

**PROPOSED REGULATION OF THE  
NEVADA TAX COMMISSION**

**LCB FILE NO. R045-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 03/04/2024**

**Informational Report – Executive Order 2023-003**

**Section 2 – Regulation for Removal**

CHAPTER 375A - TAX ON ESTATES

**1. The citation of the regulation with matters to be omitted in red and bracketed.**

~~[NAC 375A.010 – “Department” defined. (NRS 360.090, 375A.800) – As used in this chapter, unless the context otherwise requires, “department” means the department of taxation. – (Added to NAC by Tax Comm’n by R182-99, eff. 5-16-2000)]~~

**2. A clear and concise explanation of the need for the elimination of the regulation.**

Repeal – The credit against the federal estate tax for the payment of State death taxes was phased out by IRS and no longer applies to deaths occurring after December 31, 2004. . Related provisions of Chapter 375A of NAC will be repealed and these definitions will no longer be necessary.

**3. Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order 2023-003, which must include:**

**a. The date of the meeting(s) and the number of persons who attended (not including Department staff or Commissioners):**

Workshop – 4/7/23 (11 people attended)

Hearing – 4/21/23 (12 people attended)

**b. Information for each person who provided public oral or written comment or testimony on the regulation:**

There was no public comment, either made orally or in writing for this regulation.

**4. The estimated impact on any business, person, or agency if the change is to occur, which must include:**

- a. The adverse and beneficial effects;**
- b. The positive or negative economic impact; and**
- c. Cost savings to the state or agency.**

The repeal of this regulation presents no foreseeable or anticipated impact on any business, person, or agency if this change is to occur.

**Informational Report – Executive Order 2023-003**

**Section 2 – Regulation for Removal**

CHAPTER 375A - TAX ON ESTATES

**1. The citation of the regulation with matters to be omitted in red and bracketed.**

~~[NAC 375A.020—Documentation of tax due on transfer of certain taxable estates; remittance of tax. (NRS 360.090, 375A.150, 375A.800)~~

~~—1.—The documentation required pursuant to NRS 375A.150 includes, without limitation:~~

~~—(a) A copy of the first page of Form 706 of the Internal Revenue Service;~~

~~—(b) If the decedent owned any property in another state, a copy of any pertinent schedules showing the allocation of property belonging to each state and proof of payment for the portion of the estate tax of each state;~~

~~—(c) If a deferred payment plan has been accepted and approved by the Internal Revenue Service, a copy of the deferred payment plan and a copy of the acceptance and approval of the deferred payment plan by the Internal Revenue Service; and~~

~~—(d) A copy of each amended Form 706 of the Internal Revenue Service, if any, and the appropriate reconciliation.~~

~~—2.—A personal representative who is required to file documentation with the department pursuant to NRS 375A.150 shall remit any applicable tax, interest and penalty owed to the department pursuant to chapter 375A of NRS at the time he files the documentation required pursuant to NRS 375A.150.~~

~~—(Added to NAC by Tax Comm'n by R182-99, eff. 5-16-2000)]~~

**2. A clear and concise explanation of the need for the elimination of the regulation.**

Repeal - The credit against the federal estate tax for the payment of State death taxes was phased out by IRS and no longer applies to deaths occurring after December 31, 2004. No new claims can be filed and any previous tax due should have already been remitted or documents for extensions should have already been filed.

**3. Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order 2023-003, which must include:**

**a. The date of the meeting(s) and the number of persons who attended (not including Department staff or Commissioners):**

Workshop – 4/7/23 (11 people attended)

Hearing – 4/21/23 (12 people attended)

**Exhibit 375A.2-R**

- b. Information for each person who provided public oral or written comment or testimony on the regulation:**

There was no public comment, either made orally or in writing for this regulation.

- 4. The estimated impact on any business, person, or agency if the change is to occur, which must include:**
- a. The adverse and beneficial effects;**
  - b. The positive or negative economic impact; and**
  - c. Cost savings to the state or agency.**

The repeal of this regulation presents no foreseeable or anticipated impact on any business, person, or agency if this change is to occur.

## Informational Report – Executive Order 2023-003

### Section 2 – Regulation for Removal

#### CHAPTER 375A - TAX ON ESTATES

##### 1. The citation of the regulation with matters to be omitted in red and bracketed.

~~[NAC 375A.030—Conditions governing remittance of tax due, additional tax, interest and penalty; waiver of penalty. (NRS 360.090, 375A.170, 375A.800)~~

~~—1.— A personal representative who has obtained from the Internal Revenue Service an extension of time for filing Form 706 of the Internal Revenue Service shall remit an estimated amount of tax due the department pursuant to chapter 375A of NRS with the copy of the extension filed with the department pursuant to NRS 375A.155.~~

~~—2.— If a personal representative who has obtained from the Internal Revenue Service an extension of time for filing Form 706 of the Internal Revenue Service files Form 706 within the time authorized in the extension and the personal representative owes additional tax to the department pursuant to chapter 375A of NRS, the personal representative shall remit the tax and any interest owed to the department pursuant to chapter 375A of NRS with the documentation required pursuant to NRS 375A.150.~~

~~—3.— If a personal representative who has obtained from the Internal Revenue Service an extension of time for filing Form 706 of the Internal Revenue Service files Form 706 after the time authorized in the extension and the personal representative owes additional tax to the department pursuant to chapter 375A of NRS, the personal representative shall remit the tax, any interest and any penalty owed to the department pursuant to chapter 375A of NRS with the documentation required pursuant to NRS 375A.150.~~

~~—4.— If a personal representative fails to file the return provided for in NRS 375A.150 within the time specified in that section or the extension specified in NRS 375A.155, his:~~

~~—(a) Obtaining an extension of time for filing Form 706 of the Internal Revenue Service from the Internal Revenue Service; and~~

~~—(b) Remitting an estimated amount of tax due the department pursuant to chapter 375A of NRS with the copy of the extension filed with the department pursuant to NRS 375A.155, shall be deemed to constitute reasonable cause for the purposes of NRS 375A.170 and the personal representative is not required to pay a penalty pursuant to NRS 375A.170.~~

~~—5.— The department shall waive the penalty for failure to file a timely return imposed pursuant to NRS 375A.170 if the personal representative provides documentation to the department proving that a similar penalty for failure to file timely the federal estate tax return was waived by the Internal Revenue Service.~~

~~—(Added to NAC by Tax Comm'n by R182-99, eff. 5-16-2000)]~~

##### 2. A clear and concise explanation of the need for the elimination of the regulation.

Repeal - The credit against the federal estate tax for the payment of State death taxes was phased out by IRS and no longer applies to deaths occurring after December 31, 2004. No new claims can be filed and any previous tax due should have already been remitted or documents for extensions should have already been filed.

**Exhibit 375A.3-R**

**3. Information for each public meeting held to discuss the proposed regulation elimination, as mandated by Section 3 of Executive Order 2023-003, which must include:**

- a. The date of the meeting(s) and the number of persons who attended (not including Department staff or Commissioners):**

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**c. Cost savings to the state or agency.**

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