

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R010-20P
8-31-2020**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) **373**.

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

The Department is required to adopt regulations under NRS 373.083 regarding a system and the auditing of reimbursement requests for taxes paid on diesel and special fuels by motor carriers operating interstate. Senate Bill 48 implements a rural county option tax specifically on diesel products which includes a reimbursement option that needs to be added to NAC 373.140 with the reimbursement requests on special fuel index taxes.

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

Pursuant to NRS 233B.061.2 the Department provided 15 days' notice of a public workshop posted on December 18, 2019 which was held at the Nevada Department of Transportation building in Carson City and video-conferenced to the Nevada Department of Transportation Buildings in Elko and Tonopah. The Department drafted regulation language and conducted the public workshop on January 10, 2020. Proposed changes to regulations were reviewed and the Department filed the proposed regulations with the Legislative Council Bureau (LCB) on January 22, 2020.

The LCB Proposed Draft was received and pursuant to NRS 233B.060.1 the Department reviewed the draft and provided 30 days' notice of a public hearing posted on July 15, 2020. Pursuant to Governor Steve Sisolak's Emergency Directive 006 and as extended by Emergency Directive 21, section 37, there was no physical location for the Public Hearing. The Department conducted the public hearing on August 31, 2020 via video-conference through Cisco Webex and streamed live on the internet.

Public response during the workshop was none.

Public response during the hearing was concerns if fuel suppliers would be notified once a county implements the tax and if fuel suppliers will report the tax as they do now by county. Public hearing comment was received via video-conference testimony.

Recordings, minutes including summary of public response, and public notices are on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, NV 89711. Copies of the minutes may be obtained by written request to Attention: Daria Costa, Department of Motor Vehicles, Management Services and Programs, 555 Wright Way, Carson City, NV 89711.

3. The number of persons who:

(a) Attended the hearing via video conference:

1. In attendance 11

(b) Testified at the hearing:

1. Testified via video conference 2

(c) Submitted to the agency written statements:

1. Submitted Written Statements 0

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

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.

Comment was solicited from businesses in the same manner as the general public as indicated in #2. Additionally, the regulations were submitted directly to associations that represent businesses selling or using diesel fuel in the movement of motor vehicles for review and comment. Summary and explanation on how to obtain a copy is listed in #2.

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.

Following the hearing, it was determined the regulations would be adopted without changing any part of the proposed regulation. There was no public testimony requesting any changes.

7. 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) Business:

- i. There are no adverse economic effects of these regulations. The Department does not foresee any economic benefit to businesses.
- ii. There are no immediate or long-term economic effects.

(b) Public:

- i. There are no adverse economic effects of these regulations. The Department does not foresee any economic benefit to businesses.
- ii. There are no immediate or long-term economic effects.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The agency has absorbed the cost for the enforcement of the adopted regulation within existing resources.

9. A description of any regulations of other state or government agencies that 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 proposed regulations are neither overlapping nor duplicative of federal, state or local regulations.

10. 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 are not more stringent than federal, state or local standards.

11. 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 regulation does not propose any new fees or increases in existing fees.

EXHIBIT A

In Attendance via video conference:

Teri	Baltisberger	tbaltisberger@dmv.nv.gov	Carson City	(775) 684-4612	DMV
Daria	Costa	dcosta@dmv.nv.gov	Carson City	(775) 684-4570	DMV
Norma	Santoyo	nsantoyo@dmv.nv.gov	Carson City	(775) 687-7200	DMV
Sean	Sever	ssever@dmv.nv.gov	Carson City	(775) 684-4562	DMV
Dawn	Lietz	dlietz@dmv.nv.gov	Carson City	(775) 684-4626	DMV
Karen	Stoll	kstoll@dmv.nv.gov	Carson City	(775) 684-4610	DMV
Richard	Wagner	rwagner@dmv.nv.gov	Carson City	(775) 684-4656	DMV
Thomas	Martin	tmartin01@dmv.nv.gov	Carson City	(775) 684-4371	DMV
Martin	Hefner	mhefner@dmv.nv.gov	Carson City	(775) 684-4773	DMV
Amanda	Brazeau				Tesla
Peter	Kruger	Info@pmaa.org			Petroleum Marketers Association of America