

Chapter 231 of NAC

LCB File No. T018-06

**ADOPTED TEMPORARY REGULATION OF THE
NEVADA COMMISSION ON ECONOMIC DEVELOPMENT**

Filed with the Secretary of State on December 26, 2006

NAC 231.040 is hereby amended to read as follows:

NAC 231.040 Requirements for business to be “consistent with the state plan for industrial development and diversification” for purposes of certification of business for exemption of percentage of property from taxation. (NRS 231.139) For the purposes of paragraph (a) of subsection 1 ~~[2]~~ of NRS 231.139, a business is “consistent with the state plan for industrial development and diversification” if:

1. The ~~[goals of the]~~ *type of business* ~~[are]~~ *being considered for abatements or other incentives* is consistent with the *current* goals of the commission concerning industrial development and diversification *as evidenced by the commission’s certification of the business*;

2. The average hourly wage paid by the business to its employees in this state is at least equal to the average statewide ~~[industrial hourly]~~ *private coverage* wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year;

3. The business provides a health insurance plan for all employees that includes, without limitation, an option for health insurance coverage for dependents of employees;

4. The business is registered pursuant to the laws of this state or the applicant commits to obtain a valid business license and any other permit required by the *state*, county, city or town in which the business operates;

~~[5. If the business primarily will be located in a county whose population:
—(a) Is 100,000 or more, the business will create at least 50 new, permanent jobs in this state by the last day of the fourth quarter that it is in operation; or
—(b) Is less than 100,000, the business will create at least 20 new, permanent jobs in this state by the last day of the fourth quarter that it is in operation;]~~

~~[6]~~5. The business has obtained a statement from the governing body of ~~[each local government whose tax revenue will be affected by the exemption]~~ *the affected county, school district, and city if applicable*, that is signed and dated, indicating that:

~~[(a) The taxes to be paid by the business if the business is certified are sufficient to pay for any investment required to be made by the local government for services associated with the relocation or expansion of the business, including, without limitation, any cost related to the construction and maintenance of roads, services for the provision of sewer and water, fire and police protection and the construction and maintenance of schools; and]~~

~~[(b)]~~a) The local government ~~[is in favor of the exemption and recognizes the potential amount of property of the business which will be exempt from taxation and]~~ *acknowledges the possibility of the abatement* if the commission certifies the business, and the business has provided a copy of the statement to the commission;

~~{7. The business has agreed to provide the commission at the end of each fiscal year with proof that the raw material it received during the year contained a significant percentage of its content from material generated within this state;}~~

~~{8}~~6. If the business is applying for an exemption pursuant to paragraph (a) of subsection 1 of NRS 361.0685, the business agrees to provide the commission at ~~{the end of each fiscal year}~~ *their request*, with proof that it is in compliance with the provisions of that paragraph; and

~~{9}~~7. The business has executed an agreement with the commission that grants the commission the right to review any document which the commission determines is necessary to verify the eligibility of the business for the ~~{exemption}~~*abatement*.

(Added to NAC by Comm'n on Econ. Development, eff. 9-5-97)

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T018-06

The Nevada Commission on Economic Development adopted temporary regulations assigned LCB File No. T018-06 which pertain to chapter 231 of the Nevada Administrative Code on November 15, 2006.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

A Notice of Public Hearing was posted October 16, 2006. Public comment was solicited on November 7, 2006 at a workshop held at Nevada Commission on Economic Development. Discussion was held, and clarification was made to the regulations. A Notice of Intent was posted October 16, 2006 and public comment was heard on November 15, 2006. The regulations were adopted as amended. A copy of the minutes is available through the Nevada Commission on Economic Development, 108 East Proctor Street, Carson City, Nevada 89701. Nevada Administrative Rulemaking procedures were followed.

- 2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.**

At the November 7th public workshop the following attended: NCED Staff Members-- Tim Rubald, Executive Director; Joe Reel, Director, Research & Business Development; Kristen Anderson, Executive Assistant. Guests Present: Ken Pierson, Economic Development Authority of Western Nevada; Jason Geddes, Economic Development Authority of Western Nevada.

At the November 15th adoption hearing the following attended—Lt. Governor Lorraine Hunt; NCED Commissioner Peter Thomas; NCED Commissioner SaraBeth Brown; NCED Commissioner LeRoy Goodman; NCED Commissioner Patty Wade; Shane Chesney, Deputy Attorney General; NCED Executive Director, Tim Rubald; Kristen Anderson, Executive Assistant.

- 3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**

Public comment was solicited at one workshop and the hearing to adopt regulations. Comments are reflected in the minutes from each of the meetings. Copies of the minutes may be obtained from the Nevada Commission on Economic Development, 108 East Proctor Street, Carson City, Nevada 89701.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulations were adopted as amended. The change in administrative code was necessary to be consistent with current statutory language.

- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects;**
- (b) Both immediate and long-term effects;**

The change to the administrative code was necessary to be consistent with current statutory language. There will be no “new” economic effect as a result of the change.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

None.

- 7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The adoption of these regulations does not overlap or duplicate any regulations of other state or local agencies, nor do they overlap or duplicate a federal regulation, nor are they required pursuant to federal law.

- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

Not applicable.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed adoption of these regulations does not establish a new fee or increase an existing fee.