

Amendment No. 1039

Assembly Amendment to Senate Bill No. 483 First Reprint (BDR 32-1182)
Proposed by: Assemblymen Armstrong and Paul Anderson
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 483 R1 (§§ 18, 20, 67, 69, 70, 71, 73, 74, 75, 75.5, 76.1, 76.15, 76.2, 76.25, 76.3, 76.35, 76.4, 76.45, 76.5, 76.55, 76.6, 76.65, 76.7, 76.75, 76.8, 103, 104, 106, 109).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF/BJE



Date: 5/31/2015

S.B. No. 483—Revises provisions relating to governmental financial administration. (BDR 32-1182)



SENATE BILL NO. 483—COMMITTEE ON REVENUE
AND ECONOMIC DEVELOPMENT

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Revenue and
Economic Development

SUMMARY—Revises provisions relating to governmental financial administration. (BDR 32-1182)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to governmental financial administration; providing for the imposition, administration and payment of a commerce tax on the Nevada gross revenue of certain business entities engaged in business in this State; revising provisions governing the rate and calculation of the payroll tax imposed on certain businesses ~~engaged in mining~~ in this State; revising provisions governing the rate and distribution of the excise tax on cigarettes; revising provisions governing the state business license fee; revising provisions governing the fee imposed on certain business entities for filing an initial or annual list; extending the prospective expiration of certain requirements regarding the advance payment and computation of the tax on the net proceeds from certain mining operations conducted in this State; removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; ~~temporarily extending~~ revising provisions relating to the allocation of a certain portion of the proceeds of the basic governmental services tax ~~to the State General Fund; requiring businesses to provide additional information in an application for the issuance or renewal of a state business license that is submitted during a specified period;~~ temporarily extending the expiration of the fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law imposes an excise tax on certain financial institutions at a rate of 2 percent of the total wages paid by the financial institution each calendar quarter. (NRS 363A.130) Sections 1 and 2 of this bill require businesses that are subject to the tax on the net proceeds of mining to pay the tax on the wages paid by the business at the same rate as the rate paid by financial institutions under existing law.~~

Section 20 of this bill imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceed \$4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. In accordance with section 9 of this bill, the Nevada gross revenue of a business entity is determined by taking the amount of its gross revenue, as defined in section 8 of this bill, making various adjustments to that amount under section 21 of this bill, and then siting that adjusted amount to this State pursuant to section 22 of this bill. Sections 24-49 of this bill set forth the rate of the commerce tax for the industry in which a business entity is primarily engaged. Sections 2-66 of this bill further provide for the administration, collection and enforcement of the commerce tax by the Department of Taxation in a manner similar to other state taxes. Sections 77, 79, 83, 85, 86, 89, 90, 93-95, 97 and 100 of this bill authorize the imposition of various types of disciplinary action against certain business entities who fail to pay the tax by the agencies responsible for their supervision and licensing. Sections 78, 80-82, 84, 87, 88, 91 and 92 of this bill authorize the Department to obtain certain records and information from certain agencies to assist the Department in its administration of the tax. Sections 96, 98, 99, 101 and 102 of this bill amend various provisions of existing law, including, without limitation, various provisions of the Nevada Insurance Code to specifically provide that entities regulated under that Code are required to comply with the provisions of the commerce tax.

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 1.17 percent of the total wages paid by the business each calendar quarter that exceed \$85,000. (NRS 363B.110) On July 1, 2015, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 476, Statutes of Nevada 2011, pp. 2891, 2898, as last amended by chapter 518, Statutes of Nevada 2013, p. 3427; chapter 518, Statutes of Nevada 2013, p. 3424) Existing law also imposes an excise tax on financial institutions at the rate of 2 percent of the total wages paid by the financial institution each calendar quarter. Sections ~~10 and 12-14~~ 62 and 67-70 of this bill ~~remove this scheduled rate change and permanently provide for the imposition of the tax at the rate of 1.17 percent of the total wages paid by the business each calendar quarter in excess of \$85,000.~~ (1) require businesses that are subject to the tax on the net proceeds of mining to pay the payroll tax at the same rate as the rate paid by financial institutions under existing law; (2) impose the payroll tax businesses other than a financial institution or a mining business at the rate of 1.475 of the total wages paid by the business each calendar quarter that exceed \$50,000; (3) authorize a business to subtract 50 percent of the commerce tax paid by the business as a credit when determining the amount of the tax on the total wages paid the business which is due from the business; and (4) require a reduction in the rate of the tax on the total wages paid by all businesses if the combined revenue from the commerce tax and the tax on the total wages by a business exceed a certain amount.

Existing law imposes an excise tax on the purchase, possession or use of cigarettes at the rate of 80 cents per pack of 20 cigarettes. (NRS 370.165, 370.350) Under existing law, the Department of Taxation must remit 70 cents of the tax on each pack of 20 cigarettes, less the costs of collecting the tax, to the State Treasurer for deposit in the Account for the Tax on Cigarettes in the State General Fund, and the remaining amount of the tax must be deposited in the Local Government Tax Distribution Account for distribution to local governments. (NRS 370.260) ~~Sections 13-51~~ 71-73 of this bill increase the excise tax on cigarettes to \$1.80 per pack of 20 cigarettes and require the additional amount of tax to be deposited in the Account in the State General Fund. ~~Section 113~~ 113 of this bill requires a wholesale dealer who purchases a revenue stamp evidencing payment of the tax before July 1, 2015, but who has not affixed that stamp to a pack of cigarettes before that date to pay the additional tax on the stamp.

58 Existing law imposes an annual fee of \$200 for a state business license. (NRS 76.100,
59 76.130) On July 1, 2015, this fee is scheduled to change to \$100. (Chapters 381 and 429,
60 Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, p.
61 3426) Sections 74 and 75 of this bill increased the annual state business license fee to
62 \$500 for all corporations organized pursuant to the laws of this State and all foreign
63 corporations transacting business in this State. Sections 74 and 75 further maintain the
64 existing \$200 state business license fee for all other businesses.

65 Existing law requires each business entity organizing under the laws of this State or
66 transacting business in this State to: (1) file with the Secretary of State an initial list and
67 an annual list of the directors and officers of the entity or the persons holding the
68 equivalent office; and (2) pay a fee for that filing. (NRS 78.150, 80.110, 82.193, 82.523,
69 84.110, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600,
70 88A.732, 89.250) Sections 75.5 and 76.1-76.8 of this bill increase by \$25 the fee for filing
71 an initial or annual list.

72 Existing law requires, until June 30, 2015, the advance payment of the tax on the net
73 proceeds of minerals based upon the estimated net proceeds and royalties of a mining
74 operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special
75 Session, p. 14, as last amended by chapter 518, Statutes of Nevada 2013, p. 3425) ~~Section 103~~
76 ~~103~~ of this bill delays the expiration of this requirement for advance payment until June 30,
77 2016, and ~~section 107~~ ~~107~~ of this bill makes conforming changes to related transitory
78 provisions governing the duties of the Department of Taxation in 2017 and the appropriation and
79 apportionment of money to counties and other local governments during that year.

80 Existing law provides that effective January 1, 2016, in computing the net proceeds from
81 certain mining operations conducted in this State, a person may deduct certain amounts
82 expended for health care for employees actually engaged in mining operations in this State.
83 (Chapter 449, Statutes of Nevada 2011, p. 2690, as amended by chapter 518, Statutes of
84 Nevada 2013, p. 3426) ~~Section 104~~ ~~Section 106~~ of this bill extends to January 1, 2017, the
85 effective date of this deduction. ~~Section 105~~ ~~105~~ of this bill makes conforming changes to
86 transitory provisions governing the computation of the proceeds from certain mining
87 operations for calendar years 2016 and 2017 and all subsequent calendar years.

88 Existing law requires, until June 30, 2015, an increase in the rate of the Local School
89 Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191-93, as last
90 amended by chapter 518, Statutes of Nevada 2013, p. 3426) ~~Section 104~~ ~~104~~ of this bill
91 removes the expiration date of this rate thereby requiring the payment of this rate indefinitely.

92 The State of Nevada imposes a governmental services tax for the privilege of operating
93 any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the
94 basic governmental services tax is 4 cents on each \$1 of valuation of the vehicle, as
95 determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth
96 depreciation schedules for determining the amount of the basic governmental services tax due
97 each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the
98 amount of the basic governmental services tax due annually was increased for used vehicles
99 by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue
100 from these increases in the basic governmental services tax were allocated to the State General
101 Fund until June 30, 2015, and then were required to be deposited in the State Highway Fund
102 thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188, as last amended by chapter 518,
103 Statutes of Nevada 2013, p. 3426) ~~Section 71~~ ~~Sections 78.1-78.9~~ of this bill ~~extends for an~~
104 ~~additional 2 years the period during which~~ provide that: (1) the increases in the basic
105 governmental services tax are allocated to the State General Fund; ~~Therefore,~~ in fiscal year
106 2015-2016; (2) in fiscal year 2016-2017, fifty percent of those increases will be deposited
107 in the State General Fund and 50 percent of those increases will be deposited in the State
108 Highway Fund; and (3) the entire amount of those increases will be deposited in the State
109 Highway Fund commencing on July 1, 2017.

110 ~~Section 14.5 of this bill requires a person who, on or after October 1, 2015, and before~~
111 ~~October 1, 2016, applies for the issuance or renewal of a state business license to include in~~
112 ~~the application certain information concerning the revenue earned by that person from the sale~~
113 ~~of services used in this State.~~

114 Existing law requires a court to impose a fee of \$100, in addition to any other
115 administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but
116 mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the

117 influence of intoxicating liquor or a controlled substance that is punishable as a
118 misdemeanor. The money collected for this fee is deposited with the State Controller for
119 credit to a special account in the State General Fund administered by the Office of Court
120 Administrator and money apportioned to a court from this fee must be used by the court
121 for certain purposes related to specialty court programs. (NRS 484C.515) Under existing
122 law, this fee expires by limitation on June 30, 2015. (Chapter 373, Statutes of Nevada
123 2013, p. 1992) Section 109 of this bill extends the expiration date of this fee until June 30,
124 2017.

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

1 Section 1. Title 32 of NRS is hereby amended by adding thereto a new
2 chapter to consist of the provisions set forth as sections 2 to 61, inclusive, of
3 this act.

4 Sec. 2. As used in this chapter, unless the context otherwise requires, the
5 words and terms defined in sections 2 to 13, inclusive, of this act have the
6 meanings ascribed to them in those sections.

7 Sec. 3. "Business" means any activity engaged in or caused to be engaged
8 in with the object of gain, benefit or advantage, either direct or indirect, to any
9 person or governmental entity.

10 Sec. 4. 1. Except as otherwise provided in subsection 2, "business entity"
11 means a corporation, partnership, proprietorship, limited-liability company,
12 business association, joint venture, limited-liability partnership, business trust,
13 professional association, joint stock company, holding company and any other
14 person engaged in a business.

15 2. "Business entity" does not include:

16 (a) Any person or other entity which this State is prohibited from taxing
17 pursuant to the Constitution or laws of the United States or the Nevada
18 Constitution.

19 (b) A natural person, unless that person is engaging in a business and is
20 required to file with the Internal Revenue Service a Schedule C (Form 1040),
21 Profit or Loss from Business, or its equivalent or successor form, a Schedule E
22 (Form 1040), Supplemental Income and Loss, or its equivalent or successor form,
23 or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or
24 successor form, for that business.

25 (c) A governmental entity.

26 (d) A nonprofit religious, charitable, fraternal or other organization that
27 qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

28 (e) A business entity organized pursuant to chapter 82 or 84 of NRS.

29 (f) A credit union organized under the provisions of chapter 678 of NRS or
30 the Federal Credit Union Act.

31 (g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the
32 Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors
33 and beneficiaries of which are natural persons or charitable entities as described
34 in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3),
35 excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-
36 4(b).

37 (h) An estate of a natural person as defined by section 7701(a)(30)(D) of the
38 Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable
39 as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

1 (i) A real estate investment trust, as defined by section 856 of the Internal
2 Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust
3 subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26
4 U.S.C. § 856(i)(2), except that:

5 (1) A real estate investment trust with any amount of its assets in direct
6 holdings of real estate, other than real estate it occupies for business purposes, as
7 opposed to holding interests in limited partnerships or other entities that directly
8 hold the real estate, is a business entity pursuant to this section; and

9 (2) A limited partnership or other entity that directly holds the real estate
10 as described in subparagraph (1) is a business entity pursuant to this section,
11 without regard to whether a real estate investment trust holds an interest in it.

12 (j) A real estate mortgage investment conduit, as defined by section 860D of
13 the Internal Revenue Code, 26 U.S.C. § 860D.

14 (k) A trust qualified under section 401(a) of the Internal Revenue Code, 26
15 U.S.C. § 401(a).

16 (l) A passive entity.

17 (m) A person whose activities within this State are confined to the owning,
18 maintenance and management of the person's intangible investments or of the
19 intangible investments of persons or statutory trusts or business trusts registered
20 as investment companies under the Investment Company Act of 1940, 15 U.S.C.
21 §§ 80a-1 et seq., as amended, and the collection and distribution of the income
22 from such investments or from tangible property physically located outside this
23 State. For the purposes of this paragraph, "intangible investments" includes,
24 without limitation, investments in stocks, bonds, notes and other debt obligations,
25 including, without limitation, debt obligations of affiliated corporations, real
26 estate investment trusts, patents, patent applications, trademarks, trade names
27 and similar types of intangible assets or an entity that is registered as an
28 investment company under the Investment Company Act of 1940, 15 U.S.C. §§
29 80a-1 et seq.

30 (n) A person who takes part in an exhibition held in this State for a purpose
31 related to the conduct of a business and is not required to obtain a state business
32 license specifically for that event pursuant to NRS 360.780.

33 Sec. 5. "Commerce tax" means the tax required to be paid pursuant to this
34 chapter.

35 Sec. 5.5. "Credit sales" means a sale of goods by a seller who accepts
36 payments for the goods at a later time.

37 Sec. 6. "Engaging in a business" means commencing, conducting or
38 continuing a business, the exercise of corporate or franchise powers regarding a
39 business, and the liquidation of a business which is or was engaging in a
40 business when the liquidator holds itself out to the public as conducting that
41 business.

42 Sec. 7. "Governmental entity" means:

43 1. The United States and any of its unincorporated agencies and
44 instrumentalities.

45 2. Any incorporated agency or instrumentality of the United States wholly
46 owned by the United States or by a corporation wholly owned by the United
47 States.

48 3. The State of Nevada and any of its unincorporated agencies and
49 instrumentalities.

50 4. Any county, city, district or other political subdivision of this State.

51 Sec. 8. 1. Except as otherwise provided in subsection 3, "gross revenue"
52 means the total amount realized by a business entity from engaging in a business
53 in this State, without deduction for the cost of goods sold or other expenses

1 incurred, that contributes to the production of gross income, including, without
2 limitation, the fair market value of any property and any services received, and
3 any debt transferred or forgiven as consideration.

4 2. Except as otherwise provided in subsection 3, the term includes, without
5 limitation:

6 (a) Amounts realized from the sale, exchange or other disposition of a
7 business entity's property;

8 (b) Amounts realized from the performance of services by a business entity;

9 (c) Amounts realized from another person's possession of the property or
10 capital of a business entity; and

11 (d) Any combination of these amounts.

12 3. The term does not include:

13 (a) Amounts realized from the sale, exchange, disposition or other grant of
14 the right to use trademarks, trade names, patents, copyrights and similar
15 intellectual property;

16 (b) The value of cash discounts allowed by the business entity and taken by a
17 customer;

18 (c) The value of goods or services provided to a customer on a
19 complimentary basis;

20 (d) Amounts realized from a transaction subject to, described in, or
21 equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031
22 or 1033 of the Internal Revenue Code, 26 U.S.C. § 118, 331, 332, 336, 338, 351,
23 355, 368, 721, 731, 1031 or 1033, regardless of the federal tax classification of
24 the business entity under 26 C.F.R. § 301.7701-3;;

25 (e) Amounts indirectly realized from a reduction of an expense or deduction;
26 and

27 (f) The value of property or services donated to a nonprofit religious,
28 charitable, fraternal or other organization that qualifies as a tax-exempt
29 organization pursuant to section 501(c)(3) of the Internal Revenue Code, 26
30 U.S.C. § 501(c)(3), if the donation is tax deductible pursuant to the provisions of
31 section 170(c) of the Internal Revenue Code, 26 U.S.C. § 170(c).

32 (g) Amounts that are not considered revenue under generally accepted
33 accounting principles.

34 Sec. 8.5. "Loan" means any extension of credit or the purchase in whole or
35 in part of an extension of credit from another person, including, without
36 limitation, participations and syndications.

37 Sec. 9. "Nevada gross revenue" means the gross revenue of a business
38 entity from engaging in a business in this State, as adjusted pursuant to section
39 21 of this act and situated to this State pursuant to section 22 of this act.

40 Sec. 10. "North American Industry Classification System" or "NAICS"
41 means the 2012 North American Industry Classification System published by the
42 Bureau of the Census of the United States Department of Commerce.

43 Sec. 10.5. "Pass-through entity" means an entity that is disregarded as an
44 entity for the purposes of federal income taxation or is treated as a partnership
45 for the purposes of federal income taxation.

46 Sec. 11. 1. "Pass-through revenue" means:

47 (a) Revenue received by a business entity that is required by law or fiduciary
48 duty to be distributed to another person or governmental entity;

49 (b) Taxes collected from a third party by a business entity and remitted by the
50 business entity to a taxing authority;

51 (c) Reimbursement for advances made by a business entity on behalf of a
52 customer or client, other than with respect to services rendered or with respect to

1 purchases of goods by the business entity in carrying out the business in which it
2 engages;

3 (d) Revenue received by a business entity that is mandated by contract or
4 subcontract to be distributed to another person or entity if the revenue
5 constitutes:

6 (1) Sales commissions that are paid to a person who is not an employee
7 of the business entity, including, without limitation, a split-fee real estate
8 commission;

9 (2) The tax basis of securities underwritten by the business entity, as
10 determined for the purposes of federal income taxation; or

11 (3) Subcontracting payments under a contract or subcontract entered
12 into by a business entity to provide services, labor or materials in connection with
13 the actual or proposed design, construction, remodeling, remediation or repair of
14 improvements on real property or the location of the boundaries of real property;

15 (e) Revenue received by a business entity that provides legal services if the
16 revenue received by the business entity is:

17 (I) Mandated by law, fiduciary duty or contract to be distributed to a
18 claimant by the claimant's attorney or to another person or entity on behalf of a
19 claimant by the claimant's attorney, including, without limitation, revenue
20 received;

21 (I) For damages due to a client represented by the business entity;

22 (II) That is subject to a lien or other contractual obligation arising
23 out of the representation provided by the business entity, other than fees owed to
24 the business entity for the provision of legal services;

25 (III) That is subject to a subrogation interest or other third-party
26 contractual claim; and

27 (IV) That is required to be paid to another attorney who provided
28 legal services in a matter and who is not a member, partner, shareholder or
29 employee of the business entity; and

30 (2) Reimbursement of the expenses incurred by the business entity in
31 providing legal services to a claimant that are specific to the claimant's matter
32 and that are not general operating expenses of the business entity; or

33 (f) Revenue received by a business entity that is part of an affiliated group
34 from another member of the affiliated group.

35 2. As used in this section:

36 (a) "Affiliated group" means a group of two or more business entities,
37 including, without limitation, a business entity described in subsection 2 of
38 section 4 of this act, each of which is controlled by one or more common owners
39 or by one or more members of the group.

40 (b) "Controlled by" means the direct or indirect ownership, control or
41 possession of 50 percent or more of a business entity.

42 (c) "Sales commission" means:

43 (1) Any form of compensation paid to a person for engaging in an act for
44 which a license is required pursuant to chapter 645 of NRS; or

45 (2) Compensation paid to a sales representative by a principal in an
46 amount that is based on the amount or level of orders for or sales on behalf of the
47 principal and that the principal is required to report on Internal Revenue Service
48 Form 1099-MISC, Miscellaneous Income.

49 Sec. 11.5. "Securities" means United States Treasury securities, obligations
50 of United States governmental agencies and corporations, obligations of a state
51 or political subdivision, corporate stock, bonds, participations in securities backed
52 by mortgages held by United States or state governmental agencies, loan-backed
53 securities, money market instruments, federal funds, securities purchased and

1 sold under agreements to resell or repurchase, commercial paper, banker's
2 acceptances, purchased certificates of deposit, options, futures contracts, forward
3 contracts, notional principal contracts, including, without limitation, swaps, and
4 other similar securities and instruments.

5 Sec. 12. "Taxable year" means the 12-month period beginning on July 1
6 and ending on June 30 of the following year.

7 Sec. 13. "Wages" means any remuneration paid for personal services,
8 including, without limitation, commissions and bonuses, and remuneration
9 payable in any medium other than cash.

10 Sec. 13.5. For the purposes of this chapter, unless otherwise indicated,
11 section references are to the Internal Revenue Code of 1986, as amended, and
12 include future amendments to such sections and corresponding provisions of
13 future federal internal revenue laws.

14 Sec. 14. 1. For the purposes of this chapter, a business is a "passive
15 entity" only if:

16 (a) The business is a limited-liability company, general partnership, limited-
17 liability partnership, limited partnership or limited-liability limited partnership, or
18 a trust, other than a business trust;

19 (b) During the period for which the gross revenue of the business entity is
20 reported pursuant to section 20 of this act, at least 90 percent of the business
21 entity's federal gross income consists of the following income:

22 (1) Dividends, interest, foreign currency exchange gains, periodic and
23 nonperiodic payments with respect to notional principal contracts, option
24 premiums, cash settlements or termination payments with respect to a financial
25 instrument, and income from a limited-liability company;

26 (2) Capital gains from the sale of real property, gains from the sale of
27 commodities traded on a commodities exchange and gains from the sale of
28 securities; and

29 (3) Royalties, bonuses or delay rental income from mineral properties
30 and income from other nonoperating mineral interests; and

31 (c) The business entity does not receive more than 10 percent of its federal
32 gross income from conducting an active trade or business.

33 2. As used in paragraph (b) of subsection 1, the term "income" does not
34 include any:

35 (a) Rent; or

36 (b) Income received by a nonoperator from mineral properties under a joint
37 operating agreement if the nonoperator is a member of an affiliated group and
38 another member of that group is the operator under that joint operating
39 agreement.

40 3. For the purposes of paragraph (c) of subsection 1:

41 (a) Except as otherwise provided in this subsection, a business entity is
42 "conducting an active trade or business" if:

43 (1) The activities being carried on by the business entity include one or
44 more active operations that form a part of the process of earning income or
45 profit, and the business entity performs active management and operating
46 functions; or

47 (2) Any assets, including, without limitation, royalties, patents,
48 trademarks and other intangible assets, held by the business entity are used in the
49 active trade or business of one or more related business entities.

50 (b) The ownership of a royalty interest or a nonoperating working interest in
51 mineral rights does not constitute the conduct of an active trade or business.

1 (c) The payment of compensation to employees or independent contractors
2 for financial or legal services reasonably necessary for the operation of a
3 business does not constitute the conduct of an active trade or business.

4 (d) Holding a seat on the board of directors of a business entity does not by
5 itself constitute the conduct of an active trade or business.

6 (e) Activities performed by a business entity include activities performed by
7 persons outside the business entity, including independent contractors, to the
8 extent that those persons perform services on behalf of the business entity and
9 those services constitute all or any part of the business entity's trade or business.

10 Sec. 15. For the purposes of this chapter, if a business entity engaging in a
11 business in this State is engaged in business in more than one business category
12 set forth in sections 24 to 49, inclusive, of this act, the business entity shall be
13 deemed to be primarily engaged in the business category in which the highest
14 percentage of its Nevada gross revenue is generated.

15 Sec. 16. The Department shall:

16 1. Administer and enforce the provisions of this chapter, and may adopt
17 such regulations as it deems appropriate for that purpose.

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

20 Sec. 17. 1. Each person responsible for maintaining the records of a
21 business entity shall:

22 (a) Keep such records as may be necessary to determine the amount of the
23 liability of a business entity pursuant to the provisions of this chapter;

24 (b) Preserve those records for 4 years or until any litigation or prosecution
25 pursuant to this chapter is finally determined, whichever is longer; and

26 (c) Make the records available for inspection by the Department upon
27 demand at reasonable times during regular business hours.

28 2. The Department may by regulation specify the types of records which
29 must be kept to determine the amount of the liability of a business entity pursuant
30 to the provisions of this chapter. The regulations adopted by the Department
31 pursuant to this subsection must specify the type of information that a business
32 entity engaging in a business in this State must keep in the normal course of its
33 financial recordkeeping for the purpose of determining the amount of the
34 commerce tax owed by the business entity.

35 Sec. 18. 1. To verify the accuracy of any return filed or, if no return is
36 filed by a business entity, to determine the amount of the commerce tax required
37 to be paid pursuant to this chapter, the Department, or any person authorized in
38 writing by the Department, may examine the books, papers and records of any
39 person who may be liable for the commerce tax.

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

48 Sec. 19. The Executive Director may request from any other governmental
49 agency or officer such information as the Executive Director deems necessary to
50 carry out the provisions of this chapter. If the Executive Director obtains any
51 confidential information pursuant to such a request, he or she shall maintain the
52 confidentiality of that information in the same manner and to the same extent as

1 provided by law for the agency or officer from whom the information was
2 obtained.

3 Sec. 20. 1. For the privilege of engaging in a business in this State, a
4 commerce tax is hereby imposed upon each business entity whose Nevada gross
5 revenue in a taxable year exceeds \$4,000,000 in an amount determined pursuant
6 to sections 23 to 49, inclusive, of this act. The commerce tax is due and payable
7 as provided in this section.

8 2. Each business entity engaging in a business in this State during a taxable
9 year shall, on or before the 45th day immediately following the end of that
10 taxable year, file with the Department a report on a form prescribed by the
11 Department. The report required by this subsection must include such
12 information as is required by the Department. A business entity shall remit with
13 the return the amount of commerce tax due pursuant to subsection 1.

14 3. For the purposes of determining the amount of the commerce tax due
15 pursuant to this chapter, the initial report filed by a business entity with the
16 Department pursuant to subsection 2 must designate the business category in
17 which the business entity is primarily engaged. A business entity may not change
18 the business category designated for that business entity unless the person applies
19 to the Department to change such designation and the Department determines
20 that the business is no longer primarily engaged in the designated business
21 category.

22 4. Upon written application made before the date on which payment of the
23 commerce tax due pursuant to this chapter must be made, the Department may
24 for good cause extend by not more than 30 days the time within which a business
25 entity is required to pay the commerce tax. If the commerce tax is paid during the
26 period of extension, no penalty or late charge may be imposed for failure to pay
27 the commerce tax at the time required, but the business entity shall pay interest at
28 the rate of 0.75 percent per month from the date on which the amount would
29 have been due without the extension until the date of payment, unless otherwise
30 provided in NRS 360.232 or 360.320.

31 Sec. 21. 1. In computing the commerce tax owed by a business entity
32 pursuant to this chapter, the business entity is entitled to deduct from its gross
33 revenue the following amounts, to the extent such amounts are included in gross
34 revenue of the business entity:

35 (a) Any gross revenue which this State is prohibited from taxing pursuant to
36 the Constitution or laws of the United States or the Nevada Constitution.

37 (b) Any gross revenue of the business entity attributable to dividends and
38 interest upon any bonds or securities of the Federal Government, the State of
39 Nevada or a political subdivision of this State.

40 (c) If a business entity is required to pay a license fee pursuant to NRS
41 463.370, the amount of its gross receipts used to determine the amount of that
42 fee.

43 (d) If the business entity is required to pay a tax on the net proceeds from
44 mineral extraction and royalties subject to the excise tax pursuant to the
45 provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross
46 proceeds used to determine the amount of that tax.

47 (e) If the business entity is required to pay the tax imposed by chapter 369 of
48 NRS, an amount equal to the amount of the excise tax paid pursuant to that
49 chapter by the business entity.

50 (f) If the business entity is required to pay the tax imposed pursuant to
51 chapter 680B of NRS:

1 (1) The amount of the total income derived from direct premiums written
2 and all other considerations for insurance, bail or annuity contracts used
3 to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

4 (2) Any amounts excluded from total income derived from direct
5 premiums pursuant to NRS 680B.025; and

6 (3) Gross premiums upon policies on risks located in this State received
7 by a factory mutual and amounts deducted from such gross premiums to
8 determine the amount of the tax imposed by NRS 680B.027 upon the factory
9 mutual pursuant to NRS 680B.033.

10 (g) If the business entity is required to pay the tax imposed pursuant to NRS
11 694C.450, the amount of the net direct premiums, as defined in that section, used
12 to determine the amount of that tax.

13 (h) If the business entity is required to pay the tax imposed pursuant to NRS
14 685A.180, the amount of the premiums, as defined in that section, used to
15 determine the amount of that tax.

16 (i) Except as otherwise provided by paragraph (j), the total amount of
17 payments received by a health care provider:

18 (1) From Medicaid, Medicare, the Children's Health Insurance
19 Program, the Fund for Hospital Care to Indigent Persons created pursuant to
20 NRS 428.175 or TRICARE;

21 (2) For professional services provided in relation to a workers'
22 compensation claim; and

23 (3) For the actual cost to the health care provider for any uncompensated
24 care provided by the health care provider, except that if the health care provider
25 later receives payment for all or part of that care, the health care provider must
26 include the amount of the payment in his or her gross receipts for the calendar
27 quarter in which the payment is received.

28 (j) If the business entity is engaging in a business in this State as a health
29 care provider that is a health care institution, an amount equal to 50 percent of
30 the amounts described in paragraph (i) that are received by the health care
31 institution.

32 (k) If the business entity is engaging in business in this State as an employee
33 leasing company, the amount of any payments received from a client company
34 for wages, payroll taxes on those wages, employee benefits and workers'
35 compensation benefits for employees leased to the client company.

36 (l) The amount of any pass-through revenue of the business entity. (m)
37 The tax basis of securities and loans sold by the business entity, as determined for
38 the purposes of federal income taxation.

39 (n) The amount of revenue received by the business entity that is directly
40 derived from the operation of a facility that is:

41 (1) Located on property owned or leased by the Federal Government;
42 and

43 (2) Managed or operated primarily to house members of the Armed
44 Forces of the United States.

45 (o) Interest income other than interest on credit sales.

46 (p) Dividends and distributions from corporations, and distributive or
47 proportionate shares of receipts and income from a pass-through entity.

48 (q) Receipts from the sale, exchange or other disposition of an asset
49 described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221
50 or 1231, without regard to the length of time the business entity held the asset.

51 (r) Receipts from a hedging transaction, as defined in section 1221 of the
52 Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge
53 accounting treatment under Statement No. 133 of the Financial Accounting

1 Standards Board, Accounting for Derivative Instruments and Hedging Activities,
2 to the extent the transaction is entered into primarily to protect a financial
3 position, including, without limitation, managing the risk of exposure to foreign
4 currency fluctuations that affect assets, liabilities, profits, losses, equity or
5 investments in foreign operations, to interest rate fluctuations or to commodity
6 price fluctuations. For the purposes of this paragraph, receipts from the actual
7 transfer of title of real or tangible personal property to another business entity
8 are not receipts from a hedging transaction or a transaction accorded hedge
9 accounting treatment.

10 (s) Proceeds received by a business entity that are attributable to the
11 repayment, maturity or redemption of the principal of a loan, bond, mutual fund,
12 certificate of deposit or marketable instrument.

13 (t) The principal amount received under a repurchase agreement or on
14 account of any transaction properly characterized as a loan.

15 (u) Proceeds received from the issuance of the business entity's own stock,
16 options, warrants, puts or calls, from the sale of the business entity's treasury
17 stock or as contributions to the capital of the business entity.

18 (v) Proceeds received on account of payments from insurance policies,
19 except those proceeds received for the loss of business revenue.

20 (w) Damages received as a result of litigation in excess of amounts that, if
21 received without litigation, would not have been included in the gross receipts of
22 the business entity pursuant to this section.

23 (x) Bad debts expensed for the purposes of federal income taxation.

24 (y) Returns and refunds to customers.

25 (z) Amounts realized from the sale of an account receivable to the extent the
26 receipts from the underlying transaction were included in the gross receipts of the
27 business entity.

28 (aa) If the business entity owns an interest in a passive entity, the business
29 entity's share of the net income of the passive entity, but only to the extent the net
30 income of the passive entity was generated by the gross revenue of another
31 business entity.

32 2. As used in this section:

33 (a) "Children's Health Insurance Program" means the program established
34 pursuant to 42 U.S.C. §§ 1397aa to 1397ji, inclusive, to provide health insurance
35 for uninsured children from low-income families in this State.

36 (b) "Client company" has the meaning ascribed to it in NRS 616B.670.

37 (c) "Employee leasing company" has the meaning ascribed to it in NRS
38 616B.670.

39 (d) "Health care institution" means:

40 (1) A medical facility as defined in NRS 449.0151; and

41 (2) A pharmacy as defined in NRS 639.012.

42 (e) "Health care provider" means a business that receives any payments
43 listed in paragraph (i) of subsection 1 as a provider of health care services,
44 including, without limitation, mental health care services.

45 (f) "Medicaid" means the program established pursuant to Title XIX of the
46 Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all
47 of the cost of medical care rendered on behalf of indigent persons.

48 (g) "Medicare" means the program of health insurance for aged persons and
49 persons with disabilities established pursuant to Title XVIII of the Social Security
50 Act, 42 U.S.C. §§ 1395 et seq.

51 Sec. 22. 1. In computing the commerce tax owed by a business entity, the
52 gross revenue of the business entity, as adjusted pursuant to section 21 of this act,
53 must be situated to this State in accordance with the following rules:

1 (a) Gross rents and royalties from real property are situated to this State if the
2 real property is located in this State.

3 (b) Gross revenue from the sale of real property are situated to this State if the
4 real property is located in this State.

5 (c) Gross rents and royalties from tangible personal property is situated to this
6 State to the extent the tangible personal property is located or used in this State.

7 (d) Gross revenue from the sale of tangible personal property is situated to
8 this State if the property is delivered or shipped to a buyer in this State, regardless
9 of the F.O.B. point or any other condition of sale.

10 (e) Gross revenue from the sale of transportation services is situated to this
11 State if both the origin and the destination point of the transportation are located
12 in this State.

13 (f) Gross revenue from the sale of any services not otherwise described in
14 this section is situated to this State in the proportion that the purchaser's benefit in
15 this State, with respect to what was purchased, bears to the purchaser's benefit
16 everywhere with respect to what was purchased. For the purposes of this
17 paragraph, the physical location at which the purchaser of a service ultimately
18 uses or receives the benefit of the service that was purchased is paramount in
19 determining the proportion of the benefit in this State to the benefit everywhere.
20 If the records of a business entity do not allow the taxpayer to determine that
21 location, the business entity may use an alternative method to situs gross revenue
22 pursuant to this section if the alternative method is reasonable, is consistently
23 and uniformly applied and is supported by the taxpayer's records as those records
24 exist when the service is provided or within a reasonable period of time
25 thereafter.

26 (g) Gross revenue not otherwise described in this section is situated to this
27 State if the gross receipts are from business conducted in this State. For the
28 purposes of this paragraph, the physical location of the purchaser is paramount
29 in determining if business is done in this State. If the records of a business entity
30 do not allow the business entity to determine the location of the purchaser, the
31 gross revenue must not be considered to be from business conducted in this State.

32 2. If the application of the provisions of subsection 1 does not fairly
33 represent the extent of the business conducted in this State by a business entity,
34 the Department may authorize the business entity to the use of an alternative
35 method of siting gross revenue to this State.

36 Sec. 23. Except as otherwise provided in this section, the commerce tax
37 required to be paid by a business entity engaging in a business in this State is
38 equal to the amount obtained by subtracting \$4,000,000 from the Nevada gross
39 revenue of the business entity for the taxable year and multiplying that amount
40 by the rate set forth in sections 24 to 48, inclusive, of this act for the business
41 category in which the business entity is primarily engaged. If the business entity
42 cannot be categorized in a business category set forth in sections 24 to 48,
43 inclusive, of this act, the commerce tax required to be paid by that business entity
44 is equal to the amount obtained by subtracting \$4,000,000 from the Nevada gross
45 revenue of the business entity for the taxable year and multiplying that amount
46 by the rate set forth in section 49 of this act.

47 Sec. 24. 1. The agriculture, forestry, fishing and hunting business
48 category (NAICS 11) includes all business entities primarily engaged in
49 agricultural production or agricultural support activities, or both, including,
50 without limitation, growing crops, raising animals, harvesting timber and
51 harvesting fish and other animals from a farm, ranch or their natural habitats.

52 2. Examples of business entities in this category include, without limitation,
53 farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

1 3. This category does not include business entities primarily engaged in
2 agricultural research or administering programs for regulating and conserving
3 land, minerals, wildlife or forest use.

4 4. The amount of the commerce tax for a business entity included in this
5 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
6 revenue of the business entity for the taxable year and multiplying that amount
7 by 0.063 percent.

8 Sec. 25. 1. The mining, quarrying and oil and gas extraction business
9 category (NAICS 21) includes all business entities primarily engaged in mining
10 operations and mining support activities, including, without limitation,
11 extracting:

12 (a) Naturally occurring mineral solids, such as coal and ores;

13 (b) Liquid minerals, such as crude petroleum; and

14 (c) Gases, such as natural gas.

15 2. Examples of business entities in this category include, without limitation:

16 (a) Business entities operating mines, quarries or oil and gas wells on their
17 own account or for others on a contract or fee basis.

18 (b) Mining support activities, including business entities that perform
19 exploration or other mining services, or both, on a contract or fee basis, except
20 geophysical surveying, mine site preparation and the construction of oil and gas
21 pipelines.

22 3. As used in subsections 1 and 2, the term "mining" includes quarrying,
23 well operations and beneficiating, including, without limitation, crushing,
24 screening, washing, flotation and other preparation customarily performed at a
25 mine site or as a part of mining activity.

26 4. The amount of the commerce tax for a business entity included in this
27 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
28 revenue of the business entity for the taxable year and multiplying that amount
29 by 0.051 percent.

30 Sec. 26. 1. The utilities and telecommunications business category
31 (NAICS 22 and 517, respectively) includes:

32 (a) All business entities primarily engaged in providing utility services,
33 including, without limitation, electric power, natural gas, steam supply, water
34 supply and sewage removal; and

35 (b) All business entities primarily engaged in providing telecommunications
36 and the services related to that activity, including, without limitation, telephony,
37 cable and satellite distribution services, Internet access and telecommunications
38 reselling services.

39 2. This category does not include business entities primarily engaged in
40 waste management and remediation services that are described in section 42 of
41 this act.

42 3. The amount of the commerce tax for a business entity included in this
43 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
44 revenue of the business entity for the taxable year and multiplying that amount
45 by 0.136 percent.

46 Sec. 27. 1. The construction business category (NAICS 23) includes all
47 business entities primarily engaged in the construction of buildings or
48 engineering projects, such as highways and utility systems. Business entities
49 engaged in the preparation of sites for new construction and business entities
50 primarily engaged in subdividing land for sale as building sites also are included
51 in this category.

52 2. Examples of business entities in this category include, without limitation,
53 general contractors, design-builders, construction managers, turnkey contractors,

1 joint-venture contractors, specialty trade contractors, for-sale builders,
2 speculative builders and merchant builders.

3 3. The amount of the commerce tax for a business entity included in this
4 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
5 revenue of the business entity for the taxable year and multiplying that amount
6 by 0.083 percent.

7 Sec. 28. 1. The manufacturing business category (NAICS 31, 32 and 33)
8 includes all business entities primarily engaged in the mechanical, physical or
9 chemical transformation of materials, substances or components into new
10 products.

11 2. Examples of business entities in this category include, without limitation,
12 milk bottling and pasteurizing, water bottling and processing, fresh fish
13 packaging, apparel jobbing, contracting on materials owned by others, printing
14 and related activities, ready-mixed concrete production, leather converting,
15 grinding of lenses to prescription, wood preserving, electroplating, plating, metal
16 heat, treating and polishing for the trade, lapidary work for the trade, fabricating
17 signs and advertising displays, rebuilding or remanufacturing machinery, ship
18 repair and renovation, machine shops and tire retreading.

19 3. The amount of the commerce tax for a business entity included in this
20 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
21 revenue of the business entity for the taxable year and multiplying that amount
22 by 0.091 percent.

23 Sec. 29. 1. The wholesale trade business category (NAICS 42) includes
24 all business entities primarily engaged in wholesaling merchandise, generally
25 without transformation, and rendering services incidental to the sale of
26 merchandise.

27 2. The amount of the commerce tax for a business entity included in this
28 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
29 revenue of the business entity for the taxable year and multiplying that amount
30 by 0.101 percent.

31 Sec. 30. 1. The retail trade business category (NAICS 44 and 45) includes
32 all businesses primarily engaged in retailing merchandise, generally without
33 transformation, and rendering services incidental to the sale of merchandise.

34 2. The amount of the commerce tax for a business entity included in this
35 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
36 revenue of the business entity for the taxable year and multiplying that amount
37 by 0.111 percent.

38 Sec. 31. 1. The air transportation business category (NAICS 481)
39 includes all business entities primarily engaged in providing air transportation of
40 passengers or cargo, or both, using aircraft, such as an airplane and helicopter.

41 2. The amount of the commerce tax for a business entity included in this
42 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
43 revenue of the business entity for the taxable year and multiplying that amount
44 by 0.058 percent.

45 Sec. 32. 1. The truck transportation business category (NAICS 484)
46 includes all business entities primarily engaged in providing over-the-road
47 transportation of cargo using motor vehicles, such as a truck and tractor trailer.

48 2. The amount of the commerce tax for a business entity included in this
49 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
50 revenue of the business entity for the taxable year and multiplying that amount
51 by 0.202 percent.

1 Sec. 33. 1. The rail transportation business category (NAICS 482)
2 includes all business entities primarily engaged in providing rail transportation of
3 passengers or cargo, or both, using railroad rolling stock.

4 2. The amount of the commerce tax for a business entity included in this
5 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
6 revenue of the business entity for the taxable year and multiplying that amount
7 by 0.331 percent.

8 Sec. 34. 1. The other transportation business category (NAICS 483, 485,
9 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:

10 (a) Water transportation, including, without limitation, the transportation of
11 passengers and cargo using watercraft;

12 (b) Transit and ground passenger transportation, including, without
13 limitation, charter buses, school buses, interurban bus transportation, taxis and
14 limousine services, street railroads, commuter rail and rapid transit;

15 (c) Pipeline transportation, including, without limitation, using transmission
16 pipelines to transport products, such as crude oil, natural gas, refined petroleum
17 products and slurry;

18 (d) Scenic and sightseeing transportation, including, without limitation, on
19 land or the water, or in the air;

20 (e) Support activities for transportation, including, without limitation, air
21 traffic control services, marine cargo handling, motor vehicle towing, railroad
22 switching and terminals, and ship repair and maintenance not done in a
23 shipyard, such as floating drydock services in a harbor;

24 (f) Postal services, including, without limitation, the activities of the United
25 States Postal Service and its subcontractors operating under a universal service
26 obligation to provide mail services, deliver letters and small parcels, and rural
27 post offices on contract to the United States Postal Service; and

28 (g) Courier and messenger services, including, without limitation, the
29 provision of intercity, local or international delivery of parcels and documents
30 without operating under a universal service obligation.

31 2. The amount of the commerce tax for a business entity included in this
32 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
33 revenue of the business entity for the taxable year and multiplying that amount
34 by 0.129 percent.

35 Sec. 35. 1. The warehousing and storage business category (NAICS 493)
36 includes all business entities primarily engaged in operating warehousing and
37 storage facilities for general merchandise, refrigerated goods and other
38 warehouse products.

39 2. The amount of the commerce tax for a business entity included in this
40 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
41 revenue of the business entity for the taxable year and multiplying that amount
42 by 0.128 percent.

43 Sec. 36. 1. The publishing, software and data processing business
44 category (NAICS 511, 512, 515 and 518) includes all business entities primarily
45 engaged in:

46 (a) Publishing, except on the Internet, including, without limitation, the
47 publishing of newspapers, magazines, other periodicals and books, as well as
48 directory and mailing list and software publishing;

49 (b) Motion picture and sound recording, including, without limitation, the
50 production and distribution of motion pictures and sound recordings;

51 (c) Broadcasting, except on the Internet, including, without limitation,
52 creating content or acquiring the right to distribute content and subsequently
53 broadcast the content; and

1 (d) Data processing, hosting and related services, including, without
2 limitation, the provision of infrastructure for hosting and data processing
3 services.

4 2. The amount of the commerce tax for a business entity included in this
5 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
6 revenue of the business entity for the taxable year and multiplying that amount
7 by 0.253 percent.

8 Sec. 37. 1. The finance and insurance business category (NAICS 52)
9 includes all business entities primarily engaged in financial transactions or in
10 facilitating financial transactions.

11 2. The amount of the commerce tax for a business entity included in this
12 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
13 revenue of the business entity for the taxable year and multiplying that amount
14 by 0.111 percent.

15 Sec. 38. 1. The real estate and rental and leasing business category
16 (NAICS 53) includes all business entities primarily engaged in renting, leasing or
17 otherwise allowing the use of tangible or intangible assets, providing related
18 services, managing real estate for others, selling, renting or buying real estate for
19 others, and appraising real estate.

20 2. The amount of the commerce tax for a business entity included in this
21 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
22 revenue of the business entity for the taxable year and multiplying that amount
23 by 0.25 percent.

24 Sec. 39. 1. The professional, scientific and technical services business
25 category (NAICS 54) includes all business entities primarily engaged in
26 performing professional, scientific and technical activities for others.

27 2. The amount of the commerce tax for a business entity included in this
28 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
29 revenue of the business entity for the taxable year and multiplying that amount
30 by 0.181 percent.

31 Sec. 40. 1. The management of companies and enterprises business
32 category (NAICS 55) includes all business entities primarily engaged in:

33 (a) Holding the securities of, or other equity interests in, companies and
34 enterprises for the purpose of owning a controlling interest or influencing
35 management decisions; or

36 (b) Administering, overseeing and managing establishments of the company
37 or enterprise and that normally undertake the strategic or organizational
38 planning and decision-making role of the company or enterprise.

39 2. The amount of the commerce tax for a business entity included in this
40 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
41 revenue of the business entity for the taxable year and multiplying that amount
42 by 0.137 percent.

43 Sec. 41. 1. The administrative and support services business category
44 (NAICS 561) includes all business entities primarily engaged in activities that
45 support the day-to-day operations of other organizations.

46 2. The amount of the commerce tax for a business entity included in this
47 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
48 revenue of the business entity for the taxable year and multiplying that amount
49 by 0.154 percent.

50 Sec. 42. 1. The waste management and remediation services business
51 category (NAICS 562) includes all business entities primarily engaged in the
52 collection, treatment and disposal of waste materials.

1 2. The amount of the commerce tax for a business entity included in this
2 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
3 revenue of the business entity for the taxable year and multiplying that amount
4 by 0.261 percent.

5 Sec. 43. 1. The educational services business category (NAICS 61)
6 includes all businesses primarily engaged in providing instruction and training in
7 a wide variety of subjects.

8 2. The amount of the commerce tax for a business entity included in this
9 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
10 revenue of the business entity for the taxable year and multiplying that amount
11 by 0.281 percent.

12 Sec. 44. 1. The health care and social assistance business category
13 (NAICS 62) includes all business entities primarily engaged in providing health
14 care and social assistance for natural persons.

15 2. The amount of the commerce tax for a business entity included in this
16 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
17 revenue of the business entity for the taxable year and multiplying that amount
18 by 0.190 percent.

19 Sec. 45. 1. The arts, entertainment and recreation business category
20 (NAICS 71) includes all business entities primarily engaged in operating facilities
21 or providing services to meet varied cultural, entertainment and recreational
22 interests of their patrons.

23 2. The amount of the commerce tax for a business entity included in this
24 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
25 revenue of the business entity for the taxable year and multiplying that amount
26 by 0.24 percent.

27 Sec. 46. 1. The accommodation business category (NAICS 721) includes
28 all business entities primarily engaged in providing lodging or short-term
29 accommodations for travelers, vacationers and others.

30 2. The amount of the commerce tax for a business entity included in this
31 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
32 revenue of the business entity for the taxable year and multiplying that amount
33 by 0.2 percent.

34 Sec. 47. 1. The food services and drinking places business category
35 (NAICS 722) includes all business entities primarily engaged in preparing meals,
36 snacks and beverages to customer order for immediate on-premises and off-
37 premises consumption.

38 2. The amount of the commerce tax for a business entity included in this
39 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
40 revenue of the business entity for the taxable year and multiplying that amount
41 by 0.194 percent.

42 Sec. 48. 1. The other services business category (NAICS 81) includes all
43 business entities primarily engaged in providing services not included in any of
44 the business categories described in sections 24 to 47, inclusive, of this act.
45 Business entities in this category are primarily engaged in activities such as
46 repairing equipment and machinery, promoting or administering religious
47 activities, grantmaking, advocacy, and providing dry cleaning and laundry
48 services, personal care services, death care services, pet care services,
49 photofinishing services, temporary parking services and dating services.

50 2. The amount of the commerce tax for a business entity included in this
51 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
52 revenue of the business entity for the taxable year and multiplying that amount
53 by 0.142 percent.

1 Sec. 49. 1. The unclassified business category includes any business
2 entity not included in any of the business categories established by sections 24 to
3 48, inclusive, of this act.

4 2. The amount of the commerce tax for a business entity included in this
5 category is the amount obtained by subtracting \$4,000,000 from the Nevada gross
6 revenue of the business entity for the taxable year and multiplying that amount
7 by 0.128 percent.

8 Sec. 50. A business entity's method of accounting for gross revenue for a
9 taxable year for the purposes of determining the amount of the commerce tax
10 owed by the business entity must be the same as the business's method of
11 accounting for federal income tax purposes for the business's federal taxable
12 year which includes that calendar quarter. If a business entity's method of
13 accounting for federal income tax purposes changes, its method of accounting
14 for gross revenue pursuant to this chapter must be changed accordingly.

15 Sec. 51. If the Department determines that any tax, penalty or interest has
16 been paid more than once or has been erroneously or illegally collected or
17 computed, the Department shall set forth that fact in the records of the
18 Department and certify to the State Board of Examiners the amount collected in
19 excess of the amount legally due and the person from whom it was collected or by
20 whom it was paid. If approved by the State Board of Examiners, the excess
21 amount collected or paid must, after being credited against any amount then due
22 from the person in accordance with NRS 360.236, be refunded to the person or
23 his or her successors in interest.

24 Sec. 52. 1. Except as otherwise provided in NRS 360.235 and 360.395:

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

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

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

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

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

38 Sec. 53. 1. Except as otherwise provided in this section and NRS 360.320
39 or any other specific statute, interest must be paid upon any overpayment of any
40 amount of the commerce tax at the rate set forth in, and in accordance with the
41 provisions of, NRS 360.2937.

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

45 Sec. 54. 1. No injunction, writ of mandate or other legal or equitable
46 process may issue in any suit, action or proceeding in any court against this State
47 or against any officer of this State to prevent or enjoin the collection under this
48 chapter of the commerce tax or any amount of tax, penalty or interest required to
49 be collected.

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

1 Sec. 55. 1. Within 90 days after a final decision upon a claim filed
2 pursuant to this chapter is rendered by the Commission, the claimant may bring
3 an action against the Department on the grounds set forth in the claim in a court
4 of competent jurisdiction in Carson City, the county of this State where the
5 claimant resides or maintains his or her principal place of business or a county in
6 which any relevant proceedings were conducted by the Department, for the
7 recovery of the whole or any part of the amount with respect to which the claim
8 has been disallowed.

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

11 Sec. 56. 1. If the Department fails to mail notice of action on a claim
12 within 6 months after the claim is filed, the claimant may consider the claim
13 disallowed and file an appeal with the Commission within 30 days after the last
14 day of the 6-month period. If the claimant is aggrieved by the decision of the
15 Commission rendered on appeal, the claimant may, within 90 days after the
16 decision is rendered, bring an action against the Department on the grounds set
17 forth in the claim for the recovery of the whole or any part of the amount claimed
18 as an overpayment.

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

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

22 Sec. 57. In any judgment, interest must be allowed at the rate of 3 percent
23 per annum upon the amount found to have been illegally collected from the date
24 of payment of the amount to the date of allowance of credit on account of the
25 judgment, or to a date preceding the date of the refund warrant by not more than
26 30 days. The date must be determined by the Department.

27 Sec. 58. A judgment may not be rendered in favor of the plaintiff in any
28 action brought against the Department to recover any amount paid when the
29 action is brought by or in the name of an assignee of the person paying the
30 amount or by any person other than the person who paid the amount.

31 Sec. 59. 1. The Department may recover a refund or any part thereof
32 which is erroneously made and any credit or part thereof which is erroneously
33 allowed in an action brought in a court of competent jurisdiction in Carson City
34 or Clark County in the name of the State of Nevada.

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

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

41 Sec. 60. 1. If any amount in excess of \$25 has been illegally determined,
42 either by the Department or by the person filing the return, the Department shall
43 certify that fact to the State Board of Examiners, and the latter shall authorize
44 the cancellation of the amount upon the records of the Department.

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

49 Sec. 61. The remedies of the State provided for in this chapter are
50 cumulative, and no action taken by the Department or the Attorney General
51 constitutes an election by the State to pursue any remedy to the exclusion of any
52 other remedy for which provision is made in this chapter.

1 **Sec. 62. Chapter 360 of NRS is hereby amended by adding thereto a new**
2 **section to read as follows:**

3 **1. Except as otherwise provided in subsection 4, on or before September 30**
4 **of each even-numbered year, the Department shall determine the combined**
5 **revenue from the taxes imposed by chapters 363A and 363B of NRS and the**
6 **commerce tax imposed by sections 2 to 61, inclusive, of this act for the preceding**
7 **fiscal year.**

8 **2. Except as otherwise provided in subsection 4, if the combined revenue**
9 **determined pursuant to subsection 1 exceeds by more than 4 percent the amount**
10 **of the combined anticipated revenue from those taxes for that fiscal year, as**
11 **projected by the Economic Forum for that fiscal year pursuant to paragraph (e)**
12 **of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the**
13 **Legislature that affects state revenue for that fiscal year, the Department shall**
14 **determine the rate at which the taxes imposed pursuant to NRS 363A.130 and**
15 **363B.110, in combination with the revenue from the commerce tax imposed by**
16 **sections 2 to 61, inclusive, of this act, would have generated a combined revenue**
17 **of 4 percent more than the amount anticipated. In making the determination**
18 **required by this subsection, the Department shall reduce the rate of the taxes**
19 **imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the**
20 **actual amount collected from each tax for the preceding fiscal year bears to the**
21 **total combined amount collected from both taxes for the preceding fiscal year.**

22 **3. Except as otherwise provided in subsection 4, effective on July 1 of the**
23 **odd-numbered year immediately following the year in which the Department**
24 **made the determination described in subsection 1, the rates of the taxes imposed**
25 **pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to**
26 **subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter**
27 **be the rate of those taxes, unless further adjusted in a subsequent fiscal year.**

28 **4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS**
29 **363B.110 is 1.17 percent:**

30 **(a) The Department is no longer required to make the determinations**
31 **required by subsections 1 and 2; and**

32 **(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110**
33 **must not be further adjusted pursuant to subsection 3.**

34 **Sec. 63. NRS 360.2937 is hereby amended to read as follows:**

35 360.2937 1. Except as otherwise provided in this section and NRS 360.320
36 or any other specific statute, and notwithstanding the provisions of NRS 360.2935,
37 interest must be paid upon an overpayment of any tax provided for in chapter 362,
38 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, **or sections 2 to 61,**
39 **inclusive, of this act,** any fee provided for in NRS 444A.090 or 482.313, or any
40 assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from
41 the last day of the calendar month following the period for which the overpayment
42 was made.

43 2. No refund or credit may be made of any interest imposed on the person
44 making the overpayment with respect to the amount being refunded or credited.

45 3. The interest must be paid:

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

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

53 **Sec. 64. NRS 360.300 is hereby amended to read as follows:**

1 360.300 1. If a person fails to file a return or the Department is not satisfied
2 with the return or returns of any tax, contribution or premium or amount of tax,
3 contribution or premium required to be paid to the State by any person, in
4 accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A,
5 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313,
6 or chapter 585 or 680B of NRS, or sections 2 to 61, inclusive, of this act, as
7 administered or audited by the Department, it may compute and determine the
8 amount required to be paid upon the basis of:

9 (a) The facts contained in the return;

10 (b) Any information within its possession or that may come into its possession;
11 or

12 (c) Reasonable estimates of the amount.

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

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

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

22 5. When a business is discontinued, a determination may be made at any time
23 thereafter within the time prescribed in NRS 360.355 as to liability arising out of
24 that business, irrespective of whether the determination is issued before the due
25 date of the liability.

26 **Sec. 65. NRS 360.417 is hereby amended to read as follows:**

27 360.417 Except as otherwise provided in NRS 360.232 and 360.320, and
28 unless a different penalty or rate of interest is specifically provided by statute, any
29 person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370,
30 372, 374, 377, 377A, 377C, 444A or 585 of NRS, or sections 2 to 61, inclusive, of
31 this act, or any fee provided for in NRS 482.313, and any person or governmental
32 entity that fails to pay any fee provided for in NRS 360.787, to the State or a county
33 within the time required, shall pay a penalty of not more than 10 percent of the
34 amount of the tax or fee which is owed, as determined by the Department, in
35 addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or
36 fraction of a month, from the last day of the month following the period for which
37 the amount or any portion of the amount should have been reported until the date of
38 payment. The amount of any penalty imposed must be based on a graduated
39 schedule adopted by the Nevada Tax Commission which takes into consideration
40 the length of time the tax or fee remained unpaid.

41 **Sec. 66. NRS 360.510 is hereby amended to read as follows:**

42 360.510 1. If any person is delinquent in the payment of any tax or fee
43 administered by the Department or if a determination has been made against the
44 person which remains unpaid, the Department may:

45 (a) Not later than 3 years after the payment became delinquent or the
46 determination became final; or

47 (b) Not later than 6 years after the last recording of an abstract of judgment or
48 of a certificate constituting a lien for tax owed,

49 ↪ give a notice of the delinquency and a demand to transmit personally or by
50 registered or certified mail to any person, including, without limitation, any officer
51 or department of this State or any political subdivision or agency of this State, who
52 has in his or her possession or under his or her control any credits or other personal
53 property belonging to the delinquent, or owing any debts to the delinquent or

1 person against whom a determination has been made which remains unpaid, or
2 owing any debts to the delinquent or that person. In the case of any state officer,
3 department or agency, the notice must be given to the officer, department or agency
4 before the Department presents the claim of the delinquent taxpayer to the State
5 Controller.

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

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

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

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

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

33 7. If any person notified by the notice of the delinquency makes any transfer
34 or other disposition of the property or debts required to be withheld or transmitted,
35 to the extent of the value of the property or the amount of the debts thus transferred
36 or paid, that person is liable to the State for any indebtedness due pursuant to this
37 chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A,
38 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS or sections 2
39 to 61, inclusive, of this act from the person with respect to whose obligation the
40 notice was given if solely by reason of the transfer or other disposition the State is
41 unable to recover the indebtedness of the person with respect to whose obligation
42 the notice was given.

43 ~~{Section 1}~~ **Sec. 67.** NRS 363A.030 is hereby amended to read as follows:

44 363A.030 ~~{“Employer”}~~

45 **1. Except as otherwise provided in this section, “employer” means any**
46 **~~{financial}~~ :**

47 **(a) Financial** institution who is required to pay a contribution pursuant to NRS
48 612.535 for any calendar quarter with respect to any business activity of the
49 financial institution. ~~{, except}~~

50 **(b) Person who is subject to the tax on the net proceeds of minerals imposed**
51 **pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not**
52 **the person is required to pay that tax in a particular calendar year, and who is**

1 *required to pay a contribution pursuant to NRS 612.535 for any calendar quarter*
 2 *with respect to any business activity of the person.*

3 **2. The term does not include** an Indian tribe, a nonprofit organization or a
 4 political subdivision.

5 **3.** For the purposes of this section:

6 ~~1-1~~ **(a)** "Indian tribe" includes any entity described in subsection 10 of NRS
 7 612.055.

8 ~~1-2~~ **(b)** "Nonprofit organization" means a nonprofit religious, charitable,
 9 fraternal or other organization that qualifies as a tax-exempt organization pursuant
 10 to 26 U.S.C. § 501(c).

11 ~~1-3~~ **(c)** "Political subdivision" means any entity described in subsection 9 of
 12 NRS 612.055.

13 **Sec. 68. NRS 363A.130 is hereby amended to read as follows:**

14 363A.130 1. ~~There~~ **Except as otherwise provided in section 62 of this act,**
 15 **there** is hereby imposed an excise tax on each employer at the rate of 2 percent of
 16 the wages, as defined in NRS 612.190, paid by the employer during a calendar
 17 quarter with respect to employment in connection with the business activities of the
 18 employer.

19 2. The tax imposed by this section:

20 (a) Does not apply to any person or other entity or any wages this State is
 21 prohibited from taxing under the Constitution, laws or treaties of the United States
 22 or the Nevada Constitution.

23 (b) Must not be deducted, in whole or in part, from any wages of persons in the
 24 employment of the employer.

25 3. Each employer shall, on or before the last day of the month immediately
 26 following each calendar quarter for which the employer is required to pay a
 27 contribution pursuant to NRS 612.535:

28 (a) File with the Department a return on a form prescribed by the Department;
 29 and

30 (b) Remit to the Department any tax due pursuant to this section for that
 31 calendar quarter.

32 **4. In determining the amount of the tax due pursuant to this section, an**
 33 **employer is entitled to subtract from the amount calculated pursuant to**
 34 **subsection 1 a credit in an amount equal to 50 percent of the amount of the**
 35 **commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this**
 36 **act for the preceding taxable year. The credit may only be used for any of the 4**
 37 **calendar quarters immediately following the end of the taxable year for which the**
 38 **commerce tax was paid. The amount of credit used for a calendar quarter may**
 39 **not exceed the amount calculated pursuant to subsection 1 for that calendar**
 40 **quarter. Any unused credit may not be carried forward beyond the fourth**
 41 **calendar quarter immediately following the end of the taxable year for which the**
 42 **commerce tax was paid, and a taxpayer is not entitled to a refund of any unused**
 43 **credit.**

44 ~~Sec. 2~~ **Sec. 69.** NRS 363B.030 is hereby amended to read as follows:

45 363B.030 ~~["Employer"]~~

46 1. *Except as otherwise provided in this section, "employer" means any*
 47 *employer who is required to pay a contribution pursuant to NRS 612.535 for any*
 48 *calendar quarter with respect to any business activity of the employer.* ~~["except a"]~~

49 2. *The term does not include:*

50 (a) *A financial institution* ~~["and"]~~;

51 (b) *Any person who is subject to the tax on the net proceeds of minerals*
 52 *imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive,*
 53 *whether or not the person is required to pay that tax in a particular calendar*

1 *year, and who is required to pay a contribution pursuant to NRS 612.535 for any*
2 *calendar quarter with respect to any business activity of the person;*

- 3 (c) An Indian tribe ~~+~~;
4 (d) A nonprofit organization ~~+~~;
5 (e) A political subdivision; or ~~any~~

6 (f) Any person who does not supply a product or service, but who only
7 consumes a service.

8 3. For the purposes of this section:

9 ~~++~~ (a) "Financial institution" has the meaning ascribed to it in NRS
10 363A.050.

11 ~~++~~ (b) "Indian tribe" includes any entity described in subsection 10 of NRS
12 612.055.

13 ~~++~~ (c) "Nonprofit organization" means a nonprofit religious, charitable,
14 fraternal or other organization that qualifies as a tax-exempt organization pursuant
15 to 26 U.S.C. § 501(c).

16 ~~++~~ (d) "Political subdivision" means any entity described in subsection 9 of
17 NRS 612.055.

18 **Sec. 70. NRS 363B.110 is hereby amended to read as follows:**

19 363B.110 1. ~~++~~ Except as otherwise provided in section 62 of this act,
20 there is hereby imposed an excise tax on each employer at the rate of ~~10.6%~~ 1.475
21 percent of the amount by which the sum of all the wages, as defined in NRS
22 612.190, paid by the employer during a calendar quarter with respect to
23 employment in connection with the business activities of the employer. ~~++~~ exceeds
24 \$50,000.

25 2. The tax imposed by this section:

26 (a) Does not apply to any person or other entity or any wages this State is
27 prohibited from taxing under the Constitution, laws or treaties of the United States
28 or the Nevada Constitution.

29 (b) Must not be deducted, in whole or in part, from any wages of persons in the
30 employment of the employer.

31 3. Each employer shall, on or before the last day of the month immediately
32 following each calendar quarter for which the employer is required to pay a
33 contribution pursuant to NRS 612.535:

34 (a) File with the Department a return on a form prescribed by the Department;
35 and

36 (b) Remit to the Department any tax due pursuant to this chapter for that
37 calendar quarter.

38 4. In determining the amount of the tax due pursuant to this section, an
39 employer is entitled to subtract from the amount calculated pursuant to
40 subsection 1 a credit in an amount equal to 50 percent of the amount of the
41 commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this
42 act for the preceding taxable year. The credit may only be used for any of the 4
43 calendar quarters immediately following the end of the taxable year for which the
44 commerce tax was paid. The amount of credit used for a calendar quarter may
45 not exceed the amount calculated pursuant to subsection 1 for that calendar
46 quarter. Any unused credit may not be carried forward beyond the fourth
47 calendar quarter immediately following the end of the taxable year for which the
48 commerce tax was paid, and a taxpayer is not entitled to a refund of any unused
49 credit.

50 ~~++~~ **Sec. 71.** NRS 370.165 is hereby amended to read as follows:

51 370.165 There is hereby levied a tax upon the purchase or possession of
52 cigarettes by a consumer in the State of Nevada at the rate of ~~140~~ 90 mills per
53 cigarette. The tax may be represented and precollected by the affixing of a revenue

1 stamp or other approved evidence of payment to each package, packet or container
2 in which cigarettes are sold. The tax must be precollected by the wholesale or retail
3 dealer, and must be recovered from the consumer by adding the amount of the tax
4 to the selling price. Each person who sells cigarettes at retail shall prominently
5 display on the premises a notice that the tax is included in the selling price and is
6 payable under the provisions of this chapter.

7 ~~Sec. 4~~ **Sec. 72.** NRS 370.260 is hereby amended to read as follows:

8 370.260 1. All taxes and license fees imposed by the provisions of NRS
9 370.001 to 370.430, inclusive, less any refunds granted as provided by law, must be
10 paid to the Department in the form of remittances payable to the Department.

11 2. The Department shall:

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

17 (b) From the remittances made to it pursuant to subsection 1 during the
18 preceding month, less the amount transmitted pursuant to paragraph (a), transmit
19 each month the portion of the tax which is equivalent to ~~85~~ 85 mills per cigarette
20 to the State Treasurer for deposit to the credit of the Account for the Tax on
21 Cigarettes in the State General Fund.

22 (c) Transmit the balance of the payments each month to the State Treasurer for
23 deposit in the Local Government Tax Distribution Account created by NRS
24 360.660.

25 (d) Report to the State Controller monthly the amount of collections.

26 3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local
27 Government Tax Distribution Account is hereby appropriated to Carson City and to
28 each of the counties in proportion to their respective populations and must be
29 credited to the respective accounts of Carson City and each county.

30 ~~Sec. 5~~ **Sec. 73.** NRS 370.350 is hereby amended to read as follows:

31 370.350 1. Except as otherwise provided in subsection 3, a tax is hereby
32 levied and imposed upon the use of cigarettes in this state.

33 2. The amount of the use tax is ~~40~~ 90 mills per cigarette.

34 3. The use tax does not apply where:

35 (a) Nevada cigarette revenue stamps have been affixed to cigarette packages as
36 required by law.

37 (b) Tax exemption is provided for in this chapter.

38 **Sec. 74. NRS 76.100 is hereby amended to read as follows:**

39 76.100 1. A person shall not conduct a business in this State unless and until
40 the person obtains a state business license issued by the Secretary of State. If the
41 person is:

42 (a) An entity required to file an initial or annual list with the Secretary of State
43 pursuant to this title, the person must obtain the state business license at the time of
44 filing the initial or annual list.

45 (b) Not an entity required to file an initial or annual list with the Secretary of
46 State pursuant to this title, the person must obtain the state business license before
47 conducting a business in this State.

48 2. An application for a state business license must:

49 (a) Be made upon a form prescribed by the Secretary of State;

50 (b) Set forth the name under which the applicant transacts or intends to transact
51 business, or if the applicant is an entity organized pursuant to this title and on file
52 with the Secretary of State, the exact name on file with the Secretary of State, the

1 entity number as assigned by the Secretary of State, if known, and the location in
2 this State of the place or places of business;

3 (c) Be accompanied by a fee in the amount of ~~+\$100+~~ \$200, except that if the
4 applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS,
5 or a foreign corporation required to file an initial or annual list with the
6 Secretary of State pursuant to chapter 80 of NRS, the application must be
7 accompanied by a fee of \$500; and

8 (d) Include any other information that the Secretary of State deems necessary.

9 ↪ If the applicant is an entity organized pursuant to this title and on file with the
10 Secretary of State and the applicant has no location in this State of its place of
11 business, the address of its registered agent shall be deemed to be the location in
12 this State of its place of business.

13 3. The application must be signed pursuant to NRS 239.330 by:

14 (a) The owner of a business that is owned by a natural person.

15 (b) A member or partner of an association or partnership.

16 (c) A general partner of a limited partnership.

17 (d) A managing partner of a limited-liability partnership.

18 (e) A manager or managing member of a limited-liability company.

19 (f) An officer of a corporation or some other person specifically authorized by
20 the corporation to sign the application.

21 4. If the application for a state business license is defective in any respect or
22 the fee required by this section is not paid, the Secretary of State may return the
23 application for correction or payment.

24 5. The state business license required to be obtained pursuant to this section is
25 in addition to any license to conduct business that must be obtained from the local
26 jurisdiction in which the business is being conducted.

27 6. For the purposes of this chapter, a person shall be deemed to conduct a
28 business in this State if a business for which the person is responsible:

29 (a) Is organized pursuant to this title, other than a business organized pursuant
30 to:

31 (1) Chapter 82 or 84 of NRS; or

32 (2) Chapter 81 of NRS if the business is a nonprofit religious, charitable,
33 fraternal or other organization that qualifies as a tax-exempt organization pursuant
34 to 26 U.S.C. § 501(c).

35 (b) Has an office or other base of operations in this State;

36 (c) Has a registered agent in this State; or

37 (d) Pays wages or other remuneration to a natural person who performs in this
38 State any of the duties for which he or she is paid.

39 7. As used in this section, "registered agent" has the meaning ascribed to it in
40 NRS 77.230.

41 **Sec. 75. NRS 76.130 is hereby amended to read as follows:**

42 76.130 1. ~~+~~ Except as otherwise provided in subsection 2, a person who
43 applies for renewal of a state business license shall submit a fee in the amount of
44 ~~+\$100+~~ \$200 to the Secretary of State:

45 (a) If the person is an entity required to file an annual list with the Secretary of
46 State pursuant to this title, at the time the person submits the annual list to the
47 Secretary of State, unless the person submits a certificate or other form evidencing
48 the dissolution of the entity; or

49 (b) If the person is not an entity required to file an annual list with the
50 Secretary of State pursuant to this title, on the last day of the month in which the
51 anniversary date of issuance of the state business license occurs in each year, unless
52 the person submits a written statement to the Secretary of State, at least 10 days

1 before that date, indicating that the person will not be conducting a business in this
2 State after that date.

3 2. *If the person applying for the renewal of a state business license*
4 *pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A*
5 *or 78B of NRS, or a foreign corporation required to file an initial or annual list*
6 *with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal*
7 *of a state business license is \$500.*

8 3. The Secretary of State shall, 90 days before the last day for filing an
9 application for renewal of the state business license of a person who holds a state
10 business license, provide to the person a notice of the state business license fee due
11 pursuant to this section and a reminder to file the application for renewal required
12 pursuant to this section. Failure of any person to receive a notice does not excuse
13 the person from the penalty imposed by law.

14 ~~3.4~~ 4. If a person fails to submit the annual state business license fee
15 required pursuant to this section in a timely manner and the person is:

16 (a) An entity required to file an annual list with the Secretary of State pursuant
17 to this title, the person:

18 (1) Shall pay a penalty of \$100 in addition to the annual state business
19 license fee;

20 (2) Shall be deemed to have not complied with the requirement to file an
21 annual list with the Secretary of State; and

22 (3) Is subject to all applicable provisions relating to the failure to file an
23 annual list, including, without limitation, the provisions governing default and
24 revocation of its charter or right to transact business in this State, except that the
25 person is required to pay the penalty set forth in subparagraph (1).

26 (b) Not an entity required to file an annual list with the Secretary of State, the
27 person shall pay a penalty in the amount of \$100 in addition to the annual state
28 business license fee. The Secretary of State shall provide to the person a written
29 notice that:

30 (1) Must include a statement indicating the amount of the fees and
31 penalties required pursuant to this section and the costs remaining unpaid.

32 (2) May be provided electronically, if the person has requested to receive
33 communications by electronic transmission, by electronic mail or other electronic
34 communication.

35 **Sec. 75.5. NRS 78.150 is hereby amended to read as follows:**

36 78.150 1. A corporation organized pursuant to the laws of this State shall,
37 on or before the last day of the first month after the filing of its articles of
38 incorporation with the Secretary of State or, if the corporation has selected an
39 alternative due date pursuant to subsection 11, on or before that alternative due
40 date, file with the Secretary of State a list, on a form furnished by the Secretary of
41 State, containing:

42 (a) The name of the corporation;

43 (b) The file number of the corporation, if known;

44 (c) The names and titles of the president, secretary and treasurer, or the
45 equivalent thereof, and of all the directors of the corporation;

46 (d) The address, either residence or business, of each officer and director listed,
47 following the name of the officer or director; and

48 (e) The signature of an officer of the corporation, or some other person
49 specifically authorized by the corporation to sign the list, certifying that the list is
50 true, complete and accurate.

51 2. The corporation shall annually thereafter, on or before the last day of the
52 month in which the anniversary date of incorporation occurs in each year or, if,
53 pursuant to subsection 11, the corporation has selected an alternative due date for

1 filing the list required by subsection 1, on or before the last day of the month in
 2 which the anniversary date of the alternative due date occurs in each year, file with
 3 the Secretary of State, on a form furnished by the Secretary of State, an annual list
 4 containing all of the information required in subsection 1.

5 3. Each list required by subsection 1 or 2 must be accompanied by:

6 (a) A declaration under penalty of perjury that:

7 (1) The corporation has complied with the provisions of chapter 76 of
 8 NRS;

9 (2) The corporation acknowledges that pursuant to NRS 239.330, it is a
 10 category C felony to knowingly offer any false or forged instrument for filing with
 11 the Office of the Secretary of State; and

12 (3) None of the officers or directors identified in the list has been identified
 13 in the list with the fraudulent intent of concealing the identity of any person or
 14 persons exercising the power or authority of an officer or director in furtherance of
 15 any unlawful conduct.

16 (b) A statement as to whether the corporation is a publicly traded company. If
 17 the corporation is a publicly traded company, the corporation must list its Central
 18 Index Key. The Secretary of State shall include on the Secretary of State's Internet
 19 website the Central Index Key of a corporation provided pursuant to this paragraph
 20 and instructions describing the manner in which a member of the public may obtain
 21 information concerning the corporation from the Securities and Exchange
 22 Commission.

23 4. Upon filing the list required by:

24 (a) Subsection 1, the corporation shall pay to the Secretary of State a fee of
 25 ~~(\$125)~~ \$150.

26 (b) Subsection 2, the corporation shall pay to the Secretary of State, if the
 27 amount represented by the total number of shares provided for in the articles is:

29	\$75,000 or less	(\$125) <u>\$150</u>
30	Over \$75,000 and not over \$200,000	(\$75) <u>200</u>
31	Over \$200,000 and not over \$500,000	(\$75) <u>300</u>
32	Over \$500,000 and not over \$1,000,000	(\$75) <u>400</u>
33	Over \$1,000,000:	
34	For the first \$1,000,000	(\$75) <u>400</u>
35	For each additional \$500,000 or fraction thereof	<u>275</u>

36 ↪ The maximum fee which may be charged pursuant to paragraph (b) for filing the
 37 annual list is ~~(\$11,100)~~ \$11,125.

38
 39 5. If a director or officer of a corporation resigns and the resignation is not
 40 reflected on the annual or amended list of directors and officers, the corporation or
 41 the resigning director or officer shall pay to the Secretary of State a fee of \$75 to
 42 file the resignation.

43 6. The Secretary of State shall, 90 days before the last day for filing each
 44 annual list required by subsection 2, provide to each corporation which is required
 45 to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has
 46 not become delinquent, a notice of the fee due pursuant to subsection 4 and a
 47 reminder to file the annual list required by subsection 2. Failure of any corporation
 48 to receive a notice does not excuse it from the penalty imposed by law.

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

52 8. An annual list for a corporation not in default which is received by the
 53 Secretary of State more than 90 days before its due date shall be deemed an

1 amended list for the previous year and must be accompanied by the appropriate fee
2 as provided in subsection 4 for filing. A payment submitted pursuant to this
3 subsection does not satisfy the requirements of subsection 2 for the year to which
4 the due date is applicable.

5 9. A person who files with the Secretary of State a list required by subsection
6 1 or 2 which identifies an officer or director with the fraudulent intent of concealing
7 the identity of any person or persons exercising the power or authority of an officer
8 or director in furtherance of any unlawful conduct is subject to the penalty set forth
9 in NRS 225.084.

10 10. For the purposes of this section, a stockholder is not deemed to exercise
11 actual control of the daily operations of a corporation based solely on the fact that
12 the stockholder has voting control of the corporation.

13 11. The Secretary of State may allow a corporation to select an alternative due
14 date for filing the list required by subsection 1.

15 12. The Secretary of State may adopt regulations to administer the provisions
16 of subsection 11.

17 **Sec. 76. NRS 78.245 is hereby amended to read as follows:**

18 78.245 ~~Not~~

19 **1. Except as otherwise provided in subsection 2, no** stocks, bonds or other
20 securities issued by any corporation organized under this chapter, nor the income or
21 profits therefrom, nor the transfer thereof by assignment, descent, testamentary
22 disposition or otherwise, shall be taxed by this State when such stocks, bonds or
23 other securities shall be owned by nonresidents of this State or by foreign
24 corporations.

25 **2. The provisions of subsection 1 do not apply to the commerce tax imposed**
26 **pursuant to sections 2 to 61, inclusive, of this act.**

27 **Sec. 76.1. NRS 80.110 is hereby amended to read as follows:**

28 80.110 1. Each foreign corporation doing business in this State shall, on or
29 before the last day of the first month after the information required by NRS 80.010
30 is filed with the Secretary of State or, if the foreign corporation has selected an
31 alternative due date pursuant to subsection 9, on or before that alternative due date,
32 and annually thereafter on or before the last day of the month in which the
33 anniversary date of its qualification to do business in this State occurs in each year
34 or, if applicable, on or before the last day of the month in which the anniversary
35 date of the alternative due date occurs in each year, file with the Secretary of State a
36 list, on a form furnished by the Secretary of State, that contains:

37 (a) The names and addresses, either residence or business, of its president,
38 secretary and treasurer, or the equivalent thereof, and all of its directors; and

39 (b) The signature of an officer of the corporation or some other person
40 specifically authorized by the corporation to sign the list.

41 2. Each list filed pursuant to subsection 1 must be accompanied by:

42 (a) A declaration under penalty of perjury that:

43 (1) The foreign corporation has complied with the provisions of chapter 76
44 of NRS;

45 (2) The foreign corporation acknowledges that pursuant to NRS 239.330, it
46 is a category C felony to knowingly offer any false or forged instrument for filing
47 with the Office of the Secretary of State; and

48 (3) None of the officers or directors identified in the list has been identified
49 in the list with the fraudulent intent of concealing the identity of any person or
50 persons exercising the power or authority of an officer or director in furtherance of
51 any unlawful conduct.

52 (b) A statement as to whether the foreign corporation is a publicly traded
53 company. If the corporation is a publicly traded company, the corporation must list

1 its Central Index Key. The Secretary of State shall include on the Secretary of
 2 State’s Internet website the Central Index Key of a corporation provided pursuant to
 3 this subsection and instructions describing the manner in which a member of the
 4 public may obtain information concerning the corporation from the Securities and
 5 Exchange Commission.

6 3. Upon filing:

7 (a) The initial list required by subsection 1, the corporation shall pay to the
 8 Secretary of State a fee of ~~(\$125)~~ \$150.

9 (b) Each annual list required by subsection 1, the corporation shall pay to the
 10 Secretary of State, if the amount represented by the total number of shares provided
 11 for in the articles is:

13	\$75,000 or less	(\$125) <u>\$150</u>
14	Over \$75,000 and not over \$200,000	(175) <u>200</u>
15	Over \$200,000 and not over \$500,000	(275) <u>300</u>
16	Over \$500,000 and not over \$1,000,000	(375) <u>400</u>
17	Over \$1,000,000:	
18	For the first \$1,000,000	(375) <u>400</u>
19	For each additional \$500,000 or fraction thereof	275

20 ➔ The maximum fee which may be charged pursuant to paragraph (b) for filing the
 21 annual list is ~~(\$11,100)~~ \$11,125.

22
 23 4. If a director or officer of a corporation resigns and the resignation is not
 24 reflected on the annual or amended list of directors and officers, the corporation or
 25 the resigning director or officer shall pay to the Secretary of State a fee of \$75 to
 26 file the resignation.

27 5. The Secretary of State shall, 90 days before the last day for filing each
 28 annual list required by subsection 1, provide to each corporation which is required
 29 to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has
 30 not become delinquent, a notice of the fee due pursuant to subsection 3 and a
 31 reminder to file the list pursuant to subsection 1. Failure of any corporation to
 32 receive a notice does not excuse it from the penalty imposed by the provisions of
 33 NRS 80.110 to 80.175, inclusive.

34 6. An annual list for a corporation not in default which is received by the
 35 Secretary of State more than 90 days before its due date shall be deemed an
 36 amended list for the previous year and does not satisfy the requirements of
 37 subsection 1 for the year to which the due date is applicable.

38 7. A person who files with the Secretary of State a list required by subsection
 39 1 which identifies an officer or director with the fraudulent intent of concealing
 40 the identity of any person or persons exercising the power or authority of an officer or
 41 director in furtherance of any unlawful conduct is subject to the penalty set forth in
 42 NRS 225.084.

43 8. For the purposes of this section, a stockholder is not deemed to exercise
 44 actual control of the daily operations of a corporation based solely on the fact that
 45 the stockholder has voting control of the corporation.

46 9. The Secretary of State may allow a foreign corporation to select an
 47 alternative due date for filing the initial list required by subsection 1.

48 10. The Secretary of State may adopt regulations to administer the provisions
 49 of subsection 9.

50 **Sec. 76.15. NRS 82.193 is hereby amended to read as follows:**

51 82.193 1. A corporation shall have a registered agent in the manner
 52 provided in NRS 78.090 and 78.097. The registered agent and the corporation shall
 53 comply with the provisions of those sections.

1 2. Upon notification from the Administrator of the Real Estate Division of the
2 Department of Business and Industry that a corporation which is a unit-owners'
3 association as defined in NRS 116.011 or 116B.030 has failed to register pursuant
4 to NRS 116.31158 or 116B.625 or failed to pay the fees pursuant to NRS
5 116.31155 or 116B.620, the Secretary of State shall deem the corporation to be in
6 default. If, after the corporation is deemed to be in default, the Administrator
7 notifies the Secretary of State that the corporation has registered pursuant to NRS
8 116.31158 or 116B.625 and paid the fees pursuant to NRS 116.31155 or 116B.620,
9 the Secretary of State shall reinstate the corporation if the corporation complies
10 with the requirements for reinstatement as provided in this section and NRS 78.180
11 and 78.185.

12 3. A corporation is subject to the provisions of NRS 78.150 to 78.185,
13 inclusive, except that:

- 14 (a) The fee for filing a list is ~~150~~ 50;
15 (b) The penalty added for default is \$50; and
16 (c) The fee for reinstatement is \$100.

17 **Sec. 76.2. NRS 82.523 is hereby amended to read as follows:**

18 82.523 1. Each foreign nonprofit corporation doing business in this State
19 shall, on or before the last day of the first month after the filing of its application for
20 registration as a foreign nonprofit corporation with the Secretary of State or, if the
21 foreign nonprofit corporation has selected an alternative due date pursuant to
22 subsection 9, on or before that alternative due date, and annually thereafter on or
23 before the last day of the month in which the anniversary date of its qualification to
24 do business in this State occurs in each year or, if applicable, on or before the last
25 day of the month in which the anniversary date of the alternative due date occurs in
26 each year, file with the Secretary of State a list, on a form furnished by the
27 Secretary of State, that contains:

- 28 (a) The name of the foreign nonprofit corporation;
29 (b) The file number of the foreign nonprofit corporation, if known;
30 (c) The names and titles of the president, the secretary and the treasurer, or the
31 equivalent thereof, and all the directors of the foreign nonprofit corporation;
32 (d) The address, either residence or business, of the president, secretary and
33 treasurer, or the equivalent thereof, and each director of the foreign nonprofit
34 corporation; and
35 (e) The signature of an officer of the foreign nonprofit corporation, or some
36 other person specifically authorized by the foreign nonprofit corporation to sign the
37 list, certifying that the list is true, complete and accurate.

38 2. Each list filed pursuant to this section must be accompanied by a
39 declaration under penalty of perjury that:

- 40 (a) The foreign nonprofit corporation has complied with the provisions of
41 chapter 76 of NRS;
42 (b) The foreign nonprofit corporation acknowledges that pursuant to NRS
43 239.330, it is a category C felony to knowingly offer any false or forged instrument
44 for filing with the Office of the Secretary of State; and
45 (c) None of the officers or directors identified in the list has been identified in
46 the list with the fraudulent intent of concealing the identity of any person or persons
47 exercising the power or authority of an officer or director in furtherance of any
48 unlawful conduct.

49 3. Upon filing the initial list and each annual list pursuant to this section, the
50 foreign nonprofit corporation must pay to the Secretary of State a fee of ~~150~~ 50.

51 4. The Secretary of State shall, 60 days before the last day for filing each
52 annual list, provide to each foreign nonprofit corporation which is required to
53 comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not

1 become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder
2 to file the list required pursuant to subsection 1. Failure of any foreign nonprofit
3 corporation to receive a notice does not excuse it from the penalty imposed by the
4 provisions of NRS 82.523 to 82.5239, inclusive.

5 5. If the list to be filed pursuant to the provisions of subsection 1 is defective
6 or the fee required by subsection 3 is not paid, the Secretary of State may return the
7 list for correction or payment.

8 6. An annual list for a foreign nonprofit corporation not in default that is
9 received by the Secretary of State more than 90 days before its due date shall be
10 deemed an amended list for the previous year and does not satisfy the requirements
11 of subsection 1 for the year to which the due date is applicable.

12 7. A person who files with the Secretary of State a list pursuant to this section
13 which identifies an officer or director with the fraudulent intent of concealing the
14 identity of any person or persons exercising the power or authority of an officer or
15 director in furtherance of any unlawful conduct is subject to the penalty set forth in
16 NRS 225.084.

17 8. For the purposes of this section, a member of a foreign nonprofit
18 corporation is not deemed to exercise actual control of the daily operations of the
19 foreign nonprofit corporation based solely on the fact that the member has voting
20 control of the foreign nonprofit corporation.

21 9. The Secretary of State may allow a foreign nonprofit corporation to select
22 an alternative due date for filing the initial list required by this section.

23 10. The Secretary of State may adopt regulations to administer the provisions
24 of subsection 9.

25 **Sec. 76.25. NRS 84.110 is hereby amended to read as follows:**

26 84.110 1. Every corporation sole must have a registered agent in the manner
27 provided in NRS 78.090 and 78.097. The registered agent shall comply with the
28 provisions of those sections.

29 2. A corporation sole is subject to the provisions of NRS 78.150 to 78.185,
30 inclusive, except that:

- 31 (a) The fee for filing a list is ~~1825~~ **\$50**;
32 (b) The penalty added for default is \$50; and
33 (c) The fee for reinstatement is \$100.

34 **Sec. 76.3. NRS 86.263 is hereby amended to read as follows:**

35 86.263 1. A limited-liability company shall, on or before the last day of the
36 first month after the filing of its articles of organization with the Secretary of State
37 or, if the limited-liability company has selected an alternative due date pursuant to
38 subsection 11, on or before that alternative due date, file with the Secretary of State,
39 on a form furnished by the Secretary of State, a list that contains:

- 40 (a) The name of the limited-liability company;
41 (b) The file number of the limited-liability company, if known;
42 (c) The names and titles of all of its managers or, if there is no manager, all of
43 its managing members;
44 (d) The address, either residence or business, of each manager or managing
45 member listed, following the name of the manager or managing member; and
46 (e) The signature of a manager or managing member of the limited-liability
47 company, or some other person specifically authorized by the limited-liability
48 company to sign the list, certifying that the list is true, complete and accurate.

49 2. The limited-liability company shall thereafter, on or before the last day of
50 the month in which the anniversary date of its organization occurs or, if, pursuant to
51 subsection 11, the limited-liability company has selected an alternative due date for
52 filing the list required by subsection 1, on or before the last day of the month in
53 which the anniversary date of the alternative due date occurs in each year, file with

1 the Secretary of State, on a form furnished by the Secretary of State, an annual list
2 containing all of the information required in subsection 1.

3 3. Each list required by subsections 1 and 2 must be accompanied by a
4 declaration under penalty of perjury that:

5 (a) The limited-liability company has complied with the provisions of chapter
6 76 of NRS;

7 (b) The limited-liability company acknowledges that pursuant to NRS 239.330,
8 it is a category C felony to knowingly offer any false or forged instrument for filing
9 in the Office of the Secretary of State; and

10 (c) None of the managers or managing members identified in the list has been
11 identified in the list with the fraudulent intent of concealing the identity of any
12 person or persons exercising the power or authority of a manager or managing
13 member in furtherance of any unlawful conduct.

14 4. Upon filing:

15 (a) The initial list required by subsection 1, the limited-liability company shall
16 pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

17 (b) Each annual list required by subsection 2, the limited-liability company
18 shall pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

19 5. If a manager or managing member of a limited-liability company resigns
20 and the resignation is not reflected on the annual or amended list of managers and
21 managing members, the limited-liability company or the resigning manager or
22 managing member shall pay to the Secretary of State a fee of \$75 to file the
23 resignation.

24 6. The Secretary of State shall, 90 days before the last day for filing each list
25 required by subsection 2, provide to each limited-liability company which is
26 required to comply with the provisions of this section, and which has not become
27 delinquent, a notice of the fee due under subsection 4 and a reminder to file the list
28 required by subsection 2. Failure of any company to receive a notice does not
29 excuse it from the penalty imposed by law.

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

33 8. An annual list for a limited-liability company not in default received by the
34 Secretary of State more than 90 days before its due date shall be deemed an
35 amended list for the previous year.

36 9. A person who files with the Secretary of State a list required by subsection
37 1 or 2 which identifies a manager or managing member with the fraudulent intent of
38 concealing the identity of any person or persons exercising the power or authority
39 of a manager or managing member in furtherance of any unlawful conduct is
40 subject to the penalty set forth in NRS 225.084.

41 10. For the purposes of this section, a member is not deemed to exercise
42 actual control of the daily operations of a limited-liability company based solely on
43 the fact that the member has voting control of the limited-liability company.

44 11. The Secretary of State may allow a limited-liability company to select an
45 alternative due date for filing the list required by subsection 1.

46 12. The Secretary of State may adopt regulations to administer the provisions
47 of subsection 11.

48 **Sec. 76.35. NRS 86.5461 is hereby amended to read as follows:**

49 86.5461 1. Each foreign limited-liability company doing business in this
50 State shall, on or before the last day of the first month after the filing of its
51 application for registration as a foreign limited-liability company with the Secretary
52 of State or, if the foreign limited-liability company has selected an alternative due
53 date pursuant to subsection 10, on or before that alternative due date, and annually

1 thereafter on or before the last day of the month in which the anniversary date of its
2 qualification to do business in this State occurs in each year or, if applicable, on or
3 before the last day of the month in which the anniversary date of the alternative due
4 date occurs in each year, file with the Secretary of State a list on a form furnished
5 by the Secretary of State that contains:

- 6 (a) The name of the foreign limited-liability company;
- 7 (b) The file number of the foreign limited-liability company, if known;
- 8 (c) The names and titles of all its managers or, if there is no manager, all its
9 managing members;
- 10 (d) The address, either residence or business, of each manager or managing
11 member listed pursuant to paragraph (c); and
- 12 (e) The signature of a manager or managing member of the foreign limited-
13 liability company, or some other person specifically authorized by the foreign
14 limited-liability company to sign the list, certifying that the list is true, complete
15 and accurate.

16 2. Each list filed pursuant to this section must be accompanied by a
17 declaration under penalty of perjury that:

- 18 (a) The foreign limited-liability company has complied with the provisions of
19 chapter 76 of NRS;
- 20 (b) The foreign limited-liability company acknowledges that pursuant to NRS
21 239.330, it is a category C felony to knowingly offer any false or forged instrument
22 for filing with the Office of the Secretary of State; and
- 23 (c) None of the managers or managing members identified in the list has been
24 identified in the list with the fraudulent intent of concealing the identity of any
25 person or persons exercising the power or authority of a manager or managing
26 member in furtherance of any unlawful conduct.

27 3. Upon filing:

28 (a) The initial list required by this section, the foreign limited-liability
29 company shall pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

30 (b) Each annual list required by this section, the foreign limited-liability
31 company shall pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

32 4. If a manager or managing member of a foreign limited-liability company
33 resigns and the resignation is not reflected on the annual or amended list of
34 managers and managing members, the foreign limited-liability company or the
35 resigning manager or managing member shall pay to the Secretary of State a fee of
36 \$75 to file the resignation.

37 5. The Secretary of State shall, 90 days before the last day for filing each
38 annual list required by this section, provide to each foreign limited-liability
39 company which is required to comply with the provisions of NRS 86.5461 to
40 86.5468, inclusive, and which has not become delinquent, a notice of the fee due
41 pursuant to subsection 3 and a reminder to file the list required pursuant to
42 subsection 1. Failure of any foreign limited-liability company to receive a notice
43 does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to
44 86.5468, inclusive.

45 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
46 or the fee required by subsection 3 is not paid, the Secretary of State may return the
47 list for correction or payment.

48 7. An annual list for a foreign limited-liability company not in default which
49 is received by the Secretary of State more than 90 days before its due date shall be
50 deemed an amended list for the previous year and does not satisfy the requirements
51 of this section for the year to which the due date is applicable.

52 8. A person who files with the Secretary of State a list required by this section
53 which identifies a manager or managing member with the fraudulent intent of

1 concealing the identity of any person or persons exercising the power or authority
2 of a manager or managing members in furtherance of any unlawful conduct is
3 subject to the penalty set forth in NRS 225.084.

4 9. For the purposes of this section, a member is not deemed to exercise actual
5 control of the daily operations of a foreign limited-liability company based solely
6 on the fact that the member has voting control of the foreign limited-liability
7 company.

8 10. The Secretary of State may allow a foreign limited-liability company to
9 select an alternative due date for filing the initial list required by this section.

10 11. The Secretary of State may adopt regulations to administer the provisions
11 of subsection 10.

12 **Sec. 76.4. NRS 87.510 is hereby amended to read as follows:**

13 87.510 1. A registered limited-liability partnership shall, on or before the
14 last day of the first month after the filing of its certificate of registration with the
15 Secretary of State or, if the registered limited-liability partnership has selected an
16 alternative due date pursuant to subsection 8, on or before that alternative due date,
17 and annually thereafter on or before the last day of the month in which the
18 anniversary date of the filing of its certificate of registration with the Secretary of
19 State occurs or, if applicable, on or before the last day of the month in which the
20 anniversary date of the alternative due date occurs in each year, file with the
21 Secretary of State, on a form furnished by the Secretary of State, a list that contains:

- 22 (a) The name of the registered limited-liability partnership;
- 23 (b) The file number of the registered limited-liability partnership, if known;
- 24 (c) The names of all of its managing partners;
- 25 (d) The address, either residence or business, of each managing partner; and
- 26 (e) The signature of a managing partner of the registered limited-liability

27 partnership, or some other person specifically authorized by the registered limited-
28 liability partnership to sign the list, certifying that the list is true, complete and
29 accurate.

30 ↪ Each list filed pursuant to this subsection must be accompanied by a declaration
31 under penalty of perjury that the registered limited-liability partnership has
32 complied with the provisions of chapter 76 of NRS, that the registered limited-
33 liability partnership acknowledges that pursuant to NRS 239.330, it is a category C
34 felony to knowingly offer any false or forged instrument for filing in the Office of
35 the Secretary of State and that none of the managing partners identified in the list
36 has been identified in the list with the fraudulent intent of concealing the identity of
37 any person or persons exercising the power or authority of a managing partner in
38 furtherance of any unlawful conduct.

39 2. Upon filing:

40 (a) The initial list required by subsection 1, the registered limited-liability
41 partnership shall pay to the Secretary of State a fee of ~~(\$125)~~ **\$150**.

42 (b) Each annual list required by subsection 1, the registered limited-liability
43 partnership shall pay to the Secretary of State a fee of ~~(\$125)~~ **\$150**.

44 3. If a managing partner of a registered limited-liability partnership resigns
45 and the resignation is not reflected on the annual or amended list of managing
46 partners, the registered limited-liability partnership or the resigning managing
47 partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

48 4. The Secretary of State shall, at least 90 days before the last day for filing
49 each annual list required by subsection 1, provide to the registered limited-liability
50 partnership a notice of the fee due pursuant to subsection 2 and a reminder to file
51 the annual list required by subsection 1. The failure of any registered limited-
52 liability partnership to receive a notice does not excuse it from complying with the
53 provisions of this section.

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

4 6. An annual list that is filed by a registered limited-liability partnership
5 which is not in default more than 90 days before it is due shall be deemed an
6 amended list for the previous year and does not satisfy the requirements of
7 subsection 1 for the year to which the due date is applicable.

8 7. A person who files with the Secretary of State an initial list or annual list
9 required by subsection 1 which identifies a managing partner with the fraudulent
10 intent of concealing the identity of any person or persons exercising the power or
11 authority of a managing partner in furtherance of any unlawful conduct is subject to
12 the penalty set forth in NRS 225.084.

13 8. The Secretary of State may allow a registered limited-liability partnership
14 to select an alternative due date for filing the initial list required by subsection 1.

15 9. The Secretary of State may adopt regulations to administer the provisions
16 of subsection 8.

17 **Sec. 76.45. NRS 87.541 is hereby amended to read as follows:**

18 87.541 1. Each foreign registered limited-liability partnership doing
19 business in this State shall, on or before the last day of the first month after the
20 filing of its application for registration as a foreign registered limited-liability
21 partnership with the Secretary of State or, if the foreign registered limited-liability
22 partnership has selected an alternative due date pursuant to subsection 9, on or
23 before that alternative due date, and annually thereafter on or before the last day of
24 the month in which the anniversary date of its qualification to do business in this
25 State occurs in each year or, if applicable, on or before the last day of the month in
26 which the anniversary date of the alternative due date occurs in each year, file with
27 the Secretary of State a list, on a form furnished by the Secretary of State, that
28 contains:

29 (a) The name of the foreign registered limited-liability partnership;

30 (b) The file number of the foreign registered limited-liability partnership, if
31 known;

32 (c) The names of all its managing partners;

33 (d) The address, either residence or business, of each managing partner; and

34 (e) The signature of a managing partner of the foreign registered limited-
35 liability partnership, or some other person specifically authorized by the foreign
36 registered limited-liability partnership to sign the list, certifying that the list is true,
37 complete and accurate.

38 2. Each list filed pursuant to this section must be accompanied by a
39 declaration under penalty of perjury that:

40 (a) The foreign registered limited-liability partnership has complied with the
41 provisions of chapter 76 of NRS;

42 (b) The foreign registered limited-liability partnership acknowledges that
43 pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or
44 forged instrument for filing in the Office of the Secretary of State; and

45 (c) None of the managing partners identified in the list has been identified in
46 the list with the fraudulent intent of concealing the identity of any person or persons
47 exercising the power or authority of a managing partner in furtherance of any
48 unlawful conduct.

49 3. Upon filing:

50 (a) The initial list required by this section, the foreign registered limited-
51 liability partnership shall pay to the Secretary of State a fee of ~~(\$125)~~ **\$150**.

52 (b) Each annual list required by this section, the foreign registered limited-
53 liability partnership shall pay to the Secretary of State a fee of ~~(\$125)~~ **\$150**.

1 4. If a managing partner of a foreign registered limited-liability partnership
2 resigns and the resignation is not reflected on the annual or amended list of
3 managing partners, the foreign registered limited-liability partnership or the
4 managing partner shall pay to the Secretary of State a fee of \$75 to file the
5 resignation.

6 5. The Secretary of State shall, 90 days before the last day for filing each
7 annual list required by subsection 1, provide to each foreign registered limited-
8 liability partnership which is required to comply with the provisions of NRS 87.541
9 to 87.544, inclusive, and which has not become delinquent, a notice of the fee due
10 pursuant to subsection 3 and a reminder to file the list required pursuant to
11 subsection 1. Failure of any foreign registered limited-liability partnership to
12 receive a notice does not excuse it from the penalty imposed by the provisions of
13 NRS 87.541 to 87.544, inclusive.

14 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
15 or the fee required by subsection 3 is not paid, the Secretary of State may return the
16 list for correction or payment.

17 7. An annual list for a foreign registered limited-liability partnership not in
18 default which is received by the Secretary of State more than 90 days before its due
19 date shall be deemed an amended list for the previous year and does not satisfy the
20 requirements of subsection 1 for the year to which the due date is applicable.

21 8. A person who files with the Secretary of State an initial list or annual list
22 required by subsection 1 which identifies a managing partner with the fraudulent
23 intent of concealing the identity of any person or persons exercising the power and
24 authority of a managing partner in furtherance of any unlawful conduct is subject to
25 the penalty set forth in NRS 225.084.

26 9. The Secretary of State may allow a foreign registered limited-liability
27 partnership to select an alternative due date for filing the initial list required by this
28 section.

29 10. The Secretary of State may adopt regulations to administer the provisions
30 of subsection 9.

31 **Sec. 76.5. NRS 87A.290 is hereby amended to read as follows:**

32 87A.290 1. A limited partnership shall, on or before the last day of the first
33 month after the filing of its certificate of limited partnership with the Secretary of
34 State or, if the limited partnership has selected an alternative due date pursuant to
35 subsection 10, on or before that alternative due date, and annually thereafter on or
36 before the last day of the month in which the anniversary date of the filing of its
37 certificate of limited partnership occurs or, if applicable, on or before the last day of
38 the month in which the anniversary date of the alternative due date occurs in each
39 year, file with the Secretary of State, on a form furnished by the Secretary of State,
40 a list that contains:

- 41 (a) The name of the limited partnership;
- 42 (b) The file number of the limited partnership, if known;
- 43 (c) The names of all of its general partners;
- 44 (d) The address, either residence or business, of each general partner; and
- 45 (e) The signature of a general partner of the limited partnership, or some other
46 person specifically authorized by the limited partnership to sign the list, certifying
47 that the list is true, complete and accurate.

48 ↪ Each list filed pursuant to this subsection must be accompanied by a declaration
49 under penalty of perjury that the limited partnership has complied with the
50 provisions of chapter 76 of NRS, that the limited partnership acknowledges that
51 pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or
52 forged instrument for filing in the Office of the Secretary of State, and that none of
53 the general partners identified in the list has been identified in the list with the

1 fraudulent intent of concealing the identity of any person or persons exercising the
2 power or authority of a general partner in furtherance of any unlawful conduct.

3 2. Except as otherwise provided in subsection 3, a limited partnership shall,
4 upon filing:

5 (a) The initial list required by subsection 1, pay to the Secretary of State a fee
6 of ~~§125.1~~ §150.

7 (b) Each annual list required by subsection 1, pay to the Secretary of State a fee
8 of ~~§125.1~~ §150.

9 3. A registered limited-liability limited partnership shall, upon filing:

10 (a) The initial list required by subsection 1, pay to the Secretary of State a fee
11 of ~~§125.1~~ §150.

12 (b) Each annual list required by subsection 1, pay to the Secretary of State a fee
13 of ~~§125.1~~ §150.

14 4. If a general partner of a limited partnership resigns and the resignation is
15 not reflected on the annual or amended list of general partners, the limited
16 partnership or the resigning general partner shall pay to the Secretary of State a fee
17 of \$75 to file the resignation.

18 5. The Secretary of State shall, 90 days before the last day for filing each
19 annual list required by subsection 1, provide to each limited partnership which is
20 required to comply with the provisions of this section, and which has not become
21 delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as
22 appropriate, and a reminder to file the annual list required pursuant to subsection 1.
23 Failure of any limited partnership to receive a notice does not excuse it from the
24 penalty imposed by NRS 87A.300.

25 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
26 or the fee required by subsection 2 or 3 is not paid, the Secretary of State may
27 return the list for correction or payment.

28 7. An annual list for a limited partnership not in default that is received by the
29 Secretary of State more than 90 days before its due date shall be deemed an
30 amended list for the previous year and does not satisfy the requirements of
31 subsection 1 for the year to which the due date is applicable.

32 8. A filing made pursuant to this section does not satisfy the provisions of
33 NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS
34 87A.240.

35 9. A person who files with the Secretary of State a list required by subsection
36 1 which identifies a general partner with the fraudulent intent of concealing the
37 identity of any person or persons exercising the power or authority of a general
38 partner in furtherance of any unlawful conduct is subject to the penalty set forth in
39 NRS 225.084.

40 10. The Secretary of State may allow a limited partnership to select an
41 alternative due date for filing the initial list required by subsection 1.

42 11. The Secretary of State may adopt regulations to administer the provisions
43 of subsection 10.

44 **Sec. 76.55. NRS 87A.560 is hereby amended to read as follows:**

45 87A.560 1. Each foreign limited partnership doing business in this State
46 shall, on or before the last day of the first month after the filing of its application for
47 registration as a foreign limited partnership with the Secretary of State or, if the
48 foreign limited partnership has selected an alternative due date pursuant to
49 subsection 9, on or before that alternative due date, and annually thereafter on or
50 before the last day of the month in which the anniversary date of its qualification to
51 do business in this State occurs in each year or, if applicable, on or before the last
52 day of the month in which the anniversary date of the alternative due date occurs in

1 each year, file with the Secretary of State a list, on a form furnished by the
2 Secretary of State, that contains:

- 3 (a) The name of the foreign limited partnership;
- 4 (b) The file number of the foreign limited partnership, if known;
- 5 (c) The names of all its general partners;
- 6 (d) The address, either residence or business, of each general partner; and
- 7 (e) The signature of a general partner of the foreign limited partnership, or
8 some other person specifically authorized by the foreign limited partnership to sign
9 the list, certifying that the list is true, complete and accurate.

10 2. Each list filed pursuant to this section must be accompanied by a
11 declaration under penalty of perjury that:

- 12 (a) The foreign limited partnership has complied with the provisions of chapter
13 76 of NRS;
- 14 (b) The foreign limited partnership acknowledges that pursuant to NRS
15 239.330, it is a category C felony to knowingly offer any false or forged instrument
16 for filing in the Office of the Secretary of State; and
- 17 (c) None of the general partners identified in the list has been identified in the
18 list with the fraudulent intent of concealing the identity of any person or persons
19 exercising the power or authority of a general partner in furtherance of any
20 unlawful conduct.

21 3. Upon filing:

22 (a) The initial list required by this section, the foreign limited partnership shall
23 pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

24 (b) Each annual list required by this section, the foreign limited partnership
25 shall pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

26 4. If a general partner of a foreign limited partnership resigns and the
27 resignation is not reflected on the annual or amended list of general partners, the
28 foreign limited partnership or the resigning general partner shall pay to the
29 Secretary of State a fee of \$75 to file the resignation of the general partner.

30 5. The Secretary of State shall, 90 days before the last day for filing each
31 annual list required by subsection 1, provide to each foreign limited partnership,
32 which is required to comply with the provisions of NRS 87A.560 to 87A.600,
33 inclusive, and which has not become delinquent, a notice of the fee due pursuant to
34 subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure
35 of any foreign limited partnership to receive a notice does not excuse it from the
36 penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

37 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
38 or the fee required by subsection 3 is not paid, the Secretary of State may return the
39 list for correction or payment.

40 7. An annual list for a foreign limited partnership not in default which is
41 received by the Secretary of State more than 90 days before its due date shall be
42 deemed an amended list for the previous year and does not satisfy the requirements
43 of subsection 1 for the year to which the due date is applicable.

44 8. A person who files with the Secretary of State a list required by this section
45 which identifies a general partner with the fraudulent intent of concealing the
46 identity of any person or persons exercising the power or authority of a general
47 partner in furtherance of any unlawful conduct is subject to the penalty set forth in
48 NRS 225.084.

49 9. The Secretary of State may allow a foreign limited partnership to select an
50 alternative due date for filing the initial list required by this section.

51 10. The Secretary of State may adopt regulations to administer the provisions
52 of subsection 9.

53 **Sec. 76.6. NRS 88.395 is hereby amended to read as follows:**

1 88.395 1. A limited partnership shall, on or before the last day of the first
2 month after the filing of its certificate of limited partnership with the Secretary of
3 State or, if the limited partnership has selected an alternative due date pursuant to
4 subsection 10, on or before that alternative due date, and annually thereafter on or
5 before the last day of the month in which the anniversary date of the filing of its
6 certificate of limited partnership occurs or, if applicable, on or before the last day of
7 the month in which the anniversary date of the alternative due date occurs in each
8 year, file with the Secretary of State, on a form furnished by the Secretary of State,
9 a list that contains:

- 10 (a) The name of the limited partnership;
- 11 (b) The file number of the limited partnership, if known;
- 12 (c) The names of all of its general partners;
- 13 (d) The address, either residence or business, of each general partner; and
- 14 (e) The signature of a general partner of the limited partnership, or some other

15 person specifically authorized by the limited partnership to sign the list, certifying
16 that the list is true, complete and accurate.

17 ↪ Each list filed pursuant to this subsection must be accompanied by a declaration
18 under penalty of perjury that the limited partnership has complied with the
19 provisions of chapter 76 of NRS, that the limited partnership acknowledges that
20 pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or
21 forged instrument for filing in the Office of the Secretary of State, and that none of
22 the general partners identified in the list has been identified in the list with the
23 fraudulent intent of concealing the identity of any person or persons exercising the
24 power or authority of a general partner in furtherance of any unlawful conduct.

25 2. Except as otherwise provided in subsection 3, a limited partnership shall,
26 upon filing:

27 (a) The initial list required by subsection 1, pay to the Secretary of State a fee
28 of ~~§125.~~ §150.

29 (b) Each annual list required by subsection 1, pay to the Secretary of State a fee
30 of ~~§125.~~ §150.

31 3. A registered limited-liability limited partnership shall, upon filing:

32 (a) The initial list required by subsection 1, pay to the Secretary of State a fee
33 of ~~§125.~~ §150.

34 (b) Each annual list required by subsection 1, pay to the Secretary of State a fee
35 of ~~§175.~~ §200.

36 4. If a general partner of a limited partnership resigns and the resignation is
37 not reflected on the annual or amended list of general partners, the limited
38 partnership or the resigning general partner shall pay to the Secretary of State a fee
39 of \$75 to file the resignation.

40 5. The Secretary of State shall, 90 days before the last day for filing each
41 annual list required by subsection 1, provide to each limited partnership which is
42 required to comply with the provisions of this section, and which has not become
43 delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as
44 appropriate, and a reminder to file the annual list required pursuant to subsection 1.
45 Failure of any limited partnership to receive a notice does not excuse it from the
46 penalty imposed by NRS 88.400.

47 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
48 or the fee required by subsection 2 or 3 is not paid, the Secretary of State may
49 return the list for correction or payment.

50 7. An annual list for a limited partnership not in default that is received by the
51 Secretary of State more than 90 days before its due date shall be deemed an
52 amended list for the previous year and does not satisfy the requirements of
53 subsection 1 for the year to which the due date is applicable.

1 8. A filing made pursuant to this section does not satisfy the provisions of
2 NRS 88.355 and may not be substituted for filings submitted pursuant to NRS
3 88.355.

4 9. A person who files with the Secretary of State a list required by subsection
5 1 which identifies a general partner with the fraudulent intent of concealing the
6 identity of any person or persons exercising the power or authority of a general
7 partner in furtherance of any unlawful conduct is subject to the penalty set forth in
8 NRS 225.084.

9 10. The Secretary of State may allow a limited partnership to select an
10 alternative due date for filing the initial list required by subsection 1.

11 11. The Secretary of State may adopt regulations to administer the provisions
12 of subsection 10.

13 **Sec. 76.65. NRS 88.591 is hereby amended to read as follows:**

14 88.591 1. Each foreign limited partnership doing business in this State shall,
15 on or before the last day of the first month after the filing of its application for
16 registration as a foreign limited partnership with the Secretary of State or, if the
17 foreign limited partnership has selected an alternative due date pursuant to
18 subsection 9, on or before that alternative due date, and annually thereafter on or
19 before the last day of the month in which the anniversary date of its qualification to
20 do business in this State occurs in each year or, if applicable, on or before the last
21 day of the month in which the anniversary date of the alternative due date occurs in
22 each year, file with the Secretary of State a list, on a form furnished by the
23 Secretary of State, that contains:

24 (a) The name of the foreign limited partnership;

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

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

27 (d) The address, either residence or business, of each general partner; and

28 (e) The signature of a general partner of the foreign limited partnership, or
29 some other person specifically authorized by the foreign limited partnership to sign
30 the list, certifying that the list is true, complete and accurate.

31 2. Each list filed pursuant to this section must be accompanied by a
32 declaration under penalty of perjury that:

33 (a) The foreign limited partnership has complied with the provisions of chapter
34 76 of NRS;

35 (b) The foreign limited partnership acknowledges that pursuant to NRS
36 239.330, it is a category C felony to knowingly offer any false or forged instrument
37 for filing in the Office of the Secretary of State; and

38 (c) None of the general partners identified in the list has been identified in the
39 list with the fraudulent intent of concealing the identity of any person or persons
40 exercising the power or authority of a general partner in furtherance of any
41 unlawful conduct.

42 3. Upon filing:

43 (a) The initial list required by this section, the foreign limited partnership shall
44 pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

45 (b) Each annual list required by this section, the foreign limited partnership
46 shall pay to the Secretary of State a fee of ~~(\$125)~~ \$150.

47 4. If a general partner of a foreign limited partnership resigns and the
48 resignation is not reflected on the annual or amended list of general partners, the
49 foreign limited partnership or the resigning general partner shall pay to the
50 Secretary of State a fee of \$75 to file the resignation of the general partner.

51 5. The Secretary of State shall, 90 days before the last day for filing each
52 annual list required by subsection 1, provide to each foreign limited partnership,
53 which is required to comply with the provisions of NRS 88.591 to 88.5945,

1 inclusive, and which has not become delinquent, a notice of the fee due pursuant to
2 subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure
3 of any foreign limited partnership to receive a notice does not excuse it from the
4 penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

5 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
6 or the fee required by subsection 3 is not paid, the Secretary of State may return the
7 list for correction or payment.

8 7. An annual list for a foreign limited partnership not in default which is
9 received by the Secretary of State more than 90 days before its due date shall be
10 deemed an amended list for the previous year and does not satisfy the requirements
11 of subsection 1 for the year to which the due date is applicable.

12 8. A person who files with the Secretary of State a list required by this section
13 which identifies a general partner with the fraudulent intent of concealing the
14 identity of any person or persons exercising the power or authority of a general
15 partner in furtherance of any unlawful conduct is subject to the penalty set forth in
16 NRS 225.084.

17 9. The Secretary of State may allow a foreign limited partnership to select an
18 alternative due date for filing the initial list required by this section.

19 10. The Secretary of State may adopt regulations to administer the provisions
20 of subsection 9.

21 **Sec. 76.7. NRS 88A.600 is hereby amended to read as follows:**

22 88A.600 1. A business trust formed pursuant to this chapter shall, on or
23 before the last day of the first month after the filing of its certificate of trust with
24 the Secretary of State or, if the business trust has selected an alternative due date
25 pursuant to subsection 8, on or before that alternative due date, and annually
26 thereafter on or before the last day of the month in which the anniversary date of
27 the filing of its certificate of trust with the Secretary of State occurs, file with the
28 Secretary of State or, if applicable, on or before the last day of the month in which
29 the anniversary date of the alternative due date occurs in each year, on a form
30 furnished by the Secretary of State, a list signed by at least one trustee, or by some
31 other person specifically authorized by the business trust to sign the list, that
32 contains the name and street address of at least one trustee. Each list filed pursuant
33 to this subsection must be accompanied by a declaration under penalty of perjury
34 that:

35 (a) The business trust has complied with the provisions of chapter 76 of NRS;

36 (b) The business trust acknowledges that pursuant to NRS 239.330, it is a
37 category C felony to knowingly offer any false or forged instrument for filing in the
38 Office of the Secretary of State; and

39 (c) None of the trustees identified in the list has been identified in the list with
40 the fraudulent intent of concealing the identity of any person or persons exercising
41 the power or authority of a trustee in furtherance of any unlawful conduct.

42 2. Upon filing:

43 (a) The initial list required by subsection 1, the business trust shall pay to the
44 Secretary of State a fee of ~~125~~ 150.

45 (b) Each annual list required by subsection 1, the business trust shall pay to the
46 Secretary of State a fee of ~~125~~ 150.

47 3. If a trustee of a business trust resigns and the resignation is not reflected on
48 the annual or amended list of trustees, the business trust or the resigning trustee
49 shall pay to the Secretary of State a fee of \$75 to file the resignation.

50 4. The Secretary of State shall, 90 days before the last day for filing each
51 annual list required by subsection 1, provide to each business trust which is
52 required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and
53 which has not become delinquent, a notice of the fee due pursuant to subsection 2

1 and a reminder to file the list required pursuant to subsection 1. Failure of a
2 business trust to receive a notice does not excuse it from the penalty imposed by
3 law.

4 5. An annual list for a business trust not in default which is received by the
5 Secretary of State more than 90 days before its due date shall be deemed an
6 amended list for the previous year.

7 6. A person who files with the Secretary of State an initial list or annual list
8 required by subsection 1 which identifies a trustee with the fraudulent intent of
9 concealing the identity of any person or persons exercising the power or authority
10 of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth
11 in NRS 225.084.

12 7. For the purposes of this section, a person who is a beneficial owner is not
13 deemed to exercise actual control of the daily operations of a business trust based
14 solely on the fact that the person is a beneficial owner.

15 8. The Secretary of State may allow a business trust to select an alternative
16 due date for filing the initial list required by subsection 1.

17 9. The Secretary of State may adopt regulations to administer the provisions
18 of section 8.

19 **Sec. 76.75. NRS 88A.732 is hereby amended to read as follows:**

20 88A.732 1. Each foreign business trust doing business in this State shall, on
21 or before the last day of the first month after the filing of its application for
22 registration as a foreign business trust with the Secretary of State or, if the foreign
23 business trust has selected an alternative due date pursuant to subsection 10, on or
24 before that alternative due date, and annually thereafter on or before the last day of
25 the month in which the anniversary date of its qualification to do business in this
26 State occurs in each year or, if applicable, on or before the last day of the month in
27 which the anniversary date of the alternative due date occurs in each year, file with
28 the Secretary of State a list, on a form furnished by the Secretary of State, that
29 contains:

- 30 (a) The name of the foreign business trust;
31 (b) The file number of the foreign business trust, if known;
32 (c) The name of at least one of its trustees;
33 (d) The address, either residence or business, of the trustee listed pursuant to
34 paragraph (c); and
35 (e) The signature of a trustee of the foreign business trust, or some other person
36 specifically authorized by the foreign business trust to sign the list, certifying that
37 the list is true, complete and accurate.

38 2. Each list required to be filed pursuant to this section must be accompanied
39 by a declaration under penalty of perjury that:

40 (a) The foreign business trust has complied with the provisions of chapter 76 of
41 NRS;

42 (b) The foreign business trust acknowledges that pursuant to NRS 239.330, it
43 is a category C felony to knowingly offer any false or forged instrument for filing
44 in the Office of the Secretary of State; and

45 (c) None of the trustees identified in the list has been identified in the list with
46 the fraudulent intent of concealing the identity of any person or persons exercising
47 the power or authority of a trustee in furtherance of any unlawful conduct.

48 3. Upon filing:

49 (a) The initial list required by this section, the foreign business trust shall pay
50 to the Secretary of State a fee of ~~(\$125)~~ **\$150.**

51 (b) Each annual list required by this section, the foreign business trust shall pay
52 to the Secretary of State a fee of ~~(\$125)~~ **\$150.**

1 4. If a trustee of a foreign business trust resigns and the resignation is not
2 reflected on the annual or amended list of trustees, the foreign business trust or the
3 resigning trustee shall pay to the Secretary of State a fee of \$75 to file the
4 resignation.

5 5. The Secretary of State shall, 90 days before the last day for filing each
6 annual list required by subsection 1, provide to each foreign business trust which is
7 required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and
8 which has not become delinquent, a notice of the fee due pursuant to subsection 3
9 and a reminder to file the list required pursuant to subsection 1. Failure of any
10 foreign business trust to receive a notice does not excuse it from the penalty
11 imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

12 6. If the list to be filed pursuant to the provisions of subsection 1 is defective
13 or the fee required by subsection 3 is not paid, the Secretary of State may return the
14 list for correction or payment.

15 7. An annual list for a foreign business trust not in default which is received
16 by the Secretary of State more than 90 days before its due date shall be deemed an
17 amended list for the previous year and does not satisfy the requirements of
18 subsection 1 for the year to which the due date is applicable.

19 8. A person who files with the Secretary of State a list required by this section
20 which identifies a trustee with the fraudulent intent of concealing the identity of any
21 person or persons exercising the power or authority of a trustee in furtherance of
22 any unlawful conduct is subject to the penalty set forth in NRS 225.084.

23 9. For the purposes of this section, a person who is a beneficial owner is not
24 deemed to exercise actual control of the daily operations of a foreign business trust
25 based solely on the fact that the person is a beneficial owner.

26 10. The Secretary of State may allow a foreign business trust to select an
27 alternative due date for filing the initial list required by this section.

28 11. The Secretary of State may adopt regulations to administer the provisions
29 of subsection 10.

30 **Sec. 76.8. NRS 89.250 is hereby amended to read as follows:**

31 89.250 1. Except as otherwise provided in subsection 2, a professional
32 association shall, on or before the last day of the first month after the filing of its
33 articles of association with the Secretary of State or, if the professional association
34 has selected an alternative due date pursuant to subsection 7, on or before that
35 alternative due date, and annually thereafter on or before the last day of the month
36 in which the anniversary date of its organization occurs in each year or, if
37 applicable, on or before the last day of the month in which the anniversary date of
38 the alternative due date occurs in each year, file with the Secretary of State a list
39 showing the names and addresses, either residence or business, of all members and
40 employees in the professional association and certifying that all members and
41 employees are licensed to render professional service in this State.

42 2. A professional association organized and practicing pursuant to the
43 provisions of this chapter and NRS 623.349 shall, on or before the last day of the
44 first month after the filing of its articles of association with the Secretary of State
45 or, if the professional association has selected an alternative due date pursuant to
46 subsection 7, on or before that alternative due date, and annually thereafter on or
47 before the last day of the month in which the anniversary date of its organization
48 occurs in each year or, if applicable, on or before the last day of the month in which
49 the anniversary date of the alternative due date occurs in each year, file with the
50 Secretary of State a list:

51 (a) Showing the names and addresses, either residence or business, of all
52 members and employees of the professional association who are licensed or
53 otherwise authorized by law to render professional service in this State;

1 (b) Certifying that all members and employees who render professional service
2 are licensed or otherwise authorized by law to render professional service in this
3 State; and

4 (c) Certifying that all members who are not licensed to render professional
5 service in this State do not render professional service on behalf of the professional
6 association except as authorized by law.

7 3. Each list filed pursuant to this section must be:

8 (a) Made on a form furnished by the Secretary of State and must not contain
9 any fiscal or other information except that expressly called for by this section.

10 (b) Signed by the chief executive officer of the professional association or by
11 some other person specifically authorized by the chief executive officer to sign the
12 list.

13 (c) Accompanied by a declaration under penalty of perjury that:

14 (1) The professional association has complied with the provisions of
15 chapter 76 of NRS;

16 (2) The professional association acknowledges that pursuant to NRS
17 239.330, it is a category C felony to knowingly offer any false or forged instrument
18 for filing in the Office of the Secretary of State; and

19 (3) None of the members or employees identified in the list has been
20 identified in the list with the fraudulent intent of concealing the identity of any
21 person or persons exercising the power or authority of a member or employee in
22 furtherance of any unlawful conduct.

23 4. Upon filing:

24 (a) The initial list required by this section, the professional association shall
25 pay to the Secretary of State a fee of ~~(\$125.)~~ \$150.

26 (b) Each annual list required by this section, the professional association shall
27 pay to the Secretary of State a fee of ~~(\$125.)~~ \$150.

28 5. A person who files with the Secretary of State an initial list or annual list
29 required by this section which identifies a member or an employee of a professional
30 association with the fraudulent intent of concealing the identity of any person or
31 persons exercising the power or authority of a member or employee in furtherance
32 of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

33 6. For the purposes of this section, a person is not deemed to exercise actual
34 control of the daily operations of a professional association based solely on the fact
35 that the person holds an ownership interest in the professional association.

36 7. The Secretary of State may allow a professional association to select an
37 alternative due date for filing the initial list required by this section.

38 8. The Secretary of State may adopt regulations to administer the provisions
39 of subsection 7.

40 **Sec. 77. NRS 90.420 is hereby amended to read as follows:**

41 90.420 1. The Administrator by order may deny, suspend or revoke any
42 license, fine any licensed person, limit the activities governed by this chapter that
43 an applicant or licensed person may perform in this State, bar an applicant or
44 licensed person from association with a licensed broker-dealer or investment
45 adviser or bar from employment with a licensed broker-dealer or investment
46 adviser a person who is a partner, officer, director, sales representative, investment
47 adviser or representative of an investment adviser, or a person occupying a similar
48 status or performing a similar function for an applicant or licensed person, if the
49 Administrator finds that the order is in the public interest and that the applicant or
50 licensed person or, in the case of a broker-dealer or investment adviser, any partner,
51 officer, director, sales representative, investment adviser, representative of an
52 investment adviser, or person occupying a similar status or performing similar
53 functions or any person directly or indirectly controlling the broker-dealer or

1 investment adviser, or any transfer agent or any person directly or indirectly
2 controlling the transfer agent;

3 (a) Has filed an application for licensing with the Administrator which, as of its
4 effective date, or as of any date after filing in the case of an order denying
5 effectiveness, was incomplete in a material respect or contained a statement that
6 was, in light of the circumstances under which it was made, false or misleading
7 with respect to a material fact;

8 (b) Has violated or failed to comply with a provision of this chapter as now or
9 formerly in effect or a regulation or order adopted or issued under this chapter;

10 (c) Is the subject of an adjudication or determination after notice and
11 opportunity for hearing, within the last 5 years by a securities agency or
12 administrator of another state or a court of competent jurisdiction that the person
13 has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the
14 Investment Advisers Act of 1940, the Investment Company Act of 1940, the
15 Commodity Exchange Act or the securities law of any other state, but only if the
16 acts constituting the violation of that state's law would constitute a violation of this
17 chapter had the acts taken place in this State;

18 (d) Has been convicted of a felony or, within the previous 10 years has been
19 convicted of a misdemeanor, which the Administrator finds:

20 (1) Involves the purchase or sale of a security, taking a false oath, making a
21 false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the
22 foregoing offenses;

23 (2) Arises out of the conduct of business as a broker-dealer, investment
24 adviser, depository institution, insurance company or fiduciary;

25 (3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting,
26 fraudulent concealment, embezzlement, fraudulent conversion or misappropriation
27 of money or securities or conspiracy to commit any of the foregoing offenses; or

28 (4) Involves moral turpitude;

29 (e) Is or has been permanently or temporarily enjoined by any court of
30 competent jurisdiction, unless the order has been vacated, from acting as an
31 investment adviser, representative of an investment adviser, underwriter, broker-
32 dealer or as an affiliated person or employee of an investment company, depository
33 institution or insurance company or from engaging in or continuing any conduct or
34 practice in connection with any of the foregoing activities or in connection with the
35 purchase or sale of a security;

36 (f) Is or has been the subject of an order of the Administrator, unless the order
37 has been vacated, denying, suspending or revoking the person's license as a broker-
38 dealer, sales representative, investment adviser, representative of an investment
39 adviser or transfer agent;

40 (g) Is or has been the subject of any of the following orders which were issued
41 within the last 5 years, unless the order has been vacated:

42 (1) An order by the securities agency or administrator of another state,
43 jurisdiction, Canadian province or territory, the Commodity Futures Trading
44 Commission, or by the Securities and Exchange Commission or a comparable
45 regulatory agency of another country, entered after notice and opportunity for
46 hearing, denying, suspending or revoking the person's license as a broker-dealer,
47 sales representative, investment adviser, representative of an investment adviser or
48 transfer agent;

49 (2) A suspension or expulsion from membership in or association with a
50 member of a self-regulatory organization;

51 (3) An order by a self-regulatory organization that prohibits the person
52 from serving, indefinitely or for a specified period, as a principal or in a supervisory

1 capacity within a business or organization which is a member of a self-regulatory
2 organization;

3 (4) An order of the United States Postal Service relating to fraud;

4 (5) An order to cease and desist entered after notice and opportunity for
5 hearing by the Administrator, the securities agency or administrator of another
6 state, jurisdiction, Canadian province or territory, the Securities and Exchange
7 Commission or a comparable regulatory agency of another country, or the
8 Commodity Futures Trading Commission; or

9 (6) An order by the Commodity Futures Trading Commission denying,
10 suspending or revoking registration under the Commodity Exchange Act;

11 (h) Has engaged in unethical or dishonest practices in the securities business;

12 (i) Is insolvent, either in the sense that liabilities exceed assets or in the sense
13 that obligations cannot be met as they mature, but the Administrator may not enter
14 an order against a broker-dealer or investment adviser under this paragraph without
15 a finding of insolvency as to the broker-dealer or investment adviser;

16 (j) Has failed to pay a tax as required pursuant to the provisions of chapter
17 363A of NRS ~~or~~ or sections 2 to 61, inclusive, of this act;

18 (k) Is determined by the Administrator in compliance with NRS 90.430 not to
19 be qualified on the basis of lack of training, experience and knowledge of the
20 securities business; or

21 (l) Has failed reasonably to supervise a sales representative, employee or
22 representative of an investment adviser.

23 2. The Administrator may not institute a proceeding on the basis of a fact or
24 transaction known to the director when the license became effective unless the
25 proceeding is instituted within 90 days after issuance of the license.

26 3. If the Administrator finds that an applicant or licensed person is no longer
27 in existence or has ceased to do business as a broker-dealer, sales representative,
28 investment adviser, representative of an investment adviser or transfer agent or is
29 adjudicated mentally incompetent or subjected to the control of a committee,
30 conservator or guardian or cannot be located after reasonable search, the
31 Administrator may by order deny the application or revoke the license.

32 **Sec. 78. NRS 90.730 is hereby amended to read as follows:**

33 90.730 1. Except as otherwise provided in subsection 2, information and
34 records filed with or obtained by the Administrator are public information and are
35 available for public examination.

36 2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115,
37 the following information and records do not constitute public information under
38 subsection 1 and are confidential:

39 (a) Information or records obtained by the Administrator in connection with an
40 investigation concerning possible violations of this chapter; and

41 (b) Information or records filed with the Administrator in connection with a
42 registration statement filed under this chapter or a report under NRS 90.390 which
43 constitute trade secrets or commercial or financial information of a person for
44 which that person is entitled to and has asserted a claim of privilege or
45 confidentiality authorized by law.

46 3. The Administrator may submit any information or evidence obtained in
47 connection with an investigation to the:

48 (a) Attorney General or appropriate district attorney for the purpose of
49 prosecuting a criminal action under this chapter; and

50 (b) Department of Taxation for its use in carrying out the provisions of chapter
51 363A of NRS ~~or~~ and the chapter consisting of sections 2 to 61, inclusive, of this
52 act.

1 4. The Administrator may disclose any information obtained in connection
2 with an investigation pursuant to NRS 90.620 to the agencies and administrators
3 specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the
4 purpose of a civil, administrative or criminal investigation or proceeding, and the
5 receiving agency or administrator represents in writing that under applicable law
6 protections exist to preserve the integrity, confidentiality and security of the
7 information.

8 5. This chapter does not create any privilege or diminish any privilege
9 existing at common law, by statute, regulation or otherwise.

10 **Sec. 78.1. NRS 482.181 is hereby amended to read as follows:**

11 482.181 1. Except as otherwise provided in subsection 5, after deducting the
12 amount withheld by the Department and the amount credited to the Department
13 pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State
14 ~~Highway~~ **General** Fund pursuant to NRS 482.182, the Department shall certify
15 monthly to the State Board of Examiners the amount of the basic and supplemental
16 governmental services taxes collected for each county by the Department and its
17 agents during the preceding month, and that money must be distributed monthly as
18 provided in this section.

19 2. Any supplemental governmental services tax collected for a county must be
20 distributed only to the county, to be used as provided in NRS 371.043, 371.045 and
21 371.047.

22 3. The distribution of the basic governmental services tax received or
23 collected for each county must be made to the county school district within each
24 county before any distribution is made to a local government, special district or
25 enterprise district. For the purpose of calculating the amount of the basic
26 governmental services tax to be distributed to the county school district, the taxes
27 levied by each local government, special district and enterprise district are the
28 product of its certified valuation, determined pursuant to subsection 2 of NRS
29 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year
30 beginning on July 1, 1980, except that the tax rate for school districts, including the
31 rate attributable to a district's debt service, is the rate established pursuant to NRS
32 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a
33 district's debt service in any fiscal year is greater than its rate for the fiscal year
34 beginning on July 1, 1978, the higher rate must be used to determine the amount
35 attributable to debt service.

36 4. After making the distributions set forth in subsection 3, the remaining
37 money received or collected for each county must be deposited in the Local
38 Government Tax Distribution Account created by NRS 360.660 for distribution to
39 local governments, special districts and enterprise districts within each county
40 pursuant to the provisions of NRS 360.680 and 360.690.

41 5. An amount equal to any basic governmental services tax distributed to a
42 redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed
43 to that agency as long as it exists but must not be increased.

44 6. The Department shall make distributions of the basic governmental
45 services tax directly to county school districts.

46 7. As used in this section:

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

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

49 (c) "Received or collected for each county" means:

50 (1) For the basic governmental services tax collected on vehicles subject to
51 the provisions of chapter 706 of NRS, the amount determined for each county based
52 on the following percentages:
53

1	Carson City	1.07 percent	Lincoln	3.12 percent
2	Churchill	5.21 percent	Lyon	2.90 percent
3	Clark	22.54 percent	Mineral	2.40 percent
4	Douglas	2.52 percent	Nye	4.09 percent
5	Elko.....	13.31 percent	Pershing	7.00 percent
6	Esmeralda	2.52 percent	Storey	0.19 percent
7	Eureka.....	3.10 percent	Washoe.....	12.24 percent
8	Humboldt.....	8.25 percent	White Pine.....	5.66 percent
9	Lander.....	3.88 percent		

10
 11 (2) For all other basic and supplemental governmental services tax
 12 received or collected by the Department, the amount attributable to each county
 13 based on the county of registration of the vehicle for which the tax was paid.

14 (d) "Special district" has the meaning ascribed to it in NRS 360.650.

15 **Sec. 78.3. NRS 482.181 is hereby amended to read as follows:**

16 482.181 1. Except as otherwise provided in subsection 5, after deducting the
 17 amount withheld by the Department and the amount credited to the Department
 18 pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State
 19 General Fund **and the State Highway Fund** pursuant to NRS 482.182, the
 20 Department shall certify monthly to the State Board of Examiners the amount of the
 21 basic and supplemental governmental services taxes collected for each county by
 22 the Department and its agents during the preceding month, and that money must be
 23 distributed monthly as provided in this section.

24 2. Any supplemental governmental services tax collected for a county must be
 25 distributed only to the county, to be used as provided in NRS 371.043, 371.045 and
 26 371.047.

27 3. The distribution of the basic governmental services tax received or
 28 collected for each county must be made to the county school district within each
 29 county before any distribution is made to a local government, special district or
 30 enterprise district. For the purpose of calculating the amount of the basic
 31 governmental services tax to be distributed to the county school district, the taxes
 32 levied by each local government, special district and enterprise district are the
 33 product of its certified valuation, determined pursuant to subsection 2 of NRS
 34 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year
 35 beginning on July 1, 1980, except that the tax rate for school districts, including the
 36 rate attributable to a district's debt service, is the rate established pursuant to NRS
 37 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a
 38 district's debt service in any fiscal year is greater than its rate for the fiscal year
 39 beginning on July 1, 1978, the higher rate must be used to determine the amount
 40 attributable to debt service.

41 4. After making the distributions set forth in subsection 3, the remaining
 42 money received or collected for each county must be deposited in the Local
 43 Government Tax Distribution Account created by NRS 360.660 for distribution to
 44 local governments, special districts and enterprise districts within each county
 45 pursuant to the provisions of NRS 360.680 and 360.690.

46 5. An amount equal to any basic governmental services tax distributed to a
 47 redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed
 48 to that agency as long as it exists but must not be increased.

49 6. The Department shall make distributions of the basic governmental
 50 services tax directly to county school districts.

51 7. As used in this section:

- 52 (a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.
- 53 (b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) “Received or collected for each county” means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) “Special district” has the meaning ascribed to it in NRS 360.650.

Sec. 78.5. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to ~~the State General Fund and the~~ State Highway Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district’s debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district’s debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

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

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

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

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

Sec. 78.7. NRS 482.182 is hereby amended to read as follows:

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the State ~~Highway~~ **General** Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 11 percent of those proceeds;

(2) Two years, is a sum equal to 12 percent of those proceeds;

(3) Three years, is a sum equal to 13 percent of those proceeds;

(4) Four years, is a sum equal to 15 percent of those proceeds;

(5) Five years, is a sum equal to 18 percent of those proceeds;

(6) Six years, is a sum equal to 22 percent of those proceeds;

(7) Seven years, is a sum equal to 29 percent of those proceeds;

(8) Eight years, is a sum equal to 40 percent of those proceeds; and

(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 12 percent of those proceeds;

(2) Two years, is a sum equal to 14 percent of those proceeds;

(3) Three years, is a sum equal to 18 percent of those proceeds;

(4) Four years, is a sum equal to 21 percent of those proceeds;

(5) Five years, is a sum equal to 26 percent of those proceeds;

(6) Six years, is a sum equal to 30 percent of those proceeds;

(7) Seven years, is a sum equal to 33 percent of those proceeds;

- 1 (8) Eight years, is a sum equal to 37 percent of those proceeds;
- 2 (9) Nine years, is a sum equal to 40 percent of those proceeds; and
- 3 (10) Ten years or more, is a sum equal to 43 percent of those proceeds.

4 3. The amount required to be transferred pursuant to subsection 1 from the
5 proceeds of the basic governmental services tax imposed on vehicles to which the
6 minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of
7 NRS 371.060 is a sum equal to 63 percent of those proceeds.

8 **Sec. 78.8. NRS 482.182 is hereby amended to read as follows:**

9 482.182 1. After deducting the amount withheld by the Department and the
10 amount credited to the Department pursuant to subsection 6 of NRS 482.180 and
11 before carrying out the provisions of NRS 482.181 each month, the Department
12 shall direct the State Controller to transfer to the :

13 (a) State General Fund from the proceeds of the basic governmental services
14 tax collected by the Department and its agents during the preceding month 50
15 percent of the amounts indicated pursuant to this section.

16 (b) State Highway Fund from the proceeds of the basic governmental
17 services tax collected by the Department and its agents during the preceding
18 month 50 percent of the amounts indicated pursuant to this section.

19 2. Except as otherwise provided in subsection 3, the amount required to be
20 transferred pursuant to subsection 1 from the proceeds of the basic governmental
21 services tax imposed on vehicles depreciated in accordance with:

22 (a) Subsection 1 of NRS 371.060 based upon an age of:

- 23 (1) One year, is a sum equal to 11 percent of those proceeds;
- 24 (2) Two years, is a sum equal to 12 percent of those proceeds;
- 25 (3) Three years, is a sum equal to 13 percent of those proceeds;
- 26 (4) Four years, is a sum equal to 15 percent of those proceeds;
- 27 (5) Five years, is a sum equal to 18 percent of those proceeds;
- 28 (6) Six years, is a sum equal to 22 percent of those proceeds;
- 29 (7) Seven years, is a sum equal to 29 percent of those proceeds;
- 30 (8) Eight years, is a sum equal to 40 percent of those proceeds; and
- 31 (9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

32 (b) Subsection 2 of NRS 371.060 based upon an age of:

- 33 (1) One year, is a sum equal to 12 percent of those proceeds;
- 34 (2) Two years, is a sum equal to 14 percent of those proceeds;
- 35 (3) Three years, is a sum equal to 18 percent of those proceeds;
- 36 (4) Four years, is a sum equal to 21 percent of those proceeds;
- 37 (5) Five years, is a sum equal to 26 percent of those proceeds;
- 38 (6) Six years, is a sum equal to 30 percent of those proceeds;
- 39 (7) Seven years, is a sum equal to 33 percent of those proceeds;
- 40 (8) Eight years, is a sum equal to 37 percent of those proceeds;
- 41 (9) Nine years, is a sum equal to 40 percent of those proceeds; and
- 42 (10) Ten years or more, is a sum equal to 43 percent of those proceeds.

43 3. The amount required to be transferred pursuant to subsection 1 from the
44 proceeds of the basic governmental services tax imposed on vehicles to which the
45 minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of
46 NRS 371.060 is a sum equal to 63 percent of those proceeds.

47 **Sec. 78.9. NRS 482.182 is hereby amended to read as follows:**

48 482.182 1. After deducting the amount withheld by the Department and the
49 amount credited to the Department pursuant to subsection 6 of NRS 482.180 and
50 before carrying out the provisions of NRS 482.181 each month, the Department
51 shall direct the State Controller to transfer to the.†

~~(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.~~

~~(b) State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.~~

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 11 percent of those proceeds;

(2) Two years, is a sum equal to 12 percent of those proceeds;

(3) Three years, is a sum equal to 13 percent of those proceeds;

(4) Four years, is a sum equal to 15 percent of those proceeds;

(5) Five years, is a sum equal to 18 percent of those proceeds;

(6) Six years, is a sum equal to 22 percent of those proceeds;

(7) Seven years, is a sum equal to 29 percent of those proceeds;

(8) Eight years, is a sum equal to 40 percent of those proceeds; and

(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 12 percent of those proceeds;

(2) Two years, is a sum equal to 14 percent of those proceeds;

(3) Three years, is a sum equal to 18 percent of those proceeds;

(4) Four years, is a sum equal to 21 percent of those proceeds;

(5) Five years, is a sum equal to 26 percent of those proceeds;

(6) Six years, is a sum equal to 30 percent of those proceeds;

(7) Seven years, is a sum equal to 33 percent of those proceeds;

(8) Eight years, is a sum equal to 37 percent of those proceeds;

(9) Nine years, is a sum equal to 40 percent of those proceeds; and

(10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 79. NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

1 (b) The licensee, either knowingly or without any exercise of due care to
2 prevent it, has violated any provision of this chapter or any lawful regulation
3 adopted pursuant thereto;

4 (c) The licensee has failed to pay a tax as required pursuant to the provisions of
5 chapter 363A of NRS, ~~or~~ or sections 2 to 61, inclusive, of this act;

6 (d) Any fact or condition exists which would have justified the Commissioner
7 in denying the licensee's original application for a license pursuant to the
8 provisions of this chapter; or

9 (e) The licensee:

10 (1) Failed to open an office for the conduct of the business authorized by
11 his or her license within 180 days after the date the license was issued; or

12 (2) Has failed to remain open for the conduct of the business for a period
13 of 180 days without good cause therefor.

14 4. Any revocation or suspension applies only to the license granted to a
15 person for the particular office for which grounds for revocation or suspension
16 exist.

17 5. An order suspending or revoking a license becomes effective 5 days after
18 being entered unless the order specifies otherwise or a stay is granted.

19 **Sec. 80. NRS 612.265 is hereby amended to read as follows:**

20 612.265 1. Except as otherwise provided in this section and NRS 239.0115
21 and 612.642, information obtained from any employing unit or person pursuant to
22 the administration of this chapter and any determination as to the benefit rights of
23 any person is confidential and may not be disclosed or be open to public inspection
24 in any manner which would reveal the person's or employing unit's identity.

25 2. Any claimant or a legal representative of a claimant is entitled to
26 information from the records of the Division, to the extent necessary for the proper
27 presentation of the claimant's claim in any proceeding pursuant to this chapter. A
28 claimant or an employing unit is not entitled to information from the records of the
29 Division for any other purpose.

30 3. Subject to such restrictions as the Administrator may by regulation
31 prescribe, the information obtained by the Division may be made available to:

32 (a) Any agency of this or any other state or any federal agency charged with
33 the administration or enforcement of laws relating to unemployment compensation,
34 public assistance, workers' compensation or labor and industrial relations, or the
35 maintenance of a system of public employment offices;

36 (b) Any state or local agency for the enforcement of child support;

37 (c) The Internal Revenue Service of the Department of the Treasury;

38 (d) The Department of Taxation; and

39 (e) The State Contractors' Board in the performance of its duties to enforce the
40 provisions of chapter 624 of NRS.

41 ↪ Information obtained in connection with the administration of the Division may
42 be made available to persons or agencies for purposes appropriate to the operation
43 of a public employment service or a public assistance program.

44 4. Upon written request made by a public officer of a local government, the
45 Administrator shall furnish from the records of the Division the name, address and
46 place of employment of any person listed in the records of employment of the
47 Division. The request must set forth the social security number of the person about
48 whom the request is made and contain a statement signed by the proper authority of
49 the local government certifying that the request is made to allow the proper
50 authority to enforce a law to recover a debt or obligation owed to the local
51 government. Except as otherwise provided in NRS 239.0115, the information
52 obtained by the local government is confidential and may not be used or disclosed
53 for any purpose other than the collection of a debt or obligation owed to that local

1 government. The Administrator may charge a reasonable fee for the cost of
2 providing the requested information.

3 5. The Administrator may publish or otherwise provide information on the
4 names of employers, their addresses, their type or class of business or industry, and
5 the approximate number of employees employed by each such employer, if the
6 information released will assist unemployed persons to obtain employment or will
7 be generally useful in developing and diversifying the economic interests of this
8 State. Upon request by a state agency which is able to demonstrate that its intended
9 use of the information will benefit the residents of this State, the Administrator
10 may, in addition to the information listed in this subsection, disclose the number of
11 employees employed by each employer and the total wages paid by each employer.
12 The Administrator may charge a fee to cover the actual costs of any administrative
13 expenses relating to the disclosure of this information to a state agency. The
14 Administrator may require the state agency to certify in writing that the agency will
15 take all actions necessary to maintain the confidentiality of the information and
16 prevent its unauthorized disclosure.

17 6. Upon request therefor, the Administrator shall furnish to any agency of the
18 United States charged with the administration of public works or assistance through
19 public employment, and may furnish to any state agency similarly charged, the
20 name, address, ordinary occupation and employment status of each recipient of
21 benefits and the recipient's rights to further benefits pursuant to this chapter.

22 7. To further a current criminal investigation, the chief executive officer of
23 any law enforcement agency of this State may submit a written request to the
24 Administrator that the Administrator furnish, from the records of the Division, the
25 name, address and place of employment of any person listed in the records of
26 employment of the Division. The request must set forth the social security number
27 of the person about whom the request is made and contain a statement signed by the
28 chief executive officer certifying that the request is made to further a criminal
29 investigation currently being conducted by the agency. Upon receipt of such a
30 request, the Administrator shall furnish the information requested. The
31 Administrator may charge a fee to cover the actual costs of any related
32 administrative expenses.

33 8. In addition to the provisions of subsection 5, the Administrator shall
34 provide lists containing the names and addresses of employers, and information
35 regarding the wages paid by each employer to the Department of Taxation, upon
36 request, for use in verifying returns for the taxes imposed pursuant to chapters
37 363A and 363B of NRS ~~and~~ and the chapter consisting of sections 2 to 61,
38 inclusive, of this act. The Administrator may charge a fee to cover the actual costs
39 of any related administrative expenses.

40 9. A private carrier that provides industrial insurance in this State shall submit
41 to the Administrator a list containing the name of each person who received
42 benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS
43 during the preceding month and request that the Administrator compare the
44 information so provided with the records of the Division regarding persons
45 claiming benefits pursuant to this chapter for the same period. The information
46 submitted by the private carrier must be in a form determined by the Administrator
47 and must contain the social security number of each such person. Upon receipt of
48 the request, the Administrator shall make such a comparison and, if it appears from
49 the information submitted that a person is simultaneously claiming benefits under
50 this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS,
51 the Administrator shall notify the Attorney General or any other appropriate law
52 enforcement agency. The Administrator shall charge a fee to cover the actual costs
53 of any related administrative expenses.

1 10. The Administrator may request the Comptroller of the Currency of the
2 United States to cause an examination of the correctness of any return or report of
3 any national banking association rendered pursuant to the provisions of this chapter,
4 and may in connection with the request transmit any such report or return to the
5 Comptroller of the Currency of the United States as provided in section 3305(c) of
6 the Internal Revenue Code of 1954.

7 11. If any employee or member of the Board of Review, the Administrator or
8 any employee of the Administrator, in violation of the provisions of this section,
9 discloses information obtained from any employing unit or person in the
10 administration of this chapter, or if any person who has obtained a list of applicants
11 for work, or of claimants or recipients of benefits pursuant to this chapter uses or
12 permits the use of the list for any political purpose, he or she is guilty of a gross
13 misdemeanor.

14 12. All letters, reports or communications of any kind, oral or written, from
15 the employer or employee to each other or to the Division or any of its agents,
16 representatives or employees are privileged and must not be the subject matter or
17 basis for any lawsuit if the letter, report or communication is written, sent, delivered
18 or prepared pursuant to the requirements of this chapter.

19 **Sec. 81. NRS 616B.012 is hereby amended to read as follows:**

20 616B.012 1. Except as otherwise provided in this section and NRS
21 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any
22 insurer, employer or employee is confidential and may not be disclosed or be open
23 to public inspection in any manner which would reveal the person's identity.

24 2. Any claimant or legal representative of the claimant is entitled to
25 information from the records of the insurer, to the extent necessary for the proper
26 presentation of a claim in any proceeding under chapters 616A to 616D, inclusive,
27 or chapter 617 of NRS.

28 3. The Division and Administrator are entitled to information from the
29 records of the insurer which is necessary for the performance of their duties. The
30 Administrator may, by regulation, prescribe the manner in which otherwise
31 confidential information may be made available to:

32 (a) Any agency of this or any other state charged with the administration or
33 enforcement of laws relating to industrial insurance, unemployment compensation,
34 public assistance or labor law and industrial relations;

35 (b) Any state or local agency for the enforcement of child support;

36 (c) The Internal Revenue Service of the Department of the Treasury;

37 (d) The Department of Taxation; and

38 (e) The State Contractors' Board in the performance of its duties to enforce the
39 provisions of chapter 624 of NRS.

40 Information obtained in connection with the administration of a program of
41 industrial insurance may be made available to persons or agencies for purposes
42 appropriate to the operation of a program of industrial insurance.

43 4. Upon written request made by a public officer of a local government, an
44 insurer shall furnish from its records the name, address and place of employment of
45 any person listed in its records. The request must set forth the social security
46 number of the person about whom the request is made and contain a statement
47 signed by proper authority of the local government certifying that the request is
48 made to allow the proper authority to enforce a law to recover a debt or obligation
49 owed to the local government. Except as otherwise provided in NRS 239.0115, the
50 information obtained by the local government is confidential and may not be used
51 or disclosed for any purpose other than the collection of a debt or obligation owed
52 to the local government. The insurer may charge a reasonable fee for the cost of
53 providing the requested information.

1 5. To further a current criminal investigation, the chief executive officer of
2 any law enforcement agency of this State may submit to the Administrator a written
3 request for the name, address and place of employment of any person listed in the
4 records of an insurer. The request must set forth the social security number of the
5 person about whom the request is made and contain a statement signed by the chief
6 executive officer certifying that the request is made to further a criminal
7 investigation currently being conducted by the agency. Upon receipt of a request,
8 the Administrator shall instruct the insurer to furnish the information requested.
9 Upon receipt of such an instruction, the insurer shall furnish the information
10 requested. The insurer may charge a reasonable fee to cover any related
11 administrative expenses.

12 6. Upon request by the Department of Taxation, the Administrator shall
13 provide:

14 (a) Lists containing the names and addresses of employers; and

15 (b) Other information concerning employers collected and maintained by the
16 Administrator or the Division to carry out the purposes of chapters 616A to 616D,
17 inclusive, or chapter 617 of NRS,

18 ↪ to the Department for its use in verifying returns for the taxes imposed pursuant
19 to chapters 363A and 363B of NRS, ~~+~~ and the chapter consisting of sections 2 to
20 61, inclusive, of this act. The Administrator may charge a reasonable fee to cover
21 any related administrative expenses.

22 7. Any person who, in violation of this section, discloses information
23 obtained from files of claimants or policyholders or obtains a list of claimants or
24 policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and
25 uses or permits the use of the list for any political purposes, is guilty of a gross
26 misdemeanor.

27 8. All letters, reports or communications of any kind, oral or written, from the
28 insurer, or any of its agents, representatives or employees are privileged and must
29 not be the subject matter or basis for any lawsuit if the letter, report or
30 communication is written, sent, delivered or prepared pursuant to the requirements
31 of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

32 9. The provisions of this section do not prohibit the Administrator or the
33 Division from disclosing any nonproprietary information relating to an uninsured
34 employer or proof of industrial insurance.

35 **Sec. 82. NRS 645B.060 is hereby amended to read as follows:**

36 645B.060 1. Subject to the administrative control of the Director of the
37 Department of Business and Industry, the Commissioner shall exercise general
38 supervision and control over mortgage brokers and mortgage agents doing business
39 in this State.

40 2. In addition to the other duties imposed upon him or her by law, the
41 Commissioner shall:

42 (a) Adopt regulations:

43 (1) Setting forth the requirements for an investor to acquire ownership of
44 or a beneficial interest in a loan secured by a lien on real property. The regulations
45 must include, without limitation, the minimum financial conditions that the investor
46 must comply with before becoming an investor.

47 (2) Establishing reasonable limitations and guidelines on loans made by a
48 mortgage broker to a director, officer, mortgage agent or employee of the mortgage
49 broker.

50 (b) Adopt any other regulations that are necessary to carry out the provisions of
51 this chapter, except as to loan brokerage fees.

1 (c) Conduct such investigations as may be necessary to determine whether any
2 person has violated any provision of this chapter, a regulation adopted pursuant to
3 this chapter or an order of the Commissioner.

4 (d) Except as otherwise provided in subsection 4, conduct an annual
5 examination of each mortgage broker doing business in this State. The annual
6 examination must include, without limitation, a formal exit review with the
7 mortgage broker. The Commissioner shall adopt regulations prescribing:

8 (1) Standards for determining the rating of each mortgage broker based
9 upon the results of the annual examination; and

10 (2) Procedures for resolving any objections made by the mortgage broker
11 to the results of the annual examination. The results of the annual examination may
12 not be opened to public inspection pursuant to NRS 645B.090 until after a period of
13 time set by the Commissioner to determine any objections made by the mortgage
14 broker.

15 (e) Conduct such other examinations, periodic or special audits, investigations
16 and hearings as may be necessary for the efficient administration of the laws of this
17 State regarding mortgage brokers and mortgage agents. The Commissioner shall
18 adopt regulations specifying the general guidelines that will be followed when a
19 periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

20 (f) Classify as confidential certain records and information obtained by the
21 Division when those matters are obtained from a governmental agency upon the
22 express condition that they remain confidential. This paragraph does not limit
23 examination by:

24 (1) The Legislative Auditor; or

25 (2) The Department of Taxation if necessary to carry out the provisions of
26 chapter 363A of NRS ~~and sections 2 to 61, inclusive, of this act.~~

27 (g) Conduct such examinations and investigations as are necessary to ensure
28 that mortgage brokers and mortgage agents meet the requirements of this chapter
29 for obtaining a license, both at the time of the application for a license and
30 thereafter on a continuing basis.

31 3. For each special audit, investigation or examination, a mortgage broker or
32 mortgage agent shall pay a fee based on the rate established pursuant to NRS
33 645F.280.

34 4. The Commissioner may conduct examinations of a mortgage broker, as
35 described in paragraph (d) of subsection 2, on a biennial instead of an annual basis
36 if the mortgage broker:

37 (a) Received a rating in the last annual examination that meets a threshold
38 determined by the Commissioner;

39 (b) Has not had any adverse change in financial condition since the last annual
40 examination, as shown by financial statements of the mortgage broker;

41 (c) Has not had any complaints received by the Division that resulted in any
42 administrative action by the Division; and

43 (d) Does not maintain any trust accounts pursuant to NRS 645B.170 or
44 645B.175 or arrange loans funded by private investors.

45 **Sec. 83. NRS 645B.670 is hereby amended to read as follows:**

46 645B.670 1. Except as otherwise provided in NRS 645B.690:

47 (a) For each violation committed by an applicant for a license issued pursuant
48 to this chapter, whether or not the applicant is issued a license, the Commissioner
49 may impose upon the applicant an administrative fine of not more than \$25,000 if
50 the applicant:

51 (1) Has knowingly made or caused to be made to the Commissioner any
52 false representation of material fact;

1 (2) Has suppressed or withheld from the Commissioner any information
2 which the applicant possesses and which, if submitted by the applicant, would have
3 rendered the applicant ineligible to be licensed pursuant to the provisions of this
4 chapter; or

5 (3) Has violated any provision of this chapter, a regulation adopted
6 pursuant to this chapter or an order of the Commissioner in completing and filing
7 his or her application for a license or during the course of the investigation of his or
8 her application for a license.

9 (b) For each violation committed by a mortgage broker, the Commissioner may
10 impose upon the mortgage broker an administrative fine of not more than \$25,000,
11 may suspend, revoke or place conditions upon the mortgage broker's license, or
12 may do both, if the mortgage broker, whether or not acting as such:

13 (1) Is insolvent;

14 (2) Is grossly negligent or incompetent in performing any act for which the
15 mortgage broker is required to be licensed pursuant to the provisions of this
16 chapter;

17 (3) Does not conduct his or her business in accordance with law or has
18 violated any provision of this chapter, a regulation adopted pursuant to this chapter
19 or an order of the Commissioner;

20 (4) Is in such financial condition that the mortgage broker cannot continue
21 in business with safety to his or her customers;

22 (5) Has made a material misrepresentation in connection with any
23 transaction governed by this chapter;

24 (6) Has suppressed or withheld from a client any material facts, data or
25 other information relating to any transaction governed by the provisions of this
26 chapter which the mortgage broker knew or, by the exercise of reasonable
27 diligence, should have known;

28 (7) Has knowingly made or caused to be made to the Commissioner any
29 false representation of material fact or has suppressed or withheld from the
30 Commissioner any information which the mortgage broker possesses and which, if
31 submitted by the mortgage broker, would have rendered the mortgage broker
32 ineligible to be licensed pursuant to the provisions of this chapter;

33 (8) Has failed to account to persons interested for all money received for a
34 trust account;

35 (9) Has refused to permit an examination by the Commissioner of his or
36 her books and affairs or has refused or failed, within a reasonable time, to furnish
37 any information or make any report that may be required by the Commissioner
38 pursuant to the provisions of this chapter or a regulation adopted pursuant to this
39 chapter;

40 (10) Has been convicted of, or entered or agreed to enter a plea of guilty or
41 nolo contendere to, a felony in a domestic, foreign or military court within the 7
42 years immediately preceding the date of the application, or at any time if such
43 felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or
44 money laundering;

45 (11) Has refused or failed to pay, within a reasonable time, any fees,
46 assessments, costs or expenses that the mortgage broker is required to pay pursuant
47 to this chapter or a regulation adopted pursuant to this chapter;

48 (12) Has failed to satisfy a claim made by a client which has been reduced
49 to judgment;

50 (13) Has failed to account for or to remit any money of a client within a
51 reasonable time after a request for an accounting or remittal;

52 (14) Has commingled the money or other property of a client with his or
53 her own or has converted the money or property of others to his or her own use;

1 (15) Has engaged in any other conduct constituting a deceitful, fraudulent
2 or dishonest business practice;

3 (16) Has repeatedly violated the policies and procedures of the mortgage
4 broker;

5 (17) Has failed to exercise reasonable supervision and control over the
6 activities of a mortgage agent as required by NRS 645B.460;

7 (18) Has instructed a mortgage agent to commit an act that would be cause
8 for the revocation of the license of the mortgage broker, whether or not the
9 mortgage agent commits the act;

10 (19) Has employed a person as a mortgage agent or authorized a person to
11 be associated with the mortgage broker as a mortgage agent at a time when the
12 mortgage broker knew or, in light of all the surrounding facts and circumstances,
13 reasonably should have known that the person:

14 (I) Had been convicted of, or entered or agreed to enter a plea of guilty
15 or nolo contendere to, a felony in a domestic, foreign or military court within the 7
16 years immediately preceding the date of application, or at any time if such felony
17 involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money
18 laundering; or

19 (II) Had a license or registration as a mortgage agent, mortgage banker,
20 mortgage broker or residential mortgage loan originator revoked in this State or any
21 other jurisdiction or had a financial services license or registration revoked within
22 the immediately preceding 10 years;

23 (20) Has violated NRS 645C.557;

24 (21) Has failed to pay a tax as required pursuant to the provisions of
25 chapter 363A of NRS ~~or~~ or sections 2 to 61, inclusive, of this act; or

26 (22) Has, directly or indirectly, paid any commission, fees, points or any
27 other compensation as remuneration for the services of a mortgage agent to a
28 person other than a mortgage agent who:

29 (I) Is an employee of or associated with the mortgage broker; or

30 (II) If the mortgage agent is required to register with the Registry, is an
31 employee of and whose sponsorship has been entered with the Registry by the
32 mortgage broker as required by subsection 2 of NRS 645B.450.

33 (c) For each violation committed by a mortgage agent, the Commissioner may
34 impose upon the mortgage agent an administrative fine of not more than \$25,000,
35 may suspend, revoke or place conditions upon the mortgage agent's license, or may
36 do both, if the mortgage agent, whether or not acting as such:

37 (1) Is grossly negligent or incompetent in performing any act for which the
38 mortgage agent is required to be licensed pursuant to the provisions of this chapter;

39 (2) Has made a material misrepresentation in connection with any
40 transaction governed by this chapter;

41 (3) Has suppressed or withheld from a client any material facts, data or
42 other information relating to any transaction governed by the provisions of this
43 chapter which the mortgage agent knew or, by the exercise of reasonable diligence,
44 should have known;

45 (4) Has knowingly made or caused to be made to the Commissioner any
46 false representation of material fact or has suppressed or withheld from the
47 Commissioner any information which the mortgage agent possesses and which, if
48 submitted by the mortgage agent, would have rendered the mortgage agent
49 ineligible to be licensed pursuant to the provisions of this chapter;

50 (5) Has been convicted of, or entered or agreed to enter a plea of guilty or
51 nolo contendere to, a felony in a domestic, foreign or military court within the 7
52 years immediately preceding the date of the application, or at any time if such

1 felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or
2 money laundering;

3 (6) Has failed to account for or to remit any money of a client within a
4 reasonable time after a request for an accounting or remittal;

5 (7) Has commingled the money or other property of a client with his or her
6 own or has converted the money or property of others to his or her own use;

7 (8) Has engaged in any other conduct constituting a deceitful, fraudulent or
8 dishonest business practice;

9 (9) Has violated NRS 645C.557;

10 (10) Has repeatedly violated the policies and procedures of the mortgage
11 broker with whom the mortgage agent is associated or by whom he or she is
12 employed;

13 (11) Has, directly or indirectly, received any commission, fees, points or
14 any other compensation as remuneration for his or her services as a mortgage agent:

15 (I) From a person other than the mortgage broker with whom the
16 mortgage agent is associated or by whom he or she is employed; or

17 (II) If the mortgage agent is required to be registered with the Registry,
18 from a person other than the mortgage broker by whom the mortgage agent is
19 employed and on whose behalf sponsorship was entered as required by subsection 2
20 of NRS 645B.450; or

21 (12) Has violated any provision of this chapter, a regulation adopted
22 pursuant to this chapter or an order of the Commissioner or has assisted or offered
23 to assist another person to commit such a violation.

24 2. This section does not prohibit the co-brokering of a commercial loan
25 through the cooperation of two or more mortgage brokers so long as such a
26 transaction is not inconsistent with any other provision of this chapter.

27 **Sec. 84. NRS 645E.300 is hereby amended to read as follows:**

28 645E.300 1. Subject to the administrative control of the Director of the
29 Department of Business and Industry, the Commissioner shall exercise general
30 supervision and control over mortgage bankers doing business in this State.

31 2. In addition to the other duties imposed upon him or her by law, the
32 Commissioner shall:

33 (a) Adopt regulations establishing reasonable limitations and guidelines on
34 loans made by a mortgage banker to a director, officer or employee of the mortgage
35 banker.

36 (b) Adopt any other regulations that are necessary to carry out the provisions of
37 this chapter, except as to loan fees.

38 (c) Conduct such investigations as may be necessary to determine whether any
39 person has violated any provision of this chapter, a regulation adopted pursuant to
40 this chapter or an order of the Commissioner.

41 (d) Except as otherwise provided in subsection 4, conduct an annual
42 examination of each mortgage banker doing business in this State.

43 (e) Conduct such other examinations, periodic or special audits, investigations
44 and hearings as may be necessary for the efficient administration of the laws of this
45 State regarding mortgage bankers.

46 (f) Classify as confidential certain records and information obtained by the
47 Division when those matters are obtained from a governmental agency upon the
48 express condition that they remain confidential. This paragraph does not limit
49 examination by:

50 (1) The Legislative Auditor; or

51 (2) The Department of Taxation if necessary to carry out the provisions of
52 chapter 363A of NRS, **and sections 2 to 61, inclusive, of this act.**

1 (g) Conduct such examinations and investigations as are necessary to ensure
2 that mortgage bankers meet the requirements of this chapter for obtaining a license,
3 both at the time of the application for a license and thereafter on a continuing basis.

4 3. For each special audit, investigation or examination, a mortgage banker
5 shall pay a fee based on the rate established pursuant to NRS 645F.280.

6 4. The Commissioner may conduct biennial examinations of a mortgage
7 banker instead of annual examinations, as described in paragraph (d) of subsection
8 2, if the mortgage banker:

9 (a) Received a rating in the last annual examination that meets a threshold
10 determined by the Commissioner;

11 (b) Has not had any adverse change in financial condition since the last annual
12 examination, as shown by financial statements of the mortgage banker; and

13 (c) Has not had any complaints received by the Division that resulted in any
14 administrative action by the Division.

15 **Sec. 85. NRS 645E.670 is hereby amended to read as follows:**

16 645E.670 1. For each violation committed by an applicant, whether or not
17 the applicant is issued a license, the Commissioner may impose upon the applicant
18 an administrative fine of not more than \$25,000 if the applicant:

19 (a) Has knowingly made or caused to be made to the Commissioner any false
20 representation of material fact;

21 (b) Has suppressed or withheld from the Commissioner any information which
22 the applicant possesses and which, if submitted by the applicant, would have
23 rendered the applicant ineligible to be licensed pursuant to the provisions of this
24 chapter; or

25 (c) Has violated any provision of this chapter, a regulation adopted pursuant to
26 this chapter or an order of the Commissioner in completing and filing his or her
27 application for a license or during the course of the investigation of his or her
28 application for a license.

29 2. For each violation committed by a licensee, the Commissioner may impose
30 upon the licensee an administrative fine of not more than \$25,000, may suspend,
31 revoke or place conditions upon the license, or may do both, if the licensee,
32 whether or not acting as such:

33 (a) Is insolvent;

34 (b) Is grossly negligent or incompetent in performing any act for which the
35 licensee is required to be licensed pursuant to the provisions of this chapter;

36 (c) Does not conduct his or her business in accordance with law or has violated
37 any provision of this chapter, a regulation adopted pursuant to this chapter or an
38 order of the Commissioner;

39 (d) Is in such financial condition that the licensee cannot continue in business
40 with safety to his or her customers;

41 (e) Has made a material misrepresentation in connection with any transaction
42 governed by this chapter;

43 (f) Has suppressed or withheld from a client any material facts, data or other
44 information relating to any transaction governed by the provisions of this chapter
45 which the licensee knew or, by the exercise of reasonable diligence, should have
46 known;

47 (g) Has knowingly made or caused to be made to the Commissioner any false
48 representation of material fact or has suppressed or withheld from the
49 Commissioner any information which the licensee possesses and which, if
50 submitted by the licensee, would have rendered the licensee ineligible to be
51 licensed pursuant to the provisions of this chapter;

52 (h) Has failed to account to persons interested for all money received for a trust
53 account;

1 (i) Has refused to permit an examination by the Commissioner of his or her
2 books and affairs or has refused or failed, within a reasonable time, to furnish any
3 information or make any report that may be required by the Commissioner pursuant
4 to the provisions of this chapter or a regulation adopted pursuant to this chapter;

5 (j) Has been convicted of, or entered or agreed to enter a plea of nolo
6 contendere to, a felony in a domestic, foreign or military court within the 7 years
7 immediately preceding the date of the application, or at any time if such felony
8 involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money
9 laundering;

10 (k) Has refused or failed to pay, within a reasonable time, any fees,
11 assessments, costs or expenses that the licensee is required to pay pursuant to this
12 chapter or a regulation adopted pursuant to this chapter;

13 (l) Has failed to pay a tax as required pursuant to the provisions of chapter
14 363A of NRS, **or sections 2 to 61, inclusive, of this act;**

15 (m) Has failed to satisfy a claim made by a client which has been reduced to
16 judgment;

17 (n) Has failed to account for or to remit any money of a client within a
18 reasonable time after a request for an accounting or remittal;

19 (o) Has violated NRS 645C.557;

20 (p) Has commingled the money or other property of a client with his or her
21 own or has converted the money or property of others to his or her own use; or

22 (q) Has engaged in any other conduct constituting a deceitful, fraudulent or
23 dishonest business practice.

24 3. An order that imposes discipline and the findings of fact and conclusions of
25 law supporting that order are public records.

26 **Sec. 86. NRS 658.151 is hereby amended to read as follows:**

27 658.151 1. The Commissioner may forthwith take possession of the
28 business and property of any depository institution to which this title or title 56 of
29 NRS applies when it appears that the depository institution:

30 (a) Has violated its charter or any laws applicable thereto.

31 (b) Is conducting its business in an unauthorized or unsafe manner.

32 (c) Is in an unsafe or unsound condition to transact its business.

33 (d) Has an impairment of its stockholders' or members' equity.

34 (e) Has refused to pay its depositors in accordance with the terms on which
35 such deposits were received, or has refused to pay its holders of certificates of
36 indebtedness or investment in accordance with the terms upon which those
37 certificates of indebtedness or investment were sold.

38 (f) Has become or is in imminent danger of becoming otherwise insolvent.

39 (g) Has neglected or refused to comply with the terms of a lawful order of the
40 Commissioner.

41 (h) Has refused, upon proper demand, to submit its records, affairs and
42 concerns for inspection and examination of an appointed or authorized examiner of
43 the Commissioner.

44 (i) Has made a voluntary assignment of its assets to trustees.

45 (j) Has failed to pay a tax as required pursuant to the provisions of chapter
46 363A of NRS, **or sections 2 to 61, inclusive, of this act.**

47 2. The Commissioner also may forthwith take possession of the business and
48 property of any depository institution to which this title or title 56 of NRS applies
49 when it appears that the officers of the depository institution have refused to be
50 examined upon oath regarding its affairs.

51 **Sec. 87. NRS 665.133 is hereby amended to read as follows:**

52 665.133 1. The records and information described in NRS 665.130 may be
53 disclosed to:

1 (a) An agency of the Federal Government or of another state which regulates
2 the financial institution which is the subject of the records or information;

3 (b) The Director of the Department of Business and Industry for the Director's
4 confidential use;

5 (c) The State Board of Finance for its confidential use, if the report or other
6 information is necessary for the State Board of Finance to perform its duties under
7 this title;

8 (d) The Department of Taxation for its use in carrying out the provisions of
9 chapter 363A of NRS, and the chapter consisting of sections 2 to 61, inclusive,
10 of this act;

11 (e) An entity which insures or guarantees deposits;

12 (f) A public officer authorized to investigate criminal charges in connection
13 with the affairs of the depository institution;

14 (g) A person preparing a proposal for merging with or acquiring an institution
15 or holding company, but only after notice of the disclosure has been given to the
16 institution or holding company;

17 (h) Any person to whom the subject of the report has authorized the disclosure;

18 (i) Any other person if the Commissioner determines, after notice and
19 opportunity for hearing, that disclosure is in the public interest and outweighs any
20 potential harm to the depository institution and its stockholders, members,
21 depositors and creditors; and

22 (j) Any court in a proceeding initiated by the Commissioner concerning the
23 financial institution.

24 2. All the reports made available pursuant to this section remain the property
25 of the Division of Financial Institutions, and no person, agency or authority to
26 whom the reports are made available, or any officer, director or employee thereof,
27 may disclose any of the reports or any information contained therein, except in
28 published statistical material that does not disclose the affairs of any natural person
29 or corporation.

30 **Sec. 88. NRS 669.275 is hereby amended to read as follows:**

31 669.275 1. The Commissioner may require a licensee to provide an audited
32 financial statement prepared by an independent certified public accountant licensed
33 to do business in this State.

34 2. On the fourth Monday in January of each year, each licensee shall submit
35 to the Commissioner a list of stockholders required to be maintained pursuant to
36 paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be
37 maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by
38 the president or a manager, as appropriate.

39 3. The list of members required to be maintained pursuant to paragraph (a) of
40 subsection 1 of NRS 86.241 must include the percentage of each member's interest
41 in the company, in addition to the requirements set forth in that section.

42 4. Except as otherwise provided in NRS 239.0115, any document submitted
43 pursuant to this section is confidential. This subsection does not limit the
44 examination of any document by the Department of Taxation if necessary to
45 carry out the provisions of sections 2 to 61, inclusive, of this act.

46 **Sec. 89. NRS 669.2825 is hereby amended to read as follows:**

47 669.2825 1. The Commissioner may institute disciplinary action or
48 forthwith initiate proceedings to take possession of the business and property of any
49 retail trust company when it appears that the retail trust company:

50 (a) Has violated its charter or any state or federal laws applicable to the
51 business of a trust company.

52 (b) Is conducting its business in an unauthorized or unsafe manner.

53 (c) Is in an unsafe or unsound condition to transact its business.

- 1 (d) Has an impairment of its stockholders' equity.
- 2 (e) Has refused to pay or transfer account assets to its account holders as
- 3 required by the terms of the accounts' governing instruments.
- 4 (f) Has become insolvent.
- 5 (g) Has neglected or refused to comply with the terms of a lawful order of the
- 6 Commissioner.
- 7 (h) Has refused, upon proper demand, to submit its records, affairs and
- 8 concerns for inspection and examination of an appointed or authorized examiner of
- 9 the Commissioner.
- 10 (i) Has made a voluntary assignment of its assets to receivers, conservators,
- 11 trustees or creditors without complying with NRS 669.230.
- 12 (j) Has failed to pay a tax as required pursuant to the provisions of chapter
- 13 363A of NRS ++ or sections 2 to 61, inclusive, of this act.
- 14 (k) Has materially and willfully breached its fiduciary duties to its customers.
- 15 (l) Has failed to properly disclose all fees, interest and other charges to its
- 16 customers.
- 17 (m) Has willfully engaged in material conflicts of interest regarding a
- 18 customer's account.
- 19 (n) Has made intentional material misrepresentations regarding any aspect of
- 20 the services performed or proposed to be performed by the retail trust company.
- 21 2. The Commissioner also may forthwith initiate proceedings to take
- 22 possession of the business and property of any trust company when it appears that
- 23 the officers of the trust company have refused to be examined upon oath regarding
- 24 its affairs.
- 25 **Sec. 90. NRS 669.2847 is hereby amended to read as follows:**
- 26 669.2847 1. If the Commissioner has reason to believe that grounds for
- 27 revocation or suspension of a license exist, the Commissioner shall give at least 20
- 28 days' written notice to the licensee stating the contemplated action and, in general,
- 29 the grounds therefor and set a date for a hearing.
- 30 2. At the conclusion of a hearing, the Commissioner shall:
- 31 (a) Enter a written order dismissing the charges, revoking the license or
- 32 suspending the license for a period of not more than 60 days, which period must
- 33 include any prior temporary suspension. The Commissioner shall send a copy of the
- 34 order to the licensee by registered or certified mail.
- 35 (b) Impose upon the licensee an administrative fine of not more than \$10,000
- 36 for each violation by the licensee of any provision of this chapter or any regulation
- 37 adopted pursuant thereto.
- 38 (c) If a fine is imposed pursuant to this section, enter such order as is necessary
- 39 to recover the costs of the proceeding, including his or her investigative costs and
- 40 attorney's fees.
- 41 3. The grounds for revocation or suspension of a license are that:
- 42 (a) The licensee has failed to pay the annual license fee;
- 43 (b) The licensee, either knowingly or without any exercise of due care to
- 44 prevent it, has violated any provision of this chapter or any regulation adopted
- 45 pursuant thereto or any lawful order of the Division of Financial Institutions;
- 46 (c) The licensee has failed to pay a tax as required pursuant to the provisions of
- 47 chapter 363A of NRS ++ or sections 2 to 61, inclusive, of this act;
- 48 (d) Any fact or condition exists which would have justified the Commissioner
- 49 in denying the licensee's original application for a license pursuant to the
- 50 provisions of this chapter; or
- 51 (e) The licensee:
- 52 (1) Failed to open an office for the conduct of the business authorized by
- 53 his or her license within 180 days after the date the license was issued; or

1 (2) Has failed to remain open for the conduct of the business for a period
2 of 30 days without good cause therefor.

3 4. An order suspending or revoking a license becomes effective 5 days after
4 being entered unless the order specifies otherwise or a stay is granted.

5 **Sec. 91. NRS 669.285 is hereby amended to read as follows:**

6 669.285 Except as otherwise provided in NRS 239.0115, any application and
7 personal or financial records submitted by a person pursuant to the provisions of
8 this chapter and any personal or financial records or other documents obtained by
9 the Division of Financial Institutions pursuant to an examination or audit conducted
10 by the Division are confidential and may be disclosed only to:

11 1. The Division, any authorized employee of the Division and any state or
12 federal agency investigating the activities covered under the provisions of this
13 chapter; ~~and~~

14 2. **The Department of Taxation for its use in carrying out the provisions of**
15 **sections 2 to 61, inclusive, of this act; and**

16 3. Any person when the Commissioner, in the Commissioner's discretion,
17 determines that the interests of the public that would be protected by disclosure
18 outweigh the interest of any person in the confidential information not being
19 disclosed.

20 **Sec. 92. NRS 669A.310 is hereby amended to read as follows:**

21 669A.310 1. Except as otherwise provided in this section, any application
22 and personal or financial records submitted by a person pursuant to the provisions
23 of this chapter, any personal or financial records or other documents obtained by
24 the Division of Financial Institutions pursuant to an examination or audit conducted
25 by the Division pursuant to this chapter and any other private information relating
26 to a family trust company are confidential and may be disclosed only to:

27 (a) The Division, any authorized employee of the Division and a state or
28 federal agency investigating activities regulated pursuant to this chapter; ~~and~~

29 (b) **The Department of Taxation for its use in carrying out the provisions of**
30 **sections 2 to 61, inclusive, of this act; and**

31 **(c)** Any other person if the Commissioner, in the Commissioner's discretion,
32 determines that the interests of the public in disclosing the information outweigh
33 the interests of the person about whom the information pertains in not disclosing
34 the information.

35 2. The Commissioner shall give to the family trust company to which the
36 information relates 10-days' prior written notice of intent to disclose confidential
37 information directly or indirectly to a person pursuant to paragraph ~~(b)~~ **(c)**
38 subsection 1. Any family trust company which receives such a notice may object to
39 the disclosure of the confidential information and will be afforded the right to a
40 hearing in accordance with the provisions of chapter 233B of NRS. If a family trust
41 company requests a hearing, the Commissioner may not reveal confidential
42 information prior to the conclusion of the hearing and a ruling. Prior to
43 dissemination of any confidential information, the Commissioner shall require a
44 written agreement not to reveal the confidential information by the party receiving
45 the confidential information. In no event shall the Commissioner disclose
46 confidential information to the general public, any competitor or any potential
47 competitor of a family trust company.

48 3. Nothing in this chapter is intended to preclude a law enforcement officer
49 from gaining access to otherwise confidential records by subpoena, court order,
50 search warrant or other lawful means. Notwithstanding any other provision of this
51 chapter, the Commissioner shall have the ability to share information with other out
52 of state or federal regulators with whom the Department of Business and Industry
53 has an agreement regarding the sharing of information. Nothing in this chapter is

1 intended to preclude any agency of this State from gaining access to otherwise
2 confidential records in accordance with any applicable law.

3 **Sec. 93. NRS 673.484 is hereby amended to read as follows:**

4 673.484 The Commissioner may after notice and hearing suspend or revoke
5 the charter of any association for:

6 1. Repeated failure to abide by the provisions of this chapter or the
7 regulations adopted thereunder.

8 2. Failure to pay a tax as required pursuant to the provisions of chapter 363A
9 of NRS, **or sections 2 to 61, inclusive, of this act.**

10 **Sec. 94. NRS 675.440 is hereby amended to read as follows:**

11 675.440 1. If the Commissioner has reason to believe that grounds for
12 revocation or suspension of a license exist, he or she shall give 20 days' written
13 notice to the licensee stating the contemplated action and, in general, the grounds
14 therefor and set a date for a hearing.

15 2. At the conclusion of a hearing, the Commissioner shall:

16 (a) Enter a written order either dismissing the charges, revoking the license, or
17 suspending the license for a period of not more than 60 days, which period must
18 include any prior temporary suspension. A copy of the order must be sent by
19 registered or certified mail to the licensee.

20 (b) Impose upon the licensee an administrative fine of not more than \$10,000
21 for each violation by the licensee of any provision of this chapter or any lawful
22 regulation adopted under it.

23 (c) If a fine is imposed pursuant to this section, enter such order as is necessary
24 to recover the costs of the proceeding, including his or her investigative costs and
25 attorney's fees.

26 3. The grounds for revocation or suspension of a license are that:

27 (a) The licensee has failed to pay the annual license fee;

28 (b) The licensee, either knowingly or without any exercise of due care to
29 prevent it, has violated any provision of this chapter or any lawful regulation
30 adopted under it;

31 (c) The licensee has failed to pay a tax as required pursuant to the provisions of
32 chapter 363A of NRS, **or sections 2 to 61, inclusive, of this act;**

33 (d) Any fact or condition exists which would have justified the Commissioner
34 in denying the licensee's original application for a license hereunder; or

35 (e) The applicant failed to open an office for the conduct of the business
36 authorized under this chapter within 120 days after the date the license was issued,
37 or has failed to remain open for the conduct of the business for a period of 120 days
38 without good cause therefor.

39 4. Any revocation or suspension applies only to the license granted to a
40 person for the particular office for which grounds for revocation or suspension
41 exist.

42 5. An order suspending or revoking a license becomes effective 5 days after
43 being entered unless the order specifies otherwise or a stay is granted.

44 **Sec. 95. NRS 677.510 is hereby amended to read as follows:**

45 677.510 1. If the Commissioner has reason to believe that grounds for
46 revocation or suspension of a license exist, he or she shall give 20 days' written
47 notice to the licensee stating the contemplated action and, in general, the grounds
48 therefor and set a date for a hearing.

49 2. At the conclusion of a hearing, the Commissioner shall:

50 (a) Enter a written order either dismissing the charges, or revoking the license,
51 or suspending the license for a period of not more than 60 days, which period must
52 include any prior temporary suspension. A copy of the order must be sent by
53 registered or certified mail to the licensee.

1 (b) Impose upon the licensee an administrative fine of not more than \$10,000
2 for each violation by the licensee of any provision of this chapter or any lawful
3 regulation adopted pursuant thereto.

4 (c) If a fine is imposed pursuant to this section, enter such order as is necessary
5 to recover the costs of the proceeding, including his or her investigative costs and
6 attorney's fees.

7 3. The grounds for revocation or suspension of a license are that:

8 (a) The licensee has failed to pay the annual license fee;

9 (b) The licensee, either knowingly or without any exercise of due care to
10 prevent it, has violated any provision of this chapter, or any lawful regulation
11 adopted pursuant thereto;

12 (c) The licensee has failed to pay a tax as required pursuant to the provisions of
13 chapter 363A of NRS ~~+~~ or sections 2 to 61, inclusive, of this act;

14 (d) Any fact or condition exists which would have justified the Commissioner
15 in denying the licensee's original application for a license hereunder; or

16 (e) The applicant failed to open an office for the conduct of the business
17 authorized under this chapter within 120 days after the date the license was issued,
18 or has failed to remain open for the conduct of the business for a period of 120 days
19 without good cause therefor.

20 4. Any revocation or suspension applies only to the license granted to a
21 person for the particular office for which grounds for revocation or suspension
22 exist.

23 5. An order suspending or revoking a license becomes effective 5 days after
24 being entered unless the order specifies otherwise or a stay is granted.

25 **Sec. 96. NRS 680B.037 is hereby amended to read as follows:**

26 680B.037 ~~(Payment)~~

27 1. Except as otherwise provided in subsection 2, payment by an insurer of
28 the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any
29 city, town or county upon premiums or upon income of insurers and of franchise,
30 privilege or other taxes measured by income of the insurer.

31 2. The provisions of subsection 1 do not apply to the commerce tax imposed
32 pursuant to the provisions of sections 2 to 61, inclusive, of this act.

33 **Sec. 97. NRS 683A.451 is hereby amended to read as follows:**

34 683A.451 The Commissioner may refuse to issue a license or certificate
35 pursuant to this chapter or may place any person to whom a license or certificate is
36 issued pursuant to this chapter on probation, suspend the person for not more than
37 12 months, or revoke or refuse to renew his or her license or certificate, or may
38 impose an administrative fine or take any combination of the foregoing actions, for
39 one or more of the following causes:

40 1. Providing incorrect, misleading, incomplete or partially untrue information
41 in his or her application for a license.

42 2. Violating a law regulating insurance, or violating a regulation, order or
43 subpoena of the Commissioner or an equivalent officer of another state.

44 3. Obtaining or attempting to obtain a license through misrepresentation or
45 fraud.

46 4. Misappropriating, converting or improperly withholding money or property
47 received in the course of the business of insurance.

48 5. Intentionally misrepresenting the terms of an actual or proposed contract of
49 or application for insurance.

50 6. Conviction of a felony.

51 7. Admitting or being found to have committed an unfair trade practice or
52 fraud.

1 8. Using fraudulent, coercive or dishonest practices, or demonstrated
2 incompetence, untrustworthiness or financial irresponsibility in the conduct of
3 business in this State or elsewhere.

4 9. Denial, suspension or revocation of a license as a producer of insurance, or
5 its equivalent, in any other state, territory or province.

6 10. Forging another's name to an application for insurance or any other
7 document relating to the transaction of insurance.

8 11. Improperly using notes or other reference material to complete an
9 examination for a license related to insurance.

10 12. Knowingly accepting business related to insurance from an unlicensed
11 person.

12 13. Failing to comply with an administrative or judicial order imposing an
13 obligation of child support.

14 14. Failing to pay a tax as required pursuant to the provisions of chapter 363A
15 of NRS, or sections 2 to 61, inclusive, of this act.

16 **Sec. 98. NRS 686C.360 is hereby amended to read as follows:**

17 686C.360 The Association is exempt from payment of all fees and all taxes
18 levied by this state or any of its political subdivisions, except taxes on property, or
19 and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

20 **Sec. 99. NRS 687A.130 is hereby amended to read as follows:**

21 687A.130 The Association is exempt from payment of all fees and all taxes
22 levied by this State or any of its subdivisions, except taxes:

23 1. Levied on real or personal property; or

24 2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS, or
25 sections 2 to 61, inclusive, of this act.

26 **Sec. 100. NRS 688C.210 is hereby amended to read as follows:**

27 688C.210 1. After notice, and after a hearing if requested, the
28 Commissioner may suspend, revoke, refuse to issue or refuse to renew a license
29 under this chapter if the Commissioner finds that:

30 (a) There was material misrepresentation in the application for the license;

31 (b) The licensee or an officer, partner, member or significant managerial
32 employee has been convicted of fraudulent or dishonest practices, is subject to a
33 final administrative action for disqualification, or is otherwise shown to be
34 untrustworthy or incompetent;

35 (c) A provider of viatical settlements has engaged in a pattern of unreasonable
36 payments to viators;

37 (d) The applicant or licensee has been found guilty or guilty but mentally ill of,
38 or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a
39 misdemeanor involving fraud, forgery, embezzlement, obtaining money under false
40 pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral
41 turpitude, whether or not a judgment of conviction has been entered by the court;

42 (e) A provider of viatical settlements has entered into a viatical settlement in a
43 form not approved pursuant to NRS 688C.220;

44 (f) A provider of viatical settlements has failed to honor obligations of a
45 viatical settlement or an agreement to purchase a viatical settlement;

46 (g) The licensee no longer meets a requirement for initial licensure;

47 (h) A provider of viatical settlements has assigned, transferred or pledged a
48 viated policy to a person other than another provider licensed under this chapter,
49 a purchaser of the viatical settlement or a special organization;

50 (i) The applicant or licensee has provided materially untrue information to an
51 insurer that issued a policy that is the subject of a viatical settlement;

52 (j) The applicant or licensee has failed to pay a tax as required pursuant to the
53 provisions of chapter 363A of NRS, or sections 2 to 61, inclusive, of this act;

1 (k) The applicant or licensee has violated a provision of this chapter or other
2 applicable provisions; or

3 (l) The applicant or licensee has acted in bad faith with regard to a viator.

4 2. A suspension imposed for grounds set forth in paragraph (k) or (l) of
5 subsection 1 must not exceed a period of 12 months.

6 3. If the Commissioner takes action as described in subsection 1, the applicant
7 or licensee may apply in writing for a hearing before the Commissioner to
8 determine the reasonableness of the action taken by the Commissioner, pursuant to
9 the provisions of NRS 679B.310 to 679B.370, inclusive.

10 **Sec. 101. NRS 694C.450 is hereby amended to read as follows:**

11 694C.450 1. Except as otherwise provided in this section, a captive insurer
12 shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

13 (a) Two-fifths of 1 percent on the first \$20,000,000 of its net direct premiums;

14 (b) One-fifth of 1 percent on the next \$20,000,000 of its net direct premiums;
15 and

16 (c) Seventy-five thousandths of 1 percent on each additional dollar of its net
17 direct premiums.

18 2. Except as otherwise provided in this section, a captive insurer shall pay to
19 the Division, not later than March 1 of each year, a tax at a rate of:

20 (a) Two hundred twenty-five thousandths of 1 percent on the first \$20,000,000
21 of revenue from assumed reinsurance premiums;

22 (b) One hundred fifty thousandths of 1 percent on the next \$20,000,000 of
23 revenue from assumed reinsurance premiums; and

24 (c) Twenty-five thousandths of 1 percent on each additional dollar of revenue
25 from assumed reinsurance premiums.

26 ➤ The tax on reinsurance premiums pursuant to this subsection must not be levied
27 on premiums for risks or portions of risks which are subject to taxation on a direct
28 basis pursuant to subsection 1. A captive insurer is not required to pay any
29 reinsurance premium tax pursuant to this subsection on revenue related to the
30 receipt of assets by the captive insurer in exchange for the assumption of loss
31 reserves and other liabilities of another insurer that is under common ownership and
32 control with the captive insurer, if the transaction is part of a plan to discontinue the
33 operation of the other insurer and the intent of the parties to the transaction is to
34 renew or maintain such business with the captive insurer.

35 3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to
36 subsections 1 and 2 is less than \$5,000 in any given year, the captive insurer shall
37 pay a tax of \$5,000 for that year. The maximum aggregate tax for any year must not
38 exceed \$175,000. The maximum aggregate tax to be paid by a sponsored captive
39 insurer applies only to each protected cell and does not apply to the sponsored
40 captive insurer as a whole.

41 4. Two or more captive insurers under common ownership and control must
42 be taxed as if they were a single captive insurer.

43 5. Notwithstanding any specific statute to the contrary and except as
44 otherwise provided in this subsection, the tax provided for by this section
45 constitutes all the taxes collectible pursuant to the laws of this State from a captive
46 insurer, and no occupation tax or other taxes may be levied or collected from a
47 captive insurer by this State or by any county, city or municipality within this State,
48 except for taxes imposed pursuant to chapter 363A or 363B of NRS **or sections 2 to**
49 **61, inclusive, of this act** and ad valorem taxes on real or personal property located
50 in this State used in the production of income by the captive insurer.

51 6. Twenty-five percent of the revenues collected from the tax imposed
52 pursuant to this section must be deposited with the State Treasurer for credit to the
53 Account for the Regulation and Supervision of Captive Insurers created pursuant to

1 NRS 694C.460. The remaining 75 percent of the revenues collected must be
2 deposited with the State Treasurer for credit to the State General Fund.

3 7. A captive insurer that is issued a license pursuant to this chapter after July
4 1, 2003, is entitled to receive a nonrefundable credit of \$5,000 applied against the
5 aggregate taxes owed by the captive insurer for the first year in which the captive
6 insurer incurs any liability for the payment of taxes pursuant to this section. A
7 captive insurer is entitled to a nonrefundable credit pursuant to this section not
8 more than once after the captive insurer is initially licensed pursuant to this chapter.

9 8. As used in this section, unless the context otherwise requires:

10 (a) "Common ownership and control" means:

11 (1) In the case of a stock insurer, the direct or indirect ownership of 80
12 percent or more of the outstanding voting stock of two or more corporations by the
13 same member or members.

14 (2) In the case of a mutual insurer, the direct or indirect ownership of 80
15 percent or more of the surplus and the voting power of two or more corporations by
16 the same member or members.

17 (b) "Net direct premiums" means the direct premiums collected or contracted
18 for on policies or contracts of insurance written by a captive insurer during the
19 preceding calendar year, less the amounts paid to policyholders as return premiums,
20 including dividends on unabsorbed premiums or premium deposits returned or
21 credited to policyholders.

22 **Sec. 102. NRS 695A.550 is hereby amended to read as follows:**

23 695A.550 Every society organized or licensed under this chapter is hereby
24 declared to be a charitable and benevolent institution, and is exempt from every
25 state, county, district, municipal and school tax other than the commerce tax
26 imposed pursuant to sections 2 to 61, inclusive, of this act and taxes on real
27 property and office equipment.

28 ~~[Sec. 6.]~~ **Sec. 103.** Section 16 of chapter 4, Statutes of Nevada 2008, 25th
29 Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page
30 3425, is hereby amended to read as follows:

31 Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act
32 become effective upon passage and approval.

33 2. Sections 6 to 12, inclusive, of this act become effective on January
34 1, 2009.

35 3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on
36 June 30, 2009.

37 4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

38 5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30,

39 ~~[2015.]~~ **2016.**

40 ~~[Sec. 7.]~~ **Sec. 104.** Section 20 of chapter 395, Statutes of Nevada 2009, as
41 last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby
42 amended to read as follows:

43 Sec. 20. 1. This section and section 19 of this act become effective
44 upon passage and approval.

45 2. Sections 1 and 2 of this act become effective on July 1, 2009.

46 3. Section 3 of this act becomes effective on July 1, 2009, and expires
47 by limitation on June 30, 2011.

48 4. Sections 6 to 12, inclusive, of this act become effective on July 1,
49 2009. ~~[, and expire by limitation on June 30, 2015.]~~

50 5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become
51 effective:

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

4 (b) On September 1, 2009, for all other purposes.

5 6. Sections 15.5 and 18.5 of this act become effective on July 1, ~~2015.~~

6 ~~2017.~~

7 7. Section 18 of this act expires by limitation on June 30, ~~2015.~~

8 ~~2017.~~

9 ~~Sec. 8.~~ **Sec. 105.** Section 17.5 of chapter 449, Statutes of Nevada 2011,
10 as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby
11 amended to read as follows:

12 Sec. 17.5. The amendatory provisions of section 12.7 of this act:

13 1. Do not apply to or affect any determination of gross yield or net
14 proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the
15 calendar year ~~2015.~~ **2016.**

16 2. Apply for the purposes of estimating and determining gross yield
17 and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the
18 calendar year ~~2016.~~ **2017** and each calendar year thereafter.

19 ~~Sec. 9.~~ **Sec. 106.** Section 19 of chapter 449, Statutes of Nevada 2011, as
20 amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to
21 read as follows:

22 Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to
23 18, inclusive, of this act become effective upon passage and approval.

24 2. Section 12.5 of this act becomes effective on January 1, 2012.

25 3. Section 12.7 of this act becomes effective on January 1, ~~2016.~~

26 ~~2017.~~

27 ~~Sec. 10.~~ Section 13 of chapter 476, Statutes of Nevada 2011, as amended by
28 chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as
29 follows:

30 ~~Sec. 13. The amendatory provisions of section 4 of this act:~~

31 ~~1. Do not apply to any taxes due for any period ending on or~~
32 ~~before June 30, 2011.;~~ and

33 ~~2. Except as otherwise provided in subsection 1 and notwithstanding~~
34 ~~the expiration of that section by limitation pursuant to section 17 of this act,~~
35 ~~apply to taxes due pursuant to NRS 362B.110 for each calendar quarter~~
36 ~~ending on or before June 30, 2015.;~~

37 ~~Sec. 11.~~ **Sec. 107.** Section 15 of chapter 476, Statutes of Nevada 2011, as
38 amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby
39 amended to read as follows:

40 Sec. 15. 1. When preparing its certificate of the tax due from a
41 taxpayer pursuant to NRS 362.130 during the calendar year ~~2016.~~ **2017,**
42 the Department of Taxation shall reduce the amount of the tax due from the
43 taxpayer by the amount of:

44 (a) Any estimated payments of the tax made by or on behalf of the
45 taxpayer during the calendar year ~~2015.~~ **2016** pursuant to NRS 362.115, as
46 that section read on January 1, ~~2015.~~ **2016;** and

47 (b) Any unused credit to which the taxpayer may be entitled as a result
48 of any previous overpayment of the tax.

49 2. Notwithstanding any provision of NRS 362.170 to the contrary:

50 (a) The amount appropriated to each county pursuant to that section for
51 distribution to the county during the calendar year ~~2016.~~ **2017** must be
52 reduced by the amount appropriated to the county pursuant to that section
53 for distribution to the county during the calendar year ~~2015.~~ **2016,**

1 excluding any portion of the amount appropriated to the county pursuant to
2 that section for distribution to the county during the calendar year ~~2015~~
3 **2016** which is attributable to a pro rata share of any penalties and interest
4 collected by the Department of Taxation for the late payment of taxes
5 distributed to the county.

6 (b) In calculating the amount required to be apportioned to each local
7 government or other local entity pursuant to subsection 2 of that section for
8 the calendar year ~~2016~~ **2017**, the county treasurer shall reduce the amount
9 required to be determined pursuant to paragraph (a) of that subsection for
10 that calendar year by the amount determined pursuant to that paragraph for
11 the calendar year ~~2015~~ **2016**.

12 ~~Sec. 12.~~ **Sec. 108.** Section 17 of chapter 476, Statutes of Nevada 2011, as
13 amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby
14 amended to read as follows:

15 Sec. 17. 1. This section and sections 1 and 7 to 16, inclusive, of this
16 act become effective upon passage and approval.

17 2. Sections 4.5, ~~and~~ **6** and 6.5 of this act become effective on July
18 1, 2011.

19 3. ~~Sections~~ **Section** 4 ~~and 6.5~~ of this act ~~become~~ **becomes**
20 effective on July 1, 2011 ~~if~~ and expire by limitation on June 30, 2015.

21 4. Section 5 of this act becomes effective on the date that the balance
22 of the separate account required by subsection 8 of NRS 408.235 is reduced
23 to zero.

24 ~~Sec. 13. Section 11 of chapter 518, Statutes of Nevada 2013, at page 3427, is~~
25 ~~hereby amended to read as follows:~~

26 ~~Sec. 11. The amendatory provisions of section 1 of this act:~~

27 ~~1. Do not apply to any taxes due for any period ending on or~~
28 ~~before June 30, 2013.;~~ ~~and~~

29 ~~2. Except as otherwise provided in subsection 1 and notwithstanding~~
30 ~~the expiration of that section by limitation pursuant to section 12 of this act,~~
31 ~~apply to taxes due pursuant to NRS 363B.110 for each calendar quarter~~
32 ~~ending on or before June 30, 2015.]~~

33 ~~Sec. 14. Section 12 of chapter 518, Statutes of Nevada 2013, at page 3428, is~~
34 ~~hereby amended to read as follows:~~

35 ~~Sec. 12. [1.] This act becomes effective upon passage and approval.~~

36 ~~[2. Section 1 of this act expires by limitation on June 30, 2015.]~~

37 ~~Sec. 14.5. 1. In addition to the information required by law to be included~~
38 ~~in an application for the issuance or renewal of a state business license, each~~
39 ~~application for the issuance or renewal of a state business license submitted on or~~
40 ~~after October 1, 2015, and before October 1, 2016, must include the following~~
41 ~~information:~~

42 ~~(a) The total dollar amount of revenue earned by each business conducted by~~
43 ~~the applicant during the immediately preceding federal tax year of the business~~
44 ~~from the sale of services used in this State or, if the applicant conducted no business~~
45 ~~in this State during the immediately preceding federal tax year, an estimate of the~~
46 ~~total dollar amount of revenue that the applicant will earn from the sale of services~~
47 ~~used in this State during the 12-month period commencing with the date the~~
48 ~~application is submitted.~~

49 ~~(b) The industry in which each business conducted by the applicant is primarily~~
50 ~~engaged.~~

51 ~~2. The agency responsible for administering the state business license shall~~
52 ~~collect the information required by subsection 1 in the manner that is least~~
53 ~~burdensome for the businesses required to submit such information.~~

~~3. Upon request, the agency responsible for administering the state business license shall provide the information collected pursuant to subsection 1 to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Department of Taxation.~~

~~4. The Fiscal Analysis Division and the Department of Taxation may analyze the information obtained pursuant to subsection 3 and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the agency responsible for administering the state business license pursuant to subsection 3. Any written report based on the information obtained pursuant to subsection 3 may include only aggregate information for statistical purposes and must exclude any identifying information related to a particular person or business.~~

~~5. Except as otherwise provided in subsections 3 and 4:~~

~~(a) If the information collected pursuant to subsection 1 is collected by the Secretary of State, the provisions of NRS 76.160 apply to the information.~~

~~(b) If the information collected pursuant to subsection 1 is collected by the Department of Taxation, the provisions of NRS 260.255 apply to the information.~~

~~(c) Any information obtained by the Fiscal Analysis Division pursuant to subsection 3 shall be deemed a work product that is confidential pursuant to NRS 218F.150.~~

~~6. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.]~~

Sec. 109. Section 4 of chapter 373, Statutes of Nevada 2013, at page 1992, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2013, and expires by limitation on June 30, ~~2015,~~ **2017.**

Sec. 110. Notwithstanding the provisions of sections 2 to 61, inclusive, of this act, the Department shall waive payment of any penalty or interest for a person's failure to timely file a report or pay the commerce tax pursuant to sections 2 to 61, inclusive, of this act for any failure to comply with the provisions of those sections, which occurs before February 15, 2017, regardless of when the Department makes the determination that the person failed to file a report or pay the commerce tax, if the failure:

1. Occurred despite the person's exercise of ordinary care; and

2. Was not intentional or the result of willful neglect.

Sec. 111. Any rate of the tax imposed by NRS 363A.130 or 363B.110 determined pursuant to section 62 of this act does not apply to any taxes due for any period ending on or before June 30 of the year in which the rate becomes effective.

~~[Sec. 15.]~~ **Sec. 112. The amendatory provisions of sections ~~1 and 2~~ 67 to 70, inclusive, of this act do not apply to taxes due for any period ending on or before June 30, 2015.**

~~[Sec. 16.]~~ **Sec. 113. 1. The amendatory provisions of sections ~~3~~ 71 and ~~5~~ 73 of this act apply to cigarettes to which a stamp is affixed on or after July 1, 2015, regardless of the date on which a wholesale dealer purchased the stamp from the Department of Taxation.**

2. As used in this section:

(a) "Stamp" has the meaning ascribed to it in NRS 370.048.

(b) "Wholesale dealer" has the meaning ascribed to it in NRS 370.055.

~~[Sec. 17.]~~ **Sec. 114. 1. This section and sections ~~6 to 14,~~ 103 to 112, inclusive, of this act become effective upon passage and approval.**

1 2. Sections 1 to ~~[5,]~~ 78, inclusive, ~~[15 and 16]~~ and 79 to 102, inclusive, of
2 this act become effective ~~[on]~~ ;

3 (a) Upon passage and approval for the or the purpose of performing any
4 preparatory administrative tasks that are necessary to carry out the provisions
5 of this act; and

6 (b) On July 1, 2015.

7 3. ~~[Section 14.5]~~ Sections 78.1 and 78.7 of this act ~~[becomes]~~ become
8 effective ~~[,]~~ .

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

12 ~~(b) On October]~~ on July 1, 2015, ~~[, for all other purposes.]~~

13 4. Sections 78.3 and 78.8 of this act become effective on July 1, 2016.

14 5. Sections 78.5 and 78.9 of this act become effective on July 1, 2017.