

**ADOPTED REGULATION OF THE  
DEPARTMENT OF TAXATION**

**LCB File No. R142-13**

Effective October 24, 2014

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

AUTHORITY: §1, NRS 369.150 and 369.485.

A REGULATION relating to intoxicating liquor; authorizing a retail liquor store to use the electronic transfer of money to pay a wholesale dealer for liquor under certain circumstances; prohibiting a retail liquor store from conditioning the purchase of any liquor from a wholesale dealer upon the consent of the wholesale dealer to the use of the electronic transfer of money to make payment for the liquor; and providing other matters properly relating thereto.

**Legislative Counsel's Digest**

Existing law authorizes the Department of Taxation to adopt regulations concerning licenses and taxes relating to intoxicating liquor. (NRS 369.150) Existing law also prescribes the manner in which a retail liquor store is required to pay a wholesale dealer when purchasing liquor. (NRS 369.485) This regulation authorizes a retail liquor store to use the electronic transfer of money to make such a payment if the wholesale dealer: (1) consents to the use of the electronic transfer of money for the payment; and (2) does not pay any costs incurred by the retail liquor store for use of the electronic transfer of money. This regulation also prohibits a retail liquor store from conditioning any purchase of liquor from a wholesale dealer upon the consent of the wholesale dealer to the use of the electronic payment of money to make payment for the liquor.

**Section 1.** Chapter 369 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A retail liquor store may make payment to a wholesale dealer for liquor pursuant to NRS 369.485 by use of the electronic transfer of money if the wholesale dealer:*

- (a) Consents to the use of the electronic transfer of money for such payment; and*
- (b) Does not pay any costs incurred by the retail liquor store for use of the electronic transfer of money.*

*2. A retail liquor store shall not condition any purchase of liquor from a wholesale dealer upon the consent of the wholesale dealer to the use of the electronic transfer of money to make payment for the liquor.*

*3. As used in this section, “electronic transfer of money” means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution or person holding an account on behalf of another to debit or credit an account.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS NRS 233B.066**  
**Informational Statement**

**LCB File No. R142-13**

**1. A clear and concise explanation of the need for the amended regulation.**

The need for the amendment to this regulation is to allow the authorize retail liquor stores to use electronic transfer of money to pay a wholesale dealer for liquor pursuant to NRS 369.485 and not pay any costs incurred by the retail liquor store for the use of the electronic transfer of money.

**2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by sending notice of workshops and hearings by electronic or regular mail as follows:

<b><u>Date of Notice</u></b>	<b><u>Workshop/ Hearing</u></b>	<b><u>Date of Workshop</u></b>	<b><u>Number Notified</u></b>
5/13/2014	Workshop	5/28/2012	216
6/30//2014	Adoption Hearing	8/04/2014	216

The mailing list included the interested parties list maintained by the Department as well as the e-mail list maintained by the State Demographer. Notice were also posted at the Nevada State Library; various Department of Taxation locations throughout the state; and at the Mail Public Libraries in counties where an office of the Department of Taxation is not located. Comments were also solicited by direct email to their interested parties. The list is maintained by the Department.

A copy of the audio taped comments or the record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2059 or by writing to the Department of Taxation, 1550 East College Parkway Ste. 115, Carson City, Nevada 89706, or by e-mailing the Department at [ghritz@tax.state.nv.us](mailto:ghritz@tax.state.nv.us).

**3. The number of persons who:**

- (a) Attended each hearing:** 6 people attended the workshop; 2 person attended the adoption hearing.
- (b) Testified at each hearing:** 2 people testified at the workshop: 2 people attended the adoption hearing
- (c) Submitted written comments:** 2 people submitted written comments following the regulation workshop.

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information provided to the agency conducting the hearing:**

**Testified at Workshop:**

Richard Blau

Gray/Robinson Attorneys at Law

Telephone number: 813-273-5000

Richard.blau@gray-robinson.com

Business Address 401 East Jackson St, Suite 2700 Tampa, Florida 33614

**Testified at Adoption hearing:**

Buck Jones, CFO

Fintech

Telephone number: 813-287-2236 Ext. 230

Email Address: bjones@fintech.net

Business Address: 7702 Woodland Center Blvd, Suite 50 Tampa, Florida 33614

Wendy Turk, Director of Distributor Initiatives

Fintech

Telephone number: 813-288-1980 Ext. 2263

Email Address: wturk@fintech.net

Business Address: 7702 Woodland Center Blvd, Suite 50 Tampa, Florida 33614

**5. 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.**

Comments were solicited from affected and interested businesses and persons, by notices posted at the Nevada State Library; various Department of Taxation locations throughout the state; and at the Main Public Libraries in counties where an office of the Department of Taxation is not located. Comments were also solicited by direct email to other interested parties list maintained by the Department and the State Demographer

**Summary of public Responses:**

No emails or replies to the small business survey were received, but Fintech Inc. proved written documentation supporting the passing of the regulation.

The regulation was adopted as requested.

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**6. 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 regulation was adopted without any additional changes, because the Department received no negative responses to the proposed regulation.

**7. The estimated economic effect of the regulation on businesses and the general public which it is to regulate.**

**(a) Estimated economic effect on the businesses which they are to regulate.**

The proposed permanent regulations present no reasonable foreseeable or anticipated adverse economic effects to the liquor industry, business or to the general public. The benefits of these regulations are that the public and the Department will be provided more clarity in NRS Chapter 369.

**(b) Estimated economic effect on the public which they are to regulate.**

Same as above.

**8. The estimated cost to the agency for enforcement of the proposed regulation:**

The proposed permanent regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

**9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary.**

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

**10. If the regulation overlaps or duplicates a federal regulation, the name of the regulating Federal agency.**

The Department is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

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

The proposed regulations do not include provisions that are more stringent than the federal regulation.