

applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

- (a) For Fiscal Year 2015-2016, \$5,000,000;
- (b) For Fiscal Year 2016-2017, \$5,500,000; and
- (c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

↪ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal ~~Year 2017-2018,~~ *Years 2019-2020 and 2020-2021*, the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~that~~ *each of those* fiscal ~~year~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is ~~[\$20,000,000.]~~ *\$4,745,000*. The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~{2017-2018,}~~ *2019-2020 or 2020-2021*, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~[\$20,000,000,]~~ *\$4,745,000*, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[\$20,000,000.]~~ *\$9,490,000*. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the

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taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Secs. 4-30. (Deleted by amendment.)

Sec. 30.1. NRS 219A.140 is hereby amended to read as follows:

219A.140 1. To be eligible to serve on the Youth Legislature, a person:

(a) Must be:

(1) A resident of the senatorial district of the Senator who appoints him or her;

(2) Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him or her; or

(3) A homeschooled child ~~for opt-in child~~ who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) Except as otherwise provided in subsection 3 of NRS 219A.150, must be:

(1) Enrolled in a public school or private school in this State in grade 9, 10 or 11 for the first school year of the term for which he or she is appointed; or

(2) A homeschooled child ~~for opt-in child~~ who is otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the first school year of the term for which he or she is appointed; and

(c) Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or her or to any member of the Assembly who collaborated to appoint him or her.

2. If, at any time, a person appointed to the Youth Legislature changes his or her residency or changes his or her school of enrollment in such a manner as to render the person ineligible under his or her original appointment, the person shall inform the Board, in writing, within 30 days after becoming aware of such changed facts.

3. A person who wishes to be appointed or reappointed to the Youth Legislature must submit an application on the form prescribed pursuant to subsection 4 to the Senator of the senatorial district in which the person resides, is enrolled in a public school or



private school or, if the person is a homeschooled child, ~~for opt-in child,~~ the senatorial district in which he or she is otherwise eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.

4. The Board shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is a homeschooled child, ~~for opt-in child,~~ the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 30.15. NRS 219A.150 is hereby amended to read as follows:

219A.150 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The absence of a member for any reason from:

(1) Two meetings of the Youth Legislature, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;

(2) Two activities of the Youth Legislature;

(3) Two event days of the Youth Legislature; or

(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,

↳ unless the absences are, as applicable, excused by the Chair or Vice Chair of the Board.

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. In addition to the provisions of subsection 1, a position on the Youth Legislature becomes vacant if:

(a) A member of the Youth Legislature graduates from high school or otherwise ceases to attend public school or private school for any reason other than to become a homeschooled child ; ~~for opt-in child;~~ or

(b) A member of the Youth Legislature who is a homeschooled child ~~for opt-in child~~ completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child ~~for opt-in child~~ for any reason other than to enroll in a public school or private school.

3. A vacancy on the Youth Legislature must be filled:



(a) For the remainder of the unexpired term in the same manner as the original appointment, except that, if the remainder of the unexpired term is less than 1 year, the member of the Senate who made the original appointment may appoint a person who:

(1) Is enrolled in a public school or private school in this State in grade 12 or who is a homeschooled child ~~for opt-in child~~ who is otherwise eligible to enroll in a public school in this State in grade 12; and

(2) Satisfies the qualifications set forth in paragraphs (a) and (c) of subsection 1 of NRS 219A.140.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

4. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 30.2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070. ~~[- but does not include an opt-in child.]~~

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. ~~["Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.~~

~~—7.]~~ "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and,



except for charter schools, whose textbooks and courses of study are under the control of the State Board.

~~{8.}~~ 7. "School bus" has the meaning ascribed to it in NRS 484A.230.

~~{9.}~~ 8. "State Board" means the State Board of Education.

~~{10.}~~ 9. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 30.25. NRS 385B.060 is hereby amended to read as follows:

385B.060 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of this chapter. The regulations must include provisions governing the eligibility and participation of homeschooled children ~~{and opt-in children}~~ in interscholastic activities and events. In addition to the regulations governing eligibility ~~;~~

~~—(a) A~~, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 388D.070.

~~{(b) An opt-in child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of an opt-in child to participate in programs and activities pursuant to NRS 388D.140.}~~

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall



consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 30.3. NRS 385B.150 is hereby amended to read as follows:

385B.150 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.070.

2. ~~{An opt-in child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 if a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.140.~~

~~—3.} The provisions of this chapter and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children {and opt-in children} who participate in interscholastic activities and events, including, without limitation, provisions governing:~~

- ~~(a) Eligibility and qualifications for participation;~~
- ~~(b) Fees for participation;~~
- ~~(c) Insurance;~~
- ~~(d) Transportation;~~
- ~~(e) Requirements of physical examination;~~
- ~~(f) Responsibilities of participants;~~
- ~~(g) Schedules of events;~~
- ~~(h) Safety and welfare of participants;~~
- ~~(i) Eligibility for awards, trophies and medals;~~
- ~~(j) Conduct of behavior and performance of participants; and~~
- ~~(k) Disciplinary procedures.~~



Sec. 30.35. NRS 385B.160 is hereby amended to read as follows:

385B.160 No challenge may be brought by the Nevada Interscholastic Activities Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children ~~for opt-in children~~ are allowed to participate in the interscholastic activity or event.

Sec. 30.4. NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ~~for opt-in children~~ to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children ~~for opt-in children~~ in interscholastic activities and events pursuant to this chapter,
↳ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060.

Sec. 30.45. NRS 387.045 is hereby amended to read as follows:

387.045 ~~{Except as otherwise provided in NRS 353B.700 to 353B.930, inclusive:}~~

1. No portion of the public school funds or of the money specially appropriated for the purpose of public schools shall be devoted to any other object or purpose.

2. No portion of the public school funds shall in any way be segregated, divided or set apart for the use or benefit of any sectarian or secular society or association.

Sec. 30.5. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:



(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school, ~~for receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750,~~ based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school, ~~for receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750,~~ based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of



NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.



7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 30.55. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.163, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school ~~+~~ and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county . ~~{and all the funds deposited in education savings accounts established on behalf of children who reside in the county pursuant to NRS 353B.700 to 353B.930, inclusive.}~~ No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:

(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that



provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

3. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

4. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 30.6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education unless:

(a) Pursuant to this section or other specific statute, the pupil is not eligible for enrollment or the pupil's enrollment is otherwise prohibited;

(b) The pupil fails to satisfy the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; or

(c) The pupil fails to satisfy the requirements of the program of distance education.

2. A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. ~~{An opt-in child who is exempt from compulsory attendance is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1, unless the opt-in child receives~~



~~only a portion of his or her instruction from a participating entity as authorized pursuant to NRS 353B.850.~~

~~—4.]~~ If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

Sec. 30.65. NRS 388A.471 is hereby amended to read as follows:

388A.471 1. Except as otherwise provided in subsection 2, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, ~~for opt-in child,]~~ the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool ~~for from his or her participating entity, as defined in NRS 353B.750,]~~ or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is ~~for~~:

~~—(1) A]~~ a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.070. ~~for~~

~~—(2) An opt-in child and a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.140.]~~

2. If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to subsection 1, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

3. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 1 if the governing body determines that the child has failed to comply with applicable



statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

4. The governing body of a charter school may, before authorizing a homeschooled child ~~for opt-in child~~ to participate in a class or extracurricular activity pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

Sec. 30.7. NRS 388B.290 is hereby amended to read as follows:

388B.290 1. During the sixth year that a school operates as an achievement charter school, the Department shall evaluate the pupil achievement and school performance of the school. The Executive Director shall provide the Department with such information and assistance as the Department determines necessary to perform such an evaluation. If, as a result of such an evaluation, the Department determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of chapter 388A of NRS by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 388A.220; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the Department shall direct the Executive Director to notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:

(1) Public schools which the pupil may be eligible to attend, including, without limitation, charter schools, programs of distance education offered pursuant to NRS 388.820 to 388.874, inclusive,



and alternative programs for the education of pupils at risk of dropping out of school pursuant to NRS 388.537;

~~(2) [The opportunity for the parent to establish an education savings account pursuant to NRS 353B.850 and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by NRS 353B.900;~~

~~—(3)]~~ Any other alternatives for the education of the pupil that are available in this State; and

~~{(4)}~~ (3) The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate the school as an achievement charter school for at least 6 more years.

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of NRS 388B.210;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to NRS 388B.220, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of



trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of chapter 388A of NRS and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 388A.378.

6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 30.75. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed \$7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.



(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. *A scholarship organization shall not use a donation for which a taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this subsection shall repay*



to the Department of Taxation the amount of the tax credit received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.

7. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~{7-}~~ 8. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 30.8. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English language arts, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child ~~for opt-in child~~ who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study



recognized by the board of trustees of the school district . ~~{or from a participating entity, as applicable;}~~

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

~~{6. As used in this section, "participating entity" has the meaning ascribed to it in NRS 353B.750.}~~

Sec. 30.85. NRS 392.070 is hereby amended to read as follows:

392.070 Attendance of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; *or*

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020 . ~~{; or~~

~~— 3. The child is an opt-in child and notice of such has been provided to the school district in which the child resides or the charter school in which the child was previously enrolled, as applicable, in accordance with NRS 388D.110.}~~

Sec. 30.9. NRS 392.072 is hereby amended to read as follows:

392.072 1. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.417 to 388.469, inclusive, or NRS 388.5251 to 388.5267, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.



2. The programs of special education and related services required by subsection 1 may be offered at a public school or another location that is appropriate.

3. The board of trustees of a school district may, before providing programs of special education and related services to a homeschooled child ~~for opt-in child~~ pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

4. The Department shall adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 1.

5. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401.

Sec. 30.93. NRS 392.074 is hereby amended to read as follows:

392.074 1. Except as otherwise provided in subsection 1 of NRS 392.072 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, ~~for opt-in child,~~ the board of trustees of the school district in which the child resides shall authorize the child to participate in any classes and extracurricular activities, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity; and

(c) If the child is ~~for~~:

~~(1) A~~ ~~homeschooled child,~~ a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.070. ~~for~~

~~(2) An opt-in child, a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.140.~~

↪ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A



homeschooled child ~~{or opt-in child}~~ must be allowed to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS and interscholastic activities and events, including sports, pursuant to subsection 3.

2. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 1 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

3. In addition to those interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, a homeschooled child ~~{or opt-in child}~~ must be allowed to participate in interscholastic activities and events, including sports, if a notice of intent of a homeschooled child ~~{or opt-in child}~~ to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.070 . ~~{or 388D.140, as applicable.}~~ A homeschooled child ~~{or opt-in child}~~ who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children ~~{and opt-in children}~~ who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.



4. If a homeschooled child ~~for opt in child~~ participates in interscholastic activities and events pursuant to subsection 3:

(a) No challenge may be brought by the Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child ~~for opt in child~~ is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child ~~for opt in child~~ that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

5. The board of trustees of a school district:

(a) May, before authorizing a homeschooled child ~~for opt in child~~ to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) Shall, before allowing a homeschooled child ~~for opt in child~~ to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS and interscholastic activities and events pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

Sec. 30.95. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~or become an opt in child~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled



from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~or become an opt-in child~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

4. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~or become an opt-in child~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

5. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the suspension or expulsion requirement, as



applicable, of subsection 1, 2 or 3 if such modification is set forth in writing.

6. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

8. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

9. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included



within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

10. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 31. 1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:

For the Fiscal Year 2019-2020	\$8,340,845
For the Fiscal Year 2020-2021	\$8,404,930

2. The Department of Education shall transfer from the appropriation made by subsection 1 to provide grants utilizing a competitive grant process based on demonstrated need, within the limits of legislative appropriation, to school districts and to charter schools for school safety facility improvements.

3. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2019-2020 must be added to the money appropriated for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.

Secs. 32-36. (Deleted by amendment.)

Sec. 36.5. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:

For the Fiscal Year 2019-2020	\$35,081,155
For the Fiscal Year 2020-2021	\$36,848,070

2. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for Innovation and the Prevention of Remediation to school districts for block grants for the purpose of providing supplemental support to the operation of the school districts. The amount to be transferred for the fiscal year shown is:



	2019-2020	2020-2021
Carson City School District	\$631,574	\$663,384
Churchill County School District	255,461	268,328
Clark County School District	25,892,878	27,197,012
Douglas County School District	458,566	481,662
Elko County School District	772,986	811,919
Esmeralda County School District	5,551	5,831
Eureka County School District	21,379	22,456
Humboldt County School District	273,189	286,949
Lander County School District	78,860	82,832
Lincoln County School District	76,533	80,388
Lyon County School District	681,887	716,231
Mineral County School District	42,868	45,027
Nye County School District	410,922	431,619
Pershing County School District	53,244	55,925
Storey County School District	34,229	35,953
Washoe County School District	5,294,592	5,561,262
White Pine County School District	96,435	101,292

3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must be used for the purpose identified in subsection 2 and does not revert to the State General Fund.

Sec. 37. 1. The Legislature hereby finds and declares that the purpose and intent of this act is to maintain and continue the existing legally operative rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110, at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to NRS 360.203, as that section existed before the effective date of this act, for any fiscal year beginning on or after July 1, 2015.

2. Notwithstanding any other provisions of law, in order to accomplish and carry out the purpose and intent of this act:

(a) Any determinations or decisions made or actions taken before the effective date of this section by the Department of Taxation pursuant to NRS 360.203, as that section existed before the effective date of this section:

(1) Are superseded, abrogated and nullified by the provisions of this act; and



(2) Have no legal force and effect; and

(b) The Department shall not, under any circumstances, apply or use those determinations, decisions or actions as a basis, cause or reason to reduce the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 for any fiscal year beginning on or after July 1, 2015.

Sec. 38. (Deleted by amendment.)

Sec. 39. NRS 360.203 is hereby repealed.

Sec. 39.5. NRS 219A.050, 353B.700, 353B.710, 353B.720, 353B.730, 353B.740, 353B.750, 353B.760, 353B.770, 353B.820, 353B.850, 353B.860, 353B.870, 353B.880, 353B.900, 353B.910, 353B.920, 353B.930, 388D.100, 388D.110, 388D.120, 388D.130 and 388D.140 are hereby repealed.

Sec. 40. 1. This section and sections 2, 3, 37 and 39 of this act become effective upon passage and approval.

2. Sections 2.5, 3.5, 30.1 to 31, inclusive, 36.5 and 39.5 of this act become effective on July 1, 2019.



EXHIBIT E

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

IIC FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

	FY 2014		FY 2015		FY 2016		ECONOMIC FORUM MAY 1, 2017, FORECAST					
	ACTUAL	% Change	ACTUAL	% Change	ACTUAL	% Change	FY 2017 FORECAST	% Change	FY 2018 FORECAST	% Change	FY 2019 FORECAST	% Change
	\$26,221,970	-76.4%	\$51,733,594	97.3%	\$34,674,918	-33.0%	\$18,774,000	-45.9%	\$45,716,000	143.5%	\$46,034,000	0.7%
			\$0		\$0		\$0		\$0		\$0	
		-100.0%	\$21		\$68,648		\$6,200	-91.0%	\$7,500	21.0%	\$7,500	0.0%
	<u>\$26,221,970</u>	<u>-76.4%</u>	<u>\$51,733,615</u>	<u>97.3%</u>	<u>\$34,743,566</u>	<u>-32.8%</u>	<u>\$18,780,200</u>	<u>-45.9%</u>	<u>\$45,723,500</u>	<u>143.5%</u>	<u>\$46,041,500</u>	<u>0.7%</u>
	\$931,319,687	4.8%	\$994,764,970	6.8%	\$1,036,549,227	4.2%	\$1,087,212,000	4.9%	\$1,154,724,000	6.2%	\$1,214,518,000	5.2%
	\$9,194,669	4.6%	\$9,726,146	5.8%	\$10,155,240	4.4%	\$10,600,000	4.4%	\$11,259,000	6.2%	\$11,842,000	5.2%
	\$4,088,755	5.0%	\$4,334,753	6.0%	\$4,506,053	4.0%	\$4,757,000	5.6%	\$5,052,000	6.2%	\$5,314,000	5.2%
	\$14,305,300	5.0%	\$15,166,566	6.0%	\$15,764,607	3.9%	\$16,648,000	5.6%	\$17,682,000	6.2%	\$18,597,000	5.2%
	\$8,797,760	6.9%	\$9,461,562	7.5%	\$10,028,644	6.0%	\$10,591,000	5.6%	\$11,249,000	6.2%	\$11,831,000	5.2%
	<u>\$967,706,171</u>	<u>4.8%</u>	<u>\$1,033,453,997</u>	<u>6.8%</u>	<u>\$1,077,003,772</u>	<u>4.2%</u>	<u>\$1,129,808,000</u>	<u>4.9%</u>	<u>\$1,199,966,000</u>	<u>6.2%</u>	<u>\$1,262,102,000</u>	<u>5.2%</u>
redits	\$682,311,672	0.5%	\$693,232,048	1.6%	\$700,773,974	1.1%	\$730,974,000	4.3%	\$746,753,000	2.2%	\$768,683,000	2.9%
			\$0		\$-4,288,194		\$0		\$0		\$0	
Tax Credits [TC-2]			\$0		\$-20,461,554		\$0		\$0		\$0	
redits [TC-4]			\$0		\$0		\$0		\$0		\$0	
			\$0		\$-24,749,748		\$0		\$0		\$0	
redits	\$682,311,672		\$693,232,048		\$676,024,226		\$730,974,000	8.1%	\$746,753,000	2.2%	\$768,683,000	2.9%
	\$2,758	-10.1%	\$2,964	7.5%	\$3,261	10.0%	\$3,400	4.3%	\$3,600	5.9%	\$3,700	2.8%
	\$9,258	6.4%	\$7,456	-19.5%	\$9,293	24.6%	\$9,900	6.5%	\$10,000	1.0%	\$10,000	0.0%
	\$0		\$500		\$700		\$0	-100.0%	\$0		\$0	
	\$7,862,472	439.7%	\$337,544	-95.7%	\$4,069,112	1105.5%	\$2,100,000	-48.4%	\$775,000	-63.1%	\$775,000	0.0%
	\$8,305,289	-1.2%	\$8,291,051	-0.2%	\$8,225,963	-0.8%	\$8,150,000	-0.9%	\$8,128,000	-0.3%	\$8,193,000	0.8%
	\$11,383,000	-7.4%	\$11,164,523	-1.9%	\$10,861,213	-2.7%	\$10,660,000	-1.9%	\$10,558,000	-1.0%	\$10,458,000	-0.9%
	\$6,410,111	-0.6%	\$6,522,917	1.8%	\$6,450,491	-1.1%	\$6,451,000	0.0%	\$6,454,000	0.0%	\$6,463,000	0.1%
	\$672,263	-49.9%	\$1,733,482	157.9%	\$1,780,785	2.7%	\$1,020,000	-42.7%	\$750,000	-26.5%	\$800,000	6.7%
	\$37,000	-8.6%	\$35,000	-5.4%	\$34,000	-2.9%	\$33,500	-1.5%	\$33,000	-1.5%	\$32,500	-1.5%
	\$18,000	0.0%	\$42,000	133.3%	\$42,000	0.0%	\$36,000	-14.3%	\$36,000	0.0%	\$36,000	0.0%
	\$604,167	38.1%	\$500,000	-17.2%	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%
	\$75,000	177.8%	\$61,000	-18.7%	\$63,000	3.3%	\$56,000	-11.1%	\$55,000	-1.8%	\$54,000	-1.8%
	\$700,000	-9.7%	\$200,000	-71.4%	\$175,000	-12.5%	\$100,000	-42.9%	\$100,000	0.0%	\$100,000	0.0%
	\$290,000	6.0%	\$281,000	-3.1%	\$279,500	-0.5%	\$273,500	-2.1%	\$273,000	-0.2%	\$272,000	-0.4%
	\$29,736	-14.8%	\$28,406	-4.5%	\$36,391	28.1%	\$15,000	-58.8%	\$16,000	6.7%	\$17,000	6.3%
	\$105,341	-0.7%	\$107,822	2.4%	\$115,214	6.9%	\$124,700	8.2%	\$117,000	-6.2%	\$115,300	-1.5%
EDITS	<u>\$718,816,067</u>	<u>1.2%</u>	<u>\$722,547,713</u>	<u>0.5%</u>	<u>\$733,419,897</u>	<u>1.5%</u>	<u>\$760,507,000</u>	<u>3.7%</u>	<u>\$774,561,600</u>	<u>1.8%</u>	<u>\$796,512,500</u>	<u>2.8%</u>
					\$-24,749,748		\$0		\$0		\$0	
EDITS	<u>\$718,816,067</u>	<u>1.2%</u>	<u>\$722,547,713</u>	<u>0.5%</u>	<u>\$708,670,149</u>	<u>-1.9%</u>	<u>\$760,507,000</u>	<u>7.3%</u>	<u>\$774,561,600</u>	<u>1.8%</u>	<u>\$796,512,500</u>	<u>2.8%</u>
	\$139,156,240	10.7%	\$130,861,416	-6.0%	\$111,994,620	-14.4%	\$101,737,000	-9.2%	\$106,663,000	4.8%	\$109,398,000	2.6%
	\$14,979,978	28.0%	\$14,965,649	-0.1%	\$16,536,346	10.5%	\$25,149,000	52.1%	\$26,150,000	4.0%	\$27,233,000	4.1%
	<u>\$154,136,218</u>	<u>12.2%</u>	<u>\$145,827,065</u>	<u>-5.4%</u>	<u>\$128,530,966</u>	<u>-11.9%</u>	<u>\$126,886,000</u>	<u>-1.3%</u>	<u>\$132,813,000</u>	<u>4.7%</u>	<u>\$136,631,000</u>	<u>2.9%</u>
					\$143,507,593		\$203,411,000	41.7%	\$186,046,000	-8.5%	\$194,976,000	4.8%
					\$11,898,532		\$22,832,000	91.9%	\$18,848,000	-17.4%	\$24,819,000	31.7%
TAX	\$79,628,983	-4.1%	\$92,774,433	16.5%	\$153,033,176	65.0%	\$174,999,000	14.4%	\$172,577,000	-1.4%	\$170,155,000	-1.4%

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (PART 1)					ECONOMIC FORUM MAY 1, 2017, FORECAST							
	FY 2014 ACTUAL	% Change	FY 2015 ACTUAL	% Change	FY 2016 ACTUAL	% Change	FY 2017 FORECAST	% Change	FY 2018 FORECAST	% Change	FY 2019 FORECAST	% Change
ED												
(NFI) [9-16][10-16]	\$361,095,880	-0.6%	\$387,769,692	7.4%	\$517,135,234	33.4%	\$558,908,000	8.1%	\$587,972,000	5.2%	\$615,734,000	4.7%
					\$0		\$0		\$0		\$0	
redits			\$387,769,692		\$517,135,234		\$558,908,000	8.1%	\$587,972,000	5.2%	\$615,734,000	4.7%
			\$0		-\$82,621		\$0		\$0		\$0	
Tax Credits [TC-2]			\$0		\$0		\$0		\$0		\$0	
redits [TC-4]			\$0		\$0		\$0		\$0		\$0	
redits [TC-5]			\$0		\$4,401,540		\$0		\$0		\$0	
-6]			\$0		\$0		\$0		\$0		\$0	
			\$0		-\$4,484,161		\$0		\$0		\$0	
is	\$361,095,880		\$387,769,692		\$512,651,073		\$558,908,000	9.0%	\$587,972,000	5.2%	\$615,734,000	4.7%
[12-16]	\$23,789,898	1.8%	\$24,144,270	1.5%	\$27,188,910	12.6%	\$28,224,000	3.8%	\$29,819,000	5.7%	\$31,372,000	5.2%
					\$0		\$0		\$0		\$0	
			\$24,144,270		\$27,188,910		\$28,224,000	3.8%	\$29,819,000	5.7%	\$31,372,000	5.2%
			\$0		\$0		\$0		\$0		\$0	
Tax Credits [TC-2]			\$0		\$0		\$0		\$0		\$0	
redits [TC-4]			\$0		\$0		\$0		\$0		\$0	
redits [TC-5]			\$0		\$0		\$0		\$0		\$0	
6]			\$0		\$0		\$0		\$0		\$0	
	\$23,789,898		\$24,144,270		\$27,188,910		\$28,224,000	3.8%	\$29,819,000	5.7%	\$31,372,000	5.2%
[11-16]					\$21,938,368		\$22,234,000	1.3%	\$22,775,000	2.4%	\$23,403,000	2.8%
					\$0		\$0		\$0		\$0	
					\$21,938,368		\$22,234,000	1.3%	\$22,775,000	2.4%	\$23,403,000	2.8%
					\$0		\$0		\$0		\$0	
Tax Credits [TC-2]					\$0		\$0		\$0		\$0	
redits [TC-4]					\$0		\$0		\$0		\$0	
redits [TC-5]					\$0		\$0		\$0		\$0	
3]					\$0		\$0		\$0		\$0	
					\$21,938,368		\$22,234,000	1.3%	\$22,775,000	2.4%	\$23,403,000	2.8%
	\$384,885,778	-0.4%	\$411,913,962	7.0%	\$566,262,513	37.5%	\$609,366,000	7.6%	\$640,566,000	5.1%	\$670,509,000	4.7%
					\$0		-\$76,227,000		-\$88,763,000		-\$93,023,000	
6]			\$411,913,962		\$566,262,513		\$533,139,000	-5.8%	\$551,803,000	3.5%	\$577,486,000	4.7%
ENTS												
			\$0		-\$82,621		\$0		\$0		\$0	
Tax Credits [TC-2]			\$0		\$0		\$0		\$0		\$0	
redits [TC-4]			\$0		\$0		\$0		\$0		\$0	
redits [TC-5]			\$0		\$4,401,540		-\$6,098,460		-\$26,050,000		-\$6,655,000	
3]			\$0		-\$69,000		-\$69,000		-\$138,000		-\$207,000	
			\$0		\$0		\$0		\$0		\$0	
			\$0		-\$4,484,161		-\$6,167,460		-\$26,188,000		-\$6,862,000	
	\$384,885,778		\$411,913,962		\$561,778,352		\$526,971,540	-6.2%	\$525,615,000	-0.3%	\$570,624,000	8.6%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

IIC FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

							ECONOMIC FORUM MAY 1, 2017, FORECAST					
	FY 2014 ACTUAL	% Change	FY 2015 ACTUAL	% Change	FY 2016 ACTUAL	% Change	FY 2017 FORECAST	% Change	FY 2018 FORECAST	% Change	FY 2019 FORECAST	% Change
ED												
1-16]	\$263,531,578	6.0%	\$305,075,537	15.8%	\$335,118,754	9.8%	\$378,200,000	12.9%	\$395,753,000	4.6%	\$410,610,000	3.8%
			\$0		\$0		\$0		\$0		\$0	
Tax Credits [TC-2]			\$0		\$0		\$0		\$0		\$0	
redits [TC-4]			\$0		\$0		\$0		\$0		\$0	
redits [TC-3]			<u>-\$12,410,882</u>		<u>-\$26,005,450</u>		<u>-\$24,000,000</u>		<u>-\$24,000,000</u>		<u>-\$22,000,000</u>	
			<u>-\$12,410,882</u>		<u>-\$26,005,450</u>		<u>-\$24,000,000</u>		<u>-\$24,000,000</u>		<u>-\$22,000,000</u>	
grams	\$263,531,578		\$292,664,655		\$309,113,304		\$354,200,000	14.6%	\$371,753,000	5.0%	\$388,610,000	4.5%
	\$234,807	-3.1%	\$355,819	51.5%	\$185,855	-47.8%	\$192,000	3.3%	\$204,100	6.3%	\$204,100	0.0%
	\$755,517	19.0%	\$901,712	19.4%	\$923,869	2.5%	\$1,082,000	17.1%	\$1,121,000	3.6%	\$1,160,000	3.5%
CREDITS	<u>\$264,521,903</u>	6.1%	<u>\$306,333,069</u>	15.8%	<u>\$336,228,478</u>	9.8%	<u>\$379,474,000</u>	12.9%	<u>\$397,078,100</u>	4.6%	<u>\$411,974,100</u>	3.8%
			<u>-\$12,410,882</u>		<u>-\$26,005,450</u>		<u>-\$24,000,000</u>		<u>-\$24,000,000</u>		<u>-\$22,000,000</u>	
REDITS	<u>\$264,521,903</u>	6.1%	<u>\$293,922,187</u>	11.1%	<u>\$310,223,028</u>	5.5%	<u>\$355,474,000</u>	14.6%	<u>\$373,078,100</u>	5.0%	<u>\$389,974,100</u>	4.5%
	\$60,047,457	9.2%	\$64,214,342	6.9%	\$75,794,844	18.0%	\$82,042,000	8.2%	\$86,628,000	5.6%	\$89,723,000	3.6%
	\$62,267,322	-1.9%	\$62,865,504	1.0%	\$66,731,895	6.2%	\$38,153,000	-42.8%	\$19,367,000	-49.2%	\$19,573,500	1.1%
	\$72,166,482	4.6%	\$75,359,976	4.4%	\$103,045,619	36.7%	\$104,646,000	1.6%	\$105,559,000	0.9%	\$106,341,000	0.7%
	\$41,838,536	4.9%	\$42,707,046	2.1%	\$43,944,413	2.9%	\$42,930,000	-2.3%	\$43,588,000	1.5%	\$44,091,000	1.2%
	\$11,620,286	12.3%	\$11,458,040	-1.4%	\$13,131,919	14.6%	\$14,488,000	10.3%	\$15,086,000	4.1%	\$15,671,000	3.9%
	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%
	\$2,814	-4.3%	\$1,850	-34.3%	\$243	-86.9%	\$300	23.4%	\$0		\$0	
	<u>\$2,788,166</u>	-7.0%	<u>\$3,129,940</u>	12.3%	<u>\$2,786,429</u>	-11.0%	<u>\$2,772,000</u>	-0.5%	<u>\$2,789,000</u>	0.6%	<u>\$2,803,000</u>	0.5%
	<u>\$2,851,648,150</u>	0.2%	<u>\$3,029,320,553</u>	6.2%	<u>\$3,495,063,854</u>	15.4%	<u>\$3,716,094,500</u>	6.3%	<u>\$3,846,196,200</u>	3.5%	<u>\$3,996,922,600</u>	3.9%
16]					\$0		<u>-\$76,227,000</u>		<u>-\$88,763,000</u>		<u>-\$93,023,000</u>	
REDITS			<u>\$3,029,320,553</u>		<u>\$3,495,063,854</u>		<u>\$3,639,867,500</u>	4.1%	<u>\$3,757,433,200</u>	3.2%	<u>\$3,903,899,600</u>	3.9%
			\$0		-\$4,370,815		-\$3,908,259		-\$11,720,926		-\$10,000,000	
Tax Credits [TC-2]			\$0		-\$20,461,554		-\$36,475,946		-\$31,087,500		-\$44,600,000	
redits [TC-4]			\$0		\$0		-\$355,000		-\$2,000,000		-\$2,000,000	
redits [TC-3]			<u>-\$12,410,882</u>		<u>-\$26,005,450</u>		<u>-\$24,000,000</u>		<u>-\$24,000,000</u>		<u>-\$22,000,000</u>	
redits [TC-5]			\$0		-\$4,401,540		-\$6,098,460		-\$26,050,000		-\$6,655,000	
3]			\$0		\$0		<u>-\$69,000</u>		<u>-\$138,000</u>		<u>-\$207,000</u>	
			<u>-\$12,410,882</u>		<u>-\$55,239,359</u>		<u>-\$70,906,665</u>		<u>-\$94,996,426</u>		<u>-\$85,462,000</u>	
	<u>\$2,851,648,150</u>	0.2%	<u>\$3,016,909,671</u>	5.8%	<u>\$3,439,824,495</u>	14.0%	<u>\$3,568,960,835</u>	3.8%	<u>\$3,662,436,774</u>	2.6%	<u>\$3,818,437,600</u>	4.3%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

IIC FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

	FY 2014		FY 2015		FY 2016		ECONOMIC FORUM MAY 1, 2017, FORECAST						
	ACTUAL	% Change	ACTUAL	% Change	ACTUAL	% Change	FY 2017 FORECAST	% Change	FY 2018 FORECAST	% Change	FY 2019 FORECAST	% Change	
	\$17,925,429	7.8%	\$18,347,454	2.4%	\$19,913,616	8.5%	\$19,316,000	-3.0%	\$19,703,000	2.0%	\$20,097,000	2.0%	
	\$371,884	-1.8%	\$371,099	-0.2%	\$367,116	-1.1%	\$365,000	-0.6%	\$363,500	-0.4%	\$362,200	-0.4%	
	\$1,714,724	1.7%	\$1,740,910	1.5%	\$1,915,810	10.0%	\$1,751,000	-8.6%	\$1,761,000	0.6%	\$1,774,000	0.7%	
	\$544,060	-4.8%	\$516,832	-5.0%	\$514,489	-0.5%	\$538,100	4.6%	\$543,300	1.0%	\$548,500	1.0%	
	\$66,661,943	2.5%	\$68,833,079	3.3%	\$73,701,665	7.1%	\$74,469,000	1.0%	\$75,120,000	0.9%	\$75,751,000	0.8%	
	\$3,525	-50.2%	\$1,550	-56.0%	\$525	-66.1%	\$3,300	528.6%	\$800	-75.8%	\$800	0.0%	
	\$51,621	17.4%	\$36,437	-29.4%	\$28,790	-21.0%	\$22,700	-21.2%	\$19,300	-15.0%	\$16,400	-15.0%	
	\$25,947,110	5.5%	\$27,029,365	4.2%	\$27,978,707	3.5%	\$27,923,000	-0.2%	\$27,923,000	0.0%	\$28,136,000	0.8%	
	\$94,922,982	3.2%	\$98,158,173	3.4%	\$104,139,985	6.1%	\$104,707,100	0.5%	\$105,367,400	0.6%	\$106,226,700	0.8%	
	\$284,569	15.0%	\$255,613	-10.2%	\$236,690	-7.4%	\$212,600	-10.2%	\$212,600	0.0%	\$210,900	-0.8%	
	\$11,400	-2.6%	\$11,000	-3.5%	\$14,800	34.5%	\$14,500	-2.0%	\$13,200	-9.0%	\$13,200	0.0%	
	\$1,372,080	-59.7%	\$1,383,840	0.9%	\$2,137,010	54.4%	\$2,256,000	5.6%	\$2,159,000	-4.3%	\$2,199,000	1.9%	
	\$4,820	66.8%	\$3,643	-24.4%	\$4,710	29.3%	\$2,900	-38.4%	\$3,300	13.8%	\$3,200	-3.0%	
	\$1,376,900	-59.6%	\$1,387,483	0.8%	\$2,141,720	54.4%	\$2,258,900	5.5%	\$2,162,300	-4.3%	\$2,202,200	1.8%	
	\$5,334,498	37.9%	\$8,922,606	67.3%	\$5,041,720	-43.5%	\$3,191,000	-36.7%	\$4,200,000	31.6%	\$4,200,000	0.0%	
	\$120,227,462	3.2%	\$127,453,427	6.0%	\$131,855,647	3.5%	\$130,065,100	-1.4%	\$132,022,000	1.5%	\$133,312,200	1.0%	
	\$174,376	1.8%	\$175,202	0.5%	\$170,348	-2.8%	\$169,300	-0.6%	\$168,400	-0.5%	\$167,400	-0.6%	
	\$1,325,805	0.1%	\$1,291,308	-2.6%	\$1,316,607	2.0%	\$1,287,000	-2.2%	\$1,274,000	-1.0%	\$1,277,000	0.2%	
	\$723,272	-40.2%	\$505,360	-30.1%	\$349,206	-30.9%	\$988,500	183.1%	\$450,000	-54.5%	\$450,000	0.0%	
					\$1,500		\$1,500		\$1,500		\$1,500		
	\$7,840	-10.8%	\$6,030	-23.1%	\$5,700	-5.5%	\$6,900	21.1%	\$5,900	-14.5%	\$5,900	0.0%	
	\$167,495	27.5%	\$157,592	-5.9%	\$28,530	-81.9%	\$25,900	-9.2%	\$27,200	5.0%	\$27,200	0.0%	
	\$590	-78.5%	\$210	-64.4%	\$2,010	857.1%	\$6,700	233.3%	\$0		\$0		
	\$15,700	-12.8%	\$15,700	0.0%	\$8,550	-45.5%	\$4,100	-52.0%	\$4,100	0.0%	\$4,100	0.0%	
	\$174,117	1.7%	\$174,117	0.0%	\$387,294	122.4%	\$398,400	2.9%	\$335,400	-15.8%	\$323,200	-3.6%	
	\$86,475	7.9%	\$95,675	10.6%	\$93,450	-2.3%	\$85,400	-8.6%	\$88,200	3.3%	\$88,200	0.0%	
	\$36,835	-64.6%	\$25,455	-30.9%	\$65,595	157.7%	\$86,600	32.0%	\$63,700	-26.4%	\$63,700	0.0%	
	\$60,150	18.8%	\$46,960	-21.9%	\$53,860	14.7%	\$60,000	11.4%	\$61,000	1.7%	\$61,500	0.8%	
	\$549,202	-3.1%	\$521,739	-5.0%	\$644,989	23.6%	\$674,000	4.5%	\$585,500	-13.1%	\$573,800	-2.0%	
	\$46,151,238	0.9%	\$48,754,438	5.6%	\$51,914,285	6.5%	\$53,887,000	3.8%	\$55,584,000	3.1%	\$56,964,000	2.5%	
	\$234,245	8.5%	\$213,145	-9.0%	\$468,376	119.7%	\$123,700	-73.6%	\$123,700	0.0%	\$123,700	0.0%	
								\$65,000		\$65,000			
								\$3,467,000		\$3,467,000			
	\$216,785	12.2%	\$186,560	-13.9%	\$201,305	7.9%	\$217,400	8.0%	\$228,200	5.0%	\$232,700	2.0%	
	\$1,706,387	-38.3%	\$1,755,460	2.9%	\$1,400,099	-20.2%	\$1,076,000	-23.1%	\$911,100	-15.3%	\$857,300	-5.9%	
	\$3,125,839	-72.0%	\$9,564,851	206.0%	\$2,735,813	-71.4%	\$1,650,000	-39.7%	\$1,867,256	13.2%	\$1,867,256	0.0%	
	\$54,207,150	-19.1%	\$62,968,063	16.2%	\$59,202,527	-6.0%	\$60,074,400	1.5%	\$64,725,656	7.7%	\$66,046,656	2.0%	

**IIC FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING
ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)**

0217

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

THE FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

						ECONOMIC FORUM MAY 1, 2017, FORECAST					
FY 2014 ACTUAL		% Change	FY 2015 ACTUAL		% Change	FY 2016 ACTUAL		% Change	FY 2017 FORECAST		% Change

ved during the 28th Special Session in September 2014.

of the home office credit that may be taken against the Insurance Premium Tax to an annual limit of \$5 million, effective January 1, 2016. The home office credit is eliminated pursuant to this bill,

tions approved during the 2015 Legislative Session.

approved in S.B. 475 (2013)) by one year to June 30, 2016, on the Net Proceeds of Minerals (NPM) tax, which continues the payment of taxes in the current fiscal year based on the estimated net true-up against actual net proceeds for the calendar year in the next fiscal year. The one-year extension of the sunset is estimated to yield \$34,642,000 in FY 2016. There is no estimated tax payment or prepayment of NPM taxes.

approved in S.B. 475 (2013)) by one year to June 30, 2016, that eliminates health and industrial insurance deductions allowed against gross proceeds to determine net proceeds for the purpose of M) tax liability. These deduction changes are effective for the NPM tax payments due in FY 2016. The health and industrial insurance deduction changes are estimated to generate \$4,221,000 in

ical School Support Tax (LSST) permanent. The 0.35% increase generates additional revenue from the 0.75% General Fund Commission assessed against LSST proceeds before distribution to school generate \$1,387,300 in FY 2016 and \$1,463,400 in FY 2017.

re tax base and tax rate for the Live Entertainment Tax (LET) in NRS Chapter 368A that is administered by the Gaming Control Board for live entertainment at licensed gaming establishments and the provided at non-gaming establishments. Under existing law, the tax rate is 10% of the admission charge and amounts paid for food, refreshments, and merchandise, if the live entertainment is provided s than 7,500 persons, and 5% of the admission charge only, if the live entertainment is provided at a facility with a maximum occupancy equal to or greater than 7,500 persons. S.B. 266 removes the 9% tax rate on the admission charge to the facility only. The tax rate does not apply to amounts paid for food, refreshments, and merchandise unless that is the consideration required to enter the lds the total amount of consideration paid for escorts and escort services to the LET tax base and makes these activities subject to the 9% tax rate. The bill provides that the exemption from the LET for ding on the number of tickets sold and the type of live entertainment being provided. S.B. 266 establishes an exemption for the following: 1.) the value of certain admissions provided on a complimentary , or lounge or for food, beverages, and merchandise that are in addition to the admission charge to the facility; and 3.) certain license and rental fees of luxury suites, boxes, or similar products at a an 7,500 persons. The provisions of S.B. 266 also make other changes to the types of activities that are included or excluded from the tax base as live entertainment events subject to the 9% tax rate. ber 1, 2015. The amounts shown reflect the estimated net change from the provisions of S.B. 266 on the amount of the LET collected from the portion administered by the Gaming Control Board and the mbined impact. The changes to the LET are estimated to reduce LET-Gaming collections by \$19,165,000 in FY 2016 and by \$26,551,000 in FY 2017, but increase LET-Nongaming collections by FY 2017. The combined net effect on total LET collections is estimated to be a reduction of \$3,682,000 in FY 2016 and \$1,238,000 in FY 2017.

n annual tax on each business entity engaged in business in the state whose Nevada gross revenue in a fiscal year exceeds \$4,000,000 at a tax rate based on the industry in which the business is e on or before the 45th day immediately following the fiscal year taxable period (June 30th). Although the Commerce Tax collections are received after the June 30th end of the fiscal year tax period, the rued back and accounted for in that fiscal year, since that fiscal year is not officially closed until the third Friday in September. The Commerce Tax provisions are effective July 1, 2015, for the purpose ress, but the first tax payment will not be made until August 14, 2016, for the FY 2016 annual taxable business activity period.

ax by the Nevada Transportation Authority or the Taxicab Authority, as applicable, on the connection of a passenger to a driver affiliated with a transportation network company, a common motor carrier :fare charged to the passenger. The excise tax becomes effective on passage and approval (May 29, 2015) for transportation network companies and August 28, 2015, for common motor carrier and x proceeds from each biennium are required to be deposited in the State Highway Fund and the estimate for FY 2016 reflects this requirement.

of 20 by \$1.00 from 80 cents per pack (10 cents to Local Government Distribution Fund, 70 cents to State General Fund) to \$1.80 per pack (10 cents to Local Government Distribution Fund, \$1.70 to he \$1.00 per pack increase is estimated to generate \$96,872,000 in FY 2016 and \$95,391,000 in FY 2017.

nd tax rate for the Modified Business Tax on General Business (nonfinancial institutions) by exempting quarterly taxable wages (gross wages less allowable health care expenses) paid by an employer quarter and taxable wages exceeding \$50,000 per quarter are taxed at 1.475%. The taxable wages exemption threshold was \$85,000 per quarter for FY 2014 and FY 2015 with a 1.17% tax rate on ased on S.B. 475 (2013). These provisions in S.B. 475 were scheduled to sunset effective June 30, 2015, at which time the tax rate would have been 0.63% on all taxable wages per quarter. The 5. The estimated net increase in MBT-NFI tax collections from the 1.475% tax rate on quarterly taxable wages exceeding \$50,000 compared to the Economic Forum May 1, 2015, forecast, based on es before accounting for the estimated impact of any other legislatively approved changes to the MBT-NFI, is \$268,041,000 for FY 2016 and \$281,443,000 for FY 2017.

oyee leasing company to be the employer of the employees it leases for the purposes of NRS Chapter 612 (unemployment compensation). Under these provisions, the wages of employees leased mpanies will no longer be reported on an aggregated basis under the employee leasing company. The wages of the employees will now be reported on a disaggregated basis under each client mption applying to the employee leasing company, it will now apply to each client company. These provisions are effective October 1, 2015. The wages paid to employees being reported on a ersus an aggregated basis for the employee leasing company is estimated to reduce MBT-NFI collections by \$2,758,000 in FY 2016 and \$3,861,000 in FY 2017.

st Proceeds of Minerals (NPM) tax in NRS Chapter 362 to pay a 2.0% tax on all quarterly taxable wages paid by the employer to the employees, which is identical to the Modified Business Tax (MBT) r 363A. These provisions are effective July 1, 2015. This change is estimated to reduce MBT-NFI tax collections by \$10,884,000 in both FY 2016 and FY 2017. The mining companies paying the 2% generate \$17,353,000 in both FY 2016 and FY 2017 for the MBT-Mining. This change is estimated to yield a net increase in General Fund revenue of \$6,469,000 in both FY 2016 and FY 2017.

ial institution" in NRS Chapter 363A any person who is primarily engaged in the sale, solicitation, or negotiation of insurance, which makes such a person subject to the Modified Business Tax on NRS Chapter 363B at 1.475% on quarterly taxable wages exceeding \$50,000 and not the 2.0% tax on all quarterly taxable wages. These provisions are effective July 1, 2015. MBT-FI is estimated to 000 in FY 2017, and the MBT-NFI is estimated to be increased by \$278,000 in FY 2016 and \$291,000 in FY 2017. The net decrease in General Fund revenue is estimated to be \$613,000 in FY 2016

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

MIC FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

	FY 2014 ACTUAL % Change		FY 2015 ACTUAL % Change		FY 2016 ACTUAL % Change		ECONOMIC FORUM MAY 1, 2017, FORECAST					
							FY 2017 FORECAST % Change		FY 2018 FORECAST % Change		FY 2019 FORECAST % Change	

ess's Modified Business Tax (MBT) due during the current fiscal year not to exceed 50% of the Commerce Tax paid by the business for the preceding fiscal year. The credit can be taken against any or current fiscal year, but any amount of credit not used cannot be carried forward and used in succeeding fiscal years. The total estimated Commerce Tax credits against the MBT are estimated to be redit amount was not allocated separately to the MBT-NFI, MBT-FI, and MBT-Mining.

the portion of the Governmental Services Tax (GST) generated from the 10% depreciation schedule change, approved in S.B. 429 (2009), to be allocated to the State General Fund in FY 2016. ated to the State General Fund and 50% to the State Highway Fund. Under S.B. 483, 100% of the additional revenue generated from the GST 10% depreciation schedule change is required to be ng in FY 2018 and going forward permanently.

ness License Fee (BLF), from \$100 to \$200, permanent for the initial and annual renewal that was scheduled to sunset on June 30, 2015, (as approved in A.B. 475 (2013)) for all types of businesses, al renewal fee for corporations, as specified in S.B. 483, is increased from \$200 to \$500 permanently. These provisions are effective July 1, 2015. The changes to the BLF are estimated to generate 000 in FY 2016 and \$64,338,000 in FY 2017 in relation of the Economic Forum May 1, 2015, forecast with all business types paying a \$100 annual fee.

ing the initial and annual list of directors and officers by \$25 that is required to be paid by each business entity organizing under the various chapters in Title 7 of the NRS, effective July 1, 2015. The \$25 is estimated to increase Commercial Recordings Fee revenue by \$2,751,000 in FY 2016 and \$2,807,000 in FY 2017.

12 months and the renewal period from 48 to 24 months for a license as a real estate broker, broker-salesperson, or salesperson and also changes the period for other licenses from 48 to 24 months, d before July 1, 2015, do not need to be renewed until the expiration date required under statute prior to July 1, 2015. This change in the licensing period is estimated to reduce Real Estate License Fee 4,200 in FY 2017.

on the gross receipts from admission charges to unarmed combat events, that is dedicated to the State General Fund, by 2% to 8% with 75% of the proceeds from the 8% fee deposited in the State ic Commission to fund the agency's operations. A.B. 476 repeals the two-tiered fee based on the revenues from the sale or lease of broadcast, television and motion picture rights that is dedicated to the moter of an unarmed combat event a credit against the 8% license fee equal to the amount paid to the Athletic Commission or organization sanctioned by the Commission to administer a drug testing visions are effective June 9, 2015, based on the passage and approval effective date provisions of A.B. 476. These changes are estimated to reduce Athletic Commission Fee revenue by \$600,000 in

plication or renewals paid by developers for exemptions to any provisions administered by the Real Estate Division of the Department of Business and Industry, and requires that all fees collected for this / 1, 2015. This requirement for the Division to keep these fees is estimated to reduce Real Estate Land Company filing fees by approximately \$152,600 in FY 2016 and \$153,300 in FY 2017.

re commission retained by the Department of Motor Vehicles from the amount of Governmental Services Tax (GST) collected and any penalties for delinquent payment of the GST to be transferred to . 491 specified that the amount transferred shall not exceed \$20,813,716 from commissions and \$4,097,964 from penalties in FY 2015. A.B. 490 amended the commissions amount to \$23,724,000 and ults in an estimated net increase in General Fund revenue of \$3,849,320 in FY 2015 from GST Commissions and Penalties.

om Court Administrative Assessment Fees to be deposited in the State General Fund (pursuant to subsection 9 of NRS 176.059), based on the legislatively approved projections and the authorized ment Fee revenues (pursuant to subsection 8 of NRS 176.059) for FY 2016 and FY 2017.

red during the 2015 Legislative Session.

Enterprise Information Technology Services of the Department of Administration to use revenues from intergovernmental transfers to the State General Fund for the repayment of special appropriations ment of the state's microwave communications system. The legislatively approved repayment from the Division to the State General Fund is \$57,900 per year between FY 2018 and FY 2021, with FY 2028.

ons approved during the 2017 Legislative Session.

re portion of the Governmental Services Tax (GST) generated from the 10% depreciation schedule change, approved in S.B. 429 (2009), to be allocated to the State General Fund in FY 2018 and the State Highway Fund. Under A.B. 486, 100% of the additional revenue generated from the GST 10% depreciation schedule change is required to be deposited in the State Highway Fund beginning stimated to generate \$19,367,000 in FY 2018 and \$19,573,500 in FY 2019.

ain permits relating to the usage of piers, docks, buoys, or other facilities on navigable bodies of water in this state from NRS 322.120, and instead requires that the State Land Registrar of the Division tion and Natural Resources establish these fees by regulation, effective July 1, 2017. The bill requires that the first \$65,000 of the proceeds from these permit fees be deposited in the State General excess of \$65,000 to be used by the State Land Registrar to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin.

from the navigable water permit fees permitted pursuant to NRS 322.120 were recorded as Miscellaneous Fee revenue. Beginning in FY 2018, the proceeds from these fees are accounted for s, resulting in a corresponding reduction to the forecast for Miscellaneous Fees of \$65,000 per fiscal year in FY 2018 and FY 2019.

the State Engineer of the Division of Water Resources of the Department of Conservation and Natural Resources relating to services for the adjudication and appropriation of water be deposited in the i,467,000 per year in FY 2018 and FY 2019.

d by the Securities Division of the Secretary of State's Office be deposited in the State General Fund, instead of the Secretary of State's Office's operating budget, effective July 1, 2017. Estimated to ind FY 2019.

m Court Administrative Assessment Fees to be deposited in the State General Fund (pursuant to subsection 9 of NRS 176.059), based on the legislatively approved projections and the authorized ment Fee revenues (pursuant to subsection 8 of NRS 176.059) for FY 2018 and FY 2019. Estimated to generate \$1,328,228 in FY 2018 and \$1,080,780 in FY 2019.

ount included in the Legislature Approves budget after the May 1, 2017, approval of the General Fund revenue forecast by the Economic Forum.

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2017, FORECAST (UPDATED 11/9/2017)

ACTUAL: FY 2014 THROUGH FY 2016 AND FORECAST: FY 2017 THROUGH FY 2019

MEETING FORUM'S FORECAST FOR FY 2017, FY 2018, AND FY 2019 APPROVED AT THE MAY 1, 2017, MEETING

ADJUSTED FOR MEASURES APPROVED BY THE 2017 LEGISLATURE (79th SESSION)

						ECONOMIC FORUM MAY 1, 2017, FORECAST					
FY 2014 ACTUAL		% Change	FY 2015 ACTUAL		% Change	FY 2016 ACTUAL		% Change	FY 2017 FORECAST		% Change

LEGISLATURE
Office of Economic Development (GOED) could issue up to \$20 million per fiscal year for a total of \$80 million for the four-year pilot program in transferrable tax credits that may be used against the Tax, and Gaming Percentage Fee Tax. The provisions of the film tax credit program were amended in S.B. 1 (28th Special Session (2014)) to reduce the total amount of the tax credits that may be issued. The amounts shown reflect estimates based on information provided by GOED during the 2017 Session on the amount of tax credits that have been or will be approved for use in FY 2017 and FY 2018.

\$10 million per year in film tax credits may be awarded by GOED beginning in FY 2018, in addition to any remaining amounts from S.B. 1 of the 28th Special Session (2014). Any portion of the \$10 million per year may be carried forward and made available during the next or any future fiscal year.

14)), for certain qualifying projects, the Governor's Office of Economic Development (GOED) is required to issue transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax, and Gaming Percentage Fee Tax. The amount of transferrable tax credits are equal to \$12,500 for each qualified employee employed by the participants in the project, to a maximum of 6,000 employees, plus 5 percent of the first \$100 million made collectively by the participants in the qualifying project, plus an additional 2.8 percent of the next \$2.5 billion in new capital investment in the State made collectively by the participants in the project. GOED may not exceed \$45 million per fiscal year (though any unissued credits may be issued in subsequent fiscal years), and GOED may not issue total credits in excess of \$195 million. The forecast is \$195 million for FY 2018, and \$44,600,000 for FY 2019 based on information provided by GOED to the Economic Forum for consideration at their May 1, 2017, meeting.

15)), for certain qualifying projects, the Governor's Office of Economic Development (GOED) is required to issue transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax, and Gaming Percentage Fee Tax. The amount of transferrable tax credits are equal to \$9,500 for each qualified employee employed by the participants in the project, to a maximum of 4,000 employees. The amount of credits is \$10 million per fiscal year (though any unissued credits may be issued in subsequent fiscal years), and GOED may not issue total credits in excess of \$38 million. The forecast for tax credits attributable to the project is \$38 million for FY 2019 based on information provided by GOED to the Economic Forum for consideration at their May 1, 2017, meeting.

16) Markets Jobs Act allows insurance companies to receive a credit against the tax imposed on insurance premiums in exchange for making qualified equity investments in community development projects owned or controlled by minority-owned. A total of \$200 million in qualified equity investments may be certified by the Department of Business and Industry. In exchange for making the qualified equity investment, insurance companies must pay the Insurance Premium Tax in an amount equal to 58 percent of the total qualified equity investment that is certified by the Department. The credits may be taken in increments beginning on the date of the investment, as follows:

- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment

Insurance companies were allowed to begin taking tax credits in the third quarter of FY 2015. The amounts shown reflect estimates of the amount of tax credits that will be taken in each fiscal year based on information provided by the Department of Business and Industry and the Department of Taxation during the 2015 Session.

Office of Economic Development (GOED) to approve transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax, and Gaming Percentage Fee Tax to new or existing film production in Nevada. As approved in S.B. 507, the total amount of transferrable tax credits that may be issued is \$500,000 in FY 2016, \$2,000,000 in FY 2017, and \$5,000,000 for FY 2018 and FY 2019. The amounts shown are the estimate based on the maximum amount that can be issued in each fiscal year.

GOED reduced the total amount of transferrable tax credits that may be issued by GOED to zero in FY 2016, \$1 million in FY 2017, \$2 million per year in FY 2018 and FY 2019, and \$3 million in FY 2020. For FY 2021, the amount of credits that may be issued by GOED remains at \$5 million per year.

Donations of money to certain scholarship organizations to receive a dollar-for-dollar credit against the taxpayer's liability for the Modified Business Tax (MBT). The total amount of credits that may be issued (by the Department) is \$5 million in FY 2016, \$5.5 million in FY 2017, and 110 percent of the total amount of credits authorized in the previous year, for all subsequent fiscal years. The amounts shown reflect the total amount authorized for each fiscal year will be donated to a qualified scholarship organization and taken as credits against the MBT.

\$20 million in credits against the MBT under this program in Fiscal Year 2018 beyond those that were authorized in FY 2018 based on the provisions of A.B. 165 (2015). Any amount of the \$20 million in credits that may be issued in future fiscal years.

The Modified Business Tax (MBT) to certain employers who match the contribution of an employee to one of the college savings plans offered through the Nevada Higher Education Prepaid Tuition Program authorized under existing law. The amount of the tax credit is equal to 25 percent of the matching contribution, not to exceed \$500 per contributing employee per year, and any unused credits may be carried forward to subsequent years relating to the Nevada College Savings Program are effective January 1, 2016, and the Higher Education Prepaid Tuition Program are effective July 1, 2016. The amounts shown are estimates of the amount of credits that may be issued by the Governor's Office on enrollment and contributions for the college savings plans.

EXHIBIT F

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

							ECONOMIC FORUM MAY 1, 2019, FORECAST					
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change
	\$34,674,918	-33.0%	\$25,260,140	-27.2%	\$63,522,196	151.5%	\$51,462,000	-19.0%	\$53,373,000	3.7%	\$52,950,000	-0.8%
	\$68,648		\$3,636		\$1		\$17,200		\$0		\$0	
	\$34,743,566	-32.8%	\$25,263,776	-27.3%	\$63,522,196	151.4%	\$51,479,200	-19.0%	\$53,373,000	3.7%	\$52,950,000	-0.8%
	\$1,036,549,227	4.2%	\$1,090,695,356	5.2%	\$1,142,799,766	4.8%	\$1,232,208,000	7.8%	\$1,294,510,000	5.1%	\$1,334,223,000	3.1%
	\$10,155,240	4.4%	\$10,605,173	4.4%	\$11,091,996	4.6%	\$11,960,000	7.8%	\$12,565,000	5.1%	\$12,950,000	3.1%
	\$4,506,053	4.0%	\$4,730,822	5.0%	\$4,996,610	5.6%	\$5,388,000	7.8%	\$5,663,000	5.1%	\$5,837,000	3.1%
	\$15,764,607	3.9%	\$16,550,744	5.0%	\$17,481,048	5.6%	\$18,849,000	7.8%	\$19,802,000	5.1%	\$20,409,000	3.1%
	\$10,028,644	6.0%	\$11,133,048	11.0%	\$12,857,082	15.5%	\$13,863,000	7.8%	\$14,564,000	5.1%	\$15,011,000	3.1%
	\$1,077,003,772	4.2%	\$1,133,715,143	5.3%	\$1,189,226,502	4.9%	\$1,282,268,000	7.8%	\$1,347,104,000	5.1%	\$1,388,430,000	3.1%
redits	\$700,773,974	1.1%	\$730,496,482	4.2%	\$757,790,502	3.7%	\$763,360,000	0.7%	\$781,256,000	2.3%	\$792,106,000	1.4%
	-\$4,288,194		-\$5,222,720		\$0		\$0		\$0		\$0	
Tax Credits [TC-2]	-\$20,461,554		-\$36,850,519		-\$73,831,822		\$0		\$0		\$0	
redits [TC-4]	\$0		\$0		-\$355,000		\$0		\$0		\$0	
	-\$24,749,748		-\$42,073,239		-\$74,186,822		\$0		\$0		\$0	
redits	\$676,024,226	-2.5%	\$688,423,243	1.8%	\$683,603,680		\$763,360,000	11.7%	\$781,256,000	2.3%	\$792,106,000	1.4%
	\$3,261	10.0%	\$3,405	4.4%	\$3,200	-6.0%	\$3,200	0.0%	\$3,300	3.1%	\$3,400	3.0%
	\$9,293	24.6%	\$9,935	6.9%	\$8,723	-12.2%	\$7,500	-14.0%	\$7,500	0.0%	\$7,600	1.3%
	\$700		\$0		\$0		\$500		\$0		\$0	
	\$4,069,112	1105.5%	\$2,151,524	-47.1%	\$415,429	-80.7%	\$22,250,000		\$750,000	-96.6%	\$750,000	0.0%
	\$8,225,963	-0.8%	\$8,172,087	-0.7%	\$8,270,489	1.2%	\$8,367,000	1.2%	\$8,525,000	1.9%	\$8,590,000	0.8%
	\$10,861,213	-2.7%	\$10,641,146	-2.0%	\$10,496,064	-1.4%	\$10,411,000	-0.8%	\$10,332,000	-0.8%	\$10,344,000	0.1%
	\$6,450,491	-1.1%	\$6,443,060	-0.1%	\$6,390,520	-0.8%	\$6,266,000	-1.9%	\$6,157,000	-1.7%	\$6,214,000	0.9%
	\$1,780,785	2.7%	\$1,042,709	-41.4%	\$1,000,375	-4.1%	\$1,436,000	43.5%	\$1,200,000	-16.4%	\$1,444,500	20.4%
	\$34,000	-2.9%	\$33,500	-1.5%	\$32,000	-4.5%	\$32,500	1.6%	\$33,000	1.5%	\$33,500	1.5%
	\$42,000	0.0%	\$36,000	-14.3%	\$36,000	0.0%	\$30,000	-16.7%	\$30,000	0.0%	\$30,000	0.0%
	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%	\$500,000	0.0%
	\$63,000	3.3%	\$55,000	-12.7%	\$56,000	1.8%	\$54,000	-3.6%	\$55,000	1.9%	\$56,000	1.8%
	\$175,000	-12.5%	\$100,000	-42.9%	\$100,000	0.0%	\$100,000	0.0%	\$100,000	0.0%	\$100,000	0.0%
	\$279,500	-0.5%	\$275,000	-1.6%	\$291,520	6.0%	\$290,000	-0.5%	\$287,500	-0.9%	\$288,500	0.3%
	\$36,391	28.1%	\$12,084	-66.8%	\$4,439	-63.3%	\$4,000	-9.9%	\$3,900	-2.5%	\$3,900	0.0%
	\$115,214	6.9%	\$121,244	5.2%	\$119,782	-1.2%	\$110,600	-7.7%	\$111,400	0.7%	\$110,600	-0.7%
EDITS	\$733,419,897	1.5%	\$760,093,175	3.6%	\$785,515,041	3.3%	\$813,222,300	3.5%	\$809,351,600	-0.5%	\$820,582,000	1.4%
	-\$24,749,748		-\$42,073,239		-\$74,186,822		\$0		\$0		\$0	
EDITS	\$708,670,149	-1.9%	\$718,019,936	1.3%	\$711,328,219	-0.9%	\$813,222,300	14.3%	\$809,351,600	-0.5%	\$820,582,000	1.4%
	\$111,994,620	-14.4%	\$102,328,255	-8.6%	\$100,863,918	-1.4%	\$102,521,000	1.6%	\$103,555,000	1.0%	\$104,192,000	0.6%
	\$16,536,346	10.5%	\$26,977,758	63.1%	\$24,544,887	-9.0%	\$25,212,000	2.7%	\$25,739,000	2.1%	\$26,248,000	2.0%
	\$128,530,966	-11.9%	\$129,306,013	0.6%	\$125,408,805	-3.0%	\$127,733,000	1.9%	\$129,294,000	1.2%	\$130,440,000	0.9%
	\$143,507,593		\$197,827,208	37.9%	\$201,926,513	2.1%	\$215,284,000	6.6%	\$222,470,000	3.3%	\$231,527,000	4.1%
TAX	\$11,898,532		\$23,101,058	94.2%	\$21,773,229	-5.7%	\$30,221,000	38.8%	\$29,284,000	-3.1%	\$37,051,000	26.5%
	\$153,033,176	65.0%	\$180,677,113	18.1%	\$160,664,759	-11.1%	\$162,407,000	1.1%	\$156,650,000	-3.5%	\$151,826,000	-3.1%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

	ECONOMIC FORUM MAY 1, 2019, FORECAST					
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change
ED						
NEI [9-16][10-16]	\$517,135,234	33.4%	\$573,574,680	10.9%	\$604,038,466	5.3%
	\$0		-\$43,216,582		-\$57,111,521	
Edits	\$517,135,234	33.4%	\$530,358,099	2.6%	\$546,926,945	3.1%
	-\$82,621		\$0		\$0	
Tax Credits [TC-2]	\$0		\$0		\$0	
Edits [TC-4]	\$0		\$0		\$0	
Edits [TC-5]	-\$4,401,540		-\$4,646,956		-\$15,925,154	
6]	\$0		\$0		\$0	
	-\$4,484,161		-\$4,646,956		-\$15,925,154	
IS	\$512,651,073	32.2%	\$525,711,142	2.5%	\$531,001,790	1.0%
2-16]	\$27,188,910	12.6%	\$27,921,155	2.7%	\$29,088,764	4.2%
	\$0		-\$453,095		-\$633,954	
	\$27,188,910	12.6%	\$27,468,060	1.0%	\$28,454,810	3.6%
	\$0		\$0		\$0	
Tax Credits [TC-2]	\$0		\$0		\$0	
Edits [TC-4]	\$0		\$0		\$0	
Edits [TC-5]	\$0		-\$50,000		-\$50,000	
6]	\$0		\$0		\$0	
	\$0		-\$50,000		-\$50,000	
	\$27,188,910	12.6%	\$27,418,060	0.8%	\$28,404,810	3.6%
[11-16]	\$21,938,368		\$22,149,695	1.0%	\$22,508,221	1.6%
	\$0		-\$45,977		-\$71,092	
	\$21,938,368		\$22,103,717	0.8%	\$22,437,129	1.5%
	\$0		\$0		\$0	
Tax Credits [TC-2]	\$0		\$0		\$0	
Edits [TC-4]	\$0		\$0		\$0	
Edits [TC-5]	\$0		\$0		\$0	
6]	\$0		\$0		\$0	
	\$0		\$0		\$0	
	\$21,938,368		\$22,103,717	0.8%	\$22,437,129	1.5%
	\$666,262,513	37.5%	\$623,645,530	10.1%	\$655,635,451	5.1%
6]	\$0		-\$43,715,654		-\$57,816,588	
DITS	\$666,262,513	37.5%	\$579,929,875	2.4%	\$597,818,883	3.1%
	-\$82,621		\$0		\$0	
Tax Credits [TC-2]	\$0		\$0		\$0	
Edits [TC-4]	\$0		\$0		\$0	
Edits [TC-5]	-\$4,401,540		-\$4,696,956		-\$15,975,154	
6]	\$0		\$0		\$0	
	-\$4,484,161		-\$4,696,956		-\$15,975,154	
VS	\$581,778,352	36.4%	\$575,232,919	2.4%	\$581,843,729	1.1%
	\$613,812,650	5.5%	\$603,935,000	-1.6%	\$625,307,900	3.5%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

	ECONOMIC FORUM MAY 1, 2019, FORECAST					
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change
ED						
[1-16]	\$335,118,754	9.8%	\$383,635,486	14.5%	\$417,497,362	8.8%
	\$0		\$0		\$0	
Tax Credits [TC-2]	\$0		\$0		\$0	
redits [TC-4]	\$0		\$0		\$0	
redits [TC-3]	-\$26,005,450		-\$25,153,081		-\$23,234,613	
	-\$26,005,450		-\$25,153,081		-\$23,234,613	
grams	\$309,113,304	5.6%	\$358,482,405	16.0%	\$394,262,749	10.0%
	\$185,855	-47.8%	\$180,831	-2.7%	\$170,507	-5.7%
	\$923,869	2.5%	\$1,077,605	16.6%	\$1,267,234	17.6%
CREDITS	\$336,228,478	9.8%	\$384,893,922	14.5%	\$418,935,102	8.8%
	-\$26,005,450		-\$25,153,081		-\$23,234,613	
REDITS	\$310,223,028	5.5%	\$359,740,841	16.0%	\$395,700,489	10.0%
	\$75,794,844	18.0%	\$83,957,113	10.8%	\$103,390,400	23.1%
	\$66,731,895	6.2%	\$38,567,416	-42.2%	\$20,252,358	-47.5%
	\$103,045,619	36.7%	\$104,858,331	1.8%	\$109,297,773	4.2%
	\$43,944,413	2.9%	\$43,868,496	-0.2%	\$44,194,634	0.7%
	\$13,131,919	14.6%	\$14,693,540	11.9%	\$16,496,006	12.3%
	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%
	\$243	-86.9%	\$281	15.5%	\$0	
	\$2,786,429	-11.0%	\$2,785,199	0.0%	\$2,745,343	-1.4%
	\$3,495,063,854	15.4%	\$3,752,253,314	7.4%	\$3,923,984,113	4.6%
[6]	\$0		-\$43,715,654		-\$57,816,568	
REDITS	\$3,495,063,854	15.4%	\$3,708,537,660	6.1%	\$3,866,167,545	4.3%
	-\$4,370,815		-\$5,222,720		\$0	
Tax Credits [TC-2]	-\$20,461,554		-\$36,850,519		-\$73,831,822	
redits [TC-4]	\$0		\$0		-\$355,000	
redits [TC-3]	-\$26,005,450		-\$25,153,081		-\$23,234,613	
redits [TC-5]	-\$4,401,540		-\$4,696,956		-\$15,975,154	
3)	\$0		\$0		\$0	
	-\$55,239,359		-\$71,923,277		-\$113,396,589	
	\$3,439,824,495	14.0%	\$3,636,614,383	5.7%	\$3,752,770,956	3.2%
	\$444,340,000	6.4%	\$466,254,000	4.9%	\$492,665,000	5.7%
	\$0		\$0		\$0	
	\$0		\$0		\$0	
	\$0		\$0		\$0	
	-\$22,000,000		-\$7,195,974		\$0	
	-\$22,000,000		-\$7,195,974		\$0	
	\$422,340,000	7.1%	\$459,058,026	8.7%	\$492,665,000	7.3%
	\$284,400	66.8%	\$183,200	-35.6%	\$183,200	0.0%
	\$1,415,000	11.7%	\$1,483,000	4.8%	\$1,533,000	3.4%
	\$446,039,400	6.5%	\$467,920,200	4.9%	\$494,381,200	5.7%
	-\$22,000,000		-\$7,195,974		\$0	
	\$424,039,400	7.2%	\$460,724,226	8.7%	\$494,381,200	7.3%
	\$102,067,000	-1.3%	\$105,083,000	3.0%	\$106,357,000	1.2%
	\$21,443,000	5.9%	\$0		\$0	
	\$112,278,000	2.7%	\$113,000,000	0.6%	\$113,352,000	0.3%
	\$45,526,000	3.0%	\$45,682,000	0.3%	\$46,058,000	0.8%
	\$17,804,000	7.9%	\$19,135,000	7.5%	\$20,492,000	7.1%
	\$5,000,000	0.0%	\$5,000,000	0.0%	\$5,000,000	0.0%
	\$0		\$0		\$0	
	\$2,805,000	2.2%	\$2,735,000	-2.5%	\$2,722,000	-0.5%
	\$4,123,743,900	5.1%	\$4,183,835,800	1.5%	\$4,304,776,200	2.9%
	-\$56,222,000		-\$59,128,000		-\$62,145,000	
	\$4,067,521,900	5.2%	\$4,124,707,800	1.4%	\$4,242,631,200	2.9%
	-\$3,770,609		-\$5,000,000		-\$6,000,000	
	-\$41,943,604		-\$21,912,500		\$0	
	-\$2,227,500		-\$3,247,500		-\$5,000,000	
	-\$22,000,000		-\$7,195,974		\$0	
	-\$18,131,350		-\$14,641,000		-\$16,105,100	
	-\$1,000		-\$50,000		-\$50,000	
	-\$88,074,063		-\$52,046,974		-\$27,155,100	
	\$3,979,447,837	6.0%	\$4,072,660,826	2.3%	\$4,215,476,100	3.5%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

	FY 2016		FY 2017		FY 2018		ECONOMIC FORUM MAY 1, 2019, FORECAST					
	ACTUAL	% Change	ACTUAL	% Change	ACTUAL	% Change	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change
	\$19,913,616	8.5%	\$19,533,765	-1.9%	\$21,002,623	7.5%	\$21,964,000	4.6%	\$22,622,000	3.0%	\$23,263,000	2.8%
	\$367,116	-1.1%	\$364,681	-0.7%	\$342,192	-6.2%	\$340,100	-0.6%	\$337,200	-0.9%	\$335,100	-0.6%
	\$1,915,810	10.0%	\$1,838,672	-4.0%	\$1,942,182	5.6%	\$2,223,000	14.5%	\$2,156,000	-3.0%	\$2,177,000	1.0%
	\$514,489	-0.5%	\$548,574	6.6%	\$556,389	1.4%	\$550,300	-1.1%	\$556,600	1.1%	\$563,000	1.1%
	\$73,701,665	7.1%	\$74,606,592	1.2%	\$77,057,113	3.3%	\$77,225,000	0.2%	\$77,843,000	0.8%	\$78,515,000	0.9%
	\$525	-66.1%	\$3,400	547.6%	\$5,050	48.5%	\$30,000	494.1%	\$3,500	-88.3%	\$3,500	0.0%
	\$28,790	-21.0%	\$25,927	-9.9%	\$0		\$21,800		\$21,800	0.0%	\$21,800	0.0%
	\$27,978,707	3.5%	\$28,304,481	1.2%	\$29,322,672	3.6%	\$29,875,000	1.9%	\$30,385,000	1.7%	\$30,801,000	1.4%
	\$104,139,985	6.1%	\$105,327,646	1.1%	\$108,883,405	3.4%	\$109,925,100	1.0%	\$110,965,900	0.9%	\$112,081,300	1.0%
	\$236,690	-7.4%	\$212,848	-10.1%	\$214,155	0.6%	\$214,000	-0.1%	\$214,500	0.2%	\$215,000	0.2%
	\$14,800	34.5%	\$13,600	-8.1%	\$15,500	14.0%	\$17,700	14.2%	\$18,600	5.1%	\$19,500	4.8%
	\$2,137,010	54.4%	\$2,345,884	9.8%	\$2,469,797	5.3%	\$2,568,000	4.0%	\$2,415,000	-6.0%	\$2,442,000	1.1%
	\$4,710	29.3%	\$3,450	-26.8%	\$1,670	-51.6%	\$1,400	-16.2%	\$1,900	35.7%	\$1,900	0.0%
	\$2,141,720	54.4%	\$2,349,334	9.7%	\$2,471,467	5.2%	\$2,569,400	4.0%	\$2,416,900	-5.9%	\$2,443,900	1.1%
	\$5,041,720	-43.5%	\$3,217,083	-36.2%	\$6,016,432	87.0%	\$4,923,000	-18.2%	\$4,492,000	-8.8%	\$4,492,000	0.0%
	\$131,855,647	3.5%	\$131,018,957	-0.6%	\$138,945,774	6.1%	\$139,953,300	0.7%	\$141,067,100	0.8%	\$142,849,800	1.3%
	\$170,348	-2.8%	\$172,297	1.1%	\$164,198	-4.7%	\$185,500	13.0%	\$171,500	-7.5%	\$168,100	-2.0%
	\$1,316,607	2.0%	\$1,287,358	-2.2%	\$1,249,463	-2.9%	\$1,260,000	0.8%	\$1,261,000	0.1%	\$1,258,000	-0.2%
	\$349,206	-30.9%	\$1,139,995	226.5%	\$676,092	-40.7%	\$600,500	-11.2%	\$600,500	0.0%	\$600,500	0.0%
	\$1,500		\$0		\$0		\$500		\$500	0.0%	\$500	0.0%
	\$5,700	-5.5%	\$6,740	18.2%	\$7,780	15.4%	\$6,600	-15.2%	\$7,000	6.1%	\$6,800	-2.9%
	\$28,530	-81.9%	\$24,692	-13.5%	\$24,575	-0.5%	\$25,300	3.0%	\$25,000	-1.2%	\$25,000	0.0%
	\$2,010	857.1%	\$6,712	233.9%	\$0							
	\$8,550	-45.5%	\$7,150	-16.4%	\$12,275	71.7%	\$9,400	-23.4%	\$9,500	1.1%	\$9,500	0.0%
	\$387,294	122.4%	\$472,141	21.9%	\$601,757	27.5%	\$600,200	-0.3%	\$596,800	-0.6%	\$596,800	0.0%
	\$93,450	-2.3%	\$102,900	10.1%	\$109,295	6.2%	\$102,000	-6.7%	\$105,400	3.3%	\$105,400	0.0%
	\$65,595	157.7%	\$95,337	45.3%	\$102,131	7.1%	\$101,800	-0.3%	\$101,800	0.0%	\$101,800	0.0%
	\$53,860	14.7%	\$57,490	6.7%	\$60,150	4.6%	\$60,400	0.4%	\$61,200	1.3%	\$61,900	1.1%
	\$644,989	23.6%	\$773,162	19.9%	\$917,963	18.7%	\$905,700	-1.3%	\$906,700	0.1%	\$907,200	0.1%
	\$51,914,285	6.5%	\$52,467,963	1.1%	\$55,601,611	6.0%	\$56,828,000	2.2%	\$57,392,000	1.0%	\$58,135,000	1.3%
	\$468,376	119.7%	\$116,600	-75.1%	\$117,035	0.4%	\$125,200	7.0%	\$132,300	5.7%	\$132,300	0.0%
					\$61,185		\$65,000	6.2%	\$65,000	0.0%	\$65,000	0.0%
					\$3,860,659		\$3,721,000	-3.6%	\$3,621,000	-2.7%	\$3,620,000	0.0%
	\$201,305	7.9%	\$202,410	0.5%	\$229,445	13.4%	\$242,100	5.5%	\$262,700	8.5%	\$283,700	8.0%
	\$1,400,099	-20.2%	\$910,604	-35.0%	\$806,743	-11.4%	\$632,500	-21.6%	\$573,300	-9.4%	\$531,100	-7.4%
	\$2,735,813	-71.4%	\$2,414,739	-11.7%	\$2,764,378	14.5%	\$2,750,000	-0.5%	\$2,450,000	-10.9%	\$2,450,000	0.0%
	\$59,202,527	-6.0%	\$59,485,127	0.5%	\$66,448,771	11.7%	\$67,316,000	1.3%	\$67,436,500	0.2%	\$68,151,400	1.1%

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

	FY 2016		FY 2017		FY 2018		ECONOMIC FORUM MAY 1, 2019, FORECAST						
	ACTUAL	% Change	ACTUAL	% Change	ACTUAL	% Change	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change	
PROP													
7) n, Phase I omputer Facility ications System [1-18] Enhancement [2-19] ide [3-19]	\$20,670		\$20,670		\$20,670		\$20,670		\$20,670		\$20,670		
	\$23,744		\$23,744		\$23,744		\$13,032		\$13,032		\$13,032		
	\$2,998		\$2,998		\$0		\$0		\$0		\$0		
	\$6,874		\$6,874		\$0		\$0		\$0		\$0		
	\$1,000		\$1,000		\$0		\$0		\$0		\$0		
	\$62,542		\$62,542		\$62,542		\$62,542		\$0		\$0		
	\$9,107		\$9,107		\$9,107		\$9,107		\$0		\$0		
					\$57,900		\$57,900		\$57,900		\$57,900		
							\$124,406		\$201,079		\$201,079		
							\$499,724		\$499,724		\$499,724		
		\$125,000		\$125,000		\$125,000		\$125,000		\$125,000		\$125,000	
		\$251,935	-44.6%	\$251,935	0.0%	\$298,963	18.7%	\$912,381	205.2%	\$917,405	0.6%	\$917,405	0.0%
		\$1,247,554	36.1%	\$3,578,939	186.9%	\$9,146,057	155.6%	\$17,671,000	93.2%	\$17,588,000	-0.5%	\$17,850,000	1.5%
		\$18,411	243.3%	\$43,740	137.6%	\$115,117	163.2%	\$208,600	81.2%	\$216,600	3.8%	\$223,000	3.0%
		\$1,265,964	37.3%	\$3,622,679	186.2%	\$9,261,175	155.6%	\$17,879,600	93.1%	\$17,804,600	-0.4%	\$18,073,000	1.5%
	\$1,517,900	10.2%	\$3,874,614	155.3%	\$9,560,138	146.7%	\$18,791,981	96.6%	\$18,722,005	-0.4%	\$18,990,405	1.4%	
	\$300,000	0.0%	\$300,000	0.0%	\$300,000	0.0%	\$300,000	0.0%	\$300,000	0.0%	\$300,000	0.0%	
	\$8,778,021	4.7%	\$8,745,436	-0.4%	\$9,482,546	8.4%	\$10,357,000	9.2%	\$10,736,000	3.7%	\$11,016,000	2.6%	
	\$347,803	9.1%	\$377,829	8.6%	\$497,111	31.6%	\$392,900	-21.0%	\$407,900	3.8%	\$407,900	0.0%	
	\$0		\$0		\$1,551,956		\$1,080,780	-30.4%	\$0		\$0		
	\$2,012,172	-5.8%	\$2,066,687	2.7%	\$2,095,971	1.4%	\$2,117,000	1.0%	\$2,132,000	0.7%	\$2,141,000	0.4%	
	\$35,975	190.5%	\$19,304	-46.3%	\$35,075	81.7%	\$36,300	3.5%	\$50,000	37.7%	\$40,000	-20.0%	
	\$2,190	2.3%	\$1,765	-19.4%	\$1,740	-1.4%	\$7,500	331.0%	\$4,000	-46.7%	\$4,000	0.0%	
	\$11,495	87.8%	\$4,210	-63.4%	\$4,895	16.3%	\$8,300	69.6%	\$10,300	24.1%	\$10,700	3.9%	
	\$17,668	-81.9%	\$3,685	-79.1%	\$3,400	-7.7%	\$1,300	-61.8%	\$2,300	76.9%	\$2,300	0.0%	
	\$850	-78.7%	\$9,836		\$864	-91.2%	\$1,400	62.0%	\$1,200	-14.3%	\$1,200	0.0%	
	\$371,455	-12.4%	\$366,872	-1.2%	\$397,998	8.5%	\$359,700	-9.6%	\$363,100	0.9%	\$366,900	1.0%	
	\$31,709	-72.0%	\$1,524,081		\$51,085	-96.6%	\$34,000	-33.4%	\$34,000	0.0%	\$34,000	0.0%	
	\$10,572,088	24.6%	\$10,222,088	-3.3%	\$9,839,249	-3.7%	\$10,457,000	6.3%	\$10,299,000	-1.5%	\$10,875,000	5.6%	
	\$22,181,427	-56.7%	\$23,341,792	5.2%	\$23,961,888	2.7%	\$24,853,180	3.7%	\$24,039,800	-3.3%	\$24,899,000	3.6%	
	\$38,960,791	60.3%	\$25,871,335	-33.6%	\$26,723,929	3.3%	\$26,354,000	-1.4%	\$25,934,000	-1.6%	\$25,914,000	-0.1%	
	\$61,442,218	-18.9%	\$49,513,127	-19.4%	\$50,985,818	3.0%	\$51,507,180	1.0%	\$50,273,800	-2.4%	\$51,113,000	1.7%	
EDITS	\$3,749,082,146	13.7%	\$3,996,145,139	6.6%	\$4,189,924,613	4.8%	\$4,401,312,361	5.0%	\$4,461,335,205	1.4%	\$4,585,880,805	2.8%	
	\$0		-\$43,715,654		-\$57,816,568		-\$56,222,000		-\$59,128,000		-\$62,145,000		
CE TAX CREDITS	\$3,749,082,146	13.7%	\$3,952,429,484	5.4%	\$4,132,108,045	4.5%	\$4,345,090,361	5.2%	\$4,402,207,205	1.3%	\$4,523,735,805	2.8%	
	-\$4,370,815		-\$5,222,720		\$0		-\$3,770,609		-\$5,000,000		-\$6,000,000		
BLE TAX CREDITS [TC-2]	-\$20,461,554		-\$36,850,519		-\$73,831,822		-\$41,943,604		-\$21,912,500		\$0		
AX CREDITS [TC-4]	\$0		\$0		-\$355,000		-\$2,227,500		-\$3,247,500		-\$5,000,000		
EDITS [TC-3]	-\$26,005,450		-\$25,153,081		-\$23,234,613		-\$22,000,000		-\$7,195,974		\$0		
REDITS [TC-5]	-\$4,401,540		-\$4,696,956		-\$15,975,154		-\$18,131,350		-\$14,641,000		-\$16,105,100		
3-6]	\$0		\$0		\$0		-\$1,000		-\$50,000		-\$50,000		
	-\$55,239,359		-\$71,923,277		-\$113,396,589		-\$88,074,063		-\$52,046,974		-\$27,155,100		
ITS	\$3,693,842,787	12.5%	\$3,880,506,208	5.1%	\$4,018,711,456	3.6%	\$4,257,016,298	5.9%	\$4,350,160,231	2.2%	\$4,496,580,705	3.4%	

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
IIIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

						ECONOMIC FORUM MAY 1, 2019, FORECAST						
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change

ved during the 28th Special Session in September 2014.

of the home office credit that may be taken against the Insurance Premium Tax to an annual limit of \$5 million, effective January 1, 2016. The home office credit is eliminated pursuant to this bill,

tions approved during the 2015 Legislative Session.

approved in S.B. 475 (2013)) by one year to June 30, 2016, on the Net Proceeds of Minerals (NPM) tax, which continues the payment of taxes in the current fiscal year based on the estimated net true-up against actual net proceeds for the calendar year in the next fiscal year. The one-year extension of the sunset is estimated to yield \$34,642,000 in FY 2016. There is no estimated tax payment or prepayment of NPM taxes.

approved in S.B. 475 (2013)) by one-year to June 30, 2016, that eliminates health and industrial insurance deductions allowed against gross proceeds to determine net proceeds for the purpose of M) tax liability. These deduction changes are effective for the NPM tax payments due in FY 2016. The health and industrial insurance deduction changes are estimated to generate \$4,221,000 in

cal School Support Tax (LSST) permanent. The 0.35% increase generates additional revenue from the 0.75% General Fund Commission assessed against LSST proceeds before distribution to school generate \$1,387,300 in FY 2016 and \$1,463,400 in FY 2017.

re tax base and tax rate for the Live Entertainment Tax (LET) in NRS Chapter 368A that is administered by the Gaming Control Board for live entertainment at licensed gaming establishments and the provided at non-gaming establishments. Under existing law, the tax rate is 10% of the admission charge and amounts paid for food, refreshments, and merchandise, if the live entertainment is provided s than 7,500 persons, and 5% of the admission charge only, if the live entertainment is provided at a facility with a maximum occupancy equal to or greater than 7,500 persons. S.B. 266 removes the 9% tax rate on the admission charge to the facility only. The tax rate does not apply to amounts paid for food, refreshments, and merchandise unless that is the consideration required to enter the ids the total amount of consideration paid for escorts and escort services to the LET tax base and makes these activities subject to the 9% tax rate. The bill provides that the exemption from the LET for ding on the number of tickets sold and the type of live entertainment being provided. S.B. 266 establishes an exemption for the following: 1.) the value of certain admissions provided on a complimentary , or lounge or for food, beverages, and merchandise that are in addition to the admission charge to the facility; and 3.) certain license and rental fees of luxury suites, boxes, or similar products at a an 7,500 persons. The provisions of S.B. 266 also make other changes to the types of activities that are included or excluded from the tax base as live entertainment events subject to the 9% tax rate. per 1, 2015. The amounts shown reflect the estimated net change from the provisions of S.B. 266 on the amount of the LET collected from the portion administered by the Gaming Control Board and the mblined impact. The changes to the LET are estimated to reduce LET-Gaming collections by \$19,165,000 in FY 2016 and by \$26,551,000 in FY 2017, but increase LET-Nongaming collections by FY 2017. The combined net effect on total LET collections is estimated to be reduction of \$3,682,000 in FY 2016 and \$1,238,000 in FY 2017.

n annual tax on each business entity engaged in business in the state whose Nevada gross revenue in a fiscal year exceeds \$4,000,000 at a tax rate based on the industry in which the business is e on or before the 45th day immediately following the fiscal year taxable period (June 30th). Although the Commerce Tax collections are received after the June 30th end of the fiscal year tax period, the rued back and accounted for in that fiscal year, since that fiscal year is not officially closed until the third Friday in September. The Commerce Tax provisions are effective July 1, 2015, for the purpose less, but the first tax payment will not be made until August 14, 2016, for the FY 2016 annual taxable business activity period.

ax by the Nevada Transportation Authority or the Taxicab Authority, as applicable, on the connection of a passenger to a driver affiliated with a transportation network company, a common motor carrier fare charged to the passenger. The excise tax becomes effective on passage and approval (May 29, 2015) for transportation network companies and August 28, 2015, for common motor carrier and x proceeds from each biennium are required to be deposited in the State Highway Fund and the estimate for FY 2016 reflects this requirement.

of 20 by \$1.00 from 80 cents per pack (10 cents to Local Government Distribution Fund, 70 cents to State General Fund) to \$1.80 per pack (10 cents to Local Government Distribution Fund, \$1.70 to the \$1.00 per pack increase is estimated to generate \$96,872,000 in FY 2016 and \$95,391,000 in FY 2017.

nd tax rate for the Modified Business Tax on General Business (nonfinancial institutions) by exempting quarterly taxable wages (gross wages less allowable health care expenses) paid by an employer quarter and taxable wages exceeding \$50,000 per quarter are taxed at 1.475%. The taxable wages exemption threshold was \$85,000 per quarter for FY 2014 and FY 2015 with a 1.17% tax rate on ased on S.B. 475 (2013). These provisions in S.B. 475 were scheduled to sunset effective June 30, 2015, at which time the tax rate would have been 0.63% on all taxable wages per quarter. The 5. The estimated net increase in MBT-NFI tax collections from the 1.475% tax rate on quarterly taxable wages exceeding \$50,000 compared to the Economic Forum May 1, 2015, forecast, based on ies before accounting for the estimated impact of any other legislatively approved changes to the MBT-NFI is \$268,041,000 for FY 2016 and \$281,443,000 for FY 2017.

oyee leasing company to be the employer of the employees it leases for the purposes of NRS Chapter 612 (unemployment compensation). Under these provisions, the wages of employees leased mpanies will no longer be reported on an aggregated basis under the employee leasing company. The wages of the employees will now be reported on a disaggregated basis under each client emption applying to the employee leasing company, it will now apply to each client company. These provisions are effective October 1, 2015. The wages paid to employees being reported on a ersus an aggregated basis for the employee leasing company is estimated to reduce MBT-NFI collections by \$2,758,000 in FY 2016 and \$3,861,000 in FY 2017.

it Proceeds of Minerals (NPM) tax in NRS Chapter 362 to pay a 2.0% tax on all quarterly taxable wages paid by the employer to the employees, which is identical to the Modified Business Tax (MBT) r 363A. These provisions are effective July 1, 2015. This change is estimated to reduce MBT-NFI tax collections by \$10,884,000 in both FY 2016 and FY 2017. The mining companies paying the 2% generate \$17,353,000 in both FY 2016 and FY 2017 for the MBT-Mining. This change is estimated to yield a net increase in General Fund revenue of \$6,469,000 in both FY 2016 and FY 2017.

al institution" in NRS Chapter 363A any person who is primarily engaged in the sale, solicitation, or negotiation of insurance, which makes such a person subject to the Modified Business Tax on NRS Chapter 363B at 1.475% on quarterly taxable wages exceeding \$50,000 and not the 2.0% tax on all quarterly taxable wages. These provisions are effective July 1, 2015. MBT-FI is estimated to 000 and the MBT-NFI is estimated to be increased by \$278,000 in FY 2016 and \$291,000 in FY 2017. The net decrease in General Fund revenue is estimated to be \$613,000 in FY 2016 and \$645,000

is's Modified Business Tax (MBT) due during the current fiscal year not to exceed 50% of the Commerce Tax paid by the business for the preceding fiscal year. The credit can be taken against any or urrent fiscal year, but any amount of credit not used cannot be carried forward and used in succeeding fiscal years. The total estimated Commerce Tax credits against the MBT are estimated to be dit amount was not allocated separately to the MBT-NFI, MBT-FI, and MBT-Mining.

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
ACTUAL: FY 2016 THROUGH FY 2018 AND FORECAST: FY 2019 THROUGH FY 2021
MC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

						ECONOMIC FORUM MAY 1, 2019, FORECAST						
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change

the portion of the Governmental Services Tax (GST) generated from the 10% depreciation schedule change, approved in S.B. 429 (2009), to be allocated to the State General Fund in FY 2016. allocated to the State General Fund and 50% to the State Highway Fund. Under S.B. 483, 100% of the additional revenue generated from the GST 10% depreciation schedule change is required to be in FY 2018 and going forward permanently.

Business License Fee (BLF) from \$100 to \$200 permanent for the initial and annual renewal, that was scheduled to sunset on June 30, 2015, (as approved in A.B. 475 (2013)) for all types of businesses, annual renewal fee for corporations, as specified in S.B. 483, is increased from \$200 to \$500 permanently. These provisions are effective July 1, 2015. The changes to the BLF are estimated to generate \$64,338,000 in FY 2016 and \$64,338,000 in FY 2017 in relation to the Economic Forum May 1, 2015, forecast with all business types paying a \$100 annual fee.

Increasing the initial and annual list of directors and officers by \$25 that is required to be paid by each business entity organizing under the various chapters in Title 7 of the NRS, effective July 1, 2015. The \$25 is estimated to increase Commercial Recordings Fee revenue by \$2,751,000 in FY 2016 and \$2,807,000 in FY 2017.

12 months and the renewal period from 48 to 24 months for a license as a real estate broker, broker-salesperson, or salesperson and also changes the period for other licenses from 48 to 24 months, effective before July 1, 2015, do not need to be renewed until the expiration date required under statute prior to July 1, 2015. This change in the licensing period is estimated to reduce Real Estate License Fee revenue by \$4,200 in FY 2017.

On the gross receipts from admission charges to unarmed combat events, that is dedicated to the State General Fund, by 2% to 8% with 75% of the proceeds from the 8% fee deposited in the State Athletic Commission to fund the agency's operations. A.B. 476 repeals the two-tiered fee based on the revenues from the sale or lease of broadcast, television and motion picture rights that is dedicated to the motor of an unarmed combat event a credit against the 8% license fee equal to the amount paid to the Athletic Commission or organization sanctioned by the Commission to administer a drug testing provisions are effective June 9, 2015, based on the passage and approval effective date provisions of A.B. 476. These changes are estimated to reduce Athletic Commission Fee revenue by \$600,000 in FY 2016 and \$600,000 in FY 2017.

Application or renewals paid by developers for exemptions to any provisions administered by the Real Estate Division of the Department of Business and Industry, and requires that all fees collected for this application, effective July 1, 2015. This requirement for the Division to keep these fees is estimated to reduce Real Estate Land Company filing fees by approximately \$152,600 in FY 2016 and \$153,300 in FY 2017.

The commission retained by the Department of Motor Vehicles from the amount of Governmental Services Tax (GST) collected and any penalties for delinquent payment of the GST to be transferred to the Department of Motor Vehicles. A.B. 491 specified that the amount transferred shall not exceed \$20,813,716 from commissions and \$4,097,964 from penalties in FY 2015. A.B. 490 amended the commissions amount to \$23,724,000 and A.B. 491 in an estimated net increase in General Fund revenue of \$3,849,320 in FY 2015 from GST Commissions and Penalties.

From Court Administrative Assessment Fees to be deposited in the State General Fund (pursuant to subsection 9 of NRS 176.059), based on the legislatively approved projections and the authorized amount Fee revenues (pursuant to subsection 8 of NRS 176.059) for FY 2016 and FY 2017.

Approved during the 2015 Legislative Session.

Enterprise Information Technology Services of the Department of Administration to use revenues from intergovernmental transfers to the State General Fund for the repayment of special appropriations for the maintenance of the state's microwave communications system. The legislatively approved repayment from the Division to the State General Fund is \$57,900 per year between FY 2018 and FY 2021, with FY 2028.

Approved during the 2017 Legislative Session.

The portion of the Governmental Services Tax (GST) generated from the 10% depreciation schedule change, approved in S.B. 429 (2009), to be allocated to the State General Fund in FY 2018 and FY 2019 to the State Highway Fund. Under A.B. 486, 100% of the additional revenue generated from the GST 10% depreciation schedule change is required to be deposited in the State Highway Fund beginning in FY 2018 to generate \$19,367,000 in FY 2018 and \$19,573,500 in FY 2019.

tain permits relating to the usage of piers, docks, buoys, or other facilities on navigable bodies of water in this state from NRS 322.120, and instead requires that the State Land Registrar of the Division of Conservation and Natural Resources establish these fees by regulation, effective July 1, 2017. The bill requires that the first \$65,000 of the proceeds from these permit fees be deposited in the State General Fund and the excess of \$65,000 to be used by the State Land Registrar to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin.

By the State Engineer of the Division of Water Resources of the Department of Conservation and Natural Resources relating to services for the adjudication and appropriation of water be deposited in the State General Fund, estimated to generate \$3,467,000 per year in FY 2018 and FY 2019.

and by the Securities Division of the Secretary of State's Office be deposited in the State General Fund, instead of the Secretary of State's Office's operating budget, effective July 1, 2017. Estimated to generate \$1,328,228 in FY 2018 and \$1,080,780 in FY 2019.

From Court Administrative Assessment Fees to be deposited in the State General Fund (pursuant to subsection 9 of NRS 176.059), based on the legislatively approved projections and the authorized amount Fee revenues (pursuant to subsection 8 of NRS 176.059) for FY 2018 and FY 2019. Estimated to generate \$1,328,228 in FY 2018 and \$1,080,780 in FY 2019.

Amount included in the Legislature Approves budget after the May 1, 2017, approval of the General Fund revenue forecast by the Economic Forum.

Approved during the 2017 Legislative Session.

1 of a question on the November 2018 General Election ballot seeking approval to amend the Sales and Use Tax Act of 1955 to provide an exemption from the State 2% sales and use tax for certain products was approved by the voters and, therefore, the sales tax exemption for these products will be effective January 1, 2019, until December 31, 2028.

is approved by the voters, identical exemptions for these products from the Local School Support Tax and other state and local taxes would become effective January 1, 2019, and would also expire January 1, 2028. This would reduce the amount of the commission that is kept by the Department of Taxation and deposited in the State General Fund for collection of these taxes.

Appropriations of \$497,625 in FY 2018 and \$306,690 in FY 2019 to the Division of Enterprise Information Technology Services of the Department of Administration to enhance the state's cyber security program. The amount of these appropriations is 25 percent of the amounts appropriated per year, beginning in FY 2019 (for the FY 2018 appropriation) and in FY 2020 (for the FY 2019 appropriation).

and appropriation of \$1,998,895 in FY 2018 to the Division of Enterprise Information Technology Services of the Department of Administration to increase the bandwidth and connectivity of the State's network. The repayment of this appropriation is 25 percent of the amount appropriated per year, beginning in FY 2019.

GENERAL FUND REVENUES - ECONOMIC FORUM MAY 1, 2019, FORECAST
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IIC FORUM'S FORECAST FOR FY 2019, FY 2020, AND FY 2021 APPROVED AT THE MAY 1, 2019, MEETING

	ECONOMIC FORUM MAY 1, 2019, FORECAST					
	FY 2016 ACTUAL	% Change	FY 2017 ACTUAL	% Change	FY 2018 ACTUAL	% Change
	FY 2019 FORECAST	% Change	FY 2020 FORECAST	% Change	FY 2021 FORECAST	% Change

LEGISLATURE

Office of Economic Development (GOED) could issue up to \$20 million per fiscal year for a total of \$80 million for the four-year pilot program in transferrable tax credits that may be used against the tax, and Gaming Percentage Fee Tax. The provisions of the film tax credit program were amended in S.B. 1 (28th Special Session (2014)) to reduce the total amount of the tax credits that may be

million per year in film tax credits may be awarded by GOED beginning in FY 2018, in addition to any remaining amounts from S.B. 1 of the 28th Special Session (2014). Any portion of the \$10 million per year may be carried forward and made available during the next or any future fiscal year. The amounts shown for FY 2019, FY 2020, and FY 2021 are based on information provided by GOED.

(4)), for certain qualifying projects, the Governor's Office of Economic Development (GOED) is required to issue transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax. The amount of transferrable tax credits are equal to \$12,500 for each qualified employee employed by the participants in the project, to a maximum of 6,000 employees, plus 5 percent of the first \$100 million made collectively by the participants in the qualifying project, plus an additional 2.8 percent of the next \$2.5 billion in new capital investment in the State made collectively by the participants in the project. GOED may not exceed \$45 million per fiscal year (though any unissued credits may be issued in subsequent fiscal years), and GOED may not issue total credits in excess of \$195 million. The amounts shown are based on information provided by GOED.

(5)), for certain qualifying projects, the Governor's Office of Economic Development (GOED) is required to issue transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax. The amount of transferrable tax credits are equal to \$9,500 for each qualified employee employed by the participants in the project, to a maximum of 4,000 employees. The amount of credits may not exceed \$38 million per fiscal year (though any unissued credits may be issued in subsequent fiscal years), and GOED may not issue total credits in excess of \$38 million. The forecasts for FY 2019, FY 2020, and FY 2021 are based on these provisions, as there are currently no qualifying projects receiving these credits.

Markets Jobs Act allows insurance companies to receive a credit against the tax imposed on insurance premiums in exchange for making qualified equity investments in community development projects. A total of \$200 million in qualified equity investments may be certified by the Department of Business and Industry. In exchange for making the qualified equity investment, insurance companies must pay the Insurance Premium Tax in an amount equal to 58 percent of the total qualified equity investment that is certified by the Department. The credits may be taken in increments beginning on the date of the investment, as follows:

- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment
- 25 percent of the qualified investment

Insurance companies were allowed to begin taking tax credits in the third quarter of FY 2015. The amounts shown for FY 2019 and FY 2020 reflect estimates of the amount of tax credits that will be taken in FY 2019 and FY 2020 by the Department of Business and Industry and the Department of Taxation.

Office of Economic Development (GOED) to approve transferrable tax credits that may be used against the Modified Business Tax, Insurance Premium Tax, and Gaming Percentage Fee Tax to new or existing businesses in the development of Nevada. As approved in S.B. 507, the total amount of transferrable tax credits that may be issued is \$500,000 in FY 2016, \$2,000,000 in FY 2017, and \$5,000,000 for FY 2018 and FY 2019.

GOED reduced the total amount of transferrable tax credits that may be issued by GOED to zero in FY 2016, \$1 million in FY 2017, \$2 million per year in FY 2018 and FY 2019, and \$3 million in FY 2020. For FY 2021, the amount of credits that may be issued by GOED remains at \$5 million per year. The amount shown for FY 2019 reflects estimates of actual and forecast credits that have been issued or will be issued in that fiscal year. The amounts shown for FY 2020 and FY 2021 are based on the maximum amount that can be issued in each fiscal year.

Donations of money to certain scholarship organizations to receive a dollar-for-dollar credit against the taxpayer's liability for the Modified Business Tax (MBT). The total amount of credits that may be taken against the MBT is \$5 million in FY 2016, \$5.5 million in FY 2017, and 110 percent of the total amount of credits authorized in the previous year, for all subsequent fiscal years. The amounts shown reflect the total amount authorized for each fiscal year will be donated to a qualified scholarship organization and taken as credits against the MBT.

\$20 million in credits against the MBT under this program in Fiscal Year 2018 beyond those that were authorized in FY 2018 based on the provisions of A.B. 165 (2015). Any amount of the \$20 million in credits that may be issued in future fiscal years. The forecast for FY 2019 is based on the amount of this \$20 million that was awarded in FY 2018, but not used against the MBT in that fiscal year, plus the amount awarded on the statutory formula adopted in A.B. 165 (2015). The forecasts for FY 2020 and FY 2021 are based on the maximum amount of annual credits allowed based on the statutory formula in A.B. 165 (2015).

Modified Business Tax (MBT) to certain employers who match the contribution of an employee to one of the college savings plans offered through the Nevada Higher Education Prepaid Tuition Program authorized under existing law. The amount of the tax credit is equal to 25 percent of the matching contribution, not to exceed \$500 per contributing employee per year, and any unused credits may be carried forward to the next fiscal year. The Nevada College Savings Program is effective January 1, 2016, and the Higher Education Prepaid Tuition Program are effective July 1, 2016. The amounts shown are estimates of the amount of credits that may be taken against the MBT by the Governor's Office on enrollment and contributions for the college savings plans.

EXHIBIT G

CHAPTER.....

AN ACT relating to technology fees; extending the imposition of a technology fee on certain transactions by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to impose a nonrefundable technology fee of \$1 to the existing fee for any transaction performed by the Department for which a fee is charged. The technology fee must be used to pay the expenses associated with implementing, upgrading and maintaining the platform of information technology used by the Department. (NRS 481.064) Under existing law, the requirement to impose this fee is set to expire on June 30, 2020. **Section 1** of this bill extends the imposition of this fee until June 30, 2022.

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

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

Section 1. Section 7 of chapter 394, Statutes of Nevada 2015, at page 2213, is hereby amended to read as follows:

Sec. 7. This act becomes effective on July 1, 2015, and expires by limitation on June 30, ~~2020~~ **2022**.

Sec. 2. This act becomes effective upon passage and approval.

20 ~~~~~ 19



80th Session (2019)

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA ex rel. NICOLE J. CANNIZZARO, in her official capacity as Senate Majority Leader of the Senate of the State of Nevada; CLAIRE J. CLIFT, in her official capacity as Secretary of the Senate of the State of Nevada; LEGISLATIVE COUNSEL BUREAU, LEGAL DIVISION, in its official capacity as the legal agency of the Legislative Department of the State of Nevada; BRENDA J. ERDOES, Esq., in her official capacity as Legislative Counsel and Chief of the Legislative Counsel Bureau, Legal Division, and in her professional capacity as an attorney and licensed member of the State Bar of Nevada; and KEVIN C. POWERS, Esq., in his official capacity as Chief Litigation Counsel of the Legislative Counsel Bureau, Legal Division, and in his professional capacity as an attorney and licensed member of the State Bar of Nevada,

Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, in and for CARSON CITY; and THE HONORABLE JAMES TODD RUSSELL, District Judge,

Respondents, and

JAMES A. SETTELMAYER, JOSEPH P. HARDY, HEIDI SEEVERS GANSERT,

Case No.

Original Action for Writ to
First Judicial District Court,
Carson City, Nevada,
Case No. 19 OC 00127 1B

**PETITIONERS'
APPENDIX
VOLUME 2**

SCOTT T. HAMMOND, PETE
GOICOECHEA, BEN KIECKHEFER,
IRA D. HANSEN, and KEITH F.
PICKARD, in their official capacities as
members of the Senate of the State of
Nevada and individually,

Real Parties in Interest.

**PETITIONERS' APPENDIX
VOLUME 2**

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KEVIN C. POWERS, Chief Litigation Counsel
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Attorneys for Petitioners

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[by Brenda J. Erdoes, Legislative Counsel and Chief of LCB Legal, on behalf of Defendant State of Nevada ex rel. Claire J. Clift, in her official capacity as Secretary of the Senate]

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Acceptance and Acknowledgement of Service

[by Brenda J. Erdoes, Legislative Counsel and Chief of LCB Legal, on behalf of Defendant State of Nevada ex rel. Nicole Cannizzaro, in her official capacity as Senate Majority Leader]

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Plaintiffs’ Qualified Opposition to Motion to Intervene and Plaintiff Senators’ Motion to Disqualify

[LCB Legal as Counsel for Nevada Legislature]

(Nov. 18, 2019) Vol. 3, p. 0537

Reply in Support of Motion to Disqualify

[LCB Legal as Counsel for Defendants State of Nevada ex rel. Senate Majority Leader Nicole Cannizzaro and Secretary of the Senate Claire Clift]

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Stipulation and Order Regarding Stay of Proceedings Pending Resolution of Plaintiff Senators’ Motion to Disqualify Counsel for Defendants Senate Majority Leader Nicole Cannizzaro and Secretary of the Senate Claire Clift

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Stipulation Regarding Briefing Schedule for Dispositive Motions, Hearing Date for Oral Argument and Related Procedural Matters and Order

(Oct. 10, 2019) Vol. 2, p. 0389

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Attorneys for Plaintiffs

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

THE HONORABLE JAMES SETTELMAYER,
THE HONORABLE JOE HARDY,
THE HONORABLE HEIDI GANSERT,
THE HONORABLE SCOTT HAMMOND,
THE HONORABLE PETE GOICOECHEA,
THE HONORABLE BEN KIECKHEFER,
THE HONORABLE IRA HANSEN, and
THE HONORABLE KEITH PICKARD,
in their official capacities as members of the
Senate of the State of Nevada and individually;
GREAT BASIN ENGINEERING
CONTRACTORS, LLC, a Nevada limited
liability company; GOODFELLOW
CORPORATION, a Utah corporation qualified
to do business in the State of Nevada;
KIMMIE CANDY COMPANY, a Nevada
corporation; KEYSTONE CORP., a Nevada
nonprofit corporation; NATIONAL FEDERATION
OF INDEPENDENT BUSINESS, a California
nonprofit corporation qualified to do business
in the State of Nevada; NEVADA FRANCHISED
AUTO DEALERS ASSOCIATION, a Nevada
nonprofit corporation; NEVADA TRUCKING
ASSOCIATION, INC., a Nevada nonprofit
corporation; and RETAIL ASSOCIATION
OF NEVADA, a Nevada nonprofit corporation,

Plaintiffs,

vs.

///

///

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AUDREY R. JONES
BY C. COOPER
CLERK

Case No: **19 OC 00127 1B**

Dept. No: **I**

STATE OF NEVADA *ex rel.* THE
HONORABLE NICOLE CANNIZZARO,
in her official capacity as Senate Majority
Leader; THE HONORABLE KATE
MARSHALL, in her official capacity as
President of the Senate; CLAIRE J. CLIFT,
in her official capacity as Secretary of
the Senate; THE HONORABLE STEVE
SISOLAK, in his official capacity as
Governor of the State of Nevada; NEVADA
DEPARTMENT OF TAXATION;
NEVADA DEPARTMENT OF MOTOR
VEHICLES; and DOES I-X, inclusive,

Defendants.

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS
OR, IN THE ALTERNATIVE, PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs, by and through their attorneys, ALLISON MacKENZIE, LTD., file this Opposition to the Motion to Dismiss of Defendants, STATE OF NEVADA *ex rel.*, THE HONORABLE KATE MARSHALL, in her official capacity as President of the Senate; THE HONORABLE STEVE SISOLAK, in his official capacity as Governor of the State of Nevada; NEVADA DEPARTMENT OF TAXATION; and NEVADA DEPARTMENT OF MOTOR VEHICLES, ("Executive Defendants") pursuant to Rule 12 of the Nevada Rules of Civil Procedure ("NRCP"), and Plaintiffs additionally as an alternative, pursuant to First Judicial District Rule 19(4) file this Motion for Summary Judgment in favor of Plaintiffs pursuant to NRCP 56. This Opposition to Motion to Dismiss and this Motion for Summary Judgment are made and based upon the following Memorandum of Points and Authorities, the attached exhibits, and all other papers and pleadings on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Executive Defendants seek dismissal of Plaintiffs' First Amended Complaint based on an NRCP 12(b)(5) standard. Executive Defendants then proceed to argue the case should be dispensed of as if it were a summary judgment motion. Executive Defendants do not apply the proper legal standard for arguing that Plaintiffs' First Amended Complaint should be dismissed. Rather, Executive

1 Defendants request that the Court “award summary judgment because the passage of Senate Bill 542
2 and Senate Bill 551 comply with Article IV, Section 18(2) of the Nevada Constitution.” Rather than
3 claiming that Plaintiffs have failed to state a viable claim or have somehow named improper parties,
4 Executive Defendants have simply asserted a substantive legal argument on the underlying
5 Constitutional claims being made by the Plaintiffs. Having failed to argue the proper legal standard
6 for a Motion to Dismiss, Executive Defendants’ Motion to Dismiss should be denied.

7 Executive Defendants argue that Plaintiffs are not entitled to relief because 1) the statutes
8 comply with Nev. Const. Art 4, §18(2) of the Nevada Constitution; 2) the bills did not create, generate,
9 or increase public revenue; and 3) the supermajority provision of the Nevada Constitution should be
10 “interpreted narrowly to apply to ‘new taxes.’”

11 Executive Defendants submitted documents outside of the pleadings and therefore, its Motion
12 must be treated as a Motion for Summary Judgment under NRCP 56. NRCP 12(d); *see also Kopicko*
13 *v. Young*, 114 Nev. 1333, 1335-36, 971 P.3d 789, 790 (1998). NRCP 12(d) provides, further, that, in
14 such circumstances, “[a]ll parties must be given a reasonable opportunity to present all the material
15 that is pertinent to the motion.” Therefore, Plaintiffs oppose the Motion to Dismiss and, alternatively,
16 make this cross-motion for summary judgment.

17 II.

18 LEGAL STANDARD

19 NRCP 12(b)(5) provides that a party may assert the defense that a party failed “to state a claim
20 upon which relief can be granted” by motion. A motion made pursuant to NRCP 12(b)(5) tests the
21 legal sufficiency of the claims set out against the moving party and a complaint “should be dismissed
22 for failure to state a claim only if it appears beyond a doubt that plaintiff could prove no set of facts
23 which, if true, would entitle plaintiff to relief.” *Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev.
24 224, 229, 181 P.3d 670, 672 (2008). Moreover, the Court in considering a motion to dismiss “must
25 draw every fair inference in favor of the non-moving party, as to a motion to dismiss for failure to
26 state a claim.” *Blackjack Bonding v. City of Las Vegas Municipal Court*, 116 Nev. 1213, 1217, 14
27 P.3d 1275, 1279 (2000).

1 A court may consider matters outside of the pleadings on a NRCP 12(b)(5) motion if they are
2 matters of public record, orders, items present in the record of the case, and any exhibits attached to
3 the complaint when ruling on a motion to dismiss. *Breliant v. Preferred Equities Corp.*, 109 Nev. 842,
4 847, 858 P.2d 1258, 1261 (1993). However, “if, on a motion for judgment on the pleadings, matters
5 outside the pleadings are presented to and not excluded by the court, [a motion to dismiss under NRCP
6 12(b)(5)] shall be treated as one for summary judgment and disposed of as provided in Rule 56.”
7 *Kopicko v. Young*, 114 Nev. 1333, 1335-36, 971 P.3d 789, 790 (1998) (internal quotations omitted);
8 NRCP 12(d).

9 A motion for summary judgment can be made “if there is no genuine dispute as to any material
10 fact and the movant is entitled to judgment as a matter of law.” NRCP 56(a). A dispute with regard
11 to facts will be considered genuine when “the evidence is such that a rational trier of fact could return
12 a verdict for the nonmoving party.” *Wood v. Safeway, Inc.* 121 Nev. 724, 731, 121 P.3d 1026, 1031
13 (2005). When reviewing a motion for summary judgment, the Court must view “the evidence, and
14 any reasonable inferences drawn from it... in a light most favorable to the nonmoving party.” *Id.* at
15 729, 1029.

16 III.

17 BACKGROUND

18 A. History of Two-Thirds Majority Requirement.

19 The Nevada Constitution plainly states, in pertinent part,

20 . . . an affirmative vote of not fewer than two-thirds of the members
21 elected to each House is necessary to pass a bill or joint resolution
22 which creates, generates, or increases any public revenue in any
23 form, including but not limited to taxes, fees, assessments and rates,
24 or changes in the computation bases for taxes, fees, assessments and
25 rates.

26 Nev. Const. art. 4 §18(2)

27 The voters of Nevada approved this amendment via ballot initiative during the 1994 and 1996
28 general elections. In 1994, the ballot initiative was presented as Ballot Question No. 11. A copy of
the 1994 ballot question is attached hereto as **Exhibit “1”** and incorporated by this reference as if fully
set forth herein. In the 1994 arguments for passage, the initiative provides, “This [measure] could

limit increases in taxes, fees, assessments and assessment rates.” The ballot initiative passed by a large margin with 283,889 “yes” votes and 79,520 “no” votes. In 1996, the ballot initiative was again presented as Ballot Question No. 11. A copy of the 1996 ballot question is attached hereto as **Exhibit “2”** and incorporated by this reference as if fully set forth herein. The arguments for and against remained the same. Again, the measure passed by a large margin of 301,382 “yes” votes and 125,969 “no” votes. While there was a previous initiative to put this measure on the ballot by Assemblyman Jim Gibbons, (later Governor), known as Assembly Joint Resolution (AJR) 21 of the 67th (1993) Legislative Session, and he did testify regarding this initiative, it ultimately failed to pass the Legislature and was put on the ballot by petition the following year. A copy of AJR 21 of the 67th (1993) Legislative Session is attached hereto as **Exhibit “3”** and incorporated by this reference as if fully set forth herein.

B. Relevant History of Pertinent Modified Business Tax Provisions.

A portion of Senate Bill (SB) 483 of the 78th (2015) Legislative Session amended NRS 360.203 to provide a mechanism by which the Department of Taxation computed the combined revenue from the taxes imposed by the Payroll Tax under NRS 363A and Modified Business Tax (MBT) under NRS 363B. Thereafter, NRS.360.203(2) provided,

The Department shall determine the rate at which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by chapter 363C of NRS, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding year.

[Emphasis added]. A copy of the enrolled version of Senate Bill 483 is attached hereto as **Exhibit “4”** and incorporated by this reference as if fully set forth herein. NRS 360.203(2) required the Department of Taxation to reduce the rate of certain taxes imposed pursuant to provisions of NRS 363A.130 and NRS 363B.110. Senate Bill 483 passed with the required two-thirds constitutional majority under Nev. Const. art. 4, §18(2). Senate Bill 551 of the 80th (2019) Legislative Session

1 repealed NRS 360.203 in its entirety and thus, changed the computation base for the MBT as
2 previously adopted by the two-thirds constitutional majority in 2015 by SB 483. The tax rates imposed
3 under NRS 363A.130 and NRS 363B.110 that were required to be reduced by Senate Bill 483 in 2015
4 under NRS 360.203 will not be reduced as required by the 2015 law. This will increase public revenue
5 from what it otherwise would have been and plainly “generates” public revenue.

6 In a June 2, 2019 Senate Finance Committee hearing on SB 551, Defendant Senate Majority
7 Leader Nicole Cannizzaro submitted proposed amendment No. 6101 to the bill and stated, “This bill,
8 although it is not reflected in Proposed Amendment No. 6101, will be stamped with a two-thirds
9 majority requirement.” Hearing on SB 551 Before the Nevada Senate Committee on Finance, 80th
10 Session (2019) (Statement of Senate Majority Leader Nicole Cannizzaro). A copy of the relevant
11 portion of the minutes are attached as **Exhibit “5”** and incorporated by this reference as if fully set
12 forth herein.

13 Thereafter, SB 551 was first considered and brought to a vote in the Nevada Senate pursuant
14 to the required two-thirds constitutional majority. However, when the measure failed to garner the
15 required two-thirds constitutional majority on the Senate floor, the provision requiring the
16 supermajority of votes was summarily removed from the bill. Senate Bill 551 was then reconsidered
17 on the Senate floor and passed with a simple majority of votes, with 13 Senators voting for the measure
18 and 8 Senators voting against the measure. Copies of the recorded first vote and final passage count
19 from the Nevada State Legislature’s website showing the bill did not pass by a constitutional two-
20 thirds majority initially and final passage count indicating that the bill received a “constitutional
21 majority” are attached hereto as **Exhibit “6”** and incorporated by this reference as if fully set forth
22 herein. Exhibit “6” shows two identical votes (13 ayes and 8 nays) on the same day on the same bill,
23 with the first vote not being sufficient to approve the bill, but the second vote being recognized as
24 meeting the standard for passage.

25 C. History of DMV Technology Fee.

26 Senate Bill 502 of the 78th (2015) Legislative Session amended NRS 481.064 to provide that
27 the “Department shall add a nonrefundable technology fee of \$1 to the existing fee for any transaction
28 performed by the Department for which the fee is charged.” A copy of SB 502 is attached hereto as

1 **Exhibit “7”** and incorporated by this reference as if fully set forth herein. The title of SB 502, provides
2 that the fee imposed “expires by limitation on June 30, 2020.” Senate Bill 502 was also passed in
3 2015 by a constitutionally required two-thirds majority.

4 Senate Bill 542 of the 80th (2019) Legislative Session extended the limitation originally
5 provided for in SB 502 from June 30, 2020 to June 30, 2022. The two-thirds majority was not required
6 for the passage of SB 542 and it passed with a simple majority, with 13 Senators voting for the measure
7 and 8 Senators voting against the measure.

8 After the passage of SB 542 and SB 551 of the 80th (2019) Legislative Session, Defendant,
9 Governor Steve Sisolak signed the bills into law on June 5, 2019 and June 12, 2019, respectively.
10 Senate Bill 542 and the relevant portions of SB 551 became effective on passage and approval.
11 Thereafter, Plaintiffs filed this action on July 19, 2019 and filed their First Amended Complaint on
12 July 30, 2019.

13 IV.

14 ARGUMENT

15 A. MOTION TO DISMISS.

16 1. **Executive Defendants Fail to Meet Their Burden To Show That There Is No Set 17 Of Facts That Would Entitle Plaintiffs To Relief.**

18 Plaintiffs’ First Amended Complaint seeks declaratory relief. While styled as a motion to
19 dismiss, Executive Defendants do not show that any of the requirements for declaratory relief required
20 by NRS 30.040(1) are not present and that Plaintiffs have failed to state a claim upon which relief can
21 be granted. The fact that Plaintiffs and Executive Defendants differ on their interpretation of the
22 subject constitutional provision shows that declaratory relief is appropriate to obtain a declaration of
23 rights, status or legal relations of the parties.

24 Executive Defendants point to *Cornella v. Justice Court*, 132 Nev. 587, 591, 377 P.3d 97, 100
25 (2016) to argue that Plaintiffs have not met their burden to demonstrate the unconstitutionality of SB
26 542 and 551. This is a substantive legal argument requiring this Court to interpret a provision of the
27 Nevada Constitution and goes to the merits of this case. *Cornella* is not the appropriate standard to
28 support a NRCP 12(b)(5) motion to dismiss. In ruling on a NRCP 12(b)(5) motion, this Court looks

1 to see whether the Amended Complaint asserts any “set of facts which, if true, would entitle plaintiff
2 to relief.” *Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008).

3 Plaintiffs have demonstrated that there is a set of facts under which relief can be granted to
4 them. In their motion, Executive Defendants request that this Court interpret the meaning of Nev.
5 Const. art. 4, §18(2). Plaintiffs claim that Senate Bills 542 and 551 required a two-thirds majority
6 vote under the terms of the Nevada Constitution. In their Motion to Dismiss, the Executive Defendants
7 argue that passage of the bill did not require a two-thirds majority vote. The only substantive issue
8 before this Court is the interpretation and application of Nev. Const. art. 4, §18(2). In interpreting
9 constitutional provisions, the Court “utilizes the same rules and procedures as statutory interpretation.
10 The Court will apply the plain meaning of the provision unless it is ambiguous, meaning that it is
11 susceptible to two or more reasonable but inconsistent interpretations.” *Landreth v. Malik*, 127 Nev.
12 175, 180, 251 P.3d 163, 167 (2011). The plain language of Nev. Const. art. 4, §18(2) does not
13 distinguish between *new* versus *existing* public revenue. Thus, there exists a dispute between
14 Defendants and Plaintiffs with regard to the interpretation of Nev. Const. art. 4, §18(2). This legal
15 question is the substantive matter before the Court on Plaintiffs’ claim for declaratory relief. All facts
16 relevant to that legal question are known and not in dispute. The history of the bills in question and
17 the votes thereon are readily identified in the record and there can be no genuine dispute about those
18 facts. This Court need only construe the applicable Constitutional provision in answering the legal
19 question of whether the passage of the bills without a two-thirds majority vote was constitutional.
20 Thus, the Executive Defendants’ motion should be considered as a Motion for Summary Judgment.

21 The request that this Court construe Nev. Const. art. 4, §18(2) with respect to Senate Bills 542
22 and 551, as set forth in Plaintiffs’ First Amended Complaint shows Plaintiffs have stated a valid claim
23 for declaratory relief. *See* First Amended Complaint, ¶¶ 73-78. If this Court interprets Nev. Const.
24 art. 4, §18(2) to mean that the constitutional two-thirds majority is required on changes creating,
25 generating and increasing public revenues, “in any form,” as provided in the Constitution, Plaintiffs
26 are entitled to relief on their declaratory action claim. Thus, Executive Defendants have failed to meet
27 their burden to prove that there is no set of facts which, if true, would entitle Plaintiffs to declaratory
28 relief. Accordingly, the Executive Defendants’ Motion to Dismiss must be denied.

1 **2. Plaintiffs' Have Standing and the Complaint is Ripe for Judicial Review.**

2 In footnotes in their Motion, Executive Defendants argue that Plaintiffs do not have standing
3 to bring their claims and suggest that the case should be dismissed because it is not ripe for judicial
4 review. Although Executive Defendants' arguments are not supported by any authority, Plaintiffs will
5 address the arguments. (Executive Defendants' Motion, p. 8, 10). In order for a party to have standing
6 to challenge a statute, the party must "suffer injury that can fairly be traced to the allegedly
7 unconstitutional statute." *Elley v. Stephens*, 104 Nev. 413, 416, 760 P.2d 768, 770. In this case, the
8 State Senator Plaintiffs have suffered the very personal and individualized injury of having their votes,
9 as elected representatives of the citizens of Nevada, nullified through the violation of an explicit
10 provision of the Nevada Constitution. Equally as obvious, is the injury that will be suffered by the
11 remaining Plaintiffs, who, as businesses and associations with members operating in this state will
12 suffer actual financial harm by having to pay additional taxes and fees that would not have been
13 imposed had SB 542 and SB 551 not been adopted.

14 If this Court concludes that the Plaintiffs have not suffered sufficient injury to have standing,
15 the Nevada Supreme Court has recognized an exception to the injury requirement if the following
16 requirements are met: 1) the case must involve an issue of significant public importance; 2) the case
17 must involve a challenge to a legislative expenditure or appropriation on the basis that it violates a
18 specific provision of the Nevada Constitution; and 3) the plaintiff must be an appropriate party,
19 meaning that there is no one else in a better position who will likely bring an action and that the
20 plaintiff is capable of fully advocating his or her position in court. *Schwartz v. Lopez*, 132 Nev. 732,
21 743, 382 P.3d 886, 895-896 (2016). In this case, the Plaintiffs meet all of the requirements of the
22 *Schwartz* exception. First, there is no doubt that upholding the Nevada Constitution is of significant
23 public importance. Plaintiffs have so alleged. *See* First Amended Complaint ¶ 24. Second, the case
24 involves a challenge to a legislative expenditure or appropriation on the basis it violates Nev. Const.
25 art. 4, §18(2). *See* First Amended Complaint ¶¶ 23, 63-66, 74. Third, there are none in a better position
26 to bring an action than the legislators who voted against this bill, as well as the additional Plaintiff
27 Businesses and Associations that will be impacted financially. *See* First Amended Complaint ¶¶ 25-
28

1 26. For purposes of the Motion to Dismiss, each of the aforementioned allegations of the First
2 Amended Complaint must be accepted as true.

3 The Nevada Supreme Court has found that, “although the question of ripeness closely
4 resembles the question of standing, ripeness focuses on the timing of the action rather than on the party
5 bringing the action.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 887, 141 P.3d 1224, 1229 (2006).
6 The Court stated that, “a primary focus in such cases has been the degree to which the harm alleged
7 by the party seeking review is sufficiently concrete, rather than remote or hypothetical, to yield a
8 justiciable controversy.” *Id.* The harm that Plaintiff Businesses and Associations will suffer if the tax
9 is imposed is sufficiently concrete in this situation. Executive Defendants argue that Plaintiff
10 Businesses and Associations, in the case of SB 551, may not have standing until the date upon which
11 the Economic Forum’s projections become due and, in the case of SB 542 until the sunset would have
12 officially ended. This is inaccurate. The Plaintiff Businesses and Associations will be paying higher
13 taxes than they otherwise would have as a result of the approval of SB 542 and SB 551.

14 The true harm was imposed when NRS 360.203 was repealed, because the harm was set in
15 motion by the passage of SB 551. Once repealed, Plaintiffs have no recourse, other than court action,
16 to enjoin the repeal of such provision. Similarly, once the sunset was extended in SB 542, the
17 collection of the DMV fee was set in motion. The only recourse for Plaintiffs was to attempt to enjoin
18 the action through this court proceeding. Moreover, the State Senator Plaintiffs have already
19 experienced harm as a result of their votes, as duly elected representatives of their constituents, having
20 been nullified by the simple majority of the Nevada Senate choosing to ignore the explicit
21 requirements of Nev. Const. art. 4, §18(2). This nullification of the votes of the elected representatives
22 of the citizens of Nevada is not conjectural and is sufficiently concrete to support the claims that have
23 been made. Thus, the Plaintiffs have standing, and the allegations contained in Plaintiffs’ Amended
24 Complaint are ripe for judicial review.

25 **B. MOTION FOR SUMMARY JUDGMENT.**

26 As stated above, because the Executive Defendants’ motion relies on evidence outside of the
27 pleadings, their Motion to Dismiss must be treated as a Motion for Summary Judgment pursuant to
28 NRCP 12(d). With no genuine dispute of any relevant facts, Plaintiffs agree this matter can be

1 determined by cross motions for summary judgment. Plaintiffs oppose the Motion to Dismiss and
2 their arguments opposing Executive Defendants' Motion to Dismiss and in support of Plaintiffs'
3 Motion for Summary Judgment are the same and set forth in this Section.

4 A motion for summary judgment is appropriate if there is no genuine dispute as to any material
5 fact and the movant is entitled to judgment as a matter of law." NRCP 56(a). Based on Executive
6 Defendants' argument, and as previously stated, there are no material facts in dispute. This is a dispute
7 involving a question of law and, as set forth below, Plaintiffs are entitled to judgment as a matter of
8 law.

9 Plaintiffs move this Court for Summary Judgment because: (1) the passage of SB 542 and SB
10 551 did not comply with Nev. Const. art. 4 §18(2); (2) the supermajority provision should not be
11 interpreted to apply to only "new taxes"; and 3) Legislative Counsel should not receive deference in
12 its erroneous interpretation of Nev. Const. art. 4, §18(2).

13 **1. Passage of SB 551 and SB 542 By Simple Majority Did Not Comply with Nev.**
14 **Const. Art. 4, §18(2), Because Each Bill Creates, Generates, Or Increases Public**
Revenue.

15 Executive Defendants cite *Guinn v. Legislature*¹ to support their argument that the Nevada
16 Constitutional provision requiring a two-thirds majority vote only applies to new taxes. This argument
17 is without merit. In interpreting the constitutional provision, the Nevada Supreme Court stated that,
18 "a simple majority is necessary to approve the budget and determine the need for raising revenue. A
19 two-thirds supermajority is needed to determine what specific changes would be made to the *existing*
20 *tax structure to increase revenue.*" [Emphasis added.] *Guinn v. Legislature*, 119 Nev. 460, 472, 76
21 P.3d 22, 30 (2003). The Court went on to find that the constitutional two-thirds majority could be
22 suspended in the event that the Legislature could not fulfill its obligations to fund education and
23 balance the State budget. *Id.* at 476, 32.

24
25
26 ¹ In *Guinn*, a dispute arose between the Executive Branch and the Legislative Branch as to the Governor's proposed state
27 budget. A stalemate occurred with regard to the passage of the State's budget and the Legislature failed to pass a budget
28 that a two-thirds constitutional majority pursuant to Nev. Const. art 4 18(2) was required to make appropriations and
subsequently withheld its vote on the education appropriations. Then Governor Kenny Guinn filed a petition for writ of
mandamus seeking to compel the Legislature to fulfill its constitutional duties and fund K-12 education as well as pass a
balanced budget. The Court determined that only a simple majority is required to approve the budget and determine the
need for raising revenue. *Guinn v. Legislature*, 119 Nev. 460, 472, 76 P.3d 22, 30 (2003).

1 As Executive Defendants state in their Motion, the circumstances presented here are
2 “significantly different” than they were in *Guinn*. The legislation at issue here would fall into the
3 category of what specific changes need to “be made to the existing tax structure to increase revenue,”
4 which, according to the Supreme Court, would require the two-thirds majority for approval. The
5 purpose of SB 551 was to help fund certain educational initiatives put forth by the majority party. This
6 is separate and distinct from funding all of K-12 education throughout Nevada. The purpose of SB
7 542 was to fund the Department of Motor Vehicles’ technology modernization. Both bills would serve
8 to make “specific changes to the existing tax structure by increasing revenue.” Moreover, a previous
9 version of SB 551 presented to the Nevada Senate provided for the required two-thirds majority vote.
10 See Exhibit “5”. It was only when this version failed to garner the support of two-thirds of the Senate
11 that the Senate Majority called a recess and shortly thereafter returned to the Senate Floor with a bill
12 that no longer included the two-thirds majority requirement stamped thereon.

13 **a. Passage of Senate Bill 551 required a two-thirds majority under Nev.**
14 **Const. art. 4, §18(2) because it created, increased, and generated public**
15 **revenue and eliminate computation bases for future tax reductions.**

16 Executive Defendants confuse the issue at hand in their Motion by arguing that Plaintiffs’
17 constitutional claim, “relies on the Economic Forum’s conservative underestimate of combined tax
18 revenues from the last biennium.” (Executive Defendants Motion, p. 10). In discussing the
19 ramifications of the repeal of NRS 360.203, the following exchange took place at the May 29, 2019
20 Senate Committee on Finance hearing on SB 551 between Senator Ben Kieckhefer and Russell
21 Guindon, Principal Deputy Fiscal Analyst employed by the Nevada State Legislature, Fiscal Division:

22 Senator Kieckhefer: The Economic Forum considered existing law
23 when projecting revenue. What would the provisions of S.B. 551
24 mean for State revenue?

25 Russell Guindon: Based on the Economic Forum’s May 1, 2019,
26 forecast, the assumption of the lower rates occurring, we calculate
27 that if we maintain current rates, the State will *generate*
28 approximately \$48.2 million in FY 2020 and approximately \$50
million in FY 2021, a total of approximately \$98.2 million over the
biennium.

Senator Kieckhefer: If we pass S.B. 551, will we have \$98.2 million
more in General Fund revenue that we would have if we did not pass
S.B. 551?

Russell Guindon: That is correct.

1 [Emphasis Added]. May 29, 2019 Hearing on SB 551 before the Nevada Senate Finance Committee,
2 80th Legislative Session (2019) (Statements of Senator Ben Kieckhefer and Russell Guindon). In other
3 words, the repeal of NRS 360.203 would maintain the current rates and would not allow the statutory
4 mechanism or computation base for decreasing those rates to come into effect, thereby “generating”
5 or “increasing” revenue. The maintenance of the current rates, as Mr. Guindon states, generates
6 approximately \$98.2 million over the biennium in revenue. Executive Defendants posit that “because
7 this does not create, generate, or increase any public revenue in any form relative to the prior fiscal
8 year, the Legislature’s passing of Senate Bill 551 complies with the plain language of the Nevada
9 Constitution.” (Executive Defendants Motion, p. 10). However, Executive Defendants conveniently
10 exclude that Nev. Const. art. 4, §18(2) specifically also requires a two-thirds vote where a proposed
11 bill contains changes in computation bases. The inclusion of this language in the Constitution clearly
12 contemplates application of the two-thirds vote requirement on changes to the computation base for
13 existing taxes, contrary to the Executive Defendant’s argument. The repeal of NRS 360.203 expressly
14 makes a change to way the Department of Taxation is to compute the MBT, resulting specifically in a
15 generation of new revenue. Tax rates under the MBT, prior to the repeal of NRS 360.203, were subject
16 to a specific computation, which was eliminated by SB 551. That change in the computation base for
17 the MBT clearly triggers the two-thirds supermajority requirement under the Nevada Constitution.
18 The practical and real impact of SB 551 is that Plaintiff Businesses and Associations will be subject
19 to an increased tax rate and burden that they otherwise would not have faced without the repeal of
20 NRS 360.203 by SB 551.

21 There is no way around the fact that the computation base set forth in NRS 360.203 was
22 eliminated and that the effect thereof for the immediately subsequent biennium is generation of \$98.2
23 million in additional revenue to the State, an increase above revenues that the state would have
24 otherwise collected. Thus, SB 551’s repeal of NRS 360.203, generated, created, and increased public
25 revenue and, thus, should have been subject to the two-thirds majority requirement under Nev. Const.
26 art. 4, §18(2).

27 ///

28 ///

1 **b. Senate Bill 542 creates, generates, and increases public revenue and its**
2 **passage required a two-thirds majority under Nev. Const. Art. 4, §18(2).**

3 The entire function and purpose of SB 542 was to extend the expiration of the Department of
4 Motor Vehicles' technology fee. The Executive Defendants do not provide a significant amount of
5 support for their contention that the passage of SB 542 did not provide for the creation, generation, or
6 increase of public revenue. By its very terms, the bill delays the expiration of the fee that was set, by
7 law, to expire on June 30, 2020 to June 30, 2022 so as to generate additional revenue for the State. On
8 May 22, 2019, Julie Butler, Director of the Department of Motor Vehicles testified before the Senate
9 Committee on Finance with regard to the imposition of the technology fee:

10 Senate Bill 542 would implement the Department of Motor
11 Vehicles' System Technology Application Redesign by extending
12 the \$1 technology fee on DMV transactions through June 30, 2022
13 [...] The technology fee is needed to ensure a stable source of
funding for the DMV's information technology modernization. It
will also minimize the use of Highway Funds for this effort over the
2019-2021 biennium.

14 Hearing on SB 542 before the Nevada Senate Finance Committee, 80th Legislative Session (2019)
15 (Statement of Julie Butler). Thus, the purpose of the technology fee is to create and generate public
16 revenue through 2022, when the then-existing law provided that this fee was to no longer be collected
17 as of June 30, 2020. The Executive Defendants argue that "because this does not create, generate, or
18 increase any public revenue in any form relative to the prior fiscal year, the Legislature's passage of
19 Senate Bill 542 complies with the plain language of the Nevada Constitution." (Executive Defendant's
20 Motion, p. 10). This argument should be rejected. The purpose of SB 542 is to continue to impose the
21 \$1 technology fee in order to create a source of revenue for the DMV to implement their technology
22 initiatives. There is simply no way of concluding anything other than SB 542 generates public revenue
23 for the State of Nevada and results in increased public revenue above and beyond what the State would
24 otherwise bring in had SB 542 not been adopted. Therefore, SB 542 is subject to Nev. Const. art. 4,
25 §18(2).

26 Moreover, historically, the Nevada Legislature has required a two-thirds majority vote
27 pursuant to Nev. Const. art. 4, §18(2) with regard to any bill that extended the imposition of a fee or
28 tax from one date to another. *See generally*, e.g. Assembly Bill (AB) 561 of the 76th (2011) Legislative

1 Session, (extended temporary taxes set to expire on June 30, 2011 to expire on June 30, 2013); SB 475
2 of the 77th (2013) Legislative Session (extended temporary taxes set to expire in 2013 and 2014 to
3 expire in 2015 and 2016); SB 483 of the 78th (2015) Legislative Session (made temporary taxes
4 enumerated in former bills permanent); SB 546 of the 79th (2017) Legislative Session (extended a
5 property tax that would have expired). In each of the aforementioned instances, the Legislature
6 required a two-thirds majority vote under Nev. Const. art. 4, §18(2) in order to extend any fee or tax.
7 Thus, until the 2019 Session, the Legislature treated any extension of a tax or fee as creating,
8 generating, or increasing public revenue and thus required a two-thirds majority for passage. The only
9 apparent reason for not doing so in 2019 for SB 551 and 542 was because these bills lacked the two-
10 thirds supermajority support and would not have passed.

11 **2. The Supermajority Provision Should Not Be Interpreted to Apply Only To “New**
12 **Taxes”.**

13 **a. The Plain Meaning of the Provision is Clear and Does Not Apply Only to**
14 **New Taxes.**

15 Executive Defendants argue that the supermajority provision should only apply to “new taxes”
16 and not to existing taxes. (Executive Defendant’s Motion, p. 11). Executive Defendants support their
17 position by pointing to specific testimony at a hearing on May 4, 1993 on the measure in the Assembly
18 Committee on Taxation hearing on AJR 21. Specifically, they cite to certain instances when
19 Assemblyman Gibbons stated the measure only related to “new” taxes. The title of the AJR itself
20 provides that it “proposed to amend Nevada Constitution to require two-thirds majority of each house
21 of the legislature to increase certain existing taxes or impose certain new taxes.” *See Exhibit “6”*. The
22 legislative history of AJR 21 should not be considered in interpreting the intent of Nev. Const. art. 4,
23 §18(2), primarily because it was by petition, rather than legislative action that provided for Question
24 11 on both the 1994 and 1996 ballot, thereby rendering any discussion with regard to AJR 21
25 irrelevant. AJR 21 was not passed and did not itself become law. Additionally, when determining the
26 intent of the voters on an initiative, the Nevada Supreme Court has found that, in interpreting
27 constitutional amendments, the Court will:

28 ///

///

consider first and foremost the original public understanding of constitutional provisions, not some abstract purpose underlying them [...] To seek the intent of the provision's drafters or to attempt to aggregate the intentions of Nevada's voters into some abstract general purpose underlying the Amendment, contrary to the intent expressed by the provision's clear textual meaning, is not the proper way to perform constitutional interpretation.

Thomas v. Nevada Yellow Cab Corp., 130 Nev. 484, 490, 327 P.3d 518, 521 (2014).

Executive Defendants argue that "the clear purpose and public policy behind the supermajority provision was to prevent "new taxes." The Supreme Court has determined:

To determine a constitutional provision's meaning, we turn first to the provision's language. In doing so, we give that language its plain effect, unless the language is ambiguous. If a constitutional provision's language is ambiguous, meaning that it is susceptible to "two or more reasonable interpretations" we may look to the provision's history, public policy, and reason to determine what the voters intended. Conversely, when a constitutional provision's language is clear on its face, we will not go beyond that language in determining the voters' intent or create an ambiguity when none exists. Whatever meaning is ultimately attributed to a constitutional provision may not violate the spirit of that provision.

Miller v. Burk, 124 Nev. 579, 590, 591 188 P.3d 1112, 1120 (2008). The plain language of Nev. Const. art. 4, §18(2) is that any action that "creates, generates, or increases" revenue should require a two-thirds majority vote. As set forth above, both SB 542 and SB 551 "generate" or "increase" revenue for the State. The imposition of a "new" tax, the increase or extension of an existing tax or a change in the computation base of a tax, each have the same impact on taxpayers, and it is this impact that caused to the voters of this state to adopt Nev. Const. art. 4, §18(2).

Despite the plain language of Nev. Const. art. 4, §18(2), Executive Defendants argue that the constitutional provision is only applicable to new taxes. This argument violates the language and spirit of the super majority provision and creates a slippery slope for the future of tax legislation. If this reasoning were to be applied to all future legislation, it would eliminate the two-thirds requirement for passage of any bills which have historically been subject to the supermajority requirement. This was clearly not the intent of the voters when they adopted this constitutional provision. If the Executive Defendants' interpretation that only new taxes require a supermajority vote for passage is accepted, the explicit, operative language of the Constitutional provision, "creates, generates, or increases", is rendered meaningless and inoperative. The explicit language of the voter approved Constitutional

1 provision must be given deference and applied to any statute that “creates, generates or increases”
2 public revenue. *Miller* at 590, P. 3d 1120.

3 Moreover, when SB 483 and SB 502 of the 78th (2015) Legislative Session were passed, those
4 bills were new taxes and triggered the provision, however, the passage of those bills was the result of
5 many hard-won concessions and compromises. *Henson v. Santander Consumer USA Inc.*, 137 S. Ct.
6 1718, 1725 (1997) (observing that “[l]egislation is... the art of compromise,” and that “the limitations
7 expressed in statutory terms [are] the price of passage.”). If the former legislators who passed each
8 bill knew that the sunset provisions could continue *ad infinitum* with only a simple majority vote,
9 rather than a supermajority, it is likely that those concessions and compromises would not have been
10 made. These bills that implemented the MBT and the DMV Technology Fee were adopted by a two-
11 thirds supermajority in both houses of the Legislature. Those bills included provisions that provided
12 for reduction or elimination of the tax/fee at a specific time. It seems certain that those bills would
13 not have received that required two-thirds majority without those provisions that have now been
14 terminated on the simple majority vote of the Nevada Senate.

15 **b. The Language of Other States’ Constitutions is Distinguishable from the**
16 **Specific Language Contained in the Nevada Constitution.**

17 The Executive Defendants cite to constitutional provisions of several other states in support of
18 their argument that Nevada’s constitutional provision applies only to “new taxes.” Specifically, the
19 Executive Defendants cite to *Apa v. Butler*, 638 N.W. 2d 57, 69-70 (S.D. 2001), which is wholly
20 dissimilar to the facts at hand. In that case, the South Dakota Supreme Court concluded that the
21 transfer of already existing funding from one source to another source did not require a two-thirds
22 majority vote as provided for in Article XII, § 2 of the South Dakota Constitution, which provides that
23 “all other appropriations shall be made by separate bills, each embracing but one object, and shall
24 require a two-thirds vote of all members of each branch of the Legislature.”

25 Similarly, the Executive Defendants point to Okla. Const. art. V, §33, which requires a three-
26 fifths majority for approval of “all bills raising revenue.” In *Fent v. Fallin*, 345 P.3d 1113 (Okla.
27 2014) another dissimilar situation is presented as analogous by the Executive Defendants. In *Fent*, a
28 taxpayer was seeking to challenge a bill which decreased revenue, passed without the required

1 constitutional majority. The Oklahoma Supreme Court in *Fent* determined that “the precise meaning
2 behind the term ‘raising revenue’ as used in the Okla. Const. art. 5 § 33 was to levy a tax to collect
3 revenue.” *Id.* at 1116. In another Oklahoma Case, *Okla. Auto Dealers Ass’n*, 401 P.3d 1152, 1153
4 (Okla, 2017), the Oklahoma Supreme Court did conclude that the aforementioned Oklahoma
5 constitutional provision regarding a three-fifths majority only applied to new revenues. However, a
6 comparison of the language of Oklahoma’s Constitution to Nevada’s reveals important and undeniable
7 distinctions. Whereas Oklahoma’s constitutional supermajority requirement applies only to bills
8 “raising revenue” the language of the Nevada Constitution is much broader, applying to any bill or
9 joint resolution which “creates, generates, or increases any public revenue in any form” or “changes
10 in the computation bases for taxes, fees, assessments and rates.” The Oklahoma cases interpreting the
11 much narrower supermajority requirement have no persuasive bearing on the questions presented here.

12 The Executive Defendants also cite *City of Seattle v. Department of Revenue*, 357 P.3d 979
13 (Or. 2015), which interprets and applies an Oregon constitutional provision providing that a bill must
14 “raise revenue” in order to trigger a three-fifths supermajority requirement. In that case, the Oregon
15 Supreme Court found that a bill eliminating a tax exemption failed to meet the two-prong requirement
16 set forth earlier in *Bobo v. Kulongoski*, 107 P. 3d 18, 23 (Or. 2005). In *Bobo*, the Oregon Supreme
17 Court, in determining whether a bill “raise[s] revenue,” the bill must: 1) collect money or bring money
18 into the treasury; and 2) possess the essential features of levying a tax. The Oregon Supreme Court
19 found in *City of Seattle*, that the elimination of the exemption would, indeed, bring money into the
20 treasury but did not possess the features of levying a tax. 357 P. 3d 987. In contrast to the Oregon
21 Constitutional provision at issue in these cases, the Nevada Constitutional supermajority requirement
22 is not limited to bills raising revenue, but also applies to bills that generate or increase revenue or
23 change the computation bases for taxes, fees, assessments and rates. Therefore, the Oregon test for
24 determining whether a bill raises revenue has no application here.

25 Many states have supermajority provisions in their Constitutions. While a State Court’s
26 interpretation of its own State Constitution may be instructive, it cannot be controlling in this Court’s
27 construction of the Nevada Constitution because the Nevada constitutional language is easily
28 distinguished in every such circumstance. The language in the provision of the Nevada Constitution

1 is clearly and certainly intended to be broader than the mere raising of revenue. Thus, the Executive
2 Defendants' request that this Court adopt the reasoning from these other jurisdictions is simply not
3 appropriate.

4 **c. The Legislature's Current Interpretation is Different From its Historical**
5 **Interpretation.**

6 Finally, the Executive Defendants argue that the opinion provided by Legislative Counsel "is
7 entitled to deference in its counseled selection of interpretation of statute." *Nevada Mining Ass'n v.*
8 *Erodes*, 117 Nev. 531, 540, 26 P.3d 753, 755 (2001). In *Nevada Mining Ass'n*, the Legislative Counsel
9 was given deference in her interpretation of the meaning of 120-day session, which had been passed
10 by voters via constitutional amendment. The Court in *Nevada Mining Ass'n*, also made it clear that
11 when reviewing constitutional provisions, a court "must give words their plain meaning unless doing
12 so would violate the spirit of the provision." *Id.* at 537, 26 P.3d at 757. Additionally, the Nevada
13 Supreme Court acknowledges that a court's "primary task" in this situation "is to ascertain the intent
14 of those who enacted" the provision being reviewed. *Id.* As discussed in detail above, an application
15 of the plain language of the Nev. Const. art. 4, §18(2) ("creates, generates, or increases"), to the subject
16 legislation (SB 542 and SB 551) leads to the obvious conclusion that a two-thirds majority was
17 necessary to approve the legislation.

18 Additionally, if this Court chooses to consider the intent of those (the voters) who enacted the
19 Constitutional provision, there can be little doubt that the voters of Nevada by an overwhelming
20 majority wished to restrain the Legislature' power to further burden the Nevada taxpayer and there
21 can be no doubt about the actual effect to SB 542 and SB 551: each increases the financial burden on
22 Nevada taxpayers. Unlike in this situation, in *Nevada Mining Ass'n*, the Legislative Counsel had not
23 provided previous conflicting opinions with regard to the issue and did not have a history of
24 inconsistent application of the constitutional provision.

25 In addition, the Legislative Counsel's interpretation of some of the language in Nev. Const.
26 art. 4, §18(2) appears to be different in 2019 in two separate opinions. The Legislative Counsel's May
27 8th opinion is different from an opinion provided April 16, 2019, in a very similar situation to Senator
28

1 Yvanna Cancela regarding the passage of SB 201 of the 80th (2019) Legislative Session. In the April
2 16, 2019 correspondence, the Legislative Counsel Bureau stated:

3 Based on the normal and ordinary meanings of the terms, “creates,
4 generates, or increases” and “public,” it is clear that the terms all refer to
5 the Legislature taking legislative action that directly bring into existence,
6 produces or enlarges public revenue in the first instance, rather than
contracting with a business to perform a quasi-governmental function for
which fees are paid by licensees directly to the private entity that created,
maintains or operates the required database.

7 A copy of the April 16, 2019 Legislative Counsel Bureau correspondence is attached as
8 **Exhibit “8”** and incorporated by this reference as if fully set forth herein.

9 Additionally, it was standard practice of the Legislative Counsel, as described above, to apply
10 the supermajority requirement to legislation containing sunset provisions and increasing revenue in a
11 manner similar to which revenue is increased in SB 551 and SB 542. Therefore, it begs the question,
12 if deference is to be given to the Legislative Counsel, which opinion and application of the
13 constitutional provision of the Legislative Counsel is to be given deference? It is clear that the
14 Legislative Counsel has, in the past and even contemporaneously, held a wholly different opinion with
15 regard to the applicability of the two-thirds requirement. The Legislative Counsel has apparently
16 changed its stance. The conflicting application of the two-thirds requirement indicates that deference
17 cannot and should not be given to the Legislative Counsel on this matter. The Court must interpret
18 the provision based upon the plain language of the Constitutional provision, the actual effect of the
19 legislation and, if necessary, the intent of the voters of Nevada who adopted the Constitutional
20 provision. In short, the “Constitution may not be construed according to a statute enacted pursuant
21 thereto; rather, statutes must be construed consistent with the constitution and rejected if inconsistent
22 therewith.” *Strickland v. Waymire*, 126 Nev. 230, 241, 235 P.3d 605, 611 (2010) (internal quotations
23 omitted). Thus, Nev. Const. art. 4, §18(2) should be interpreted by its plain meaning, which, requires
24 an affirmative vote of two-thirds for any bill that “creates, generates, or increases any public revenue
25 in any form.” It is also plain that SB 542 and SB 551 are bills that create and generate public revenue
26 for the State of Nevada and, thus, required the constitutional two-thirds majority in order to pass. This
27 is just the sorts of legislation that Nevada voters, by an overwhelming majority, wished to make more
28 difficult to pass, because by creating, generating and increasing public revenue, the legislation

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1 increases the burden on Nevada taxpayers. Neither bill received the requisite two-thirds majority vote
2 in the Nevada Senate and, therefore, neither bill is valid.

3 V.

4 **CONCLUSION**

5 Based on the foregoing, Plaintiffs respectfully request that the Executive Defendants' Motion
6 to Dismiss be denied in its entirety. Alternately, based upon the foregoing, Plaintiffs respectfully
7 request an order entering judgment as a matter of law in Plaintiffs' favor and that Senate Bills 542 and
8 551 of the 80th (2019) Session of the Nevada Legislature be declared invalid.


9 **AFFIRMATION**

10 The undersigned does hereby affirm that the preceding document DOES NOT contain the
11 social security number of any person.

12 DATED this 30th day of September 2019.

13 **ALLISON MacKENZIE, LTD.**
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17 By:

18 
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CERTIFICATE OF SERVICE

Pursuant to NRCP Rule 5(b), I hereby certify that I am an employee of ALLISON, MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

- ☒ Placing a true copy thereof in a sealed postage prepaid envelope in the United States Mail in Carson City, Nevada [NRCP 5(b)(2)(B)]
- ☐ Hand-delivery - via Reno/Carson Messenger Service [NRCP 5(b)(2)(A)]
- ☐ Electronic Transmission
- ☐ Federal Express, UPS, or other overnight delivery
- ☐ E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures [NRCP 5(b)(2)(D)]

fully addressed as follows:

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DATED this 30th day of September, 2019.


NANCY FONTENOT

INDEX OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>	<u>Number of Pages</u>
"1"	General Election Ballot Question 11 (1994)	03
"2"	General Election Ballot Question 11 (1996)	03
"3"	AJR 21 of the 67th (1993) Legislative Session	03
"4"	Enrolled version of Senate Bill 483 of the Seventy Eighth (2015) Legislative Session	109
"5"	Relevant portion of the Minutes of June 2, 2019 Senate Finance Committee of the Eightieth (2019) Legislative Session	03
"6"	First votes and Final Passage Counts of SB 551	02
"7"	SB 502 of the Seventy Eighth (2015) Legislative Session	04
"8"	April 16, 2019 Opinion of the Legislative Counsel Bureau on SB 201 of the Eightieth (2019) Legislative Session	07

4853-1167-9400, v. 1

EXHIBIT “1”

QUESTION NO. 11

An Initiative Relating to Tax Restraint

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to establish a requirement that at least a two-thirds vote of both houses of the legislature be necessary to pass a measure which generates or increases a tax, fee, assessment, rate or any other form of public revenue?

Yes.....	<input checked="" type="checkbox"/>	283,889
No.....	<input type="checkbox"/>	79,520

EXPLANATION

A two-thirds majority vote of both houses of the legislature would be required for the passage of any bill or joint resolution which would increase public revenue in any form. The legislature could, by a simple majority vote, refer any such proposal to a vote of the people at the next general election.

ARGUMENTS FOR PASSAGE

Proponents argue that one way to control the raising of taxes is to require more votes in the legislature before a measure increasing taxes could be passed; therefore, a smaller number of legislators could prevent the raising of taxes. This could limit increases in taxes, fees, assessments and assessment rates. A broad consensus of support from the entire state would be needed to pass these increases. It may be more difficult for special interest groups to get increases they favor. It may require state government to prioritize its spending and economize rather than turning to new sources of revenue. The legislature, by simple majority vote, could ask for the people to vote on any increase.

ARGUMENTS AGAINST PASSAGE

Opponents argue that a special interest group would only need a small minority of legislators to defeat any proposed revenue measure. Also a minority of legislators could band together to defeat a tax increase in return for a favorable vote on other legislation. Legislators act responsibly regarding increases in taxes since they are accountable to the public to get re-elected. If this amendment is approved, the state could impose unfunded mandates upon local governments. As a tourism based economy with a tremendous population growth, Nevada must remain flexible to change the tax base, if needed. Nevada should continue to operate by majority rule as the Nevada Constitution now provides.

FISCAL NOTE

Fiscal Impact-No. The proposal to amend the Nevada Constitution to require two-thirds vote to pass a bill or joint resolution which creates, generates or increases any public revenue in any form. The proposal would have no adverse fiscal impact to the State.

FULL TEXT OF THE MEASURE

Initiative relating to Tax Restraint

The people of the State of Nevada do enact as follows:

That section 18 or article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec. 18.* 1. Every bill, except a bill placed on a consent calendar adopted as provided in [this section, shall] *subsection 4*, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill [may be] is pending shall deem it expedient to dispense with this rule. [;but the] *The* reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on its final passage, shall in no case be dispensed with, and the vote on final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. [; and] *Except as otherwise provided in subsection 2*, a majority of all the members elected in each house [.shall be] is necessary to pass every bill or joint resolution, and all bills or joint resolutions to passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of State and clerk of the Assembly.

2. *Except as otherwise provided in subsection 3*, an affirmative vote of not fewer than two-thirds of the members elected to each house is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. *A majority of all of the members elected to each house may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.*

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

EXHIBIT “2”

QUESTION NO. 11

An Initiative Relating to Tax Restraint

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to establish a requirement that at least a two-thirds vote of both houses of the legislature be necessary to pass a measure which generates or increases a tax, fee, assessment, rate or any other form of public revenue?

Yes 301,382. ☒

No 125,969. ☐

EXPLANATION

A two-thirds majority vote of both houses of the legislature would be required for the passage of any bill or joint resolution which would increase public revenue in any form. The legislature could, by a simple majority vote, refer any such proposal to a vote of the people at the next general election.

ARGUMENTS FOR PASSAGE

Proponents argue that one way to control the raising of taxes is to require more votes in the legislature before a measure increasing taxes could be passed; therefore, a smaller number of legislators could prevent the raising of taxes. This could limit increases in taxes, fees, assessments and assessment rates. A broad consensus of support from the entire state would be needed to pass these increases. It may be more difficult for special interest groups to get increases they favor. It may require state government to prioritize its spending and economize rather than turning to new sources of revenue. The legislature, by simple majority vote, could ask for the people to vote on any increase.

ARGUMENTS AGAINST PASSAGE

Opponents argue that a special interest group would only need a small minority of legislators to defeat any proposed revenue measure. Also a minority of legislators could band together to defeat a tax increase in return for a favorable vote on other legislation. Legislators act responsibly regarding increases in taxes since they are accountable to the public to get re-elected. If this amendment is approved, the state could impose unfunded mandates upon local governments. As a tourism based economy with a tremendous population growth, Nevada must remain flexible to change the tax base, if needed. Nevada should continue to operate by majority rule as the Nevada Constitution now provides.

FISCAL NOTE

Fiscal Impact-No. The proposal to amend the Nevada Constitution to require two-thirds vote to pass a bill or joint resolution which creates, generates or increases any public revenue in any form. The proposal would have no adverse fiscal impact to the State.

FULL TEXT OF THE MEASURE

Initiative relating to Tax Restraint

The people of the State of Nevada do enact as follows:

That section 18 or article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in [this section, shall] subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill [may be] is pending shall deem it expedient to dispense with this rule. [:but the] The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on its final passage, shall in no case be dispensed with, and the vote on final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. [: and] Except as otherwise provided in subsection 2, a majority of all the members elected in each house [.shall be] is necessary to pass every bill or joint resolution, and all bills or joint resolutions to passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of State and clerk of the Assembly.*

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each house is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each house may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

EXHIBIT “3”

ASSEMBLY JOINT RESOLUTION NO. 21--ASSEMBLYMEN GIBBONS, MARVEL, ERNAUT, SCHERER, GREGORY, HUMKE, HELLER, REGAN, HETTRICK, AUGUSTINE, CARPENTER, TIFFANY, LAMBERT, MCGAUGHEY, SCHNEIDER, BONAVENTURA, PETRAK, COLLINS, HALLER, SEGERBLOM AND WENDELL WILLIAMS

MARCH 5, 1993

Referred to Committee on Taxation

SUMMARY--Proposes to amend Nevada constitution to require two-thirds majority of each house of legislature to increase certain existing taxes or impose certain new taxes. (BDR C-166)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

ASSEMBLY JOINT RESOLUTION--Proposing to amend the constitution of the State of Nevada to require an affirmative vote of not fewer than two-thirds of the members of each house of the legislature to increase certain existing taxes or impose certain new taxes.

- 1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA,
- 2 JOINTLY, That section 18 of article 4 of the constitution of the State of Nevada
- 3 be amended to read as follows:
- 4 [Sec:] Sec. 18. 1. Every bill, except a bill placed on a consent calendar
- 5 adopted as provided in [this section, shall] *subsection 3, must* be read by
- 6 sections on three several days, in each House, unless in case of emergency,
- 7 two thirds of the House where such bill [may be] *is* pending shall deem it
- 8 expedient to dispense with this rule . [; but the] *The* reading of a bill by
- 9 sections, on its final passage, shall in no case be dispensed with, and the vote
- 10 on the final passage of every bill or joint resolution shall be taken by yeas and
- 11 nays to be entered on the journals of each House . [; and] *Except as otherwise*
- 12 *provided in subsection 2,* a majority of all the members elected to each house
- 13 [, shall be] *is* necessary to pass every bill or joint resolution, and all bills or
- 14 joint resolutions so passed, shall be signed by the presiding officers of the
- 15 respective Houses and by the Secretary of the Senate and clerk of the
- 16 Assembly.
- 17 2. *Except as otherwise provided in this subsection, an affirmative vote of*
- 18 *not fewer than two-thirds of the members elected to each house is necessary to*
- 19 *pass a bill or joint resolution which increases or imposes any tax, in any*
- 20 *form, based upon:*
- 21 (a) *The value of real property;*
- 22 (b) *The retail sale or use in this state of tangible personal property;*

1 (c) The receipts, income, assets, capital stock or number of employees of a
2 business, including a business engaged in gaming;

3 (d) The net proceeds of minerals extracted or any other net proceeds of
4 mining;

5 (e) The volume, weight or alcoholic content of liquor imported, possessed,
6 stored or sold in this state; or

7 (f) The number or weight of cigarettes or any other tobacco product pur-
8 chased, possessed or sold in this state.

9 The requirement of this subsection does not apply to a fee which is imposed on
10 the right to use or dispose of property, to pursue a business or occupation or
11 to exercise a privilege if the primary purpose of the fee is to reimburse the
12 state for the cost of regulating an activity and not to raise the public revenue.

13 3. Each House may provide by rule for the creation of a consent calendar
14 and establish the procedure for the passage of uncontested bills.

EXHIBIT “4”

Senate Bill No. 483—Committee on Revenue
and Economic Development

CHAPTER.....

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 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; revising provisions relating to the allocation of a certain portion of the proceeds of the basic governmental services tax; 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:

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 situsing 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



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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 62 and 67-70** of this bill: (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 on 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 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** 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.

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

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

Existing law requires, until June 30, 2015, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, p. 14, as last amended by chapter 518, Statutes of



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Nevada 2013, p. 3425) **Section 103** of this bill delays the expiration of this requirement for advance payment until June 30, 2016, and **section 107** of this bill makes conforming changes to related transitory provisions governing the duties of the Department of Taxation in 2017 and the appropriation and apportionment of money to counties and other local governments during that year.

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

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

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

Existing law requires a court to impose a fee of \$100, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. The money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. (NRS 484C.515) Under existing law, this fee expires by limitation on June 30, 2015. (Chapter 373, Statutes of Nevada 2013, p. 1992) **Section 109** of this bill extends the expiration date of this fee until June 30, 2017.



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EXPLANATION - Matter in **bolded italics** is new; matter between brackets [omitted material] is material to be omitted.

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

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

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

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

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

2. "Business entity" does not include:

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

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

(c) A governmental entity.

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

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

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

(g) A grantor trust as defined by section 671 and 701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 701(a)(30)(E), all of the grantors and beneficiaries of which



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are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

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

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

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

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

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

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

(l) A passive entity.

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



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

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

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

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

Sec. 7. *"Governmental entity" means:*

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

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

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

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

Sec. 8. 1. *Except as otherwise provided in subsection 3, "gross revenue" means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.*

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

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

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

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

(d) *Any combination of these amounts.*

3. *The term does not include:*



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

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

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

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

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

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

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

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

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

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

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

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

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



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

(c) Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;

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

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

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

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

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

(1) Mandated by law, fiduciary duty or contract to be distributed to a claimant by the claimant's attorney or to another person or entity on behalf of a claimant by the claimant's attorney, including, without limitation, revenue received:

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

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

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

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

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



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

2. As used in this section:

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

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

(c) "Sales commission" means:

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

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

Sec. 11.5. "Securities" means United States Treasury securities, obligations of United States governmental agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by United States or state governmental agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker's acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.

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

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

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

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



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

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

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

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

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

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

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

(a) Rent; or

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

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

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

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

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

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



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

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

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

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

Sec. 16. The Department shall:

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

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

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

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

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

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

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



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determining the amount of the commerce tax owed by the business entity.

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

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

Sec. 19. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

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

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

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial report filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the



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business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

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

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

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

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

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

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

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

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

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail



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or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

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

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

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

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

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

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

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

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

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

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

(l) The amount of any pass-through revenue of the business entity.

(m) The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.



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

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

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

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

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

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

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

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

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

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

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



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

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

(y) Returns and refunds to customers.

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

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

2. As used in this section:

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

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

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

(d) "Health care institution" means:

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

(2) A pharmacy as defined in NRS 639.012.

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 23. Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by



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subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in sections 24 to 48, inclusive, of this act for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in sections 24 to 48, inclusive, of this act, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting \$4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in section 49 of this act.

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

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

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

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

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

- (a) Naturally occurring mineral solids, such as coal and ores;
- (b) Liquid minerals, such as crude petroleum; and
- (c) Gases, such as natural gas.

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

- (a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.
- (b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.



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

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

Sec. 26. 1. The utilities and telecommunications business category (NAICS 22 and 51", respectively) includes:

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

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

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

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

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

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery



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of parcels and documents without operating under a universal service obligation.

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

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

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

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

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

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

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

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

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

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

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

Sec. 38. 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily



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engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 46. 1. The accommodation business category (NAICS 72) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

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

Sec. 47. 1. The food services and drinking places business category (NAICS 72) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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part of the amount with respect to which the claim has been disallowed.

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

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

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

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

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

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

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

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

3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure



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relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

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

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

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

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

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

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



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

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

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

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

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

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

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

3. The interest must be paid:

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

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

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

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable



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provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, *or sections 2 to 61, inclusive, of this act*, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

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

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

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

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

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

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

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



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

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

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

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

— give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

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

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

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

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another



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demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

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

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

Sec. 67. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~{“Employer”}~~

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

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

(b) *Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.*

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

3. For the purposes of this section:

~~{1-}~~ (a) “Indian tribe” includes any entity described in subsection 10 of NRS 612.055.



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

~~{3-}~~ (c) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

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

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

2. The tax imposed by this section:

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

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

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

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

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

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

Sec. 69. NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~{ "Employer" }~~



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

2. *The term does not include:*

(a) *A financial institution ~~[-an]~~ ;*

(b) *Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;*

(c) *An Indian tribe ~~[-a]~~ ;*

(d) *A nonprofit organization ~~[-a]~~ ;*

(e) *A political subdivision ; or ~~any~~*

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

3. *For the purposes of this section:*

~~[1-]~~ (a) *"Financial institution" has the meaning ascribed to it in NRS 363A.050.*

~~[2-]~~ (b) *"Indian tribe" includes any entity described in subsection 10 of NRS 612.055.*

~~[3-]~~ (c) *"Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).*

~~[4-]~~ (d) *"Political subdivision" means any entity described in subsection 9 of NRS 612.055.*

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

363B.110 1. ~~[There]~~ *Except as otherwise provided in section 62 of this act, there is hereby imposed an excise tax on each employer at the rate of ~~{0.63}~~ 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer ~~[-]~~ exceeds \$50,000.*

2. *The tax imposed by this section:*

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

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

3. *Each employer shall, on or before the last day of the month immediately following each calendar quarter for*



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which the employer is required to pay a contribution pursuant to NRS 612.535:

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

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

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

Sec. 71. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the rate of ~~{40}~~ 90 mills per cigarette. The tax may be represented and precollected by the affixing of a revenue stamp or other approved evidence of payment to each package, packet or container in which cigarettes are sold. The tax must be precollected by the wholesale or retail dealer, and must be recovered from the consumer by adding the amount of the tax to the selling price. Each person who sells cigarettes at retail shall prominently display on the premises a notice that the tax is included in the selling price and is payable under the provisions of this chapter.

Sec. 72. NRS 370.260 is hereby amended to read as follows:

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

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the



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credit of the Department. The deposited money must be expended by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to ~~{35}~~ 85 mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

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

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

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

Sec. 73. NRS 370.350 is hereby amended to read as follows:

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

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

3. The use tax does not apply where:

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

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

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

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

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

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

2. An application for a state business license must:

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

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



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assigned by the Secretary of State, if known, and the location in this State of the place or places of business:

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

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

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

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

- (a) The owner of a business that is owned by a natural person.
- (b) A member or partner of an association or partnership.
- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.

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

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

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

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

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

(1) Chapter 82 or 84 of NRS; or

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

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

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



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

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

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

76.130 1. ~~{A}~~ *Except as otherwise provided in subsection 2,* a person who applies for renewal of a state business license shall submit a fee in the amount of ~~[\$100]~~ \$200 to the Secretary of State:

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

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

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

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

~~{3-}~~ 4. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

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

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

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



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

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

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

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

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

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

- (a) The name of the corporation;
- (b) The file number of the corporation, if known;
- (c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;
- (d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and
- (e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

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



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(a) A declaration under penalty of perjury that:

(1) The corporation has complied with the provisions of chapter 76 of NRS:

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

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

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

4. Upon filing the list required by:

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

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

\$75,000 or less.....	[\$125] \$150
Over \$75,000 and not over \$200,000	[\$175] 200
Over \$200,000 and not over \$500,000	[\$275] 300
Over \$500,000 and not over \$1,000,000	[\$375] 400
Over \$1,000,000:	
For the first \$1,000,000	[\$375] 400
For each additional \$500,000 or fraction thereof	275

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

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

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each



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corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

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

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

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

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

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

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

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

78.245 ~~{No}~~

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

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



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

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

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

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

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

(a) A declaration under penalty of perjury that:

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

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

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

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

3. Upon filing:

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



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

\$75,000 or less	[\$125] \$150
Over \$75,000 and not over \$200,000	[175] 200
Over \$200,000 and not over \$500,000	[275] 300
Over \$500,000 and not over \$1,000,000	[375] 400
Over \$1,000,000:	
For the first \$1,000,000	[375] 400
For each additional \$500,000 or fraction thereof	275

— The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[\$11,400]~~ \$11, 125.

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

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

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

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

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



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

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

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

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

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

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

- (a) The fee for filing a list is ~~[\$25.]~~ \$50;
- (b) The penalty added for default is \$50; and
- (c) The fee for reinstatement is \$100.

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

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

- (a) The name of the foreign nonprofit corporation:



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

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

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and

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

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

(a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;

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

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

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of ~~[\$25.]~~ \$50.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

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

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



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

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

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

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

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

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

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

- (a) The fee for filing a list is ~~[\$25.]~~ \$50;
- (b) The penalty added for default is \$50; and
- (c) The fee for reinstatement is \$100.

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

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

- (a) The name of the limited-liability company;
- (b) The file number of the limited-liability company, if known;
- (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
- (d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and
- (e) The signature of a manager or managing member of the limited-liability company, or some other person specifically



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authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs or, if, pursuant to subsection 11, the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

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

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

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

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

4. Upon filing:

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

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

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

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



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

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

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

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

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

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

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

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and



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(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

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

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

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

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

3. Upon filing:

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

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

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

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

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



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

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

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

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

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

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

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

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



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

2. Upon filing:

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

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

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

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

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

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

7. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing



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partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

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

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

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

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

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

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

(c) The names of all its managing partners;

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

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

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

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

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

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the



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identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~{\$125.}~~ \$150.

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

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



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(b) Each annual list required by subsection 1. pay to the Secretary of State a fee of ~~[\$125.]~~ **\$150.**

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

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

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

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

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

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

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

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

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

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to



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subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

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

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

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

3. Upon filing:

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

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

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to



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subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

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

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

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

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

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

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

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

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



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

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

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~{\$125.}~~ \$150.

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

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~{\$175.}~~ \$200.

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

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

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

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



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

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

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

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

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

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

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

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

- (a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;
- (b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any



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false or forged instrument for filing in the Office of the Secretary of State; and

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

3. Upon filing:

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

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

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

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

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

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

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

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

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



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

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

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

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

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

2. Upon filing:

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

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

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

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



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a business trust to receive a notice does not excuse it from the penalty imposed by law.

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

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

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

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

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

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

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

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



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

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

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

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

3. Upon filing:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service



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on behalf of the professional association except as authorized by law.

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

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

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

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

(1) The professional association has complied with the provisions of chapter 76 of NRS:

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

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

4. Upon filing:

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

(4) Involves moral turpitude;

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

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

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

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

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

(3) An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;

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

(5) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, jurisdiction, Canadian province or



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territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~[-]~~ *and the chapter consisting of sections 2 to 6I, inclusive, of this act.*

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

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

Sec. 78.1. 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 ~~[Highway]~~ *General* 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



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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



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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. 78.3. 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.



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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. 78.5. 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



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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.



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(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:



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(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. 78.8. 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 :

(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its



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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:



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(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. 78.9. 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 {:

~~(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



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(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.



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(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:

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ or sections 2 to 61, inclusive, of this act;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 80. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.



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3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of



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employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~[-]~~ *and the chapter consisting of sections 2 to 61, inclusive, of this act.* The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form



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determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 81. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation,



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prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.



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6. Upon request by the Department of Taxation, the Administrator shall provide:

- (a) Lists containing the names and addresses of employers; and
- (b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~and the chapter consisting of sections 2 to 61, inclusive, of this act~~. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 82. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.



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(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[-]~~ and sections 2 to 6I, inclusive, of this act.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.



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3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 83. NRS 645B.670 is hereby amended to read as follows:

645B.670 1. Except as otherwise provided in NRS 645B.690:

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(1) Is insolvent;

(2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;



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(4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(8) Has failed to account to persons interested for all money received for a trust account;

(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;



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(16) Has repeatedly violated the policies and procedures of the mortgage broker;

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;

(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ *or sections 2 to 61, inclusive, of this act;* or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:

(I) Is an employee of or associated with the mortgage broker; or

(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:



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(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:

(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf



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sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.

Sec. 84. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[-]~~ *and sections 2 to 61, inclusive, of this act.*

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of



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this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 85. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than \$25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than \$25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;



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(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ *or sections 2 to 61, inclusive, of this act;*

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or



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(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 86. NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

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

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

Sec. 87. NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information:

(b) The Director of the Department of Business and Industry for the Director's confidential use:



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(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title:

(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~{-}~~ *and the chapter consisting of sections 2 to 61, inclusive, of this act;*

(e) An entity which insures or guarantees deposits:

(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution:

(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company:

(h) Any person to whom the subject of the report has authorized the disclosure:

(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors: and

(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 88. NRS 669.275 is hereby amended to read as follows:

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.

2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.



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4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. *This subsection does not limit the examination of any document by the Department of Taxation if necessary to carry out the provisions of sections 2 to 61, inclusive, of this act.*

Sec. 89. NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:

(a) Has violated its charter or any state or federal laws applicable to the business of a trust company.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' equity.

(e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.

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

(k) Has materially and willfully breached its fiduciary duties to its customers.

(l) Has failed to properly disclose all fees, interest and other charges to its customers.

(m) Has willfully engaged in material conflicts of interest regarding a customer's account.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company



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when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

Sec. 90. NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 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 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 his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ *or sections 2 to 61, inclusive, of this act;*

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.



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Sec. 91. NRS 669.285 is hereby amended to read as follows:

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter: ~~and~~

2. *The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and*

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 92. NRS 669A.310 is hereby amended to read as follows:

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter: ~~and~~

(b) *The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and*

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to paragraph ~~((b))~~ (c) of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may



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not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

Sec. 93. NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[]~~ *or sections 2 to 61, inclusive, of this act.*

Sec. 94. NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she 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. A copy of the order must be sent by registered or certified mail to the licensee.

(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 lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.



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3. The grounds for revocation or suspension of a license are that:

- (a) The licensee has failed to pay the annual license fee;
- (b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;
- (c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{}~~ *or sections 2 to 61, inclusive, of this act;*
- (d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or
- (e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 95. NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she 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, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(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 lawful 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 his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

- (a) The licensee has failed to pay the annual license fee:



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(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{-}~~ *or sections 2 to 61, inclusive, of this act;*

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 96. NRS 680B.037 is hereby amended to read as follows:
680B.037 ~~{Payment}~~

1. *Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.*

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

Sec. 97. NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.



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3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~{ }~~ *or sections 2 to 61, inclusive, of this act.*

Sec. 98. NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~{ }~~ *and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.*

Sec. 99. NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~{ }~~ *or sections 2 to 61, inclusive, of this act.*



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Sec. 100. NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[-]~~ or sections 2 to 61, inclusive, of this act;

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.



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2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

Sec. 101. NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first \$20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next \$20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first \$20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next \$20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

➤ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than \$5,000 in any given year, the captive insurer shall pay a tax of \$5,000 for that year. The maximum aggregate tax for any year must not exceed \$175,000. The maximum aggregate tax to be paid by a sponsored



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captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS *or sections 2 to 61, inclusive, of this act* and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of \$5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on



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unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 102. NRS 695A.550 is hereby amended to read as follows:

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than *the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act* and taxes on real property and office equipment.

Sec. 103. Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page 3425, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~{2015,}~~ 2016.

Sec. 104. Section 20 of chapter 395, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009. ~~{and expire by limitation on June 30, 2015.}~~

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

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

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, 2015.



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7. Section 18 of this act expires by limitation on June 30, ~~{2015-}~~ 2017.

Sec. 105. Section 17.5 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby amended to read as follows:

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~{2015-}~~ 2016.

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~{2016}~~ 2017 and each calendar year thereafter.

Sec. 106. Section 19 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, ~~{2016-}~~ 2017.

Sec. 107. Section 15 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year ~~{2016-}~~ 2017, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year ~~{2015}~~ 2016 pursuant to NRS 362.115, as that section read on January 1, ~~{2015-}~~ 2016; and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year ~~{2016}~~ 2017 must be reduced by the amount

