



**STATE OF NEVADA
DEPARTMENT OF TAXATION**

Web Site: <https://tax.nv.gov>

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Posted: 11/1/21

NOTICE OF WORKSHOP

To: To All Interested Parties
From: Shellie Hughes, Executive Director, Department of Taxation
Date: November 1, 2021
Re: Workshop on LCB Draft of Proposed Permanent Regulation R098-20

The Department of Taxation will hold a workshop to solicit comments from interested parties on the following proposed permanent regulation:

Existing law requires the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing law also requires each agency of the Executive Department of State Government to provide by regulation for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) This regulation establishes such procedures with respect to statutory provisions, regulations and administrative decisions of the Department or the Commission.

Date and Time of Meeting: November 15, 2021 10:00 a.m.

The workshop will be held at the following location:

Place of Meeting:

**Nevada Department of Taxation
1550 College Parkway STE 115
Large Conference Room
Carson City, Nevada 89706**

This meeting will also be available by zoom. Please use the link below to join the webinar:

<https://us02web.zoom.us/j/85369241814>

Or One tap mobile:

+12532158782, 85369241814# US (Tacoma)
+13462487799, 85369241814# US (Houston)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or
+1 646 558 8656

Webinar ID: **853 6924 1814**

International numbers available: <https://us02web.zoom.us/j/85369241814>

A copy of the regulation referenced above can be found on the Department's website at https://tax.nv.gov/Boards/Public_Meetings/ and at the Nevada Legislature's website at <https://www.leg.state.nv.us/App/Calendar/A/>.

All interested parties will have the opportunity to present their ideas. Please submit all suggestions in writing at least one week prior to the Workshop so the suggestions can be disseminated at the meeting. Written comments may be accepted at any time. All public input will be considered in preparing a proposed regulation to be presented to the Nevada Tax Commission for adoption.

Members of the public who are disabled and require accommodations or assistance at the Workshop are requested to notify the Department of Taxation in writing or by calling 775-684-2096 no later than five working days prior to the Workshop.

Notice has been posted at the following location: The Department of Taxation - 1550 College Parkway, STE 115, Carson City, Nevada.

Notice has been EMAILED for posting at the following locations: Department of Taxation - 4600 Kietzke Lane, Building L, Suite 235, Reno, Nevada; Department of Taxation - 555 E. Washington Avenue, Grant Sawyer Office Building, Las Vegas, Nevada; The Legislative Building, Capitol Complex, Carson City, Nevada; and the Nevada State Library, 100 Stewart Street, Carson City, Nevada, Interested Parties Group & Mailing List maintained by the Department & the Nevada Public Notice Website. : <https://notice.nv.gov/>. Notice of this meeting was posted on the Department of Taxation website <https://tax.nv.gov/> and on the Legislative website at <https://www.leg.state.nv.us/>.

If you have any questions, please feel free to call Sarah Glazner at 775-684-2059.

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB File No. R098-20

August 11, 2021

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

AUTHORITY: §1, NRS 233B.120 and 360.090.

A REGULATION relating to taxation; establishing procedures for the filing of petitions with the Director of the Department of Taxation for declaratory orders as to the applicability of certain statutory provisions, regulations or administrative decisions; establishing procedures for the disposition of such petitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing law also requires each agency of the Executive Department of State Government to provide by regulation for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) This regulation establishes such procedures with respect to statutory provisions, regulations and administrative decisions of the Department or the Commission.

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

- 1. Except as otherwise provided in subsection 3, a person may file a petition with the Director requesting a declaratory order concerning the applicability of any statutory provision, regulation or decision of the Department or Commission.*
- 2. A petition for a declaratory order must include:*
 - (a) The name and address of the petitioner;*
 - (b) The reason for requesting the declaratory order;*

(c) A statement of the facts that support the petition for a declaratory order; and

(d) A clear and concise statement of the question or matter to be decided.

3. A person may not file a petition for a declaratory order concerning a question or matter that is an issue in a pending administrative, civil or criminal proceeding in which the person is a party.

4. The hearing officer may refuse to review a petition for a declaratory order if the petition does not include the information required by subsection 2.

5. The hearing officer may:

(a) Conduct a hearing to determine issues of fact or to hear arguments relating to a petition for a declaratory order and may enter reasonable orders that govern the conduct of the hearing.

(b) Request that the petitioner provide additional information or arguments relating to the petition.

(c) Issue a declaratory order based on the contents of the petition and any material submitted with the petition.

(d) Consider, and base his or her decision on, facts set forth in a sworn affidavit or accompanied by comparable indicia of reliability.

(e) Consider any other information that he or she determines is relevant to the question or matter to be decided.

(f) Enter any reasonable order to assist the review of the petition.

6. The Department shall maintain a record of each declaratory order that is indexed by subject matter and will mail a copy of the declaratory order to the petitioner within 90 days after:

(a) The petition is filed;

(b) A hearing is conducted concerning the petition; or

(c) Any additional information or written argument is received by the hearing officer,

↪ whichever occurs later.

7. A declaratory order is appealable to the Commission in the same manner as any other appealable decision.

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608 and NRS 233B.0609**

LCB File No. R098-20

1. Background

The Department of Taxation has drafted Proposed Regulation R098-20 to establish procedures for the filing of petitions with the Director of the Department of Taxation for declaratory orders as to the applicability of certain statutory provisions, regulations or administrative decisions; establishing procedures for the disposition of such petitions; and providing other matters properly relating thereto.

Existing law requires the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing law also requires each agency of the Executive Department of State Government to provide by regulation for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) This regulation establishes such procedures with respect to statutory provisions, regulations and administrative decisions of the Department or the Commission.

2. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R098-20. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department to 210 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

The content of the response is summarized below:

- While the response from the questionnaire did not indicate a substantial impact on small businesses, it was suggested that the Department provide a presentation and provide tools and examples on how to properly word requests for hearing, advisory opinions and appeals.

Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary, can contact:

Sarah Glazner
Nevada Department of Taxation
1550 College Parkway Ste 115
Carson City, NV 89706
Phone: (775) 684-2059
Fax: (775) 684-2020
sglazner@tax.state.nv.us

3. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.

The Department analyzed the one questionnaire received and used informed, reasonable judgment in determining that there will not be an impact to small businesses due to the nature of the regulatory changes.

4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:

Direct and indirect adverse effects

The Department finds that there is no reasonable, foreseeable, or anticipated direct or indirect adverse economic effect on small businesses.

Direct and indirect beneficial effects

The Department finds that there is no reasonable, foreseeable, or anticipated direct or indirect beneficial economic effect on small businesses.

5. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The proposed regulation presents no reasonable, foreseeable, or anticipated adverse impact to small businesses; therefore, no efforts were required to reduce the impact on small businesses.

6. The estimated cost to the agency for enforcement of the proposed regulation.

The proposed regulation presents no significant foreseeable or anticipated cost or

decrease in costs for enforcement.

- 7. If the proposed 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 include new fees or increase any existing fees.

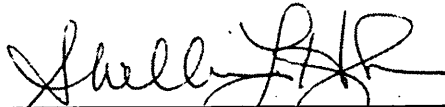
- 8. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

- 9. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The Department has determined that there will be no adverse impacts to small businesses based on its analysis of comment received.

I hereby certify, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate.



Shellie Hughes, Executive Director
November 1, 2021

Nevada Department of Taxation Regulatory Workshop **Draft of Proposed Regulation R098-20**

NEVADA DEPARTMENT OF
TAXATION
1550 College Pkwy STE 115
Large Conference Room
Carson City, Nevada 89706

November 15, 2021
10:00 AM

Note: **Items on this agenda may be taken in a different order than listed.**
Items may be combined for consideration by the Department of Taxation.
Items may be pulled or removed from the agenda at any time.

- I. Public Comment – In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.
- II. The Department will hold a workshop to solicit comments from interested parties on the following topic:

Existing law requires the Nevada Tax Commission to prescribe regulations for carrying on the business of the Commission and the Department of Taxation. (NRS 360.090) Existing law also requires each agency of the Executive Department of State Government to provide by regulation for the filing and prompt disposition of petitions for declaratory orders as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) This regulation establishes such procedures with respect to statutory provisions, regulations and administrative decisions of the Department or the Commission.

- III. ****Public Comment – In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.**
- IV. Adjourn

****This item is to receive public comment on any issue and any discussion of those issues; provided that comment will be limited to areas relevant to and within the authority of the Nevada Department of Taxation. No action will be taken on any items raised in the public comment period. Public Comment may not be limited based on viewpoint.**

Please contact Sarah Glazner 775-684-2059 or sglazner@tax.state.nv.us for any support materials. The support materials will be available at <https://tax.nv.gov/> and made available during the meeting located at the Nevada Department of Taxation, 1550 College Pkwy STE 115, Carson City, NV.

Members of the public who are disabled and require accommodations or assistance at this workshop are requested to notify the Department of Taxation in writing or call 775-684-2096 no later than five working days prior to the workshop.

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