

Nevada						
Statement of the issues	SSUTA section and/or rule reference	State authority	State's written comments	BAC/ public comments	Staff comment	CRIC decision
Report Issue 1: Taxability Matrix - correction						
Under the last question for digital products regarding subscriptions, change the "C" to "S"			Nevada's 2012 Taxability Matrix, as amended October 1, 2012, reflect this change. This was an oversight.			
In Section 305, paragraph B, no citation was given for the provision related to the effective date for catalog sales. Is this provision documented anywhere?			This issue was first brought up by CRIC during the 2011 Compliance review. CRIC recommended that Nevada was out of compliance on this issue. As explained during the CRIC hearing, local governments (the only portion of Nevada's sales tax rate that can be increased or decreased) cannot change the rate without enabling legislation from the State Legislature. Because Nevada's legislature only meets every other year, it was not possible for the rate to change; thus, this issue was moot (and the rule could not be violated) until the Nevada Legislature meets next (February 2013). Moreover, the Governing Board agreed with Nevada's position and voted to not find Nevada out of compliance on this issue at the December 19, 2011 Governing Board meeting. Finally, Nevada has submitted a Bill Draft Request to the Nevada Legislature for the 2013 Session so the provision can be formally included into Nevada law. It is BDR 298.			
Report Issue 2: Taxability Matrix omission						
The following citation is needed on the taxability matrix: Digital products – 360B.485. This was on last year's and was added to last year's matrix but not this year.	SSUTA Library of Definitions		This was an oversight. The statutory reference was added to the 2012 Taxability Matrix, as amended October 1, 2012.			
Report Issue 3: Certificate of Compliance change						
In Section 317, paragraph C, delete NRS 372.41 and add LCB R106-09; Paragraph G3, add LCB R-106-09; Section 318, change the "Yes" to "No"	SSUTA Sections 317, 318	NAC 372.730/372.735	As to Section 317, paragraph C: The Certificate of Compliance has been changed by removing the reference to NRS 372.41 and replacing it with NAC (Nevada Administrative Code) Sections 372.730 & 372.735 as LCB File No. R06-09 was codified into these two regulations. As to Paragraph G3, the same changes were made as well by referencing NAC 372.730 & 372.735. As to Section 318, we amended the Certificate of Compliance from "Yes" to "No" on B1 and C1.			
Report Issue 4: Federal Tax exclusion from sales price.						

<p>The state excludes any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer from sales price.</p>	<p>SSUTA Library of Definitions</p>	<p>NRS 374.030</p>	<p>The State excludes from the definition of sales price these federal taxes pursuant to NRS 372.025(3)(d) (definition of "Gross Receipts"); it is also excluded pursuant to NRS 374.030(3)(d).</p>			
<p>Report Issue 5: Effective date for rate changes and catalog sales.</p>						
<p>The state has been declared out of compliance by the Governing Board because it does not provide effective dates related to catalog sales.</p>	<p>SSUTA 305.B</p>	<p>NRS 360B.310</p>	<p>Same response as Issue #1. This issue was first brought up by CRIC during the 2011 Compliance review. CRIC recommended that Nevada was out of compliance on this issue. As explained during the CRIC hearing, local governments (the only portion of Nevada's sales tax rate that can be increased or decreased) cannot change the rate without enabling legislation from the State Legislature. Because Nevada's legislature only meets every other year, it was not possible for the rate to change; thus, this issue was moot (and the rule could not be violated) until the Nevada Legislature meets next (February 2013). Moreover, the Governing Board agreed with Nevada's position and voted to not find Nevada out of compliance on this issue at the December 19, 2011 Governing Board meeting. Finally, Nevada has submitted a Bill Draft Request to the Nevada Legislature for the 2013 Session so the provision can be formally included into Nevada law. It is BDR 298.</p>			<p>Note on Report</p>
<p>Report Issue 6: Direct mail sourcing</p>						
<p>The state was ruled out of compliance because the statute provides that if the purchaser gives the seller a direct mail form or other written form or exemption certificate claiming direct mail, a seller who maintains a place of business in the state must collect tax to locations in the state where the direct is delivered. The Agreement provides that all sellers are relieved of any obligation to collect tax if they receive such documentation. Need statute reference (was unable to find SB34 on the legislative website).</p>	<p>SSUTA 313</p>	<p>NRS 360B.281</p>	<p>Senate Bill 34 is located on the legislature's website at http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB34_EN.pdf. It is now codified in NRS 360B.281. The Department has a Bill Draft Request to remove the "maintains a place of business in Nevada" language. See BDR 298 (2013).</p>			<p>Note on report</p>
<p>Report Issue 7: Acceptance of ACH credit payments.</p>						
<p>The state has been declared out of compliance by the Governing Board because it has not fully implemented ACH credit payments. The state is in the process of completing the full implementation of ACH credit which is expected to happen in December (last year expected in October 2011).</p>	<p>SSUTA 319.C</p>	<p>NRS 360B.200, 372.375, 374.380</p>	<p>We are in the final stages of testing with a CSP and should have it fully implemented by the time the Governing Board considers CRIC's recommendations.</p>			<p>Note on report</p>