



**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE DIRECTOR**

**NOTICE OF INTENT TO ACT
UPON TEMPORARY REGULATION AND AGENDA**

**NOTICE OF A HEARING FOR THE ADOPTION
OF TEMPORARY REGULATION FOR NRS 231A
NEW MARKETS JOBS ACT.**

The Department of Business and Industry (B&I) will hold a Public Hearing at 10:30 A.M., on July 23, 2020. This meeting will be held via videoconference and teleconference only. The purpose of the hearing is to receive comments from all interested parties regarding the adoption of these temporary regulations that pertains to NRS 231A.

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Corona Virus). Accordingly, anybody planning to participate in the meeting must participate by using the following videoconference link or teleconference number:

Videoconference Information:

<https://businessnv.webex.com/businessnv/j.php?MTID=m5bd65ccf7c1705453141634236fa2ee9>

Meeting number: 964 274 107

Password: businessNMJA

Teleconference Number

1-844-992-4726 United States Toll Free

+1-408-418-9388 United States Toll

Access code: 964 274 107

The following information is provided pursuant to the requirements of NRS 241.020 and 233B.061:

1. The need and purpose of the temporary regulation:
This Temporary Regulation clarifies NRS 231A.140 in regard to capital or equity investment or loans to be made directly or indirectly to a Qualified Low-Income Community Business.
2. To obtain a copy of the temporary regulation, as well as the Small Business Impact Statement and other supporting documents, contact Karen Schnog at kschnog@business.nv.gov, telephone (702) 486-3755, or by mail 3300 W. Sahara Ave., Las Vegas, NV 89102. Copies of pertinent documents will also be made available on the B&I web site: www.business.nv.gov.
3. A statement of the estimated economic effect of the temporary regulation on business, which it is to regulate, and on the public. These must be stated separately and, in each case, must include both adverse and beneficial effects and both immediate and long-term effects.

The estimated economic effect of the temporary regulation on the business which it is to regulate:

- a. Adverse effect:
 - i. Immediate effect - No adverse effect due to the promulgation of this temporary regulation.
 - ii. Long-term effect - No adverse effect due to the promulgation of this temporary regulation.
 - b. Beneficial effect:
 - i. Immediate effect – Small businesses in federally defined low-income and severely depressed census tracts can obtain below-market interest rate loans, which enable them to start or expand their business.
 - ii. Long-term effect - Small businesses in federally defined low-income and severely depressed areas, who obtained these below-market interest rate loans will have potentially lower costs, be more profitable, can expand their business and hire new employees.
4. The estimated economic effect of the temporary regulation on the public:
 - a. Adverse effect:
 - i. Immediate effect - No adverse effect due to the promulgation of this temporary regulation.
 - ii. Long-term effect - No adverse effect due to the promulgation of this temporary regulation.
 - b. Beneficial effect:
 - i. Immediate effect – The public may become aware of new or expanding businesses in low-income areas due to this program.
 - ii. Long-term effect – New and expanding businesses in low-income areas will help the Nevada economy to grow and provide new jobs.

5. Estimated cost to the agency for enforcement of the temporary regulations: None.
6. A description of and citation to any regulations of other state or local government agencies, which the temporary regulation overlaps or duplicates and why the duplication or overlapping is necessary. If the temporary regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:
This temporary regulation does not duplicate other state or local governments or federal regulations.
7. If the temporary regulation is required pursuant to federal law, a citation and description of the federal law: federal law does not require this regulation.
8. If the temporary regulation includes provisions, which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:
This temporary regulation has no federal companion regulations.
9. The temporary regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Director of the Department of Business and Industry may join the scheduled public hearing or may address their comments, data, views or arguments, by emailing Karen Schnog at kschnog@business.nv.gov or writing the Director of the Department of Business and Industry, 3300 W. Sahara, Suite 425, Las Vegas, Nevada, 89102. Written submissions must be received by the Director of the Department of Business and Industry on or before June 20, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Director of the Department of Business and Industry may proceed immediately to act upon any written submissions.

A copy of this notice and the temporary regulation to be adopted is available at:

Nevada Public Notice website: www.notice.nv.gov

Department of Business & Industry website: www.business.nv.gov

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This agenda of the Department of Business and Industry has been sent to all persons on the agency's mailing list for administrative regulations and posted to:

Nevada Public Notice website: www.notice.nv.gov

Department of Business & Industry website: www.business.nv.gov

AGENDA FOR PUBLIC HEARING FOR THE ADOPTION OF THE TEMPORARY REGULATION FOR THE NEW MARKETS JOBS ACT

Agenda

- I. Call to Order and Welcome – Terry J. Reynolds, Director of the Department of Business and Industry (B&I).
- II. Public Comment – may be limited to 3 minutes per speaker.
- III. Introduction and discussion regarding the temporary regulation for the New Markets Jobs Act NRS 231A.
- IV. Consideration of comments received prior to the hearing date (Discussion).
- V. Public Testimony – may be limited to 3 minutes per speaker.
- VI. *Adoption of the temporary regulation for the New Markets Jobs Act by the Director of the Department of Business and Industry. “*For possible action*”
- VII. Public Comment – may be limited to 3 minutes per speaker.
- VIII. *Adjournment. “*For possible action*”

* Items with an asterisk indicate items for possible action

Agenda items may be taken out of order. Two or more agenda items may be combined for consideration. An item may be removed or discussion on an item may be delayed at any time.

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 Business and Industry by calling Karen Schnog at (702) 486-3755, at least 72 hours prior to the meeting date and time.

**TEMPORARY REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

May 28, 2020

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

AUTHORITY:§1 NRS 231A.150.

A TEMPORARY REGULATION revising provisions of the Nevada New Markets Jobs Act to facilitate the creation of a Qualified Low-Income Community Investment by allowing a capital, equity investment or loan to be made directly or indirectly to a Qualified Low-Income Community Business and providing other matters properly relating thereto.

Section 1. 1. For the purposes of NRS 231A.140, a capital or equity investment or loan may be made directly or indirectly to a qualified active low-income community business through one or more special purpose entities.

2. A special purpose entity may not pay any fees in connection with any activity associated with the qualified low-income community investment.

3. For the purposes of this section, a “special purpose entity” means an entity created solely for the purpose to make or otherwise facilitate a qualified low-income community investment in a qualified active low-income community business.

Sec. 2. This regulation applies retroactively to a qualified low-income community investment made on or before the effective date of this regulation.