

**ADOPTED REGULATION OF THE  
NEVADA TAX COMMISSION**

**LCB File No. R042-00**

Effective March 2, 2001

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

AUTHORITY: §1, NRS 360.090.

**Section 1.** Chapter 360 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. To determine whether an adjustment to the amount allocated to a local government or special district from the local government tax distribution account is necessary pursuant to NRS 360.695, the executive director shall:*

*(a) On or before March 31 of each year, review the population, as determined pursuant to NRS 360.285 or subsection 6 of NRS 360.690, and assessed valuation of the taxable property, as determined pursuant to NRS 360.390, of each local government and special district; and*

*(b) Review all information that is available concerning the amount allocated to the local government or special district, including, without limitation:*

*(1) Whether the local government or special district has been determined to be in severe financial emergency pursuant to NRS 354.685; and*

*(2) A comparison of the total per capita revenue of the local government or special district and the total per capita revenue of each other local government or special district of similar size and type.*

*2. If, after conducting the review required pursuant to paragraph (a) of subsection 1, the executive director determines that an adjustment to the allocation of the local government or special district may be necessary, the executive director shall notify that local government or special district of his determination within 3 days after he makes the determination.*

*3. The executive director shall report any findings he makes pursuant to this section to the committee on local government finance on or before December 1 of each year.*

**LCB File No. R042-00**

**NOTICE OF ADOPTION OF REGULATION**

**MEMORANDUM**

Date: February 12, 2001  
To: Brenda Erdoes, Legislative Counsel  
Via: Mary Bennett  
From: Dino DiCianno, Deputy Executive Director  
CC: David P. Pursell, Executive Director  
Subject: Filing of Permanent Regulations of the Nevada Tax Commission

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Enclosed, are four permanent regulations recently adopted by the Nevada Tax Commission to be filed with the Legislative Counsel Bureau – Legal Division. Your attention to this matter is appreciated. Thank you.

## **LCB File No. R042-00**

### **INFORMATIONAL STATEMENT**

#### **Permanent Regulation of the Nevada Tax Commission LCB File No. R042-00**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 360.

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

Notices of hearing for the adoption and amendment of the proposed permanent regulation was posted at the following locations: Department of Taxation, 1550 East College Parkway, Carson City, Nevada; Nevada State Library, 100 Stewart Street, Carson City, Nevada; The Legislative Building, Capitol Complex, Carson City, Nevada; each County Main Public Library; Department of Taxation, 4600 Kietzke Lane, Building O, Suite 263, Reno, Nevada; Department of Taxation, 555 East Washington Avenue, Las Vegas, Nevada.

A copy of the notice of hearing and the proposed permanent regulation was placed on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulation was also made available and placed on file at the Department of Taxation, 1550 East College Parkway, Carson City, Nevada; Department of Taxation, 4600 Kietzke Lane, Building O, Suite 263, Reno, Nevada; Department of Taxation, 555 East Washington Avenue, Suite 1300, Las Vegas, Nevada; Department of Taxation, 850 Elm Street, No. 2, Elko, Nevada; and in all counties in which an office of the Department of Taxation is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

The hearing was held on November 6, 2000 at the Las Vegas City Council Chambers, 400 East Stewart Avenue, Las Vegas, Nevada. It appears that due to the primarily procedural nature of the proposed permanent regulation, only affected or interested persons and businesses as set forth in #3 below responded to the proposed permanent regulation and testified at the hearing. A copy of the transcript of the hearing, for which a reasonable fee may be charged, may be obtained by calling the Nevada Department of Taxation at (702) 687-4896, or by writing to the Nevada Department of Taxation at 1550 East College Parkway, Suite 115, Carson City, Nevada, 89706.

The proposed permanent regulation was submitted to the Legislative Counsel Bureau, which completed its review on May 23, 2000. Thus, the proposed regulation, for practical purposes, was discussed at two workshops and has been heard and considered at one public hearing of the Nevada Tax Commission.

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

**(a) Attended the hearing: 34**

**(b) Testified at the hearing: 1**

**(c) Submitted to the Tax Commission written comments:** Written comments were submitted by Department staff, Legislative Council Bureau – Legal Division and the Committee on Local Government Finance requesting amendments to the administrative code prior to the hearing. No other written comments by the general public were submitted to, or received by, the Department of Taxation or the Nevada Tax Commission.

**3. A description of how comment was solicited from affected and interested persons, 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 the notices set forth in #1 above, by direct mail to all county assessors, and by direct mail to the approximately 150 interested businesses and persons on the Department of Taxation's mailing list.

Comments from the above-referenced in #2 were received relative to the original regulation and proposed draft of the permanent regulation with respect to local government finance.

**4. If the permanent regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the permanent regulation without change.**

The proposed permanent regulation was modified at public workshops prior to adoption, due to issues raised by the Department of Taxation and by those referred to in #2.

The proposed permanent regulation was not changed at the public hearing since no additional concerns were raised by the affected public, the Department of Taxation or Tax Commission members, and the Tax Commission believed no changes other than those made were necessary.

**5. The estimated economic effect of the adopted permanent 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; and (b) Both immediate and long-term effects.**

**(a) Adverse and beneficial effects.**

The proposed permanent regulation presents no foreseeable or anticipated adverse economic effects to businesses or the public. However, the permanent regulation does impact the Department and local governmental entities, which could have an economic effect on businesses and the general public.

That effect cannot be quantified at this time.

**(b) Immediate and long-term effects.**

Same as #5(a) above.

**6. The estimated cost to the agency for enforcement of the adopted permanent regulation.**

The proposed permanent regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement. However, it appears that there may be some minor additional administrative costs for the Department of Taxation and local governments affected, which cannot be quantified at this time.

**7. A description of any regulations of other state or governmental agencies which the permanent regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the permanent regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed permanent regulation is particular to the Department of Taxation practices and procedures and does not appear to overlap or duplicate regulations of other state or local governmental agencies.

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

There are no known federal regulations pertaining to local government finance procedures, which are the subject of the proposed permanent regulation.

**9. If the permanent 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 permanent regulation does not provide a new fee or increase an existing fee.