IV) of subparagraph (1) of paragraph (a) of subsection 4 of NRS 374.291.

Sec. 98. NRS 14.030 is hereby amended to read as follows:

14.030 1. If any artificial person described in NRS 14.020 fails to appoint a resident agent, or fails to file a certificate of acceptance of appointment for 30 days after a vacancy occurs in the agency, on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, the artificial person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the
Secretary of State [H] or, in his absence, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:
(a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.
(b) Be accompanied by a fee of $15.
The Secretary of State shall keep a copy of the legal process received pursuant to this section in his office for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.
2. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.
3. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the officers of the artificial person to be served, and the facts showing that direct or personal service on, or notice to, the artificial person cannot be had.
4. If it appears from the affidavit that there is a last known address of the artificial person or any known officers thereof, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the artificial person or to the known officer, at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.
5. This section provides an additional manner of serving process, and does not affect the validity of any other valid service.
Sec. 99. NRS 78.760 is hereby amended to read as follows:
78.760 1. The fee for filing articles of incorporation is prescribed in the following schedule:

<table>
<thead>
<tr>
<th>Amount Represented</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$75,000 or less</td>
<td>$175</td>
</tr>
<tr>
<td>$75,000 to $200,000</td>
<td>$225</td>
</tr>
<tr>
<td>$200,000 to $500,000</td>
<td>$325</td>
</tr>
<tr>
<td>$500,000 to $1,000,000</td>
<td>$425</td>
</tr>
<tr>
<td>$1,000,000 or more</td>
<td>$425</td>
</tr>
</tbody>
</table>

2. The maximum fee which may be charged pursuant to this section is $37,500.
(a) The original filing of articles of incorporation.

(b) A subsequent filing of any instrument which authorizes an increase in stock.

3. For the purposes of computing the filing fees according to the schedule in subsection 1, the amount represented by the total number of shares provided for in the articles of incorporation is:

   (a) The aggregate par value of the shares, if only shares with a par value are therein provided for;

   (b) The product of the number of shares multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which shares may be issued and disposed of, if only shares without par value are therein provided for; or

   (c) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which the shares without par value may be issued and disposed of, if shares with and without par value are therein provided for.

For the purposes of this subsection, shares with no prescribed par value shall be deemed shares without par value.

4. The Secretary of State shall calculate filing fees pursuant to this section with respect to shares with a par value of less than one-tenth of a cent as if the par value were one-tenth of a cent.

Sec. 100. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this state may, on or after January 1 of any year but before January 31 of that year, register his willingness to serve as the resident agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must be accompanied by a fee of \$250 per office location of the resident agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this state.

Sec. 101. NRS 80.050 is hereby amended to read as follows:

80.050 1. Except as otherwise provided in subsection 3, foreign corporations shall pay the same fees to the Secretary of State as are required to be paid by corporations organized pursuant to the laws of this state, but the amount of fees to be charged must not exceed:

   (a) The sum of \$25,000 for filing documents for initial qualification; or

   (b) The sum of \$25,000 for each subsequent filing of a certificate increasing authorized capital stock.
2. If the corporate documents required to be filed set forth only
the total number of shares of stock the corporation is authorized to
issue without reference to value, the authorized shares shall be
deemed to be without par value and the filing fee must be computed
pursuant to paragraph (b) of subsection 3 of NRS 78.760.
3. Foreign corporations which are nonprofit corporations and
do not have or issue shares of stock shall pay the same fees to the
Secretary of State as are required to be paid by nonprofit
corporations organized pursuant to the laws of this state.
4. The fee for filing a notice of withdrawal from the State of
Nevada by a foreign corporation is $60.

Sec. 102. NRS 80.110 is hereby amended to read as follows:
80.110 1. Each foreign corporation doing business in this
state shall, on or before the first day of the second month after the
filing of its certificate of corporate existence with the Secretary of
State, and annually thereafter on or before the last day of the month
in which the anniversary date of its qualification to do business in
this state occurs in each year, file with the Secretary of State a list,
on a form furnished by him, that contains:
(a) The names of its president, secretary and treasurer or their
equivalent, and all of its directors;
(b) A designation of its resident agent in this state; and
(c) The signature of an officer of the corporation.
Each list filed pursuant to this subsection must be accompanied by a
declaration under penalty of perjury that the foreign corporation has
complied with the provisions of chapter 364A of NRS.
2. Upon filing:
(a) The initial list required by subsection 1, the corporation shall
pay to the Secretary of State a fee of $165.
(b) Each annual list required by subsection 1, the corporation
shall pay to the Secretary of State a fee of $130.
3. The Secretary of State shall, 60 days before the last day for
filing each annual list required by subsection 1, cause to be mailed
to each corporation required to comply with the provisions of NRS
80.110 to 80.170, inclusive, which has not become delinquent, the
blank forms to be completed and filed with him. Failure of any
corporation to receive the forms does not excuse it from the penalty
imposed by the provisions of NRS 80.110 to 80.170, inclusive.
4. An annual list for a corporation not in default which is
received by the Secretary of State more than 60 days before its due
date shall be deemed an amended list for the previous year and does
not satisfy the requirements of subsection 1 for the year to which the
due date is applicable.
Sec. 103. NRS 82.193 is hereby amended to read as follows:
82.193  1. A corporation shall have a resident agent in the
manner provided in NRS 78.090, 78.095, 78.097 and 78.110. The
resident agent and the corporation shall comply with the provisions
of those sections.
  2. A corporation is subject to the provisions of NRS 78.150 to
78.185, inclusive, except that:
   (a) The fee for filing a list is $15;
   (b) The penalty added for default is $10; and
   (c) The fee for reinstatement is $40.

Sec. 104. NRS 82.531 is hereby amended to read as follows:
82.531  1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation, certificates pursuant to NRS 82.061 and 82.063 and documents for dissolution is $25 for each document.
   2. Except as otherwise provided in NRS 82.193 and subsection 1, the fees for filing documents are those set forth in NRS 78.765 to 78.785, inclusive.

Sec. 105. NRS 84.090 is hereby amended to read as follows:
84.090  1. The fee for filing articles of incorporation, amendments to or restatements of articles of incorporation, certificates of reinstatement and documents for dissolution is $25 for each document.
   2. Except as otherwise provided in this chapter, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 106. NRS 84.130 is hereby amended to read as follows:
84.130  1. Each corporation sole that is required to make the filings and pay the fees prescribed in this chapter but refuses or neglects to do so within the time provided is in default.
   2. For default, there must be added to the amount of the fee a penalty of $5. The fee and penalty must be collected as provided in this chapter.

Sec. 107. NRS 84.150 is hereby amended to read as follows:
84.150  1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this state and exercise its corporate privileges and immunities, if it:
   (a) Files with the Secretary of State a certificate of acceptance of appointment executed by the resident agent of the corporation; and
   (b) Pays to the Secretary of State:
      (1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and
      (2) A fee of $25 for reinstatement.
2. When the Secretary of State reinstates the corporation to its former rights, he shall:
   (a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and
   (b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

Sec. 108. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the first day of the second month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:
   (a) The name of the limited-liability company;
   (b) The file number of the limited-liability company, if known;
   (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
   (d) The mailing or street address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;
   (e) The name and street address of the resident agent of the limited-liability company; and
   (f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1. If the limited-liability company has had no changes in its managers or, if there is no manager, its managing members, since its previous list was filed, no amended list need be filed if a manager or managing member of the limited-liability company certifies to the Secretary of State as a true and accurate statement that no changes in the managers or managing members have occurred.

3. Each list required by subsection 1 and each list or certification required by subsection 2 must be accompanied by a
declaration under penalty of perjury that the limited-liability company has complied with the provisions of chapter 364A of NRS.

4. Upon filing:
   (a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $165.
   (b) Each annual list required by subsection 2 or certifying that no changes have occurred, the limited-liability company shall pay to the Secretary of State a fee of $85. ($130).

5. The Secretary of State shall, 60 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company required to comply with the provisions of this section, which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2 or a certification of no change. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

6. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited-liability company not in default received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 109. NRS 86.561 is hereby amended to read as follows:

86.561. 1. The Secretary of State shall charge and collect for:
   (a) Filing the original articles of organization, or for registration of a foreign company, $175;
   (b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, $150;
   (c) Filing the articles of dissolution of a domestic or foreign company, $60;
   (d) Filing a statement of change of address of a records or registered office, or change of the resident agent, $30;
   (e) Certifying articles of organization or an amendment to the articles, in both cases where a copy is provided, $20;
   (f) Certifying an authorized printed copy of this chapter, $20;
   (g) Reserving a name for a limited-liability company, $20;
   (h) Filing a certificate of cancellation, $60;
   (i) Executing, filing or certifying any other document, $40; and
   (j) Copies made at the Office of the Secretary of State, $1 per page.

2. The Secretary of State shall charge and collect at the time of any service of process on him as agent for service of process of a limited-liability company, $15 which may be recovered as
taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 110. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the first day of the second month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;
(b) The file number of the registered limited-liability partnership, if known;
(c) The names of all of its managing partners;
(d) The mailing or street address, either residence or business, of each managing partner;
(e) The name and street address of the resident agent of the registered limited-liability partnership; and
(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 364A of NRS.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $165.
(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $130.

3. The Secretary of State shall, at least 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

4. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.
5. An annual list that is filed by a registered limited-liability partnership which is not in default more than 60 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 111. NRS 87.550 is hereby amended to read as follows:

87.550 In addition to any other fees required by NRS 87.440 to 87.540, inclusive, and 87.560, the Secretary of State shall charge and collect the following fees for services rendered pursuant to those sections:

1. For certifying documents required by NRS 87.440 to 87.540, inclusive, and 87.560, $20 per certification.

2. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has not filed a certificate of amendment, $40.

3. For executing a certificate verifying the existence of a registered limited-liability partnership, if the registered limited-liability partnership has filed a certificate of amendment, $40.

4. For executing, certifying or filing any certificate or document not required by NRS 87.440 to 87.540, inclusive, and 87.560, $40.

5. For any copies made by the Office of the Secretary of State, $1.50 per page.

6. For examining and provisionally approving any document before the document is presented for filing, $150.

Sec. 112. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the first day of the second month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The mailing or street address, either residence or business, of each general partner;

(e) The name and street address of the resident agent of the limited partnership; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 364A of NRS.

2. Upon filing:
(a) The initial list required by subsection 1, the limited partnership shall pay to the Secretary of State a fee of $165.

(b) Each annual list required by subsection 1, the limited partnership shall pay to the Secretary of State a fee of $85.

3. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership required to comply with the provisions of this section which has not become delinquent a notice of the fee due pursuant to the provisions of subsection 2 and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

4. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

5. An annual list for a limited partnership not in default that is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

6. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 113. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, $175.

2. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, $150.

3. For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, $30.

4. For certifying a certificate of limited partnership, an amendment to the certificate, or a certificate as amended where a copy is provided, $20 per certification.

5. For certifying an authorized printed copy of the limited partnership law, $20.

6. For reserving a limited partnership name, or for executing, filing or certifying any other document, $20.

7. For copies made at the Office of the Secretary of State, $1.50 per page.

8. For filing a certificate of cancellation of a limited partnership, $60.
Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 114. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the first day of the second month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and mailing address of its resident agent and at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust has complied with the provisions of chapter 364A of NRS.

2. Upon filing:
   (a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $165.
   (b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $130.

3. The Secretary of State shall, 60 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

4. An annual list for a business trust not in default which is received by the Secretary of State more than 60 days before its due date shall be deemed an amended list for the previous year.

Sec. 115. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, $175.
2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, $150.
3. Filing a certificate of cancellation, $175.
4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, $20 per certification.
5. Certifying an authorized printed copy of this chapter, $20.
6. Reserving a name for a business trust, $30.
7. Executing a certificate of existence of a business trust which does not list the previous documents relating to it, or a certificate of change in the name of a business trust, $40.
8. Executing a certificate of existence of a business trust which lists the previous documents relating to it, $40.
9. Filing a statement of change of address of the registered office for each business trust, $30.
10. Filing a statement of change of the registered agent, $30.
11. Executing, certifying or filing any certificate or document not otherwise provided for in this section, $40.
12. Examining and provisionally approving a document before the document is presented for filing, $100.
13. Copying a document on file with him, for each page, $1.50.

Sec. 116. NRS 90.360 is hereby amended to read as follows:

90.360 1. An applicant for licensing shall pay a nonrefundable licensing fee, due annually in the following amounts:
   (a) Broker-dealer, $150.
   (b) Sales representative, $55.
   (c) Investment adviser, $150.
   (d) Representative of an investment adviser, $55.

2. The Administrator by regulation may require licensing of branch offices and impose a fee for the licensing and an annual fee.

3. For the purpose of this section, a “branch office” means any place of business in this state other than the principal office in the State of the broker-dealer, from which one or more sales representatives transact business.

Sec. 117. NRS 90.380 is hereby amended to read as follows:

90.380 1. Unless a proceeding under NRS 90.420 has been instituted, the license of any broker-dealer, sales representative, investment adviser or representative of an investment adviser becomes effective 30 days after an application for licensing has been filed and is complete, including any amendment, if all requirements imposed pursuant to NRS 90.370 and 90.375 have been satisfied. An application or amendment is complete when the applicant has furnished information responsive to each applicable item of the application. The Administrator may authorize an earlier effective date of licensing.

2. The license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser is effective until terminated by revocation, suspension, expiration or withdrawal.

3. The license of a sales representative is only effective with respect to transactions effected on behalf of the broker-dealer or issuer for whom the sales representative is licensed.

4. A person shall not at any one time act as a sales representative for more than one broker-dealer or for more than one
issuer, unless the Administrator by regulation or order authorizes multiple licenses.

5. If a person licensed as a sales representative terminates association with a broker-dealer or issuer or ceases to be a sales representative, the sales representative and the broker-dealer or issuer on whose behalf the sales representative was acting shall promptly notify the Administrator.

6. The Administrator by regulation may authorize one or more special classifications of licenses as a broker-dealer, sales representative, investment adviser or representative of an investment adviser to be issued to applicants subject to limitations and conditions on the nature of the activities that may be conducted by persons so licensed.

7. The license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser expires if:
   (a) The statement required pursuant to NRS 90.375 is not submitted when it is due; or
   (b) The annual fee required by NRS 90.360 is not paid when it is due.

8. A license that has expired may be reinstated retroactively if the licensed person:
   (a) Submits the statement required pursuant to NRS 90.375; and
   (b) Pays the fee required by NRS 90.360, plus a fee for reinstatement in the amount of $25, within 30 days after the date of expiration. If the license is not reinstated within that time, it shall be deemed to have lapsed as of the date of expiration, and the licensed person must thereafter submit a new application for licensing if he desires to be relicensed.

Sec. 118. NRS 90.456 is hereby amended to read as follows:

1. The Administrator may charge a fee not to exceed 0.4 percent of the total value of each transaction involving the purchase, sale or other transfer of a security conducted by a securities exchange located in this state.

2. The Administrator may adopt by regulation or order, and shall cause to be published, a table of fees based upon the direct cost of regulating the securities exchange.

Sec. 119. NRS 90.500 is hereby amended to read as follows:

1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a broker-dealer licensed under this chapter.

2. Except as provided in subsection 3, a person filing a registration statement shall pay a filing fee of one-tenth of 1.15 percent of the maximum aggregate offering price at which the registered securities are to be offered in this state, but not less than
If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.

3. An open-end management company, a face-amount certificate company or a unit investment trust, as defined in the Investment Company Act of 1940, may register an indefinite amount of securities under a registration statement. The registrant shall pay:

(a) A fee of $525 or more than $2,500. If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.

(b) Within 60 days after the registrant’s fiscal year during which its statement is effective, a fee of $3,000, or file a report on a form the Administrator adopts, specifying its sale of securities to persons in this state during the fiscal year and pay a fee of \( \frac{1}{10} \) percent of the aggregate sales price of the securities sold to persons in this state, but the latter fee must not be less than $350 or more than $3,750.

4. Except as otherwise permitted by subsection 3, a statement must specify:

(a) The amount of securities to be offered in this state and the states in which a statement or similar document in connection with the offering has been or is to be filed; and

(b) Any adverse order, judgment or decree entered by a securities agency or administrator in any state or by a court or the Securities and Exchange Commission in connection with the offering.

5. A document filed under this chapter as now or previously in effect, within 5 years before the filing of a registration statement, may be incorporated by reference in the registration statement if the document is currently accurate.

6. The Administrator by regulation or order may permit the omission of an item of information or document from a statement.

7. In the case of a nonissuer offering, the Administrator may not require information under subsection 13 or NRS 90.510 or subsection 13 of this section unless it is known to the person filing the registration statement or to the person on whose behalf the offering is to be made, or can be furnished by one of them without unreasonable effort or expense.

8. In the case of a registration under NRS 90.480 or 90.490 by an issuer who has no public market for its shares and no significant earnings from continuing operations during the last 5 years or any shorter period of its existence, the Administrator by regulation or order may require as a condition of registration that the following securities be deposited in escrow for not more than 3 years:
(a) A security issued to a promoter within the 3 years immediately before the offering or to be issued to a promoter for a consideration substantially less than the offering price; and
(b) A security issued to a promoter for a consideration other than cash, unless the registrant demonstrates that the value of the noncash consideration received in exchange for the security is substantially equal to the offering price for the security.
The Administrator by regulation may determine the conditions of an escrow required under this subsection, but the Administrator may not reject a depository solely because of location in another state.
9. The Administrator by regulation may require as a condition of registration under NRS 90.480 or 90.490 that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security. The Administrator by regulation or order may determine the conditions of an impounding arrangement required under this subsection, but the Administrator may not reject a depository solely because of its location in another state.
10. If a security is registered pursuant to NRS 90.470 or 90.480, the prospectus filed under the Securities Act of 1933 must be delivered to each purchaser in accordance with the requirements of that act for the delivery of a prospectus.
11. If a security is registered pursuant to NRS 90.490, an offering document containing information the Administrator by regulation or order designates must be delivered to each purchaser with or before the earliest of:
   (a) The first written offer made to the purchaser by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by it as a participant in the distribution;
   (b) Confirmation of a sale made by or for the account of a person named in paragraph (a);
   (c) Payment pursuant to a sale; or
   (d) Delivery pursuant to a sale.
12. Except for a registration statement under which an indefinite amount of securities are registered as provided in subsection 3, a statement remains effective for 1 year after its effective date unless the Administrator by regulation extends the period of effectiveness. A registration statement under which an indefinite amount of securities are registered remains effective until 60 days after the beginning of the registrant’s next fiscal year following the date the statement was filed. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of a nonissuer transaction while the
registration statement is effective, unless the Administrator by
regulation or order provides otherwise. A registration statement may
not be withdrawn after its effective date if any of the securities
registered have been sold in this state, unless the Administrator by
regulation or order provides otherwise. No registration statement is
effective while an order is in effect under subsection 1 of
NRS 90.510.

13. During the period that an offering is being made pursuant
to an effective registration statement, the Administrator by
regulation or order may require the person who filed the registration
statement to file reports, not more often than quarterly, to keep
reasonably current the information contained in the registration
statement and to disclose the progress of the offering.

14. A registration statement filed under NRS 90.470 or 90.480
may be amended after its effective date to increase the securities
specified to be offered and sold. The amendment becomes effective
upon filing of the amendment and payment of an additional filing
fee of 3 times the fee otherwise payable, calculated in the manner
specified in subsection 2, with respect to the additional securities to
be offered and sold. The effectiveness of the amendment relates
back to the date or dates of sale of the additional securities being
registered.

15. A registration statement filed under NRS 90.490 may be
amended after its effective date to increase the securities specified to
be offered and sold, if the public offering price and underwriters’
discounts and commissions are not changed from the respective
amounts which the Administrator was informed. The amendment
becomes effective when the Administrator so orders and relates
back to the date of sale of the additional securities being registered.
A person filing an amendment shall pay an additional filing fee of 3
times the fee otherwise payable, calculated in the manner specified
in subsection 2, with respect to the additional securities to be offered
and sold.

Sec. 120. NRS 90.520 is hereby amended to read as follows:

90.520 1. As used in this section:
(a) “Guaranteed” means guaranteed as to payment of all or
substantially all of principal and interest or dividends.
(b) “Insured” means insured as to payment of all or substantially
all of principal and interest or dividends.

2. Except as otherwise provided in subsections 4 and 5, the
following securities are exempt from NRS 90.460 and 90.560:
(a) A security, including a revenue obligation, issued, insured or
guaranteed by the United States, an agency or corporate or other
instrumentality of the United States, an international agency or
corporate or other instrumentality of which the United States and
one or more foreign governments are members, a state, a political
subdivision of a state, or an agency or corporate or other
instrumentality of one or more states or their political subdivisions,
or a certificate of deposit for any of the foregoing, but this
exemption does not include a security payable solely from revenues
to be received from an enterprise unless the:

(1) Payments are insured or guaranteed by the United States,
an agency or corporate or other instrumentality of the United States,
an international agency or corporate or other instrumentality of
which the United States and one or more foreign governments are
members, a state, a political subdivision of a state, or an agency or
corporate or other instrumentality of one or more states or their
political subdivisions, or by a person whose securities are exempt
from registration pursuant to paragraphs (b) to (e), inclusive, or (g),
or the revenues from which the payments are to be made are a direct
obligation of such a person;

(2) Security is issued by this state or an agency,
instrumentality or political subdivision of this state; or

(3) Payments are insured or guaranteed by a person who,
within the 12 months next preceding the date on which the securities
are issued, has received a rating within one of the top four rating
categories of either Moody’s Investors Service, Inc., or Standard
and Poor’s Ratings Services.

(b) A security issued, insured or guaranteed by Canada, a
Canadian province or territory, a political subdivision of Canada or
of a Canadian province or territory, an agency or corporate or other
instrumentality of one or more of the foregoing, or any other foreign
government or governmental combination or entity with which the
United States maintains diplomatic relations, if the security is
recognized as a valid obligation by the issuer, insurer or guarantor.

(c) A security issued by and representing an interest in or a
direct obligation of a depository institution if the deposit or share
accounts of the depository institution are insured by the Federal
Deposit Insurance Corporation, the National Credit Union Share
Insurance Fund or a successor to an applicable agency authorized by
federal law.

(d) A security issued by and representing an interest in or a
direct obligation of, or insured or guaranteed by, an insurance
company organized under the laws of any state and authorized to do
business in this state.

(e) A security issued or guaranteed by a railroad, other common
carrier, public utility or holding company that is:

(1) Subject to the jurisdiction of the Surface Transportation
Board;
(2) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of a registered holding company within the meaning of that act;

(3) Regulated in respect to its rates and charges by a governmental authority of the United States or a state; or

(4) Regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, a state, Canada, or a Canadian province or territory.

(f) Equipment trust certificates in respect to equipment leased or conditionally sold to a person, if securities issued by the person would be exempt pursuant to this section.

(g) A security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange or other exchange designated by the Administrator, any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(h) A security designated or approved for designation upon issuance or notice of issuance for inclusion in the national market system by the National Association of Securities Dealers, Inc., any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so designated, or a warrant or a right to purchase or subscribe to any of the foregoing.

(i) An option issued by a clearing agency registered under the Securities Exchange Act of 1934, other than an off-exchange futures contract or substantially similar arrangement, if the security, currency, commodity or other interest underlying the option is:

(1) Registered under NRS 90.470, 90.480 or 90.490;

(2) Exempt pursuant to this section; or

(3) Not otherwise required to be registered under this chapter.

(j) A security issued by a person organized and operated not for private profit but exclusively for a religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purpose, or as a chamber of commerce or trade or professional association if at least 10 days before the sale of the security the issuer has filed with the Administrator a notice setting forth the material terms of the proposed sale and copies of any sales and advertising literature to be used and the Administrator by order does not disallow the exemption within the next 5 full business days.

(k) A promissory note, draft, bill of exchange or banker’s acceptance that evidences an obligation to pay cash within 9 months
after the date of issuance, exclusive of days of grace, is issued in
denominations of at least $50,000 and receives a rating in one of the
three highest rating categories from a nationally recognized
statistical rating organization, or a renewal of such an obligation that
is likewise limited, or a guarantee of such an obligation or of a
renewal.

(l) A security issued in connection with an employees’ stock
purchase, savings, option, profit-sharing, pension or similar
employees’ benefit plan.

(m) A membership or equity interest in, or a retention certificate
or like security given in lieu of a cash patronage dividend issued by,
a cooperative organized and operated as a nonprofit membership
cooperaive under the cooperative laws of any state if not traded to
the general public.

(n) A security issued by an issuer registered as an open-end
management investment company or unit investment trust under
section 8 of the Investment Company Act of 1940 if:

(1) The issuer is advised by an investment adviser that is a
depository institution exempt from registration under the Investment
Adviser Act of 1940 or that is currently registered as an investment
adviser, and has been registered, or is affiliated with an adviser that
has been registered, as an investment adviser under the Investment
Advisers Act of 1940 for at least 3 years next preceding an offer or
sale of a security claimed to be exempt pursuant to this paragraph,
and the issuer has acted, or is affiliated with an investment adviser
that has acted, as investment adviser to one or more registered
investment companies or unit investment trusts for at least 3 years
next preceding an offer or sale of a security claimed to be exempt
under this paragraph; or

(2) The issuer has a sponsor that has at all times throughout
the 3 years before an offer or sale of a security claimed to be exempt
pursuant to this paragraph sponsored one or more registered
investment companies or unit investment trusts the aggregate total
assets of which have exceeded $100,000,000.

3. For the purpose of paragraph (n) of subsection 2, an
investment adviser is affiliated with another investment adviser if it
controls, is controlled by, or is under common control with the other
investment adviser.

4. The exemption provided by paragraph (n) of subsection 2 is
available only if the person claiming the exemption files with the
Administrator a notice of intention to sell which sets forth the name
and address of the issuer and the securities to be offered in this state
and pays a fee [of:]

— (a) Two hundred and fifty} ;
Of $375 dollars for the initial claim of exemption and the same amount at the beginning of each fiscal year thereafter in which securities are to be offered in this state, in the case of an open-end management company; or

(b) [One hundred and fifty dollars] Of $225 for the initial claim of exemption in the case of a unit investment trust.

5. An exemption provided by paragraph (c), (e), (f), (i) or (k) of subsection 2 is available only if, within the 12 months immediately preceding the use of the exemption, a notice of claim of exemption has been filed with the Administrator and a nonrefundable fee of $150 has been paid.

Sec. 121. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 15 or [15(e)] 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $225 with the filing.

3. A nonissuer transaction by a sales representative licensed in this state, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer’s officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial
condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing his business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a transaction pursuant to an offer to sell securities of an issuer if:
(a) The transaction is part of an issue in which there are not more than 25 purchasers in this state, other than those designated in subsection 10, during any 12 consecutive months;
(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;
(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this state; and
(d) One of the following conditions is satisfied:
   (1) The seller reasonably believes that all the purchasers in this state, other than those designated in subsection 10, are purchasing for investment; or
   (2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.
The Administrator by rule or order as to a security or transaction or a type of security or transaction, may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.
12. An offer to sell or sale of a preorganization certificate or subscription if:
   (a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;
   (b) No public advertising or general solicitation is used in connection with the offer to sell or sale;
   (c) The number of offers does not exceed 50;
   (d) The number of subscribers does not exceed 10; and
   (e) No payment is made by a subscriber.
13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, “under the supervision of an official or agency” means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository
institution does not obtain a grant of authority from the appropriate
official or agency.

14. A transaction pursuant to an offer to sell to existing
security holders of the issuer, including persons who at the time of
the transaction are holders of transferable warrants exercisable
within not more than 90 days after their issuance, convertible
securities or nontransferable warrants, if:
(a) No commission or other similar compensation other than a
standby commission, is paid or given, directly or indirectly, for
soliciting a security holder in this state; or
(b) The issuer first files a notice specifying the terms of the offer
to sell, together with a nonrefundable fee of $150, and the
Administrator does not by order disallow the exemption within the
next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a
security not exempt from registration under the Securities Act of
1933, 15 U.S.C. §§ 77a et seq., if:
(a) A registration or offering statement or similar document as
required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq.,
has been filed, but is not effective;
(b) A registration statement, if required, has been filed under
this chapter, but is not effective; and
(c) No order denying, suspending or revoking the effectiveness
of registration, of which the offeror is aware, has been entered by
the Administrator or the Securities and Exchange Commission, and
no examination or public proceeding that may culminate in that kind
of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a
security exempt from registration under the Securities Act of 1933,
15 U.S.C. §§ 77a et seq., if:
(a) A registration statement has been filed under this chapter, but
is not effective; and
(b) No order denying, suspending or revoking the effectiveness
of registration, of which the offeror is aware, has been entered by
the Administrator and no examination or public proceeding that may
culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of
an issuer to the security holders of another person in connection
with a merger, consolidation, exchange of securities, sale of assets
or other reorganization to which the issuer, or its parent or
subsidiary, and the other person, or its parent or subsidiary, are
parties, if:
(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or
(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $225, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:
   (a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;
   (b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and
   (c) Each purchaser may buy for his own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:
   (a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;
   (b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and
   (c) The conditions described in subsection 18 are fulfilled.
21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by:
   (a) A mortgage company licensed pursuant to chapter 645E of NRS to engage in those transactions; or
   (b) A mortgage broker licensed pursuant to chapter 645B of NRS to engage in those transactions.

Sec. 122. NRS 90.540 is hereby amended to read as follows:
90.540 The Administrator by regulation or order may:
   1. Exempt any other security or transaction or class of securities or transactions from NRS 90.460 and 90.560.
   2. Adopt a transactional exemption for limited offerings that will further the objectives of compatibility with the exemptions from securities registration authorized by the Securities Act of 1933 and uniformity among the states.
   3. Require the filing of a notice and the payment of a fee not greater than $375 for an exemption adopted pursuant to this section.

Sec. 123. NRS 92A.195 is hereby amended to read as follows:
92A.195 1. One foreign entity or foreign general partnership may convert into one domestic entity if:
   (a) The conversion is permitted by the law of the jurisdiction governing the foreign entity or foreign general partnership and the foreign entity or foreign general partnership complies with that law in effecting the conversion;
   (b) The foreign entity or foreign general partnership complies with the applicable provisions of NRS 92A.205 and, if it is the resulting entity in the conversion, with NRS 92A.210 to 92A.240, inclusive; and
   (c) The domestic entity complies with the applicable provisions of NRS 92A.105, 92A.120, 92A.135, 92A.140 and 92A.165 and, if it is the resulting entity in the conversion, with NRS 92A.205 to 92A.240, inclusive.
   2. When the conversion takes effect, the resulting foreign entity in a conversion shall be deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation. Service of process must be made personally by delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of $40 for accepting and transmitting the process. The Secretary of State shall send one of the copies of the process by registered or certified mail to the resulting entity at its specified address, unless the resulting entity has designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.
Sec. 124. NRS 104.9525 is hereby amended to read as follows:

104.9525 1. Except as otherwise provided in subsection 5, the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection 2 of NRS 104.9502, is:

(a) Thirty dollars if the record is communicated in writing and consists of one or two pages;
(b) Sixty dollars if the record is communicated in writing and consists of more than two pages, and $1.50 for each page over 20 pages;
(c) Fifteen dollars if the record is communicated by another medium authorized by filing-office rule; and
(d) One dollar and fifty cents for each additional debtor, trade name or reference to another name under which business is done.

2. The filing officer may charge and collect $1.50 for each page of copy or record of filings produced by him at the request of any person.

3. Except as otherwise provided in subsection 5, the fee for filing and indexing an initial financing statement of the kind described in subsection 3 of NRS 104.9502 is:

(a) Sixty dollars if the financing statement indicates that it is filed in connection with a public-finance transaction; and
(b) Thirty dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

4. The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(a) Thirty dollars if the request is communicated in writing; and
(b) Twenty-five dollars if the request is communicated by another medium authorized by filing-office rule.

5. This section does not require a fee with respect to a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under subsection 3 of NRS 104.9502. However, the fees for recording and satisfaction which otherwise would be applicable to the mortgage apply.

Sec. 125. NRS 105.070 is hereby amended to read as follows:

105.070 1. The Secretary of State or county recorder shall mark any security instrument and any statement of change, merger or consolidation presented for filing with the day and hour of filing and the file number assigned to it. This mark is, in the absence of
other evidence, conclusive proof of the time and fact of presentation for filing.

2. The Secretary of State or county recorder shall retain and file all security instruments and statements of change, merger or consolidation presented for filing.

3. The uniform fee for filing and indexing a security instrument, or a supplement or amendment thereto, and a statement of change, merger or consolidation, and for stamping a copy of those documents furnished by the secured party or the public utility, to show the date and place of filing is $15 if the document is in the standard form prescribed by the Secretary of State and otherwise is $20. plus $1 $30, plus $1.50 for each additional debtor or trade name.

Sec. 126. NRS 105.080 is hereby amended to read as follows:

105.080 Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective security instrument naming a particular public utility, and if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is $15 if the request for the certificate is in the standard form prescribed by the Secretary of State and otherwise is $20. Upon request, the Secretary of State or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.

Sec. 127. NRS 108.831 is hereby amended to read as follows:

108.831 1. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection 2 is presented to the filing officer who is:
   (a) The Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.
   (b) Any other officer described in NRS 108.827, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name of the person named in the notice and the date of receipt.

2. If a certificate of release, nonattachment, discharge or subordination of any federal lien is presented to the Secretary of State for filing, he shall:
   (a) Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that
the notice of lien to which the certificate relates must not be removed from the files; and
(b) Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

3. If a refiled notice of federal lien referred to in subsection 1 or any of the certificates or notices referred to in subsection 2 is presented for filing with any other filing officer specified in NRS 108.827, he shall enter the refiled notice or the certificate with the date of filing in any alphabetical index of liens.

4. Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any active notice of lien or certificate or notice affecting any lien filed under NRS 108.825 to 108.837, inclusive, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The certificate must state that it reveals active liens only. The fee for a certificate is $25 if the statement is in the standard form prescribed by the Secretary of State and otherwise is $30.

Upon request, the filing officer shall furnish a copy of any notice of federal lien or notice or certificate affecting a federal lien for the statutory fee for copies.

Sec. 128. NRS 119.130 is hereby amended to read as follows:

119.130 1. No subdivision or lot, parcel, unit or interest in any subdivision may in any way be offered or sold in this state by any person until:
(a) He has appointed in writing the Secretary of State to be his agent, upon whom all process, in any action or proceeding against him, may be served, and in this writing he agrees that any process against him which is served on the Secretary of State is of the same legal validity as if served on him and that the appointment continues in force as long as any liability remains outstanding against him in this state. The written appointment must be acknowledged before a notary public and must be filed in the Office of the Secretary of State with a fee of $15 for accepting and transmitting any legal process served on the Secretary of State. Copies certified by the Secretary of State are sufficient evidence of the appointment and agreement.
(b) He has received a license under NRS 119.160.

2. Service of process authorized by paragraph (a) of subsection 1 must be made by filing with the Secretary of State:
(a) Two copies of the legal process. The copies must include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included in each copy.
(b) A fee of $15.

The Secretary of State shall forthwith forward one copy of the legal process to the licensee, by registered or certified mail prepaid to the licensee.

Sec. 129. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

It is the intent of the Legislature that the fees authorized or required to be collected by the Secretary of State must not be increased for a period of at least 10 years after July 1, 2003.

Sec. 130. NRS 225.140 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, in addition to other fees authorized by law, the Secretary of State shall charge and collect the following fees:

   For a copy of any law, joint resolution, transcript of record, or other paper on file or of record in his office, other than a document required to be filed pursuant to title 24 of NRS, per page ........................................[1.00] $1.50
   For a copy of any document required to be filed pursuant to title 24 of NRS, per page .........................[.50] .75
   For certifying to any such copy and use of the State Seal, for each impression ...................................[10.00] 15.00
   For each passport or other document signed by the Governor and attested by the Secretary of State ............................................[10.00] 15.00
   For a negotiable instrument returned unpaid ............[10.00] 15.00

2. The Secretary of State:
   (a) Shall charge a reasonable fee for searching records and documents kept in his office.
   (b) May charge or collect any filing or other fees for services rendered by him to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his official capacity or respecting his office or official duties.
   (c) May not charge or collect a filing or other fee for:
      (1) Attesting extradition papers or executive warrants for other states.
      (2) Any commission or appointment issued or made by the Governor, either for the use of the State Seal or otherwise.
   (d) May charge a reasonable fee [not to exceed:] (1) Five hundred dollars. of:
      (1) Not more than $500 for providing service within 2 hours after the time the service is requested; and
(2) Not more than $150 for providing any other special service, including, but not limited to, providing service more than 2 hours but within 24 hours after the time the service is requested, accepting documents filed by facsimile machine and other use of new technology.

e) Shall charge a fee, not to exceed the actual cost to the Secretary of State, for providing:

(1) A copy of any record kept in his office that is stored on a computer or on microfilm if the copy is provided on a tape, disc or other medium used for the storage of information by a computer or on duplicate film.

(2) Access to his computer database on which records are stored.

3. From each fee collected pursuant to paragraph (d) of subsection 2:

(a) The entire amount or $50, whichever is less, of the fee collected pursuant to subparagraph (1) of that paragraph and one-third of the fee collected pursuant to subparagraph (2) of that paragraph must be deposited with the State Treasurer for credit to the Account for Special Services of the Secretary of State in the State General Fund. Any amount remaining in the Account at the end of a fiscal year in excess of $2,000,000 must be transferred to the State General Fund. Money in the Account may be transferred to the Secretary of State’s operating general fund budget account and must only be used to create and maintain the capability of the Office of the Secretary of State to provide special services, including, but not limited to, providing service:

(1) On the day it is requested or within 24 hours; or

(2) Necessary to increase or maintain the efficiency of the Office.

Any transfer of money from the Account for expenditure by the Secretary of State must be approved by the Interim Finance Committee.

(b) After deducting the amount required pursuant to paragraph (a), the remainder must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 131. NRS 240.030 is hereby amended to read as follows:

240.030 1. Except as otherwise provided in subsection 4, each person applying for appointment as a notary public must:

(a) At the time he submits his application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if he were a public officer.
(c) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this state in which the applicant maintains a place of business or is employed. The applicant shall submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public, including, without limitation, a court reporter, who resides in an adjoining state must submit to the Secretary of State with his application:
   (a) An affidavit setting forth the adjoining state in which he resides, his mailing address and the address of his place of business or employment that is located within the State of Nevada; and
   (b) Unless the applicant is self-employed, an affidavit from his employer setting forth the facts that show:
       (1) The employer is licensed to do business in the State of Nevada; and
       (2) The employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his residential address or telephone number on any such document which will become available to the public.

4. A court reporter who has received a certificate of registration pursuant to NRS 656.180 may apply for appointment as a notary public with limited powers. Such an applicant is not required to enter into a bond to obtain the limited power of a notary public to administer oaths or affirmations.

5. If required, the bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when he applies for his appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this state in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.
6. Except as otherwise provided in subsection 7, the term of a notary public commences on the effective date of the bond required pursuant to paragraph (c) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless he has been issued a certificate of appointment.

7. The term of a notary public with limited powers commences on the date set forth in his certificate of appointment.

8. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $15 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 132. NRS 240.033 is hereby amended to read as follows:

240.033 1. The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a notary public as principal and by a surety company qualified and authorized to do business in this state. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the notary public which violates a provision of NRS 240.001 to 240.169, inclusive. The surety company shall pay a final, nonappealable judgment of a court of this state that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days’ written notice to the Secretary of State and notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be
released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary shall immediately notify the notary public in writing that his appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of a notary public whose appointment has been suspended pursuant to subsection 5, if the notary public, before his current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as a notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this state in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk.

Sec. 133. NRS 240.036 is hereby amended to read as follows:

240.036  1. If, at any time during his appointment, a notary public changes his mailing address, county of residence or signature or, if he is a resident of an adjoining state, changes his place of business or employment, he shall submit to the Secretary of State a request for an amended certificate of appointment on a form provided by the Secretary of State. The request must:

(a) Include the new information;

(b) Be submitted within 30 days after making that change; and

(c) Be accompanied by a fee of $15.

2. The Secretary of State may suspend the appointment of a notary public who fails to provide to the Secretary of State notice of a change in any of the information specified in subsection 1.

3. If a notary public changes his name during his appointment and he intends to use his new name in the performance of his notarial duties, he shall submit to the Secretary of State a request for an amended certificate of appointment on a form provided by the Secretary of State. The request must:

(a) Include his new name and signature and his address;

(b) Be submitted within 30 days after making the change; and

(c) Be accompanied by a fee of $15.

4. Upon receipt of a request for an amended certificate of appointment and the appropriate fee, the Secretary of State shall issue an amended certificate of appointment.

5. When the notary public receives the amended certificate of appointment, he shall:
(a) Destroy his notary’s stamp and obtain a new notary’s stamp which includes the information on the amended certificate.

(b) Notify the surety company which issued his bond of the changes.

Sec. 134. NRS 240.045 is hereby amended to read as follows:

240.045 1. If the stamp of a notary public is lost, the notary public shall, within 10 days after the stamp is lost, submit to the Secretary of State a request for an amended certificate of appointment, on a form provided by the Secretary of State, and obtain a new stamp in accordance with NRS 240.036. The request must be accompanied by a fee of $15.

2. If the stamp is destroyed, broken, damaged or otherwise rendered inoperable, the notary public shall immediately notify the Secretary of State of that fact and obtain a new stamp.

3. A person or governmental entity shall not make, manufacture or otherwise produce a notary’s stamp unless the notary public presents his original or amended certificate of appointment or a certified copy of his original or amended certificate of appointment to that person or governmental entity.

Sec. 135. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

(a) A notary public;

(b) A judge, clerk or deputy clerk of a court of record; or

(c) A person authorized by the law of that jurisdiction to perform notarial acts.

2. An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of $30, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.

3. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.
4. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

5. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

6. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 136. NRS 240.270 is hereby amended to read as follows:

240.270 1. Each commissioned abstracter, before entering upon the acts authorized in NRS 240.240 to 240.330, inclusive, and at the time he receives his commission, shall:
(a) Pay to the Secretary of State the sum of [10] $15.
(b) Take the official oath as prescribed by law, which oath shall be endorsed on his commission.
(c) Enter into a bond to the State of Nevada in the sum of $2,000, to be approved by the district judge of the county for which the commissioned abstracter may be appointed.

2. Each commissioned abstracter shall have his commission, together with the bond, recorded in the office of the clerk of the county for which he has been appointed.

Sec. 137. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby imposed a tax at a rate of 2 percent of the gross receipts from the rental of transient lodging in each county upon those persons in the business of providing lodging who are required to pay the tax imposed pursuant to NRS 244.3352. This tax is in addition to any other taxes imposed on the revenue from the rental of transient lodging.

2. The tax imposed pursuant to subsection 1 must be:
(a) Collected and administered by the county in which the transient lodging is located in the same manner as provided for the tax imposed pursuant to NRS 244.3352.
(b) Paid within the time set forth in the schedule of payment adopted by that county for the tax imposed pursuant to NRS 244.3352.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the State for the payment of the tax whether or not it is actually collected from the paying guest.
4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the governmental entity collecting the tax shall charge and collect in addition to the tax:
   (a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or the administrative fee established by the board of county commissioners pursuant to NRS 244.3352, whichever is greater; and
   (b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. The governmental entity collecting the tax imposed pursuant to subsection 1 shall deposit all proceeds of the tax and any applicable penalties and interest with the State Treasurer for credit to the State General Fund.

6. As used in this section “gross receipts from the rental of transient lodging” does not include the tax imposed and collected from paying guests pursuant to this section or NRS 244.3352 or 268.096.

Sec. 138. NRS 244.3357 is hereby amended to read as follows:
244.3357 On or before August 15 of each year, the board of county commissioners in each county shall submit a report to the Department of Taxation which states:
1. The rate of all taxes imposed on the revenues from the rental of transient lodging pursuant to NRS 244.335 and 244.3352 and any special act in the preceding fiscal year;
2. The total amount of revenue collected from all taxes imposed on the revenues from the rental of transient lodging pursuant to NRS 244.335 and 244.3352 and any special act in the preceding fiscal year; [and]
3. The total amount of revenue collected from the tax imposed on the revenues from the rental of transient lodging pursuant to section 137 of this act; and
4. The manner in which the revenue reported pursuant to subsection 2 was used in the previous fiscal year.

Sec. 139. NRS 244.3358 is hereby amended to read as follows:
244.3358 1. A county whose population is less than 100,000 may by ordinance assign to a district created pursuant to chapter 318 of NRS which has been granted the basic power of furnishing recreational facilities all or any portion of the proceeds of any tax on the revenues from the rental of transient lodging which is imposed by the county and collected within the boundaries of the district, except the tax imposed pursuant to NRS 244.3352 , [er] a tax
imposed pursuant to NRS 244.3351 or the tax imposed pursuant to section 137 of this act.

2. The district may use the proceeds assigned pursuant to subsection 1 for any purpose authorized pursuant to NRS 318.143.

3. The district may, with the consent of the board of county commissioners or as otherwise provided in NRS 268.460, irrevocably pledge the proceeds assigned pursuant to subsection 1 for:
   
   (a) The repayment of any bonds or short-term or medium-term obligations issued pursuant to chapter 318 or 350 of NRS for any lawful purpose pertaining to the furnishing of recreational facilities; or

   (b) The refinancing of any such bonds or obligations.

   The consent of the board of county commissioners must be given by resolution. If any proceeds are pledged pursuant to this subsection, the assignment of the proceeds may not be revoked until the bonds or short-term or medium-term obligations for which the proceeds were pledged have been completely repaid.

4. No assignment may be made pursuant to this section which is inconsistent with an assignment made or contract entered into for the purposes of NRS 244A.597 to 244A.655, inclusive.

5. A county which makes an assignment pursuant to this section may retain an amount equal to the reasonable cost of collecting the tax, which must not exceed 2 percent of the proceeds of the tax for any period of collection.

Sec. 140. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 and 244.3352 and section 137 of this act.

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to section 137 of this act.

3. The Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except as otherwise provided in section 137 of this act or to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.
Sec. 141. NRS 244A.637 is hereby amended to read as follows:

244A.637 1. For the acquisition of any recreational facilities authorized in NRS 244A.597 to 244A.655, inclusive, the county fair and recreation board, at any time or from time to time may:
   (a) In the name of and on behalf of the county, issue:
      (1) General obligation bonds, payable from taxes; and
      (2) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of gross or net revenues derived from the operation of such recreational facilities, and, if so determined by the board, further secured by a pledge of such other gross or net revenues as may be derived from any other income-producing project of the county or from any license or other excise taxes levied for revenue by the county, or otherwise, as may be legally made available for their payment;
   (b) In the name of and on behalf of the county fair and recreation board, issue revenue bonds:
      (1) Payable from the net revenues to be derived from the operation of such recreational facilities;
      (2) Secured by a pledge of revenues from any tax on the rental of transient lodging levied for revenue by the county or a city, other than revenues from the tax on the rental of transient lodging imposed pursuant to section 137 of this act;
      (3) Secured by any other revenue that may be legally made available for their payment; or
      (4) Payable or secured by any combination of subparagraph (1), (2) or (3); and
   (c) Make a contract with the United States of America, or any agency or instrumentality thereof, or any other person or agency, public or private, creating an indebtedness if a question authorizing such contract is submitted to and approved by a majority of the qualified electors of the county in the manner provided in NRS 350.020 to 350.070, inclusive. This paragraph does not apply to contracts for the prepayment of rent or other similar obligations.
   2. Revenue bonds issued pursuant to this section must be authorized by resolution of the county fair and recreation board, and no further approval by any person, board or commission is required.

Sec. 142. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby imposed a tax at a rate of 2 percent of the gross receipts from the rental of transient lodging in each city upon those persons in the business of providing lodging who are required to pay the tax imposed pursuant to NRS 268.096. This tax is in addition to any other taxes imposed on the revenue from the rental of transient lodging.
2. The tax imposed pursuant to subsection 1 must be:
   (a) Collected and administered by the city in which the transient lodging is located in the same manner as provided for the tax imposed pursuant to NRS 268.096.
   (b) Paid within the time set forth in the schedule of payment adopted by that city for the tax imposed pursuant to NRS 268.096.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the State for the payment of the tax whether or not it is actually collected from the paying guest.

4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the city shall charge and collect in addition to the tax:
   (a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or the administrative fee established by the governing body of the city pursuant to NRS 268.096, whichever is greater; and
   (b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. The governmental entity collecting the tax imposed pursuant to subsection 1 shall deposit all proceeds of the tax and any applicable penalties and interest with the State Treasurer for credit to the State General Fund.

6. As used in this section “gross receipts from the rental of transient lodging” does not include the tax imposed and collected from paying guests pursuant to this section or NRS 244.3352 or 268.096.

Sec. 143. NRS 268.0966 is hereby amended to read as follows:

268.0966 On or before August 15 of each year, the governing body of each city shall submit a report to the Department of Taxation which states:

1. The rate of all taxes imposed on the revenues from the rental of transient lodging pursuant to NRS 268.095 and 268.096 and any special act in the preceding fiscal year;

2. The total amount of revenue collected from all taxes imposed on the revenues from the rental of transient lodging pursuant to NRS 268.095 and 268.096 and any special act in the preceding fiscal year; [and]

3. The total amount of revenue collected from the tax imposed on the revenues from the rental of transient lodging pursuant to section 142 of this act; and
4. The manner in which the revenue reported pursuant to subsection 2 was used in the previous fiscal year.

Sec. 144. NRS 268.0968 is hereby amended to read as follows:

268.0968  1. Except as otherwise provided in NRS 268.096 and 268.801 to 268.808, inclusive, and section 142 of this act, a city located in a county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

2. Except as otherwise provided in NRS 268.7845 and section 142 of this act, a city located in a county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

3. The Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except as otherwise provided in section 142 of this act or to allow the imposition of an increase in such a tax for:

(a) The promotion of tourism;

(b) The construction or operation of tourism facilities by a convention and visitors authority; or

(c) The acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

Sec. 145. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

“Account” means the Disaster Relief Account created pursuant to NRS 353.2735.

Sec. 146. NRS 353.1465 is hereby amended to read as follows:

353.1465  1. Except as otherwise provided in NRS 482.293, a state agency that annually receives revenue in an amount of $1,000,000 or more shall establish a program that provides for:

(a) The payment of money owed to the agency by credit cards, debit cards or electronic transfers of money; and

(b) The electronic and telephonic filing of reports required by the agency in association with the payment of money owed to the agency.

2. Upon approval of the State Board of Finance, a state agency may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the agency:

(a) For the payment of money owed to the agency for taxes, interest, penalties or any other obligation; or
(b) In payment for goods or services.

3. Before a state agency may enter into a contract pursuant to subsection 2, the agency must submit the proposed contract to the State Treasurer for his review and transmittal to the State Board of Finance.

4. Except as otherwise provided in subsection 5, if the issuer or operator charges the state agency a fee for each use of a credit card or debit card or for each electronic transfer of money, the state agency may require the cardholder or the person requesting the electronic transfer of money to pay a fee, which must not exceed the amount charged to the state agency by the issuer or operator.

5. A state agency that is required to pay a fee charged by the issuer or operator for the use of a credit card or debit card or for an electronic transfer of money may, pursuant to NRS 353.148, file a claim with the Director of the Department of Administration for reimbursement of the fees paid to the issuer or operator during the immediately preceding quarter.

As used in this section:

(a) “Cardholder” means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) “Credit card” means any instrument or device, whether known as a credit card or credit plate, or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(c) “Debit card” means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(d) “Electronic transfer of money” has the meaning ascribed to it in NRS 463.01473.

(e) “Issuer” means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

Sec. 147. NRS 353.210 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief estimates:
(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy; and

(b) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A fiscal analyst of the Legislative Counsel Bureau or his designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in his office or which he may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees’ Retirement System and the Judicial Department of the State Government shall submit to the Chief for his information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 148. NRS 353.213 is hereby amended to read as follows:

353.213. In preparing the proposed budget for the Executive Department of the State Government for each biennium, the Chief shall not exceed the limit upon total proposed
expenditures for purposes other than construction from the State General Fund calculated pursuant to this section. The base for each biennium is the total expenditure, for the purposes limited, from the State General Fund appropriated and authorized by the Legislature for the [biennium beginning on July 1, 1975.] immediately preceding biennium, minus any amount transferred from the State General Fund to any other fund during that biennium.

2. The limit for each biennium is calculated as follows:

(a) The amount of expenditure constituting the base is multiplied by the percentage of change in population [for July 1 of the first fiscal year in the current biennium from the population on July 1, 1974,] July 1 of the first fiscal year in the immediately preceding biennium, and this product is added to or subtracted from the amount of expenditure constituting the base.

(b) The amount calculated pursuant to paragraph (a) is multiplied by the percentage of inflation or deflation, and this product is added to or subtracted from the amount calculated pursuant to paragraph (a).

(c) Subject to the limitations of this paragraph:

(1) If the amount resulting from the calculations pursuant to paragraphs (a) and (b) represents a net increase over the base biennium, the Chief may increase the proposed expenditure accordingly.

(2) If the amount represents a net decrease, the Chief shall decrease the proposed expenditure accordingly.

(3) If the amount is the same as in the base biennium, that amount is the limit of permissible proposed expenditure.

The proposed budget for each fiscal year of the biennium must provide for a reserve of not less than 5 percent nor more than 15 percent of the total of all proposed appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year.

3. The [revised estimate of] population for the State [issued by the United States Department of Commerce as of July 1, 1974,] must be used, and [certified by the Governor] pursuant to NRS 360.285 must be used to calculate the percentage of increase or decrease in population for each [succeeding biennium.] biennium pursuant to paragraph (a) of subsection 2. The Consumer Price Index published by the United States Department of Labor for July preceding each biennium must be used in determining the percentage of inflation or deflation pursuant to paragraph (b) of subsection 2.
4. The Chief may exceed the limit to the extent necessary to meet situations in which there is a threat to life or property.

Sec. 149. NRS 353.2705 is hereby amended to read as follows:
353.2705 As used in NRS 353.2705 to 353.2771, inclusive, and section 145 of this act, unless the context otherwise requires, the words and terms defined in NRS 353.271 to 353.2731, inclusive, and section 145 of this act have the meanings ascribed to them in those sections.

Sec. 150. NRS 353.2735 is hereby amended to read as follows:
353.2735 1. The Disaster Relief Fund Account is hereby created as a special revenue fund Account in the Fund to Stabilize the Operation of the State Government. The Interim Finance Committee shall administer the Fund Account.
2. The Division may accept grants, gifts or donations for deposit in the Fund Account. Except as otherwise provided in subsection 3, money received from:
   (a) A direct legislative appropriation to the Fund Account;
   (b) A transfer of one-half of the interest earned on money not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government made pursuant to NRS 353.288; and
   (c) A grant, gift or donation to the Fund Account, must be deposited in the Fund Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the Fund Account must, after deducting any applicable charges, be credited to the Fund Account.
3. If, at the end of each quarter of a fiscal year, the balance in the Fund Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Fund Account is 0.75 percent or less of that amount, transfer any interest earned on money in the Fund to Stabilize the Operation of the State Government from the State General Fund to the Fund Account pursuant to the provisions of NRS 353.288.
4. Money in the Fund Account may be distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive and section 145 of this act. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.
5. If the Governor declares a disaster, the State Board of Examiners shall estimate:

   (a) The money in the [Fund Account] that is available for grants and loans for the disaster pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive; and
   (b) The anticipated amount of those grants and loans for the disaster.

   Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the [Fund Account] for such grants and loans, all grants and loans from the [Fund Account] for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the [Fund Account] that is available for grants and loans for the disaster. If the reduction of a grant or loan from the [Fund Account] would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 151. NRS 353.274 is hereby amended to read as follows:

353.274 Money in the [Fund Account] may be distributed as a grant to a state agency because of a disaster for the payment of expenses incurred by the state agency for:

   1. The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the State and damaged by the disaster;
   2. Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred;
   3. The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster; and
   4. The administration of a disaster assistance program.

Sec. 152. NRS 353.2745 is hereby amended to read as follows:

353.2745 Money in the [Fund Account] may be distributed as a grant to a local government because of a disaster for:

   1. The payment of not more than 50 percent of the expenses incurred by the local government for:
      (a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster; and
(b) Any emergency measures undertaken to save lives, protect public health and safety or protect public property, including, without limitation, an emergency measure undertaken in response to a crisis involving violence on school property, at a school activity or on a school bus, in the jurisdiction in which the disaster occurred; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government.

Sec. 153. NRS 353.2751 is hereby amended to read as follows:

353.2751 Money in the [Fund] Account may be distributed as a loan to a local government because of a disaster for:

1. The payment of expenses incurred by the local government for:
   (a) The repair or replacement of public roads, public streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster;
   (b) Any overtime worked by an employee of the local government because of the disaster or any other extraordinary expenses incurred by the local government because of the disaster; and
   (c) Any projects to reduce or prevent the possibility of damage to persons or property from similar disasters in the future; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government. Before a loan may be distributed to a local government pursuant to this subsection:
   (a) The Interim Finance Committee must make a determination that the local government is currently unable to meet its financial obligations; and
   (b) The local government must execute a loan agreement in which the local government agrees to:
      (1) Use the money only for the purpose of paying the grant match; and
      (2) Repay the entire amount of the loan, without any interest or other charges, to the Disaster Relief [Fund] Account not later than 10 years after the date on which the agreement is executed.
Sec. 154. NRS 353.2753 is hereby amended to read as follows:

353.2753  1. A state agency or local government may request the Division to conduct a preliminary assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the [Fund] Account.

2. Upon receipt of such a request, the Division shall investigate the event or cause the event to be investigated to make a preliminary assessment of the damages related to the event and shall make or cause to be made a written report of the damages related to the event.

3. As soon as practicable after completion of the investigation and preparation of the report of damages, the Division shall:

   (a) Determine whether the event constitutes a disaster for which the state agency or local government may seek a grant or loan from the [Fund] Account; and

   (b) Submit the report prepared pursuant to this section and its written determination regarding whether the event constitutes a disaster to the state agency or local government.

4. The Division shall prescribe by regulation the information that must be included in a report of damages, including, without limitation, a description of the damage caused by the event, an estimate of the costs to repair such damage and a specification of whether the purpose of the project is for repair or replacement, emergency response or mitigation.

Sec. 155. NRS 353.2754 is hereby amended to read as follows:

353.2754  A local government may request a grant or loan from the [Fund] Account if:

1. Pursuant to NRS 414.090, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the Division conducts a preliminary assessment of the damages pursuant to NRS 353.2753, the Division determines that an event has occurred that constitutes a disaster.

Sec. 156. NRS 353.2755 is hereby amended to read as follows:

353.2755  1. A state agency or local government may submit a request to the State Board of Examiners for a grant or loan from the [Fund] Account as provided in NRS 353.2705 to 353.2771, inclusive, and section 145 of this act, if:

   (a) The agency or local government finds that, because of a disaster, it is unable to pay for an expense or grant match specified in NRS 353.274, 353.2745 or 353.2751 from money appropriated or otherwise available to the agency or local government;
(b) The request has been approved by the chief administrative
officer of the state agency or the governing body of the local

government; and

c) If the requester is an incorporated city, the city has requested
financial assistance from the county and was denied all or a portion
of the requested assistance.

2. A request for a grant or loan submitted pursuant to
subsection 1 must be made within 60 days after the disaster and
must include:

(a) A statement setting forth the amount of money requested by
the state agency or local government;

(b) An assessment of the need of the state agency or local
government for the money requested;

(c) If the request is submitted by a local government that has
established a fund pursuant to NRS 354.6115 to mitigate the effects
of a natural disaster, a statement of the amount of money that is
available in that fund, if any, for the payment of expenses incurred
by the local government as a result of a disaster;

(d) A determination of the type, value and amount of resources
the state agency or local government may be required to provide as
a condition for the receipt of a grant or loan from the

Account;

(e) A written report of damages prepared by the Division and the
written determination made by the Division that the event
constitutes a disaster pursuant to NRS 353.2753; and

(f) If the requester is an incorporated city, all documents which
relate to a request for assistance submitted to the board of county
commissioners of the county in which the city is located.

Any additional documentation relating to the request that is
requested by the State Board of Examiners must be submitted within
6 months after the disaster unless the State Board of Examiners and
the Interim Finance Committee grant an extension.

3. Upon the receipt of a complete request for a grant or loan
submitted pursuant to subsection 1, the State Board of Examiners:

(a) Shall consider the request; and

(b) May require any additional information that it determines is
necessary to make a recommendation.

4. If the State Board of Examiners finds that a grant or loan is
appropriate, it shall include in its recommendation to the Interim
Finance Committee the proposed amount of the grant or loan. If the
State Board of Examiners recommends a grant, it shall include a
recommendation regarding whether or not the state agency or local
government requires an advance to avoid severe financial hardship.
If the State Board of Examiners recommends a loan for a local
government, it shall include the information required pursuant to
subsection 1 of NRS 353.2765. If the State Board of Examiners finds that a grant or loan is not appropriate, it shall include in its recommendation the reason for its determination.

5. The provisions of this section do not prohibit a state agency or local government from submitting more than one request for a grant or loan from the [Fund] Account.

6. As used in this section, the term “natural disaster” has the meaning ascribed to it in NRS 354.6115.

Sec. 157. NRS 353.276 is hereby amended to read as follows:

353.276 1. The State Board of Examiners shall submit a recommendation for each request for a grant or loan made pursuant to NRS 353.2755 to the Director of the Legislative Counsel Bureau. Upon receipt of the recommendation, the Director shall notify the Chairman of the Interim Finance Committee of that recommendation. The Chairman shall call a meeting of the Committee to consider the recommendation.

2. The Interim Finance Committee may reject any recommendation of the State Board of Examiners and independently evaluate and act upon any request submitted pursuant to NRS 353.2755.

3. If the Interim Finance Committee finds that a grant or loan from the [Fund] Account is appropriate and may be made in accordance with the provisions of NRS 353.2705 to 353.2771, inclusive, and section 145 of this act, it shall, by resolution:

(a) Establish the amount and purpose of the grant or loan.

(b) Except as otherwise provided in this paragraph, provide for the transfer of that amount from the [Fund] Account to the appropriate state agency or local government. If the request is for a grant, the Interim Finance Committee shall authorize disbursement of the grant from the [Fund] Account on the basis of reimbursement for costs unless it determines that disbursement in that manner would cause severe financial hardship to the state agency or local government. If the Interim Finance Committee determines that disbursement on the basis of reimbursement of costs would cause severe financial hardship, the Interim Finance Committee may authorize an advance of money to the state agency or local government in an amount not to exceed 25 percent of the total estimated cost of the projects for which the grant is requested.

4. No grant or loan from the [Fund] Account may be made by the Interim Finance Committee to increase the salaries of any officers or employees of the State or a local government.

Sec. 158. NRS 353.2765 is hereby amended to read as follows:

353.2765 1. In addition to any applicable requirements set forth in NRS 353.2751, if the Interim Finance Committee approves
a loan to a local government pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive, and section 145 of this act, the approval must include a schedule for the repayment of the loan. The schedule must specify:

(a) A period of not more than 10 years for the repayment of the loan; and

(b) The rate of interest, if any, for the loan.

2. Except as otherwise provided in subsection 3, if a local government receives a loan from the Account and, before the loan is repaid, the local government receives money from the Federal Government for a grant match or any of the expenses set forth in subsection 1 of NRS 353.2751 for which the local government received the loan, the local government shall deposit with the State Treasurer for credit to the Account an amount of money equal to the money it received from the Federal Government for the grant match or the expenses.

3. Any money deposited with the State Treasurer for credit to the Account pursuant to subsection 2 must be used to pay the unpaid balance of the loan specified in subsection 2. If any money remains after that payment is made, the remaining money must be paid to the local government to whom the loan was made.

Sec. 159. NRS 353.2771 is hereby amended to read as follows:

353.2771 1. Except as otherwise provided in this section, no grant or loan may be made from the Account to a state agency or local government unless, as a condition of making the grant or loan, the state agency or local government agrees to provide an amount of its resources equal to at least 25 percent of the grant or loan. The State Board of Examiners shall determine the type, value and amount of the resources, including money, labor, materials, supplies and equipment, that is required to be provided by the state agency or local government.

2. If a state agency or local government submits a request for a grant or loan pursuant to NRS 353.2755 and:
   (a) It maintains a policy of insurance providing coverage for damages, injuries or other losses incurred because of a disaster; or
   (b) If the request is submitted by a local government, it has established a district for the control of floods pursuant to NRS 543.170 to 543.830, inclusive, the State Board of Examiners may recommend that the state agency or local government provide a portion of its resources in an amount that is less than the amount required pursuant to subsection 1.

3. The State Board of Examiners may, if it determines that the state agency or local government is unable to provide any portion of its resources as its contribution for the receipt of a grant or loan,
recommend that the state agency or local government not be required to provide any portion of its resources as a condition for the receipt of the grant or loan.

Sec. 160. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Fund to Stabilize the Operation of the State Government is hereby created as a special revenue fund. Except as otherwise provided in subsections 2 and 3, each year after the close of the fiscal year and before the issuance of the State Controller’s annual report, the State Controller shall deposit to the credit of the Fund 40 percent of the unrestricted balance of the State General Fund, as of the close of the fiscal year, which remains after subtracting an amount equal to 15 percent of all appropriations made from the State General Fund during that year for the operation of all departments, institutions and agencies of State Government and for the funding of schools.

2. The balance in the Fund must not exceed 15 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be deposited in the Fund.

3. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief [Fund] Account created pursuant to NRS 353.2735 an amount equal to [one-half of the interest earned on money] not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than $500,000 for any quarter pursuant to this subsection.

4. Money from the Fund to Stabilize the Operation of the State Government may be appropriated only:
   (a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the appropriation is made; or
   (b) If the Legislature and the Governor declare that a fiscal emergency exists.

Sec. 161. NRS 353C.195 is hereby amended to read as follows:

353C.195 1. The State Controller [may, if requested by any state agency,] shall act as the collection agent for [that agency.]

2. If the State Controller acts as the collection agent for an agency, the agency may [an agency to whom a debt is owed.]
2. *The agency shall* coordinate all its debt collection efforts through the State Controller.

Sec. 162. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created the Emergency Assistance [Account] Subaccount within the Disaster Relief [Fund] Account created pursuant to NRS 353.2735. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief [Fund] Account to the [Account] Subaccount in an amount not to exceed $500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the [Account] Subaccount. The Division may adopt regulations authorized by this section before, on, or after July 1, 1999.

3. All expenditures from the [Account] Subaccount must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the [Account] Subaccount must be expended solely to:
   (a) Provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy; and
   (b) Pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the [Account] Subaccount at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed $250,000, to this state or to a local government to:
   (a) Purchase equipment or supplies required for emergency management;
   (b) Provide training to personnel related to emergency management; and
   (c) Carry out the provisions of NRS 392.600 to 392.656, inclusive.

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the [Account] Subaccount for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the [Account] Subaccount.
7. The Division may adopt regulations to provide for reimbursement of expenditures made from the [Account.]

Subaccount. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the [Fund.] Account, upon request by the Division.

Sec. 163. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

It is the intent of the Legislature that the license fees required to be paid pursuant to the provisions of NRS 463.370 and 463.373 must not be increased for a period of at least 10 years after July 1, 2003.

Sec. 164. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the Commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three percent of all the gross revenue of the licensee which does not exceed $50,000 per calendar month;

(b) Four percent of all the gross revenue of the licensee which exceeds $50,000 per calendar month and does not exceed $134,000 per calendar month; [and]

(c) Six and one-quarter percent of all the gross revenue of the licensee which exceeds $134,000 per calendar month and does not exceed $250,000 per calendar month; and

(d) Six and three-quarters percent of all the gross revenue of the licensee which exceeds $250,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the Commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for
the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2.

Any deposit held by the Commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any game, gaming device or inter-casino linked system that is operated on the premises of a licensee is liable to the licensee for that person’s proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 24th day of each calendar month. The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this chapter. A licensee is not liable to any other person authorized to receive a share of the licensee’s revenue from any game, gaming device or inter-casino linked system that is operated on the premises of the licensee for that person’s proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

5. An operator of an inter-casino linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge-back or otherwise.

6. Any person required to pay a fee pursuant to this section shall file with the Commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:
(a) The fee due based on the revenue of the month covered by
the report; and
(b) An adjustment for the difference between the estimated fee
previously paid for the month covered by the report, if any, and
the fee due for the actual gross revenue earned in that month. If the
adjustment is less than zero, a credit must be applied to the
estimated fee due with that report.

7. If the amount of license fees required to be reported and paid
pursuant to this section is later determined to be greater or less than
the amount actually reported and paid, the Commission shall:
(a) Charge and collect the additional license fees determined to
be due, with interest thereon until paid; or
(b) Refund any overpayment to the person entitled thereto
pursuant to this chapter, with interest thereon.
Interest pursuant to paragraph (a) must be computed at the rate
prescribed in NRS 17.130 from the first day of the first month
following the due date of the additional license fees until paid.
Interest pursuant to paragraph (b) must be computed at one-half the
rate prescribed in NRS 17.130 from the first day of the first month
following the date of overpayment until paid.

8. Failure to pay the fees provided for in this section shall be
deemed a surrender of the license at the expiration of the period for
which the estimated payment of fees has been made, as established
in subsection 2.

9. Except as otherwise provided in NRS 463.386, the amount
of the fee prescribed in subsection 1 must not be prorated.

10. Except as otherwise provided in NRS 463.386, if a licensee
ceases operation, the Commission shall:
(a) Charge and collect the additional license fees determined to
be due with interest computed pursuant to paragraph (a) of
subsection 7; or
(b) Refund any overpayment to the licensee with interest
computed pursuant to paragraph (b) of subsection 7,
based upon the gross revenue of the licensee during the last 3
months immediately preceding the cessation of operation, or
portions of those last 3 months.

11. If in any month the amount of gross revenue is less than
zero, the licensee may offset the loss against gross revenue in
succeeding months until the loss has been fully offset.

12. If in any month the amount of the license fee due is less
than zero, the licensee is entitled to receive a credit against any
license fees due in succeeding months until the credit has been fully
offset.
Sec. 165. NRS 463.373 is hereby amended to read as follows:

463.373 1. Before issuing a state gaming license to an applicant for a restricted operation, the commission shall charge and collect from him for each slot machine for each quarter year:

(a) A license fee of $80 for each slot machine if he will have at least one but not more than five slot machines.

(b) A license fee of $305 plus $106 for each slot machine in excess of five if he will have at least six but not more than 15 slot machines.

2. The commission shall charge and collect the fee prescribed in subsection 1:

(a) On or before the last day of the last month in a calendar quarter, for the ensuing calendar quarter, from a licensee whose operation is continuing.

(b) In advance from a licensee who begins operation or puts additional slot machines into play during a calendar quarter.

3. Except as otherwise provided in NRS 463.386, no proration of the fee prescribed in subsection 1 may be allowed for any reason.

4. The operator of the location where slot machines are situated shall pay the fee prescribed in subsection 1 upon the total number of slot machines situated in that location, whether or not the machines are owned by one or more licensee-owners.

Sec. 166. NRS 597.800 is hereby amended to read as follows:

597.800 1. The right of publicity established by NRS 597.790 is freely transferable, in whole or in part, by contract, license, gift, conveyance, assignment, devise or testamentary trust by a person or his successor in interest.

2. If a deceased person has not transferred his rights as provided by subsection 1, and he has no surviving beneficiary or successor in interest upon his death, the commercial use of his name, voice, signature, photograph or likeness does not require consent.

3. A successor in interest or a licensee of a deceased person may file in the Office of the Secretary of State, on a form prescribed by the Secretary of State and upon the payment of a filing fee of $25, a verified application for registration of his claim. The application must include:

(a) The legal and professional name of the deceased person;

(b) The date of death of the deceased person;

(c) The name and address of the claimant;

(d) The basis of the claim; and

(e) A description of the rights claimed.

4. A successor in interest or a licensee of a deceased person may not assert any right against any unauthorized commercial use of the deceased person’s name, voice, signature, photograph or
likeness that begins before the filing of an application to register his claim.

5. A person, firm or corporation seeking to use the name, voice, signature, photograph or likeness of a deceased person for commercial purposes must first make a reasonable effort, in good faith, to discover the identity of any person who qualifies as a successor in interest to the deceased person. A person claiming to be a successor in interest to a deceased person must, within 6 months after the date he becomes aware or should reasonably have become aware of an unauthorized commercial use of the deceased person’s name, voice, signature, photograph or likeness, register a claim with the Secretary of State pursuant to subsection 3. Failure to register shall be deemed a waiver of any right of publicity.

6. The Secretary of State may microfilm or reproduce by other techniques any document filed pursuant to this section and thereafter destroy the original of the document. The microfilm or other reproduction is admissible in any court of record. The Secretary of State may destroy the microfilm or other reproduction 50 years after the death of the person whose identity is the subject of the claim.

7. A claim registered pursuant to this section is a public record.

Sec. 167. NRS 599B.210 is hereby amended to read as follows:

599B.210 1. Every registrant, other than a registrant incorporated in this state, shall file with the Secretary of State an irrevocable consent appointing the Secretary of State as his agent to receive service of any lawful process in any action or proceeding against him arising pursuant to this chapter. Any lawful process served upon the registrant as provided in subsection 2 has the same force and validity as if served upon the registrant personally.

2. Service of process authorized by subsection 1 must be made by filing with the Secretary of State:

(a) Two copies of the process. The copies must include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included in each copy.

(b) A fee of $15.

The Secretary of State shall forthwith forward one copy of the process by registered or certified mail prepaid to the registrant or, in the case of a registrant organized under the laws of a foreign government, to the United States manager or last appointed United States general agent of the registrant, giving the day and the hour of the service.
3. Service of process is not complete until the copy thereof has
been mailed and received by the registrant, and the receipt of the
addressee is prima facie evidence of the completion of the service.
4. If service of summons is made upon the Secretary of State in
accordance with the provisions of this section, the time within which
the registrant is required to appear is extended 10 days.

Sec. 168. Chapter 612 of NRS is hereby amended by adding
thereto a new section to read as follows:

1. A surcharge is hereby imposed on each employer at the
following rates:
   (a) If the employer employs not more than 300 full-time
   employees, the employer shall pay a surcharge at a rate of 35
   percent of the contributions, or reimbursements in lieu of
   contributions, he is required to pay under this chapter.
   (b) If the employer employs more than 300 full-time
   employees, the employer shall pay a surcharge at a rate of 50
   percent of the contributions, or reimbursements in lieu of
   contributions, he is required to pay under this chapter.

2. The surcharge imposed by this section is in addition to any
other payment required to be made by this chapter.

3. The surcharge must not be deducted, in whole or in part,
from the wages of persons in employment for that employer.

4. The surcharge imposed by this section must be collected by
the Administrator at the same time and in the same manner
provided for the payment of contributions or reimbursements in
lieu of contributions. Any money collected must be deposited with
the State Treasurer for credit to the State General Fund.

5. It is the intent of the Legislature that the surcharge
imposed by the provisions of this section must not be increased for
a period of at least 10 years after January 1, 2004.

6. As used in this section, “employer” does not include:
   (a) A person to whom a gaming license has been issued
   pursuant to chapter 463 of NRS.
   (b) An agricultural employer as defined in NRS 612.055.
   (c) A public utility as defined in NRS 704.020.
   (d) A person who owns or operates a mine.

Sec. 169. NRS 662.245 is hereby amended to read as follows:

662.245 1. An organization that does not maintain an office
in this state to conduct the business of a trust company may be
appointed to act as fiduciary by any court or by authority of any law
of this state if, in addition to any other requirements of law, the
organization:
   (a) Associates as cofiduciary a bank authorized to do business in
   this state or a trust company licensed pursuant to chapter 669 of
   NRS; or
(b) Is a trust corporation or trust company which:
   (1) Is organized under the laws of and has its principal place
   of business in another state which allows trust corporations or trust
   companies licensed pursuant to chapter 669 of NRS to act as
   fiduciary in that state;
   (2) Is authorized by its charter to act as fiduciary; and
   (3) Before the appointment as fiduciary, files with the
   Secretary of State a document, acknowledged before a notarial
   officer, which:
      (I) Appoints the Secretary of State as its agent upon
      whom all process in any action or proceeding against it may be
      served;
      (II) Contains its agreement that the appointment continues
      in force as long as any liability remains outstanding against it in this
      state, and that any process against it which is served on the
      Secretary of State is of the same legal validity as if served on it
      personally;
      (III) Contains an address to which the Secretary of State
      may mail the process when received; and
      (IV) Is accompanied by a fee of $15.
   A copy of the document required by this subparagraph, certified by
   the Secretary of State, is sufficient evidence of the appointment and
   agreement.
2. A court which has jurisdiction over the accounts of a
fiduciary that is a trust corporation or trust company described in
paragraph (b) of subsection 1 may require the fiduciary to provide a
bond to ensure the performance of its duties as fiduciary, in the
same manner and to the same extent as the court may require such a
bond from a fiduciary that is a bank or trust company described in
paragraph (a) of subsection 1.
3. Service of process authorized by subparagraph (3) of
paragraph (b) of subsection 1 must be made by filing with the
Secretary of State:
   (a) Two copies of the legal process. The copies must include a
   specific citation to the provisions of this section. The Secretary of
   State may refuse to accept such service if the proper citation is not
   included in each copy;
   (b) A fee of $15.
The Secretary of State shall forthwith forward one copy of the legal
process to the organization, by registered or certified mail prepaid to
the address provided in the document filed pursuant to subparagraph
(3) of paragraph (b) of subsection 1.
4. As used in this section:
   (a) “Fiduciary” means an executor, commissioner, guardian of
   minors or estates, receiver, depositary or trustee.
(b) “Notarial officer” has the meaning ascribed to it in NRS 240.005.
(c) “State” means any state or territory of the United States, or the District of Columbia.

Sec. 170. NRS 705.060 is hereby amended to read as follows:

705.060 1. The contracts authorized by NRS 705.030 to 705.070, inclusive, [shall] must be filed with the Secretary of State and recorded by him in a book of records to be kept for that purpose. On payment in full of the purchase money and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect [shall] must be made by the vendor, lessor or bailor, or his or its assignee, by a separate instrument, to be acknowledged by the vendor, lessor or bailor, or his or its assignee, and recorded [as aforesaid] in the same manner as the contract.

2. The Secretary of State shall collect and pay into the State Treasury $5 for filing each of such contracts or declarations and 30 cents per folio for recording the same.

Sec. 171. NRS 707.240 is hereby amended to read as follows:

707.240 1. The person or persons, or the president or the managing agent of the company, association or corporation mentioned in NRS 707.230, [shall] must make, sign and acknowledge, before some person authorized by law to take acknowledgments of deeds, a certificate in writing setting forth:

(a) The name or names of the person or persons, company, association or corporation, [as the case may be] by whom the line is to be operated.
(b) The names of the points or places constituting the termini of the line within this state.
(c) A general description of the route of the line.

2. The certificate [shall] must be filed and recorded in the Office of the Secretary of State, for which such person or persons, company, association or corporation shall pay the Secretary of State, for deposit in the State General Fund, the sum of $10, and also 40 cents for each folio contained in the certificate.

3. The record of the certificates shall be deemed to give constructive notice to all persons of the matter therein contained. The work of constructing such line, if not already commenced or completed within 30 days after the filing of the certificate aforesaid, shall pursuant to this section, must be continued, with all reasonable dispatch, until completed.

Sec. 172. Section 137 of this act is hereby amended to read as follows:

Sec. 137. 1. There is hereby imposed a tax at a rate of 3 percent of the gross receipts from the rental of transient
lodging in each county upon those persons in the business of providing lodging who are required to pay the tax imposed pursuant to NRS 244.3352. This tax is in addition to any other taxes imposed on the revenue from the rental of transient lodging.

2. The tax imposed pursuant to subsection 1 must be:
   (a) Collected and administered by the county in which the transient lodging is located in the same manner as provided for the tax imposed pursuant to NRS 244.3352.
   (b) Paid within the time set forth in the schedule of payment adopted by that county for the tax imposed pursuant to NRS 244.3352.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the State for the payment of the tax whether or not it is actually collected from the paying guest.

4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the governmental entity collecting the tax shall charge and collect in addition to the tax:
   (a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or the administrative fee established by the board of county commissioners pursuant to NRS 244.3352, whichever is greater; and
   (b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. The governmental entity collecting the tax imposed pursuant to subsection 1 shall deposit all proceeds of the tax and any applicable penalties and interest with the State Treasurer for credit to the State General Fund.

6. As used in this section “gross receipts from the rental of transient lodging” does not include the tax imposed and collected from paying guests pursuant to this section or NRS 244.3352 or 268.096.

Sec. 173. Section 142 of this act is hereby amended to read as follows:

Sec. 142. 1. There is hereby imposed a tax at a rate of [2] 3 percent of the gross receipts from the rental of transient lodging in each city upon those persons in the business of providing lodging who are required to pay the tax imposed pursuant to NRS 268.096. This tax is in addition to any other
taxes imposed on the revenue from the rental of transient lodging.

2. The tax imposed pursuant to subsection 1 must be:
   (a) Collected and administered by the city in which the transient lodging is located in the same manner as provided for the tax imposed pursuant to NRS 268.096.
   (b) Paid within the time set forth in the schedule of payment adopted by that city for the tax imposed pursuant to NRS 268.096.

3. The tax imposed pursuant to subsection 1 may be collected from the paying guests and may be shown as an addition to the charge for the rental of transient lodging. The person providing the transient lodging is liable to the State for the payment of the tax whether or not it is actually collected from the paying guest.

4. If the tax imposed pursuant to subsection 1 is not paid within the time set forth in the schedule for payment, the city shall charge and collect in addition to the tax:
   (a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or the administrative fee established by the governing body of the city pursuant to NRS 268.096, whichever is greater; and
   (b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the tax became due until the date of payment.

5. The governmental entity collecting the tax imposed pursuant to subsection 1 shall deposit all proceeds of the tax and any applicable penalties and interest with the State Treasurer for credit to the State General Fund.

6. As used in this section “gross receipts from the rental of transient lodging” does not include the tax imposed and collected from paying guests pursuant to this section or NRS 244.3352 or 268.096.

Sec. 174. 1. NRS 353.272 and 353C.200 are hereby repealed.

2. NRS 364A.160 is hereby repealed.

Sec. 175. 1. An ad valorem tax of 5 cents on each $100 of assessed valuation of taxable property is hereby levied for the fiscal year commencing July 1, 2004, and ending June 30, 2005, and an ad valorem tax of 10 cents on each $100 of assessed valuation of taxable property is hereby levied for the fiscal year commencing July 1, 2005, and ending June 30, 2006, for the operating expenses of the State of Nevada. The taxes levied by this section must be collected in the manner provided in chapter 361 of NRS on all
taxable property in this state, including the net proceeds of minerals and excluding such property as is by law exempt from taxation.

2. The proceeds of the taxes levied by subsection 1 must be deposited in the State General Fund.

3. Notwithstanding the provisions of NRS 361.453, the levy imposed by subsection 1 must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied within the boundaries of a county, city or unincorporated town.

Sec. 176. The Governor shall:
1. Revise the final version of the proposed budget for the Executive Department of the State Government that was submitted to the 72nd Session of the Nevada Legislature pursuant to NRS 353.230 and reduce the proposed expenditures contained in that budget by at least $25,000,000 for Fiscal Year 2003-2004 and by at least $25,000,000 for Fiscal Year 2004-2005; and
2. Submit the revised proposed budget for the Executive Department of the State Government to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means on or before April 1, 2003.

Sec. 177. Notwithstanding the provisions of section 80 of this act, a business license issued pursuant to chapter 364A of NRS before January 1, 2004, expires on the last day of the calendar month in which the anniversary date of its issuance first occurs after that date, unless it is renewed pursuant to section 80 of this act on or before the date of expiration.

Sec. 178. 1. A state agency that is required to comply with the provisions of NRS 353.1465, as amended by section 146 of this act, shall:
(a) Not later than June 30, 2004, submit to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Budget Division of the Department of Administration a plan for establishing the program required by those amendatory provisions; and
(b) Not later than January 2, 2005, submit to the Fiscal Analysis Division of the Legislative Counsel Bureau for transmittal to the 73rd Session of the Nevada Legislature, a report of the progress made by the state agency in complying with those amendatory provisions.
2. The plan and report required by subsection 1 must include the anticipated date on which the program will be established and a description of any problems experienced by the agency in establishing the program.

Sec. 179. The Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau shall jointly:
1. Identify all departments, institutions and agencies of the Executive Department of the State Government that administer programs for the treatment of alcohol and drug abuse or provide funding to local governments for such programs;

2. Develop a proposal for coordinating such programs, reducing the administrative costs associated with such programs and maximizing the use of state revenue being expended for such programs; and

3. Report their recommendations to the Governor and the Director of the Legislative Counsel Bureau not later than December 1, 2004.

Sec. 180. The provisions of:

1. Sections 84, 85, 87, 88, 164, 165 and subsection 2 of section 174 of this act do not affect the amount of any taxes or license fees due for any period ending on or before June 30, 2003.

2. Sections 90, 92 and 94 of this act do not apply to any taxes precollected pursuant to chapter 370 of NRS on or before June 30, 2003.

Sec. 181. 1. This section and sections 73, 176 and 180 of this act become effective upon passage and approval.

2. Sections 79, 80, 82 to 85, inclusive, 87, 88, 90, 92, 94, 98 to 128, inclusive, 130 to 144, inclusive, 164 to 167, inclusive, 169, 170, 171, subsection 2 of section 174 and 177 of this act become effective:

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

   (b) On July 1, 2003, for all other purposes.

3. Sections 81, 86, 89, 96, 129, 145, 147 to 163, inclusive, subsection 1 of section 174, 178 and 179 of this act become effective on July 1, 2003.

4. Sections 91, 93 and 95 of this act become effective on July 1, 2004.

5. Sections 1 to 72, inclusive, 74 to 78, inclusive, 97 and 168 become effective:

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

   (b) On January 1, 2004, for all other purposes.

6. Sections 172 and 173 of this act become effective on July 1, 2005.

7. Section 175 of this act becomes effective on July 1, 2004, only if the revised proposed budget for the Executive Department of the State Government required by section 176 of this act is submitted the Senate Standing Committee on Finance and the
8. Section 146 of this act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTIONS

353.272 “Fund defined.” “Fund” means the Disaster Relief Fund created pursuant to NRS 353.2735.

353C.200 Contract with private debt collector: Conditions; prohibitions; provisions regarding costs of and fees for collecting debt; approval.
1. Except as otherwise provided in subsection 2, an agency may enter into a contract with a private debt collector or any other person for the assignment of the collection of a debt if the agency:
   (a) Determines the assignment is likely to generate more net revenue than equivalent efforts by the agency to collect the debt, including collection efforts pursuant to this chapter;
   (b) Determines the assignment will not compromise future collections of state revenue; and
   (c) Notifies the debtor in writing at his address of record that the debt will be turned over for private collection unless the debt is paid.
2. An agency shall not enter into a contract with a private debt collector or any other person for the assignment of the collection of a debt if the debt has been contested by the debtor.
3. A contract for the assignment of the collection of a debt may provide for:
   (a) Payment by the agency to the private debt collector or other person of the costs of collection and fees for collecting the debt; or
   (b) Collection by the private debt collector or other person from the debtor of the costs of collection and fees for collecting the debt.
4. Any contract entered into pursuant to this section is subject to approval by the Director of the Department of Administration and the State Controller.

364A.160 Exemption for natural person with no employees during calendar quarter. A natural person who does not employ any employees during a calendar quarter is exempt from the provisions of this chapter for that calendar quarter.