



**PUBLIC HEARING NOTICE**  
**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the  
Amendment and Adoption of Regulations of the Nevada Arts Council Board,  
as proposed in LCB File No. R099-18**

The Nevada Arts Council Board will hold a public hearing at 1:30 p.m., on the 13th day of December 2019, at 716 North Carson Street, Suite A, Carson City, Nevada 89701 in the Conference Room and via video-conferencing to Nevada Arts Council's Southern Office, 4000 S. Eastern Avenue, Ste 240, Las Vegas, Nevada 89119. The purpose of the hearing is to receive comments from all interested persons regarding the amendment and adoption of regulations that pertain to Chapter 233C of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. The need for and the purpose of the proposed regulation or amendment.**

This regulation is needed to update NAC Chapter 233C generally and to comply with 233B.100. Prior to the current amendment, NAC Chapter 233C has not been amended since 2004.

**2. For a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

**3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2018 and clicking this link:

<https://www.leg.state.nv.us/Register/2018Register/R099-18P.pdf>

The proposed regulation text is also available at [www.nvartscouncil.org](http://www.nvartscouncil.org) or by contacting Cathleen Wyatt at [inforvartscouncil@nevadaculture.org](mailto:inforvartscouncil@nevadaculture.org) or by telephone at 775-687-6680.

**4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

NEVADA ARTS COUNCIL  
Steve Sisolak | Governor  
Tony Manfredi | Executive Director

CAPITAL CITY OFFICE  
716 North Carson St., Ste. A  
Carson City, NV 89701

SOUTHERN NEVADA OFFICE  
4000 S. Eastern Ave., Ste. 240  
Las Vegas, NV 89119

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

This regulation will involve no economic effect on businesses or the public. This regulation will involve no adverse or beneficial effects on businesses or the public. This regulation will also involve no immediate or long-term effects on businesses or the public.

**5. The methods used by the agency in determining the impact on a small business.**

The Nevada Arts Council has reviewed the text of the regulation. Because the regulation creates a process for interested persons to petition the Nevada Arts Council Board for the adoption, filing, amendment or repeal of any regulation and provides some updates to the Nevada Arts Council grant regulations, this regulation will have no impact on small businesses.

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

The Nevada Arts Council Board does not anticipate a cost for the enforcement of the proposed regulation. This proposed regulation creates a process for interested persons to petition the Nevada Arts Council Board for the adoption, filing, amendment or repeal of any regulation. The Nevada Arts Council Board does not anticipate that many petitions will be filed pursuant to the proposed regulation and anticipates deciding any petitions that are filed at regularly scheduled meetings whenever possible and utilizing technology to schedule a meeting by videoconference or teleconference if a special meeting is necessary to decide a petition within the required time frame. The Nevada Arts Council Board already has a grants process and the changes to NAC 233C regarding the grants process will not have a cost to the Nevada Arts Council Board.

**7. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

This regulation does not overlap or duplicate any regulations of other state or local government agencies. This regulation does not overlap or duplicate any federal regulations.

**8. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

This regulation is not required pursuant to federal law.

**9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

This regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity. This regulation deals only with the process for interested persons to petition the Nevada Arts Council Board for the adoption, filing, amendment or repeal of any regulation as required by NRS Chapter 233B.100 and makes minor changes to the Nevada Arts Council's grants process. This regulation does not regulate any activity that is governed by a federal regulation.

**10. Whether the proposed regulation establishes a new fee or increases an existing fee.**

This regulation does not establish a new fee or increase an existing fee. This regulation deals only with the process for interested persons to petition the Nevada Arts Council Board for the adoption, filing,

amendment or repeal of any regulation as required by NRS Chapter 233B.100 and makes minor changes to the Nevada Arts Council's grants process.

**11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.**

This regulation is not a temporary regulation; it is a permanent regulation.

**Persons wishing to comment upon the proposed action of the Nevada Arts Council may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Nevada Arts Council, Attn: Executive Director Tony Manfredi, 716 North Carson Street, Suite A, Carson City, Nevada 89701. Written submissions must be received by the Nevada Arts Council on or before 5:00 p.m. on Thursday, December 5, 2019.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the **Nevada Arts Council Board** may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the 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 regulation to be amended will be available at the following two offices of Nevada Arts Council: 716 North Carson Street, Suite A, Carson City, Nevada; 4000 S. Eastern Avenue, Suite 240, Las Vegas, Nevada, on the Nevada Arts Council's website, [www.nvartscouncil.org](http://www.nvartscouncil.org), [www.notice.nv.gov](http://www.notice.nv.gov) and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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 notice of hearing has been posted at the following locations:

Carson City Library 900 North Roop Street Carson City, Nevada 89701-3101	Lincoln County Library 63 Main Street Pioche, Nevada 89043	Churchill County Library 553 South Main Street Fallon, Nevada 89406-3306
Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399	Mineral County Public Library P.O. Box 1390 Hawthorne, Nevada 89415	Douglas County Public Library 1625 Library Lane Minden, Nevada 89423-0337
Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419	Nevada State Library and Archives 100 N. Stewart Street Carson City, Nevada 89701	Elko County Library 720 Court Street Elko, Nevada 89801-3397
Esmeralda County Library Corner of Crook & 4th Street P.O. Box 430 Goldfield, Nevada 89013-0430	Storey County Treasurer and Clerk's Office Drawer D Virginia City, Nevada 89440	Tonopah Public Library (Nye County) P.O. Box 449 Tonopah, Nevada 89049
Eureka County Library 10190 Monroe Street Eureka, Nevada 89316	Washoe County Library System 301 South Center Street Reno, Nevada 89501-2102	White Pine County Library 950 Campton Street Ely, Nevada 89301
Humboldt County Library 85 East 5th Street Winnemucca, Nevada 89445-3095	Las Vegas-Clark County Library Dist HQ 833 Las Vegas Boulevard North Las Vegas, Nevada 89101	Battle Mountain Branch Library 625 South Broad Street Battle Mountain, Nevada 89820

**PROPOSED REGULATION OF THE BOARD OF  
THE NEVADA ARTS COUNCIL**

**LCB File No. R099-18**

June 12, 2018

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

AUTHORITY: §§1 and 2, NRS 233B.100 and 233C.090; §§3-7, NRS 233C.090.

A REGULATION relating to the Nevada Arts Council; creating provisions governing the procedure for any interested person to petition the Board of the Nevada Arts Council to adopt, file, amend or repeal any regulation; authorizing, in certain situations, the Board to refuse grant approval; requiring the panel selected by the Nevada Arts Council that reviews grant applications to comply with open meeting laws; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Board of the Nevada Arts Council to adopt such regulations as it deems necessary to carry out its powers and duties. (NRS 233C.090)

Existing law authorizes any interested person to petition an agency requesting the adoption, filing, amendment or repeal of any regulation. Existing law requires such a petition to be accompanied with relevant data, views and arguments. Existing law requires, upon the submission of such a petition, an agency to, within 30 days: (1) deny the petition in writing, stating its reasons; or (2) initiate regulation-making proceedings. Existing law requires each agency to prescribe by regulation: (1) the form for such petitions; and (2) the procedure for the submission, consideration and disposition of such petitions. (NRS 233B.100) **Section 2** of this regulation provides that, pursuant to existing law, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation. **Section 2** requires such a petition to: (1) be in writing on a form prescribed by the Board; and (2) include certain information, including any relevant data, views and arguments that support the petition. If a petition does not include such information, **section 2** authorizes the Board to refuse to act on a petition. **Section 2** requires the Board to forward a petition to the Division for the Division's consideration if, upon review, the Board determines that the petition pertains to the regulatory authority of the Division. **Section 2** requires the Board to, within 30 days after the date on which the petitioner filed the petition: (1) notify the petitioner of the Board's decision regarding the petition; and (2) if the Board approves the petition, initiate regulation-making proceedings.

Existing regulations authorize the Nevada Arts Council, upon a violation or willful avoidance of any provision relating to the Nevada Arts Council, to refuse to approve a grant or to withdraw financial support, in whole or in part, after consultation with the applicant or

subgrantee. (NAC 233C.110) **Section 3** of this regulation authorizes, upon a violation of any provision relating to the Nevada Arts Council, the Board to refuse to approve a grant, in whole or in part, after notifying the applicant in writing.

Existing regulations require a panel that is selected by the Nevada Arts Council to review the application for a grant from the Nevada Arts Council and make a recommendation to the Board regarding that application. (NAC 233C.040) **Section 5** of this regulation requires the panel selected by the Nevada Arts Council to comply with the provisions of the open meeting law and conduct all meetings of the panel to review the application for a grant in accordance with the open meeting law.

Existing regulations provide that a person may obtain on the Internet a copy of the grant guidelines approved by the Board, any proposed substantive changes to the panel review process and the grants management packet. (NAC 233C.030, 233C.040 and 233C.100) **Sections 4, 5 and 6** of this regulation update the Internet address from which a person may obtain such copies.

Existing regulations provide certain procedural rules concerning the scheduled meetings of the Board. (NAC 233C.015) **Section 7** of this regulation repeals these rules.

**Section 1.** Chapter 233C of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2. 1.** *Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.*

*2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:*

- (a) The name and address of the petitioner;*
- (b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;*
- (c) The proposed language of the regulation to be adopted, filed, amended or repealed;*
- (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;*
- and*
- (e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.*

*3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.*

*4. The Board will review a petition for the adoption, filing, amendment or repeal of a regulation which is filed pursuant to this section and will determine, after conducting such a review, if the petition pertains to the regulatory authority of the Board. If the Board determines that the petition pertains to the regulatory authority of the Division, the Board will:*

*(a) Forward the petition to the Division for consideration by the Division; and*

*(b) Notify the petitioner in writing that the Board forwarded the petition to the Division.*

*5. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.*

**Sec. 3.** *Upon a violation of any provision contained in this chapter, the Board may refuse to approve a grant, in whole or in part, after notifying the applicant in writing.*

**Sec. 4.** NAC 233C.030 is hereby amended to read as follows:

233C.030 1. The Board will approve grants in accordance with the grant guidelines approved by the Board.

2. The Division shall make any proposed substantive change to the grant guidelines available for public review and comment at least 2 weeks before the approval of the changes by the Board.

3. An application for a grant must be completed in accordance with the grant guidelines approved by the Board for the type of grant for which the applicant is applying. The ***Board will***

*make available the* grant guidelines ~~{will be available}~~ not less than 3 months before the announced deadline for filing the application.

4. If an application is received by the Division after the announced deadline for filing, the *Board will not consider the* application ~~{will not be considered}~~ and ~~{will be returned}~~ *the Division shall return the application* to the applicant.

5. A copy of the grant guidelines approved by the Board may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at ~~{<http://www.culturegrants-nv.org/>}~~  
<http://nvculture.org.nevadaartscouncil/grants/>.

**Sec. 5.** NAC 233C.040 is hereby amended to read as follows:

233C.040 1. The Division will examine each application for completeness, accuracy and compliance with the grant guidelines applicable to the type of grant for which the applicant is applying.

2. A panel selected by the Division will review the application and make a recommendation to the Board in accordance with the grant guidelines and the panel review process approved by the Board for the type of grant for which the applicant is applying.

3. The panel shall base the review solely on the application materials submitted by the applicant, including the application form, narrative, budget and any supplemental material that conforms to the grant guidelines applicable to the type of grant for which the applicant is applying.

4. An applicant is not required to attend the meeting of a panel to review the application of the applicant, and an absence from the meeting will not prejudice the review of the application by the panel.

5. *The panel selected by the Division shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings of the panel to review the application of the applicant in accordance with that chapter.*

6. The Division shall make any proposed substantive change to a panel review process available for public review and comment at least 4 weeks before the Board acts to approve the change. A copy of the proposed substantive change may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at ~~<http://www.culturegrants-nv.org/>~~.

~~—6.†~~ <http://nvculture.org/nevadaartscouncil/grants/>.

7. The Board will review the recommendation of the panel and the review process used by the panel, and the Board will vote to determine whether to approve the grant and the amount of any grant so approved.

**Sec. 6.** NAC 233C.100 is hereby amended to read as follows:

233C.100 1. A grantee must comply with all requirements set out in the grants management packet provided by the Division.

2. The Division will make any proposed substantive change to the grants management packet available for public review and comment at least 2 weeks before the Board acts to approve the change. A copy of the grants management packet may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at ~~<http://www.culturegrants-nv.org/>~~.

<http://nvculture.org/nevadaartscouncil/grants/>.

3. A grantee must file a final report form with the Division in accordance with the grant guidelines and the grants management packet. If a grantee fails to file a final report form, the



Division will notify the grantee in writing that the grant application does not comply with the grant guidelines and the grants management packet. The Division will not accept a new grant application from an applicant that does not comply with the grant guidelines and the grants management packet.

4. A grantee shall notify the Division of any proposed change to a program or project that was outlined in the application of the grantee. The Division must give approval for the proposed change before the grantee may make the proposed change.

5. A grantee shall notify the Division of any change in the essential personnel involved in a program or project.

6. A grant may be terminated or reduced by the Division 15 days after the Division gives notification to the grantee that the grant application does not comply with the grant guidelines and the grants management packet, that there have been changes to the budget of the Division or as directed by the Office of the Governor. The termination or reduction does not affect any commitment which, in the judgment of the Division, has become firm before the effective date of the termination.

7. The records of a project or program, including, without limitation, a copy of the original application, financial records, supporting documents and any other record related to the grant, must be retained by a grantee and made available for review by the Division for at least 3 years after the completion of the project.

**Sec. 7.** NAC 233C.015 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**233C.015 Scheduled meetings of the Board: Mailing of agenda to members; consideration of material submitted after mailing of agenda.** 1. The Administrator shall mail a copy of the agenda and any supporting documents to each member of the Board at least 10 days before a scheduled meeting of the Board.

2. The Board may wait until the next meeting of the Board to consider any material that is submitted to the Administrator after the Administrator has mailed a copy of the agenda for a scheduled meeting to the members of the Board.