

**Chapter 231 of NAC**

**LCB File No. T018-06**

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

**Change of Date**

**Amended Notice of Workshop to Solicit Comments on Proposed Regulation  
LCB File No. T018-06; NAC 231.040, § 1-9**

The Nevada Commission on Economic Development 108 East Proctor Street, Carson City, Nevada 89701, 775.687.4325 is proposing the amendment of regulations pertaining to Chapter 231 of the Nevada Administrative Code. A workshop has been set for 1:00 p.m., on **November 7, 2006**, at the Nevada Commission on Economic Development's Carson City office in the 1<sup>st</sup> Floor Conference Room.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

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.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Nevada Commission on Economic Development, 108 East Proctor Street, Carson City, Nevada 89701, 775.687.4325.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations.

- a. NCED, 108 East Proctor Street, Carson City, NV
- b. NCED, 555 East Washington Avenue, Las Vegas, NV
- c. Nevada State Library, 100 North Stewart St., Carson City, NV
- d. EDawn, 5190 Neil Road, Suite 111, Reno, NV
- e. NDA, 6700 Via Austi Pkwy., Suite B, Las Vegas, NV
- f. Elko County, 569 Court Street, Elko, NV
- g. City of Fallon, 55 West Williams Avenue, Fallon, NV

Persons with disabilities who require special accommodations or assistance at the meeting should notify Kristen Anderson, Commission on Economic Development, 108 East Proctor Street, Carson City, NV 89701 or by calling 775-687-4325 on or before the close of business on October 28, 2006.

## NOTICE OF INTENT TO ACT UPON REGULATION

### Notice of Hearing for the Amendment of Regulations of the Nevada Commission on Economic Development

The Nevada Commission on Economic Development will hold a public hearing at 1:00 p.m., on Wednesday, November 15, 2006. The hearing will be video conferenced at the offices of Business and Industry, 788 Fairview, Hearing Room, Carson City, Nevada and 2501 East Sahara, 2<sup>nd</sup> Floor, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 231 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

#### NAC 231.040, § 1-9

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.

The amendment of these regulations will update the NAC to reflect current laws.

There may be an undetermined fiscal impact to local governmental agencies.

The Nevada Commission on Economic Development will have no additional costs incurred to administer the regulations amended. Enforcement of the regulations can be accomplished through present resources at no additional cost.

The amendment 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.

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

Persons wishing to comment upon the proposed action of the Nevada Commission on Economic Development may appear at the scheduled public hearing or may address their comments, data, views or arguments in written form to the Nevada Commission on Economic Development, 108 East Proctor Street, Carson City, Nevada, 89701. Written submissions must be received by the Nevada Commission on Economic Development on or before October 28, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Commission on Economic Development may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, 89701, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended will be available at the Nevada Commission on Economic Development's offices at 108 East Proctor Street, Carson City, Nevada, 89701 and 555 East Washington Avenue, Suite 5400, Las Vegas, Nevada, 89101 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the amended regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and proposed regulation will also be mailed to the members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, wither before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against the adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Commission on Economic Development	108 East Proctor Street, Carson City, NV 89701
Nevada Commission on Economic Development	555 East Washington Ave., Ste. 5400, Las Vegas, NV 89101
Nevada State Library	100 Stewart Street, Carson City, NV 89701
Churchill County Library	553 South Maine Street, Fallon, NV 89406
Douglas County Public Library	1625 Library Lane, Minden, NV 89423
Elko-Lander-Eureka Counties Library System	720 Court Street, Elko, NV 89801
Esmeralda County Library	P.O. Box 128, Silverpeak, NV 89047-0128
Eureka Branch Library	10190 Monroe Street, Eureka, NV 89316
Humboldt County Library	85 East 5th Street, Winnemucca, NV, 89445
Lincoln County Library	63 Main Street, Pioche, NV 89043-0330
Lyon County Library System	20 Nevin Way, Yerington, NV 89447-2399
Mineral County Library	First and A Streets, Hawthorne, NV 89415
Pershing County Library	1125 Central Avenue, Lovelock, NV 89419-0781
Storey County Library	95 South "R" Street, Virginia City, NV 89440
Tonopah Library District	171 Central Street, Tonopah, NV 89049
Washoe County Library System	301 South Center Street, Reno, NV 89501-2102
White Pine County Library	950 Campton Street, Ely, NV 89301-1965

LCB File No. T018-06

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

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 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*.