

Informational Statement
LCB File No. R118-12. Public Records

1. A clear and concise explanation of the need for the adopted regulation.

- (a) The need for this regulation is to meet the requirements of Assembly Bill (“AB”) 10 of 2011, which authorizes the State Library and Archives Administrator, pursuant to NRS 378.255, to create electronic recordkeeping regulations which governmental entities must comply. NRS 239.051
- (b) To add new language and amend current provisions related to the management of records for agencies of the Executive Department and local governmental entities.
 - a. New language was added to:
 - Define and describe an Electronic recordkeeping system.
 - Define administrative value of records of an agency.
 - b. Amended language was added to:
 - Change the name of the agency designee from records officer to records official and to expand the duties of the position, in accordance with NRS 239.008.
 - Updates and streamlines the requirements of a records management program of a state agency.
 - Change the definition certain records descriptions so the definitions are in agreement with how the records are appraised and scheduled.
 - Update the environmental requirements for records storage areas for records of a state agency.
 - Update procedures for sealing of records to include electronic records.
 - Update the definition of “nonrecord” to eliminate outdated terminology.
 - c. Repealed language includes:
 - The definition of “Public record”, as used to describe the records of a local governmental entity which must be scheduled for retention, according to NRS 239.125.
 - Preapproval from the Administrator before and agency can purchase micrographics and imaging equipment.

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of public records as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Library and Archives (NSLA), posted on LCB’s Administrative Regulation Notices board, emailed to all county libraries in Nevada, and posted at the following locations:

Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV

On December 23, 2013, the Administrator of the Nevada State Library and Archives issued a Notice of Intent to Act Upon a Regulation.

A workshop was held by NSLA, in the hearing rooms of the Nevada Insurance Division in Carson City and Las Vegas, to review the regulations pursuant to NAC 348A.280 on December 10, 2012. The minutes of that Workshop, attached hereto, contain a summary of the discussion held regarding the proposed regulation.

A public hearing was held on January 30, 2014. All public comments from the Workshop were presented and discussed and the proposed amendments were incorporated, based on the suggestions of the parties attending the December 10, 2012 Workshop. The minutes of that Hearing, attached hereto, contain a summary of the discussion held regarding the proposed regulation.

A summary of the public response to the proposed regulation is attached hereto. Additional copies of the summary and copies of the proposed regulations may be obtained from the Nevada State Library and Archives, Records Management program at 100 N. Stewart St., Carson City, NV 89701, 775-684-3411, records@admin.nv.gov.

3. The number persons who:

- (a) Attended Workshop: December 10, 2012: 53
- (b) Testified at Workshop: December 10, 2012: 14
- (c) Submitted to the agency written comments: 0
- (d) Attended Hearing: January 30, 2014: 20
- (e) Testified at Hearing: January 30, 2014: 5

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

December 10, 2012 Workshop

Scott	Anderson	Secretary of State	775-684-5711	scotta@sos.nv.gov
Charlotte	Bible	Las Vegas Metro Police Department	702-828-3310	
Larry	Burtness	Washoe County Recorder	775-326-6032	lburtness@washoecounty.us
Julie	Butler	Department of Public Safety-Records Bureau	775-684-6201	jbutler@dps.state.nv.us
Andrea	Cox	City of Henderson	702-767-1415	

Lori	Dunn	Las Vegas Metro Police Department	702-828-4483	l7263d@lvmpd.com
Alan	Glover	Carson City Recorder	775-887-2260	aglover@carson.org
Catherine	Krause	Department of Public Safety-Technology	775-684-4726	Ckrause@dps.state.nv.gov
Sharon	Kuhns	City of Las Vegas	702-229-6968	
Jasmine	Mehta	Attorney General		
Bambi	Pilley	Las Vegas Metro Police Department	702-828-4168	b5020p@lvmpd.com
Steven	Sweikert	Clark County District Attorney	702-445-4761	sweikes@co.clark.nv.us
Hillary	Velado	Henderson Police Department	702-400-4957	Hillary.velado@cityofhenderson.com
Kevin	Weiss	Nevada Division of Environmental Protection	775-687-9324	kweiss@ndep.nv.gov

Hearing January 30, 2014

Charlotte	Bible	Las Vegas Metro Police Department	702-828-3310	c9479@lvmpd.com
Donna	DiCarlo	City of Sparks		
Bambi	Pilley	Las Vegas Metro Police Department	702-828-4168	s5020p@lvmpd.com
Hillary	Velado	City of Henderson	702-400-4957	hillary.velado@cityofhenderson.com
Mercedes	Ward	Clark County	702-455-5161	wardm@clarkcounty.nv.gov

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

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses, therefore comments were not solicited from the small business. Comments were solicited from affected businesses in the same manner as they were solicited from the public.

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

All comments of the proposed regulation were thoughtfully considered by the Administrator. Not all requests for changes were accepted by the Administrator. A summary of the comments is attached hereto.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. There is no economic effect on the agencies. There is no economic effect on the public.

(b) Both immediate and long-term effects.

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. There is no immediate or long-term economic effect on the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There are no estimated costs to the State Library and Archives for enforcement of the proposed regulation amendments. All impacts can be absorbed within existing staff and resources.

8. 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, identify the name of the regulating federal agency.

The proposed regulation is not required pursuant to any federal law; the proposed regulation does not overlap that of any other state, local, or federal government agency.

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

N/A

11. 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.

No fees are included in this regulation.

12. Is the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. The proposed regulation only applies to activity by state government officials and imposes no direct requirements on any private businesses.

The following are available from the State Library and Archives and in the Nevada Register of Administrative Regulations:

Attachment 1: Minutes of Workshop, December 10, 2012

Attachment 2: Workshop sign-in sheet

Attachment 3: Workshop Comments Summary

Attachment 4: Minutes of Hearing, January 30, 2014

Attachment 5: Hearing sign-in sheet