

SENATE BILL NO. 140—SENATORS HANSEN,  
GOICOECHEA, BUCK, TITUS; AND STONE

FEBRUARY 14, 2023

Referred to Committee on Revenue and  
Economic Development

SUMMARY—Revises provisions relating to the distribution of the  
excise tax on live entertainment. (BDR 32-166)

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

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

AN ACT relating to taxation; revising the distribution of the  
proceeds from the excise tax on live entertainment for  
certain activities provided by a tax-exempt organization  
or nonprofit corporation in certain smaller counties; and  
providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law imposes an excise tax on admission to certain facilities where live  
2 entertainment is provided. (Chapter 368A of NRS) Existing law further excludes  
3 from the tax on live entertainment certain activities provided by a nonprofit  
4 religious, charitable, fraternal or other organization that qualifies as a tax-exempt  
5 organization pursuant to 26 U.S.C. § 501(c) or by a nonprofit corporation organized  
6 or existing under the provisions of chapter 82 of NRS. This exclusion from the tax  
7 on live entertainment does not apply if the number of tickets to the activity that are  
8 offered for sale or other distribution by such a tax-exempt organization or nonprofit  
9 corporation is 15,000 or more. (NRS 368A.090, 368A.200) Existing law requires,  
10 with certain exceptions, all taxes, interest and penalties received from the tax on  
11 live entertainment to be deposited in the State Treasury for credit to the State  
12 General Fund. (NRS 368A.220)

13 This bill provides that if such a tax-exempt organization or a nonprofit  
14 corporation provides an activity in a county whose population is less than 9,000  
15 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing and Storey  
16 Counties) and the number of tickets to the activity offered for sale or other  
17 distribution is 15,000 or more, the Department of Taxation is required to remit 50  
18 percent of the taxes on live entertainment that are received for the activity to the  
19 county treasurer for deposit into a separate, segregated fund in the county treasury.  
20 Money in such a fund is to be used to mitigate the costs to the county, or any  
21 agency thereof, that are related to the activity.



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

1 **Section 1.** NRS 368A.220 is hereby amended to read as  
2 follows:

3 368A.220 1. Except as otherwise provided in this section:

4 (a) Each taxpayer who is a licensed gaming establishment shall  
5 file with the Board, on or before the 15th day of each month, a  
6 report showing the amount of all taxable receipts for the preceding  
7 month or the month in which the taxable events occurred. The report  
8 must be in a form prescribed by the Board.

9 (b) All other taxpayers shall file with the Department, on or  
10 before the last day of each month, a report showing the amount of  
11 all taxable receipts for the preceding month. The report must be in a  
12 form prescribed by the Department.

13 2. The Board or the Department, if it deems it necessary to  
14 ensure payment to or facilitate the collection by the State of the tax  
15 imposed by NRS 368A.200, may require reports to be filed not later  
16 than 10 days after the end of each calendar quarter.

17 3. Each report required to be filed by this section must be  
18 accompanied by the amount of the tax that is due for the period  
19 covered by the report.

20 4. Except as otherwise provided in this subsection **4** and  
21 **subsection 5**, the Board and the Department shall deposit all taxes,  
22 interest and penalties they receive pursuant to this chapter in the  
23 State Treasury for credit to the State General Fund. On or before  
24 October 1 of each year, the Department shall deposit \$150,000 from  
25 the taxes, interest and penalties it receives pursuant to this chapter in  
26 the State Treasury for credit to the Nevada Arts Council created by  
27 NRS 233C.025. The amount deposited in the State Treasury for  
28 credit to the Nevada Arts Council pursuant to this subsection is  
29 hereby authorized for expenditure by the Nevada Arts Council as a  
30 continuing appropriation.

31 *5. If a nonprofit religious, charitable, fraternal or other*  
32 *organization that qualifies as a tax-exempt organization pursuant*  
33 *to 26 U.S.C. § 501(c), or a nonprofit corporation organized or*  
34 *existing under the provisions of chapter 82 of NRS, provides an*  
35 *activity in a county whose population is less than 9,000 and the*  
36 *number of tickets to the activity offered for sale or other*  
37 *distribution is 15,000 or more, the Department shall remit 50*  
38 *percent of the taxes received pursuant to this chapter for the*  
39 *activity to the county treasurer for deposit into a separate,*  
40 *segregated fund in the county treasury to be used to mitigate the*  
41 *costs to the county, or any agency thereof, that are related to the*  
42 *activity. The provisions of this subsection apply regardless of*



1 *whether the board of county commissioners of the county in which*  
2 *the activity is held has entered into an agreement with the tax-*  
3 *exempt organization or nonprofit corporation pursuant to*  
4 *NRS 244.35425.*

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