

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

LCB File No. R108-97

September 9, 1997

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

AUTHORITY: Subsection 9 of Senate Bill No. 233 of the 69th Session.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 5, inclusive, of this regulation, unless the context otherwise requires, “commission” means the commission on economic development.*

Sec. 3. *1. A person seeking a partial abatement from property taxes on the personal property of a new or expanded business pursuant to section 4 of Senate Bill No. 233 of the 69th Session must apply for the abatement on the form prescribed by the commission not more than one year before the business begins to develop the site for its expansion or operation in this state.*

2. The commission will deny or approve each application for a partial abatement at the first regularly scheduled meeting following receipt of the application if the application is received at least 15 working days before the meeting. An application that is received within that time will be considered at the next regularly scheduled meeting of the commission following the one before which it was received.

Sec. 4. *The commission will approve an application for a partial abatement if:*

1. *The goals of the business are consistent with the goals of the commission concerning industrial development and diversification;*
2. *The average hourly wage paid by the business to its employees in this state is at least 125 percent of 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 county, city or town in which the business operates;*
5. *The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission.*
6. *If the business is new and primarily will be located in a county whose population:*
 - (a) *Is 100,000 or more, the capital investment in personal property in this state is at least \$50,000,000 and the business will create at least 100 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 capital investment in personal property in this state is at least \$20,000,000 and the business will create at least 35 new, permanent jobs in this state by the last day of the fourth quarter that it is in operation;*
7. *If the expansion of the business primarily will be located in a county whose population:*
 - (a) *Is 100,000 or more, the capital investment in personal property in this state for the expansion is at least \$10,000,000, the business has at least 100 employees in this state at the*

time of application and the expansion creates at least 20 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 capital investment in personal property in this state for the expansion is at least \$4,000,000, the business has at least 35 employees in this state at the time of application and the expansion creates at least 10 new, permanent jobs in this state by the last day of the fourth quarter that it is in operation;

8. The business has obtained a statement from the governing body of each local government whose tax revenue will be affected by the partial abatement 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) The local government is in favor of the partial exemption and recognizes the potential amount of property of the business which will be exempt from taxation if the commission certifies the business, and the business has provided a copy of the statement to the commission; and

9. 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 partial abatement.

Sec. 5. 1. *If the commission grants a partial abatement to a business pursuant to section 4 of this regulation:*

(a) Between July 1 and December 31, the partial abatement applies retroactively from that July 1 if the governing body of the local government whose tax revenue will be affected by the exemption provides written authorization, and if no such authorization is provided, the exemption applies from the date agreed upon by the applicant and the governing body that is noted in the authorization; and

(b) Between January 1 and June 30, the exemption must be applied beginning on the following July 1, unless the applicant and the governing body of the local government whose tax revenue will be affected by the exemption agree upon another date and the governing body provides written authorization.

2. If the commission grants a partial abatement pursuant to section 4 of this regulation, the commission shall immediately forward a certificate of eligibility for the partial abatement that states the percentage of the property that is exempt to:

(a) The department of taxation; and

(b) The county assessor of each county in which personal property used in connection with the business will be located.