

Amendment No. 35

Senate Amendment to Senate Bill No. 7 (BDR 32-299)

Proposed by: Senate Committee on Revenue and Economic Development

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DPR/JRS



Date: 4/4/2013

S.B. No. 7—Requires the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins.
(BDR 32-299)



SENATE BILL NO. 7—COMMITTEE ON REVENUE
AND ECONOMIC DEVELOPMENT

(ON BEHALF OF THE DEPARTMENT OF TAXATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Revenue and
Economic Development

SUMMARY—Requires the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins. (BDR 32-299)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to taxation; requiring the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins setting forth information relating to the taxes administered by the Department ~~and~~ and certain written opinions received from the Attorney General; exempting such technical bulletins from the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1 of this bill requires the Executive Director of the Department of Taxation to prepare, publish and periodically revise technical bulletins that provide information to the public about issues relating to those taxes and any other tax specified by the Executive Director. Existing law creates the Department of Taxation and authorizes the Department to exercise general supervision and control over the revenue system of this State. The Executive Director of the Department is its Chief Administrative Officer. (NRS 360.120, 360.200) Existing law also requires the Attorney General, when requested by the head of any state department, agency, board or commission, to give his or her written opinion on any question of law relating to the respective office, department, agency, board or commission. (NRS 228.150) Section 1 of this bill requires the Executive Director to prepare, publish and periodically revise technical bulletins to educate the public on: (1) issues relating to businesses and taxes administered by the Department; and (2) written opinions that the Executive Director receives from the Attorney General. Section 2 of this bill exempts such technical bulletins from the provisions of the Nevada Administrative Procedure Act governing administrative regulations so that the technical bulletins can be approved and posted without being drafted, reviewed and adopted in the manner required for administrative regulations.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

1. The Executive Director shall prepare or cause to be prepared technical bulletins to educate the public on ~~issues~~ :

(a) Issues related to their businesses and the taxes administered by the Department ~~+~~ ; and

(b) Written opinions that the Executive Director receives from the Attorney General pursuant to NRS 228.150.

2. The technical bulletins must be written in simple nontechnical language and may include:

(a) Information and guidance concerning specific issues or topics;

(b) Examples for clarification purposes; and

(c) Any other information determined by the Executive Director or Nevada Tax Commission to be beneficial to the public.

~~2+~~ *3. A technical bulletin must not include advice on a specific fact situation but may include information that is applicable to a specific industry or type of business.*

~~3+~~ *4. The technical bulletins must be published and revised as needed. Each bulletin and revised bulletin must be published and posted on an Internet website maintained by the Department and made available upon request at the offices of the Department.*

~~4+~~ *5. Any technical bulletin published or revised pursuant to this section is intended for informational purposes only.*

~~5+~~ *6. The Executive Director shall submit each proposed technical bulletin and any revisions to a bulletin to the Nevada Tax Commission for approval before publishing the bulletin or revised bulletin.*

Sec. 2. NRS 233B.038 is hereby amended to read as follows:

233B.038 1. "Regulation" means:

(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;

(b) A proposed regulation;

(c) The amendment or repeal of a prior regulation; and

(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:

(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) A declaratory ruling;

(c) An intraagency memorandum;

(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;

(e) An agency decision or finding in a contested case;

(f) An advisory opinion issued by an agency that is not of general applicability;

(g) A published opinion of the Attorney General;

1 (h) An interpretation of an agency that has statutory authority to issue
2 interpretations;

3 (i) Letters of approval, concurrence or disapproval issued in relation to a
4 permit for a specific project or activity;

5 (j) A contract or agreement into which an agency has entered;

6 (k) The provisions of a federal law, regulation or guideline;

7 (l) An emergency action taken by an agency that is necessary to protect public
8 health and safety;

9 (m) The application by an agency of a policy, interpretation, process or
10 procedure to a person who has sufficient prior actual notice of the policy,
11 interpretation, process or procedure to determine whether the person is in
12 compliance with a federal or state statute or regulation in order to assess a fine,
13 monetary penalty or monetary interest;

14 (n) A regulation concerning the use of public roads or facilities which is
15 indicated to the public by means of signs, signals and other traffic-control devices
16 that conform with the manual and specifications for a uniform system of official
17 traffic-control devices adopted pursuant to NRS 484A.430; ~~to~~

18 (o) The classification of wildlife or the designation of seasons for hunting,
19 fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant
20 to the provisions of title 45 of NRS ~~to~~; or

21 *(p) A technical bulletin prepared pursuant to section 1 of this act.*

22 **Sec. 3.** This act becomes effective upon passage and approval.