

LCB File No. R043-01

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

(This proposed regulation was previously adopted as LCB File No. T015-01)

EXPLANATION: Text in *italics* is new, text in is to be deleted.

AUTHORITY: NRS 354.59891, Section 4 (c).

Adding new sections to Chapter 354 of the Nevada Administrative Code as follows:

Section 1. Definitions.

A. "Indirect cost" defined. A cost incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives specifically benefited. ~~[,without effort disproportionate to the results achieved.]~~

B. "Inspection costs" defined. A cost incurred to conduct an examination to determine compliance with local municipal building and fire codes or regulations. These costs include labor and other direct and indirect costs including administration and overhead.

Section 2. Permissible expenditures from an enterprise fund pursuant to NRS 354.59891.

A.. The building permit enterprise fund created pursuant to NRS 354.59891 must be used exclusively for the accounting of building permit fees and associated costs and fees. Any expenditures from such enterprise fund can only be used for the actual direct and indirect costs of the program for the issuance of building permits as enumerated in NRS 354.59891.

B. Authorized expenditures include but are not limited to the following types of expenditures:

- 1. Plan review activities,*
- 2. Permit issuance activities,*
- 3. Inspection activities,*
- 4. Department administration and support activities.*

C. Plan review, permit issuance and inspection activities include, but are not limited to, the following:

- 1. Building, plumbing, mechanical and electrical structures,*
- 2. Site and grading plan review,*
- 3. Amusement, transportation, signs and manufactured housing installations, and*
- 4. Zoning plan examination and conformance review.*

D. Building permit fees cannot include any fees and charges specifically excluded in NRS 354.59891. The building permit enterprise fund cannot duplicate any inspection activities and related fees, which are otherwise provided by another agency or fund.

E. The exclusions listed above do not preclude the collection of such fees or taxes at the time the building permit is issued, if such collections are made as a convenience to the public or other appropriate justification. Any such funds collected must be remitted to the appropriate recipient agency or fund on at least a monthly basis. The enterprise fund will not withhold any amount of such funds collected as payment for the collection of such funds unless authorized by the NRS or local ordinance.