

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

LCB File No. R050-01

Effective November 9, 2001

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

AUTHORITY: §§1-6, NRS 360.750, 361.0685, 361.0687, 364A.170 and 374.357.

Section 1. Chapter 360 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Commission” means the commission on economic development.*

Sec. 4. *“Partial abatement” means the reduction of a portion of the taxes imposed pursuant to chapter 361, 364A or 374 of NRS, or any combination thereof, which is authorized by NRS 360.750.*

Sec. 5. 1. *To apply for a partial abatement, a person must submit an application to the commission on a form prescribed by the commission within the period prescribed in subsection 2.*

2. If the application is for a partial abatement of the taxes imposed pursuant to chapter 361 or 364A of NRS, the application must be submitted not earlier than 18 months before the business is located or expanded in this state. If the application is for a partial abatement of the taxes imposed pursuant to chapter 374 of NRS, the application must be submitted not later

than 60 days after the date of acquisition of the eligible machinery or equipment. As used in this subsection, “eligible machinery or equipment” has the meaning ascribed to it in NRS 374.357.

3. Except as otherwise provided in subsection 4, the commission will consider an application submitted pursuant to subsection 1 if the application is received:

(a) At least 15 working days before a regularly scheduled meeting of the commission, at that meeting; or

(b) Less than 15 working days before a regularly scheduled meeting of the commission, at the next regularly scheduled meeting immediately following that meeting.

4. If the commission determines that an application submitted pursuant to subsection 1 requires special or additional review and consideration by the commission, the commission may postpone consideration of the application until the next regularly scheduled meeting of the commission.

5. If the commission approves an application for a partial abatement, the commission will forward to the department, with the certificate of eligibility required pursuant to subsection 5 of NRS 360.750, any materials submitted to the commission in support of the application submitted pursuant to subsection 1.

Sec. 6. 1. The commission will consider an application for a partial abatement if the goals of the applicant are consistent with the goals of the commission concerning industrial development and diversification. The goals of the commission include, without limitation:

(a) Diversification from the industries of gaming and hospitality;

(b) The attraction of basic industries to this state, including, without limitation, manufacturing, warehousing and distribution;

(c) The attraction to this state of business facilities and services, including, without limitation, corporate headquarters, facilities for research and development, and facilities for services such as technical assistance with products of the business or credit services; and

(d) The expansion of existing businesses and industries that are consistent with the goals described in paragraphs (a), (b) and (c).

2. Before the commission approves an application for a partial abatement, the commission will consider whether the applicant:

(a) Complies with the requirements set forth in NRS 360.750;

(b) Commits to continue in operation in this state for:

(1) At least 5 years; or

(2) The period specified in the agreement executed by the applicant with the commission pursuant to paragraph (b) of subsection 2 of NRS 360.750,

whichever is later, after the date on which the applicant initially pays taxes to the department or the county treasurer, as applicable, after the partial abatement has been approved by the commission;

(c) Offers primary jobs; and

(d) If the application concerns a partial abatement of the taxes imposed pursuant to chapter 364A or 374 of NRS, registers with the department on a form provided by the department.

3. As used in this section, “primary job” means a position of employment offered by an applicant for a partial abatement, the compensation for which is obtained from revenue that is generated outside the economic region in which the business is located.

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