

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

**LCB File No. R145-07**

Effective April 17, 2008

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

AUTHORITY: §1, NRS 231.139.

A REGULATION relating to economic development; establishing the meaning of “consistent with the State Plan for Industrial Development and Diversification” for the purposes of NRS 231.139; and providing other matters properly relating thereto.

**Section 1.** Chapter 231 of NAC is hereby amended by adding thereto a new section to read as follows:

*For the purposes of NRS 231.139, a business is “consistent with the State Plan for Industrial Development and Diversification” if:*

*1. The business being considered for the benefits provided pursuant to NRS 704.223 is the type of business that 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 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. The business has:*

*(a) Obtained a statement from the governing body of the affected county, school district and city, if applicable, that is signed and dated, indicating that the county, school district or city acknowledges the possibility of the business obtaining the benefits provided pursuant to NRS 704.223 if the Commission certifies the business; and*

*(b) Provided a copy of the statement described in paragraph (a) to the Commission;*

*6. If the business is applying for an abatement pursuant to paragraph (a) of subsection 1 of NRS 701A.210, the business agrees to provide the Commission, at their request, with proof that the business is in compliance with the provisions of that paragraph; and*

*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 benefits provided pursuant to NRS 704.223.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R145-07**

The Nevada Commission on Economic Development adopted regulations assigned LCB File No. R145-07 which pertain to chapter 231.040 of the Nevada Administrative Code on January 16, 2008.

**Notice date:** December 14, 2007  
**Hearing date:** January 16, 2008

**Date of adoption by agency:** January 16, 2008  
**Filing date:** February 25, 2008

**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 December 14, 2007. Public comment was solicited on October 11, 2007 at a workshop held at the Legislative Counsel Bureau, 401 South Carson Street, Carson City, Nevada in Room 3138 and 555 E. Washington Avenue, Las Vegas, Nevada Room 4412 via video conference. Discussion was held, and clarification was made to the regulations. A Notice of Intent was posted December 14, 2007 and public comment was heard on January 16, 2008. 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 October 11<sup>th</sup> public workshop the following attended: NCED Staff Members -- Joe Reel, Director, Research & Business Development; Kristen Anderson, Executive Assistant; Menyone Thomas, Administrative Assistant IV. Guests Present: None

At the January 16<sup>th</sup> adoption hearing the following attended—Lt. Governor Brian Krolicki; NCED Commissioner SaraBeth Brown; NCED Commissioner LeRoy Goodman; NCED Commissioner Otto Merida; NCED Commissioner Monte Miller; NCED Commissioner Patty Wade; NCED Commissioner Frank Woodbeck; Shane Chesney, Deputy Attorney General; NCED Acting Executive Director, Jerry Sandstrom; Kristen Anderson, Executive Assistant; Menyone Thomas, Administrative Assistant IV.

**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.