

**PROPOSED REGULATION OF THE
COMMISSION ON ECONOMIC DEVELOPMENT**

LCB File No. R014-00

February 14, 2000

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

AUTHORITY: §§1 and 2, NRS 231.139 and 360.750.

Section 1. NAC 231.040 is hereby amended to read as follows:

231.040 For the purposes of paragraph (a) of subsection 2 of NRS 231.139, a business is “consistent with the state plan for industrial development and diversification” if:

1. The goals of the business are consistent with the goals of the commission concerning industrial development and diversification ~~;~~
- ~~—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 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 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.] , including, without limitation:~~

(a) Diversification from the industries of gaming and hospitality;

(b) The attraction of basic industries, including, without limitation, manufacturing, warehousing and distribution, and back-office operations;

(c) The attraction of business facilities and services, including, without limitation, corporate headquarters, research and development, and producer services; and

(d) The expansion of existing businesses and industries that are consistent with the goals described in paragraphs (a), (b) and (c);

2. The business complies with the requirements of NRS 360.750;

3. The exemption granted pursuant to NRS 361.0685 is a significant factor in the decision of the business to locate or expand in this state;

4. The business commits to maintaining the business in this state for at least 10 years after the date that the business first pays taxes to the department of taxation;

5. To satisfy the requirement for a capital investment in this state pursuant to NRS 360.750 for a new business in a county or city whose population:

(a) Is 50,000 or more:

(1) For a business that is not technology-oriented, establishing the business will require the business to make a capital investment of at least \$50,000,000 in this state; or

(2) For a business that is technology-oriented, establishing the business will require the business to make a capital investment of at least \$5,000,000 in this state; or

(b) Is less than 50,000:

(1) For a business that is not technology-oriented, establishing the business will require the business to make a capital investment of at least \$5,000,000 in this state; or

(2) For a business that is technology-oriented, establishing the business will require the business to make a capital investment of at least \$500,000 in this state;

6. The business agrees in writing to supply to the executive director of the commission, upon the request of the executive director, any record necessary for the commission to verify that the business satisfies all requirements of the exemption;

7. The business has obtained a statement from the ~~governing body of each local government whose tax revenue will be affected by the exemption 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) 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 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.— 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 with proof that it is in compliance with the provisions of that paragraph; and~~

~~—9.— 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.]~~ *local development authority which states that the local development authority is in favor of the exemption; and*

8. The business registers with the department of taxation on a form provided by the department of taxation.

Sec. 2. NAC 231.050 is hereby amended to read as follows:

231.050 1. ~~[Unless otherwise agreed to in writing by the governing body of the local government whose tax revenue will be affected by]~~ *If the commission grants* an exemption ~~[granted]~~ to a business pursuant to NRS 361.0685 ~~[:~~

~~—(a) Seventy-five],~~ **50** percent of the personal property of the business is exempt from taxation for 10 consecutive years. ~~[: and~~

~~—(b) Seventy-five percent of the real property of the business is exempt from taxation for 20 consecutive years.~~

~~An exemption granted pursuant to NRS 361.0685 must not exceed the quantity or duration set forth in this subsection.]~~

2. During any year, if the commission grants an exemption to a business pursuant to NRS 361.0685:

(a) Between July 1 and December 31, the exemption applies from the date on which the commission makes such a determination, unless the applicant and the governing body of the local government whose tax revenue will be affected by the exemption agree upon another date and the governing body provides written authorization for that date; or

(b) Between January 1 and June 30, the exemption may be applied beginning on July 1 of that year, unless the applicant and the governing body of the local government whose tax revenue will be affected by the exemption agree upon another date and the governing body provides written authorization for that date.

3. If the commission grants an exemption pursuant to NRS 361.0685, the commission ~~shall~~ **will** immediately forward a certificate of eligibility for the exemption that states the percentage of the property that is exempt to:

(a) The department of taxation; and

(b) The county assessor of each county in which personal property used in connection with the business will be located.

4. If the commission grants an exemption pursuant to NRS 361.0685, the commission will immediately forward to the department of taxation any materials submitted to the commission by the business that applied for the exemption.