

LCB File No. R145-07

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

(This regulation was previously considered as T018-06)

**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*.