

Amendment No. 217

Senate Amendment to Senate Bill No. 398	(BDR 59-158)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

AAK/BJE



Date: 4/20/2017

S.B. No. 398—Establishes various provisions relating to the use of blockchain technology. (BDR 59-158)



SENATE BILL NO. 398—SENATOR KIECKHEFER

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Establishes various provisions relating to the use of blockchain technology. (BDR 59-158)

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

~

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

AN ACT relating to electronic transactions; recognizing ~~and authorizing the use of~~ blockchain technology ~~as~~ ***as a type of electronic record for the purposes of the Uniform Electronic Transactions Act***; prohibiting a local government from taxing or imposing restrictions upon the use of a blockchain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives legal recognition to electronic records, signatures and contracts that comply with certain requirements and allows an electronic record or signature to satisfy a requirement for a written record or signature in certain circumstances. (NRS 719.240-719.350) ~~Sections 2-10~~ ***Section 1*** of this bill ~~provide similarly for the legal recognition of the use of blockchain technology~~ ***defines the term "blockchain," and section 3 of this bill includes blockchain within the definition of electronic record*** for similar purposes. ~~Section 11~~ ***Sections 4 and 6*** of this bill ~~prohibit~~ ***prohibit*** a local government from: (1) imposing a tax or fee on the use of a blockchain; (2) requiring a certificate, license or permit to use a blockchain; and (3) imposing any other requirement relating to the use of a blockchain.

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

Delete existing sections 1 through 14 of this bill and replace with the following new sections 1 through 8:

Section 1. Chapter 719 of NRS is hereby amended by adding thereto a new section to read as follows:

"Blockchain" means an electronic record created by the use of a decentralized method by multiple parties to verify and store a digital record of transactions which is secured by the use of a cryptographic hash of previous transaction information.

Sec. 2. NRS 719.020 is hereby amended to read as follows:

1 719.020 As used in this chapter, unless the context otherwise requires, the
2 words and terms defined in NRS 719.030 to 719.180, inclusive, and section 1 of
3 this act have the meanings ascribed to them in those sections.

4 **Sec. 3. NRS 719.090 is hereby amended to read as follows:**

5 719.090 "Electronic record" means a record created, generated, sent,
6 communicated, received or stored by electronic means. The term includes, without
7 limitation, a blockchain.

8 **Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto a new**
9 **section to read as follows:**

10 **1. A board of county commissioners shall not:**

- 11 **(a) Impose any tax or fee on the use of a blockchain by any person or entity;**
12 **(b) Require any person or entity to obtain from the board of county**
13 **commissioners any certificate, license or permit to use a blockchain; or**
14 **(c) Impose any other requirement relating to the use of a blockchain by any**
15 **person or entity.**

16 **2. Nothing in this section prohibits a county from using a blockchain in the**
17 **performance of its powers or duties in a manner not inconsistent with the**
18 **provisions of chapter 719 of NRS.**

19 **3. As used in this section, "blockchain" has the meaning ascribed to it in**
20 **section 1 of this act.**

21 **Sec. 5. NRS 244.335 is hereby amended to read as follows:**

22 244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS
23 244.33501, and section 4 of this act, a board of county commissioners may:

24 (a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive,
25 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries,
26 occupations, professions and business conducted in its county outside of the limits
27 of incorporated cities and towns.

28 (b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose
29 and collect a license tax for revenue or for regulation, or for both revenue and
30 regulation, on such trades, callings, industries, occupations, professions and
31 business.

32 2. The county license boards have the exclusive power in their respective
33 counties to regulate entertainers employed by an entertainment by referral service
34 and the business of conducting a dancing hall, escort service, entertainment by
35 referral service or gambling game or device permitted by law, outside of an
36 incorporated city. The county license boards may fix, impose and collect license
37 taxes for revenue or for regulation, or for both revenue and regulation, on such
38 employment and businesses.

39 3. A board of county commissioners shall not require that a person who is
40 licensed as a contractor pursuant to chapter 624 of NRS obtain more than one
41 license to engage in the business of contracting or pay more than one license tax
42 related to engaging in the business of contracting, regardless of the number of
43 classifications or subclassifications of licensing for which the person is licensed
44 pursuant to chapter 624 of NRS.

45 4. The board of county commissioners or county license board shall not
46 require a person to obtain a license or pay a license tax on the sole basis that the
47 person is a professional. As used in this subsection, "professional" means a person
48 who:

49 (a) Holds a license, certificate, registration, permit or similar type of
50 authorization issued by a regulatory body as defined in NRS 622.060 or who is
51 regulated pursuant to the Nevada Supreme Court Rules; and

52 (b) Practices his or her profession for any type of compensation as an
53 employee.

1 5. The county license board shall provide upon request an application for a
2 state business registration pursuant to chapter 76 of NRS. No license to engage in
3 any type of business may be granted unless the applicant for the license:

4 (a) Signs an affidavit affirming that the business has complied with the
5 provisions of chapter 76 of NRS; or

6 (b) Provides to the county license board the business identification number of
7 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the
8 county may use to validate that the applicant is currently in good standing with the
9 State and has complied with the provisions of chapter 76 of NRS.

10 6. No license to engage in business as a seller of tangible personal property
11 may be granted unless the applicant for the license:

12 (a) Presents written evidence that:

13 (1) The Department of Taxation has issued or will issue a permit for this
14 activity, and this evidence clearly identifies the business by name; or

15 (2) Another regulatory agency of the State has issued or will issue a license
16 required for this activity; or

17 (b) Provides to the county license board the business identification number of
18 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the
19 county may use to validate that the applicant is currently in good standing with the
20 State and has complied with the provisions of paragraph (a).

21 7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to
22 244A.655, inclusive, constitutes a lien upon the real and personal property of the
23 business upon which the tax was levied until the tax is paid. The lien has the same
24 priority as a lien for general taxes. The lien must be enforced:

25 (a) By recording in the office of the county recorder, within 6 months after the
26 date on which the tax became delinquent or was otherwise determined to be due
27 and owing, a notice of the tax lien containing the following:

28 (1) The amount of tax due and the appropriate year;

29 (2) The name of the record owner of the property;

30 (3) A description of the property sufficient for identification; and

31 (4) A verification by the oath of any member of the board of county
32 commissioners or the county fair and recreation board; and

33 (b) By an action for foreclosure against the property in the same manner as an
34 action for foreclosure of any other lien, commenced within 2 years after the date of
35 recording of the notice of the tax lien, and accompanied by appropriate notice to
36 other lienholders.

37 8. The board of county commissioners may delegate the authority to enforce
38 liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive,
39 to the county fair and recreation board. If the authority is so delegated, the board of
40 county commissioners shall revoke or suspend the license of a business upon
41 certification by the county fair and recreation board that the license tax has become
42 delinquent, and shall not reinstate the license until the tax is paid. Except as
43 otherwise provided in NRS 239.0115 and 244.3357, all information concerning
44 license taxes levied by an ordinance authorized by this section or other information
45 concerning the business affairs or operation of any licensee obtained as a result of
46 the payment of such license taxes or as the result of any audit or examination of the
47 books by any authorized employee of a county fair and recreation board of the
48 county for any license tax levied for the purpose of NRS 244A.597 to 244A.655,
49 inclusive, is confidential and must not be disclosed by any member, officer or
50 employee of the county fair and recreation board or the county imposing the license
51 tax unless the disclosure is authorized by the affirmative action of a majority of the
52 members of the appropriate county fair and recreation board. Continuing disclosure

1 may be so authorized under an agreement with the Department of Taxation or
2 Secretary of State for the exchange of information concerning taxpayers.

3 **Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new**
4 **section to read as follows:**

5 **1. The city council or other governing body of an incorporated city, whether**
6 **organized under general law or special charter, shall not:**

7 **(a) Impose any tax or fee on the use of a blockchain by any person or entity;**
8 **(b) Require any person or entity to obtain from the incorporated city any**
9 **certificate, license or permit to use a blockchain; or**

10 **(c) Impose any other requirement relating to the use of a blockchain by any**
11 **person or entity.**

12 **2. Nothing in this section prohibits an incorporated city from using a**
13 **blockchain in the performance of its powers or duties in a manner not**
14 **inconsistent with the provisions of chapter 719 of NRS.**

15 **3. As used in this section, "blockchain" has the meaning ascribed to it in**
16 **section 1 of this act.**

17 **Sec. 7. NRS 268.095 is hereby amended to read as follows:**

18 268.095 1. Except as otherwise provided in subsection 4 and NRS
19 268.0951, **and section 6 of this act,** the city council or other governing body of
20 each incorporated city in this State, whether organized under general law or special
21 charter, may:

22 (a) Except as otherwise provided in subsection 2 and NRS 268.0968 and
23 576.128, fix, impose and collect for revenues or for regulation, or both, a license
24 tax on all character of lawful trades, callings, industries, occupations, professions
25 and businesses conducted within its corporate limits.

26 (b) Assign the proceeds of any one or more of such license taxes to the county
27 within which the city is situated for the purpose or purposes of making the proceeds
28 available to the county:

29 (1) As a pledge as additional security for the payment of any general
30 obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

31 (2) For redeeming any general obligation bonds issued pursuant to NRS
32 244A.597 to 244A.655, inclusive;

33 (3) For defraying the costs of collecting or otherwise administering any
34 such license tax so assigned, of the county fair and recreation board and of officers,
35 agents and employees hired thereby, and of incidentals incurred thereby;

36 (4) For operating and maintaining recreational facilities under the
37 jurisdiction of the county fair and recreation board;

38 (5) For improving, extending and bettering recreational facilities
39 authorized by NRS 244A.597 to 244A.655, inclusive; and

40 (6) For constructing, purchasing or otherwise acquiring such recreational
41 facilities.

42 (c) Pledge the proceeds of any tax imposed on the revenues from the rental of
43 transient lodging pursuant to this section for the payment of any general or special
44 obligations issued by the city for a purpose authorized by the laws of this State.

45 (d) Use the proceeds of any tax imposed pursuant to this section on the
46 revenues from the rental of transient lodging:

47 (1) To pay the principal, interest or any other indebtedness on any general
48 or special obligations issued by the city pursuant to the laws of this State;

49 (2) For the expense of operating or maintaining, or both, any facilities of
50 the city; and

51 (3) For any other purpose for which other money of the city may be used.

52 2. The city council or other governing body of an incorporated city shall not
53 require that a person who is licensed as a contractor pursuant to chapter 624 of NRS

1 obtain more than one license to engage in the business of contracting or pay more
2 than one license tax related to engaging in the business of contracting, regardless of
3 the number of classifications or subclassifications of licensing for which the person
4 is licensed pursuant to chapter 624 of NRS.

5 3. The proceeds of any tax imposed pursuant to this section that are pledged
6 for the repayment of general obligations may be treated as “pledged revenues” for
7 the purposes of NRS 350.020.

8 4. The city council or other governing body of an incorporated city shall not
9 require a person to obtain a license or pay a license tax on the sole basis that the
10 person is a professional. As used in this subsection, “professional” means a person
11 who:

12 (a) Holds a license, certificate, registration, permit or similar type of
13 authorization issued by a regulatory body as defined in NRS 622.060 or who is
14 regulated pursuant to the Nevada Supreme Court Rules; and

15 (b) Practices his or her profession for any type of compensation as an
16 employee.

17 5. The city licensing agency shall provide upon request an application for a
18 state business registration pursuant to chapter 76 of NRS. No license to engage in
19 any type of business may be granted unless the applicant for the license:

20 (a) Signs an affidavit affirming that the business has complied with the
21 provisions of chapter 76 of NRS; or

22 (b) Provides to the city licensing agency the business identification number of
23 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the
24 city may use to validate that the applicant is currently in good standing with the
25 State and has complied with the provisions of chapter 76 of NRS.

26 6. No license to engage in business as a seller of tangible personal property
27 may be granted unless the applicant for the license:

28 (a) Presents written evidence that:

29 (1) The Department of Taxation has issued or will issue a permit for this
30 activity, and this evidence clearly identifies the business by name; or

31 (2) Another regulatory agency of the State has issued or will issue a license
32 required for this activity; or

33 (b) Provides to the city licensing agency the business identification number of
34 the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the
35 city may use to validate that the applicant is currently in good standing with the
36 State and has complied with the provisions of paragraph (a).

37 7. Any license tax levied under the provisions of this section constitutes a lien
38 upon the real and personal property of the business upon which the tax was levied
39 until the tax is paid. The lien has the same priority as a lien for general taxes. The
40 lien must be enforced:

41 (a) By recording in the office of the county recorder, within 6 months
42 following the date on which the tax became delinquent or was otherwise
43 determined to be due and owing, a notice of the tax lien containing the following:

44 (1) The amount of tax due and the appropriate year;

45 (2) The name of the record owner of the property;

46 (3) A description of the property sufficient for identification; and

47 (4) A verification by the oath of any member of the board of county
48 commissioners or the county fair and recreation board; and

49 (b) By an action for foreclosure against such property in the same manner as an
50 action for foreclosure of any other lien, commenced within 2 years after the date of
51 recording of the notice of the tax lien, and accompanied by appropriate notice to
52 other lienholders.

1 8. The city council or other governing body of each incorporated city may
2 delegate the power and authority to enforce such liens to the county fair and
3 recreation board. If the authority is so delegated, the governing body shall revoke or
4 suspend the license of a business upon certification by the board that the license tax
5 has become delinquent, and shall not reinstate the license until the tax is paid.
6 Except as otherwise provided in NRS 239.0115 and 268.0966, all information
7 concerning license taxes levied by an ordinance authorized by this section or other
8 information concerning the business affairs or operation of any licensee obtained as
9 a result of the payment of those license taxes or as the result of any audit or
10 examination of the books of the city by any authorized employee of a county fair
11 and recreation board for any license tax levied for the purpose of NRS 244A.597 to
12 244A.655, inclusive, is confidential and must not be disclosed by any member,
13 official or employee of the county fair and recreation board or the city imposing the
14 license tax unless the disclosure is authorized by the affirmative action of a
15 majority of the members of the appropriate county fair and recreation board.
16 Continuing disclosure may be so authorized under an agreement with the
17 Department of Taxation or the Secretary of State for the exchange of information
18 concerning taxpayers.

19 9. The powers conferred by this section are in addition and supplemental to,
20 and not in substitution for, and the limitations imposed by this section do not affect
21 the powers conferred by, any other law. No part of this section repeals or affects
22 any other law or any part thereof, it being intended that this section provide a
23 separate method of accomplishing its objectives, and not an exclusive one.

24 **Sec. 8. This act becomes effective upon passage and approval.**