

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

**LCB File No. R143-18**

**1. Background**

The Department of Taxation has drafted the Department Revised Draft of Proposed Regulation R143-18, to establish the standard to be used to determine whether an overpayment of certain taxes was made intentionally or by reason of carelessness such that the taxpayer is not entitled to be paid interest on a refund of the overpayment, and providing other matters properly relating thereto.

The regulation provides the Department some clarity and guidance as to if an overpayment would be deemed to be made intentionally or by reason of carelessness, and if neither is proven, then interest is to be paid for the over payment.

**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 business regarding the possible impact of LCB File No R143-18 in its original form. The proposed language and questionnaire was dispersed to the following:

- Emailed by the Department to 229 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

The content of the response can be summarized as the following:

- 1 response was received from a concerned taxpayer stating that interest should be paid at a maximum amount of \$8,000.00 one time and for reoccurring incidents no interest should be paid.

Anyone interested in obtaining a copy of the response can contact:

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Nevada Department of Taxation  
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[scrowley@tax.state.nv.us](mailto:scrowley@tax.state.nv.us)

The Department submitted a Department Revised Draft of Proposed Regulation R143-18 dated July 25, 2018 removing section 2 which addressed paying interest on overpayments of property taxes because the proposed language is not applicable to NRS chapter 361.

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

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

The response from the questionnaire did not indicate an impact on small businesses. In fact, the proposed language would actually benefit businesses by allowing for credit interest to be included with refunds. Thus, the Department has determined that the revision will not negatively impact small businesses.

**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 reasonably foreseeable or anticipated direct or indirect adverse economic effect on small business.

**Direct and indirect beneficial effects**

The Department finds that there is no reasonably foreseeable or anticipated direct or indirect beneficial economic effect on small business.

**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 permanent regulation presents no reasonably foreseeable or anticipated adverse impact to small business; 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 permanent 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 an existing fee.

- 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.**



**William D. Anderson, Executive Director**  
August 28, 2018