BRIAN SANDOVAL
*Governor*

STATE OF NEVADA
STATE BOARD OF EQUALIZATION
1550 College Parkway, Suite 115
Carson City, Nevada 89706-7921
Telephone (775) 684-2160

DENNIS MESERVY
*Chairman*
DEONNE CONTINE
*Secretary*

**Posted: May 13, 2016**

# NOTICE OF PUBLIC HEARING FOR THE ADOPTION OF PERMANENT REGULATION OF THE STATE BOARD OF EQUALIZATION

**The State Board of Equalization (State Board) will hold a public hearing on June 16, 2016 commencing at 8:30 a.m. at the Grant Sawyer Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada with video-conferencing to State Legislative Building, Room 2134, 401 South Carson Street, Carson City, Nevada as well as internet connection at https://www.leg.state.nv.us/App/Calendar/A/ with teleconferencing available. Please call the State Board at (775) 684-2160 for the teleconference number.** The State Board will receive testimony from all interested persons and consider and take action on proposed permanent adoption of amendments, additions and deletions to the Nevada Administrative Code as identified in **LCB File No. R097-15**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Board may proceed immediately to act upon any written submissions:

1. **The Need for and Purpose of the Proposed Permanent Regulations.**
   The need and purpose of the proposed permanent regulation, **LCB File No. R097-15**, is to update and clarify existing provisions relating to the practice and procedure in contested cases before the State Board. The proposed regulation is intended to make State Board administrative processes related to petitions for appeal and agent authorizations consistent with Assembly Bill 452, chapter 463, Statutes of Nevada 2015 at page 2869.

   **Terms or Substance of the Proposed Permanent Regulation or Description of the Subjects and Issues Involved.**

   **First:** Sections 2-7 and 9-14 of the regulation make various additions and changes to the procedures for conducting an appeal before the State Board primarily to reflect the changes made by A.B. 452 (2015). In particular, Section 3 provides that the provisions of NRS 361.362 which are applicable to an appeal from a county to the State Board also apply to a direct appeal to the State Board.

   **Second:** Section 4 of the regulation provides examples of the types of documentation a person may submit to cure an objection to a written authorization.

   **Third:** Section 5 of the regulation clarifies the authority of the person filing an appeal on behalf of the owner with regard to representation, receipt of notices, and ability to enter into stipulations and withdrawals of the appeal.

   **Fourth:** Section 6 of the regulation clarifies the authority of a person employed by the owner or an affiliate of the owner who is acting within the scope of his or her employment to file an appeal or grant an agent authorization to file an appeal.

   **Fifth:** Section 7 of the regulation provides that duplicate exhibits must not be submitted for the record of the State Board.

**Sixth:** Section 8 of the regulation provides that the practice and procedure in contested cases before the State Board shall be deemed to apply to practice and procedure in contested cases before a county board of equalization.

**Seventh:** Sections 10 and 11 of the regulation provide for the types of information required on petitions for appeals of county board decisions and petitions for direct appeals to the State Board, including a description of the taxpayer petitioner's relationship to the owner of the property and a verification providing that the information contained in the petition and accompanying statements or documents are true, correct and complete under penalty of perjury.

**Eighth**: Section 12 of the regulation provides for the types of information required on agent authorization forms, including a verification providing that the information contained in the authorization and accompanying statements or documents are true, correct and complete under penalty of perjury,

**Ninth:** Section 13 of the regulation provides that a party who may appear includes a person employed by the party or an affiliate of the party acting within the scope of his or her employment.

2. **Estimated Economic Effect of the Proposed Permanent Regulation on the Business which it is to Regulate, and the Public.**

**A. Adverse and Beneficial Effects.**

The proposed permanent regulation presents no reasonably foreseeable or anticipated adverse economic effects to businesses or to the general public. The regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this analysis, the Department considered that the economic benefit derived from a streamlined appeal process outweighed the cost of completing the appeal form or agent authorization with the requested additional information.

**B. Immediate and Long-Term Effects.**

The immediate and long-term effects will be to improve efficiency and reduce costs associated with the administration of appeals in contested cases before the State Board.

3. **The Methods Used by the Agency in Determining the Impact on a Small Business.**

The Department mailed or emailed a Small Business Impact Statement and Questionnaire on October 21, 2015 to persons and businesses on the Department's interested parties list. No responses were received. Because of the nature of the regulation, the Department believes there is minimal to no impact on a small business.

4. **Estimated Cost to Agency for Enforcement of the Proposed Permanent Regulation.**

The proposed permanent regulation is expected to reduce the number of procedural issue appeals related to proper agent authorizations The estimated cost of enforcement related to oversight of the petitions and authorizations to the Department of Taxation is minimal.

5. **Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulation Overlaps or Duplicates and the Necessity Therefore.**

The proposed permanent regulation does not overlap or duplicate regulations of other state or local governmental agencies.

6. **Establishment of New Fee or Existing Fee Increase.**
None.

Persons wishing to comment on the proposed action of the State Board of Equalization may appear at the above scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Department of Taxation, 1550 College Parkway, Suite 115, Carson City, Nevada 89706. **Written submissions must be received at least two weeks prior to the above scheduled public hearing.**

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Department of Taxation, at the addresses listed below and on the Department of Taxation website, http://tax.nv.gov/ and in all counties in which an office of the Department of Taxation is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.

Deonne Contine, Secretary

Terry E Rubald

By Terry E. Rubald, Deputy Executive Director
Department of Taxation
May 13, 2016

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Note 1: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Taxation in writing, at 1550 College Parkway, Carson City Nevada, 89706 or call (775) 684-2180 prior to the meeting.

Note 2: Materials and files for items on this notice are maintained in the offices of the Department of Taxation located in Carson City, Nevada. Requests for copies of materials and files for items on this notice may be made to:
Terry Rubald, Deputy Executive Director, Department of Taxation, 1550 College Parkway, Suite 115, Carson City, NV 89706

Note 3: Notice of this meeting was posted in the following Carson City, Nevada locations: Department of Taxation, 1550 College Parkway; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was emailed for posting to the following locations: Department of Taxation, 4600 Kietzke Lane, Building L, Suite 235, Reno; Department of Taxation, 2550 Paseo Verde, Suite 180, Henderson; Department of Taxation, 555 E. Washington Street; Las Vegas; Clark County Office, 500 South Grand Central Parkway, Las Vegas. Notice of this meeting was posted on the Internet through the Department of Taxation website http://tax.nv.gov/ and on the Internet website maintained by the Legislative Counsel Bureau http://leg.state.nv.us/ and the Department of Administration website https://notice.nv.gov/.