

INFORMATIONAL STATEMENT
LCB No. R009-12
May 15, 2014

NRS 233B.066 Informational statement required concerning adopted permanent or temporary regulation; contents of statement.

1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

(a) A clear and concise explanation of the need for the adopted regulation.

As a result of the passage of AB 358, the definition of "Portable Buildings" (NRS489.133) and the requirement for the administrator to develop related regulation (NRS489.262) for the installation and construction of portable buildings were introduced. The directive from the Legislature (NRS 489.262) requires the Division to clarify the safety standards through regulation.

This adopted regulation defines the process and required documentation to be submitted for inspections of a Portable Building to be compliant with the regulatory safety standards which also includes those published by the International Code Council.

(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

The administrator collaborated closely with industry in the drafting of AB358 and worked closely with industry in the development of the proposed regulations to insure appropriate safety standards for Portable Buildings that would insure public safety yet business friendly in application. Group meetings and individual discussions with industry constituents who would be directly affected by the regulation were held on many occasions. It should be noted that the industry group that will most be affected by this regulation, consists of less than 10 licensed Commercial Coach Dealers, statewide. Related analysis and the development of the proposed regulation was a result of the collaborative meetings with this industry group.

Additionally, the Division conducted two public workshops addressing the development of the regulation: One in Las Vegas, video conferenced to Carson City and the one in Carson City, video conferenced to Las Vegas. Notices for these workshops were sent to 430 licensees and interested parties.

At the request of the Legislative Commission, the Division held a 3rd workshop on March 27, 2014, to review the proposed regulation again. With the 430 notices sent to licensees and interested parties, the Division included a questionnaire requesting constituents suggestions regarding the regulation.

Questionnaires mailed – 430 Questionnaires returned - 8	Y ES	N O	Can not Ans wer	SUGGES TIONS
1. Are you in favor of this proposed regulation?	3	3	2	
2. Please list suggestions regarding this regulation.				0

A copy of this summary of the public response and all related documents for this proposed regulation can be found on the Manufactured Housing Division website at mhd.nv.gov.

(c) The number of persons who:

- (1) Attended each hearing: 31**
- (2) Testified at each hearing: 6**
- (3) Submitted to the agency written statements: 1**

(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:

- (1) Name:** *Gene Temen*
- (2) Telephone number:** *775-742-2053*
- (3) Business address:** *P.O. Box 7417, Reno, NV 89510*
- (4) Business telephone number:** *775-359-4688*
- (5) Electronic mail address:** *gene@quickspacenevada.com*
- (6) Name of entity or organization represented:** *Quick Space*

(e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The administrator reached out to the industry and interested parties to determine if the proposed safety standards relating to the installation and construction of portable buildings would have an impact on their business. Through direct contact with interested parties, conducting two public workshops and a hearing, the public's comments and feedback were positive and consistent with what industry desires while also insuring public safety.

A copy of this summary of the public response and all related documents for this proposed regulation can be found on the Manufactured Housing Division website at mhd.nv.gov.

(f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were necessary for the adopted regulation, since the only industry feedback was a testimony and a written statement submitted at the hearing. The constituent's testimony was taken into consideration and it was determined that it did not impose a significant business impact.

(g) 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:

(1) Both adverse and beneficial effects; and

- **Adverse effects** – *The Division does not anticipate an adverse effect on small businesses, since the \$50 fee that is mentioned in the proposed regulation is not a new fee for portable building owners. Because owners will not be required to purchase certificate of installations and labels each time the building is moved, there may be a reduction of business for MHD licensed installers, who would otherwise be hired to perform an installation.*
- **Beneficial effects** – *Prior to the enrollment of AB358, on June 2, 2011, a fee of \$50 was charged for each certificate and label of installation each time a building was moved. With the adoption of R009-12 the cost of purchasing certificate of installation and label will be greatly reduced since the Division will only be charging this same fee every two years instead of each time the portable building is moved. According to industry, these types of buildings are moved frequently.*

(2) Both immediate and long-term effects.

- **Immediate Effect** - *The immediate economic effect will be positive for industry and the end user resulting in a lower cost and more self regulated approach to the installation of portable buildings.*
- **Long-term Effect** - *The long-term economic effect will be positive for industry and the end user resulting in a lower cost and more self regulated approach to the installation of portable buildings.*

(h) The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost will be incurred by the Division to enforce this regulation. All Division fees are calculated to reimburse the Division staff for the time and material expended to perform the requirements of the regulation.

(i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This proposed regulation does not overlap with any other state or federal regulations.

(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provisions that are more stringent than a federal regulation.

(k) If the 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.

There is not a new fee in this regulation. The existing fee, pursuant to NAC 489.380(b), will be charged once every two years instead of each time the building is moved.

2. The requirements of paragraphs (b) to (f), inclusive, of subsection 1 do not apply to emergency regulations.

This is not an emergency regulation.