

SENATE BILL NO. 69—COMMITTEE ON
REVENUE AND ECONOMIC DEVELOPMENT

(ON BEHALF OF STOREY COUNTY)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Revenue and
Economic Development

SUMMARY—Revises provisions relating to economic
development. (BDR 32-369)

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

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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 provisions governing audits conducted by the Department of Taxation of recipients of a partial abatement of certain taxes imposed upon a new or expanded data center; requiring an applicant for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that is located in an economic diversification district to enter into an agreement with certain local governments to defray the cost of services provided by the local governments; revising provisions governing applications for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that satisfies certain capital investment and other requirements; authorizing a fire protection district to abate certain fees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the Office of Economic Development to grant a partial
- 2 abatement of property taxes, modified business taxes and sales and use taxes to a
- 3 business that locates or expands in this State and meets certain qualifications for the
- 4 abatement. (NRS 360.750, 360.753, 360.754, 360.890, 360.950) If the Office
- 5 approves an application by a business for such an abatement or partial abatement,
- 6 the business is required to enter into an agreement with the Office to allow the
- 7 Department of Taxation to conduct audits of the business to determine whether the



8 business is in compliance with the requirements for the abatement or partial
9 abatement. (NRS 360.755) **Section 1** of this bill requires an audit of a data center
10 that is approved for a partial abatement to include a determination of the colocated
11 businesses that have entered into contracts to use or occupy the data center and the
12 taxable personal property that is located at the data center. **Section 1** further
13 requires such information to be kept confidential and not disclosed to any person
14 other than an employee of the Department, the county assessor or county treasurer
15 to whom the Department is required to provide the information or an officer or
16 employee of such a county assessor or county treasurer.

17 Existing law authorizes the Office to approve applications for an abatement or
18 partial abatement of certain taxes and the issuance of transferable tax credits
19 submitted by the lead participant in a qualified project that will make a capital
20 investment in this State of at least \$1 billion. (NRS 360.880-360.980) Additionally,
21 existing law authorizes the governing body of a county or city in which a qualified
22 project is or is expected to be located to: (1) create an economic diversification
23 district that includes within its boundaries the qualified project; and (2) pledge for
24 certain purposes the proceeds of all sales and use taxes imposed in the county or
25 city on each participant in the qualified project, other than any sales and use taxes
26 for which an abatement is received. (Chapter 271B of NRS) **Sections 2 and 6** of
27 this bill require, as a condition of eligibility for the transferable tax credits or the
28 abatement or partial abatement of taxes for a project that is or will be located in an
29 economic diversification district, the lead participant to enter into an agreement
30 with the governing body of the city or county and fire protection district in which
31 the project is located to require the lead participant to make payments to defray the
32 cost of local governmental services and infrastructure to service the project.
33 **Sections 2 and 6** make records, files and communications exchanged between the
34 lead participant and a county, city or fire protection district for the purpose of
35 entering into certain agreements confidential and prohibit the disclosure of such
36 records, files and communications except with the consent of the lead participant.
37 **Section 10** of this bill provides that these records, files and communications are not
38 public records. **Section 11** of this bill makes a conforming change to reflect that the
39 governing body of a county or city is authorized to enter into agreements with
40 owners of any interest in property for the payment of amounts to defray the costs of
41 local government services, in addition to the agreement which the governing body
42 of the county or city is required to enter into with the lead participant pursuant to
43 **sections 2 and 6**.

44 Existing law prohibits the Office from approving an application for a partial
45 abatement for a qualified project whose participants intend to make a capital
46 investment in this State of at least \$1 billion unless the lead participant of the
47 project has entered into an agreement with the Office establishing certain terms for
48 the abatement, including the date on which the abatement becomes effective, which
49 must not be earlier than the date on which the Office receives the application and
50 not later than 1 year after the date on which the Office approves the application.
51 (NRS 360.889) **Section 2** requires the effective date of the abatement, as
52 established by the agreement, to be not earlier than the date on which the Office
53 approves the application. **Section 6** adds a similar requirement regarding the
54 effective date of an abatement to applications for an abatement for a qualified
55 project whose participants intend to make a capital investment in this State of at
56 least \$3.5 billion.

57 **Sections 3 and 7** of this bill require the Office, within 15 days after receipt of
58 an application for transferable tax credits or an abatement or partial abatement of
59 taxes for a project with a capital investment of at least \$1 billion in this State, to
60 send a notification containing certain information to each city, county and fire
61 protection district in which the project will be located. **Sections 3 and 7** require, for
62 the limited purpose of considering and taking action on such an application, certain



63 temporary voting members to be appointed to the Board of Economic Development
64 by the governing bodies of the county, city and fire protection district in which the
65 project will be located. **Sections 3 and 7** authorize the disclosure of certain
66 confidential information in an application to an officer or employee of a county,
67 city or fire protection district who is subject to an agreement prohibiting further
68 disclosure of the information. Finally, **sections 3 and 7** require the Office to receive
69 a letter of acknowledgment of an application from certain local governments before
70 considering the application, unless such a letter is not received within 30 days of a
71 request for the letter.

72 **Sections 4 and 8** of this bill require the Office to forward a copy of the
73 certificate of eligibility which identifies the estimated amount of transferrable tax
74 credits available to the governing body of the county or city in which the project is
75 located.

76 Existing law authorizes the governing body of a county or city to grant an
77 abatement of all or part of any permitting fee or licensing fee which the local
78 government is authorized to impose, for the purpose of encouraging local economic
79 development. (NRS 360.896, 360.980) **Sections 5 and 9** of this bill similarly
80 authorize a fire protection district to grant an abatement of any permitting fee or
81 licensing fee which the fire protection district is authorized to impose.

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

1 **Section 1.** NRS 360.755 is hereby amended to read as follows:

2 360.755 1. If the Office of Economic Development approves
3 an application by a business for an abatement of taxes pursuant to
4 NRS 360.950 or a partial abatement pursuant to NRS 360.750,
5 360.753, 360.754 or 360.890, the agreement with the Office must
6 provide that the business:

7 (a) Agrees to allow the Department to conduct audits of the
8 business to determine whether the business is in full compliance
9 with the requirements for the abatement or partial abatement; and

10 (b) Consents to the disclosure of the audit reports in the manner
11 set forth in this section.

12 2. *If the Department conducts an audit to determine whether*
13 *a business approved to receive a partial abatement of taxes*
14 *pursuant to NRS 360.754 on or before December 31, 2056, is in*
15 *full compliance with the requirements for the partial abatement,*
16 *the Department, as part of the audit, must determine:*

17 (a) *The colocated businesses that have entered into a contract*
18 *with the business to use or occupy all or part of the data center for*
19 *which the abatement was approved.*

20 (b) *The taxable personal property owned, claimed, possessed,*
21 *controlled or managed by the business and each colocated*
22 *business described in paragraph (a), including, without limitation,*
23 *the cost of acquisition of each item of taxable personal property*
24 *and the cost of any improvements of the personal property, such as*
25 *additions to or renovations of the property other than routine*



1 *maintenance or repairs, and the year in which each item of*
2 *taxable personal property was acquired.*

3 3. If the Department conducts an audit of the business to
4 determine whether the business is in full compliance with the
5 requirements for the abatement or partial abatement, the Department
6 shall, upon request, provide ~~{the}~~:

7 (a) *The* audit report to the Office of Economic Development ~~{~~
8 ~~—3.}~~; and

9 (b) *Any information determined pursuant to subsection 2 to*
10 *the county assessor and county treasurer of the county in which*
11 *the data center is located. The information provided to the county*
12 *assessor and county treasurer pursuant to this paragraph:*

13 (1) *Is confidential proprietary information of the business;*

14 (2) *Is not a public record;*

15 (3) *Must be redacted by the Executive Director of the Office*
16 *of Economic Development from any audit report that is disclosed*
17 *to the public; and*

18 (4) *Must not be disclosed to any person who is not an*
19 *officer or employee of the Department, or the county assessor or*
20 *county treasurer to whom the information was provided, unless*
21 *the business consents to the disclosure.*

22 4. Until the business has exhausted all appeals to the
23 Department and the Nevada Tax Commission relating to the audit,
24 the information contained in the audit report provided to the Office
25 of Economic Development:

26 (a) Is confidential proprietary information of the business;

27 (b) Is not a public record; and

28 (c) Must not be disclosed to any person who is not an officer or
29 employee of the Office of Economic Development unless the
30 business consents to the disclosure.

31 ~~{4.}~~ 5. After the business has exhausted all appeals to the
32 Department and the Nevada Tax Commission relating to the audit:

33 (a) The audit report provided to the Office of Economic
34 Development is a public record; and

35 (b) Upon request by any person, the Executive Director of the
36 Office of Economic Development shall disclose the audit report to
37 the person who made the request, except for any information in
38 the audit report that is protected from disclosure pursuant to
39 subsection ~~{5.}~~

40 ~~—5.}~~ 6.

41 6. Before the Executive Director of the Office of Economic
42 Development discloses the audit report to the public, the business
43 may submit a request to the Executive Director to protect from
44 disclosure any information in the audit report which, under
45 generally accepted business practices, would be considered a trade



1 secret or other confidential proprietary information of the business.
2 After consulting with the business, the Executive Director shall
3 determine whether to protect the information from disclosure. The
4 decision of the Executive Director is final and is not subject to
5 judicial review. If the Executive Director determines to protect the
6 information from disclosure, the protected information:

- 7 (a) Is confidential proprietary information of the business;
- 8 (b) Is not a public record;
- 9 (c) Must be redacted by the Executive Director from any audit
10 report that is disclosed to the public; and
- 11 (d) Must not be disclosed to any person who is not an officer or
12 employee of the Office of Economic Development unless the
13 business consents to the disclosure.

14 **7. As used in this section:**

15 (a) *“Colocated business” has the meaning ascribed to it in*
16 *NRS 360.754.*

17 (b) *“Data center” has the meaning ascribed to it in*
18 *NRS 360.754.*

19 **Sec. 2.** NRS 360.889 is hereby amended to read as follows:

20 360.889 1. On behalf of a project, the lead participant in the
21 project may apply to the Office of Economic Development for:

22 (a) A certificate of eligibility for transferable tax credits which
23 may be applied to:

- 24 (1) Any tax imposed by chapters 363A and 363B of NRS;
- 25 (2) The gaming license fees imposed by the provisions of
26 NRS 463.370;
- 27 (3) Any tax imposed by chapter 680B of NRS; or
- 28 (4) Any combination of the fees and taxes described in
29 subparagraphs (1), (2) and (3).

30 (b) A partial abatement of property taxes, employer excise taxes
31 or local sales and use taxes, or any combination of any of those
32 taxes.

33 2. For a project to be eligible for the transferable tax credits
34 described in paragraph (a) of subsection 1 and the partial abatement
35 of the taxes described in paragraph (b) of subsection 1, the lead
36 participant in the project must, on behalf of the project:

37 (a) Submit an application that meets the requirements of
38 subsection 5;

39 (b) Provide documentation satisfactory to the Office that
40 approval of the application would promote the economic
41 development of this State and aid the implementation of the State
42 Plan for Economic Development developed by the Executive
43 Director of the Office pursuant to subsection 2 of NRS 231.053;

44 (c) Provide documentation satisfactory to the Office that the
45 participants in the project collectively will make a total new capital



1 investment of at least \$1 billion in this State within the 10-year
2 period immediately following approval of the application;

3 (d) Provide documentation satisfactory to the Office that the
4 participants in the project are engaged in a common business
5 purpose or industry;

6 (e) Provide documentation satisfactory to the Office that the
7 place of business of each participant is or will be located within the
8 geographic boundaries of the project site or sites;

9 (f) Provide documentation satisfactory to the Office that each
10 participant in the project is registered pursuant to the laws of this
11 State or commits to obtaining a valid business license and all other
12 permits required by the county, city or town in which the project
13 operates;

14 (g) Provide documentation satisfactory to the Office of the
15 number of employees engaged in the construction of the project;

16 (h) Provide documentation satisfactory to the Office of the
17 number of qualified employees employed or anticipated to be
18 employed at the project by the participants;

19 (i) Provide documentation satisfactory to the Office that each
20 employer engaged in the construction of the project provides a plan
21 of health insurance and that each employee engaged in the
22 construction of the project is offered coverage under the plan of
23 health insurance provided by his or her employer;

24 (j) Provide documentation satisfactory to the Office that each
25 participant in the project provides a plan of health insurance and that
26 each employee employed at the project by each participant is
27 offered coverage under the plan of health insurance provided by his
28 or her employer;

29 (k) Provide documentation satisfactory to the Office that at least
30 50 percent of the employees engaged in construction of the project
31 and 50 percent of the employees employed at the project are
32 residents of Nevada, unless waived by the Executive Director of the
33 Office upon proof satisfactory to the Executive Director of the
34 Office that there is an insufficient number of Nevada residents
35 available and qualified for such employment;

36 (l) Agree to provide the Office with a full compliance audit of
37 the participants in the project at the end of each fiscal year which:

38 (1) Shows the amount of money invested in this State by
39 each participant in the project;

40 (2) Shows the number of employees engaged in the
41 construction of the project and the number of those employees who
42 are residents of Nevada;

43 (3) Shows the number of employees employed at the project
44 by each participant and the number of those employees who are
45 residents of Nevada; and



1 (4) Is certified by an independent certified public accountant
2 in this State who is approved by the Office;

3 (m) Pay the cost of the audit required by paragraph (l);

4 (n) Enter into an agreement with the governing body of the city
5 or county in which the qualified project is located that:

6 (1) Requires the lead participant to pay the cost of any
7 engineering or design work necessary to determine the cost of
8 infrastructure improvements required to be made by the governing
9 body pursuant to an economic development financing proposal
10 approved pursuant to NRS 360.990; ~~and~~

11 (2) Requires the lead participant to seek reimbursement for
12 any costs paid by the lead participant pursuant to subparagraph (1)
13 from the proceeds of bonds issued pursuant to NRS 360.991; and

14 (3) *Requires the lead participant, if the qualified project is*
15 *or will be located in an economic diversification district created*
16 *pursuant to NRS 271B.070, to make payments, in a specified*
17 *amount or according to an agreed upon formula, to the county or*
18 *city in which the qualified project is located to defray, in whole or*
19 *in part, the cost of local governmental services and any*
20 *infrastructure necessary to service the project during the term of*
21 *the use of any money pledged pursuant to NRS 271B.070;*

22 (o) *If the qualified project is located in a fire protection district*
23 *and is or will be located in an economic diversification district*
24 *created pursuant to NRS 271B.070, enter into an agreement with*
25 *the governing body of the fire protection district in which the*
26 *qualified project is located that requires the lead participant to*
27 *make payments, in a specified amount or according to an agreed*
28 *upon formula, to the fire protection district to defray, in whole or*
29 *in part, the cost to the fire protection district of providing fire*
30 *protection services during the term of the use of any money*
31 *pledged pursuant to NRS 271B.070; and*

32 (p) Meet any other requirements prescribed by the Office.

33 3. In addition to meeting the requirements set forth in
34 subsection 2, for a project located on more than one site in this State
35 to be eligible for the partial abatement of the taxes described in
36 paragraph (b) of subsection 1, the lead participant must, on behalf of
37 the project, submit an application that meets the requirements of
38 subsection 5 on or before June 30, 2019, and provide documentation
39 satisfactory to the Office that:

40 (a) The initial project will have a total of 500 or more full-time
41 employees employed at the site of the initial project and the average
42 hourly wage that will be paid to employees of the initial project in
43 this State is at least 120 percent of the average statewide hourly
44 wage as established by the Employment Security Division of the



1 Department of Employment, Training and Rehabilitation on July 1
2 of each fiscal year;

3 (b) Each participant in the project must be a subsidiary or
4 affiliate of the lead participant; and

5 (c) Each participant offers primary jobs and:

6 (1) Except as otherwise provided in subparagraph (2),
7 satisfies the requirements of paragraph (f) or (g) of subsection 2 of
8 NRS 360.750, regardless of whether the business is a new business
9 or an existing business; and

10 (2) If a participant owns, operates, manufactures, services,
11 maintains, tests, repairs, overhauls or assembles an aircraft or any
12 component of an aircraft, that the participant satisfies the applicable
13 requirements of paragraph (f) or (g) of subsection 2 of
14 NRS 360.753.

15 ➔ If any participant is a data center, as defined in NRS 360.754, any
16 capital investment by that participant must not be counted in
17 determining whether the participants in the project collectively will
18 make a total new capital investment of at least \$1 billion in this
19 State within the 10-year period immediately following approval of
20 the application, as required by paragraph (c) of subsection 2.

21 4. In addition to meeting the requirements set forth in
22 subsection 2, a project is eligible for the transferable tax credits
23 described in paragraph (a) of subsection 1 only if the Interim
24 Finance Committee approves a written request for the issuance of
25 the transferable tax credits. Such a request may only be submitted
26 by the Office and only after the Office has approved the application
27 submitted for the project pursuant to subsection 2. The Interim
28 Finance Committee may approve a request submitted pursuant to
29 this subsection only if the Interim Finance Committee determines
30 that approval of the request:

31 (a) Will not impede the ability of the Legislature to carry out its
32 duty to provide for an annual tax sufficient to defray the estimated
33 expenses of the State for each fiscal year as set forth in Article 9,
34 Section 2 of the Nevada Constitution; and

35 (b) Will promote the economic development of this State and
36 aid the implementation of the State Plan for Economic Development
37 developed by the Executive Director of the Office pursuant to
38 subsection 2 of NRS 231.053.

39 5. An application submitted pursuant to subsection 2 must
40 include:

41 (a) A detailed description of the project, including a description
42 of the common purpose or business endeavor in which the
43 participants in the project are engaged;



1 (b) A detailed description of the location of the project,
2 including a precise description of the geographic boundaries of the
3 project site or sites;

4 (c) The name and business address of each participant in the
5 project, which must be an address in this State;

6 (d) A detailed description of the plan by which the participants
7 in the project intend to comply with the requirement that the
8 participants collectively make a total new capital investment of at
9 least \$1 billion in this State in the 10-year period immediately
10 following approval of the application;

11 (e) If the application includes one or more partial abatements, an
12 agreement executed by the Office with the lead participant in the
13 project not later than 1 year after the date on which the application
14 was received by the Office which:

15 (1) Complies with the requirements of NRS 360.755;

16 (2) States the date on which the partial abatement becomes
17 effective, as agreed to by the applicant and the Office, which must
18 not be earlier than the date on which the Office ~~received~~ *approves*
19 the application and not later than 1 year after the date on which the
20 Office approves the application;

21 (3) States that the project will, after the date on which a
22 certificate of eligibility for the partial abatement is approved
23 pursuant to NRS 360.893, continue in operation in this State for a
24 period specified by the Office; and

25 (4) Binds successors in interest of the lead participant for the
26 specified period; ~~and~~

27 (f) *A copy of each agreement, if any, required by paragraphs*
28 *(n) and (o) of subsection 2; and*

29 (g) Any other information required by the Office.

30 6. For an employee to be considered a resident of Nevada for
31 the purposes of this section, each participant in the project must
32 maintain the following documents in the personnel file of the
33 employee:

34 (a) A copy of the:

35 (1) Current and valid Nevada driver's license of the
36 employee originally issued by the Department of Motor Vehicles
37 more than 60 days before the hiring of the employee or a current and
38 valid identification card for the employee originally issued by the
39 Department of Motor Vehicles more than 60 days before the hiring
40 of the employee; or

41 (2) If the employee is a veteran of the Armed Forces of the
42 United States, a current and valid Nevada driver's license of the
43 employee or a current and valid identification card for the employee
44 issued by the Department of Motor Vehicles;



1 (b) If the employee is a registered owner of one or more motor
2 vehicles in Nevada, a copy of the current motor vehicle registration
3 of at least one of those vehicles;

4 (c) Proof that the employee is employed full-time and scheduled
5 to work for an average minimum of 30 hours per week; and

6 (d) Proof that the employee is offered coverage under a plan of
7 health insurance provided by his or her employer.

8 7. For the purpose of obtaining from the Executive Director of
9 the Office any waiver of the requirement set forth in paragraph (k)
10 of subsection 2, the lead participant in the project must submit to the
11 Executive Director of the Office written documentation of the
12 efforts to meet the requirement and documented proof that an
13 insufficient number of Nevada residents is available and qualified
14 for employment.

15 8. The Executive Director of the Office shall make available to
16 the public and post on the Internet website of the Office:

17 (a) Any request for a waiver of the requirements set forth in
18 paragraph (k) of subsection 2; and

19 (b) Any approval of such a request for a waiver that is granted
20 by the Executive Director of the Office.

21 9. The Executive Director of the Office shall post a request for
22 a waiver of the requirements set forth in paragraph (k) of subsection
23 2 on the Internet website of the Office within 3 days after receiving
24 the request and shall keep the request posted on the Internet website
25 for not less than 5 days. The Executive Director of the Office shall
26 ensure that the Internet website allows members of the public to post
27 comments regarding the request.

28 10. The Executive Director of the Office shall consider any
29 comments posted on the Internet website concerning any request for
30 a waiver of the requirements set forth in paragraph (k) of subsection
31 2 before making a decision regarding whether to approve the
32 request. If the Executive Director of the Office approves the request
33 for a waiver, the Executive Director of the Office must post the
34 approval on the Internet website of the Office within 3 days and
35 ensure that the Internet website allows members of the public to post
36 comments regarding the approval.

37 11. If an applicant for one or more partial abatements pursuant
38 to this section fails to execute the agreement described in paragraph
39 (e) of subsection 5 within 1 year after the date on which the
40 application was received by the Office, the applicant shall not be
41 approved for a partial abatement pursuant to this section unless the
42 applicant submits a new application.

43 *12. The records, files and communications exchanged*
44 *between the lead participant in a project and a county, city or fire*
45 *protection district for the purpose of negotiating and entering into*



1 *an agreement required pursuant to paragraph (n) or (o) of*
2 *subsection 2 are confidential, not a public record and must not be*
3 *disclosed to any person who is not an officer or employee of the*
4 *county, city or fire protection district, unless the lead participant*
5 *consents to the disclosure. Notwithstanding the provisions of this*
6 *subsection, a meeting of the governing body of a city, county or*
7 *fire protection district to approve an agreement required pursuant*
8 *to paragraph (n) or (o) of subsection 2 must be conducted in*
9 *accordance with the provisions of chapter 241 of NRS.*

10 **Sec. 3.** NRS 360.890 is hereby amended to read as follows:

11 360.890 1. If the Office of Economic Development receives
12 an application pursuant to NRS 360.889, the Office:

13 (a) Shall , *not later than 15 days after receiving the*
14 *application, provide notice of the application to the governing*
15 *body of each county in which the project will be located, the*
16 *governing body of any city in which the project will be located and*
17 *the governing body of any fire protection district in which the*
18 *project will be located. Not later than 15 days before any public*
19 *meeting at which the Office will take action on the application, the*
20 *governing body of each county, city and fire protection district that*
21 *received notice of the application pursuant to this paragraph shall*
22 *each:*

23 (1) *Designate a representative of the governing body, who*
24 *may be a member of the governing body or an employee of the*
25 *county, city or fire protection district, as applicable, to engage*
26 *directly with the Office on matters concerning the application and*
27 *to provide comment to the Office on the application.*
28 *Notwithstanding the provisions of subsections 5 and 7 and except*
29 *as otherwise provided in this subparagraph, upon the request of a*
30 *representative designated pursuant to this paragraph, the Office*
31 *shall disclose to the representative the information contained in*
32 *the application. Before receiving any information contained in the*
33 *application, the representative designated pursuant to this*
34 *paragraph who requested the information must sign a*
35 *nondisclosure agreement prohibiting the representative from*
36 *disclosing any information contained in the application to any*
37 *person other than a person to whom disclosure of the information*
38 *contained in the application is authorized pursuant to subsection 5*
39 *or 7.*

40 (2) *Appoint a member of the governing body to be a*
41 *temporary voting member of the Board of Economic Development*
42 *created by NRS 231.033 for the sole purpose of considering and*
43 *taking action on the application. If, within the time required by*
44 *this paragraph, the governing body of a county, city or fire*
45 *protection district, as applicable, has not made an appointment of*



1 *a temporary voting member of the Board of Economic*
2 *Development, the Office may take action on the application*
3 *without the appointment of such a temporary voting member and*
4 *the failure to make such an appointment must not be considered*
5 *for the purposes of determining the presence of a quorum or the*
6 *number of votes necessary to act on the application. A temporary*
7 *voting member appointed to the Board of Economic Development*
8 *pursuant to this paragraph:*

9 (I) *May not vote on or participate in the consideration of*
10 *any matter before the Board of Economic Development other than*
11 *the application submitted pursuant to NRS 360.889 for which the*
12 *temporary voting member was appointed.*

13 (II) *Serves without compensation from the Board of*
14 *Economic Development and is not entitled to per diem and travel*
15 *allowances for engaging in any business of the Board of*
16 *Economic Development, other than any per diem and travel*
17 *allowances authorized and paid by the governing body making the*
18 *appointment.*

19 (III) *Is not a member of the Board of Economic*
20 *Development for the purposes of determining the existence of a*
21 *quorum pursuant to NRS 231.033 or chapter 241 of NRS.*

22 (b) *Except as otherwise provided in this paragraph, shall not*
23 *consider the application unless the Office has requested and*
24 *received a letter of acknowledgment of the request for a partial*
25 *abatement from any county, school district, fire protection district,*
26 *city or town which the Office determines may experience a direct*
27 *economic effect as a result of the partial abatement. If, within 30*
28 *days of sending a request for a letter of acknowledgment from an*
29 *entity from which the Office is required to request such a letter,*
30 *the Office has not received the letter of acknowledgment, the*
31 *Office may consider the application without receiving the letter of*
32 *acknowledgment.*

33 ~~(b)~~ (c) *Shall not take any action on the application unless the*
34 *Office takes that action at a public meeting conducted for that*
35 *purpose.*

36 ~~(e)~~ (d) *Shall, at least 30 days before any public meeting*
37 *conducted for the purpose of taking any action on the application,*
38 *provide notice of the application and the date, time and location of*
39 *the public meeting at which the Office will consider the application*
40 *to:*

- 41 (1) *Each participant in the project;*
- 42 (2) *The Department;*
- 43 (3) *The Nevada Gaming Control Board;*
- 44 (4) *The governing body of the county, the board of trustees*
45 *of the school district, the governing body of the fire protection*



1 *district* and the governing body of the city or town, if any, in which
2 the project will be located;

3 (5) The governing body of any other political subdivision
4 that the Office determines could experience a direct economic effect
5 as a result of the abatement; and

6 (6) The general public.

7 2. The date of the public meeting to consider an application
8 submitted pursuant to NRS 360.889 must be not later than 60 days
9 after the date on which the Office receives the completed
10 application.

11 3. The Office shall approve an application submitted pursuant
12 to NRS 360.889 if the Office finds that the project is a qualified
13 project. The Office shall issue a decision on the application not later
14 than 30 days after the conclusion of the public meeting on the
15 application. Not later than 30 days after the Office issues a decision
16 approving an application submitted pursuant to NRS 360.889 in
17 which the lead participant applies for a certificate of eligibility for
18 the transferable tax credits described in paragraph (a) of subsection
19 1 of NRS 360.889, the Office must submit a written request to the
20 Interim Finance Committee for approval of the issuance of the
21 transferable tax credits.

22 4. The lead participant in a qualified project shall submit all
23 accountings and other required information to the Office and the
24 Department not later than 30 days after a date specified in the
25 decision issued by the Office. If the Office or the Department
26 determines that information submitted pursuant to this subsection is
27 incomplete, the lead participant shall, not later than 30 days after
28 receiving notice that the information is incomplete, provide to the
29 Office or the Department, as applicable, all additional information
30 required by the Office or the Department.

31 5. Until the Office of Economic Development provides notice
32 of the application and the public meeting pursuant to paragraph ~~(e)~~
33 (d) of subsection 1, the information contained in the application
34 provided to the Office of Economic Development:

35 (a) Is confidential proprietary information of the business;

36 (b) Is not a public record; and

37 (c) ~~Must~~ *Except as otherwise provided in this paragraph,*
38 *must* not be disclosed to any person who is not an officer or
39 employee of the Office of Economic Development unless the lead
40 participant consents to the disclosure. *The information contained in*
41 *the application provided to the Office of Economic Development*
42 *may be disclosed to any of the following persons:*

43 (1) *A representative of the governing body of a county, city*
44 *or fire protection district who was designated pursuant to*
45 *paragraph (a) of subsection 1 and has signed a nondisclosure*



1 *agreement prohibiting the representative from disclosing any*
2 *information contained in the application to any person, except as*
3 *authorized by this subsection.*

4 (2) *An officer or employee of a county, city or fire*
5 *protection district that has designated a representative pursuant to*
6 *paragraph (a) of subsection 1 if the officer or employee has signed*
7 *a nondisclosure agreement prohibiting the officer or employee*
8 *from disclosing any information contained in the application,*
9 *except as authorized by this subsection.*

10 6. After the Office provides notice of the application and the
11 public meeting pursuant to paragraph ~~(e)~~ (d) of subsection 1:

12 (a) The application is a public record; and

13 (b) Upon request by any person, the Executive Director of the
14 Office shall disclose the application to the person who made the
15 request, except for any information in the application that is
16 protected from disclosure pursuant to subsection 7.

17 7. Before the Executive Director of the Office discloses the
18 application to the public, the lead participant may submit a request
19 to the Executive Director of the Office to protect from disclosure
20 any information in the application which, under generally accepted
21 business practices, would be considered a trade secret or other
22 confidential proprietary information of the business. After
23 consulting with the business, the Executive Director of the Office
24 shall determine whether to protect the information from disclosure.
25 The decision of the Executive Director of the Office is final and is
26 not subject to judicial review. If the Executive Director of the Office
27 determines to protect the information from disclosure, the protected
28 information:

29 (a) Is confidential proprietary information of the business;

30 (b) Is not a public record;

31 (c) Must be redacted by the Executive Director of the Office
32 from any copy of the application that is disclosed to the public; and

33 (d) ~~[Must]~~ *Except as otherwise provided in this paragraph,*
34 *must* not be disclosed to any person who is not an officer or
35 employee of the Office of Economic Development unless the lead
36 participant consents to the disclosure. *The information contained in*
37 *the application provided to the Office of Economic Development*
38 *may be disclosed to any of the following persons:*

39 (1) *A representative of the governing body of a county, city*
40 *or fire protection district who was designated pursuant to*
41 *paragraph (a) of subsection 1 and has signed a nondisclosure*
42 *agreement prohibiting the representative from disclosing any*
43 *information contained in the application to any person, except as*
44 *authorized by this subsection.*



1 (2) *An officer or employee of a county, city or fire*
2 *protection district that has designated a representative pursuant to*
3 *paragraph (a) of subsection 1 if the officer or employee has signed*
4 *a nondisclosure agreement prohibiting the officer or employee*
5 *from disclosing any information contained in the application,*
6 *except as authorized by this subsection.*

7 **Sec. 4.** NRS 360.891 is hereby amended to read as follows:

8 360.891 1. If the Office of Economic Development approves
9 an application for a certificate of eligibility for transferable tax
10 credits submitted pursuant to paragraph (a) of subsection 1 of NRS
11 360.889 and the Interim Finance Committee approves a written
12 request for the issuance of transferable tax credits pursuant to
13 subsection 4 of NRS 360.889, the Office shall immediately forward
14 a copy of the certificate of eligibility which identifies the estimated
15 amount of the tax credits available pursuant to this section to:

16 (a) The lead participant in the qualified project;

17 (b) The Department; ~~and~~

18 (c) The Nevada Gaming Control Board ~~and~~; *and*

19 (d) *The governing body of the county and the governing body*
20 *of the city, if any, in which the project is located.*

21 2. Within 14 business days after receipt of an audit provided by
22 the lead participant in the qualified project pursuant to paragraph (1)
23 of subsection 2 of NRS 360.889 and any other accountings or other
24 information required by the Office, the Office shall determine
25 whether to certify the audit and make a final determination of
26 whether a certificate of transferable tax credits will be issued. If the
27 Office certifies the audit and determines that all other requirements
28 for the transferable tax credits have been met, the Office shall notify
29 the lead participant in the qualified project that the transferable tax
30 credits will be issued. Within 30 days after the receipt of the notice,
31 the lead participant in the qualified project shall make an irrevocable
32 declaration of the amount of transferable tax credits that will be
33 applied to each fee or tax set forth in subparagraphs (1), (2) and (3)
34 of paragraph (a) of subsection 1 of NRS 360.889, thereby
35 accounting for all of the credits which will be issued. Upon receipt
36 of the declaration, the Office shall issue to the lead participant a
37 certificate of transferable tax credits in the amount approved by the
38 Office for the fees or taxes included in the declaration. The lead
39 participant shall notify the Department upon transferring any of the
40 transferable tax credits. The Office shall notify the Department and
41 the Nevada Gaming Control Board of all transferable tax credits
42 issued, segregated by each fee or tax set forth in subparagraphs (1),
43 (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889. The
44 Department shall notify the Office and the Nevada Gaming Control
45 Board of the amount of any transferable tax credits transferred.



1 3. A qualified project may be approved for a certificate of
2 eligibility for transferable tax credits in the amount of \$9,500 for
3 each qualified employee, up to a maximum of 4,000 qualified
4 employees.

5 4. For the purpose of computing the amount of transferable tax
6 credits for which a qualified project is eligible pursuant to
7 subsection 3:

8 (a) Each qualified employee must be:

9 (1) Employed by a participant at the site of the qualified
10 project.

11 (2) Employed full-time and scheduled to work for an average
12 minimum of 30 hours per week.

13 (3) Employed for at least the last 3 consecutive months of the
14 fiscal year.

15 (4) Offered coverage under a plan of health insurance
16 provided by his or her employer.

17 (b) The wages for federal income tax purposes reported or
18 required to be reported on Form W-2 of the qualified employees of
19 the qualified project must be paid at an average rate of \$22 per hour.

20 (c) An employee engaged solely in the construction of the
21 qualified project is deemed not to be a qualified employee.

22 **Sec. 5.** NRS 360.896 is hereby amended to read as follows:

23 360.896 1. For the purpose of encouraging local economic
24 development, the governing body of a city , ~~for~~ county *or fire*
25 *protection district* in which a qualified project is located may grant
26 to any participant in a qualified project an abatement of all or any
27 percentage of the amount of any permitting fee or licensing fee
28 which the local government is authorized to impose or charge
29 pursuant to chapter 244 , ~~for~~ 268 *or 474* of NRS.

30 2. Before granting any abatement pursuant to subsection 1, the
31 governing body of the city or county must provide by ordinance *and*
32 *a fire protection district must provide by regulation* for a pilot
33 project for granting abatements to participants in a qualified project.

34 3. A governing body of a city , ~~for~~ county *or fire protection*
35 *district* that grants an abatement pursuant to subsection 1 shall, on or
36 before October 1 of each year in which such an abatement is
37 granted, prepare and submit to the Governor and to the Director of
38 the Legislative Counsel Bureau for transmittal to the Legislature an
39 annual report which includes, for the immediately preceding fiscal
40 year:

41 (a) The number of qualified projects located within the
42 jurisdiction of the governing body for which a certificate of
43 eligibility for transferable tax credits was approved;



1 (b) If applicable, the number and dollar amount of the
2 abatements granted by the governing body pursuant to subsection 1;
3 and

4 (c) The number of persons within the jurisdiction of the
5 governing body that were employed by each participant in a
6 qualified project and the amount of wages paid to those persons.

7 **Sec. 6.** NRS 360.945 is hereby amended to read as follows:

8 360.945 1. On behalf of a project, the lead participant in the
9 project may apply to the Office of Economic Development for:

10 (a) A certificate of eligibility for transferable tax credits which
11 may be applied to:

12 (1) Any tax imposed by chapters 363A and 363B of NRS;

13 (2) The gaming license fees imposed by the provisions of
14 NRS 463.370;

15 (3) Any tax imposed by chapter 680B of NRS; or

16 (4) Any combination of the fees and taxes described in
17 subparagraphs (1), (2) and (3).

18 (b) An abatement of property taxes, employer excise taxes or
19 local sales and use taxes, or any combination of any of those taxes.

20 2. For a project to be eligible for the transferable tax credits
21 described in paragraph (a) of subsection 1 and abatement of the
22 taxes described in paragraph (b) of subsection 1, the lead participant
23 in the project must, on behalf of the project:

24 (a) Submit an application that meets the requirements of
25 subsection 3;

26 (b) Provide documentation satisfactory to the Office that
27 approval of the application would promote the economic
28 development of this State and aid the implementation of the State
29 Plan for Economic Development developed by the Executive
30 Director of the Office pursuant to subsection 2 of NRS 231.053;

31 (c) Provide documentation satisfactory to the Office that the
32 participants in the project collectively will make a total new capital
33 investment of at least \$3.5 billion in this State within the 10-year
34 period immediately following approval of the application;

35 (d) Provide documentation satisfactory to the Office that the
36 participants in the project are engaged in a common business
37 purpose or industry;

38 (e) Provide documentation satisfactory to the Office that the
39 place of business of each participant is or will be located within the
40 geographic boundaries of the project site;

41 (f) Provide documentation satisfactory to the Office that each
42 participant in the project is registered pursuant to the laws of this
43 State or commits to obtaining a valid business license and all other
44 permits required by the county, city or town in which the project
45 operates;



1 (g) Provide documentation satisfactory to the Office of the
2 number of employees engaged in the construction of the project;

3 (h) Provide documentation satisfactory to the Office of the
4 number of qualified employees employed or anticipated to be
5 employed at the project by the participants;

6 (i) Provide documentation satisfactory to the Office that each
7 employer engaged in the construction of the project provides a plan
8 of health insurance and that each employee engaged in the
9 construction of the project is offered coverage under the plan of
10 health insurance provided by his or her employer;

11 (j) Provide documentation satisfactory to the Office that each
12 participant in the project provides a plan of health insurance and that
13 each employee employed at the project by each participant is
14 offered coverage under the plan of health insurance provided by his
15 or her employer;

16 (k) Provide documentation satisfactory to the Office that at least
17 50 percent of the employees engaged in construction of the project
18 and 50 percent of the employees employed at the project are
19 residents of Nevada, unless waived by the Executive Director of the
20 Office upon proof satisfactory to the Executive Director of the
21 Office that there is an insufficient number of Nevada residents
22 available and qualified for such employment;

23 (l) Agree to provide the Office with a full compliance audit of
24 the participants in the project at the end of each fiscal year which:

25 (1) Shows the amount of money invested in this State by
26 each participant in the project;

27 (2) Shows the number of employees engaged in the
28 construction of the project and the number of those employees who
29 are residents of Nevada;

30 (3) Shows the number of employees employed at the project
31 by each participant and the number of those employees who are
32 residents of Nevada; and

33 (4) Is certified by an independent certified public accountant
34 in this State who is approved by the Office;

35 (m) Pay the cost of the audit required by paragraph (l);

36 (n) Enter into an agreement with the governing body of the city
37 or county in which the qualified project is located that:

38 (1) Requires the lead participant to pay the cost of any
39 engineering or design work necessary to determine the cost of
40 infrastructure improvements required to be made by the governing
41 body pursuant to an economic development financing proposal
42 approved pursuant to NRS 360.990; ~~and~~

43 (2) Requires the lead participant to seek reimbursement for
44 any costs paid by the lead participant pursuant to subparagraph (1)



1 from the proceeds of bonds of the State of Nevada issued pursuant
2 to NRS 360.991; and

3 *(3) Requires the lead participant, if the qualified project is*
4 *or will be located in an economic diversification district created*
5 *pursuant to NRS 271B.070, to make payments, in a specified*
6 *amount or according to an agreed upon formula, to the county or*
7 *city in which the qualified project is located to defray, in whole or*
8 *in part, the cost of local governmental services and any*
9 *infrastructure necessary to service the project during the term of*
10 *the use of any money pledged pursuant to NRS 271B.070;*

11 *(o) If the qualified project is located in a fire protection district*
12 *and is or will be located in an economic diversification district*
13 *created pursuant to NRS 271B.070, enter into an agreement with*
14 *the governing body of the fire protection district in which the*
15 *qualified project is located that requires the lead participant to*
16 *make payments, in a specified amount or according to an agreed*
17 *upon formula, to the fire protection district to defray, in whole or*
18 *in part, the cost to the fire protection district of providing fire*
19 *protection services during the term of the use of any money*
20 *pledged pursuant to NRS 271B.070; and*

21 *(p) Meet any other requirements prescribed by the Office.*

22 3. An application submitted pursuant to subsection 2 must
23 include:

24 (a) A detailed description of the project, including a description
25 of the common purpose or business endeavor in which the
26 participants in the project are engaged;

27 (b) A detailed description of the location of the project,
28 including a precise description of the geographic boundaries of the
29 project site;

30 (c) The name and business address of each participant in the
31 project, which must be an address in this State;

32 (d) A detailed description of the plan by which the participants
33 in the project intend to comply with the requirement that the
34 participants collectively make a total new capital investment of at
35 least \$3.5 billion in this State in the 10-year period immediately
36 following approval of the application;

37 (e) If the application includes one or more abatements, an
38 agreement executed by the Office with the lead participant in the
39 project not later than 1 year after the date on which the application
40 was received by the Office which:

41 (1) Complies with the requirements of NRS 360.755;

42 (2) *States the date on which the abatement becomes*
43 *effective, as agreed to by the applicant and the Office, which must*
44 *not be earlier than the date on which the Office approves the*



1 *application and not later than 1 year after the date on which the*
2 *Office approves the application;*

3 (3) States that the project will, after the date on which a
4 certificate of eligibility for the abatement is approved pursuant to
5 NRS 360.965, continue in operation in this State for a period
6 specified by the Office; and

7 ~~{(3)}~~ (4) Binds successors in interest of the lead participant
8 for the specified period; ~~{and}~~

9 (f) *A copy of each agreement, if any, required pursuant to*
10 *paragraphs (n) and (o) of subsection 2; and*

11 (g) Any other information required by the Office.

12 4. For an employee to be considered a resident of Nevada for
13 the purposes of this section, each participant in the project must
14 maintain the following documents in the personnel file of the
15 employee:

16 (a) A copy of the current and valid Nevada driver's license of
17 the employee or a current and valid identification card for the
18 employee issued by the Department of Motor Vehicles;

19 (b) If the employee is a registered owner of one or more motor
20 vehicles in Nevada, a copy of the current motor vehicle registration
21 of at least one of those vehicles;

22 (c) Proof that the employee is employed full-time and scheduled
23 to work for an average minimum of 30 hours per week; and

24 (d) Proof that the employee is offered coverage under a plan of
25 health insurance provided by his or her employer.

26 5. For the purpose of obtaining from the Executive Director of
27 the Office any waiver of the requirement set forth in paragraph (k)
28 of subsection 2, the lead participant in the project must submit to the
29 Executive Director of the Office written documentation of the
30 efforts to meet the requirement and documented proof that an
31 insufficient number of Nevada residents is available and qualified
32 for employment.

33 6. The Executive Director of the Office shall make available to
34 the public and post on the Internet website for the Office:

35 (a) Any request for a waiver of the requirements set forth in
36 paragraph (k) of subsection 2; and

37 (b) Any approval of such a request for a waiver that is granted
38 by the Executive Director of the Office.

39 7. The Executive Director of the Office shall post a request for
40 a waiver of the requirements set forth in paragraph (k) of subsection
41 2 on the Internet website of the Office within 3 days after receiving
42 the request and shall keep the request posted on the Internet website
43 for not less than 5 days. The Executive Director of the Office shall
44 ensure that the Internet website allows members of the public to post
45 comments regarding the request.



1 8. The Executive Director of the Office shall consider any
2 comments posted on the Internet website concerning any request for
3 a waiver of the requirements set forth in paragraph (k) of subsection
4 2 before making a decision regarding whether to approve the
5 request. If the Executive Director of the Office approves the request
6 for a waiver, the Executive Director of the Office must post the
7 approval on the Internet website of the Office within 3 days and
8 ensure that the Internet website allows members of the public to post
9 comments regarding the approval.

10 9. If an applicant for one or more abatements pursuant to this
11 section fails to execute the agreement described in paragraph (e) of
12 subsection 3 within 1 year after the date on which the application
13 was received by the Office, the applicant shall not be approved for
14 an abatement pursuant to this section unless the applicant submits a
15 new application.

16 *10. The records, files and communications exchanged*
17 *between the lead participant in a project and a county, city or fire*
18 *protection district for the purpose of negotiating and entering into*
19 *an agreement required pursuant to paragraph (n) or (o) of*
20 *subsection 2 are confidential, not a public record and must not be*
21 *disclosed to any person who is not a party to the negotiations,*
22 *unless the lead participant consents to the disclosure.*
23 *Notwithstanding the provisions of this subsection, a meeting of the*
24 *governing body of a city, county or fire protection district to*
25 *approve an agreement required pursuant to paragraph (n) or (o)*
26 *of subsection 2 must be conducted in accordance with the*
27 *provisions of chapter 241 of NRS.*

28 **Sec. 7.** NRS 360.950 is hereby amended to read as follows:

29 360.950 1. If the Office of Economic Development receives
30 an application pursuant to NRS 360.945, the Office:

31 (a) *Shall , not later than 15 days after receiving the*
32 *application, provide notice of the application to the governing*
33 *body of each county in which the project will be located, the*
34 *governing body of any city in which the project will be located and*
35 *the governing body of any fire protection district in which the*
36 *project will be located. Not later than 15 days before any public*
37 *meeting at which the Office will take action on the application, the*
38 *governing body of each county, city and fire protection district that*
39 *received notice of the application pursuant to this paragraph shall*
40 *each:*

41 (1) *Designate a representative of the governing body, who*
42 *may be a member of the governing body or an employee of the*
43 *county, city or fire protection district, as applicable, to engage*
44 *directly with the Office on matters concerning the application and*
45 *to provide comment to the Office on the application.*



1 *Notwithstanding the provisions of subsections 5 and 7 and except*
2 *as otherwise provided in this subparagraph, upon the request of a*
3 *representative designated pursuant to this paragraph, the Office*
4 *shall disclose to the representative the information contained in the*
5 *application. Before receiving any information contained in the*
6 *application, the representative designated pursuant to this*
7 *paragraph who requested the information must sign a*
8 *nondisclosure agreement prohibiting the representative from*
9 *disclosing any information contained in the application to any*
10 *person other than a person to whom disclosure of the information*
11 *contained in the application is authorized pursuant to subsection 5*
12 *or 7.*

13 (2) *Appoint a member of the governing body to be a*
14 *temporary voting member of the Board of Economic Development*
15 *created by NRS 231.033 for the sole purpose of considering and*
16 *taking action on the application. If, within the time required by*
17 *this paragraph, the governing body of a county, city or fire*
18 *protection district, as applicable, has not made an appointment of*
19 *a temporary voting member of the Board of Economic*
20 *Development, the Office may take action on the application*
21 *without the appointment of such a temporary voting member and*
22 *the failure to make such an appointment must not be considered*
23 *for the purposes of determining the presence of a quorum or the*
24 *number of votes necessary to act on the application. A temporary*
25 *voting member appointed to the Board of Economic Development*
26 *pursuant to this paragraph:*

27 (I) *May not vote on or participate in the consideration of*
28 *any matter before the Board of Economic Development other than*
29 *the application submitted pursuant to NRS 360.889 for which the*
30 *temporary voting member was appointed.*

31 (II) *Serves without compensation from the Board of*
32 *Economic Development and is not entitled to per diem and travel*
33 *allowances for engaging in any business of the Board of*
34 *Economic Development, other than any per diem and travel*
35 *allowances authorized and paid by the governing body making the*
36 *appointment.*

37 (III) *Is not a member of the Board of Economic*
38 *Development for the purposes of determining the existence of a*
39 *quorum pursuant to NRS 231.033 or chapter 241 of NRS.*

40 (b) *Except as otherwise provided in this paragraph, shall not*
41 *consider the application unless the Office has requested and*
42 *received a letter of acknowledgment of the request for an abatement*
43 *from any county, school district, fire protection district, city or*
44 *town which the Office determines may experience a direct economic*
45 *effect as a result of the abatement. If, within 30 days of sending a*



1 *request for a letter of acknowledgment from an entity from which*
2 *the Office is required to request such a letter, the Office has not*
3 *received the letter of acknowledgment, the Office may consider the*
4 *application without receiving the letter of acknowledgment.*

5 ~~[(b)]~~ (c) Shall not take any action on the application unless the
6 Office takes that action at a public meeting conducted for that
7 purpose.

8 ~~[(e)]~~ (d) Shall, at least 30 days before any public meeting
9 conducted for the purpose of taking any action on the application,
10 provide notice of the application and the date, time and location of
11 the public meeting at which the Office will consider the application
12 to:

13 (1) Each participant in the project;

14 (2) The Department;

15 (3) The Nevada Gaming Control Board;

16 (4) The governing body of the county, the board of trustees
17 of the school district, *the governing body of the fire protection*
18 *district* and the governing body of the city or town, if any, in which
19 the project will be located;

20 (5) The governing body of any other political subdivision
21 that the Office determines could experience a direct economic effect
22 as a result of the abatement; and

23 (6) The general public.

24 2. The date of the public meeting to consider an application
25 submitted pursuant to NRS 360.945 must be not later than 60 days
26 after the date on which the Office receives the completed
27 application.

28 3. The Office shall approve an application submitted pursuant
29 to NRS 360.945 if the Office finds that the project is a qualified
30 project. The Office shall issue a decision on the application not later
31 than 30 days after the conclusion of the public meeting on the
32 application.

33 4. The lead participant in a qualified project shall submit all
34 accountings and other required information to the Office and the
35 Department not later than 30 days after a date specified in the
36 decision issued by the Office. If the Office or the Department
37 determines that information submitted pursuant to this subsection is
38 incomplete, the lead participant shall, not later than 30 days after
39 receiving notice that the information is incomplete, provide to the
40 Office or the Department, as applicable, all additional information
41 required by the Office or the Department.

42 5. Until the Office of Economic Development provides notice
43 of the application and the public meeting pursuant to paragraph ~~[(e)]~~
44 (d) of subsection 1, the information contained in the application
45 provided to the Office of Economic Development:



- 1 (a) Is confidential proprietary information of the business;
2 (b) Is not a public record; and
3 (c) ~~[Must]~~ *Except as otherwise provided in this paragraph,*
4 *must* not be disclosed to any person who is not an officer or
5 employee of the Office of Economic Development unless the lead
6 participant consents to the disclosure. *The information contained in*
7 *the application provided to the Office of Economic Development*
8 *may be disclosed to any of the following persons:*

9 (1) *A representative of the governing body of a county, city*
10 *or fire protection district who was designated pursuant to*
11 *paragraph (a) of subsection 1 and has signed a nondisclosure*
12 *agreement prohibiting the representative from disclosing any*
13 *information contained in the application to any person, except as*
14 *authorized by this subsection.*

15 (2) *An officer or employee of a county, city or fire*
16 *protection district that has designated a representative pursuant to*
17 *paragraph (a) of subsection 1 if the officer or employee has signed*
18 *a nondisclosure agreement prohibiting the officer or employee*
19 *from disclosing any information contained in the application,*
20 *except as authorized by this subsection.*

21 6. After the Office provides notice of the application and the
22 public meeting pursuant to paragraph ~~(e)~~ (d) of subsection 1:

- 23 (a) The application is a public record; and
24 (b) Upon request by any person, the Executive Director of the
25 Office shall disclose the application to the person who made the
26 request, except for any information in the application that is
27 protected from disclosure pursuant to subsection 7.

28 7. Before the Executive Director of the Office discloses the
29 application to the public, the lead participant may submit a request
30 to the Executive Director of the Office to protect from disclosure
31 any information in the application which, under generally accepted
32 business practices, would be considered a trade secret or other
33 confidential proprietary information of the business. After
34 consulting with the business, the Executive Director of the Office
35 shall determine whether to protect the information from disclosure.
36 The decision of the Executive Director of the Office is final and is
37 not subject to judicial review. If the Executive Director of the Office
38 determines to protect the information from disclosure, the protected
39 information:

- 40 (a) Is confidential proprietary information of the business;
41 (b) Is not a public record;
42 (c) Must be redacted by the Executive Director of the Office
43 from any copy of the application that is disclosed to the public; and
44 (d) ~~[Must]~~ *Except as otherwise provided in this paragraph,*
45 *must* not be disclosed to any person who is not an officer or



1 employee of the Office of Economic Development unless the lead
2 participant consents to the disclosure. *The information contained in*
3 *the application provided to the Office of Economic Development*
4 *may be disclosed to any of the following persons:*

5 (1) *A representative of the governing body of a county, city*
6 *or fire protection district who was designated pursuant to*
7 *paragraph (a) of subsection 1 and has signed a nondisclosure*
8 *agreement prohibiting the representative from disclosing any*
9 *information contained in the application to any person, except as*
10 *authorized by this subsection.*

11 (2) *An officer or employee of a county, city or fire*
12 *protection district that has designated a representative pursuant to*
13 *paragraph (a) of subsection 1 if the officer or employee has signed*
14 *a nondisclosure agreement prohibiting the officer or employee*
15 *from disclosing any information contained in the application,*
16 *except as authorized by this subsection.*

17 **Sec. 8.** NRS 360.955 is hereby amended to read as follows:

18 360.955 1. If the Office of Economic Development approves
19 an application for a certificate of eligibility for transferable tax
20 credits submitted pursuant to paragraph (a) of subsection 1 of NRS
21 360.945, the Office shall immediately forward a copy of the
22 certificate of eligibility which identifies the estimated amount of the
23 tax credits available pursuant to this section to:

24 (a) The lead participant in the qualified project;

25 (b) The Department; ~~and~~

26 (c) The Nevada Gaming Control Board ~~and~~; *and*

27 (d) *The governing body of the county and the governing body*
28 *of the city, if any, in which the project is located.*

29 2. Within 14 business days after receipt of an audit provided by
30 the lead participant in the qualified project pursuant to paragraph (1)
31 of subsection 2 of NRS 360.945 and any other accountings or other
32 information required by the Office, the Office shall determine
33 whether to certify the audit and make a final determination of
34 whether a certificate of transferable tax credits will be issued. If the
35 Office certifies the audit and determines that all other requirements
36 for the transferable tax credits have been met, the Office shall notify
37 the lead participant in the qualified project that the transferable tax
38 credits will be issued. Within 30 days after the receipt of the notice,
39 the lead participant in the qualified project shall make an irrevocable
40 declaration of the amount of transferable tax credits that will be
41 applied to each fee or tax set forth in subparagraphs (1), (2) and (3)
42 of paragraph (a) of subsection 1 of NRS 360.945, thereby
43 accounting for all of the credits which will be issued. Upon receipt
44 of the declaration, the Office shall issue to the lead participant a
45 certificate of transferable tax credits in the amount approved by the



1 Office for the fees or taxes included in the declaration. The lead
2 participant shall notify the Department upon transferring any of the
3 transferable tax credits. The Office shall notify the Department and
4 the Nevada Gaming Control Board of all transferable tax credits
5 issued, segregated by each fee or tax set forth in subparagraphs (1),
6 (2) and (3) of paragraph (a) of subsection 1 of NRS 360.945. The
7 Department shall notify the Office and the Nevada Gaming Control
8 Board of the amount of any transferable tax credits transferred.

9 3. A qualified project may be approved for a certificate of
10 eligibility for transferable tax credits:

11 (a) In the amount of \$12,500 for each qualified employee, up to
12 a maximum of 6,000 qualified employees.

13 (b) In an amount equal to 5 percent of the first \$1 billion of new
14 capital investment in this State made collectively by the participants
15 in the qualified project.

16 (c) In an amount equal to 2.8 percent of the next \$2.5 billion of
17 new capital investment in this State made collectively by the
18 participants in the qualified project.

19 4. For the purpose of computing the amount of transferable tax
20 credits for which a qualified project is eligible pursuant to paragraph
21 (a) of subsection 3:

22 (a) Each qualified employee must be:

23 (1) Employed by a participant at the site of the qualified
24 project.

25 (2) Employed full-time and scheduled to work for an average
26 minimum of 30 hours per week.

27 (3) Employed for at least the last 3 consecutive months of the
28 fiscal year.

29 (4) Offered coverage under a plan of health insurance
30 provided by his or her employer.

31 (b) The wages for federal income tax purposes reported or
32 required to be reported on Form W-2 of the qualified employees of
33 the qualified project must be paid at an average rate of \$22 per hour.

34 (c) An employee engaged solely in the construction of the
35 qualified project is deemed not to be a qualified employee.

36 **Sec. 9.** NRS 360.980 is hereby amended to read as follows:

37 360.980 1. For the purpose of encouraging local economic
38 development, the governing body of a city, ~~for~~ county *or fire*
39 *protection district* in which a qualified project is located may grant
40 to any participant in a qualified project an abatement of all or any
41 percentage of the amount of any permitting fee or licensing fee
42 which the local government is authorized to impose or charge
43 pursuant to chapter 244, ~~for~~ 268 *or 474* of NRS.

44 2. Before granting any abatement pursuant to subsection 1, the
45 governing body of the city or county must provide by ordinance *and*



1 *a fire protection district must provide by regulation* for a pilot
2 project for granting abatements to participants in a qualified project.

3 3. A governing body of a city, ~~for~~ county *or fire protection*
4 *district* that grants an abatement pursuant to subsection 1 shall, on or
5 before October 1 of each year in which such an abatement is
6 granted, prepare and submit to the Governor and to the Director of
7 the Legislative Counsel Bureau for transmittal to the Legislature an
8 annual report which includes, for the immediately preceding fiscal
9 year:

10 (a) The number of qualified projects located within the
11 jurisdiction of the governing body for which a certificate of
12 eligibility for transferable tax credits was approved;

13 (b) If applicable, the number and dollar amount of the
14 abatements granted by the governing body pursuant to subsection 1;
15 and

16 (c) The number of persons within the jurisdiction of the
17 governing body that were employed by each participant in a
18 qualified project and the amount of wages paid to those persons.

19 **Sec. 10.** NRS 239.010 is hereby amended to read as follows:

20 239.010 1. Except as otherwise provided in this section and
21 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
22 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
23 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
24 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
25 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
26 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
27 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
28 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
29 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
30 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
31 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
32 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
33 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
34 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
35 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
36 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
37 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
38 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
39 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
40 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
41 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
42 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
43 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
44 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,
45 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,



1 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
2 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
3 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
4 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
5 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
6 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
7 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
8 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
9 360.247, 360.255, 360.755, **360.889, 360.945**, 361.044, 361.2242,
10 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
11 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
12 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
13 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
14 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
15 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
16 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
17 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
18 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
19 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
20 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940,
21 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018,
22 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150,
23 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840,
24 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760,
25 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,
26 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
27 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
28 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866,
29 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
30 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
31 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536,
32 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
33 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
34 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
35 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
36 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015,
37 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131,
38 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,
39 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133,
40 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336,
41 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125,
42 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715,
43 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214,
44 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262,
45 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089,



1 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
2 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
3 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
4 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262,
5 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260,
6 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625,
7 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
8 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945,
9 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228,
10 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
11 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450,
12 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470,
13 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159,
14 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
15 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
16 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230,
17 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507,
18 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
19 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230,
20 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of
21 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
22 and unless otherwise declared by law to be confidential, all public
23 books and public records of a governmental entity must be open at
24 all times during office hours to inspection by any person, and may
25 be fully copied or an abstract or memorandum may be prepared
26 from those public books and public records. Any such copies,
27 abstracts or memoranda may be used to supply the general public
28 with copies, abstracts or memoranda of the records or may be used
29 in any other way to the advantage of the governmental entity or of
30 the general public. This section does not supersede or in any manner
31 affect the federal laws governing copyrights or enlarge, diminish or
32 affect in any other manner the rights of a person in any written book
33 or record which is copyrighted pursuant to federal law.

34 2. A governmental entity may not reject a book or record
35 which is copyrighted solely because it is copyrighted.

36 3. A governmental entity that has legal custody or control of a
37 public book or record shall not deny a request made pursuant to
38 subsection 1 to inspect or copy or receive a copy of a public book or
39 record on the basis that the requested public book or record contains
40 information that is confidential if the governmental entity can
41 redact, delete, conceal or separate, including, without limitation,
42 electronically, the confidential information from the information
43 included in the public book or record that is not otherwise
44 confidential.



1 4. If requested, a governmental entity shall provide a copy of a
2 public record in an electronic format by means of an electronic
3 medium. Nothing in this subsection requires a governmental entity
4 to provide a copy of a public record in an electronic format or by
5 means of an electronic medium if:

6 (a) The public record:

7 (1) Was not created or prepared in an electronic format; and

8 (2) Is not available in an electronic format; or

9 (b) Providing the public record in an electronic format or by
10 means of an electronic medium would:

11 (1) Give access to proprietary software; or

12 (2) Require the production of information that is confidential
13 and that cannot be redacted, deleted, concealed or separated from
14 information that is not otherwise confidential.

15 5. An officer, employee or agent of a governmental entity who
16 has legal custody or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in the
18 medium that is requested because the officer, employee or agent has
19 already prepared or would prefer to provide the copy in a different
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon
22 request, prepare the copy of the public record and shall not require
23 the person who has requested the copy to prepare the copy himself
24 or herself.

25 **Sec. 11.** NRS 271B.110 is hereby amended to read as follows:

26 271B.110 ~~The~~ *In addition to any agreement required*
27 *pursuant to NRS 360.889 or 360.945, the* governing body of a
28 municipality may enter into an agreement with one or more of the
29 owners of any interest in property within a district, pursuant to
30 which that owner would agree to make payments to the municipality
31 or to another local government that provides services in the district,
32 or to both, to defray, in whole or in part, the cost of local
33 governmental services during the term of the use of any money
34 pledged pursuant to NRS 271B.070. Such an agreement must
35 specify the amount to be paid by the owner of the property interest,
36 which may be stated as a specified amount per year or as an amount
37 based upon any formula upon which the municipality and owner
38 agree.

39 **Sec. 12.** The provisions of subsection 1 of NRS 218D.380 do
40 not apply to any provision of this act which adds or revises a
41 requirement to submit a report to the Legislature.

42 **Sec. 13.** 1. The amendatory provisions of sections 2 and 3 of
43 this act apply only to an application submitted to the Office of
44 Economic Development pursuant to NRS 360.889 on or after
45 October 1, 2025.



1 2. The amendatory provisions of sections 6 and 7 of this act
2 apply only to an application submitted to the Office of Economic
3 Development pursuant to NRS 360.945 on or after October 1, 2025.

4 **Sec. 14.** 1. This section and sections 1, 10, 12 and 13 of this
5 act become effective on October 1, 2025.

6 2. Sections 2 to 5, inclusive, of this act become effective on
7 October 1, 2025, and expire by limitation on June 30, 2032.

8 3. Sections 6 to 9, inclusive, and 11 of this act become
9 effective on October 1, 2025, and expire by limitation on June 30,
10 2036.



