

**PROPOSED REGULATION OF THE DIRECTOR OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R038-02**

April 24, 2002

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

AUTHORITY: §§1-5, NRS 348A.040.

**Section 1.** NAC 348A.010 is hereby amended to read as follows:

348A.010 As used in this chapter, *unless the context otherwise requires*, the words and terms defined in NAC 348A.020 to 348A.150, inclusive, have the meanings ascribed to them in those sections.

**Sec. 2.** NAC 348A.180 is hereby amended to read as follows:

348A.180 1. A local government may, by resolution, transfer to any other local government located within the same county, all or any portion of its volume cap or local population share for a specific project. ~~{if the}~~ *Any* portion *that is* transferred is subject to the provisions of NAC 348A.220 in the same manner as the local population share of the local government receiving the transfer.

2. A local government may transfer to the director, by resolution, all or any portion of its volume cap or local population share, subject to the director's approval. *The resolution must identify a representative of the local government with whom the director may communicate regarding the resolution and must provide a means of contacting that representative.*

3. Any transfer made pursuant to this section may be subject to such terms and conditions as may be established by the local government in its resolution ~~{}~~, *if the local government agrees*,

*by the terms of the resolution, to inform the director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the subject volume cap.* Any transfer is irrevocable upon the issuance of private activity bonds for the project which is the subject of the transfer to the extent of the principal amount of the bonds so issued. The local government receiving the transfer may elect to treat all or any portion of the transfer as a carry forward, if permitted by the code, unless the resolution making the transfer provides otherwise. *If the local government receiving the transfer elects to treat all or any portion of the transfer as a carry forward, the local government receiving the transfer shall provide to the director in writing the details of the carry forward as soon as practicable after it formally evidences its election pursuant to the code.*

**Sec. 3.** NAC 348A.220 is hereby amended to read as follows:

348A.220 1. After September 1 of any calendar year, the volume cap for the director will, for the remainder of that calendar year, be augmented by an amount equal to any unused portion of the volume cap assigned for that calendar year to any local government pursuant to chapter 348A of NRS, and augmented pursuant to this chapter, unless the local government adopts a resolution on or before September 1 of that year indicating that it has used, intends to use or has reserved its entire allocation , or a portion thereof , for a specified project or projects for the remainder of that calendar year.

2. Any portion of a local government's volume cap allocated for a calendar year which is not committed to a specified project by September 1, or is not sufficiently identified or not adequately described in a resolution adopted by the local government, reverts to the director.

3. A copy of the resolution required by subsection 1 must ~~be~~:

- (a) Identify a representative of the local government with whom the director may communicate regarding the resolution;*
- (b) Provide a means of contacting that representative;*
- (c) Be mailed to the director and secretary of the state board of finance ; and ~~[must be]~~*
- (d) Be received on or before September 15 of the calendar year to which it applies ~~[-. If the resolution is not received on or before that date.], or~~ the local government's local population share reverts to the director.*

*4. Upon receipt of a resolution submitted pursuant to this section, the director will inform the representative of the local government in writing of the local government's obligation to:*

*(a) Inform the director in writing of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the subject volume cap pursuant to subsection 3 of NAC 348A.180;*

*(b) Inform the director in writing of any election to carry forward any volume cap reserved pursuant to subsection 3 of NAC 348A.180; and*

*(c) Certify to the director in writing the amount of the reserved allocation that has been, or will be, used by December 31 of that calendar year through the issuance of bonds or a carry forward to a subsequent year pursuant to subsection 6.*

*5. On October 1 of each calendar year, or as soon thereafter as is practicable, the director will file a certificate on a form designated by the secretary of the state board of finance, specifying the local governments affected by the provisions of this section and the amount by which the director's volume cap is augmented for the remainder of the calendar year.*

~~[5.]~~ *6. If a local government has adopted and mailed a resolution pursuant to the provisions of this section, it shall determine not later than December 1 if the allocation reserved has been ,*

or will be , used by December 31 through the issuance of bonds or a carry forward to a subsequent year and shall immediately certify in writing to the director the amount of the reserved allocation which will be used.

~~6.7.~~ 7. If the local government fails to certify on or before December 1 that any portion of a reserved allocation will be used or if the director does not receive written certification by December 10, the unused portion of the reserved allocation reverts to the director. As soon thereafter as is practicable, the director will file a certificate in the form and manner provided in subsection ~~4.5~~ *5 and mail a copy of the certificate to the representative of the local government.*

**Sec. 4.** NAC 348A.280 is hereby amended to read as follows:

348A.280 1. The special committee to provide advice on private activity bonds is hereby created, consisting of the following members:

- (a) The director, who will act as chairman.
- (b) The executive director of the commission on economic development, or his designee.
- (c) The administrator of the housing division of the department, or his designee.
- (d) The ~~deputy director~~ *chief of the office of business finance and planning* of the department, who shall act as the ex officio secretary of the committee and as the chairman in the director's absence.

- (e) ~~The director of the office of community services, or his designee.~~
- ~~(f)~~ The director of the Nevada Association of Counties, or his designee.
- ~~(g)~~ (f) The director of the Nevada League of Cities, or his designee.

2. The director may appoint an additional member to the committee who:

- (a) Is a member of the general public;

(b) Is knowledgeable in matters referred to the committee; and

(c) Has no financial or pecuniary interest in matters referred to the committee pursuant to

~~[NAC 348A.010 to 348A.270, inclusive.]~~ *this chapter.*

3. Four members of the committee must be present to conduct the business of the committee.

4. The committee shall consider any matter referred to it pursuant to ~~[NAC 348A.010 to 348A.270, inclusive.]~~ *this chapter* and may, if requested, advise the governor, the state board of finance and the director on any matter concerning private activity bonds.

**Sec. 5.** NAC 348A.290 is hereby amended to read as follows:

348A.290 Any person who wishes:

1. A clarification of the application of the provisions ~~[NAC 348A.010 to 348A.300, inclusive.]~~ *of this chapter;*

2. Relief from the strict application of any provision of ~~[NAC 348A.010 to 348A.300 inclusive.]~~ *this chapter;* or

3. Information concerning the procedures for submitting requests to the director or the special committee,

FLUSH may address a written request therefor as follows:

Attn: Director

Department of Business and Industry

~~[2500 W. Washington, Suite 100]~~ *555 East Washington Avenue, Suite 4900*

Las Vegas, Nevada ~~[89106]~~ *89101-1075*