



The Education Initiative (Margin Tax)

Objective

This fact sheet provides information about The Education Initiative, or “margin tax”, and analyzes its potential impact on businesses. It does not address issues such as the need for additional revenues to fund education or how to improve educational outcomes in Nevada. These topics will be covered in future papers by the Guinn Center for Policy Priorities.

1. What is The Education Initiative?

The Education Initiative is an initiative petition that will be on the November 4, 2014 ballot in Nevada.¹ If passed by a majority of voters, it would impose a new tax on certain businesses called a “margin tax,” with the stated goal of increasing funding for education. The official name of the ballot initiative is The Education Initiative, but you may also see it referred to as the margin tax in the media.

2. Why is this measure coming to the voters?

The Education Initiative is sponsored by The Education Initiative Political Action Committee (PAC), which was formed by various state and national teacher and school employee organizations.² The Education Initiative PAC circulated an initiative petition to voters and secured sufficient signatures for the measure to be considered by the State Legislature during the 2013 session. The Legislature had 40 days to enact or reject the petition without amendment. Because the Legislature took no action, State law requires that the petition be placed on the November 4, 2014 ballot for consideration by voters.

3. How is the margin tax different from a corporate income tax?

A traditional corporate income tax is based on profit, while the proposed margin tax is based on a percentage of total revenue, or total revenue minus certain costs. The margin tax could affect businesses that would be considered unprofitable under a corporate income tax structure. Opponents argue that this could create negative economic impacts. Proponents argue that the margin tax provides a more stable revenue source to the State than a traditional corporate income tax. This argument assumes that business costs are fairly constant, regardless of whether a business is profitable or not. The margin tax is modeled after a similar tax in Texas, called the Franchise Tax.

4. Which businesses would be subject to the margin tax?

The margin tax would apply to Nevada businesses with total revenue exceeding \$1 million in a year. All nonprofit 501(c) entities and passive entities would be exempt from the tax. A passive entity is defined as a business with 90 percent of its income from sources such as dividends, interest, royalties, bonuses, delay rental income from mineral properties, and income from other non-operating mineral assets.

5. Will small businesses be subject to the margin tax?

The federal Small Business Administration definition of a small business varies by industry and is based on either millions of dollars of total revenue or number of employees.³ The most typical employee threshold for a small business is 500 and the most typical revenue threshold is \$7 million. Proponents of the margin tax argue that the \$1 million revenue threshold will ensure that only large businesses will be affected, while opponents argue that many small businesses with low profit margins will be affected because they need a high volume of revenue to make a profit.⁴ National data from the Internal Revenue

Service for 2010 shows that only 17.3 percent of businesses had receipts over \$1 million.⁵ Nationwide, industries with the highest percentage of businesses with receipts over \$1 million include manufacturing at 36.6 percent, and wholesale and retail at 31.1 percent. In contrast, the percentage of businesses with receipts over \$1 million for key Nevada industries such as mining and accommodations are 19.4 percent and 17.7 percent respectively.⁵

In Nevada, many businesses are small. In the first quarter of 2013, 88 percent of establishments had fewer than 20 employees per establishment based on data from the United States Bureau of Labor Statistics.⁶ These businesses represent only 26 percent of employment. In contrast, the remaining 12 percent of establishments represent 74 percent of employment. Thus analysis of the data indicates that the margin tax would be paid primarily by businesses with more than 20 employees. However, some smaller businesses would also be affected.

6. How would the tax be calculated?

The tax is 2 percent of the taxable margin. To determine the tax, calculate the lesser of:

- 70 percent of the total revenue of the business; or
- Total revenue minus either the cost of goods sold or employee compensation plus benefits. Benefits include retirement, health care, employer contributions made to employees' health savings accounts, and workers' compensation benefits.

Multiply this result by the percentage of total income generated in Nevada before multiplying by the 2 percent tax rate. A detailed example is shown in the Appendix.

7. Are there any other exemptions or reductions?

Gaming businesses would receive an exemption for gross revenue subject to the gaming percentage fee. A gaming business would only be subject to the margin tax if its total revenue *after* deducting gaming revenue exceeds \$1 million. In contrast, there would not be an exemption for mining businesses paying the net proceeds of minerals tax. Exemptions also include pass-through revenue, bad debts (uncollectable revenue), foreign royalties and dividends, and dividends from federal or Nevada bonds.

8. How would the tax affect different industries in Nevada?

The impact on each business will vary depending on the amount of cost of goods sold or employee compensation plus benefits that it can deduct. Only businesses that sell goods qualify to deduct cost of goods sold. In addition, the State's definition of cost of goods sold is more inclusive than the federal definition and will need to be carefully analyzed by each business. If a business deducts employee costs, the amount is capped at \$300,000 per person plus benefits. Proponents of the margin tax argue that the proposed tax is broad-based and fair. Opponents argue that industries that cannot deduct high amounts for the cost of goods sold or employee compensation will pay a disproportionate share of the tax. This includes capital intensive service businesses such as telecommunications, and service businesses such as transportation that rely on contract labor. These businesses do not have qualified costs of goods sold and have limited compensation costs, so they would deduct 30 percent of revenue under the margin tax.

9. What happens to the taxes business already pay: Modified Business Tax (MBT) and Modified Business Tax-Financial Institutions (MBT-FI)?

The MBT and MBT-FI would remain in effect but businesses would receive a credit against the margin tax for the amount of MBT or MBT-FI paid. This means that businesses subject to both the margin tax and the MBT or MBT-FI would pay a total tax liability equal to the 2 percent margin tax.

There would also be a temporary increase in the MBT-FI to pay for the initial cost of administering the margin tax. The MBT-FI would increase from 2 percent to 2.29 percent in the last six months of fiscal year 2014-15 and to 2.42 percent in fiscal year 2015-16.⁷ This tax increase would also be deducted from the margin tax. From the perspective of a business subject to both the MBT-FI and margin tax, the total

tax liability would be the amount of the 2 percent margin tax, both during the time of the temporary tax increase and after the temporary tax increase expires.

From the State's perspective, the margin tax revenue would be reduced by the amount of the MBT and MBT-FI credit. This reduction will be larger during the time the MBT-FI temporary increase is in effect.

10. How does the margin tax rate compare to tax rates in other states?

Forty four states and the District of Columbia have corporate income taxes, which tax profit (net income) as opposed to the taxable margin.⁸ The corporate tax rates for states in the Intermountain West region are shown in Table 1 below. As previously discussed, Texas has a margin tax in lieu of a corporate income tax: the rate for 2014 is 0.4875 percent for retail and wholesale businesses and 0.975 percent for other businesses.⁹ To compare these tax rates, Table 1 shows the corporate income tax rate and percentage of all state taxes paid by businesses in each state in 2011.¹⁰ Nevada's businesses paid 5 percent of total state taxes in 2011, which was the second lowest in the region.

Table 1. Corporate and Other Taxes Paid by Businesses in Intermountain West States, 2011

State	Top Corporate Income Tax Rate	Direct Business Taxes and Fees % of all Taxes
Arizona	7.0%	6.4%
California	8.8%	11.9%
Colorado	4.6%	4.7%
Nevada	NA	5.0%
New Mexico	7.6%	5.5%
Texas	NA	10.6%
Utah	5.0%	5.5%
United States		8.4%

Opponents of the measure argue that the margin tax would make Nevada less competitive relative to other states while proponents argue that investing in education will provide Nevada with a more competitive workforce. There are various studies that rank state economic competitiveness. However, these studies reveal a lack of consensus about what makes a state competitive. Nevada typically scores well in the area of taxes but not as well in other areas. For example, Nevada ranks 3rd in the Tax Foundation's 2014 State Business Tax Climate Index, which only looks at tax rates.¹¹ In contrast, Nevada ranks 36th on Forbes magazine's Best States for Business and Careers.¹² While Nevada scores well in business costs, it does not score well in factors such as labor supply, economic climate, and quality of life. Nevada also recently scored 46th in CNBC's ranking of America's Top States for Doing Business 2013.¹³ Nevada ranked well in business friendliness and cost of living, but did not rank well in areas such as the economy and education.

11. What does the margin tax look like as a percentage of net income?

To compare the Nevada margin tax to states with a corporate income tax, each individual business must calculate the margin tax as a percentage of net income. Line C in the Appendix shows this analysis for seven sample businesses. The seven examples demonstrate a wide variation in the margin tax as a percentage of net income, ranging from 0 percent for a construction company and bank to 13.1 percent for a telecommunications business. This analysis suggests that some Nevada businesses might have higher tax rates than other states in the Intermountain West region.

To understand the total business tax liability for Nevada businesses, it is important to calculate the sum of the margin tax and the MBT/MBT-FI as a percentage of net income. As shown on Line D in the Appendix, the MBT/MBT-FI can have a larger impact on businesses with low profit margins, such as retail

businesses. Line E in the Appendix shows that the total tax burden would range from 4 percent to 29 percent for the sample businesses. These examples illustrate the complexity of the margin tax and suggest that the impact of the margin tax will be unique for each business.

12. Will The Education Initiative result in loss of jobs?

Opponents of The Education Initiative argue that businesses will reduce jobs or leave the State due to the cost of the tax. Proponents argue that the increased funding for education will lead to long-term economic growth. Employment data reveals that jobs can either increase or decrease following a tax increase. For example, Nevada first implemented the MBT and MBT-FI in October 2003, during a time of economic growth. Jobs continued growing until June 2007, when Nevada began an economic downturn.¹⁴ To raise more tax revenue during the economic downturn, Nevada increased the MBT tax rate in July 2009. Employment was falling at the time the tax was increased and continued to decline through September 2010.¹⁴

In Texas, the new margin tax applied to business revenue beginning on January 1, 2007.¹⁵ It was implemented as part of a comprehensive package that reduced property taxes and increased business taxes in response to school funding litigation.¹⁶ Texas was experiencing job growth during this time. Although the national recession officially began in December 2007, job growth continued in Texas until September 2008.¹⁴ Here we note that the Texas margin tax rate was less than the Nevada margin tax when it was first implemented. The Texas tax rates were 0.5 percent for wholesale and retail businesses, 0.575 percent for entities with \$10 million or less in total revenue, and 1 percent for other businesses.¹⁵ Recent legislation has reduced these rates for 2014.

Research on the job impact of tax changes is mixed. A review of research by the Center for Budget and Policy Priorities found a lack of consensus on the impact of state tax cuts on economic growth.¹⁷ On the other hand, two studies analyzed the impact of eliminating the Texas Franchise Tax: one study estimated a gain of 40,000 jobs and the other estimated a gain of 16,000 jobs.¹⁸

13. Are there any other costs associated with the margin tax?

Proponents argue that the margin tax uses a simple formula, making it easy to administer. Conversely, opponents argue that the tax will be burdensome for businesses to administer because the deductions are different from what businesses use for federal corporate income taxes. Due to the complex definitions in the initiative, businesses may experience increased accounting costs due to the margin tax.

From the State's perspective, significant resources will need to be dedicated to begin administering the tax. The initiative appropriates \$1.4 million in 2014-2015 and \$4.2 million in 2015-16 to cover the initial administration costs, using funds from the temporary increase in the MBT-FI. Nevada's Department of Taxation will also need to interpret the initiative and craft regulations to implement the tax.

14. Will The Education Initiative lead to litigation?

Opponents of The Education Initiative refer to the large amount of litigation related to the Texas Franchise Tax to suggest that the margin tax will result in increased litigation in Nevada. Here, we note that Texas is uniquely situated since an existing tax was modified to create the margin tax. Much of the recent litigation in Texas relates to how the state interprets the complex definition of cost of goods sold.

15. How much revenue will the margin tax generate?

The sponsors of The Education Initiative estimate that the margin tax would generate \$800 million annually before reducing revenue by the credit for MBT or MBT-FI paid.¹⁹ Limited data is available to estimate the revenue from the tax and the Fiscal Division of the Nevada Legislative Counsel Bureau indicates that it is unable to estimate the revenue.²⁰

Our analysis, however, suggests that the \$800 million gross revenue estimate may be overstated based on current data from the Nevada Department of Employment, Training and Rehabilitation and the Nevada Department of Taxation, and data from the United States 2007 Economic Census.²¹ There would also be a significant revenue reduction from the MBT and MBT-FI tax credit because most of the payroll in the state is paid by businesses that would be subject to the margin tax. We estimate that the credit would be approximately 90 percent of annual MBT tax revenue and 72 percent of annual MBT-FI tax revenue. The State revenue projections for 2013-2014 are \$359.7 million for the MBT and \$23.2 million for MBT-FI. Therefore, if the margin tax were to generate \$800 million, as estimated by proponents, the revenue would be reduced by a credit of approximately \$340 million, leaving net tax revenue increase of \$460 million.²²

16. How will the funds be used?

The proceeds of the margin tax are required to be deposited in the Distributive School Account (DSA), less funds designated for the Department of Taxation for administration of the tax. Funds in the DSA must be used for K-12 education. Proponents argue that the funds will be used for education while opponents argue that the funds could be diverted for other uses. If the State Legislature maintains the existing General Fund appropriation to the DSA, the new margin tax revenue will result in additional funding for education. If the State Legislature reduces the existing General Fund appropriation to the DSA, then K-12 education would not receive the full benefit of the margin tax and existing General Fund monies would be freed up for other uses.

There is precedent for the Nevada Legislature using funds intended to supplement education to backfill budgetary shortfalls. Initiative Petition 1 (IP1) is a 3 percent additional room tax for Clark and Washoe counties that was approved by the Nevada Legislature in 2009. Under IP1, the revenue from the room tax was supposed to provide supplemental funding to K-12 education beginning in fiscal year 2011-2012. However, due to fiscal shortfalls, the Legislature approved using these funds as a state funding source for education in fiscal years 2011-2012 through 2014-2015, rather than appropriating the funds to schools as a supplemental funding source, as originally required under IP1.²³

17. What is the implementation timeline?

If The Education Initiative is approved by a majority of voters in November 2014, it will be effective on January 1, 2015. Tax payments would be due not later than 30 days after a business files its federal income tax return for the taxable year. The earliest a business would have to pay the tax is April 2016. The State would begin receiving tax revenue in the last 3 months of fiscal year 2015-16.

18. Can the State Legislature make changes to The Education Initiative after it has been approved by voters?

An initiative approved by the voters cannot be amended, annulled, repealed, set aside, or suspended by the Legislature within three years from the date it takes effect. However, the Department of Taxation would have the authority to adopt regulations to interpret, administer, and enforce the margin tax.

19. Can you summarize the arguments for and against The Education Initiative?

Topic	Argument For	Argument Against
General Impact on Businesses	State will receive a more stable source of funding than a corporate income tax	Some unprofitable businesses will be taxed, creating negative economic impacts
Impact on Small Businesses	\$1 million threshold protects small businesses	Small businesses with high volume receipts will have to pay the tax
Impact on Different Industries	The tax is broad-based and fair	Some industries will pay a disproportionate share of the tax based on what they can deduct
Competitiveness with Other States	A more educated workforce will make Nevada more competitive	Nevada will be less competitive because of higher taxes
Job Impact	The economy will grow due to increased investments in education	Some businesses will reduce jobs or leave the state
Ease of Administration	The tax uses a simple formula	The tax is complex and uses different definitions than federal taxes, making it difficult to administer
Litigation		There will be increased litigation
Use of funds	Funds will go to education	Funds can be diverted from education to other uses

Appendix

Margin Tax Impact on Different Types of Businesses

	Retail Business	Gasoline Station	Construction Company	Bank	Hotel Business with Gaming	Tavern with Gaming Machines ^(c)	Telecommunications Business ^(c)
Step 1: Revenue							
1 Gross Receipts	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
2 Minus Deductions for nonprofit status, passive entity, gaming percentage fee, pass-through revenue, bad debt, etc.	-		475,000	75,000	475,000	NA	-
3 Total Revenue (Line 1 minus Line 2)	1,500,000	1,500,000	1,025,000	1,425,000	1,025,000	1,500,000	1,500,000
Step 2: Allowable Deduction							
4 Cost of Goods Sold ⁽²⁴⁾	1,245,000	1,245,000	850,750	NA	NA	750,000	NA
5 Employee Compensation ⁽²⁴⁾	810,000	810,000	553,500	769,500	553,500	810,000	375,000
6 30% of Total Revenue (Line 3 x 30%)	450,000	450,000	307,500	427,500	307,500	450,000	450,000
7 Deduction Used (greater of Line 4, 5, or 6)	1,245,000	1,245,000	850,750	769,500	553,500	810,000	450,000
8 Margin (Line 3 minus Line 7)	255,000	255,000	174,250	655,500	471,500	690,000	1,050,000
Step 3: Apportionment							
9 Nevada Gross Receipts	1,425,000	1,500,000	973,750	1,353,750	1,025,000	1,500,000	1,425,000
10 All Gross Receipts	1,500,000	1,500,000	1,025,000	1,425,000	1,025,000	1,500,000	1,500,000
11 Apportionment Factor (Line 9/Line 10)	95%	100%	95%	95%	100%	100%	95%
12 Taxable Margin (Line 8 x Line 11)	242,250	255,000	165,538	622,725	471,500	690,000	997,500
Step 4: Tax							
13 Tax (Line 12 x 2%)	4,845	5,100	3,311	12,455	9,430	13,800	19,950
14 Credit for MBT or MBT-FI Paid ^(a)	4,689	4,689	4,689	16,600	4,689	4,689	1,103
15 Net Tax Due (Line 13 minus Line 14, but not less than 0)	156	411	-	-	4,741	9,111	18,848

Tax as Percentage of Net Income Analysis

A Net Income as Percent of Gross Receipts for Industry ^(b)	3.90%	1.17%	4.48%	24.10%	11.49%	7.27%	10.12%
B Net Income Estimate for Nevada (Line 9 x Line A)	55,575	17,550	43,624	326,254	117,773	109,050	144,210
C Net margin tax as % of Net Income (Line 15/Line B)	0.28%	2.34%	0.00%	0.00%	4.03%	8.36%	13.07%
D MBT/ MBT-FI as % of Net Income (Line 14/Line B)	8.44%	26.72%	10.75%	5.09%	3.98%	4.30%	0.76%
E Total tax as % of Net Income (If Line 15>0, Line 13/ Line B)	8.72%	29.06%	10.75%	5.09%	8.01%	12.65%	13.83%

(a) This example is for calendar year 2015. The MBT tax rate is scheduled to change on July 1, 2015 from 1.17 percent and an exemption for the first \$85,000 in payroll per quarter, to a tax rate of 0.63 percent and no exemption for the first \$85,000 in payroll per quarter.

(b) Source: Internal Revenue Service. Returns of Active Corporations- Table 1. 2010. Available: <http://www.irs.gov/uac/SOI-Tax-Stats>Returns-of-Active-Corporations-Table-1>

(c) Assume that cost of goods sold for the tavern is only 50 percent because the cost of wait staff is a service and is not part of cost of goods sold. Assume that telecommunications business has compensation costs of 25 percent of total revenue because it is capital intensive.

This table presents a simplified example of how the margin tax would impact seven businesses that all have total revenue of \$1.5 million: a retail business; a gasoline station; a construction company; a bank; a hotel business with a casino component; a tavern with gaming machines; and a telecommunications business. This table also shows the margin tax and MBT/MBT-FI taxes as a percentage of net income. *This example is for illustrative purposes only.* Each business would need to evaluate how it would be affected by the proposed tax.

Under the margin tax, each business would take the largest deduction allowable and the impact of the tax varies depending on what type of deduction the business can take. The deduction used by each business is highlighted in yellow. In Texas, businesses eligible to deduct costs of goods sold deduct an average of 83 percent of revenue, while businesses that can only deduct employee compensation deduct an average of 54 percent of revenue.²⁴ These amounts are generally used as assumptions in this example.

Line 1 shows the gross receipts. Several businesses have exemptions to gross receipts on Line 2, which reduce total revenue. For example, the construction company can deduct pass-through payments to contractors, the bank can deduct bad debts, and the hotel business can take an exemption for gaming revenue subject to the gaming percentage fee. In contrast, the tavern with gaming machines cannot take the gaming exemption because it pays a different gaming tax. Line 3 shows the gross receipts reduced by any exemptions on Line 2. On Line 4, the retail business, gasoline station, construction company, and tavern can deduct cost of goods sold, which is not a cost the other businesses incur. This example assumes that the tavern's cost of goods sold is only 50 percent of total revenue, since the cost of wait staff is a service and is not a cost of goods sold. All of the companies can take a deduction for employee compensation on Line 5, but the hotel business must exclude the compensation related to gaming. In addition, this example assumes that the telecommunications business has compensation costs of only 25 percent of total revenue, since it is a capital-intensive business. All businesses are also eligible for 30 percent deduction on Line 6. The largest of the three deductions is picked on Line 7. The margin is then calculated on Line 8 as total revenue on Line 3 minus the deduction on Line 7. This margin is then multiplied by the percentage of business attributable to Nevada on Line 11 to get the taxable margin on Line 12. The 2 percent tax is applied on Line 13. The business then deducts the amount of MBT/MBT-FI paid on Line 14. The net tax due is shown on Line 15.

¹ Nevada Secretary of State. 2014 Petitions: Statewide Questions to Appear on the 2014 General Election Ballot. Available: <http://nvsos.gov/index.aspx?page=1309>

² State of Nevada Committee for Political Action (PAC) Registration Form for The Education Initiative PAC, June 5, 2012. Available: <http://nvsos.gov/Modules/ShowDocument.aspx?documentid=2357>

³ Small Business Administration. Table of Small Business Size Standards. Available: <http://www.sba.gov/content/small-business-size-standards>

⁴ The Education Initiative: Frequently Asked Questions about the Margin Tax. Available: <http://www.leg.state.nv.us/Session/77th2013/Exhibits/Assembly/TAX/ATAX371C.pdf>; and Lawrence, G. Nevada Policy Research Institute. Facts and Fiction about the Unions' Tax Initiative. June 2012. Available: http://www.npri.org/docLib/20120627_facts-and-fiction-regarding-margin-tax.pdf

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- ⁵ Internal Revenue Service. Returns of Active Corporations: Table 5--Selected Balance Sheet, Income Statement, and Tax Items, by Sector, by Size of Business Receipt: Tax Year 2010. Available: <http://www.irs.gov/uac/SOI-Tax-Stats-Table-5>Returns-of-Active-Corporations>
- ⁶ United States Department of Labor, Bureau of Labor Statistics. Quarterly Census of Employment and Wages: Establishment Size Data Available from QCEW. First Quarter, 2013. Available: <http://www.bls.gov/cew/cewsize.htm>
- ⁷ The Education Initiative. Sections 50, 51, and 83. Available: <http://nvsos.gov/index.aspx?page=1309>
- ⁸ The Tax Foundation. State Corporate Income Tax Rates, 2000-2013. Available: <http://taxfoundation.org/article/state-corporate-income-tax-rates-2000-2013>
- ⁹ Texas Office of the Comptroller. Texas Tax Policy News. September 2013. Available: <http://www.window.state.tx.us/taxinfo/taxpnw/>
- ¹⁰ See Texas Comptroller of Public Accounts. The Business Tax Advisory Committee Report to the 83rd Texas Legislature: January 2013, Table 12, State Direct Taxes and Fees on Business 2011, page 40. Available: http://www.window.state.tx.us/taxinfo/btac/96-1364_BTAC_Report_2013.pdf
- ¹¹ The Tax Foundation. Background Paper: 2014 State Business Tax Climate Index. October 2013, Number 68. Available: <http://taxfoundation.org/sites/taxfoundation.org/files/docs/2014%20State%20Business%20Tax%20Climate%20Index.pdf>
- ¹² Forbes. The Best States for Business and Careers. September 2013. Available: <http://www.forbes.com/best-states-for-business/list/>
- ¹³ CNBC. America's Top States for Business 2013. Available: <http://www.cnbc.com/id/100824779>
- ¹⁴ United States Department of Labor, Bureau of Labor Statistics. State and Metro Area Employment Hours and Earnings: Available: <http://data.bls.gov/cgi-bin/surveymost?sm+32> and <http://data.bls.gov/cgi-bin/surveymost?sm+48>.
- ¹⁵ Texas Office of the Comptroller. 2008 Texas Franchise Tax Report: Information and Instructions. Available: <http://www.window.state.tx.us/taxinfo/taxforms/05-392.pdf>
- ¹⁶ Texas Office of the Governor. Property Tax Relief and Appraisal Reform. Available: http://governor.state.tx.us/priorities/economy/tax_regulatory_reform/property_tax_reform/
- ¹⁷ Mazerov, M. Center for Budget and Policy Priorities. Academic Research Lacks Consensus on the Impact of State Tax Cuts on Economic Growth: A Reply to the Tax Foundation. June 2013. Available: <http://www.cbpp.org/cms/index.cfm?fa=view&id=3975>
- ¹⁸ Texas Conservative Coalition Research Institute. The Texas Franchise "Margin" Tax: A Tax Out of Step and Out of Time. January 2013. Available: <http://www.txccri.org/wp-content/uploads/2013/01/TexasFranchiseTaxOutOfStepOutOfTime.pdf>; and NFIB Study: Franchise Tax Phase-Out Will Lead to 16,000 Jobs. April 2013 Available: <http://www.nfib.com/article/nfib-study-franchise-tax-phase-out-will-lead-to-16000-jobs-62466/>
- ¹⁹ The Education Initiative: Frequently Asked Questions about the Margin Tax. Available: <http://www.leg.state.nv.us/Session/77th2013/Exhibits/Assembly/TAX/ATAX371C.pdf>
- ²⁰ Fiscal Analysis Division of the Legislative Counsel Bureau. Financial Impact of The Education Initiative. August 21, 2012. Available: <http://nvsos.gov/Modules/ShowDocument.aspx?documentid=2427>
- ²¹ Nevada Department of Employment, Training and Rehabilitation. Nevada Employer Directory: 2013 Quarter 2. Available: <http://www.nevadaworkforce.com/?PAGEID=67&SUBID=167;> Nevada Department of Taxation. Modified Business Tax Statistics For Quarter Ending 6/30/2013 (FINAL). Available: [http://tax.nv.gov/Publications/Modified_Business_Tax_Statistics/;](http://tax.nv.gov/Publications/Modified_Business_Tax_Statistics/) and United States Department of Commerce, United States Census Bureau. Statistics of U.S. Businesses, Historical Data Tabulations by Industry Size-2007. Number of Firms, Number of Establishments, Employment, Annual Payroll, and Estimated Receipts by Enterprise Employment Size for States, NAICS Sectors: 2007. Available: <http://www.census.gov/econ/susb/data/susb2007.html>. Click on States, NAICS Sectors. Note that the 2007 Economic Census is the most recent data available. The 2012 Economic Census will be released beginning in March 2014: <http://www.census.gov/econ/census/schedule.html>
- ²² The figure of \$340 million is the result of 90 percent of \$359.7 million and 72 percent of \$23.2 million.
- ²³ Assembly Bill 579 in 2011 and Senate Bill 522 in 2013. See also Legislative Fiscal Bureau, Revenue Reference Manual 2013, page 123: <http://www.leg.state.nv.us/Division/Fiscal/FinalRRM2013.pdf>
- ²⁴ Texas Comptroller of Public Accounts. The Business Tax Advisory Committee Report to the 83rd Texas Legislature: January 2013, Table 18, Texas Franchise Tax Margin Base 2008-2011 Report Year Results – Detailed Analysis, page 46. Available: http://www.window.state.tx.us/taxinfo/btac/96-1364_BTAC_Report_2013.pdf
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About the Kenny C. Guinn Center for Policy Priorities

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