

**STATE AGENCY REGULATIONS TO BE REVIEWED
BY THE LEGISLATIVE COMMISSION**

OCTOBER 28, 2025

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	NAC	AGENCY/ SUBJECT
2024 REGULATIONS		
R016-24	384	COMSTOCK HISTORIC DISTRICT COMMISSION A REGULATION revising various provisions relating to the Comstock Historic District Commission CONTACT Robin Reed (775) 684-3437 rreed@shpo.nv.gov
R027-24	432B	DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES A REGULATION establishing provisions relating to the Extended Young Adult Support Services Program CONTACT Marla McDade-Williams (775) 684-4204 mmcdade@dcfs.nv.gov
R058-24	388	STATE BOARD OF EDUCATION A REGULATION revising provisions relating to individualized educational plans CONTACT Alicia Briancon (775) 443-5519 alicia.briancon@doe.nv.gov
R103-24	432B	DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES A REGULATION establishing various provisions relating to the care of children CONTACT Marla McDade-Williams (775) 684-4204 mmcdade@dcfs.nv.gov
R107-24	442	STATE BOARD OF HEALTH A REGULATION repealing provisions requiring the Chief of the Bureau of Children's Services to inform Bureau employees of regulations relating to confidential materials CONTACT Vickie Ives (775) 684-5850 vives@health.nv.gov
R149-24	445A	STATE ENVIRONMENTAL COMMISSION A REGULATION establishing criteria for algal toxins CONTACT Jason Kuchnicki (775) 687-9450 kuchnicki@ndep.nv.gov

R180-24	369	NEVADA TAX COMMISSION A REGULATION establishing provisions requiring certain designated agents to obtain a certificate of compliance before exporting certain goods CONTACT Kari Skalsky (775) 684-2041 kskalsky@tax.state.nv.us
R190-24	645B	COMMISSIONER OF MORTGAGE LENDING A REGULATION establishing provisions relating to remote locations of mortgage companies CONTACT Jennifer Hill (702) 486-0542 j.hill@mld.nv.gov
R198-24	432/432B	DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN SERVICES A REGULATION repealing provisions relating to records and plans CONTACT Marla McDade-Williams (775) 684-4204 mmcdade@dcfs.nv.gov
R200-24	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to sanctioned sports CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
2025 REGULATIONS		
R003-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to penalties CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
R007-25	636	NEVADA STATE BOARD OF OPTOMETRY A REGULATION revising provisions relating to continuing education CONTACT Adam Schneider (775) 883-8367 director@nvoptometry.org
R008-25	636	NEVADA STATE BOARD OF OPTOMETRY A REGULATION revising provisions relating to associations CONTACT Adam Schneider (775) 883-8367 director@nvoptometry.org
R012-25	455C	DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY A REGULATION revising provisions relating to brazed plate heat exchangers CONTACT Amber Williams (702) 486-9072 amwilliams@dir.nv.gov

R013-25	502	BOARD OF WILDLIFE COMMISSIONERS A REGULATION revising provisions relating to bonus points associated with junior hunts CONTACT Alejandra Medina (775) 688-1510 amedina@ndow.org
R016-25	389	STATE BOARD OF EDUCATION A REGULATION implementing provisions of AB 38 (2021) establishing the Advisory Technical Skills Committee CONTACT Alicia Briancon (775) 443-5519 alicia.briancon@doe.nv.gov
R019-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION establishing provisions relating to procedures for sanctioning new sports CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
R022-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to the payment of membership dues CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
R024-25	501	BOARD OF WILDLIFE COMMISSIONERS A REGULATION revising provisions relating to demerits CONTACT Alejandra Medina (775) 688-1510 amedina@ndow.org
R025-25	445A	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions relating to drinking water CONTACT Andrea Seifert (775) 687-9526 ASeifert@ndep.nv.gov

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**ADOPTED REGULATION OF THE
COMSTOCK HISTORIC DISTRICT COMMISSION**

LCB File No. R016-24

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

AUTHORITY: §§ 1-3, NRS 384.050 and 384.090; §§ 4, 11 and 13, NRS 384.090; § 5, NRS 384.080, 384.090, 384.115 and 384.190; §§ 6 and 7, NRS 384.060 and 384.090; § 8, NRS 384.090 and 384.100; § 9, NRS 384.090 and 384.110; § 10, NRS 384.090 and 384.140; § 12, NRS 384.090 and 384.190.

A REGULATION relating to the Comstock Historic District; eliminating the offices of Secretary and Treasurer of the Comstock Historic District Commission; requiring money due and payable to the Commission to be deposited in the Account for the Comstock Historic District; transferring certain duties of the Treasurer to the Chair of the Commission; revising the powers and duties of the Chair and Vice Chair of the Commission; revising the qualifications of members of an architectural committee; renaming the Office Manager employed by the Commission as the District Officer; establishing the duties of the District Officer; revising requirements related to meetings of the Commission; revising a map of the boundaries of the Historic District; revising requirements relating to an application for a certificate of appropriateness; requiring the Commission to consider certain standards when determining whether to issue a certificate of appropriateness; revising requirements relating to a preapplication review conducted by the Commission; clarifying the powers of a county or city building inspector designated by the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Comstock Historic District Commission and requires the Commission to establish a historic district in certain areas of Storey and Lyon Counties. Existing law also: (1) prescribes the procedure for the establishment of a historic district; and (2) authorizes the Commission to alter or change the boundaries of the historic district by following the same procedure as provided for the establishment of a historic district. (NRS 384.040, 384.100) Existing regulations set forth a map of the boundaries of the Historic District, as originally established. (NAC 384.150) **Section 8** of this regulation revises the map in accordance with alterations or changes made to the boundaries of the Historic District. **Section 8** additionally provides: (1) a written description of the boundaries of the Historic District; and (2) that, if a conflict exists between the map and written description, the map prevails.

Existing law grants the Commission various powers and duties related to the preservation and protection of any historic district established by the Commission. (NRS 384.080) Existing law additionally creates the Account for the Comstock Historic District in the State General Fund and requires the money deposited in the Account to be expended only for the maintenance of the Commission or to carry out the program of historic preservation and restoration within the District. (NRS 384.170) Existing regulations require the Commission to elect or appoint a Chair, a Vice Chair, a Secretary and a Treasurer and set forth the powers and duties of those officers. (NAC 384.020-384.080) **Section 1** of this regulation eliminates the offices of Secretary and Treasurer of the Commission. **Sections 2 and 13** of this regulation make conforming changes related to the elimination of these offices. **Section 2** transfers certain duties of the Treasurer to the Chair and **section 3** of this regulation authorizes the Vice Chair to perform such duties on behalf of the Chair. **Section 2** further requires the Chair, or his or her designee, to deposit money due and payable to the Commission in the Account. Under existing regulations, the Chair of the Commission is required to supervise and control all of the business and affairs of the Commission. (NAC 384.040) **Section 2** removes this requirement.

Existing law authorizes the Commission to appoint any committees and subcommittees necessary to carry out its duties. (NRS 384.090) Existing regulations authorize the Commission to appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design, particularly as it relates to the architectural design and engineering methods used between 1865 and 1880. (NAC 384.090) **Section 4** of this regulation removes the requirement for such experience, thereby authorizing the Commission to appoint any person who has expertise and background in architecture, engineering or design to an architectural committee.

Existing law authorizes the Commission to employ such personnel as the Commission deems necessary to carry out its duties. (NRS 384.080) Existing regulations: (1) authorize the Commission to employ an Office Manager; and (2) prescribe the duties of a person so employed. (NAC 384.110) **Section 5** of this regulation renames the Office Manager as the District Officer and sets forth the duties of the District Officer, including certain duties previously performed by the Secretary of the Commission.

Existing law authorizes the Commission to establish requirements related to meetings of the Commission. (NRS 384.060) Existing regulations require the Commission to meet on the first Tuesday of each month. (NAC 384.120) **Section 6** of this regulation instead requires the Commission to hold at least one regular meeting each month unless: (1) inclement weather or other uncontrollable circumstances make it impossible, impracticable or inadvisable for the Commission to meet; (2) a quorum of members is unable to meet; or (3) the Chair determines that there is not sufficient business to warrant meeting.

Existing regulations: (1) authorize the Commission to hold special meetings; and (2) require that written notice of any such meeting be delivered personally or sent by mail or telegram to each Commissioner. (NAC 384.120, 384.130) **Section 7** of this regulation eliminates the option to deliver the notice by telegram and authorizes the electronic transmission of the notice.

In general, existing law requires a person to obtain a certificate of appropriateness from the Commission before building or altering a structure within the Historic District. Under existing law, an application for a certificate of appropriateness must be accompanied by such plans,

specifications and other material as the Commission prescribes. (NRS 384.110) Existing regulations require that each application for a certificate of appropriateness be accompanied by drawings or plans of the proposed alteration, additions or changes. (NAC 384.160) **Section 9** of this regulation instead requires that each application be accompanied by a written description of the proposed alteration, additions or changes. **Section 9** also removes a requirement that certain applications for a certificate of appropriateness be accompanied by certain photographs. Finally, **section 9** authorizes the Commission to require an applicant to submit any additional information, documentation, drawings or photographs necessary to determine whether to issue a certificate of appropriateness to the applicant.

Existing law requires the Commission to consider certain factors in determining whether to issue a certificate of appropriateness. (NRS 384.140) **Section 10** of this regulation revises the principles that the Commission must consider when determining whether to issue a certificate of appropriateness. (NAC 384.170)

Existing regulations provide for the preapplication review of certain preliminary materials by the Commission. (NAC 384.180) **Section 11** of this regulation eliminates a requirement that certain notice be given to the Commission before a preapplication review.

Existing law prescribes the powers of a building inspector or other similar authority employed by the Commission. (NRS 384.190) Existing regulations authorize the Commission to designate a county or city building inspector to perform certain duties within the Historic District. (NAC 384.190) **Section 12** of this regulation clarifies the powers granted to a county or city building inspector so designated. Finally, **section 13** eliminates the authorization for certain officers of the Commission to enter into contracts or sign checks on behalf of the Commission.

Section 1. NAC 384.020 is hereby amended to read as follows:

384.020 1. The officers of the Commission consist of a Chair ~~+, a~~ **and** Vice Chair , ~~+, a~~
~~Secretary and a Treasurer, +~~ as determined by the Commission.

2. The Commission may elect or appoint such other officers as it deems desirable. These officers shall perform the duties prescribed from time to time by the Commission.

3. Any two or more offices may be held by the same person, except the Office of Chair.

Sec. 2. NAC 384.040 is hereby amended to read as follows:

384.040 1. The Chair is the principal executive officer of the Commission . ~~and shall~~
~~supervise and control all of the business and affairs of the Commission.~~

2. The Chair shall preside at all meetings of the Commission.

3. The Chair may sign, with the ~~{Secretary, or any other proper officer of the Commission authorized by the Commission,}~~ *Vice Chair*, any deeds, mortgages, bonds, contracts, or other instruments which the Commission has authorized to be executed, except in cases where the signing and execution is expressly delegated by the Commission, or by statute, to some other officer or agent of the Commission.

4. The Chair shall perform the duties incident to his or her office and such other duties as may be prescribed by the Commission from time to time.

5. The Chair, or his or her designee, has charge and custody of and is responsible for all funds and securities of the Commission. The Chair, or his or her designee, shall receive and give receipts for money due and payable to the Commission from any source whatsoever and shall deposit all such money in the name of the Commission in the Account for the Comstock Historic District created by NRS 384.170.

Sec. 3. NAC 384.050 is hereby amended to read as follows:

384.050 1. In the absence of the Chair, or in the event of his or her inability or refusal to act, as determined by a majority of the Commission, the Vice Chair shall perform the duties of the Chair.

2. When acting as Chair, the Vice Chair has all the powers of and is subject to all the restrictions upon the Chair.

3. The Vice Chair shall perform such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

4. The Vice Chair may perform any of the actions described in subsection 5 of NAC 384.040 on behalf of the Chair.

Sec. 4. NAC 384.090 is hereby amended to read as follows:

384.090 1. The Commission, by resolution adopted by a majority of the Commissioners, may designate one or more committees, each of which must consist of two or more Commissioners.

2. The committees, to the extent provided in the resolution, have and shall exercise the authority of the Commission and the management of the Commission; but the designation of such committees and the delegation of authority to them does not operate to relieve the Commission or any individual Commissioner of any responsibility imposed upon the Commission or the Commissioner by law.

3. The Commission may appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design . ~~It particularly as it relates to the architectural design and engineering methods used and employed in the Comstock Era between 1865 and 1880.~~ This committee's purpose is to advise and consult with the Commission on applications for certificates of appropriateness, make recommendations to the Commission, and perform such other duties and functions as the Commission deems advisable. The members of this committee need not be members of the Commission.

4. Other committees not having and exercising the authority of the Commission may be designated by a resolution adopted by the Commission. Except as otherwise provided in the resolution, the members of such a committee need not be members of the Commission. The Chair shall appoint the members of the committee. Any member of the committee may be removed by the Chair whenever in his or her judgment the best interests of the Commission will be served by the removal.

Sec. 5. NAC 384.110 is hereby amended to read as follows:

384.110 1. The Commission may employ ~~{an Office Manager}~~ *a District Officer* to ~~{supervise all}~~ *carry out the powers and duties described in subsections 2 and 3.*

2. The District Officer shall:

(a) Supervise:

(1) The office and day-to-day {routine} operations of the Commission {-supervise the} ;

(2) Any personnel employed by the Commission pursuant to NRS 384.080; and

(3) Any building inspectors {and handle violations.

~~—2. The Office Manager shall advise}~~ *designated by the Commission pursuant to NAC 384.190;*

(b) Advise the Commission of pending business and applications ~~{and report} ;~~

(c) Report violations ~~+~~

~~—3. The Office Manager shall interview}~~ *of this chapter or NRS 384.010 to 384.210, inclusive, and handle any such violations in any manner required by the Commission;*

(d) Interview and advise applicants according to law and practice, ~~{and shall advise them}~~ *including, without limitation, advising applicants of approved standards and details ~~+~~*

~~—4. The Office Manager shall review} ;~~

(e) Review applications for presentation to meetings of the Commission ;

(f) Keep the minutes of the meetings of the Commission in one or more books provided for that purpose;

(g) See that all notices are given in accordance with the provisions of this chapter or as required by law;

(h) Be custodian of the records of the Commission, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the library of the Commission;

(i) Keep a register of the mailing address of each member of the Commission; and ~~shall perform~~

(j) Perform such other duties as the Commission from time to time may assign.

3. The District Officer may:

(a) Issue certificates of appropriateness on behalf of the Commission in accordance with NRS 384.115; and

(b) Exercise the powers granted to a building inspector or similar authority by NRS 384.190.

Sec. 6. NAC 384.120 is hereby amended to read as follows:

384.120 1. ~~{Regular meetings of the Commissioners must be held}~~ *Except as otherwise provided in subsection 2, the Commission will hold a regular meeting at least once each month* at the Office of the Commission in Virginia City . ~~{on the first Tuesday of each month.}~~

2. The requirements of subsection 1 do not apply if:

(a) Inclement weather or other uncontrollable circumstances make it impossible, impracticable or inadvisable for the Commission to meet;

(b) A quorum of members is unable to meet; or

(c) The Chair determines that there is not sufficient business to warrant meeting.

~~{2-}~~ 3. Special meetings of the Commissioners may be called by or at the request of the Chair or two Commissioners. The Chair shall fix the time of the special meeting and the place of the meeting, which may be within or without the Historic District.

~~{3-}~~ 4. If less than a majority of Commissioners are present, a majority of the Commissioners present may adjourn a meeting from time to time without further notice.

Sec. 7. NAC 384.130 is hereby amended to read as follows:

384.130 1. ~~{Notice}~~ *Written notice* of a special meeting of the Commission must be given at least 7 days before the meeting . ~~{by-written}~~ *The notice* ~~{delivered}~~ *must be:*

(a) Delivered personally ~~{or-sent}~~ *to each Commissioner;*

(b) Sent by *regular* mail ~~{or-telegram}~~ to each Commissioner, at his or her address as shown on the records of the Commission ~~{-}~~ *; or*

(c) Transmitted by electronic mail.

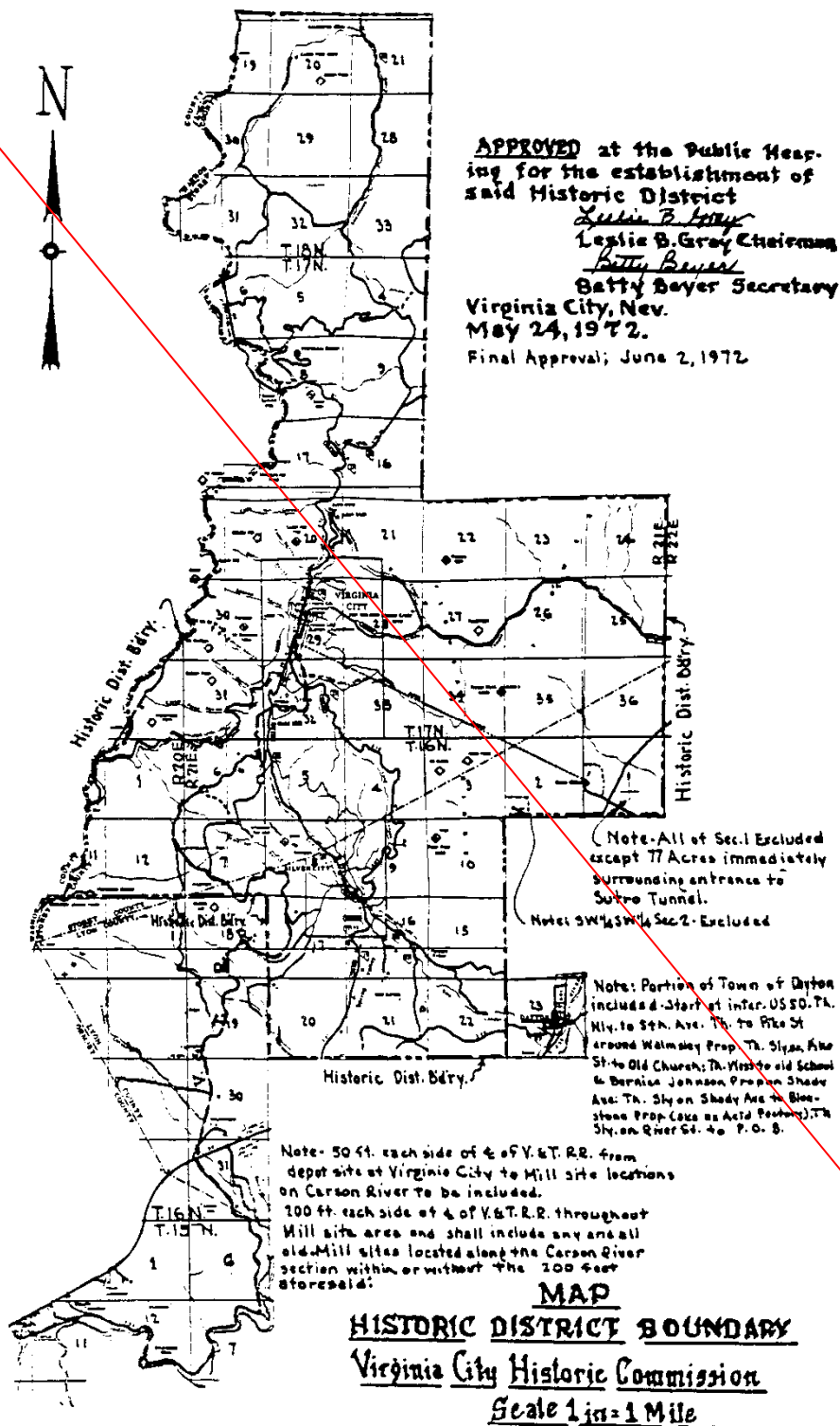
2. Any Commissioner may waive notice of any meeting.

3. A Commissioner's attendance at a meeting constitutes a waiver of notice, except where the Commissioner attends for the express purpose of objecting to the transaction of business because it was not lawfully called.

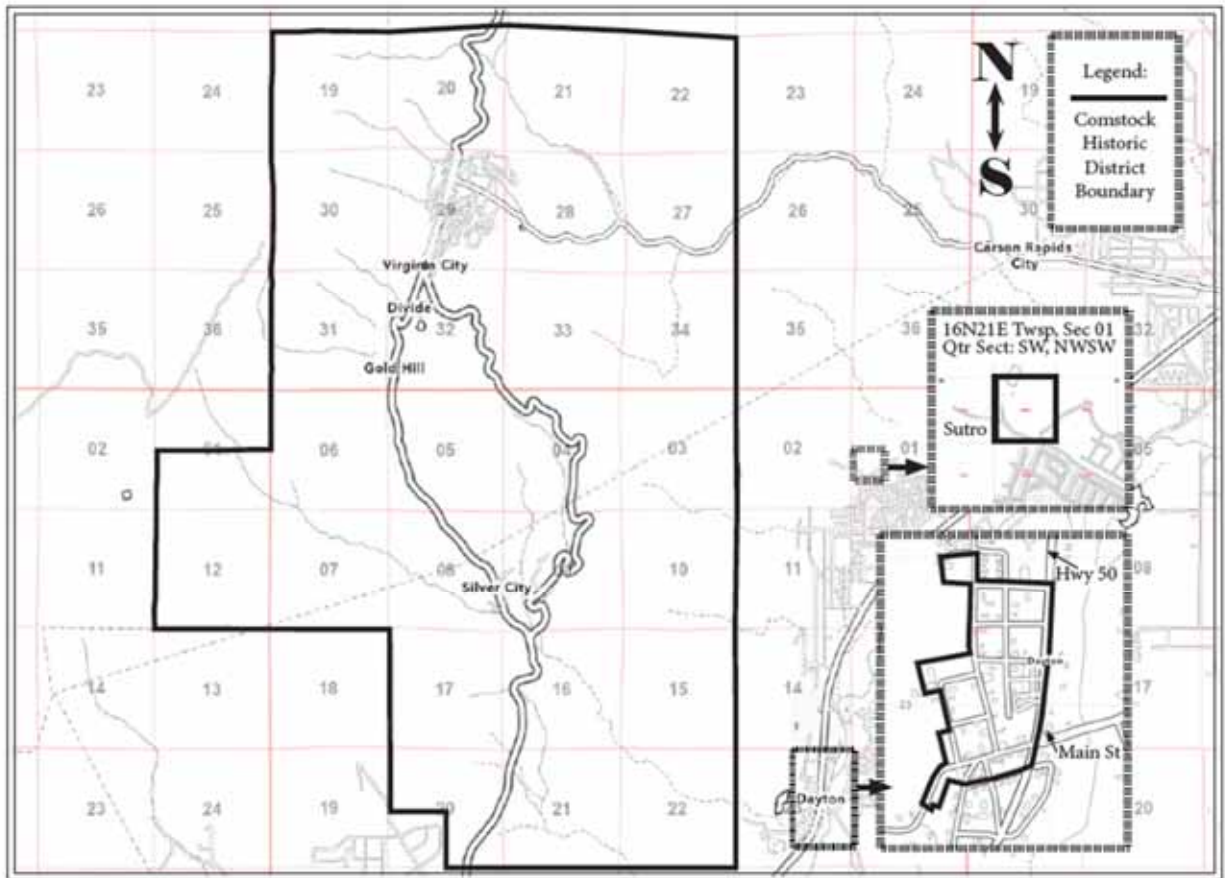
4. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

Sec. 8. NAC 384.150 is hereby amended to read as follows:

384.150



1.



2. The boundaries of the Historic District include all portions indicated on the map included in subsection 1 that are located within Storey and Lyon counties east of the Washoe County line and situated within:

(a) Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, T. 17 N., R. 21 E., M.D.B. & M.;

(b) Section 12 and S 1/2 of section 1, T. 16 N., R. 20 E., M.D.B. & M.;

(c) Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 21, 22 and N 1/2 and SE 1/4 of section 20, T. 16 N., R. 21 E., M.D.B. & M.;

(d) The NW 1/4 of the SW 1/4 of section 1, T. 16 N., R. 21 E., M.D.B. & M. that surrounds the entrance to Sutro Tunnel; and

(e) The portions of Old Town Dayton located within section 23, T. 16 N., R. 21 E., M.D.B. & M.

3. If a conflict occurs between the map included in subsection 1 and the description of the boundaries of the Historic District set forth in subsection 2, the boundaries of the Historic District set forth in the map included in subsection 1 prevail.

Sec. 9. NAC 384.160 is hereby amended to read as follows:

384.160 1. The Commission will prepare and make available applications for certificates of appropriateness to applicants desiring to erect, reconstruct, alter, restore, move or demolish any structure within the *Historic* District, and may establish a reasonable fee to cover the cost of processing an application.

2. The Commission may issue guidelines or bulletins and instruction sheets from time to time setting forth the general policies of the Commission, design criteria, projects or work that may be undertaken without a certificate of appropriateness, and such other information and data which the Commission deems necessary to better inform and assist applicants in submitting their applications for such certificates. *The guidelines, bulletins or instruction sheets issued pursuant to this subsection may include, without limitation, specific information concerning requirements related to exterior signage within the Historic District.*

3. All applications for certificates of appropriateness must be filed with the Office of the Commission and must remain a part of its records.

4. Every application must be accompanied by *a written description of the proposed alteration, additions or changes and may include, without limitation,* drawings or plans of the proposed alteration, additions or changes, ~~{and for new construction of buildings or property use,}~~ signed by the person, architect, or draftsman who prepared them. ~~{As used in this subsection, “drawing” means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site lay-out, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.}~~

5. *The Commission may require an applicant to submit any additional information, documentation, drawings or photographs necessary to make a determination regarding the application.*

6. In the case of an application to alter or add to a structure within the *Historic* District, the application ~~{must}~~ *may* be accompanied by legible photographs of all sides of the structure. In the case of applications for demolition of structures, the applicant shall submit legible photographs of all sides of the ~~{building}~~ *structure* under consideration and photographs showing contiguous properties. In the case of an application to construct a new building in the *Historic* District, the application ~~{must}~~ *may* be accompanied by legible photographs of the adjoining properties. *In accordance with subsection 5, the Commission may require an applicant to submit any photographs described in this subsection.*

7. *As used in this section, “drawing” means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural*

design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site layout, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

Sec. 10. NAC 384.170 is hereby amended to read as follows:

384.170 ~~{1.—Preservation is the first responsibility of}~~ *In addition to considering the factors set forth in NRS 384.140, in passing upon the appropriateness of an application pursuant to NRS 384.115 or 384.130, the Commission ~~{, and preservation is preferred to restoration.}~~ will consider:*

1. The Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in 36 C.F.R. Part 68.

2. The following principles:

(a) Architectural integrity ~~{is}~~, authenticity and retention of historic building materials are preferable to ~~{synthetic style.}~~

~~—3.—Change~~ *substitute building materials and conjectural changes.*

(b) Alterations should be ~~{considered}~~ in ~~{relation to}~~ keeping with the ~~{remainder}~~ character of the ~~{building}~~ structure and ~~{its neighboring structures.}~~

~~—4.—Change~~ *the Historic District.*

(c) Rehabilitating or restoring a structure to ~~{authentic}~~ its historic appearance is desirable.

~~{5.}~~ *(d) In ~~{all}~~ planning new ~~{building plans,}~~ construction within the Historic District, extreme care should be observed. ~~{Each new building should be worthy of the area and a pride to the neighborhood. Since all}~~ All new construction ~~{aims to capitalize on the merits of the historic}~~*

~~background of the District, it~~ should ~~[also]~~ contribute ~~[its share of]~~ *to the* quality, character and desirability ~~[.]~~ *of the Historic District. All new construction should be compatible with the historic character of the Historic District and should not detract from the integrity of the Historic District.*

~~[6.]~~ (e) Economic consideration should have little effect on the Commission's judgment insofar as permitting cheaper means of construction, decoration ~~[.]~~ and ~~[fabrication.~~
~~—7.—~~ ~~Imitations]~~ *building material selection.*

(f) *Direct imitation* of ~~[old]~~ *historic* styles ~~[and fake architecture are]~~ *is* not desirable. It is more important that new construction be in scale with older structures and ~~[not detrimental]~~ *be differentiated from them in order* to ~~[buildings with historic and architectural worth.]~~ *not lend a false sense of history.*

Sec. 11. NAC 384.180 is hereby amended to read as follows:

384.180 ~~[1.]~~ Prior to a preparation of working drawings or calling for proposals or bids from contractors, prospective property developers, owners or agents may prepare preliminary ~~[scale]~~ drawings , ~~[and outlines.]~~ specifications, including color samples for outside work ~~[.]~~ and photographs for review and informal discussion with the Commission. The purpose of this review is to acquaint the developer, owner or agent with the standards of appropriateness of design that are required of his or her proposed development.

~~[2.—~~ ~~Preapplication review does not require formal application but does require notice to be given to the Commission at least 10 days before the date of the meeting in which the preliminary drawings are to be discussed.]~~

Sec. 12. NAC 384.190 is hereby amended to read as follows:

384.190 1. The Commission may designate any county or city building inspector within the *Historic* District to investigate, inspect and examine any structure, place or area within the *Historic* District . ~~in accordance with NRS 384.190.~~

2. ~~When a certificate of appropriateness is granted,~~ *Upon request,* a *county or city* building inspector ~~may be authorized by the Commission to make~~ *designated pursuant to subsection 1 may:*

(a) *Make* periodic inspections ~~and make~~ *of a structure, place or area within the Historic District;*

(b) *Provide* progress reports to the Commission ~~;~~

~~3. The inspector may also be requested to report any~~ ; *and*

(c) *Report* violations of chapter 384 of NRS to the Commission and other appropriate authorities.

3. *Except as otherwise provided in this section, a county or city building inspector designated by the Commission pursuant to subsection 1 does not have the authority granted to a building inspector or similar authority by NRS 384.190.*

Sec. 13. NAC 384.060, 384.070 and 384.080 are hereby repealed.

TEXT OF REPEALED SECTIONS

384.060 Duties of Treasurer.

1. If required by the Commission, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Commission determines.
2. The Treasurer has charge and custody of and is responsible for all funds and securities of the Commission. The Treasurer shall receive and give receipts for money due and payable to the Commission from any source whatsoever and, in accordance with subsection 3 of NAC 384.080, shall deposit all such money in the name of the Commission in such banks, trust companies, or other depositories as are selected by the Commission.
3. The Treasurer shall perform all the duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair.

384.070 Duties of Secretary. The Secretary shall:

1. Keep the minutes of the meetings of the Commission, in one or more books provided for that purpose;
2. See that all notices are given in accordance with the provisions of this chapter or as required by law;

3. Be custodian of the Commission's records, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the Commission's library;

4. Keep and maintain a card index system, as required by statute, and keep a register of the mailing address of each member of the Commission which must be furnished to the Secretary by the Commission; and

5. Perform all duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

384.080 Contracts, checks, deposits.

1. The Chair and Secretary may enter into any contract or execute and deliver any instrument in the name of and on behalf of the Commission.

2. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Commission must be signed by the Treasurer and countersigned by the Chair or Vice Chair of the Commission.

3. All money of the Commission must be deposited from time to time to the credit of the Commission, in such banks, trust companies, or other depositories as the Commission may select. The Commission may also purchase time certificates of deposit.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB File: R016-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 384.

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

The proposed NAC 384 revisions clarify and streamline the definitions, responsibilities, duties, and processes that pertain to the Comstock Historic District Commission (CHDC) and its ability to carry out the requirements of NRS 384. Revisions to NAC 384 include: Revising the district boundaries to remove the Virginia City Highlands residential area that does not contain historic resources; revising and clarifying the district boundaries at downtown Dayton and at Sutro Tunnel to include only the historic resources; streamlining the Certificate of Appropriateness (COA) process; eliminating the unnecessary officer positions of Secretary and Treasurer; clarifying the duties of the “District Officer” staff position; clarifying and streamlining processes including meeting notices, submission of COA applications, committee memberships, preapplication reviews, and assistance from outside building inspectors; allowing for greater flexibility in scheduling meetings; and clarifying the principles that the CHDC must consider when determining whether to issue a COA.

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

Public workshops were held in-person on February 13 and March 13, 2023, to solicit public comment from interested parties. There were no participants during the February 13, 2023 public workshop. There were two public attendees during the March 13, 2023 workshop, but neither attendee offered public comment. An adoption public hearing was held on July 10, 2024. Members of the public were invited to participate both in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulation changes, agenda, Small Business Impact Statement, and Notice of Intent to Act Upon Regulations were posted to the CHDC/State Historic Preservation Office website, the Nevada State Legislature website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, all locations where the State Historic Preservation Office has an office, the Bryan Building in Carson City, the State Library and Archives, and the Grant Sawyer Building in Las Vegas. The CHDC also allowed the public to submit written comment. One public comment was received via email in advance of the hearing, and summarized

into the record during the hearing. The public comment stated that the Lyon County Community Development Department preferred that the CHDC meetings be held on a consistent day each month so that the public could plan in advance.

Interested parties may obtain a summary of public comment by contacting the State Historic Preservation Office.

3. The number of persons from the public who:

a. Attended each hearing:

Four members of the public attended the public hearing on July 10, 2024.

b. Testified at each hearing:

No person from the public testified at the public hearing on July 10, 2024.

c. Submitted to the agency written comments:

One person from the public, Gavin Henderson, Lyon County Community Development Director, submitted a written comment on behalf of the Lyon County Community Development Department.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

No persons testified at the public hearing on July 10, 2024. One comment was received in writing from the following individual:

Name: Gavin Henderson
Title: Lyon County Community Development Director
Organization: Lyon County Community Development Department
Organization Phone: 775-463-6592
Direct Line: 775-463-6592, ext. 2473
Email: ghenderson@lyon-county.org
Address: 27 S. Main Street, Yerington, NV 89447

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 CHDC and the State Historic Preservation Office (SHPO) determined that the regulation amendments do not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small

business. Therefore, comments were not directly solicited from small businesses, and no summary of their response is provided. Small businesses did have the opportunity to provide comment during the public workshops and public hearing, and were invited to submit written comment as part of the meeting notification process. The proposed amendments were also posted publicly.

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.

Adopted with no change.

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

a. Both adverse and beneficial effects; and

• On business:

The CHDC and SHPO foresee no adverse effects on regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to business will be a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

• On the public:

The CHDC and SHPO foresee no adverse effects to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to the public will be eliminating the requirement for design review of houses built in the Virginia City Highlands, a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district's principles, requirements, and processes.

b. Both immediate and long-term effects.

• On business:

The CHDC and SHPO foresee no immediate effect on a regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the

district's historic character and integrity. That in turn will result in increased and continued economic impacts from heritage tourism.

- **On the public:**

The CHDC and SHPO foresee no immediate effect to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district's historic character and integrity. That in turn will result in the protection of property values and improved aesthetics of the district in which they reside.

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

The CHDC and SHPO do not anticipate incurring any additional cost resulting from the proposed NAC 384 changes.

9. 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.

The proposed regulation does not overlap or duplicate any existing regulation.

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

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

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.

The regulation does not create any new fees or increase an existing fee.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

LCB File No. R16-24

March 26, 2025

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The Comstock Historic District Commission (CHDC) and the State Historic Preservation Office (SHPO) determined that the regulation amendments do not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. Therefore, comments have not been solicited from small businesses, and no summary of their response is provided. Small businesses did have the opportunity to provide comment during the public meetings to discuss the amendments and during the period when the proposed amendments were posted publicly.

- 2. Describe the manner in which the analysis was conducted.**

The CHDC and SHPO did consider the potential impact of the regulation on small businesses. After careful examination, it was determined that the amendments to this regulation would not affect small businesses in any significant way. As a result, the CHDC logically concluded that no further analysis was necessary regarding the impact on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

The regulation repeal does not impose an adverse or beneficial effect, or directly or indirectly affect small businesses.

- 4. Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The CHDC and the SHPO concluded that the proposed regulation does not impact small businesses, therefore, there was no need for the Commission to consider reducing the impact on small businesses.

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

There are no anticipated costs to the CHDC or the SHPO.

- 6. If the proposed 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.**

The proposed regulation change does not create a new fee or increase an existing fee.

- 7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

Not applicable.

8. Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The CHDC and SHPO concluded that there was no impact on small businesses with the adoption of these regulations.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,



Joseph Curtis, Chair
Comstock Historic District Commission

**ADOPTED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF
THE DEPARTMENT OF HUMAN SERVICES**

LCB File No. R027-24

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

AUTHORITY: §§ 1-9, NRS 432B.190 and 432B.5919.

A REGULATION relating to the Extended Young Adult Support Services Program; establishing certain requirements relating to a written extended youth support services plan for a young adult who is participating in the Program; prescribing certain requirements governing hearings to review the status and the permanency plan for such a young adult; establishing certain procedures relating to the termination of the participation of a young adult in the Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allows states to receive federal Title IV-E reimbursement for costs associated with providing support services for: (1) children in foster care who are under 18 years of age; and (2) persons to remain in foster care up to 21 years of age who meet certain additional requirements. (Pub. L. No. 110-351) Existing law requires the Division of Child and Family Services of the Department of Human Services to: (1) establish the Extended Young Adult Support Services Program to provide extended youth support services to young adults between 18 and 21 years of age where the costs of providing such services are eligible for reimbursement under federal law; and (2) adopt regulations governing the Program. (NRS 432B.5919)

Existing federal law: (1) requires an agency which provides child welfare services to establish a case plan for certain children or young adults who are in foster care; and (2) establishes the requirements for such a case plan. (42 U.S.C. §§ 671(a)(16), 675(1), 675a) Existing Nevada law requires an agency which provides child welfare services to develop a written extended youth support services plan for each young adult who participates in the Program to assist the young adult in transitioning to self-sufficiency. (NRS 432B.595, as amended by section 6 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2372) **Section 2** of this regulation defines “extended youth support services plan” to refer to such a plan. **Section 3** of this regulation requires that such a plan meet the requirements established for a case plan under federal law. **Section 3** also: (1) establishes certain requirements governing the development, contents and review of such a plan; and (2) requires that a representative of the agency contact a young adult participating in the Program while the young adult is enrolled in the Program.

Existing federal law requires that a court or administrative review panel: (1) review the status of a child or young adult who is in foster care at least every 6 months; and (2) hold a permanency hearing annually to evaluate the plan for the permanent placement of such a child or young adult. (42 U.S.C. §§ 671(a)(16), 675(5)(B), 675(5)(C)) Existing Nevada law requires a court that has jurisdiction over a young adult who is participating in the Program to hold a semiannual hearing to: (1) review the extended youth support services plan developed for the young adult; and (2) determine whether the agency which provides child welfare services has made reasonable efforts to assist the participant in meeting the goals prescribed in the plan. (NRS 432B.601, as amended by section 7 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2374) **Section 4** of this regulation requires such hearings to include the status reviews and permanency hearings at the intervals required by federal law. **Sections 4 and 5** of this regulation establish certain procedures relating to such hearings.

Existing Nevada law authorizes a court to involuntarily terminate the participation of a young adult in the Program under certain conditions, including failure to make a good faith effort to achieve the goals set forth in his or her extended youth support services plan. Existing law requires an agency which provides child welfare services to provide notice and opportunity to a young adult for administrative review before requesting a court take such action. (NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370) **Section 6** of this regulation requires an agency which provides child welfare services to: (1) monitor the participation of each young adult who is participating in the Program to ensure that the young adult remains engaged in the Program and makes a good faith effort to achieve the goals set forth in his or her extended youth support services plan; and (2) make reasonable efforts to reengage a young adult in the Program before seeking to terminate his or her participation in the Program for failure to make such a good faith effort. **Section 7** of this regulation establishes certain requirements governing an administrative review concerning the termination of participation of a young adult in the Program. **Section 7** also requires a panel conducting such an administrative review to take certain actions if it determines that the young adult will continue to participate in the Program. **Section 8** of this regulation establishes a procedure for a young adult to voluntarily terminate his or her participation in the Program.

Existing federal law requires an agency which provides child welfare services to adopt a transition plan for each child or young adult during the 90-day period before the child or young adult becomes too old to remain in foster care. (42 U.S.C. §§ 671(a)(16), 675(5)(H)) **Section 9** of this regulation requires an agency which provides child welfare services to develop such a transition plan for a young adult who is participating in the Program within the 90-day period before his or her 21st birthday. Before the date on which the participation of a young adult in the Program is scheduled to terminate, **section 9** requires an agency which provides child welfare services to: (1) ensure completion of such a transition plan; and (2) provide the young adult with certain documents required by federal law. **Section 9** also requires an agency which provides child welfare services to ensure that a representative of the agency meets with a young adult participating in the Program within a certain time period before the 21st birthday of the young adult.

Section 1. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, “extended youth support services plan” means a written extended youth support services plan developed pursuant to NRS 432B.595, as amended by section 6 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2372.*

Sec. 3. 1. *Each agency which provides child welfare services that enters into a written agreement with a young adult to participate in the Program pursuant to NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370, shall ensure that a representative of the agency which provides child welfare services contacts the young adult as required by NRS 432B.595, as amended by section 6 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2372, while the young adult is enrolled in the Program.*

2. *An extended youth support services plan must:*

(a) In addition to the provisions required by NRS 432B.595, as amended by section 6 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2372, include goals to assist the young adult achieve self-sufficiency; and

(b) Meet the requirements set forth in 42 U.S.C. §§ 675(1) and 675a for a case plan.

Sec. 4. 1. *A hearing conducted pursuant to NRS 432B.601, as amended by section 7 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2374, must include, without limitation, a status review as required by 42 U.S.C. § 675(5)(B). Such hearings must additionally include permanency hearings at the intervals prescribed by 42 U.S.C. § 675(5)(C).*

2. *The court may enter an order directing that the hearing conducted pursuant to NRS 432B.601, as amended by section 7 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2374, be conducted by an administrative review panel of three or more persons*

appointed by mutual consent of the judge or judges of the court. At least one person appointed pursuant to this subsection must be a person who is not responsible for case management or the delivery of services to the young adult. The persons appointed pursuant to this subsection serve at the pleasure of the court and without compensation for the purpose of assisting the young adult and the agency which provides child welfare services to achieve the goals set forth in the extended youth support services plan.

3. Except as otherwise provided in this subsection, notice of the hearing must be given by regular or certified mail to the young adult and his or her attorney. Notice may be given to the young adult or his or her attorney by electronic mail if the young adult or his or her attorney, as applicable, agrees to receive notice in that manner.

Sec. 5. 1. At each hearing held pursuant to NRS 432B.601, as amended by section 7 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2374, the court or administrative review panel conducting the hearing shall:

- (a) Determine whether the young adult is safe in his or her placement;*
- (b) Consider whether continued participation in the Program by the young adult is appropriate;*
- (c) Consider whether the young adult is developing appropriate and meaningful skills for self-sufficiency; and*
- (d) Assess the progress made by the young adult towards achieving self-sufficiency by the date prescribed in the extended youth support services plan, if applicable.*

2. Each hearing conducted pursuant to NRS 432B.601, as amended by section 7 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2374, must:

(a) Be a collaborative team meeting conducted in a manner that supports the active engagement of the young adult in key decisions; and

(b) Include a discussion of the status of the participation of the young adult in the Program.

Sec. 6. 1. An agency which provides child welfare services shall monitor the participation of each young adult who is participating in the Program to ensure that the young adult remains engaged in the Program and makes a good faith effort to achieve the goals set forth in the extended youth support services plan.

2. Before seeking to terminate the participation of a young adult in the Program because the young adult is not making a good faith effort to achieve the goals set forth in the extended youth support services plan developed pursuant to NRS 432B.595, an agency which provides child welfare services must make reasonable efforts to reengage the young adult in the Program. Reasonable efforts may include, without limitation:

(a) Attempting to contact the young adult with increasing frequency through various methods such as electronic mail, text message, virtual visitations and in-person visits at work, home or school;

(b) Providing additional support to more easily enable the young adult to participate in the Program;

(c) Using motivational interviewing to identify and implement strategies to motivate the young adult to participate in the Program;

(d) Diligently searching to locate the young adult if he or she has lost contact with the agency; and

(e) Contacting and seeking assistance of any persons who provide support to the young adult.

Sec. 7. 1. *An administrative review conducted pursuant to subsection 5 of NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370, concerning the termination of participation of a young adult in the Program must:*

(a) Be conducted by a panel of representatives of the agency which provides child welfare services as a collaborative team meeting;

(b) Include the young adult, the attorney for the young adult and any party necessary to discuss the status of the young adult in the Program; and

(c) Meet the requirements for an administrative review set forth in 42 U.S.C. § 675(6).

2. *If the panel conducting an administrative review pursuant to subsection 1 determines that the young adult will remain in the Program:*

(a) The panel shall collaborate with the young adult to identify strategies to more easily enable the young adult to make a good faith effort to achieve the goals set forth in the extended youth support services plan;

(b) The young adult shall provide his or her current contact information and any other documentation requested by the panel not later than 30 days after the date of the administrative review; and

(c) The panel shall:

(1) Place the young adult on a probationary period of 60 days; and

(2) Issue an order setting forth the conditions with which the young adult must comply during the probationary period.

3. *If a young adult fails to comply with the conditions set forth in an order issued pursuant to subparagraph (2) of paragraph (c) of subsection 2, the participation of the young adult in the Program may be terminated in accordance with subsection 5 of NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370.*

Sec. 8. *A young adult may request that his or her participation in the Program be terminated pursuant to paragraph (c) of subsection 3 of NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370, at any time by submitting a written request to:*

1. *The agency which provides child welfare services;*
2. *The attorney to whom the young adult was referred pursuant to NRS 432B.592, as amended by section 3 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2369; or*
3. *The court.*

Sec. 9. 1. *At least 30 days but not more than 45 days before the 21st birthday of a young adult who is participating in the Program, the agency which provides child welfare services shall ensure that a representative of the agency which provides child welfare services meets with the young adult to determine whether the young adult requires any additional guidance before reaching 21 years of age.*

2. *An agency which provides child welfare services shall develop a transition plan in accordance with 42 U.S.C. § 675(5)(H) for a young adult who is participating in the Program not earlier than 90 days before the 21st birthday of the young adult.*

3. *A transition plan developed pursuant to subsection 2 must:*

(a) Be personalized and as specific as directed by the young adult;

(b) Be appropriate and supportive of the young adult; and

(c) Include, without limitation:

(1) Services and resources informing and preparing the young adult to make healthy decisions about his or her life, which may include, without limitation, information relating to the sexual health of the young adult;

(2) Activities to assist the young adult with housing;

(3) Information relating to health insurance;

(4) Information relating to educational opportunities;

(5) Assistance with mentors and continuing support services; and

(6) Plans for developing skills and qualifications necessary for employment, assistance in becoming and remaining employed and other employment services.

4. Before the date on which the participation of the young adult in the Program is scheduled to terminate, the agency which provides child welfare services shall:

(a) Ensure that the transition plan developed pursuant to subsection 2 has been completed; and

(b) Except as otherwise provided in subsection 5, provide the young adult with the documents required by 42 U.S.C. § 675(5)(I).

5. If an agency which provides child welfare services is unable to locate a young adult for the purpose of providing him or her with the documents required by 42 U.S.C. § 675(5)(I), the agency which provides child welfare services shall be deemed to be in compliance with paragraph (b) of subsection 4 if the agency which provides child welfare services has:

(a) Mailed a letter to the last known address of the young adult, which must:

(1) Inform the young adult that the agency which provides child welfare services is in possession of any documents identified by 42 U.S.C. § 675(5)(I), as applicable; and

(2) Request that the young adult contact the agency which provides child welfare services to arrange to collect the documents; and

(b) Made reasonable efforts to locate the young adult.



DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



DIVISION OF CHILD AND FAMILY SERVICES LCB File No. R027-24RP1

Informational Statement per NRS 233B.066

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

The regulation modifications found in LCB File No. R027-24RP1 focus on various aspects of agency interaction with young adults, their support plans, court review processes, and transition plans. These regulations only affect state and local governments programmatically and are intended to align practice across the state as the agencies which provide child welfare services continue to implement the Extended Young Adult Support and Services Program (EYASSP). These regulations align Nevada child welfare practices in compliance with federal requirements.

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.

Below is a summary of how public comment was solicited and a summary of the public's response.

Description of How Public Comment was Solicited

Interested person(s) were sent copies of the proposed regulations, the notice of public workshop and the public hearing notice of intent to adopt via email, upon request, or by interest. The email list included 17 individuals.

Public notices were posted at the following locations, in accordance with NRS Chapter 241:

DCFS, 500 E. Warm Springs Rd., Ste 100, Las Vegas, NV 89119
DCFS, 4126 Technology Way., Ste. 300, Carson City, NV 89706
Northern Nevada Child and Adolescent Services, 2655 Enterprise Rd., Reno, NV 89512
Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15, Las Vegas, NV
89146 DCFS, 1010 Ruby Vista Dr. Suite 101, Elko, NV 89801
DCFS, 1485 West Warm Springs #109 Henderson, NV 89014

Division of Child and Family Services website:

<http://dcfs.nv.gov/Meetings/2025/2025MeetingsandAgendas/>

Nevada Legislature website: <https://www.leg.state.nv.us>

Nevada Public Notices website: <https://notice.nv.gov/>

Summary of Public Response

Considerable discussion was held through an informal stakeholder engagement process to understand the required components of the regulations. Through the course of the public workshop and the adoption hearing, three formal comments were made.

Public Workshop

On June 20, 2025, a public workshop was held to allow the child welfare agencies and the public to provide input regarding the proposed EYASSP regulations. The following comments were received:

1. Tammi Williamson, Washoe County Human Services Agency - Asked for clarification regarding how often a young adult can opt in or out and whether the regulation needs to be expanded based on that information. Amber Howell, DCFS Consultant, indicated the federal guidelines would be reviewed and an email would go out. Depending on the answer, to determine if the regulation can/should be revised.
2. Megan Tingle, Division of Child and Family Services – Wanted to add language specifying that “virtual” visits would be allowable in addition to, or instead of “in person.”

Adoption Hearing

On September 24, 2025, DCFS held a public hearing on the EYASSP regulations. One comment was received in writing and during public comment from Cadence Matijevich, Washoe County Human Services Agency (WCHSA) Government Affairs Liaison:

“WCHSA recommends the following language changes. The panel shall (1) Place the young adult on a probationary period of 60 days; (2) Issue a written summary setting forth the conditions with which the young adult must comply during the probationary period. (3). If a young adult fails to comply with the conditions set forth in the written summary pursuant to subparagraph (2) of paragraph (c) of subsection 2, the participation of the young adult in the Program may be terminated in accordance with subsection 5 of NRS 432B.594, as amended by section 5 of Senate Bill No. 504, chapter 364, Statutes of Nevada 2025, at page 2370.”

How Other Interested Persons May Obtain a Copy of the Summary

Any person interested in obtaining a copy of the responses at the public workshop or adoption hearing meetings may email, call, or mail a request to Amber Howell at:

Division of Child and Family Services

4126 Technology Way
Carson City, NV 89706
Phone: (775) 687-9047
Email: ahowell@dcfs.nv.gov

- 3. On September 24, 2025, a public adoption hearing was held. There were 11 participants that attended: 4 in person and 7 virtually. There was one written comment and testimony received from the person below:**

Cadence Matijevich, Washoe County
775-444-0015
1001 E. Ninth St. Bldg. A., Reno, NV 89512
775-328-2077
Cmatijevich@wasohecounty.org
Washoe County

- 4. A description of how comments were solicited (i.e. notices), from affected businesses, a copy of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

No solicitation was conducted for these regulations from affected businesses as they do not apply to any small businesses. However, at the public workshop held on June 20, 2025, and the adoption hearing on September 24, 2025, both agendas allowed for public comment and were posted in accordance with Open Meeting Law and shared with Nevada child welfare agencies.

Any other person interested in obtaining a copy of the public workshop or adoption hearing meeting materials may email, call, or mail in a request to Amber Howell at:

Division of Child and Family Services

4126 Technology Way
Carson City, NV 89706
Phone: (775) 687-9047
Email: ahowell@dcfs.nv.gov

- 5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The primary request to amend the regulation was to change the term “order” to “written summary.” That change was not made because the referenced section references a formal termination of participation in the program, and because it is a formal process, it is appropriate to identify it as an order.

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

- *Adverse immediate effects:* There are no anticipated immediate adverse economic effects.
- *Adverse long-term effects:* There are no anticipated long-term adverse economic effects.
- *Beneficial immediate effects:* There are no immediate beneficial economic effects.
- *Beneficial long-term effects:* These regulations align Nevada child welfare practices in compliance with federal requirements.

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

There is no estimated cost to implement or enforce the regulation.

- 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, name the regulating federal agency.**

The proposed regulations do not overlap or duplicate any federal or Nevada state regulations.

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

There are no federal regulations addressing the same activity.

- 10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

These regulations do not address any fees.

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Marla McDade
Williams, MPA
Administrator

SMALL BUSINESS IMPACT STATEMENT

PURSUANT TO NEVADA ADMINISTRATIVE CODE (NAC) 233B

RE: The Division of Child and Family Services Adoption of Regulations pertaining to NAC 432B

EFFECTIVE DATE OF REGULATION: Upon filing with the Nevada Secretary of State

1. Background: These regulations only affect state and local governments programmatically and are intended to align practice across the state as the agencies which provide child welfare services move to implement the Extended Young Adult Support Services Program (EYASSP). These regulations align practices within the state of Nevada with federal requirements.
2. Description of Solicitation: N/A. No solicitation was done because these regulations do not apply to any small business.
3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1)). No.
4. How was that conclusion reached? These regulations do not apply to any small business as the EYASSP applies solely to child welfare agencies, including Rural Child Welfare in the Division of Child and Family Services, Nevada's Department of Health and Human Services and Clark County and Washoe Counties.

I, Marla McDade Williams, Administrator of the Department of Health and Human Services, Division of Child and Family Services, do hereby certify that, to the best of my knowledge or belief, these regulations do not apply to any small business EYASSP is a new initiative to be implemented effective July 1, 2025.

These regulations do not apply to any small business. These regulations only affect state and local governments programmatically and are intended to align practice across the state as the agencies which provide child welfare services move to implement the EYASSP. These regulations align practices within the state of Nevada with federal requirements.

The agencies which provide child welfare services have collaborated with the Court Improvement Council, as well as local community partners creating the plans for implementation of the EYASSP.

If any additional items are needed to submit these rules to the Legislative Committee, please do not hesitate to contact Deputy Administrator Dr. Lori Ann Malina-Lovell at lmalina-lovell@dcfs.nv.gov.

Respectfully submitted,



Marla McDade Williams, Administrator

Division of Child and Family Services, Department of Health and Human Services.

December 20, 2023

Updated June 3, 2025

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R058-24

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

AUTHORITY: §§ 1-3, NRS 385.080 and 388.419.

A REGULATION relating to education; revising requirements relating to the transition services which must be included in the individualized educational program of certain pupils with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires a school district to develop an individualized education program for the education of a pupil with a disability who attends a public school in the district. (20 U.S.C. § 1414) Existing regulations prescribe the required contents of and procedure for developing an individualized educational program. (NAC 388.281, 388.284) Under existing regulations, an individualized educational program developed for a pupil who is 14 years of age or older must include transition services, which existing regulations define to mean a coordinated set of activities designed to improve the academic and functional achievement of a pupil. Existing regulations require the transition services included in an individualized educational program developed for a pupil who is 14 years of age or older to include the courses of study of the pupil. If the pupil for whom an individualized educational program is developed is 16 years of age or older or will attain 16 years of age during the period in which the individualized educational program is in effect, existing regulations additionally require the transition services included in the individualized educational program to include transition services relating to certain postsecondary goals for the pupil. (NAC 388.133, 388.284) **Sections 1 and 3** of this regulation revise these requirements by requiring the transition services included in an individualized educational program developed for a pupil who is 14 years of age or older or who will attain 14 years of age during the period in which the individualized educational program is in effect to include the courses of study for the pupil and certain postsecondary goals for the pupil. **Sections 1 and 3** thereby establish uniform requirements for the transition services that must be included in the individualized educational program for all pupils who are 14 years of age or older or will attain 14 years of age during the period in which the individualized educational program is in effect. **Section 2** of this regulation makes a conforming change related to the revised requirements concerning transition services set forth in **sections 1 and 3**.

Section 1. NAC 388.133 is hereby amended to read as follows:

“Transition services” means a coordinated set of activities which:

1. Is designed within a process which is results-oriented and which focuses on improving the academic and functional achievement of the pupil with a disability to facilitate the pupil's movement from school to postschool activities, including, without limitation, postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living and community participation;
2. Is based on the needs of the pupil, taking into account the pupil's preferences and interests;
3. If the pupil is 14 years of age or older ~~15~~, ~~includes the courses of study of the pupil;~~
~~—4. If the pupil is 16 years of age or older,~~ or the pupil will attain ~~16~~ 14 years of age during the period in which the individualized educational program will be in effect, includes, without limitation:
 - (a) *The courses of study for the pupil;*
 - (b) Instruction;
 - ~~1(b)~~ (c) Related services;
 - ~~1(e)~~ (d) Community experiences;
 - ~~1(d)~~ (e) The development of employment and other objectives for living as an adult after the completion of school, including, without limitation, the development of work skills; and
 - ~~1(e)~~ (f) If appropriate, the acquisition of daily living skills and functional vocational evaluation;
- ~~15~~ 4. Includes special education or related services if required to assist a pupil with a disability to benefit from special education; and
- ~~16~~ 5. Is carried out in accordance with the provisions of the pupil's individualized educational program, if applicable.

Sec. 2. NAC 388.281 is hereby amended to read as follows:

Except as otherwise provided in this chapter and applicable federal laws and regulations:

1. Before providing special education and related services for pupils with disabilities, a public agency shall adopt a procedure whereby an individualized educational program is developed for each such pupil. The procedure adopted must ensure that an individualized educational program is in effect at the beginning of each school year and before the initiation of special education or related services. Except as otherwise provided in this chapter and 34 C.F.R. § 300.300(b)(3)(ii), the procedure must comply with the provisions of 34 C.F.R. §§ 300.320 to 300.324, inclusive. For eligible pupils making the transition from early intervention programs operated pursuant to 20 U.S.C. §§ 1431 to 1444, inclusive:

(a) An individualized educational program must be developed and implemented by the pupil's third birthday.

(b) The public agency shall participate in transition planning conferences arranged by the early intervention program of the pupil.

2. The individualized educational program for a pupil must be developed, reviewed and revised by a committee which includes at least:

(a) One representative of the public agency who is:

(1) Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of pupils with disabilities;

(2) Knowledgeable about the general education curriculum of the public agency; and

(3) Knowledgeable about the availability of resources of the public agency;

(b) If the pupil participates in a regular educational environment, one regular classroom teacher of the pupil or, if the pupil may participate in a regular educational environment, one regular classroom teacher;

(c) One special education teacher of the pupil or, if appropriate, one person who provides special education and related services to the pupil;

(d) Except as otherwise provided in subsections 10 and 11, one or both of the pupil's parents;

(e) If not otherwise a member of the committee, a person who is familiar with the tests and other assessments performed on or by the pupil and their results and who can interpret the instructional implications of the results of the evaluation;

(f) Except as otherwise provided in subsection 12, the pupil if the committee is meeting to develop an individualized educational program which includes ~~+~~

~~——(1) Transition services relating to the courses of study of a pupil who has attained 14 years of age; or~~

~~——(2) Postsecondary~~ *postsecondary* goals and transition services for a pupil who is ~~H6~~ *14* years of age or older or who will attain ~~H6~~ *14* years of age during the period in which the individualized educational program is in effect;

(g) If the committee is meeting to develop an individualized educational program which includes postsecondary goals and transition services for a pupil who is ~~H6~~ *14* years of age or older or who will attain ~~H6~~ *14* years of age during the period in which the individualized educational program is in effect, and the parent of the pupil consents, a representative of any participating agency that may be responsible for providing or paying for the transition services; and

(h) If not otherwise a member of the committee, one member who has personal knowledge about the personnel and options for placement available to provide special education and related services to the pupil.

3. The parents or their representative and the representative of the public agency may each ask such other persons who have knowledge or special expertise concerning the pupil, including the pupil and persons who provide related services to the pupil, as appropriate, to join the committee. The determination of the knowledge or special expertise of such a person must be made by the parents or the public agency who invited the person to participate.

4. A member of a committee to develop an individualized educational program for a pupil with a disability must not be required to attend a meeting of the committee, in whole or in part, if the authorized representative of the public agency and the parent of the pupil agree in writing that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting.

5. A member of a committee to develop an individualized educational program for a pupil with a disability may be excused from attending a meeting of the committee, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

- (a) The parent of the pupil with a disability consents in writing to the absence of the member;
- (b) The authorized representative of the public agency consents to the absence; and
- (c) Before the meeting, the member submits, in writing, to the parent and the committee the member's input concerning the development of the individualized educational program.

6. The public agency shall:

(a) At least annually, initiate and conduct the meetings of the committees formed to develop the individualized educational programs;

(b) Have an individualized educational program in effect for each pupil with a disability within its jurisdiction at the beginning of each school year and maintain detailed records of each such program and the procedure followed in developing it;

(c) Ensure that each regular classroom teacher, special education teacher, persons who provide related services, and any other provider of services to the pupil who is responsible for carrying out the pupil's individualized educational program has access to the pupil's individualized educational program and is informed of any specific responsibilities related to carrying out the pupil's individualized educational program;

(d) Ensure that each regular classroom teacher, special education teacher, persons who provide related services and any other provider of services to the pupil who is responsible for carrying out the pupil's individualized educational program is informed of any specific accommodation, modification or support that must be provided to the pupil in accordance with the pupil's individualized educational program;

(e) Make special education and related services available to the pupil in accordance with his or her program as soon as possible after it is developed;

(f) Take whatever action is necessary, including arranging for an interpreter for parents who are deaf or whose native language is other than English, to ensure that parents who attend a committee meeting understand the proceedings;

(g) Initiate and conduct additional meetings of the committees formed to develop each pupil's individualized educational program to identify alternative strategies to meet the transition

objectives in the pupil's individualized educational program when a participating agency fails to provide an agreed upon service; and

(h) Provide a copy of the pupil's individualized educational program and any revisions to the parents of the pupil at no cost.

7. After the annual meeting for a school year to develop the individualized educational program for a pupil:

(a) Upon written agreement of the parent of the pupil with a disability and the authorized representative of the public agency, the pupil's individualized educational program may be revised without convening a meeting of the committee.

(b) Portions of the pupil's individualized educational program may be revised without redrafting the entire individualized educational program.

↪ If an individualized educational program is revised in accordance with this subsection, the parent of the pupil with a disability must be provided with a copy of the revised individualized educational program at no cost and the public agency shall ensure that the committee is informed of the changes.

8. The public agency shall:

(a) Schedule the meeting for a time and at a place that is mutually agreed upon by the parents of the pupil and the public agency;

(b) Provide the parents of the pupil written notice of the purpose, date, time and location of the committee meeting and a list of the persons who will attend the meeting;

(c) Inform the parents of their right to invite persons who have knowledge or special expertise regarding the pupil, including, without limitation, any appropriate related service

personnel, to participate as a member of the committee that will develop the pupil's individualized educational program; and

(d) If ~~the~~ transition services ~~[relating to courses of study or transition services and postsecondary goals described in paragraph (e) or (f) of subsection 1 of NAC 388.284]~~ will be discussed at the meeting:

(1) Provide notice pursuant to paragraph (b) to the pupil and the parents and include in the notice to the pupil an invitation to the pupil to attend the meeting and include in the notice to the parents a statement that the pupil will be invited to attend the meeting; and

(2) Specifically state in the notice provided pursuant to paragraph (b) that transition services relating to courses of study or transition services and postsecondary goals will be discussed at the meeting.

↪ The notice must be given sufficiently far in advance of the meeting to enable the parents to make arrangements to attend.

9. The public agency shall, if the pupil previously received early intervention services pursuant to 20 U.S.C. §§ 1431 et seq., include in the notice to the parents of the pupil given pursuant to paragraph (b) of subsection 8 that, upon the request of the parents, the public agency will send an invitation to the service coordinator of the pupil's early intervention system or other representative of the early intervention system to participate in the initial meeting for the development of the pupil's individualized educational program to assist with the smooth transition of services for the pupil. If the parents request such an invitation, the public agency shall send an invitation to the service coordinator of the pupil's early intervention system or other representative of that system to participate in the initial meeting for the development of the pupil's individualized educational program.

10. If the parents do not acknowledge receipt of the notice given pursuant to paragraph (b) of subsection 8, the public agency shall make additional attempts to notify them, which may include, without limitation, attempts to notify them by telephone or through a visit to their home or place of employment. The public agency shall keep detailed records of any telephone calls, correspondence or visits made to a parent's home or place of employment pursuant to this section and their results, if any. The parents of a pupil with a disability and the public agency may agree to use alternative means of participation in a meeting by the use of a video conference, a telephone conference call or other means. If neither parent is able to attend a meeting for the development of a pupil's individualized educational program, the public agency shall use alternative methods to ensure the participation of a parent, including, without limitation, the use of a video conference, a telephone conference call or other means.

11. If the reasonable efforts of the public agency to convince the pupil's parents to attend or participate in the meeting through the use of alternative methods are unsuccessful, the parents shall be deemed unavailable and the public agency shall conduct the meeting and develop an individualized educational program for the pupil without the parents.

12. If the pupil for whom the individualized educational program is being developed does not attend the meeting and the program includes transition services, the public agency shall use alternative methods to ascertain the preferences and interests of the pupil and document the alternative methods that were used.

13. The committee shall:

(a) Meet to develop the pupil's individualized educational program not later than 30 days after it is determined that the pupil is eligible for special education and related services.

(b) Base the individualized educational program it develops for the pupil on the results of an evaluation made in accordance with NAC 388.330 to 388.440, inclusive.

(c) Review the individualized educational program at least annually to determine whether the annual goals for the pupil are being achieved and revise it as appropriate in accordance with 34 C.F.R. § 300.324(b).

Sec. 3. NAC 388.284 is hereby amended to read as follows:

1. Each committee shall include in the individualized educational program it develops for a pupil with a disability:

(a) A statement of the pupil's present levels of academic achievement and functional performance, including, without limitation:

(1) If the pupil is preschool age, a description of how the disability of the pupil affects the participation of the pupil in appropriate activities.

(2) If the pupil is above preschool age, a description of how the disability of the pupil affects the involvement and progress of the pupil in the general education curriculum.

(b) A statement of the measurable annual goals, including benchmarks or the short-term instructional objectives, academic and functional goals related to meeting the needs of the pupil that result from the disability of the pupil. Such goals must enable the pupil to be involved in and make progress in the general education curriculum and meet the other educational needs of the pupil that result from the disability of the pupil.

(c) A statement of the specific special education, supplementary aids and services, and related services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the modifications to the regular educational program or support for school personnel that must be provided for the pupil to:

- (1) Advance appropriately toward attaining the annual goals set forth in paragraph (b);
- (2) Participate and progress in the general education curriculum;
- (3) Participate in extracurricular activities and other nonacademic activities; and
- (4) Participate with other pupils with disabilities and pupils who are not disabled in the activities described in this paragraph.

(d) A statement of the assistive technology devices and services necessary for the pupil to be able to receive a free appropriate public education. Such services may be provided as:

- (1) Special education;
- (2) Related services; or
- (3) Supplementary aids and services.

↪ On a case-by-case basis, assistive technology devices must be purchased by the public agency for use by the pupil at home or in other settings if the individualized educational program committee determines that the pupil needs access to those devices to receive a free appropriate public education.

(e) ~~If the pupil is 14 years of age or older, a statement of transition services with regard to the pupil's courses of study, including, without limitation, participation in advanced placement courses or a vocational educational program. The committee may prepare such a statement before the pupil is 14 years of age if the committee determines that the statement is appropriate for the pupil. The statement required by this paragraph must be updated annually.~~

—(f)— Beginning not later than the first individualized educational program which is in effect when the pupil is ~~16~~ 14 years of age and in annual updates thereafter:

(1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and

(2) Transition services, including, without limitation, the courses of study needed to assist the pupil in reaching those goals.

~~(g)~~ (f) The projected dates for the initiation of the modifications and services described in paragraphs (c) to ~~(f)~~ (e), inclusive, and the anticipated frequency, location and duration of such modifications and services.

~~(h)~~ (g) A statement that describes the method by which the progress of the pupil toward the annual goals will be measured and when periodic reports on the progress of the pupil toward meeting the annual goals will be provided by the use of quarterly or other periodic reports, concurrent with the issuance of report cards, or other means. The parent of a pupil who is 3, 4 or 5 years of age must be given an opportunity to participate in a review of the progress of the pupil not less than once every 6 months.

~~(i)~~ (h) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and district-wide assessments. If the committee to develop an individualized educational program determines that the pupil must take an alternate assessment for a particular state or district-wide assessment of pupil achievement, the individualized educational program must include a statement of why the pupil cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the pupil. The committee shall not base its determination of whether a pupil may participate in such examinations upon the fact that the pupil has already been labeled as having a disability, or upon the placement of the pupil or other categorical factors.

~~(h)~~ (i) If the pupil is entering the public agency from another public agency, provisions relating to case management and transition between the public agencies, as appropriate.

~~(h)~~ (j) A statement of the other placements considered by the committee and, if the pupil will be removed from the regular educational environment, the reasons why the committee rejected a less restrictive placement.

~~(h)~~ (k) An explanation of the extent, if any, to which the pupil will not participate in a regular class or in extracurricular and other nonacademic activities with pupils who are not disabled.

~~(m)~~ (l) On or before the date on which the pupil attains the age of 17 years, a statement that the pupil has been informed of the rights that will devolve upon the pupil when the pupil attains the age of 18 years. The statement must be updated annually.

2. When developing a pupil's individualized educational program, the committee shall:

(a) Consider the strengths of the pupil, the concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation of the pupil, and the academic, developmental and functional needs of the pupil;

(b) If the behavior of the pupil impedes the learning of the pupil or other pupils, provide positive behavioral strategies, supports and interventions, or other strategies, supports and interventions to address that behavior;

(c) If the pupil has limited proficiency in English, consider the language needs of the pupil as those needs relate to the pupil's individualized educational program;

(d) If the pupil is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the committee determines, after an evaluation of the pupil's reading and writing skills, needs and appropriate reading and writing media, including, without limitation, an

evaluation of the pupil's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the pupil;

(e) Consider the communication needs of the pupil and, in the case of a pupil who is deaf or hard-of-hearing, consider, in accordance with the provisions of NRS 388.437, the pupil's language and communication needs, opportunities for direct communications with other pupils and professional personnel in the pupil's language and communication mode, academic level and full range of needs, including, without limitation, opportunities for direct instruction in the pupil's language and communication mode;

(f) Consider whether the pupil requires assistive technology devices and services; and

(g) Consider the instructional needs of the pupil, in accordance with the provisions of NRS 388.443, if the pupil has a specific learning disability and dyslexia.

3. *The committee may include a statement of transition services in the individualized educational program of a pupil to whom the requirements prescribed by paragraph (e) of subsection 1 do not apply if the committee determines that the statement is appropriate for the pupil.*

4. When developing a pupil's individualized educational program, the public agency:

(a) May include goals and objectives of the general education curriculum in the individualized educational program of the pupil if the disability of the pupil affects participation, involvement and progress in the general education curriculum and if the individualized educational committee determines that the inclusion of such goals and objectives is appropriate for that pupil; and

(b) Shall include in the individualized educational program of a pupil who requires positive behavioral strategies, supports and interventions:

(1) Positive strategies to modify the environment of pupils with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;

(2) Services to teach skills to pupils with disabilities so that the pupils can replace inappropriate behavior with adaptive behavior;

(3) Services to enhance the independence and quality of life of pupils with disabilities;

(4) The use of the least restrictive strategies, supports and interventions to respond to and reinforce the behavior of pupils with disabilities; and

(5) A process of designing interventions based on the pupil that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the pupil without the use of aversive or negative means.

↪ The positive behavioral strategies, supports and interventions or other strategies, supports and interventions may be addressed in the statement of special education, supplementary aids and services, or related services, if the pupil's individualized educational program committee determines appropriate.

~~14~~ 5. If both an individualized educational program and another individualized plan or program of services are required to be prepared for a pupil, the latter plan or program may be incorporated in the individualized educational program.

~~15~~ 6. The public agency shall not limit the availability of extended school year programs to pupils with a particular category of disability or unilaterally limit the type, amount or duration of those programs. As used in this subsection, "extended school year programs" means special education and related services that:

(a) Are provided to a pupil with a disability outside the normal school year of the public agency;

- (b) Are in accordance with the pupil's individualized educational program;
- (c) Are provided at no cost to the parents of the pupil; and
- (d) Comply with the requirements of this chapter.

Joe Lombardo
Governor

Steve Canavero
Superintendent of
Public Instruction



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STATE OF STATE BOARD OF EDUCATION

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August 6, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066
Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

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

This proposed regulation will create more inclusive language pertaining to transitional services. It is necessary to ensure students have transitional services at age 14 instead of age 16.

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

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

There was public comment at the workshop and the public hearing.

3. The number of persons who:

- Attended Workshop: 1; Hearing: 18
- Testified at Workshop: 0 ; Hearing: 0
- Submitted Written Statements: Workshop: 0; Hearing: 0

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.

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.

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 3/19/24 and hearing on 7/30/25.

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.

The Nevada State Board of Education adopted the proposed regulation language at the public hearing held on July 30, 2025. No changes were requested, so it was adopted without change.

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

There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

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

There are none.

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.

This regulation does not provide for a new fee or increase an existing fee.

**Nevada Department of Education
Nevada State Board of Education**

**July 30, 2025
9:00 AM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Nevada Capital Building	101 N. Carson Street	Carson City	Old Assembly Chamber
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at [Nevada State Board of Education Meeting Material Webpage](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement

2. Public Comment #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agendaized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. Approval of Flexible Agenda (For Possible Action)

4. President's Report

- Reappointment of Member Hughes to the Commission for Innovation and Excellence in Education
- Board Member Updates
 - At-Risk Subcommittee – Member Orr
 - NRS 388G Subcommittee – Member Braxton

5. Interim Superintendent's Report

- Nevada Department of Education Updates
 - Request for Proposal Timeline for the State Assessment System (Nevada Alternate Assessment, Grades 3-8 English Language Arts, and Mathematics, Science Grades 5, 8 and 11).

6. Informational Updates (*Information Only*)

The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.

- Historical Overview of State Board of Education Authority Over Superintendent of Public Instruction Appointments (1861–2011)

7. Consent Agenda (*For Possible Action*)

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- a. Possible Approval of Private School License Renewals and New Private School Licenses
- b. FY25 Q3 CSR Report
- c. FY24 Condition of School Facilities Report
- d. Nevada Pre-Kindergarten Social Emotional Standards, Revised 2025
- e. Possible Approval of Washoe County School District Dual Credit Course List
- f. Possible Approval of State Board of Education Meeting Minutes, June 25, 2025
- g. Possible Approval of "At-Risk" Subcommittee Meeting Minutes, June 30, 2025
- h. Possible Approval of AB469 Subcommittee Meeting Minutes, July 9, 2025
- i. Possible Approval of State Board of Education Meeting Minutes, July 17, 2025

8. Information, Discussion, and for Possible Action for the State Superintendent Search (*Information, Discussion, and for Possible Action*)

The Board will discuss and take possible action on matters related to the State Superintendent search, including:

- a. Review and discussion of cumulative rubric scores from the candidate CVs and vision statements to select a slate of candidates for formal interviews.
- b. Finalization of interview questions and scoring rubric.
- c. Finalization of the performance task and scoring rubric.
- d. Confirmation of the interview schedule, including dates, times, and duration of formal interviews.
- e. Determination of whether interviews will be conducted in person, virtually, or in a hybrid format.
- f. Finalization of instructions to be sent to candidates selected for formal interviews.
- g. Discussion and approval of the structure and format for the interviews.
- h. Authorization for staff to notify selected finalists and provide interview instructions.
 - Katherine Dockweiler, President, State Board of Education

9. Information, Discussion, and for Possible Action for the Read by Grade Three Alternative Assessments *(Information, Discussion, and for Possible Action)*

Pursuant to Senate Bill (SB) 460, the Board will receive an overview of the process for approving alternative assessments for use in the Read by Grade Three program. The Board may discuss and possibly approve the following:

- a. The process for district and charter schools may request approval to use of an alternative assessment in place of using the State Adopted the Read by Grade 3 (RBG3) assessment.
- b. The use of Curriculum Associate's iReady Assessment as the alternative RBG3 Assessment for the 2025-2026 school year.
- c. Approval of the proposed cut score for the iReady assessment
 - Dr. Steve Canavero, Interim State Superintendent of Public Instruction
 - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management

10. Information, Discussion, and for Possible Action on the Development of a Board Policy Agenda for Legislative Engagement *(Information, Discussion, and for Possible Action)*

The Board will consider whether to develop a policy agenda to guide its engagement with the Legislature. If the Board chooses to proceed, it may take initial steps toward outlining a process for identifying priorities at a future meeting.

- Katherine Dockweiler, President, State Board of Education

11. Information, Discussion, and for Possible Action for the Development of a New Nevada Assessment *(Information, Discussion, and for Possible Action)*

The Board will engage in an initial discussion to explore the feasibility of the potential development of a Nevada-specific statewide assessment to comply with state and federal requirements. The Board may act to express interest in exploring the concept further and request additional information to inform a future decision.

- Katherine Dockweiler, President, State Board of Education

12. Information, Discussion, and for Possible Action to revisit the Board's Current Vision and Goals for Potential Revision.

Board members will discuss and determine next steps to revisit and revise the Board's current vision and goals.

- Katherine Dockweiler, President, State Board of Education

13. 9:32 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R016-25 (Formerly R146-22) Regarding NAC 388.XXX - Career and Technical Education *(Information, Discussion, and for Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NRS 388.360, NRS 388.380, and NRS 388.385, regarding career and technical education programming. The need for and the purpose of the proposed regulation or amendment: To ensure all school districts, regardless of size, establish a joint technical skills committee to support equitable access to high-quality career and technical education programs and promote student success statewide.

- Anna Reynolds, Director of Career Readiness, Adult Learning, and Education Options

14. 9:34 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R058-24 Regarding NAC 388.XXX - Transition Services for Students with Disabilities *(Information, Discussion, and for Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 388.435 and NAC 389.810, regarding transition services for certain children with disabilities who have individualized education programs (IEPs). The need for and the purpose of the proposed regulation or amendment: To create more inclusive and supportive language related to transition services by lowering the required planning age from 16 to 14, thereby improving early preparation and promoting successful

post-secondary outcomes for students with disabilities.

- Julie Bowers, Director of Office of Comprehensive Student Services

15. 9:36 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R017-25 (Formerly R147-22) Regarding NAC 388.XXX - Adult High School Program (Information, Discussion, and for Possible Action)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 387.190, NAC 390.470, NAC 390.480, and NAC 390.500 of the NAC, and pursuant to NRS 385.080 and NRS 390.055, regarding the adult high school program. The need for and the purpose of the proposed regulation or amendment: To align regulatory language in the Nevada Administrative Code with existing statutory provisions in the Nevada Revised Statutes in order to alleviate confusion and improve clarity and consistency for adult high school programs across the state.

- Nancy Olsen, Education Programs Supervisor, Career Readiness, Adult Learning, and Education Options

16. 9:38 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Regulation LCB File No. R131-22 Regarding NAC 388.XXX - Residential Treatment for Certain Children (Information, Discussion, and for Possible Action)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NRS 385.080 and NRS 388.419, regarding residential treatment for certain children. The need for and the purpose of the proposed regulation or amendment: To clarify and strengthen the regulatory framework governing educational services provided to children placed in residential treatment facilities, ensuring consistency, oversight, and alignment with student needs and state requirements.

- Christy McGill, Deputy Superintendent of Student Investment Division

17. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

18. Future Agenda Items Requests

19. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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STATE OF NEVADA
STATE BOARD OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
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June 15, 2025

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB
File R#058-24

The STATE BOARD will hold a public hearing at **9:34 AM** on Wednesday, July 30th, 2025 via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 389.810 of the Nevada Administrative Code (NAC), pursuant to NAC 388.435 of the Nevada Administrative Code (NAC) pursuant to regarding certain children with disabilities with individualized educational programs.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

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

- To create inclusive language for transition services by lowering the age from 16 to 14 to provide successful student life outcomes.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

3. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation would revise requirements governing the application for authorization to sponsor a charter school to apply to an applicant that is a city or county.

4. Estimated economic effect of the regulation on the business which it is to regulate and on the public. There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. Method used by the agency in determining the impact on a small business: Small business is not impacted by this regulation.

6. **Estimated cost to the agency for enforcement of the proposed regulation:** no costs.
7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local governmental agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulation.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Event - July 30, 2025 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the Nevada Department of Education, **Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City, and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Friday, April 12th. A record of all submitted comments will be retained, and the Department or Board will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: 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 notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members

of the public upon request.

NEVADA DEPARTMENT OF EDUCATION

March 19, 2024

3:00 PM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials page](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENT #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. 3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 387.281 – REPORT ON NUMBER OF DROPOUTS (For possible action)

The proposed changes seek to remove the report on the number of pupils who drop out.

- Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. 3:10 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO DRAFT REGULATION R144-22P – ESTABLISHING UNDERSTANDING OF SOCIAL AND EMOTIONAL FACTORS.

The proposed changes seek to prioritize social and emotional factors affecting educational experiences for

pupils.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

5. 3:15 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.XXX– RELATING TO RETURNING TO LEARN AFTER A CONCUSSION. *(For possible action)*

The proposed changes concerning the treatment of head injuries that affect the ability of a pupil to learn.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

6. 3:20 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.680 – CREDIT FOR CORRESPONDENCE COURSES *(For possible action)*

The proposed changes seek to streamline credits toward graduation in correspondence courses.

- Nancy Olsen, Assistant Director, Office of Career Readiness, Adult Learning, and Education Options

7. 3:25 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 388.281 and NAC 388.284 – CHANGING TRANSITION AGE REQUIREMENTS

The proposed changes seek to create more inclusive language pertaining to transitional services.

- Jennifer Kane, Education Programs Professional, Office of Inclusive Learning

8. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

9. ADJOURNMENT

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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STATE OF NEVADA
DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Tuesday, March, 19, 2024** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

3:20 P.M Workshop to Solicit Comments on Proposed Amendments to Chapter 388.281 and NAC Chapter 388.284 – Changing Transition Age Requirements.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Monday, March 18, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: March 19, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.281 and NAC Chapter 388.284.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding a policy concerning transition age requirements is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Superintendent of Public Instruction

**ADOPTED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF THE
DEPARTMENT OF HUMAN SERVICES**

LCB File No. R103-24

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

AUTHORITY: §§ 1-13, NRS 432B.190.

A REGULATION relating to child welfare; prohibiting the placement of a child in a qualified residential treatment program that does not meet certain requirements; requiring an agency which provides child welfare services and a qualified residential treatment program to comply with certain federal requirements relating to the placement of a child in a qualified residential treatment program; updating certain antiquated terminology; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law requires the Federal Government to pay to state and local governments a portion of the cost of placing a child in a qualified residential treatment program that is regulated under state law as a child care institution. (42 U.S.C. §§ 672, 674) Existing federal law defines “qualified residential treatment program” to mean a program that: (1) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances; (2) has certain clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 6** of this regulation prohibits an agency which provides child welfare services from placing a child in a qualified residential treatment program unless the qualified residential treatment program meets certain requirements related to: (1) the screening of children for trauma; (2) the delivery of services; (3) the environment provided by the qualified residential treatment program; and (4) the training of employees.

Existing federal law requires a state to assemble, for each child placed in a qualified residential treatment program, a family and permanency team consisting of family members and professionals who are a resource to the family of the child. (42 U.S.C. § 675a(c)(1)(B)(i)) Not later than 30 days after a child is placed in a qualified residential treatment program, existing federal law: (1) requires a qualified individual, who is a trained professional or licensed clinician and meets certain other requirements, to assess the child; and (2) prescribes certain requirements for such an assessment, including a requirement that the qualified individual work with the family and permanency team. (42 U.S.C. § 675a(c)(1)(A), (B)(i)) If the qualified individual determines after the assessment that the child should not be placed in a family foster home, existing federal law requires the qualified individual to state the reasons for that determination in writing. (42 U.S.C. § 675a(c)(1)(C)) **Section 7** of this regulation incorporates those federal

requirements into the Nevada Administrative Code, thereby requiring agencies which provide child welfare services and qualified residential treatment programs in this State to comply with those requirements to ensure the eligibility of this State for federal reimbursement.

Existing federal law requires a state to submit certain documentation relating to the family and permanency team of a child in the case plan of the child. (42 U.S.C. § 675a(c)(1)(B)(iii)) Existing regulations require an agency which provides child welfare services to develop a written case plan, which contains certain information, for a child within 45 days after the date on which the child is removed from his or her home. (NAC 432B.400) **Section 8** of this regulation requires an agency which provides child welfare services to additionally include in a case plan: (1) the information required by federal law relating to the family and permanency team; (2) certain documentation prepared by a qualified individual pursuant to **section 7**; and (3) the determination of the court regarding the continuation of placement of the child in the qualified residential treatment program.

Existing law requires a court to hold certain hearings relating to the placement of a child. (NRS 432B.575, 432B.580, 432B.590) Before any hearing for review of the temporary or permanent placement of the child, existing law requires an agency acting as the custodian of the child to submit to the court a report that contains certain information concerning the child. (NRS 432B.580, 432B.590) **Section 9** of this regulation requires an agency which provides child welfare services, at hearings concerning the placement of a child in a qualified residential treatment program, to submit to the court certain evidence required by federal law concerning the placement. (42 U.S.C. § 675a(c)(1)(D)(4))

Existing federal law requires a state agency to submit certain evidence and documentation to the Secretary of the United States Department of Health and Human Services if a child has been placed in a qualified residential treatment program for: (1) more than 12 consecutive months; (2) more than 18 nonconsecutive months; or (3) if the child is less than 13 years of age, more than 6 consecutive or nonconsecutive months. (42 U.S.C. § 675a(c)(5)) **Section 9** requires an agency which provides child welfare services to submit such documents to the Secretary of the United States Department of Health and Human Services under such circumstances.

Sections 4 and 5 of this regulation define the terms “agency” and “qualified individual,” respectively, for the purposes of **sections 4-9**.

Existing law: (1) defines the term “family foster home” to mean a family home in which one to six children who are in certain situations are received, cared for and maintained, for compensation or otherwise, including the provision of free care; and (2) includes in such a definition a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home. (NRS 424.013) **Section 2** of this regulation makes that definition applicable to certain provisions of the Nevada Administrative Code that regulate child welfare. **Section 10** of this regulation makes a conforming change to indicate the proper placement of **section 2** in the Nevada Administrative Code. **Sections 11 and 13** of this regulation make conforming changes to remove duplicative references to that definition.

Existing regulations set forth provisions governing residential institutions concerning certain liabilities of such institutions and reports of abuse or neglect of a child in the care of such institutions. (NAC 432B.330-432B.370) Existing regulations define the term “residential institution” to mean a facility which provides care to a child on a 24-hour basis and which is operated by a public agency or private person. (NAC 432B.330) **Section 12** of this regulation

adds a qualified residential treatment program to the list of entities included in the definition of “residential institution.” **Section 12** additionally replaces certain terms which are not preferred for use in Nevada Revised Statutes and the Nevada Administrative Code with terms which are preferred for use in Nevada Revised Statutes and the Nevada Administrative Code to ensure uniformity with existing law and the policies prescribed by the Legislature relating to respectful language. (NRS 220.125, 233B.062)

Section 1. Chapter 432B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *“Family foster home” has the meaning ascribed to it in NRS 424.013.*

Sec. 3. *As used in sections 3 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“Agency” means an agency which provides child welfare services.*

Sec. 5. *“Qualified individual” has the meaning ascribed to it in 42 U.S.C. § 675a(c)(1)(D).*

Sec. 6. *An agency shall not place a child in a qualified residential treatment program unless:*

1. The trauma-informed treatment model employed by the qualified residential treatment program pursuant to 42 U.S.C. § 672(k)(4)(A) includes a process for identifying the signs and symptoms of trauma in children and addressing the needs of children related to trauma. That process must include, without limitation:

(a) Screening each child placed in the qualified residential treatment program for trauma using a trauma-specific screening tool or obtaining the results of such a screening conducted not earlier than 30 days before the child was placed in the qualified residential treatment program; and

(b) Ensuring that trauma-based interventions targeting specific trauma-related symptoms are available to each child placed in the qualified residential treatment program.

2. The qualified residential treatment program:

(a) Identifies the manner in which the program will provide trauma-specific treatment interventions to the child pursuant to paragraph (b) of subsection 1; and

(b) Develops and regularly reviews an individualized treatment plan for each child and allows the child to participate in such development and review.

3. In developing and providing services to each child, the qualified residential treatment program:

(a) Recognizes the impact of trauma on a child;

(b) Provides person-centered and culturally responsive services to each child; and

(c) Adjusts services based on the needs of each child.

4. The qualified residential treatment program provides a physical, social and emotional environment that promotes the physical and psychological safety of a child by:

(a) Responding to the needs of each child, including, without limitation, any trauma experienced by each child;

(b) Avoiding factors which may retraumatize a child; and

(c) Including designated spaces that are available to each child for engaging in sensory and self-soothing activities.

5. The qualified residential treatment program establishes policies and procedures which are based on trauma-informed principles. The policies and procedures must:

(a) Prohibit the use of aversive consequences on a child for any reason; and

(b) Describe the manner in which the qualified residential treatment program:

(1) Provides services according to the trauma-informed treatment model required by 42 U.S.C. § 672(k)(4)(A);

(2) Provides an environment which satisfies the requirements set forth in subsection 4; and

(3) Incorporates trauma-informed principles and practices into the organizational culture of the program.

6. The qualified residential treatment program ensures that, before having direct contact with a child and annually thereafter, each member of the staff of the program who comes into direct contact with children at the program receives training concerning:

(a) Concepts of trauma-informed care and how to provide services to a child according to such concepts; and

(b) The impact of the culture, race, gender identity or expression and sexual orientation of each child on the behavioral health and traumatic experiences of the child.

7. In addition to the training required by subsection 6, each member of the clinical staff of a qualified residential treatment program must receive training in trauma-specific treatment interventions.

Sec. 7. 1. *Not later than 30 days after the date on which a child is placed in a qualified residential treatment program:*

(a) The agency shall assemble a family and permanency team for the child that meets the requirements set forth in 42 U.S.C. § 675a(c)(1)(B); and

(b) The qualified residential treatment program shall ensure that a qualified individual performs the activities required by 42 U.S.C. § 675a(c)(1)(A), including, without limitation, assessing the strengths and needs of the child.

2. When performing the duties described in paragraph (b) of subsection 1, a qualified individual shall comply with all requirements of 42 U.S.C. § 675a(c)(1).

3. If the qualified individual determines after conducting an assessment pursuant to paragraph (b) of subsection 1 that the child should not be placed in a family foster home, the qualified individual shall specify in writing the information required by 42 U.S.C. § 675a(c)(1)(C).

Sec. 8. In addition to the information required pursuant to subsection 2 of NAC 432B.400 to be included in a written case plan for a child who has been removed from his or her home, an agency shall, for each child placed in a qualified residential treatment program, include in the case plan:

1. The information required to be documented pursuant to 42 U.S.C. § 675a(c)(1)(B)(iii);
2. The written document prepared by the qualified individual pursuant to subsection 3 of section 7 of this regulation; and
3. The determination issued by a court pursuant to subsection 5 of NRS 432B.575.

Sec. 9. 1. At the hearing held pursuant to subsection 2 of NRS 432B.575, as part of each review conducted pursuant to NRS 432B.580 and at each hearing held pursuant to NRS 432B.590 for the duration of the placement of a child in a qualified residential treatment program, the agency shall submit to the court the evidence described in 42 U.S.C. § 675a(c)(4).

2. If an agency places a child who is 13 years of age or older in a qualified residential treatment program for more than 12 consecutive months or more than 18 nonconsecutive months, or places a child who is less than 13 years of age in a qualified residential treatment program for more than 6 consecutive or nonconsecutive months, the agency shall submit to

the Secretary of the United States Department of Health and Human Services the documentation required by 42 U.S.C. § 675a(c)(5).

Sec. 10. NAC 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432B.011 to 432B.017, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 11. NAC 432B.017 is hereby amended to read as follows:

432B.017 “Foster care” means any out-of-home placement of a child. The term includes:

1. The placement of a child into:
 - (a) A family foster home ; ~~as that term is defined in NRS 424.013;~~
 - (b) A group foster home, as that term is defined in NRS 424.015; or
 - (c) Any other similar institution having the appropriate qualifications and facilities to provide the necessary and desirable degree and type of care to the child.
2. The placement of a child with a relative other than the relative who had a legal responsibility for providing a home for the child before the child was placed into the custody of the agency which provides child welfare services.
3. An independent living arrangement approved by the agency which provides child welfare services in accordance with NAC 432B.410, made by the agency which provides child welfare services for a child in the custody of the agency which provides child welfare services pursuant to NRS 127.050 or 432B.550, or for whom the agency which provides child welfare services is responsible pursuant to NRS 432B.360.

Sec. 12. NAC 432B.330 is hereby amended to read as follows:

432B.330 As used in NAC 432B.330 to 432B.370, inclusive, unless the context otherwise requires, “residential institution” means a facility which provides care to a child on a 24-hour basis and which is operated by a public agency or private person, including facilities for the training and detention of youth, institutions for child care, facilities for mental health and ~~mental retardation,~~ *intellectual disabilities*, boarding schools, residential programs for alcohol and ~~drug abuse,~~ *substance use disorders*, group and family foster homes, *qualified residential treatment programs* and nursing homes caring for a child.

Sec. 13. NAC 432B.400 is hereby amended to read as follows:

432B.400 1. The agency which provides child welfare services shall develop a written case plan for a child within 45 days after the date on which the child is removed from his or her home. The case plan:

(a) Must:

(1) If possible, be developed jointly with a parent or guardian of the child who is receiving foster care;

(2) Be developed with input from the child if the agency which provides child welfare services determines it is appropriate, based on the age and stage of development of the child; and

(3) Be developed with input from the foster parent caring for the child.

(b) Must include a plan to ensure that:

(1) The care that the child receives is safe and proper; and

(2) The parent or guardian of the child receives services to improve the condition of the home as well as to facilitate the safe return of the child to his or her home or another permanent placement; and

(c) Must be updated at least once every 6 months and submitted to the court with the report required by NRS 432B.580.

2. The case plan developed pursuant to subsection 1 must include:

(a) A statement addressing the long-term goals of the plan, including reunification of the child and his or her family, permanent placement of the child with a relative, placement of the child for adoption, placement of the child into a legal guardianship or placement of the child into another permanent living arrangement;

(b) A projected time by which these goals should be achieved;

(c) A description of the current strengths of the family and the needs which must be satisfied to achieve these goals;

(d) A description of services offered or provided to prevent removal of the child from his or her home and to reunify the family of the child;

(e) A description of the type of home or institution in which the child is placed;

(f) A description of the safety and appropriateness of the placement to ensure that the child receives proper care, including, without limitation, a description of the manner in which the agency will accomplish this goal;

(g) A description of the manner in which the agency will ensure that services are provided to the child and the foster parents which address the needs of the child while in foster care, including, without limitation, the appropriateness of services that have been provided pursuant to the case plan;

(h) A description, as applicable, of the programs and services which will assist a child in foster care who is 16 years of age or older prepare for the transition from foster care to independent living;

(i) If the goal of the case plan is adoption or placement in another permanent home, a description of the steps that will be taken to finalize the adoption or placement, including any steps that will be taken to recruit adoptive parents through the use of electronic or other types of state, regional and national adoption exchanges, or by other means;

(j) A description of the manner in which a placement will be made and the reasons that such a placement will be in the best interest of the child, with particular consideration given to a placement that is safe and in the least restrictive familial environment available;

(k) In addition to the factors set forth in paragraph (j), if the goal of the case plan is reunification of the child and his or her family, the description provided pursuant to paragraph (j) must indicate that particular consideration will be given to a placement that is in close proximity to the home of the parent of the child;

(l) If the child will be placed in a family foster home or institution for child care that is located a substantial distance from or in a different state than where the family of the child resides, a description of the reasons that such a placement will be in the best interest of the child;

(m) If a child is placed in a family foster home or institution for child care that is located in a different state than where the parents of the child reside, a description of the frequency with which a caseworker from an agency that provides child welfare services and that is located in the state in which the child is placed or the state in which the parents of the child reside will visit the foster home or institution and will submit a report to the agency that provides child welfare services in the state in which the parents of the child reside;

(n) A description of the efforts that will be made to place children who are siblings together;

(o) A plan for family visitation, including, without limitation, visiting siblings if the siblings are not residing together;

(p) A statement indicating that the proximity of the school in which the child was enrolled at the time that he or she was placed in foster care was considered as a factor in the selection of the placement for foster care; and

(q) The health and education records of the child to the extent those records are available, including, without limitation:

- (1) The names and addresses of the providers of health care and education of the child;
- (2) The grade level at which the child performs;
- (3) Documentation of the immunizations that the child has had;
- (4) Documentation of any known medical or psychological problems of the child;
- (5) Documentation of any medications prescribed for the child; and
- (6) Such other health or educational information concerning the child as the agency which provides child welfare services determines is necessary.

3. The agency which provides child welfare services shall ensure that the report described in paragraph (m) of subsection 2 is submitted to the agency located in the county in which the parents of the child reside at least once every 12 months.

4. As used in this section ~~§~~:

—(a) ~~“Education”~~, “*education* records” means a report card or other report of progress and an individual education plan, if applicable.

~~{(b) “Family foster home” has the meaning ascribed to it in NRS 424.013.}~~



DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



DIVISION OF CHILD AND FAMILY SERVICES **LCB File No. R103-24P** **Informational Statement per NRS 233B.066**

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

The regulation modifications found in LCB File No. R103-24P allow for the establishment and operation of Qualified Residential Treatment Programs (QRTS) in Nevada. The new programmatic proposed regulations are a result of the requirement for states to comply with federal requirements within the Family First Prevention Services Act of 2018 (FFPSA) specific to QRTSs. This will provide a trauma focused multidisciplinary placement option for youth in need of a certain level of care. These provisions focus on various aspects of QRTS facilities regarding admission criteria, staff training, reporting, creation and adherence to policies, delivery of trauma-informed treatment for children, case plans and discharge transitions. The regulations are necessary for Nevada to provide program requirements in Nevada Administrative Code for this new facility type/level of care.

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.

Below is a summary of how public comment was solicited by the Division of Child and Family Services (DCFS), Nevada's Department of Human Services, and a summary of the public's response.

Description of How Public Comment was Solicited

Interested person(s) were sent copies of the proposed regulations, the notice of public workshop and the public hearing notice of intent to adopt via email, upon request, or by interest. The email list included 40 individuals.

Public notices were posted at the following locations, in accordance with NRS Chapter 241:

DCFS, 500 E. Warm Springs Rd., Ste 100, Las Vegas, NV 89119
DCFS, 4126 Technology Way., Ste. 300, Carson City, NV 89706
Northern Nevada Child and Adolescent Services, 2655 Enterprise Rd., Reno, NV 89512
Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15, Las Vegas, NV
89146 DCFS, 1010 Ruby Vista Dr. Suite 101, Elko, NV 89801
DCFS, 1485 West Warm Springs #109 Henderson, NV 89014
Division of Child and Family Services website:
<http://dcfs.nv.gov/Meetings/2025/2025MeetingsandAgendas/>

Nevada Legislature website: <https://www.leg.state.nv.us>
Nevada Public Notices website: <https://notice.nv.gov/>

Summary of Public Response

Through the course of the public workshop and the adoption hearing, one verbal comment was made.

Public Workshop

On September 30, 2024, a public workshop was held to allow the public to provide input regarding the proposed QRTP regulations. There were 29 participants. DCFS had one public verbal comment from Jill Marano, requesting the addition of federal language per 42 U.S.C. § 672(k)(4)(A) into LCB File No. R103-24P Section 7(b).

(f) Jill Marano, Director,
(f) 702-232-2525
(f) 121 Martin Luther King Blvd. Las Vegas, NV. 89106
(f) 702-455-1184
(f) Jill.Marano@ClarkCountyNV.gov
(f) Clark County Family Services

Adoption Hearing

On September 24, 2025, a public adoption hearing was held. There were 11 participants that attended: 4 in person and 7 virtually. The agenda had itemized an opportunity to provide comment at the beginning of the hearing and at the end. There was no public comment received.

How Other Interested Persons May Obtain a Copy of the Summary

Any person interested in obtaining a copy of the public workshop or adoption hearing meeting materials may email, call, or mail in a request to Amber Howell at:

Division of Child and Family Services
4126 Technology Way
Carson City, NV 89706
Phone: (775) 687-9047
Email: ahowell@dcfs.nv.gov

On September 24, 2025, a public adoption hearing was held. There were 11 participants that attended: 4 in person and 7 virtually. There were no public comments received.

3. The number of persons who attended each hearing, testified at each hearing and submitted written statements to the agency.

Public Workshop 9/30/2024: 29 participants in attendance, 1 person testified, no written comments.

Public Hearing 9/24/2025: 11 participants in attendance, no testimony or written comments.

4. Contact information for persons in attendance:

Please refer to attached list of attendees.

5. A description of how comments were solicited (i.e. notices), from affected businesses, a copy of their response, and an explanation of how other interested persons may obtain a copy of the summary.

The request for comments was solicited via email and posting on appropriate websites.

Small Business Impact Questionnaire

On December 21, 2023, pursuant to NRS 233B.0608(2)(a), DCFS sent out the small business impact questionnaire for small businesses to ten (10) foster care agency owners, who may be impacted by the changes.

On February 7, 2024, DCFS sent a second small business impact questionnaire to eleven (11) foster care facilities that may be impacted. The Division received one (1) response indicating that the proposed regulations would not have an adverse effect on their facility. The results are summarized in the attached Small Business Impact Statement dated March 6, 2024.

6. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement would explain the reasons for making any changes to the regulation as proposed.

There were no requests to change the proposed regulation as drafted in LCB File No. R103-24P.

**7. 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:
(a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.**

- *Adverse immediate effects:* There are no anticipated immediate adverse economic effects on the public, nor the facilities that will be regulated.

- *Adverse long-term effects:* There are no anticipated long-term adverse economic effects on the public, nor the facilities that will be regulated.
- *Beneficial immediate effects:* Interested facilities and child welfare agencies will now have the program requirements outlined in NAC for this level of care. Separate regulations are needed to establish the licensing requirements for QRTPs, which is the responsibility of the State Board of Health to implement. Members of the public who are in need of this level of care, will now have this available in state to support children, youth and families.
- *Beneficial long-term effects:* The proposed regulations will allow Nevada to operate QRTP's, and child welfare agencies can access this level of care for those children who historically needed this placement type but were not available within the state. Members of the public who are in need of this level of care, will now have this available in state as a long-term option mitigating possible placement disruption for children and youth.

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

There is no estimated cost to implement and enforce the QRTP programming regulations (LCB File No. R103-24P). LCB File No. R103-24P refers to QRTP programming and will be the responsibility of DCFS to enforce. There are separate QRTP licensing regulations in development, which may have an estimated cost to enforce and implement. The second regulatory provisions for QRTP licensing requirements will be promulgated by another Division within the Department of Human Services (DHS). The provisions within R103-24P do not include a licensing or enforcement fee due to these provisions only relate to program requirements of a QRTP facility.

9. 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, name the regulating federal agency.

The proposed regulations do not overlap or duplicate any federal or Nevada state regulations.

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

There are no federal regulations addressing the same activity.

11. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

These regulations do not address any fees.

Public Hearing Attendance 9/24/2025		
Name	Contact	Organization
Marla McDade Williams	mmcdade@dcfs.nv.gov	DCFS
Karla Sanchez	ksanchez@dcfs.nv.gov	DCFS
Amber Howell	ahowell@dcfs.nv.gov	DCFS
Joseph Filippi	j.filippi@dcfs.nv.gov	DCFS
Lori Brown	lori.brown@dcfs.nv.gov	DCFS
Betsey Crumrine	bcrumrine@dcfs.nv.gov	DCFS
Mandy Hall	mhall@dcfs.nv.gov	DCFS
Laurie Jackson	ljackson@dcfs.nv.gov	DCFS
Veronica Hagan	vhagen@dcfs.nv.gov	DCFS
Sabrina Schnur	ss@cartwrightnv.com	Cartwright NV
Cadence Matijevich	CMatijevich@washoeconomy.gov	Washoe County Human Services Agency

Public Workshop Attendance 9/30/2024		
Name	Contact	Organization
Marla McDade Williams	mmcdade@dcfs.nv.gov	DCFS
Amber Howell	ahowell@dcfs.nv.gov	DCFS
Megan Tingle	mtingle@dcfs.nv.gov	DCFS
Lupie Janos	mjanos@dcfs.nv.gov	DCFS
Rosanna Dagdagan	R.dagdagan@dcfs.nv.gov	DCFS
Rhonda Sinclair	Rhonda.Sinclair@dcfs.nv.gov	DCFS
Sara Velasquez	sara.velasquez@dcfs.nv.gov	DCFS
Marcie Trier	MTrier@dcfs.nv.gov	DCFS
Allyson Mosbacher	amosbacher@dcfs.nv.gov	DCFS
Jessica Shephard	jshphard@washocounty.gov	Washoe County Human Services Agency
Melissa Coates	imcoates@washoeconomy.gov	Washoe County Human Services Agency
Lindarae Prudden	lprudden@washocounty.gov	Washoe County Human Services Agency
Anastasia Cooper	acooper@washoeconomy.gov	Washoe County Human Services Agency
Amy Sandvik	asandvik@washoeconomy.gov	Washoe County Human Services Agency

Jill Marano	jill.marano@clarkcountynv.gov	Clark County Family Services
Jennifer Erbes	jennifer.erbes@clarkcountynv.gov	Clark County Family Services
Oscar Benavides		Clark County Family Services
Amity Latham	dormana@clarkcountynv.gov	Contact information not provided
Jonathon Norman	jnorman@lacs.n.org	Legal Aid Center of Southern Nevada
Jaymie Jensen	Contact information not provided	Contact information not provided
Ali Callendo	Ali@FosterKinship.org	Foster Kinship
Christina Chang	Contact information not provided	Contact information not provided
Theresa Parish	Contact information not provided	Contact information not provided

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Marla McDade
Williams, MPA
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 / Fax (775) 684-4455
dcfs.nv.gov

March 4, 2024

Small Business Impact Statement

Proposed Regulations

Qualified Residential Treatment Program (Q RTP)
NAC 432B, NRS 432A.0245, 432A.131(5), 432A.190(2)
(Prepared Pursuant to Nevada Revised Statutes 233B.0608)

Pertaining to

Proposed Amendments per the federal Family First Prevention Services Act of 2018 (FFPSA);
Qualified Residential Treatment Program (Q RTP) to the Nevada Administrative Code (NAC)
Chapter 432A – *Services and Facilities for Care of Children, and,*
Chapter 432B – *Protection of Children from Abuse and Neglect*

The new programmatic and licensing regulations in the proposed revisions to NAC Chapter 432A – *Services and Facilities for Care of Children, and to NAC Chapter 432B – Protection of Children from Abuse and Neglect* are a result of the requirement for states to comply with the recently established requirements within the Family First Prevention Services Act of 2018 (FFPSA) specific to *Qualified Residential Treatment Programs*. In order to stand up this type of foster home and maintain Nevada's ability to bill for the maintenance costs of caring for children in foster care, through the Federal Social Security Act Title IV-E, Nevada must be in compliance with the new FFPSA requirements.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

On December 21, 2023, the Division of Child and Family Services sent a small business impact questionnaire via electronic mail to ten (10) foster care agency owners, who may be impacted by changes to NAC Chapter 432A and NAC Chapter 432B. These small business owners were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than January 4, 2024, regarding the effect these proposed changes may have on their small business. A reminder was also sent out to the small business owners on January 2, 2024, to complete the questionnaire.

1. No questionnaires were completed or returned by the small business owners.

On February 7, 2024, the Division of Child and Family Services sent a second small business impact questionnaire via electronic mail to eleven (11) licensed facilities, who may be impacted by changes to NAC Chapter 432A and NAC Chapter

432B. These licensed facilities were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than February 19, 2024, regarding the effect these proposed changes may have on their small business.

1. One response was received, and the facility that responded to the questionnaire indicated the proposed regulations would not have an adverse effect on their facility.

This Small Business Impact Statement summary is in its entirety.

2. The manner in which the analysis was conducted.

All revisions made to NAC Chapters 432B will allow for the establishment and operation of qualified residential treatment programs in Nevada. This will provide a trauma focused multidisciplinary placement option for youth in need of a higher level of care. The Family Programs Office analyzed the results of the completed Small Business Impact Questionnaires in the development of this statement.

3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

No questionnaires were completed or returned by the small business owners. One licensed facility responded to the questionnaire. The proposed regulations do not appear to have an economic effect on small businesses in the state.

4. A description of the methods that the DCFS considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used those methods.

Based on the responses, DCFS did not consider any other methods to reduce the impact because there was no assertion these regulations impacted small business.

5. The estimated cost to the agency for enforcement of proposed regulations.

DCFS considers there is a potential increase in costs to the agency for the following:

- The additional monthly foster care payments per this type of placement. With licensed placements, the agency will be able to claim reimbursable Title IV-E costs.
- Administrative costs to the agency to process, monitor, and renew licenses for QRTPs.

6. Total amount the agency which provides child welfare services expects to collect from any fees and the manner in which the money will be used.

The fees are established in NAC 432A.200. The number of facilities anticipated to be licensed is less than 10 with an anticipated average facility size of less than 10 residents. Using these figures, we can make a rough estimate of \$600.

7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or stringent provisions were created within the proposed regulations.

8. The reasons for the conclusions of the agency regarding the impact of the proposed regulation on small business.

It is the conclusion of DCFS that there is no significant impact from the proposed regulation on small business.

By my signature below, I certify that, to the best of my knowledge, the information contained in this statement was prepared properly and is accurate.



Marla McDade Williams, *DCFS Administrator*

3/6/2024

Date

ADOPTED REGULATION OF
THE STATE BOARD OF HEALTH
LCB File No. R107-24

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

AUTHORITY: §§ 1 and 2, NRS 442.140, 442.190 and 442.330.

A REGULATION relating to public health; repealing the requirement that the Chief of the Bureau of Children's Services of the Department of Human Services inform all employees of the Bureau of regulations relating to confidential records; eliminating the requirement that the Chief Medical Officer of the State of Nevada establish procedures to ensure the enforcement of the requirement that the Chief of the Bureau inform all employees of the Bureau of certain regulations relating to confidential information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Human Services, through the State Board of Health, to adopt regulations necessary for: (1) the administration of a detailed plan for a maternal and child health program the purpose of which is to develop, extend and improve health services, and to provide for development of demonstration services in needy areas for persons who are pregnant, are giving birth or have given birth and children; and (2) the administration of a plan or plans for a program of service for children who have special health care needs or who are suffering from conditions which lead to a handicap the purpose of which is to develop, extend and improve services for locating such children, and for providing for medical, surgical, corrective and other services and care, and providing facilities for diagnosis, hospitalization and aftercare. (NRS 442.130, 442.140, 442.180, 442.190)

Existing law requires: (1) the Division of Public and Behavioral Health of the Department to establish and maintain a statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes; and (2) the Board to adopt regulations to ensure that any information obtained by the system that would reveal the identity of a patient remains confidential. (NRS 442.320, 442.330)

Existing regulations provide that any information concerning personal facts and circumstances obtained by the State or a local staff administering the programs of services for maternal and child health and the care and treatment of children with special needs is a privileged communication and must be held confidential. (NAC 442.060) Existing regulations further require the Chief of the Bureau of Children's Services of the Division to inform all

employees of the Bureau of regulations relating to confidential materials. (NAC 442.080)
Section 2 of this regulation repeals this requirement.

Existing regulations require the Chief Medical Officer to establish appropriate procedures to ensure the enforcement of the requirement that the Chief of the Bureau inform all employees of the Bureau of regulations relating to confidential materials. (NAC 442.090) **Section 1** of this regulation makes a conforming change by removing a reference to the requirement repealed by **section 2**.

Section 1. NAC 442.090 is hereby amended to read as follows:

442.090 The Chief Medical Officer shall establish appropriate procedures to ensure the enforcement of NAC 442.060 ~~and~~ *and* 442.070 . ~~and 442.080.~~

Sec. 2. NAC 442.080 is hereby repealed.

TEXT OF REPEALED SECTION

442.080 Chief of Bureau of Children's Services to inform employees of policy. (NRS 442.140, 442.190, 442.330) The Chief of the Bureau of Children's Services shall inform all employees of the Bureau of regulations relating to confidential materials.

Joe Lombardo
Governor

Richard Whitley,
MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



Cody L. Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

CHILD, FAMILY, AND COMMUNITY WELLNESS (CFCW) BUREAU

MATERNAL, CHILD, AND ADOLESCENT HEALTH PROGRAM

LCB File No. R107-24

INFORMATIONAL STATEMENT PER NRS 233B.066

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

The need for the regulation is the deletion of Nevada Administrative Code (NAC) [442.080](#) by which the Chief of the Bureau of Children's Services informs all employees of the Bureau of regulations relating to confidential materials. The Bureau is no longer named the Bureau of Children's Services and current onboarding requirements already ensure all employees of the Division of Public and Behavioral Health receive instruction on confidential materials and this includes all employees of the Bureau. The regulation is redundant since the process referenced in NAC [442.080](#) occurs as a mandated aspect of Division policy and required trainings.

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;

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health requested input from 9,053 individuals solicited via email and a stakeholder feedback meeting held on March 22, 2023.

A Small Business Impact Questionnaire was sent to 9,053 individuals on March 22, 2023. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary Of Comments Received (2 responses were received out of 9,053 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
No (2 responses)	No (2 responses)	No (2 responses)	No (2 responses)

Number of Respondents out of 9,053 mailings and posting to the Division website	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
2	0	0	0	0
TOTAL=2	0	0	0	0

Stakeholder Comment - March 22, 2023

The Division of Public and Behavioral Health held a meeting on March 22, 2023, for stakeholders to provide input and comments regarding the proposed regulation including the economic impact the proposed regulation may have on relevant stakeholders. Modifications to the proposed regulations were not made or suggested.

Public Workshop – April 28, 2023

A public workshop was held at the State Board of Health meeting on April 28, 2023. There were twenty-one (21) Division of Public and Behavioral Health participants who attended the public workshop and twenty-two (22) non-Division of Public and Behavioral Health staff who attended. No feedback was received from the public workshop on NAC [442.080](#) and no changes were made to the proposed regulations related to NAC [442.080](#).

Public Hearing – January 17, 2025

A public hearing was held on January 17, 2025, before the Board of Health. Modifications to the proposed regulations were not made or suggested for R107-24.

How other interested persons may obtain a copy of the summary

Any persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Vickie Ives, MA, Health Bureau Chief, CFCW, at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Vickie Ives
Phone: (775) 684-2201
Email: vives@health.nv.gov

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, 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

Public Workshop – April 28, 2023

A public workshop was held at the State Board of Health meeting on April 28, 2023. There were twenty-one (21) Division of Public and Behavioral Health participants who attended the public workshop and twenty-two (22) non-Division of Public and Behavioral Health staff who attended. No verbal or written feedback was received from the public workshop on NAC [442.080](#) and no changes were made to the proposed regulations related to NAC [442.080](#).

Public Hearing – January 17, 2025

There were twenty-seven (27) individuals that attended the public hearing virtually, including Division of Public and Behavioral Health staff and Board of Health members. There was one person who signed the in-person sign in sheet. Division of Public and Behavioral Health staff also attended in-person. As there were other agenda items on the public hearing agenda it is unknown how many individuals were present specifically for the hearing on LCB Draft of Proposed Regulation R107-24.

There were no written statements or testimony provided on R107-24.

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

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health requested input from 9,053 individuals solicited via email and a stakeholder feedback meeting held on March 22, 2023. An email making stakeholders aware of a pending stakeholder feedback meeting was widely distributed on March 15, 2023, and the meeting was held with a physical and virtual option to attend on March 22, 2023. On March 22, 2023, the Small Business Impact Questionnaire was distributed to 9,053 individuals and two (2)

responses were received indicating no adverse or beneficial direct or indirect effects or impacts of the proposed regulation.

The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?

SUMMARY OF RESPONSE

Summary of Comments Received (There were {2} responses received out of {9,053} small business impact questionnaires distributed)			
(Q#1) Will a specific regulation have an adverse economic effect upon your business?	(Q#2) Will the regulation(s) have any beneficial effect upon your business?	(Q#3) Do you anticipate any indirect adverse effects upon your business?	(Q#4) Do you anticipate any indirect beneficial effects upon your business?
{0} "Yes" Responses	{0 } "Yes" Responses	{0} "Yes" Responses	{0} "Yes" Responses
{2} "No" Responses <u>Comments (Q#1):</u> N/A <u>Comments (Q#2):</u> N/A <u>Comments (Q#3):</u> N/A <u>Comments (Q#4):</u> N/A	{2} "No" Responses	{2} "No" Responses	{2} "No" Responses

How other interested persons may obtain a copy of the summary

Any persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Vickie Ives, MA, Health Bureau Chief, CFCW, at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300

Carson City, NV 89701
Vickie Ives
Phone: (775) 684-2201
Email: vives@health.nv.gov

5. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

As no public comment was given on R107-24 suggesting any changes to the language, the regulation was adopted without changing any part of the proposed regulation.

6. 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:

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

Anticipated effects on the business which NRS Chapter 442 regulates:

- A. *Adverse effects:* No adverse economic effects were identified.
- B. *Beneficial:* No beneficial economic effects were identified.
- C. *Immediate:* No immediate economic effects were identified.
- D. *Long-term:* No long-term economic effects were identified.

Anticipated effects on the public:

- E. *Adverse effects:* No adverse economic effects were identified.
- F. *Beneficial:* No beneficial economic effects were identified.
- G. *Immediate:* No immediate economic effects were identified.
- H. *Long-term:* No long-term economic effects were identified.

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

There is no estimated cost to the agency as it is a proposed removal of a regulation.

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, name the regulating federal agency.

There are no regulations of other state or government agencies which the proposed regulation overlaps or duplicates.

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

The regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity.

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not establish a new fee or increase an existing fee.

Joe Lombardo
Governor

Richard Whitley, MS
Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical Officer

SMALL BUSINESS IMPACT STATEMENT 2023
PROPOSED AMENDMENT TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 442

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendment should not have an impact upon a small business or a negative impact on the formation, operation, or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a, "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

Background

Nevada Administrative Code (NAC) [442.080](#) is proposed for deletion. This Nevada Administrative Code requires the Chief of the Bureau of Children's Services to inform all employees of the Bureau of regulations relating to confidential materials. Current onboarding requirements already ensure all employees of the Division of Public and Behavioral Health receive instruction on confidential materials and this includes all employees of the Bureau. The regulation is redundant since the process referenced in NAC 442.080 occurs as a mandated aspect of Division policy and required trainings.

1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health requested input on multiple public health regulations from 9,053 individuals solicited via email and a stakeholder feedback meeting held on March 22nd, 2023.

A Small Business Impact Questionnaire was sent to 9,053 individuals on March 22nd, 2023. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary Of Comments Received (2 responses were received specific to NAC 442.080 out of 9,053 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
No (2 responses)	No (2 responses)	No (2 responses)	No (2 responses)

Number of Respondents out of 9,053 e-mailings and posting to the Division website	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
2	0	0	0	0

2) Describe the manner in which the analysis was conducted.

An email making stakeholders aware of a pending stakeholder feedback meeting was widely distributed on March 15, 2023, and the meeting was held with a physical and virtual option to attend on March 22, 2023. The Small Business Impact Questionnaire was distributed to 9,053 individuals, requesting feedback on multiple public health regulations. Of the questionnaires distributed, two responses for NAC 442.080 were received, indicating no adverse or beneficial direct or indirect effects or impacts of the proposed regulation deletion.

3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.

There is no adverse or beneficial estimated direct or indirect economic effect of the proposed regulation deletion.

4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Division of Public and Behavioral Health has held several opportunities including a meeting on March 22, 2023, for stakeholders to provide input and comments regarding the proposed regulation change,

including the economic impact the proposed regulation deletion may have on relevant stakeholders. Modifications to the proposed regulations have not been made or suggested as a result of this input. A Workshop will be held on April 21, 2023, allowing for further input by interested parties regarding the proposed regulations and how they will impact small businesses. Any future comments will be taken into consideration for possible further revisions to the regulations to prevent or reduce the economic impact on facilities.

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

There is no estimated cost to the agency for enforcement of the proposed regulation.

6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.

The proposed regulation does not provide a new fee or increase an existing one.

7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

There are no duplicative or more stringent provisions than federal, state, or local standards regulating the same activity.

8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

Pending any feedback from the public hearing on April 28 2023, currently there are no responses indicating any impact from the small business impact questionnaire mailed and posted on the Division website on March 22, 2023.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Vickie Ives at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89701
Vickie Ives
Phone: (775) 684-2201
Email: vives@health.nv.gov

Certification by Person Responsible for the Agency

I, Lisa Sherych, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 04/05/2023

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R149-24

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

AUTHORITY: § 1, NRS 445A.425 and 445A.520, as amended by section 20 of Assembly Bill No. 104, chapter 226, Statutes of Nevada 2025, at page 1407.

A REGULATION relating to water quality standards; revising the water quality standards for certain toxins that are applicable to certain designated waters in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Subject to certain exceptions, existing law requires the State Environmental Commission to adopt regulations establishing water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State. Subject to the same exceptions, the Commission is further required to base its water quality standards on water quality criteria which: (1) numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water; and (2) provide for recreation in and on the water if these objectives are reasonably attainable. (NRS 445A.520, as amended by section 20 of Assembly Bill No. 104, chapter 226, Statutes of Nevada 2025, at page 1407)

Existing regulations set forth the standards for toxic materials that are applicable to certain designated waters in this State. (NAC 445A.1236) This regulation makes various changes to the standards for toxic materials.

Section 1 of this regulation sets forth certain water quality standards for cylindrospermopsin and microcystins relating to the designated beneficial use of recreation involving contact with the water. These standards are based on certain publications of the United States Environmental Protection Agency, as cited in **section 1**.

Section 1 further makes technical corrections to: (1) add a footnote to the water quality standards for cyanide; and (2) the spelling of the term “Heptachlor Epoxide.”

Section 1. NAC 445A.1236 is hereby amended to read as follows:

445A.1236 1. Except for waters which have site-specific standards for toxic materials or as otherwise provided in this section, the standards for toxic materials prescribed in subsection 2

are applicable to the waters specified in NAC 445A.123 to 445A.2234, inclusive. The following criteria apply to this section:

- (a) If the standards are exceeded at a site and are not economically controllable, the Commission will review and may adjust the standards for the site.
- (b) If a standard does not exist for each designated beneficial use, a person who plans to discharge waste must demonstrate that no adverse effect will occur to a designated beneficial use. If the discharge of a substance will lower the quality of the water, a person who plans to discharge waste must meet the requirements of NRS 445A.565.
- (c) If a criterion is less than the reporting limit of a method that is acceptable to the Division, laboratory results which show that the substance was not detected at a quantifiable level shall be deemed to show compliance with the standard unless other information indicates that the substance may be present.

2. The standards for toxic materials are:

Chemical	Municipal or Domestic Supply	Aquatic Life ^(1,2)	Irrigation	Watering of Livestock	<i>Recreation Involving Contact With the Water</i>
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
INORGANIC CHEMICALS⁽³⁾					
Antimony	146 ^a	-	-	-	-
Arsenic	50 ^b	-	100 ^c	200 ^d	-
1-hour average	-	340 ^{f,(4)}	-	-	-
96-hour average	-	150 ^{f,(4)}	-	-	-
Barium	2,000 ^b	-	-	-	-
Beryllium	4 ⁱ	-	100 ^c	-	-
Boron	-	-	750 ^a	5,000 ^d	-
Cadmium	5 ^b	-	10 ^d	50 ^d	-
1-hour average	-	(1.136672- {ln(hardness)(0.041838)})* e ^{(0.9789 {ln(hardness)} - 3.866) h_i(4)}	-	-	-
96-hour average	-	(1.101672- {ln(hardness)(0.041838)})* e ^{(0.7977 {ln(hardness)} - 3.909) h_i(4)}	-	-	-
Chromium (total)	100 ^b	-	100 ^d	1,000 ^d	-
Chromium (VI)	-	-	-	-	-

Chemical	Municipal or Domestic Supply	Aquatic Life ^(1,2)	Irrigation	Watering of Livestock	<i>Recreation Involving Contact With the Water</i>
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
1-hour average	-	16 ^{f,(4)}	-	-	-
96-hour average	-	11 ^{f,(4)}	-	-	-
Chromium (III)	-	-	-	-	-
1-hour average	-	(0.316) * e ^{(0.8190 {ln(hardness)} + 3.7256) f₍₄₎}	-	-	-
96-hour average	-	(0.860) * e ^{(0.8190 {ln(hardness)} + 0.6848) f₍₄₎}	-	-	-
Copper	-	-	200 ^d	500 ^d	-
1-hour average	-	(0.960) * e ^{(0.9422 {ln(hardness)} - 1.700) f₍₄₎}	-	-	-
96-hour average	-	(0.960) * e ^{(0.8545 {ln(hardness)} - 1.702) f₍₄₎}	-	-	-
Cyanide	200 ^{a,(5)}	-	-	-	-
1-hour average	-	22 ^{f,(5)}	-	-	-
96-hour average	-	5.2 ^{f,(5)}	-	-	-
Fluoride	-	-	1,000 ^d	2,000 ^d	-
Iron	-	-	5,000 ^d	-	-
96-hour average	-	1,000 ^f	-	-	-
Lead	50 ^{a,b}	-	5,000 ^d	100 ^d	-
1-hour average	-	(1.46203 - {ln(hardness)}(0.145712)) * e ^{(1.273 {ln(hardness)} - 1.460) f₍₄₎}	-	-	-
96-hour average	-	(1.46203 - {ln(hardness)}(0.145712)) * e ^{(1.273 {ln(hardness)} - 4.705) f₍₄₎}	-	-	-
Manganese	-	-	200 ^d	-	-
Mercury	2 ^b	-	-	10 ^d	-
1-hour average	-	1.4 ^{f,(4)}	-	-	-
96-hour average	-	0.77 ^{f,(4)}	-	-	-
Molybdenum	-	-	-	-	-
1-hour average	-	6,160 ^g	-	-	-
96-hour average	-	1,650 ^g	-	-	-
Nickel	13.4 ^a	-	200 ^d	-	-
1-hour average	-	(0.998) * e ^{(0.8460 {ln(hardness)} + 2.255) f₍₄₎}	-	-	-
96-hour average	-	(0.997) * e ^{(0.8460 {ln(hardness)} + 0.0584) f₍₄₎}	-	-	-
Selenium	50 ^b	See NAC 445A.1237	20 ^d	50 ^d	-
Silver	-	-	-	-	-
1-hour average	-	(0.85) * e ^{(1.72 {ln(hardness)} - 6.59) f₍₄₎}	-	-	-
Sulfide (undissociated hydrogen sulfide)	-	-	-	-	-
96-hour average	-	2.0 ^f	-	-	-
Thallium	13 ^a	-	-	-	-
Zinc	-	-	2,000 ^d	25,000 ^d	-
1-hour average	-	(0.978) * e ^{(0.8473 {ln(hardness)} + 0.884) f₍₄₎}	-	-	-
96-hour average	-	(0.986) * e ^{(0.8473 {ln(hardness)} + 0.884) f₍₄₎}	-	-	-
ORGANIC CHEMICALS					
Acrolein	320 ^a	-	-	-	-
1-hour average	-	3 ^f	-	-	-
96-hour average	-	3 ^f	-	-	-
Aldrin	0 ^a	-	-	-	-
1-hour average	-	3.0 ^f	-	-	-
alpha-Endosulfan	-	-	-	-	-
1-hour average	-	0.22 ^f	-	-	-
96-hour average	-	0.056 ^f	-	-	-
beta-Endosulfan	-	-	-	-	-
1-hour average	-	0.22 ^f	-	-	-
96-hour average	-	0.056 ^f	-	-	-
Benzene	5 ^b	-	-	-	-
Bis (2-chloroisopropyl) ether	34.7 ^a	-	-	-	-
<i>Cylindrospermopsin</i>	-	-	-	-	15 ^{j,k(8)}
Chlordane	0 ^a	-	-	-	-

Chemical	Municipal or Domestic Supply	Aquatic Life ^(1,2)	Irrigation	Watering of Livestock	<i>Recreation Involving Contact With the Water</i>
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
1-hour average	-	2.4 ^f	-	-	-
96-hour average	-	0.0043 ^f	-	-	-
Chloroethylene (vinyl chloride)	2 ^b	-	-	-	-
Chlorpyrifos	-	-	-	-	-
1-hour average	-	0.083 ^f	-	-	-
96-hour average	-	0.041 ^f	-	-	-
2,4-D	100 ^{a,b}	-	-	-	-
DDT & metabolites	0 ^a	-	-	-	-
4,4'-DDT	-	-	-	-	-
1-hour average	-	1.1 ^{f,(6)}	-	-	-
96-hour average	-	0.001 ^{f,(6)}	-	-	-
Demeton	-	-	-	-	-
96-hour average	-	0.1 ^f	-	-	-
Diazinon	-	-	-	-	-
1-hour average	-	0.17 ^f	-	-	-
96-hour average	-	0.17 ^f	-	-	-
Dibutyl phthalate	34,000 ^a	-	-	-	-
m-dichlorobenzene	400 ^a	-	-	-	-
o-dichlorobenzene	400 ^a	-	-	-	-
p-dichlorobenzene	75 ^b	-	-	-	-
1,2-dichloroethane	5 ^b	-	-	-	-
1,1-dichloroethylene	7 ^b	-	-	-	-
2,4-dichlorophenol	3,090 ^a	-	-	-	-
Dichloropropenes	87 ^a	-	-	-	-
Dieldrin	0 ^a	-	-	-	-
1-hour average	-	0.24 ^f	-	-	-
96-hour average	-	0.056 ^f	-	-	-
Di-2-ethylhexyl phthalate	15,000 ^a	-	-	-	-
Diethyl phthalate	350,000 ^a	-	-	-	-
Dimethyl phthalate	313,000 ^a	-	-	-	-
4,6-dinitro-2-methylphenol	13.4 ^a	-	-	-	-
Dinitrophenols	70 ^a	-	-	-	-
Endosulfan	75 ^a	-	-	-	-
Endrin	0.2 ^b	-	-	-	-
1-hour average	-	0.086 ^f	-	-	-
96-hour average	-	0.036 ^f	-	-	-
Ethylbenzene	1,400 ^a	-	-	-	-
Fluoranthene (polynuclear aromatic hydrocarbon)	42 ^a	-	-	-	-
Guthion	-	-	-	-	-
96-hour average	-	0.01 ^f	-	-	-
Heptachlor	-	-	-	-	-
1-hour average	-	0.52 ^f	-	-	-
96-hour average	-	0.0038 ^f	-	-	-
Heptachlor <i>Heptachlor</i>	-	-	-	-	-
Epoxide	-	-	-	-	-
1-hour average	-	0.52 ^f	-	-	-
96-hour average	-	0.0038 ^f	-	-	-
Hexachlorocyclopentadiene	206 ^a	-	-	-	-
Isophorone	5,200 ^a	-	-	-	-
Lindane	4 ^b	-	-	-	-
1-hour average	-	0.95 ^f	-	-	-
Malathion	-	-	-	-	-
96-hour average	-	0.1 ^f	-	-	-
Methoxychlor	100 ^{a,b}	-	-	-	-
96-hour average	-	0.03 ^f	-	-	-

Chemical	Municipal or Domestic Supply	Aquatic Life ^(1,2)	Irrigation	Watering of Livestock	<i>Recreation Involving Contact With the Water</i>
	(µg/L)	(µg/L)	(µg/L)	(µg/L)	(µg/L)
<i>Microcystins</i>	-	-	-	-	<i>8^{j,k(8)}</i>
Mirex	0 ^a	-	-	-	-
96-hour average	-	0.001 ^f	-	-	-
Monochlorobenzene	488 ^a	-	-	-	-
Nitrobenzene	19,800 ^a	-	-	-	-
Nonylphenol	-	-	-	-	-
1-hour average	-	28 ^f	-	-	-
96-hour average	-	6.6 ^f	-	-	-
Parathion	-	-	-	-	-
1-hour average	-	0.065 ^a	-	-	-
96-hour average	-	0.013 ^a	-	-	-
Pentachlorophenol	1,010 ^a	-	-	-	-
1-hour average	-	e ^{1.005(pH) - 4.869^f}	-	-	-
96-hour average	-	e ^{1.005(pH) - 5.134^f}	-	-	-
Phenol	3,500 ^a	-	-	-	-
Polychlorinated biphenyls (PCBs)	0 ^a	-	-	-	-
96-hour average	-	0.014 ^f	-	-	-
Silvex (2,4,5-TP)	10 ^{a,b}	-	-	-	-
Tetrachloromethane (carbon tetrachloride)	5 ^b	-	-	-	-
Toluene	14,300 ^a	-	-	-	-
Toxaphene	5 ^b	-	-	-	-
1-hour average	-	0.73 ^a	-	-	-
96-hour average	-	0.0002 ^a	-	-	-
Tributyltin (TBT)	-	-	-	-	-
1-hour average	-	0.46 ^f	-	-	-
96-hour average	-	0.072 ^f	-	-	-
1,1,1-trichloroethane (TCA)	200 ^b	-	-	-	-
Trichloroethylene (TCE)	5 ^b	-	-	-	-
Trihalomethanes (total) ⁽⁷⁾	100 ^b	-	-	-	-

Footnotes:

- (1) One-hour average and 96-hour average concentration limits may be exceeded only once every 3 years. See reference a.
- (2) “Hardness” is expressed as mg/L CaCO₃; and “e” refers to the base of the natural logarithm whose value is 2.718.
- (3) The standards for metals are expressed as total recoverable, unless otherwise noted.
- (4) This standard applies to the dissolved fraction.
- (5) This standard is expressed as free cyanide.
- (6) This standard applies to DDT and its metabolites (i.e., the total concentration of DDT and its metabolites should not exceed this value).

- (7) The standard for trihalomethanes (TTHMs) is the sum of the concentration of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform). See reference b.
- (8) *The applicable criterion value must not be exceeded in more than three separate 10-day non-rolling periods in consecutive water years. As used in this footnote, “water year” means the 12-month period beginning on October 1 and ending on September 30 of the immediately following calendar year.*

References:

- a. U.S. Environmental Protection Agency, Pub. No. EPA 440/5-86-001, *Quality Criteria for Water* (Gold Book) (1986).
- b. Federal Maximum Contaminant Level (MCL), 40 C.F.R. §§ 141.11, 141.61 and 141.62 (1992).
- c. U.S. Environmental Protection Agency, Pub. No. EPA 440/9-76-023, *Quality Criteria for Water* (Red Book) (1976).
- d. National Academy of Sciences, *Water Quality Criteria* (Blue Book) (1972).
- e. Not used to avoid confusion with “e” as a natural logarithm.
- f. U.S. Environmental Protection Agency, *National Recommended Water Quality Criteria*, May 2009.
- g. Nevada Division of Environmental Protection, *Aquatic Life Water Quality Criteria for Molybdenum*, Tetra Tech, Inc., (June 2008).
- h. U.S. Environmental Protection Agency, Pub. No. EPA-820-R-16-002, *Aquatic Life Ambient Water Quality Criteria Cadmium - 2016*, March 2016.
- i. U.S. Environmental Protection Agency, Pub. No. EPA 811-Z-92-002, *40 CFR Parts 141 and 142, National Primary Drinking Water Regulations; Synthetic Organic Chemicals and Inorganic Chemicals; Final Rule* (Table 1-MCLGs and MCLs for Inorganic Contaminants) (July 1992).
- j. *U.S. Environmental Protection Agency, Pub. No. EPA 823-R-21-002, Implementing the 2019 National Clean Water Act Section 304(a) Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin, July 2021.*
- k. *U.S. Environmental Protection Agency, Pub. No. EPA 822-R-19-001, Recommended Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin, May 2019.*

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission Permanent No: R149-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

EPA's regulations for water quality standards at 40 CFR 131.11 (a)(1) require states to adopt protective criteria that are based on scientific rationale to protect beneficial uses. Algal blooms caused by cyanobacteria can sometimes produce cyanotoxins at concentrations that can be harmful to people swimming or participating in other activities in or on the water. In May 2019, EPA issued recommendations for water quality criteria and swimming advisory values for cyanotoxins microcystin and cylindrospermopsin based on a rigorous scientific study. Adopting the algal toxin values for microcystin and cylindrospermopsin into Nevada's water quality standards is necessary to protect human health and adequately support the recreation involving contact with the water beneficial use.

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

The Legislative Counsel Bureau published its draft, R149-24P, in the Nevada Register on July 25, 2024.

The NDEP held one hybrid (in-person and virtual) public workshop for R149-24P on August 11, 2025. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Twenty-five members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received several verbal questions:

- 1) One commenter suggested that the criteria is not needed and that a Harmful Algal Bloom (HAB) advisory program already exists.

- 2) Another commenter asked whether the regulation would add additional administrative burden to the Division.
- 3) Another commenter asked how the algal toxin data would be considered for impairment determinations, given the transient nature of HAB event.

A summary of the workshop, including all public comment and bureau response, is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to the Bureau of Air Quality Planning's email distribution list. The Division accepted written comments on R149-24I and R149-24P for 50 days ending on August 14, 2025.

The SEC held a hybrid regulatory hearing on September 9, 2025, to consider possible action on R149-24P. The SEC posted its public notice, which included a link¹ and instructions to access R149-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended September 9, 2025, hearing: 51 (approximately)
- (b) Testified on this petition at the hearing: 2

1. Jason Kuchnicki, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9450
kuchnicki@ndep.nv.gov
2. Seth Alm, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9457
salm@ndep.nv.gov

¹ <https://sec.nv.gov/meetings/sec-meeting-september-9-2025>

(c) Submitted to the agency written comments: None

4. 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.

Comments were solicited from affected businesses through one public workshop and at the September 9, 2025, SEC hearing as noted in number 2 above. There were no public comments during the September 9, 2025, SEC meeting:

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

The Commissioners unanimously adopted R149-24P with greenlined changes because the SEC was satisfied with the proposed regulation. Note that the only change to the LCB draft of R149-24 is to add an “s” at the end of the word “microcystin” in two places: the Legislative Council Digest (page 1) and the table in Section 1, page 5.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

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

Enforcing Agency. The proposed amendments will have no economic effect on the agency.

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, the name of the regulating federal agency.

Not applicable; the proposed amendments do not duplicate any other state or government regulations.

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

The proposed amendments do not include requirements that are more stringent than the regulations of other state or federal agencies.

10. 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.

R149-24P does not provide for any new fees or increases to existing fees.

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA STATE ENVIRONMENTAL COMMISSION

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time employees” (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No, the proposed regulation does not impose direct and significant economic burden on small businesses. The establishment of water quality standards is required by the Federal Clean Water Act to protect the designated uses of the water. Water quality standards in and of themselves have no direct regulatory mechanism, but are used as limitations in permits on discharges to surface water. This regulation proposes to set standards for toxins that can be produced from cyanobacterial (blue-green) algae. As a result, discharge limits for algal toxins will not be written directly into surface discharge permits. Limitations on discharges of nutrients that may contribute to excessive toxic algal growth could be included in permits if assessment indicated a downstream waterbody impairment and subsequent development of a total maximum daily load. However, stringent nutrient criteria are in place for the vast majority of waterbodies where discharge permits currently exist, and dischargers are already implementing controls to meet these limits. Further, nonpoint sources of pollution could be significant contributors of nutrients contributing to toxic algal blooms. However, nonpoint source implementation within Nevada remains voluntary.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The proposed regulation does not restrict the formation, operation, or expansion of a small business (see explanation in #1 above).

If Yes to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

As stated above, NDEP does not anticipate the regulation will affect small business. However, small businesses will have the opportunity to review the regulation language and a rationale document explaining the purpose and reason for adoption of the regulation and can provide comment at the public workshop. A public workshop will be held August 11, 2025, to solicit public and stakeholder feedback on the proposed regulation. Verbal and written comments will be accepted during the workshop. Additionally, written comments will be accepted until 5:00 PM PST, August 14, 2025, and will be retained and considered for the draft regulation presented to the SEC for possible action. A rationale document explaining the proposed changes and reasoning for changes has been made available on the NDEP website. A mailing summarizing the proposed changes and announcing the workshop was sent to stakeholders.

2. The manner in which the analysis was conducted (if an impact was determined).

The proposed regulation does not impose direct and significant economic burden on small businesses.

3. The estimated economic effect of the proposed regulation on small businesses:

The proposed regulation does not impose direct and significant economic burden on small businesses.

a. Both adverse and beneficial effects:

Businesses, the public, and wildlife all benefit from surface water that fully supports its designated beneficial uses, providing sufficient wildlife habitat and recreational opportunities.

b. Both direct and indirect effects:

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. *(Include a discussion of any considerations of the methods listed below.)*

The proposed regulation does not impose direct and significant economic burden on small businesses.

A. Simplification of the proposed regulation:

B. Establishment of different standards of compliance for a small business:

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

The proposed regulation does not impose direct and significant economic burden on small businesses.

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

No new or expanded fees are proposed.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide and explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation is not more stringent than federal regulations. It aligns with the most current regulations and guidance provided by EPA under section 304(a) of the Clean Water Act for development of algal toxin criteria values supporting the Recreation Involving Contact With the Water beneficial use (NAC 445A.122(d)).

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

The proposed regulation does not impose direct and significant economic burden on small businesses. The establishment of water quality standards is required by the Federal Clean Water Act to protect the designated uses of the water. Water quality standards in and of themselves have no direct regulatory mechanism, but are used as limitations in permits on discharges to surface water. This regulation proposes to set standards for toxins that can be produced from cyanobacterial (blue-green) algae. As a result, discharge limits for algal toxins will not be written directly into surface discharge permits. Limitations on discharges of nutrients that may contribute to excessive toxic algal growth could be included in permits if assessment indicated a downstream waterbody impairment and subsequent development of a total maximum daily load. However, stringent nutrient criteria are in place for the vast majority of waterbodies where discharge permits currently exist, and dischargers are already implementing controls to meet these limits. Further, nonpoint sources of pollution could be significant contributors of nutrients contributing to toxic algal blooms. However, nonpoint source implementation within Nevada remains voluntary.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.


Jennifer Carr (Aug 7, 2025 09:04:27 PDT)

Administrator, NDEP

08/07/25

Date

Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>

**ADOPTED REGULATION OF
THE NEVADA TAX COMMISSION**

LCB File No. R180-24

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

AUTHORITY: § 1, NRS 360.090, 369.150 and 369.430.

A REGULATION relating to alcoholic beverages; establishing requirements for persons who produce alcoholic beverages outside this State and who designate a warehouse, bonded warehouse or logistics company to facilitate the importation of alcoholic beverages into this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the Department of Taxation to carry out the provisions of existing law regulating the distribution of alcoholic beverages in this State; and (2) the Nevada Tax Commission to adopt regulations for carrying on the business of the Department. (NRS 360.090, 369.150)

Existing law imposes certain requirements on persons who produce alcoholic beverages outside this State. (NRS 369.111, 369.386, 369.430) Under existing law, these producers of alcoholic beverages, or their designated agents, are required to obtain a certificate of compliance from the Department and furnish to the Department monthly reports of the quantity and type of alcoholic beverages sold and shipped to licensed importers in Nevada during the preceding month. (NRS 369.111, 369.430) This regulation requires a person who produces alcoholic beverages outside this State, and who uses a warehouse, bonded warehouse or logistics company to facilitate the importation of those alcoholic beverages into this State, to: (1) obtain a certificate of compliance; and (2) designate the warehouse, bonded warehouse or logistics company as its designated agent. This regulation further requires the person producing the alcoholic beverages outside this State, rather than the warehouse, bonded warehouse or logistics company, to furnish to the Department the monthly reports required by existing law.

Section 1. Chapter 369 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of liquor who uses a warehouse, bonded warehouse or logistics company to facilitate the importation into

this State of liquor which is brewed, distilled, fermented, manufactured, produced, rectified or bottled outside this State must:

- (a) Obtain a certificate of compliance from the Department pursuant to NRS 369.430; and*
- (b) Designate the warehouse, bonded warehouse or logistics company as the designated agent of the supplier pursuant to NRS 369.386, and the warehouse, bonded warehouse or logistics company must file with the Department a written acceptance of the designation as required by NRS 369.386.*

2. A brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of liquor described in subsection 1 shall furnish to the Department the monthly report required by NRS 369.430 showing the quantity and type of liquor sold and shipped to each licensed importer of liquor in Nevada during the preceding month. A warehouse, bonded warehouse or logistics company shall not furnish such a monthly report required by NRS 369.430 to the Department on behalf of a brewer, distiller, manufacturer, producer, rectifier, vintner or bottler of liquor described in subsection 1 that has designated the warehouse, bonded warehouse or logistics company as the designated agent of the supplier pursuant to NRS 369.386.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066
Informational Statement
LCB File No. R180-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 369.

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

Proposed permanent regulation (R180-24) establishes requirements for persons who produce alcoholic beverages outside this State and who designate a warehouse, bonded warehouse or logistics company to facilitate the importation of alcoholic beverages into this State; and provides other matters properly relating thereto.

This regulation is needed as a result of numerous requests for guidance from out-of-state suppliers regarding their obligations when designating certain warehouses or logistics companies to facilitate the importation of alcoholic beverages into Nevada, as well as numerous findings of potential violations by the Department's liquor compliance investigators finding that out-of-state suppliers are designating warehouses to facilitate the importation of alcoholic beverages into Nevada without proper certification. This regulation clarifies the responsibilities of such a warehouse or other logistics company to obtain the proper certification to engage in such importation of alcoholic beverages as designated by the out-of-state supplier. The regulation is also necessary to confirm that the entity producing the alcoholic beverages is required to furnish the monthly reports required by law for the quantity and type of alcoholic beverages sold and shipped to licensed importers in Nevada.

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

The Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and by sending copies of the proposed regulation, notice of workshop and notice of public hearings to provide public comment by electronic or regular mail as follows:

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop/Hearing</u>	<u>Number Notified</u>
4/8/25	Workshop	4/25/25	225
5/22/25	Adoption Hearing	6/25/25	223

The mailing list included the interested parties list maintained by the Department. Notices were posted at the Nevada State Library, the Legislative Building, the Nevada Legislature's website, the Nevada Public Notice website, Department's website, and various Department of Taxation physical locations throughout the State. Comments were also solicited by direct email.

Summary of public responses from Workshop:

There were no public responses from the Workshop.

Summary of public comment at Adoption Hearing:

There were no public comments at the adoption hearing.

The record of proceedings, and/or the Small Business Impact Statement may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr., Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

- 3. The number of persons (not including Department staff or Commission Members) who:**
- (a) Attended each hearing:**
 - (b) Testified at each hearing:**
 - (c) Submitted written comments:**

Workshop date: April 25, 2025

- (a) Number in attendance: 0
- (b) Number testifying: 0
- (c) Written statements submitted: 0

Adoption Hearing date: June 25, 2025

- (a) Number in attendance: 0
- (b) Number testifying: 0
- (c) Written statements submitted: 0

- 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:**

No one testified or submitted written public comments.

- 5. 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 Department of Taxation, as staff to the Nevada Tax Commission, solicited comment from the public by issuing a questionnaire to interested parties regarding any impact on the public and small businesses and sending notice of workshops and hearings for public meetings to provide public comment by electronic or regular mail.

See same response as Section 2 for summary of responses.

The record of proceedings may be obtained by calling the Nevada Department of Taxation at (775) 684-2041 or by writing to the Department of Taxation, 3850 Arrowhead Dr, Carson City, Nevada 89706, or by e-mailing the Department at kskalsky@tax.state.nv.us.

- 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.**

The Nevada Tax Commission approved the proposed regulation on June 25, 2025, with a minor revision to clarify the reporting requirement under subsection 2 as requested by Nevada Tax Commissioner Rodefer; this change is reflected in the Agency's Revised Proposed draft of the regulation.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. This must include adverse, beneficial, immediate and long-term effects.**

(a) Estimated economic effect on the businesses which they are to regulate.

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects on businesses.

(b) Estimated economic effect on the public which they are to regulate.

The adopted permanent regulation does not present any reasonable, foreseeable or anticipated adverse or beneficial, short-term or long-term economic effects to the public.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

The adopted regulation does not present any significant, foreseeable or anticipated cost or decrease in costs for enforcement.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The adopted permanent regulation does not overlap or duplicate any regulation of other state or local governmental entities.

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

The Department is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

- 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.**

The adopted permanent regulation does not include new fees or increase an existing fee.

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608 and NRS 233B.0609**

LCB File No. R180-24

1. Background

LCB File No. R180-24, establishes requirements for persons who produce alcoholic beverages outside this State and who designate a warehouse, bonded warehouse or logistics company to facilitate the importation of alcoholic beverages into this State; and provides other matters properly relating thereto.

Existing law requires: (1) the Department of Taxation to carry out the provisions of existing law regulating the distribution of alcoholic beverages in this State; and (2) the Nevada Tax Commission to adopt regulations for carrying on the business of the Department. (NRS 360.090, 369.150)

Existing law imposes certain requirements on persons who produce alcoholic beverages outside this State. (NRS 369.111, 369.386, 369.430) Under existing law, these producers of alcoholic beverages, or their designated agents, are required to obtain a certificate of compliance from the Department and furnish to the Department monthly reports of the quantity and type of alcoholic beverages sold and shipped to licensed importers in Nevada during the preceding month. (NRS 369.111, 369.430) This regulation requires a person who produces alcoholic beverages outside this State, and who uses a warehouse, bonded warehouse or logistics company to facilitate the importation of those alcoholic beverages into this State, to: (1) obtain a certificate of compliance; and (2) designate the warehouse, bonded warehouse or logistics company as its designated agent. This regulation further requires the person producing the alcoholic beverages outside this State, rather than the warehouse, bonded warehouse or logistics company, to furnish to the Department the monthly reports required by existing law.

2. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R180-24. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department to 226 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

The content responses are summarized below:

- No response was received for LCB Draft of Proposed Regulation - File No. R180-24.

Anyone interested in obtaining a copy of the completed small business impact questionnaire used for this summary, can contact:

Kari Skalsky
Nevada Department of Taxation
3850 Arrowhead Drive
Carson City, NV 89706
kskalsky@tax.state.nv.us
Phone: (775) 684-2041
Fax: (775) 684-2020

3. The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small businesses.

No response was received for LCB Draft of Proposed Regulation R180-24 for the questionnaire regarding the impact of the regulation on small businesses. Accordingly, the Department analyzed the proposed language of the regulation and used informed, reasonable judgment in determining that there will not be an impact on small businesses.

4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate:

Adverse and Beneficial Effects

The Department finds that there is no reasonable, foreseeable or anticipated adverse or beneficial economic effect on small businesses.

Direct and Indirect Effects

The Department finds that there is no reasonable, foreseeable or anticipated direct or indirect economic effect on small businesses.

5. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Department of Taxation prepared and disseminated a questionnaire seeking information from small businesses regarding the possible impact of LCB File No R180-24. The proposed language and questionnaire were dispersed to the following:

- Emailed by the Department to 226 members of its interested parties list.
- Emailed by the Nevada Taxpayers Association to its list of interested taxpayers.

As no responses were received from small businesses, the Department determined there was not an impact on small businesses.

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

The proposed permanent regulation presents no significant foreseeable or anticipated cost or decrease in costs for enforcement.

7. If the proposed 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.

The proposed permanent regulation does not include a new fee or increases an existing fee.

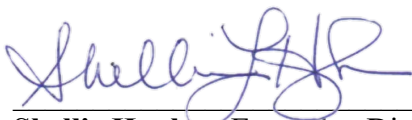
8. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation does not overlap or duplicate any regulation of other federal, state or local government entities.

9. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

The Department has determined that there will be no adverse impacts to small businesses based on its analysis of the proposed regulations and lack of public comment.

I hereby certify, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate.



Shellie Hughes, Executive Director

October 13, 2025

**ADOPTED REGULATION OF THE
COMMISSIONER OF MORTGAGE LENDING**

LCB File No. R190-24

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

AUTHORITY: §§ 1-4, NRS 645B.058 and 645B.060, as amended by section 5 of Senate Bill No. 44, chapter 45, Statutes of Nevada 2025, at page 238.

A REGULATION relating to mortgage lending; establishing certain requirements governing certain employees who may be authorized to conduct the business of a mortgage company at a remote location under certain circumstances; requiring a mortgage company to provide certain supervision and training to such an employee; requiring a mortgage company to develop, implement and maintain a program for the security of data and information; requiring a mortgage company to take certain actions in the event of a breach of the security of the system data; requiring the Commissioner of Mortgage Lending to take certain actions against a mortgage company for failing to comply with certain requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes an employee of a mortgage company, including, without limitation, a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. Existing law defines a “remote location” to mean any location, including the residence of an employee, that is not a location for which a license as a mortgage company has been issued. Existing law prohibits: (1) an employee from interacting with a customer in person at the residence of the employee unless a license has been issued for that residence; and (2) the maintenance of physical records at a remote location. Existing law requires the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location. (NRS 645B.058)

Section 2 of this regulation establishes: (1) the circumstances under which a mortgage company may authorize certain employees to conduct the business of the mortgage company at a remote location; and (2) certain requirements with which the mortgage company and such an employee must comply. **Section 2** prohibits a mortgage company from authorizing a qualified employee designated to act on behalf of the mortgage company to conduct the business of the mortgage company at a remote location. **Section 2** also prohibits a mortgage company from authorizing any other employee to conduct the business of the mortgage company at a remote location unless: (1) information systems and customer information of the mortgage company are accessed only in accordance with a comprehensive written security plan; (2) any interaction or conversation with a customer complies with all federal and state privacy and security requirements; (3) the employee is associated with a branch office of the mortgage company and

designates the address of the principal office of the mortgage company or the branch office with which the employee is associated for certain purposes; and (4) the mortgage company supervises the employee at all times and establishes policies and procedures relating to the supervision and training of such employees.

Section 3 of this regulation requires a mortgage company that authorizes an employee to conduct the business of the mortgage company at a remote location to develop, implement and maintain a program for the security of data and information which meets certain requirements.

Section 3 also requires a mortgage company to take certain actions in the event of a breach of the security of the system data involving the mortgage company.

Section 4 of this regulation requires: (1) the Commissioner to provide written notice to a mortgage company if the Commissioner determines that supervision by the mortgage company of an employee working at a remote location does not comply with certain requirements; and (2) the mortgage company to take certain actions in response to such a notice from the Commissioner. **Section 4** subjects a mortgage company to certain discipline or other action by the Commissioner if the company fails to take corrective action or otherwise comply with a final determination of the Commissioner as to supervision of an employee working at a remote location.

Section 1. Chapter 645B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *A mortgage company may authorize an employee to conduct the business of the mortgage company at a remote location if:*

(a) Any information systems of the mortgage company and customer information collected and maintained by the mortgage company are accessed in accordance with the comprehensive written security plan adopted pursuant to NRS 645B.058;

(b) Any interaction or conversation with a customer by the employee complies with all federal and state privacy and security requirements, including the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., and Federal Trade Commission standards for safeguarding customer information set forth in 16 C.F.R. Part 314;

(c) The mortgage company complies with the provisions of subsection 2; and

(d) The employee:

(1) Is not a qualified employee;

(2) At any place where the employee is required to designate an address for an activity for which a license is required pursuant to chapter 645B of NRS, designates the address of the principal office of the mortgage company or the branch office with which the employee is associated;

(3) Conducts all activity in compliance with the provisions of this chapter and chapter 645B of NRS;

(4) Is associated with a branch office of a mortgage company and, if applicable, registered with the Registry; and

(5) Complies with the provisions of subsection 3.

2. A mortgage company that authorizes an employee to conduct the business of the mortgage company at a remote location shall:

(a) At all times supervise the work-related activities of each employee working from a remote location;

(b) Establish written policies and procedures relating to the supervision of employees who are authorized to work from a remote location;

(c) Provide appropriate training to employees of the mortgage company to ensure that any employee working at a remote location is working in an environment that is conducive and appropriate to maintain the privacy and confidentiality of information pertaining to customers;

(d) Maintain and update, as appropriate, written records with respect to any employee who the mortgage company has authorized to conduct the business of the mortgage company at a remote location, including:

(1) The initial authorization for the employee to conduct the business of the mortgage company at a remote location; and

(2) Any due diligence undertaken by the mortgage company to ensure compliance with the requirements of this chapter and chapter 645B of NRS; and

(e) Unless a greater retention period is required by specific statute or regulation, retain the records required by paragraph (d) for not less than 2 years after the date on which the employee ceases working at a remote location in connection with activity for which a license is required.

3. In addition to complying with the requirements and restrictions set forth in NRS 645B.058, an employee working at a remote location:

(a) Shall at all times represent his or her business location as the branch office with which he or she is associated; and

(b) Shall not:

(1) Disclose or represent to customers by use of signage, advertisement or other means a remote location as the location from which the employee conducts any activity for which a license is required pursuant to chapter 645B of NRS;

(2) Use a remote location for the storage of physical books, papers and records relating to mortgage transactions;

(3) Except for a personal residence, work at a remote location owned, controlled or leased by the mortgage company or an affiliate of the mortgage company, or for the benefit of the mortgage company or an affiliate of the mortgage company; or

(4) Use a remote location for the receipt of mail relating to a mortgage application of a customer or receipt by mail of documents containing information which is subject to the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq.

Sec. 3. *1. A mortgage company that authorizes an employee to conduct the business of the mortgage company at a remote location shall develop, implement and maintain a program for the security of data and information that:*

- (a) Is consistent with all applicable federal and state laws and regulations;*
- (b) Meets or exceeds recognized best practices for the mortgage lending industry;*
- (c) Addresses known vulnerabilities;*
- (d) Is commensurate with the size and complexity of the mortgage company; and*
- (e) May be a part of a larger comprehensive data and cybersecurity program of the mortgage company.*

2. A mortgage company shall consider the following objectives in developing, implementing and maintaining a program for the security of data and information pursuant to subsection 1:

- (a) Allowing an employee working at a remote location to access the information technology system, data or other systems of the mortgage company, including, without limitation, a cloud-based system, which are needed to perform job functions in a safe and secure manner, from any device the employee uses, including, without limitation, a computer, laptop or tablet computer or smartphone, through a virtual private network or other secure connection that requires a password or other form of authentication to access;*
- (b) Ensuring the security and confidentiality of data that contains personal information or other sensitive information;*

(c) Identifying and protecting the types of devices an employee may use to access the information technology system, data or other systems of the mortgage company from security breaches and unauthorized access;

(d) Ensuring that employees who work at a remote location access the systems of the mortgage company by secure methods;

(e) Ensuring that appropriate security updates, patches or other alterations which affect the security of a device used at a remote location are installed and maintained;

(f) Ensuring that the mortgage company has the ability to remotely lock a device used at a remote location, erase any contents of a device used at a remote location which are related to the company or otherwise remotely limit access to the secure systems of the company;

(g) Ensuring that the applicable records in the Registry concerning a mortgage loan originator who is employed by or associated with the mortgage company and who has been authorized to conduct the business of the mortgage company at a remote location designates the principal office of the company as the registered location of the mortgage loan originator unless he or she elects another licensed branch office as the registered location;

(h) Providing training and support to employees of the mortgage company that is necessary to ensure compliance with the program for the security of data and information;

(i) Establishing sanctions for failure to comply with the program for the security of data and information;

(j) Requiring a virtual private network or other secure connection to access the information technology system, data or other systems of the mortgage company and information about customers; and

(k) Protecting the information technology system, data or other systems of the mortgage company against security breaches and unauthorized access by employees.

3. In addition to the actions required by NRS 603A.220 and any other applicable laws, in the event of a breach of the security of the system data, as defined in NRS 603A.020, involving a mortgage company:

(a) If the breach is discovered by an employee working at a remote location, the employee shall immediately notify the mortgage company; and

(b) The mortgage company shall:

(1) Within 72 hours after discovery or notification of the breach, notify in writing the Commissioner and any other person or governmental entity required to be notified by law or regulation;

(2) Investigate the breach and document any findings and actions, including, without limitation, remedial actions, undertaken by the company to remediate any harm to consumers and to update any relevant policies, procedures or processes as a result of the findings; and

(3) If requested by the Commissioner or his or her designee, provide a copy of the documentation of the investigation described in subparagraph (2).

Sec. 4. *1. The Commissioner shall provide written notice to a mortgage company if the Commissioner determines that supervision by the mortgage company of an employee working at a remote location does not comply with the requirements of this chapter and chapter 645B of NRS.*

2. Not later than 15 days after the date on which a mortgage company receives a written notice pursuant to subsection 1, the mortgage company shall:

(a) Terminate the authorization of the employee to conduct the business of the mortgage company at a remote location; or

(b) Respond to the Commissioner in writing to:

(1) Describe in detail how the mortgage company has resolved the issues raised by the Commissioner; or

(2) Address the issues raised by the Commissioner and demonstrate why the mortgage company believes its supervision should be considered compliant.

3. Not later than 15 days after the date on which the Commissioner receives a response from a mortgage company pursuant to paragraph (b) of subsection 2, the Commissioner shall:

(a) Make a final determination as to compliance and provide written notice to the mortgage company; or

(b) Request additional information from the mortgage company. The mortgage company shall respond to a request for additional information not later than 15 days after the date on which the mortgage company receives the request.

4. A mortgage company that violates the provisions of this section may be subject to disciplinary or other action pursuant to NRS 645B.670 to 645B.760, inclusive, including, without limitation, if the company:

(a) Fails to take corrective action or otherwise comply with a final determination of compliance by the Commissioner pursuant to paragraph (a) of subsection 3; or

(b) Fails to timely respond to the Commissioner in compliance with subsection 2 or 3.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

Informational Statement

LCB FILE NO. R190-24

The following statement is submitted for adopted amendments to Nevada Administrative Codes (“NAC”) Chapter 645B.

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

To comply with the Division’s statutory duty to ensure the effectiveness of Chapter 645B of the Nevada Revised Statutes (“NRS”), to carry out the provisions of NRS 645B, and to conform with and implement revisions as necessitated by certain statutory changes made to NRS 645B, as well as NRS 622, resulting from passage of Senate Bill 355, respectively, in the 82nd Session (2023) of the Nevada Legislature. Under existing law, specifically at NRS 645B.058, the Commissioner of the Nevada Division of Mortgage Lending (“the Commissioner”) has the authority to adopt regulations governing the conducting of the business of a mortgage company at a remote location.

Senate Bill 355 was approved on June 15, 2023. NRS 645B has been in effect as of January 1, 2024. The adopted regulations amends Chapter 645B of Nevada Administrative Codes (“NAC”) to:

- (1) establish the circumstances under which a mortgage company may authorize certain employees to conduct the business of the mortgage company at a remote location and certain requirements with which the mortgage company and such an employee must comply,
- (2) prohibit a mortgage company from authorizing a qualified employee designated to act on behalf of the mortgage company to conduct the business of the mortgage company at a remote location,
- (3) prohibit any other employee designated to conduct the business of the mortgage company at a remote location unless (1) information systems and customer information of the mortgage company are accessed only in accordance with a comprehensive written security plan; (2) any interaction or conversation with a customer complies with all federal and state privacy and security requirements; (3) the employee is associated with a branch office of the mortgage company and designates the employee is associated for certain purposes; and (4) the mortgage company supervises the employee at all times and establishes policies and procedures relating to the supervision and training of such employees,
- (4) require a mortgage company that authorizes an employee to conduct the business of the mortgage company at a remote location to develop, implement and maintain a program for the security of data and information which meets certain requirements,
- (5) require that a mortgage company take certain actions in the event of a breach of the security of the system data involving the mortgage company,
- (6) require (1) the Commissioner to provide written notice to a mortgage company if the Commissioner determines that supervision by the mortgage company of an employee working at a remote location does

not comply with certain requirements and (2) the mortgage company to take certain actions in response to such a notice for the Commissioner, and

(7) subject a mortgage company to certain discipline or other action by the Commissioner if the company fails to take corrective action or otherwise comply with a final determination of the Commissioner as to supervision of an employee working at a remote location.

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

Copies of the text of the proposed regulation, notice of workshop (as combined with the workshop noticed for NAC 645B and NRS 645B (governing mortgage company and mortgage loan originator as subject of LCB File No. R190-24), notice of intent to act upon the regulation along with the agenda hearing for the adoption and amendment of regulations were e-mailed to Division licensees and other interested parties on the Division's mailing list as well as any persons who had specifically requested such notice. These documents were also made available at the Division of Mortgage Lending's website at <http://www.mld.nv.gov> and the Nevada Public Notice website at <http://notice.nv.gov>. Further, in addition to the Nevada Legislature's website at <https://www.leg.state.nv.us/App/Notice/A/>, such documents were posted at prominent Nevada offices which included the Nevada State Business Center in Las Vegas, the Division's office in Las Vegas, the Office of the Department of Business and Industry in Carson City, and the Nevada State Library and Archives in Carson City.

On April 26, 2024, in anticipation of the Division's workshop to be held in this matter, the Division posted its proposed regulations on its website and made email notification to approximately 9,257 of its licensees under NRS 645B as well as other interested parties concerning the proposed regulation amendments, in which it solicited comments concerning whether these would impose a direct and significant economic burden upon a small business, or directly restrict the formation operation, or expansion of a small business.

In response to these solicitations of input the Division received a total of eleven written responses by May 28, 2024. See the Small Business Impact Statement for the concerns received and how the Division responded to these concerns.

As reflected in the Division's issued and publicly noticed workshops scheduled for July 22, 2024 (to be held in the identified Las Vegas, Nevada, location, video-conferenced to the identified Carson City, Nevada location and via WebEx), the Division posted its proposed regulations on its website and made email notification to approximately 9,395 of its licensees under NRS 645B as well as other interested parties concerning the proposed regulations amendments. The notice subsequently solicited additional receipt of written comments, testimony, or documentary evidence, and advised that oral comments on the proposed regulations may be made at the meeting. No public response was received.

The duly noticed workshop was held on July 22, 2024, in Las Vegas, video-conferenced to Carson City and via WebEx. Minutes of the workshop is attached hereto as "Exhibit A." In conformance with its noticed public workshop and agenda, the Commissioner conducted a 9:01 a.m. proceeding on this date to describe an introduction of the regulatory amendments to both NAC 645B and NRS 645B. Three of the attendees at these proceedings provided verbal comments.

Thereafter, on August 15, 2025, with respect to NAC 645B and NRS 645B, the Commissioner issued and posted a Notice of Intent to Act Upon a Regulation, Notice of Hearing for the Adoption and Amendment of Regulations of the Division based upon the LCB Draft of Proposed Regulation LCB File No. R190-24, as stated above, again soliciting comments. Notification was made by email to approximately 12,222 of its licensees under NRS 645B as well as other interested parties to its licensees requesting comments and input concerning whether its regulatory proposals were likely to impose a direct and significant economic burden upon a small business subject of NAC 645B and NRS 645B. The notice subsequently solicited additional receipt of written comments, testimony, or documentary evidence, and advised that oral comments on the proposed regulations may be made at the hearing. The adoption hearing was scheduled for October 2, 2025 (to be held in the identified Las Vegas, Nevada, location, and via Teams).

In response to these solicitations of input the Division received a total of no written responses by September 18, 2025.

On September 26, 2025, with respect to NAC 645B and NRS 645B, the Commissioner issued and posted an Agenda Hearing for the Adoption and Amendment of Regulations of the Division based upon the LCB Draft of Proposed Regulation LCB File No. R190-24. Notification was made by email to approximately 12,630 of its licensees under NRS 645B as well as other interested parties to its licensees requesting comments and input concerning whether its regulatory proposals were likely to impose a direct and significant economic burden upon a small business subject of NAC 645B and NRS 645B. The Division repeated its request for public comments concerning the proposed regulatory changes to NAC 645B and NRS 645B be made at the hearing. The adoption hearing was scheduled for October 2, 2025 (to be held in the identified Las Vegas, Nevada, location, and via Teams).

The duly-noticed adoption hearing was held on October 2, 2025, in Las Vegas and via Teams. Minutes of the adoption hearing is attached hereto as “Exhibit B.” In conformance with its noticed public workshop and agenda, the Commissioner conducted at 9:00 a.m. proceeding on this date to describe the introduction of the regulatory amendments to both NAC 645B and NRS 645B. Three of the attendees at these proceedings provided verbal comments. The attendees were informed that any additional comments regarding the adoption of the proposed regulations can be made by October 7, 2025.

The Division received one response by October 7, 2025, regarding the proposed regulations that were adopted. This response was to inquire about the process before the regulations are finalized and become law. The Division responded to the inquiry both verbally (over the telephone) and through email correspondence to explain the process.

3. The number of people from the public who:

	<u>Carson City</u>	<u>Las Vegas</u>	<u>WebEx</u>
Attended July 22, 2024, workshop - 9:00 a.m. proceeding:	0	3	15
Testified at the July 22,2024, workshop:	0	2	1

	<u>Carson City</u>	<u>Las Vegas</u>	<u>Teams</u>
Attended October 2, 2025 adoption hearing 9:00 a.m. proceeding:	0	3	16
Testified at the October 2, 2025, hearing:	0	2	1
Submitted written comments:	No emails were received.		

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted written statements to the agency.**

At the Workshop the following members of the public commented:

1. Angee Pompa
(702) 499-5777
223 North Pecos Road, Suite 120
Henderson NV 89074
angee@visionhomemtg.com
Vision Home Mortgage
2. John Gedde
(702) 766-4035
7448 West Sahara Avenue, Suite 103
Las Vegas NV
jon@simplifimortgage.com
Simplifi Mortgage LLC and Advisory Council on Mortgage Investments and Mortgage Lending
3. Chelsea Capurro
(702) 334-5090
Chelsea@g3nv.com
Zillow

At the Adoption Hearing the following members of the public commented:

1. Angee Pompa
(702) 499-5777
223 North Pecos Road Suite 120
Henderson NV 89074
angee@visionhomemtg.com
Vision Home Mortgage

2. Nicole Andrews
(702)528-2175
223 North Pecos Road Suite D
Henderson NV 89074
nicole@integrityprocess.com
Integrity Processing

3. Chelsea Capurro
(702) 334-5090
Chelsea@g3nv.com
Zillow

Testified at workshop: 3 Testified at adoption hearing: 3

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public as provided in response to Item # 2 above. No public response was received.

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.**

At the conclusion of the noticed public hearing on October 2, 2025, the *LCB Draft of Proposed Regulation R190-24*, dated July 22, 2025, was adopted.

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

a. Both adverse and beneficial effects; and

The Division does not foresee any major adverse effects of the adopted regulation to either the business of a mortgage broker, mortgage agent, mortgage banker or to the public.

The Division anticipates that the beneficial effects of the adopted regulation may result in cost savings as provided in the adopted regulation without unnecessarily burdening business activity.

b. Both immediate and long-term effects.

The Division anticipates that both the immediate and long-term beneficial effects of the adopted regulation will protect the health and welfare of Nevadans without unnecessarily burdening business activity.

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

The Division does not anticipate incurring additional costs for the implementation and enforcement of the proposed regulation. The agency will receive less fees by adopting these new regulations.

9. 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.

There are no other state or government agencies regulations known by the Division that the adopted regulation overlaps or duplicates.

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

The adopted regulation does not include provisions which are known to be more stringent than a federal regulation which regulates the same activity.

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.

The proposed regulations do not otherwise provide a new fee, and do not provide for any increase to an existing fee.

EXHIBIT A



JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING

3300 W. Sahara Ave., Ste. 285
Las Vegas, Nevada 89102
(702) 486-0782 Fax (702) 486-0785
<https://mld.nv.gov>

DR. KRISTOPHER SANCHEZ
Director

CATHY SHEEHY
Commissioner

MINUTES OF WORKSHOP

9:01 A.M.

PUBLIC WORKSHOP TO SOLICIT COMMENTS
ON PROPOSED REGULATIONS FOR

Mortgage Brokers and Mortgage Agents (NAC 645B)

And

Mortgage Companies and Mortgage Loan Originators (NRS 645B)

Date: July 22, 2024

Time: 9:01 a.m.

Location:

LAS VEGAS

NEVADA STATE BUSINESS CENTER
3300 W. SAHARA AVENUE

TAHOE ROOM, 4th FLOOR, SUITE #430
LAS VEGAS, NV 89102

Or via WebEx:

<https://businessnv2.webex.com>
DIAL IN NUMBER: 1-844-621-3956
MEETING ACCESS CODE: 2495 549 9385
MEETING PASSWORD: PTaK9pvpC22

Staff present:

In Las Vegas:

Cathy Sheehy, Commissioner (Division staff)

Zeljana Ajdari, Deputy Commissioner (Division Staff)

Michael Detmer, Chief Deputy Attorney General (Legal counsel to Division)

Jennifer Hill, Legal Research Assistant (Division Staff)

Minute of Workshop
July 22, 2024

Others present: The sign-in sheet for the *Las Vegas, Nevada* location reflects that three people attended in person related to the proceeding subject of the proposed amendments to NAC 645B and NRS 645B.

1. John Gedde from Advisory Council on Mortgage Investments and Mortgage Lending
2. Joshua Igeleke from Advisory Council on Mortgage Investments and Mortgage Lending
3. Angee Pompa from Vision Home Mortgage

Note: The following persons that appeared via WebEx are listed on the Las Vegas sign-in sheet, as having expressed that their attendance was specifically related to the proceeding subject of the proposed amendments to NAC 645B and NRS 645B:

1. Chris Summers
2. Heather
3. Jennifer Kosek
4. Mark Graham
5. Greg Barsoumian
6. Angie H.
7. Laura Zitting
8. Ruby Carrillo
9. Mindy
10. Audrey A.
11. Unknown person with telephone number ending in 44
12. Chelsea Capurro – Zillow telephone number ending in 90
13. Unknown person with telephone number ending in 16
14. Unknown person with telephone number ending in 70
15. Unknown person with telephone number ending in 7

WORKSHOP REGARDING PROPOSED REGULATIONS FOR NAC 645B and NRS 645B

This is the time and place set, by public notice published and issued on June 24, 2024, to receive comments from all interested persons regarding working at remote locations to NAC 645B and NRS 645B.

TODAY IS July 22, 2024. THE TIME IS 9:01 A.M.

This Workshop is being conducted via Webex and at the following Division location:

Las Vegas
Nevada State Business Center
3300 West Sahara Avenue
Tahoe Room, 4th Floor, Suite #430
Las Vegas, Nevada 89102

I. CALL TO ORDER AND WELCOME

Thank you for attending today's public workshop. The Division appreciates your presence at this meeting.

A. Introductions

1. Cathy Sheehy, Commissioner
2. Zeljana Ajdari, Deputy Commissioner
3. Michael Detmer, Chief Deputy Attorney General
4. Jennifer Hill, Legal Research Assistant I

B. Housekeeping Items:

If you have not already done so, please take this time to mute your cell phones. If you are attending the workshop in person, please make certain you have signed in. A sign-in sheet is located near the entryway to this room.

- Adjacent to the sign-in sheet, you will find copies of the text of the proposed regulations to amend NAC 645B and NRS 645B. Also situated there are copies of the Senate Bill 355, the Small-Business Impact Statement, and the Second Amended Notice of Public Workshop to Solicit Comments on Proposed Regulations and Workshop Agenda for this matter.
- If you are participating by WebEx on the computer, in order to comment please do the following:
 1. Hover over your name on the participants list. A hand icon will appear. Click this icon to raise your hand. Click this same icon to lower your hand once you are done with your comment.
 2. Please wait to be recognized before speaking.
 3. Please unmute yourself, state your first and last name before you begin your comment.
 4. After making your comment, please mute yourself.

II. PUBLIC COMMENT

The Division will take comments at this time to discuss any general concerns that one may have, which are to address matters other than the proposed regulatory amendments.

- As you are called upon, we will take your comments.
- In order to give everyone an opportunity to state their comments, each person will be given three minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments.

No comments were presented.

- If you would like to comment from WebEx, please raise your hand? Are there any comments on Webex?

No comments were presented.

III. PRESENTATION OF PROPOSED REGULATIONS, INTRODUCTION OF WORKSHOP PROCESS, AND GENERAL SUMMARY OF PROPOSED REGULATIONS

As will be addressed today, the current language as stated in the proposed regulations.

IV. DISCUSSION / REPORT ON WRITTEN COMMENTS RECEIVED

On April 26, 2024, respectively, the Division posted its proposed regulations on its website and made e-mail notification to its licensees persons (a total of approximately 9,257 recipients) under NAC 645B and NRS 645B and other interested, requesting comments and input concerning whether or not the proposed regulatory amendments were likely to impose a direct and significant economic burden upon a small business or likely to restrict the formation, operation, or expansion of a small business.

In response to Division's solicitations of input as I have described, the Division received eleven written comments by May 28, 2024.

On June 3, 2024, respectively, the Division posted its Amended Notice of Public Workshop to Solicit Comments on Proposed Regulations and Workshop Agenda on its website and made e-mail notification to its licensees persons (a total of approximately 9,359 recipients) under NAC 645B and NRS 645B and other interested, requesting comments and input concerning whether or not the proposed regulatory amendments were likely to impose a direct and significant economic burden upon a small business or likely to restrict the formation, operation, or expansion of a small business.

In response to Division's solicitations of input as I have described, the Division received no new written comments by June 12, 2024.

On June 24, 2024, respectively, the Division posted its Second Amended Notice of Public Workshop to Solicit Comments on Proposed Regulations and Workshop Agenda on its website and made e-mail notification to its licensees persons (a total of approximately 9,383 recipients) under NAC 645B and NRS 645B and other interested, requesting comments and input concerning whether or not the proposed regulatory amendments were likely to impose a direct and significant economic burden upon a small business or likely to restrict the formation, operation, or expansion of a small business.

In response to Division's solicitations of input as I have described, the Division received no new written comments by July 15, 2024.

V. REVIEW AND DISCUSSION OF PROPOSED REGULATIONS

The Division will take any comments concerning the proposed regulations comments at this time to discuss you may have.

- As you are called upon, we will take your comments.
- In order to give everyone an opportunity to state their comments, each person will be given three minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments.

Minute of Workshop

July 22, 2024

Angee Pompa from Vision Home Mortgage spoke with her concern regarding people working in a shared workspace, however she did not have any comments on the proposed regulations.

Zeljana Ajdari, Deputy Commissioner addressed her concern and requested she send this concern to us in writing.

Attorney Michael Detmer requested that when commenting that we stick to the proposed regulations.

John Gedde from Advisory Council on Mortgage Investments and Mortgage Lending offered to speak to Angee after the workshop.

- If you would like to comment from WebEx, please raise your hand? Are there any comments on Webex?

Chelsea Capurro from Zillow stated that she supports the proposed regulations.

VI. PUBLIC COMMENT

The Division will take comments at this time to discuss any general concerns you may have once more.

- As you are called upon, we will take your comments.
- In order to give everyone an opportunity to state their comments, each person will be given five minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments.

John Gedde from Advisory Council on Mortgage Investments and Mortgage Lending thanked both the Commissioner and Deputy Commissioner for working with him and others to reach a solution regarding their concerns with the proposed regulations.

- If you would like to comment from WebEx, please raise your hand? Are there any comments on Webex?

No comments were presented.

VII. ADJOURNMENT

The workshop pertaining to Senate Bill 355 regarding proposed regulations to Chapter 645B of Nevada Administrative Code and Chapter 645B of the Nevada Revised Statutes is adjourned. This meeting is hereby adjourned and CLOSED. Thank you very much everyone for your attendance.

The meeting was adjourned at 9:20 A.M.

EXHIBIT B



JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING
3300 West Sahara Avenue Suite 285
Las Vegas, Nevada 89102
(702) 486-0782 Fax (702) 486-0785
www.mld.nv.gov

DR. KRISTOPHER SANCHEZ
Director

CATHY SHEEHY
Commissioner

MINUTES OF ADOPTION HEARING
9:00 A.M.

**Regulatory Hearing to Adopt Amendments to
Mortgage Companies and Mortgage Loan Originators (NAC 645B and NRS 645B)**

Date: October 2, 2025

Time: 9:00 a.m.

Location:

LAS VEGAS

NEVADA STATE BUSINESS CENTER
3300 W. SAHARA AVENUE
TAHOE ROOM, 4th FLOOR, SUITE #430
LAS VEGAS, NV 89102

Or via Teams:

Meeting ID: 239 433 662 195

Password: 4JY6Go9Z

Dial: 1-775-321-6111

Phone conference ID: 787 539 095#

Staff present: In Las Vegas:

Cathy Sheehy, Commissioner (Division staff)
Zeljana Ajdari, Deputy Commissioner (Division Staff)
Paige Magaster, Deputy Attorney General (Legal counsel to Division)
Jennifer Hill, Legal Research Assistant I (Division Staff)

Others present: The sign-in sheet for the Las Vegas, Nevada location reflects that three people attended in person related to the proceeding subject of the proposed amendments to NAC 645B.

1. Angee Pompa from Vision Home Mortgage

2. Nicole Andrews from Integrity Processing
3. Holly Brown from Vision Home Mortgage

The following people that appeared via Team are listed on the Las Vegas sign-in sheet, as having expressed that their attendance was specifically related to the proceeding subject of the proposed amendments to NAC 645B:

1. Joshua Ruegsegger
2. Mary Beth Svoboda
3. Emkat Watkins
4. Josh Rogers
5. Tiffany Burzynski
6. Rick Neal
7. Shareece Bates
8. Richard Adame
9. Sam Blanzzy
10. Tom O'Connor
11. Cade Grogan
12. Julio Hernandez
13. Chelsea Capurro from Zillow with telephone number ending in 5090
14. Unknown person with telephone number ending in 3205
15. Unknown person with telephone number ending in 1543
16. Unknown person with telephone number ending in 1322

Regulatory Hearing to Adopt Amendments to NAC 645B
Mortgage Companies and Mortgage Loan Originators

I. CALL TO ORDER AND WELCOME

This is the time and place set for the hearing to adopt regulatory amendments to Chapter 645B of the Nevada Administrative Codes, subject of LCB File No. R190-24, governing mortgage companies and mortgage loan originators. Notice of this time and place was issued and publicly posted on August 15, 2025.

Today is Thursday, October 2, 2025. The time is 9:00 a.m.

As duly noticed, this hearing is scheduled for 9:00 a.m. and is being conducted physically in Las Vegas, Nevada:

LAS VEGAS
NEVADA STATE BUSINESS CENTER
3300 WEST SAHARA AVENUE
TAHOE ROOM, 4th FLOOR, SUITE #430
LAS VEGAS, NEVADA 89102

In addition to this hearing being held via Teams. Thank you for attending today's hearing. The Division appreciates your presence.

A. Introductions

1. Cathy Sheehy, Commissioner
2. Zeljana Ajdari, Deputy Commissioner
3. Paige Magaster, Nevada Deputy Attorney General (MLD legal counsel)

B. Housekeeping Items:

- If you have not already done so, please take this time to mute or turn off your cell phones and mute yourself on your computer. If you are attending the workshop in person, please make certain you have signed in on the sign-in sheet. A sign-in sheet is located near the entryway to this room.
- Adjacent to the sign-in sheet, you will find copies of the text of the proposed regulations to amend NAC 645B. Also situated there are copies of the Notice of Intent to Act Upon a Regulation, Notice of Hearing for the Adoption and Amendment of Regulations along with the Agenda for the hearing for this matter.
- If you are participating by Teams via computer, in order to comment please do the following:
 1. Hover over your name on the participants list. A hand icon will appear. Click this icon to raise your hand. Click this same icon to lower your hand.
 2. Please wait to be recognized before speaking.
 3. Please unmute yourself, state your first and last name before you begin your comment.
 4. After making your comment, please mute yourself.
- If you are participating by Teams via phone, in order to comment please do the following:
 1. Press *5 to raise your hand.
 2. Please wait to be recognized before speaking.
 3. Please unmute yourself by pressing *6, then state your first and last name, and business affiliation before you begin your comment.
 4. After making your comment, please mute yourself by pressing *6.

II. PUBLIC COMMENT

The Division will take comments at this time to discuss any general concerns you may have.

- As you are called upon, we will take your comments.
- In order to give everyone an opportunity to state their views, you will be given three minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments. Or email your comments to mldinfo@mld.nv.gov by Tuesday, October 7, 2025.
- Would anybody present here in Las Vegas like to make a general comment?

No comments were presented.

- If you would like to comment from Teams via computer, please raise your hand? Are there any comments on Teams?

No comments were presented.

- If you would like to comment from Teams via phone, please raise your hand? Are there any comments on Teams?

Chelsea Capurro from Zillow appeared over the phone and commented “No, thank you.”

III. PRESENTATION OF PROPOSED REGULATIONS, INTRODUCTION OF WORKSHOP PROCESS, AND GENERAL SUMMARY OF PROPOSED REGULATIONS

As will be addressed today, the current language as stated in the proposed regulations resulted from the Division’s efforts to achieve the following:

Comply with the statutory directives of Senate Bill 355, by adopting new provisions to NAC 645B.

Senate Bill 355 was enacted during the 2023 Session of the Nevada Legislature. The regulations we are considering today are proposed permanent regulations and if adopted today, they will need to go through an additional step, approval by the Nevada Legislative Commission. If that happens, the adopted regulations will be filed with the Nevada Secretary of State and will then have the force and effect of law.

The proposed regulations:

Section 1 of the proposed regulations states that Chapter 645B of NAC is amended by adding thereto the provisions set forth in sections 2, 3, and 4.

Section 2 of the proposed regulations amends Chapter 645B of NAC to establish (1) the circumstances under which a mortgage company may authorize certain employees to conduct the business of the mortgage company at a remote location and (2) certain requirements with which the mortgage company and such an employee must comply.

Section 2 of the proposed regulations also amends Chapter 645B of NAC to prohibit a mortgage company from authorizing a qualified employee designated to act on behalf of the mortgage company to conduct the business of the mortgage company at a remote location.

Section 2 of the proposed regulations further amends Chapter 645B of NAC to prohibit any other employee designated to conduct the business of the mortgage company at a remote location unless (1) information systems and customer information of the mortgage company are accessed only in accordance with a comprehensive written security plan; (2) any interaction or conversation with a customer complies with all federal and state privacy and security requirements; (3) the employee is associated with a branch office of the mortgage company and designates the employee is associated for certain purposes; and (4) the mortgage company supervises the employee at all times and establishes policies and procedures relating to the supervision and training of such employees.

Section 3 of the proposed regulations amends Chapter 645B of NAC to require a mortgage company that authorizes an employee to conduct the business of the mortgage company at a remote location to develop, implement and maintain a program for the security of data and information which meets certain requirements.

Section 3 of the proposed regulations also amends Chapter 645B of NAC to require that a mortgage company take certain actions in the event of a breach of the security of the system data involving the mortgage company.

Section 4 of the proposed regulation amends Chapter 645B of NAC to require (1) the Commissioner to provide written notice to a mortgage company if the Commissioner determines that supervision by the mortgage company of an employee working at a remote location does not comply with certain requirements and (2) the mortgage company to take certain actions in response to such a notice for the Commissioner.

Section 4 of the proposed regulations additionally amends Chapter 645B of NAC to subject a mortgage company to certain discipline or other action by the Commissioner if the company fails to take corrective action or otherwise comply with a final determination of the Commissioner as to supervision of an employee working at a remote location.

IV. DISCUSSION / REPORT ON WRITTEN COMMENTS RECEIVED

On April 26, 2024, respectively, the Division posted its proposed regulations on its website and made e-mail notification to its licensees (a total of approximately 9,257 recipients) under NAC 645B and NRS 645B and other interested persons, requesting comments and input concerning whether the proposed regulatory amendments were likely to impose a direct and significant economic burden upon a small business or likely to restrict the formation, operation, or expansion of a small business. In response to Division's solicitations of input, the Division received a total of eleven written comments by May 28, 2024.

The Division repeated its request for public comments on May 31, 2024, when it issued its duly noticed Notice of Public Workshop & Agenda for the workshop in this matter. The Division received no new written responses by June 12, 2024.

The Division repeated its request for public comments on June 3, 2024, when it issued its duly noticed Amended Notice of Public Workshop & Agenda for the workshop in this matter. The Division received no new written responses by June 12, 2024.

The Division repeated its request for public comments on June 24, 2024, when it issued its duly noticed Second Amended Notice of Public Workshop & Agenda for the workshop in this matter. The Division received no new written responses by July 15, 2024. As noticed, the workshop was physically conducted in the conference room of the Tahoe Room located in Las Vegas, Nevada, with a video-conference connection to the Carson City, Nevada office, and conducted remotely via WebEx.

Three people attended the workshop in person at the conference room in Las Vegas, Nevada. No person attended the workshop in person at the Carson City office. Sixteen people attended the workshop remotely.

On August 15, 2025, the Division made a further attempt to obtain written comments concerning the proposed regulations when it issued and publicly posted its Notice of Intent to Act Upon a Regulation and Notice of Hearing concerning today's proceedings. The Division advised its licensees and other interested persons pursuant to an e-mail notification (a total of approximately 12,222 recipients), requesting comments and input concerning the proposed regulatory changes to NAC 645B and NRS 645B. The Division received a total of one response by September 18, 2025.

On September 26, 2025, the Division issued and publicly posted its Agenda for the Hearing for the Adoption and Amendment of Regulations of the Division. The Division advised its licensees and other interested persons pursuant to an e-mail notification (a total of approximately 12,630 recipients), requesting comments and input concerning the proposed regulatory changes to NAC 645B and NRS 645B to be made at the public hearing.

The Division will take any comments concerning the proposed regulations comments at this time to discuss comments you may have.

- As you are called upon, we will take your comments.
- In order to give everyone an opportunity to state their views, you will be given three minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments. Or email your comments to mldinfo@mld.nv.gov by Tuesday, October 7, 2025.
- Would anybody present here in Las Vegas like to make a general comment?

Angee Pompa from Vision Home Mortgage commented a concern about everyone being able to work remotely. She expressed that we are a brick-and-mortar state so as an owner in Nevada a brick-and-mortar office is required. She discussed her concern about paying for an office and if we can follow the other 45 states that do not have a brick-and-mortar requirement. She mentioned that Arizona allows a personal residence to be licensed but was told by our Division that it is not an option for her.

Nicole Andrews from Integrity Processing has the same concern regarding having a brick-and-mortar office as a company.

- If you would like to comment from Teams via computer, please raise your hand? Are there any comments on Teams?

No comments were presented.

- If you would like to comment from Teams via phone, please raise your hand? Are there any comments on Teams?

Chelsea Capurro from Zillow presented from her phone ending in 5090 with her comment on her support to the legislation to enable more seamless real estate experience for Nevadans, allowing mortgage loan originators to be more responsive and available for Nevada home shoppers by utilizing flexible technology. Technology now enables this to include an expanded ability to respond to home buyers outside of core business hours or when they are away from the office. She gave her appreciation of the Division's work to develop these rules and believe the proposed rules largely acknowledge resources, policies and procedures mortgage lending companies have in place to interact with consumers and manage regulatory compliance from anywhere while ensuring appropriate oversight. She further thanks the work to implement SB 355 and ensure the benefits of permanent remote work for mortgage loan originators brings to consumers, employees and employers are realized.

V. ADOPTION OR AMENDMENT OF PROPOSED REGULATIONS

As the Commissioner of the Nevada Division of Mortgage Lending, I hereby ADOPT the regulations as provided in the verbatim form or text of the LCB Draft of Revised Proposed Regulation designated R190-24, dated July 22, 2025, which amends Chapter 645B of the Nevada Administrative Code.

Specifically, I ADOPT in their entirety, Sections 1, 2, 3 and 4 of the proposed regulation in the specific verbatim form or text as stated in the LCB Draft of Revised Proposed Regulation designated R190-24, dated July 22, 2025, which amends Chapter 645B of the Nevada Administrative Code.

VI. PUBLIC COMMENT

The Division will take comments at this time to discuss any general concerns you may have.

- As you are called upon we will take your comments.
- In order to give everyone an opportunity to state their views, you will be given three minutes to speak.
- Each time you speak, please begin by stating your name and business affiliation.
- If you have written material that you would like to submit, please hand it to Jennifer Hill in Las Vegas at the conclusion of your comments. Or email your comments to mldinfo@mld.nv.gov by Tuesday, October 7, 2025.
- Would anybody present here in Las Vegas like to make a general comment?

No comments were presented.

- If you would like to comment from Teams via computer, please raise your hand? Are there any comments on Teams?

No comments were presented.

- If you would like to comment from Teams via phone, please raise your hand? Are there any comments on Teams?

No comments were presented.

VII. ADJOURNMENT

The workshop for R190-24 pertaining to Chapter 645B of the Nevada Administrative Codes is adjourned. This meeting is hereby adjourned and CLOSED.

Thank you very much everyone for your attendance.

Meeting adjourned at 9:24 A.M.

Regulatory Hearing to Adopt Amendments to

NAC 645B, LCB File No. R190-24

October 2, 2025

After the meeting the Division further discussed the concerns raised by Angee Pompa and Nicole Andrews. The Division was able to address their concerns and provide instructions and recommendations regarding their concerns.



JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING
3300 West Sahara Avenue, Suite 285
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DR. KRISTOPHER SANCHEZ
Director

CATHY SHEEHY
Commissioner

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608
PROPOSED AMENDMENT TO NAC 645B AND NRS 645B
May 30, 2024

1. Background:

The following information comprises the Small Business Impact Statement drafted by the Nevada Division of Mortgage Lending ("the Division") in compliance with Chapter 233B of the Nevada Revised Statutes ("NRS") regarding its proposed additions to Chapter 645B of the Nevada Administrative Codes ("NAC") which governs mortgage brokers and mortgage agents, and Chapter 645B of the NRS which governs mortgage companies and mortgage loan originators. The Division has determined that the proposed additions and amendments should not have an adverse economic impact upon small businesses (but potentially may rather have a positive impact), and should not prevent the formation, operation, or expansion of a small business in Nevada.

The proposed regulations were drafted to comply with the requirements of the 2023 Nevada Legislature by Senate Bill 355 ("SB 355") which mandates the Commissioner to adopt regulations governing the conducting of the business of a mortgage company at a remote location. The Division proposes to amend NAC 645B and NRS 645B to accommodate the changes made in law and to ensure regulations are written clearly and concisely, that regulations are not duplicative and unnecessary and that regulations protect the health and welfare of Nevada without unnecessarily burdening business activity. Specifically, the proposed regulations provide provisions that apply to mortgage companies and mortgage loan originators regarding working from a remote location.

2. Description of Solicitation:

The Division sent an email notice to its licensees and interested parties on April 26, 2024, containing the proposed regulation amendments to NAC 645B and NRS 645B in effort to ensure that these amendments do not unnecessarily burden the business activity of a small business or do not directly restrict the formation, operation, or expansion of a small business, the Division posted its draft regulations on its website, <https://mld.nv.gov/> and made e-mail notification to its Nevada-licensed mortgage brokers, mortgage agents, mortgage companies and mortgage loan originators, as well as to other interested persons (a total of approximately 9,257 recipients), soliciting input concerning the proposed regulations. Specifically, the

Division sought both public and industry feedback concerning whether or not such proposals were likely to impose a direct and significant economic burden upon a small business subject to NAC 645B or NRS 645B, or were likely to restrict the formation, operation, or expansion of a small business subject to NAC 645B or NRS 645B. The Division set forth the definition of a “small business” as provided in NRS 233B.0382: “[A] business conducted for profit which employs fewer than 150 full-time or part-time employees.”

The Division reviewed and considered eleven email responses received from the solicitation of the proposed regulations. Below are a list of questions or comments received along with the Division’s response to questions raised:

A few responders questioned if working from a remote location is allowed. The Division explained that the passage of SB 355 allows mortgage loan originators to work from a remote location in Nevada as of January 1, 2024.

One responder questioned if the remote locations impact the mortgage loan originators branch distance requirements? The Division advised that the remote location does not impact the branch distance requirements.

Another responder questioned how the mortgage company initially authorizes the remote location? The Division advised that per passage of SB 355 remote work for mortgage loan originators are licensed and sponsored by a licensed mortgage branch or mortgage company is allowed. The responder then asked about the evidence required to demonstrate the authorization by the mortgage company to allow a mortgage loan originator to work from a remote location. The Division responded that the Division is charged with proposing and implementing the regulatory framework. Then the Division went on to explain that currently the Division is not requiring any process of review/approval for mortgage companies to allow mortgage loan originators to work from an authorized remote location such as their private residence. Additionally, the Division stated the proposed regulations further detail and guide how to accordingly supervise mortgage loan originators working from a remote location. Further the Division clarified that at this time, mortgage loan originators may work from authorized remote locations at the approval of a mortgage company. Finally, the Division indicated that mortgage companies are responsible for supervision and the conduct of the mortgage loan originator who is working from a remote location.

A few responders sent in support of the proposed regulations making the following comments: “It is a good thing, no brainer, and the safeguards make sense.”

Objecting to the proposed regulations one responder claimed that “verification or remote arrangements” are “overreaching and not warranted.”

Several responders have concerns regarding the proposed regulations: (1) regarding clarification on the language around the licensable activities, (2) scope of employees allowed to work remotely, (3) the number of people allowed to work remotely at the same location, (4) flexibility of remote locations, (5) restrictions of remote locations, (6) determination of compliance by the Commissioner, and (7) the Commissioner’s power in regards to lack of reasonable and adequate supervision of a remote employee.

Also, some responders provided suggested language changes to the proposed regulations. The first proposed language change is to NAC 645B. ____ (1)(3) “Only one employee of the licensed mortgage company may work out of a single remote location, or multiple employees who reside at the same address.” The second proposed language change is to NAC 645B. ____ (1) “A mortgage company may allow employees ~~licensed as mortgage loan originators~~, other than Qualified Employees as defined pursuant to NAC 645B.008 and NAC 645B.021, to work from an authorized remote location without being physically present at such location. An employee of a licensed mortgage company may work remotely, and any licensable activity conducted by the employee while working remotely shall designate the address that appears on the mortgage company’s license or licensees ...”. The third proposed language change is to NAC 645B. ____ (2)(3)(a) “Allowing employees working at remote locations authorized by this section to access the licensee’s information technology system, other systems, and data needed to perform the employer’s job functions in a safe and secure manner, including a cloud-based system, directly from any out-of-office device the mortgage loan originator or employee uses, including, but not limited to, a laptop, phone, desktop computer, mobile device or tablet, via a virtual private network or comparable system that ensures secure connectivity and requires passwords or other forms of authentication to access.” The fourth proposed language change is to NAC 645B. ____ (2)(3)(d) “Ensuring that mortgage loan originators or other employees working at a remote location access the company’s secure systems.” The fourth proposed language changes is to NAC 645B. ____ (1)(c)(4) “May not meet consumers in-person at the employee’s personal residence.”

The Division anticipates that further input by the public concerning the impact of the proposed regulations upon a small business, including any methods to reduce any adverse impacts, will be addressed, and considered at the time the Division conducts its scheduled workshop on this matter. Any additional feedback will be taken into account when determining if revisions to the proposed regulations are necessary.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business?

The proposed regulations should not impose a direct and significant economic burden on a small business as it does not increase any cost to the business. There is no negative effect on the formation of a small business, nor does it restrict the operation of a small business because nothing in the proposed regulations prevents the formation or operation of a small business. Although the proposed regulations do not directly address the expansion of any business, the flexibility of the proposed regulations could expand a small business via recruiting and retaining talented employees.

4. How was that conclusion reached?

Based upon the comments received in response to the Division’s solicitations of comments or input concerning the proposed regulations as set forth above, and considering the legislative directives or goals that the Division seeks to implement by its drafted proposals as discussed herein, the Division believes the impact of the proposed regulations upon small businesses may be only beneficial, neither being likely to impose a direct and significant economic burden upon a small business, nor likely to restrict the formation, operation, or expansion of a small business.

The Commissioner of the Division of Mortgage Lending has determined that the proposed additions and amendments to NAC 645B or NRS 645B will not impose a significant and direct burden upon a small business and will not restrict the formation, operation, or expansion of a small business.

I, Cathy Sheehy, Commissioner, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Cathy Sheehy, Commissioner,
Nevada Division of Mortgage Lending

Dated: May 30, 2024

**ADOPTED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF THE
DEPARTMENT OF HUMAN SERVICES**

LCB File No. R198-24

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

AUTHORITY: § 1, NRS 432.017, 432.032 and 432B.190.

A REGULATION relating to child welfare; repealing requirements for agencies which provide child welfare services to maintain certain records and report certain information to the Administrator of the Division of Child and Family Services of the Department of Human Services; repealing requirements for the submission and review of certain plans which are no longer required by law to be submitted to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an agency which provides child welfare services is authorized to establish: (1) a program to provide services to children who are likely to remain in foster care until they are 18 years of age to assist those children to make the transition from foster care to economic self-sufficiency; and (2) a program to provide services to former foster youth who attained the age of 18 years while in the custody of the agency and are less than 21 years of age to assist those children to attain economic self-sufficiency. (42 U.S.C. § 677; NRS 432.017; NAC 432.050-432.340) **Section 1** of this regulation repeals the requirements for an agency which provides child welfare services to maintain certain records concerning children receiving services under these programs and to report certain information concerning the programs to the Administrator of the Division of Child and Family Services of the Department of Human Services on a quarterly basis. (NAC 432.140, 432.320)

Existing law requires an agency which provides child welfare services to make reasonable efforts to preserve and reunify the family of a child under certain circumstances. (NRS 432B.393) **Section 1** repeals requirements for the submission and review of certain plans related to such reasonable efforts because such plans are no longer required by law to be submitted to the Division. (NAC 432B.040, 432B.050)

Section 1. NAC 432.140, 432.320, 432B.040 and 432B.050 are hereby repealed.

TEXT OF REPEALED SECTIONS

432.140 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.032)

1. An agency which provides child welfare services that provides a program shall establish and maintain a record for each child in foster care served pursuant to the program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of the children in foster care who received goods or services pursuant to the program;

(b) The type and quantity of goods or services provided to the children in foster care;

(c) The amount of money spent pursuant to the program reported by type of good or service provided; and

(d) The success of the program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

432.320 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.017, 432.032)

1. An agency which provides child welfare services that provides a self-sufficiency program shall establish and maintain a record for each former foster youth served pursuant to the self-sufficiency program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the self-sufficiency program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of former foster youth who received goods or services pursuant to the self-sufficiency program;

(b) The type and quantity of goods or services provided to the former foster youth;

(c) The amount of money spent pursuant to the self-sufficiency program reported by type of good or service provided; and

(d) The success of the self-sufficiency program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

432B.040 Plans submitted pursuant to NRS 432B.395: Evaluation by Division; action by agency upon disapproval.

1. The Division will conduct an annual review of plans submitted pursuant to NRS 432B.395 in such a manner as to ensure compliance with the provisions of this chapter and chapter 432B of NRS.

2. The Division will provide to an agency that submits a plan pursuant to NRS 432B.395 a written evaluation of the plan, including the Division's approval or disapproval of the plan, within 60 days after the date of receipt of the plan by the Division. If a plan is disapproved, the agency submitting the plan shall:

(a) Establish a corrected plan for areas found not in compliance with this chapter and chapter 432B of NRS, and submit the corrected plan to the Division within 60 days after the date of the letter of disapproval.

(b) As needed, seek consultative services to develop a corrected plan. The Division will provide assistance if requested.

↪ The Division will reevaluate areas of the plan found not in compliance within 30 days after the resubmittal.

432B.050 Plans submitted pursuant to NRS 432B.395: Time for submission; contents.
(NRS 432B.190, 432B.395) A plan submitted pursuant to NRS 432B.395 must be submitted by May 1 of each year and must:

1. Describe how the agency which provides child welfare services will establish and maintain effective programs of preventive and reunification services which include, but are not limited to, the following elements:

- (a) An assessment of the safety of the child;
- (b) An assessment of the need for services;
- (c) A comprehensive plan for the provision of an adequate array and availability of preventive and reunification services;
- (d) The provision of any required preventive and reunification services identified pursuant to paragraphs (a), (b) and (c);
- (e) A structure for the delivery of services;
- (f) Training for the personnel of the agency;
- (g) Criteria for eligibility to obtain preventive and reunification services;
- (h) Written guidelines, procedures and protocols; and
- (i) A procedure for gathering and maintaining data, and providing data to the juvenile court.

2. Specify how the agency which provides child welfare services will ensure that it makes good faith efforts to:

- (a) Prevent removal of the child from his or her home, including:
 - (1) A careful assessment of the familial situation, including an identification of the specific problems, if any, placing the child at imminent risk of serious harm, to determine the likelihood of protecting the child effectively in the home.

(2) Consideration of the specific problems of the child or family to determine whether any of the services available within the agency or in the community might effectively address those problems without removal of the child.

(3) Consideration of alternative ways of addressing the family's needs, that would enable the child to be protected without removal, when the services regularly provided by the agency appear unlikely to meet the family's needs, or when waiting lists for those services are too long to prevent removal of the child.

(4) Notice to the family concerning the services available within the agency and in the community that might address the problems of the family or child.

(5) An offer to the family to provide those services the agency considers most likely to address the problems identified as creating the risk of removal of the child.

(6) An opportunity for the family to request other services not offered by the agency that the family believes might mitigate the risk of removal.

(7) A mechanism for the child or family to seek a review of the agency's failure to provide the assistance or services the family believes would eliminate the need for removal of the child.

(b) Reunify the family, including the efforts required by paragraph (a) and the:

(1) Development of an appropriate case plan.

(2) Establishment of an appropriate schedule for visitation and other measures to ensure visitation is facilitated and actually occurs.

3. Describe how the agency which provides child welfare services will ensure compliance with NRS 432B.540.



DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



DIVISION OF CHILD AND FAMILY SERVICES LCB File No. R198-24P Informational Statement per NRS 233B.066

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

The regulation modifications found in LCB File No. R198-24P are necessary to repeal requirements for agencies which provide child welfare services to maintain certain records and report certain information to the Administrator of the Division of Child and Family Services (DCFS) of the Department of Human Services.

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.

Below is a summary of how public comment was solicited and a summary of the public's response.

Description of How Public Comment was Solicited

Interested person(s) were sent copies of the proposed regulations, the notice of public workshop and the public hearing notice of intent to adopt via email, upon request, or by interest. The email list included 40 individuals.

Public notices were posted at the following locations, in accordance with NRS Chapter 241:

DCFS, 500 E. Warm Springs Rd., Ste 100, Las Vegas, NV 89119
DCFS, 4126 Technology Way., Ste. 300, Carson City, NV 89706
Northern Nevada Child and Adolescent Services, 2655 Enterprise Rd., Reno, NV 89512
Nevada Youth Parole Bureau, 6171 W. Charleston Blvd., Bldg. 15, Las Vegas, NV 89146
DCFS, 1010 Ruby Vista Dr. Suite 101, Elko, NV 89801
DCFS, 1485 West Warm Springs #109 Henderson, NV 89014
Division of Child and Family Services website:
<http://dcfs.nv.gov/Meetings/2025/2025MeetingsandAgendas/>
Nevada Legislature website: <https://www.leg.state.nv.us>
Nevada Public Notices website: <https://notice.nv.gov/>

Summary of Public Response

Through the course of the public workshop and the adoption hearing, no formal comments were made.

Public Workshop

On September 30, 2024, a public workshop was held to allow Nevada's child welfare agencies and the public to provide input regarding these repealed provisions. No public comments were received.

Adoption Hearing

On September 24, 2025, DCFS held a public hearing for the repealed sections of NAC 432/432B, and the opportunity for public comment was provided at the beginning and end of the agenda. There were no comments received at the adoption hearing.

How Other Interested Persons May Obtain a Copy of the Summary

Any other person interested in obtaining a copy of the public workshop or adoption hearing meeting materials may email, call, or mail in a request to Amber Howell at:

Division of Child and Family Services
4126 Technology Way
Carson City, NV 89706
Phone: (775) 687-9047
Email: ahowell@dcfs.nv.gov

On September 24, 2025, a public adoption hearing was held. There were 11 participants that attended: 4 in person and 7 virtually. There were no public comments received regarding the proposed regulations.

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

Pursuant to NRS 233B.0608(2)(a), DCFS determined that these repealed provisions do not pertain to small businesses as the proposed modifications to existing regulations are for deletions of code that are now obsolete. These regulations do not apply to any small businesses as they speak of actions historically between the Washoe County Human Services Agency, Clark County Family Services and the Division only. However, at the public workshop held on September 30, 2024, and the adoption hearing on September 24, 2025, both agendas allowed for public comment and were posted in accordance with Open Meeting Law and shared with Nevada child welfare agencies.

Any other person interested in obtaining a copy of the public workshop or adoption hearing meeting materials may email, call, or mail in a request to Amber Howell at:

Division of Child and Family Services
4126 Technology Way
Carson City, NV 89706
Phone: (775) 687-9047
Email: ahowell@dcfs.nv.gov

- 4. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement would explain the reasons for making any changes to the regulation as proposed.**

There were no comments received at the adoption hearing, thus no suggestions to consider or revise.

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

- *Adverse immediate effects:* There are no anticipated immediate adverse economic effects.
- *Adverse long-term effects:* There are no anticipated long-term adverse economic effects.
- *Beneficial immediate effects:* The repeal of these obsolete regulations will reduce administrative burden for child welfare agencies and decrease staff time conducting activities related to this reporting.
- *Beneficial long-term effects:* There are no additional anticipated long-term beneficial effects.

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

There is no estimated cost to implement.

- 7. 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, name the regulating federal agency.**

The proposed regulations do not overlap or duplicate any federal or Nevada state regulations.

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

There are no federal regulations addressing the same activity.

9. **If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

These regulations do not address any fees.

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Marla McDade
Williams, MPA
Administrator

SMALL BUSINESS IMPACT STATEMENT

PURSUANT TO NEVADA ADMINISTRATIVE CODE (NAC) Chapters 432 and 432B

RE: The Division of Child and Family Services Adoption of Regulations pertaining to NAC Chapters 432 and 432B

I, Marla McDade Williams, Administrator of the Department of Health and Human Services, Division of Child and Family Services, do hereby certify that, to the best of my knowledge or belief, these regulations do not apply to any small business as the proposed modifications to existing regulations are for deletions of sections of code that are now obsolete. These regulations do not apply to any small business as they speak to actions historically between the child welfare agencies and the Division.

If any additional information is needed to submit these proposed deletions to the Legislative Counsel Bureau, please do not hesitate to contact Acting Deputy Administrator Betsey Crumrine at bcrumrine@dcfs.nv.gov.

Respectfully submitted,

Marla McDade Williams, Administrator

June 7, 2024

**ADOPTED REGULATION OF THE NEVADA
INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R200-24

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

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; authorizing the waiver of certain provisions which require a school to field or maintain a varsity team for certain sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060) Existing regulations establish procedures which provide for the classification and alignment of the schools in the Association into classes and leagues or regions for 2-year cycles. (NAC 385B.250) Existing regulations further require that, during each classification and realignment cycle, a school must field and maintain at least one varsity team for boys in the same sanctioned sport in each season and at least one varsity team for girls in the same sanctioned sport in each season and satisfy its established schedule. Existing regulations also: (1) prohibit a school from undertaking certain actions regarding varsity teams if it cannot field or maintain a varsity team for certain sports; and (2) deem a school to have independent status if it cannot satisfy certain requirements. (Section 2 of LCB File No. R019-23) This regulation authorizes the Executive Director of the Association to waive these provisions relating to the requirement to field and maintain such varsity sports if a school demonstrates that it is unable to field and maintain a team in the sport.

Section 1. Section 2 of LCB File No. R019-23 is hereby amended to read as follows:

1. During each 2-year period for which schools are classified and aligned in a sanctioned sport pursuant to NAC 385B.250, a school must:

(a) Field and maintain at least one varsity team for boys in the sanctioned sport in each season of the period;

(b) Field and maintain at least one varsity team for girls in the sanctioned sport in each season of the period; and

(c) Satisfy the schedule of the appropriate class, region or league for each varsity team of the school during the period.

2. If, during a 2-year period for which schools are classified and aligned pursuant to NAC 385B.250, a school does not field or maintain a varsity team for a sanctioned sport that was classified and aligned, the school is prohibited from:

(a) Adding an additional varsity team for a sanctioned sport not currently classified and aligned for the fall, winter or spring season;

(b) Reinstating the varsity team for a season of the sanctioned sport during the current period;
or

(c) Competing in any postseason contest for the sanctioned sport in the fall, winter or spring season.

3. A school that does not satisfy the requirements set forth in subsection 1 for a sanctioned sport during a 2-year period for which the school is classified and aligned pursuant to NAC 385B.250 is deemed to have independent status for the sanctioned sport for the next 2-year period.

4. The Executive Director may waive the provisions of this section if a school demonstrates that it is unable to field or maintain a team in accordance with subsection 1.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY
NRS 233B.066
LCB FILE No. R200-24**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises Section 2 of LCB File No. R019-23, by granting the Executive Director of the NIAA discretion to waive certain provisions of NAC 385B.250 pertaining to realignment if a school demonstrates that it is unable to field or maintain a team in accordance with the requirements of NAC 385B.250(1).

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 regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <https://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on November 13, 2024, at a Board Meeting. On or about August 22, 2025, the Executive Director issue a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control

meetings, as well as comments from LCB staff attorneys. This regulation was again reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, which included the opportunity for public comment concerning the proposed amendment.

- 3. The number of persons who:**
 - (a) Attended each hearing: 0**
 - (b) Testified at each hearing: 0**
 - (c) Submitted to the agency written comments: 0**
- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information is 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.**

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

- 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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

- 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.**

The regulation was adopted on September 23, 2025, without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

- 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**
 - (b) Both immediate and long-term effects.**

///

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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.

N/A

12. Is the proposed regulation 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 to determine the impact of the regulation on a small business?

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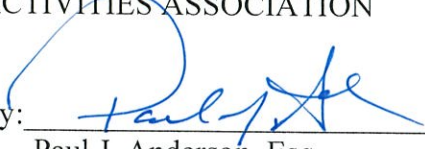
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As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 30th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608
LCB FILE No. 200-24**

The following statement is submitted in accordance with NRS 233B.0608:

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

N/A. See response to number one, above.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(a) both adverse and beneficial affects; and

(b) both direct and indirect effects.

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

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

None.

6. **If the proposed 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.**

This regulation will not affect any small businesses, and does not result in an increase of costs to member schools unless violated.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

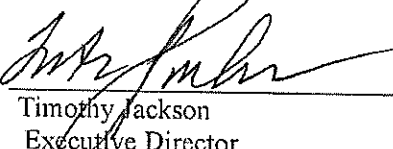
8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

N/A. See response to number one, above.

This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 29th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

Timothy Jackson
Executive Director

**STATE AGENCY REGULATIONS TO BE REVIEWED
BY THE LEGISLATIVE COMMISSION**

OCTOBER 28, 2025

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	NAC	AGENCY/ SUBJECT
2025 REGULATIONS		
R003-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to penalties CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
R007-25	636	NEVADA STATE BOARD OF OPTOMETRY A REGULATION revising provisions relating to continuing education CONTACT Adam Schneider (775) 883-8367 director@nvoptometry.org
R008-25	636	NEVADA STATE BOARD OF OPTOMETRY A REGULATION revising provisions relating to associations CONTACT Adam Schneider (775) 883-8367 director@nvoptometry.org
R012-25	455C	DIVISION OF INDUSTRIAL RELATIONS OF THE DEPARTMENT OF BUSINESS AND INDUSTRY A REGULATION revising provisions relating to brazed plate heat exchangers CONTACT Amber Williams (702) 486-9072 amwilliams@dir.nv.gov
R013-25	502	BOARD OF WILDLIFE COMMISSIONERS A REGULATION revising provisions relating to bonus points associated with junior hunts CONTACT Alejandra Medina (775) 688-1510 amedina@ndow.org
R016-25	389	STATE BOARD OF EDUCATION A REGULATION implementing provisions of AB 38 (2021) establishing the Advisory Technical Skills Committee CONTACT Alicia Briancon (775) 443-5519 alicia.briancon@doe.nv.gov
R019-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION establishing provisions relating to procedures for sanctioning new sports CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com

R022-25	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to the payment of membership dues CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com
R024-25	501	BOARD OF WILDLIFE COMMISSIONERS A REGULATION revising provisions relating to demerits CONTACT Alejandra Medina (775) 688-1510 amedina@ndow.org
R025-25	445A	STATE ENVIRONMENTAL COMMISSION A REGULATION revising provisions relating to drinking water CONTACT Andrea Seifert (775) 687-9526 ASeifert@ndep.nv.gov

**ADOPTED REGULATION OF THE NEVADA
INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R003-25

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

AUTHORITY: §§ 1-3, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising the penalties for certain violations relating to interscholastic activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and is required to adopt rules and regulations governing those events. (NRS 385B.050, 385B.060)

Existing regulations authorize the Association to impose certain penalties for a violation of the regulations adopted by the Association concerning interscholastic events, including, without limitation, the imposition of fines and issuance of sanctions. (NAC 385B.960) **Section 3** of this regulation revises the penalties which the Association is authorized to impose to include: (1) the imposition of a fine of \$250 for a first violation or \$500 for a second or subsequent violation; or (2) the issuance of a sanction indicating the occurrence of misconduct and the imposition of a fine of \$1,000 for a first violation or \$1,500 for a second or subsequent violation.

Existing law requires the Association to adopt regulations relating to spirit squads, including standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Association. (NRS 385B.060) Existing regulations require an application to the Association for the sanctioning of a competition or event for spirit squads to be submitted not later than 30 days before the competition or event. If such an application is not timely submitted but is nonetheless approved by the Association, existing regulations require the applicant to pay a penalty of \$100. (NAC 385B.564) **Section 1** of this regulation increases the penalty to \$250.

Existing regulations authorize the Association to impose a penalty of \$500 against a school if a spirit squad of the school attends or participates in a competition or event that is not sanctioned by the Association. (NAC 385B.566) **Section 2** of this regulation increases the penalty to \$1,000. **Section 2** also removes a reference to an obsolete Internet website of the Association.

Section 1. NAC 385B.564 is hereby amended to read as follows:

385B.564 1. Each application for the sanctioning of a competition or event by the Association must be submitted on a form furnished by the Association. The application must:

(a) Except as otherwise provided in subsection 2, be submitted to the Association not later than 30 days before the competition or event; and

(b) Be accompanied by:

(1) A copy of each regulation or rule applicable for conducting the competition or event;

(2) Proof of liability insurance;

(3) A list setting forth the name of each state, school or group that is invited to attend the competition or event; and

(4) Any other information required by the Association.

2. As soon as practicable after receiving an application, the Executive Director or a person designated by the Executive Director shall review the application. As soon as practicable after approving or denying the application, the Association will submit a written notification of the approval or denial of the application to the applicant and each member school. If an applicant fails to submit the application within the period specified in subsection 1, and if the application is approved, the applicant must pay to the Association a penalty ~~in the amount of \$100.~~ **\$250.**

Sec. 2. NAC 385B.566 is hereby amended to read as follows:

385B.566 1. A school may determine whether the Association has sanctioned a competition or event by accessing the website of the Association at

~~http://www.nevada.ihigh.com or~~ **http://www.niaa.com.**

2. If a spirit squad of a school attends or participates in a competition or event that is not sanctioned by the Association, the Association may impose a penalty against the school ~~in the amount of \$500.~~ **\$1,000.**

3. Before a spirit squad of a school may attend or participate in a competition or event that is sanctioned by the Association, the principal of the school or a designee thereof must approve the attendance or participation of the school in the competition or event.

4. The Association:

(a) Encourages each school to authorize each spirit squad of the school to attend or participate in not more than three sanctioned competitions or events during the season for the spirit squad.

(b) Does not require or encourage a school to attend or participate in any competition or event sanctioned by the Association.

5. A spirit squad of a school shall not participate in any competition for spirit squads that is conducted after the end of the season for the spirit squad established pursuant to NAC 385B.552. Each coach of a spirit squad shall ensure that the spirit squad complies with the provisions of subsection 1 of NAC 385B.550.

Sec. 3. NAC 385B.960 is hereby amended to read as follows:

385B.960 1. In addition to any penalty set forth in this chapter, the Association may impose any of the following penalties for a violation of a provision of those sections:

(a) The imposition of a fine of ~~{not more than \$1,000;}~~ :

(1) For a first violation, \$250; or

(2) For a second or subsequent violation, \$500;

(b) The issuance of a sanction indicating the occurrence of misconduct and the imposition of a fine of ~~{not more than}~~ :

(1) For a first violation, \$1,000; or

(2) For a second or subsequent violation, \$1,500;

(c) The placement of a school on probation and the imposition of a fine of not more than \$2,500;

(d) The suspension of the membership of a school in the Association and the imposition of a fine of not more than \$5,000; or

(e) Any combination of the actions specified in paragraphs (a) to (d), inclusive.

2. The Association will maintain a record of each sanction issued and fine imposed pursuant to subsection 1. If a school which is issued a sanction or against which a fine is imposed repeats the violation for which the sanction is issued or fine is imposed, the Association may suspend the membership of the school in the Association for the period specified by the Board pursuant to subsection 4.

3. A school that is placed on probation pursuant to subsection 1 may not participate in any activity relating to a league, regional or state tournament for the period determined by the Association. If the school repeats the violation for which the school was placed on probation, the Association will suspend the membership of the school in the Association for the period specified by the Board pursuant to subsection 4.

4. The Executive Director, an administrator or a panel specified in NAC 385B.904 may, during an appeal made pursuant to NAC 385B.900 to 385B.924, inclusive, suspend or impose a fine or other penalty against a school that is a party to the appeal. A suspension imposed pursuant to this section is not final until the Board approves the imposition and duration of the suspension.

5. If a penalty is imposed or disciplinary action is taken against a school or pupil, the Executive Director may, in addition to the penalty imposed or disciplinary action taken, impose a penalty against the school or pupil pursuant to this section.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY
NRS 233B.066
LCB FILE No. R003-25**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises the amount of monetary sanctions the NIAA is authorized to impose for violations of regulations including misconduct and for certain violations by spirit squads that violate regulations regarding sanctioning of competitions, and for attending an unsanctioned event.

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 regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <https://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on April 1, 2025 at its Spring Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. This regulation was reviewed by

the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
 - (a) **Attended each hearing: 0**
 - (b) **Testified at each hearing: 0**
 - (c) **Submitted to the agency written comments: 0**
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is 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.**

There was no testimony provided by any of the people in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other people having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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.**

The regulation was adopted on September 23, 2025, without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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**
 - (b) **Both immediate and long-term effects.**

///

- (a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

- (b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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.

N/A

12. Is the proposed regulation 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 to determine the impact of the regulation on a small business?

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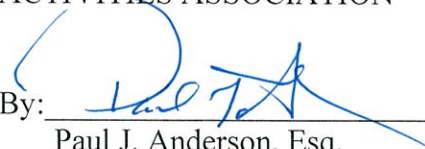
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As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 50th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608
LCB FILE No. R003-25**

The following statement is submitted in accordance with NRS 233B.0608:

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

N/A. See response to number one, above.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(a) both adverse and beneficial affects; and

(b) both direct and indirect effects.

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

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

None.

6. **If the proposed 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.**

This regulation will not affect any small businesses and will not result in an increase in payments by member schools of the NIAA.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

N/A. See response to number one, above.

This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 29th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____

Timothy Jackson
Executive Director

**ADOPTED REGULATION OF THE
NEVADA STATE BOARD OF OPTOMETRY**

LCB File No. R007-25

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

AUTHORITY: § 1, NRS 636.125 and 636.260.

A REGULATION relating to optometry; revising provisions relating to continuing education requirements for optometrists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the biennial renewal of a license to practice optometry; and (2) a licensee to complete continuing education prescribed by the Nevada State Board of Optometry during the period between renewals of the license. (NRS 636.260) Existing regulations require a licensee to complete continuing education in person, over the Internet or by correspondence or videoconference. (Section 8 of LCB File No. R066-19) This regulation provides that a course of continuing education completed in person includes a course completed synchronously over the Internet or by videoconference. This regulation also lowers from 75 percent to 70 percent the minimum score required on an examination for a course of continuing education that is not completed in person.

Section 1. Section 8 of LCB File No. R066-19 is hereby amended as follows:

Sec. 8. 1. Except as otherwise provided in subsection 2, a licensee must complete at least 40 hours of continuing education during the 2 years immediately preceding the date on which a license is required to be renewed. Not more than 5 hours of the required continuing education may be in the subject of practice management.

2. A licensee who is certified to administer and prescribe pharmaceutical agents must complete at least 50 hours of continuing education during the 2 years immediately preceding the date on which a license must be renewed. At least 30 hours of the required continuing education

must be related to pharmaceutical agents or disease. Not more than 10 hours of the required continuing education may be in the subject of practice management.

3. A licensee who is subject to the requirements of NRS 636.2881 may count the continuing education required by that section as part of the 30 hours of continuing education relating to pharmaceutical agents or disease required by subsection 2.

4. Continuing education may be completed in person, *asynchronously* over the Internet or by correspondence or *asynchronous* videoconference. For continuing education that is not completed in person, the licensee must submit proof that he or she received a score of at least ~~75~~ 70 percent on the examination for the course. *As used in this subsection, "in person" includes a course of continuing education completed synchronously over the Internet or by videoconference.*

5. Continuing education will be awarded in 15 minute increments. Instruction time must be rounded to the nearest 15 minutes, except that 50 minutes or more of instruction may be rounded up to the nearest hour. A licensee may not receive credit for more than 10 hours of continuing education during any 24-hour period.

6. The Board will approve continuing education in appropriate subjects that is provided or approved by:

- (a) A school of optometry approved by the Accreditation Council on Optometric Education, or its successor organization;
- (b) A regional, state or national optometric association;
- (c) The Council on Optometric Practitioner Education, or its successor organization;

(d) For continuing education completed to satisfy the requirements of NRS 636.2881 or subsection 6 of NRS 636.338, the American Medical Association, or its successor organization, as Category 1 ophthalmology-specific continuing medical education; or

(e) Any ophthalmology residency program that is affiliated with an accredited medical school.

7. The Board will approve continuing education not described in subsection 6 if:

(a) The provider of the continuing education submits to the Board a course syllabus or program and the name of the licensee who will complete the course before the date on which the continuing education is provided or the licensee includes the continuing education on the form for proof of completion of continuing education submitted pursuant to NRS 636.260; and

(b) The Board determines that the training is appropriately rigorous, is provided by a qualified provider and concerns an appropriate subject.

8. The Board will notify a licensee if continuing education submitted for approval pursuant to subsection 7 is not approved.

9. A licensee shall not submit the form for proof of completion of continuing education pursuant to NRS 636.260 until all continuing education required by subsection 1 or 2, as applicable, has been completed.

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAEERER
Deputy Directors

ADAM SCHNEIDER
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

Informational Statement Form re
R007-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 636.

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

NRS/NAC 636 govern optometry. R066-19(8), which was already the subject of oversight and Legislative Counsel Bureau (LCB) adoption in 2019-2020, governs how continuing education (herein "CE") hours are credited to licensees for purposes of biennial license renewal requirements. R007-25's subsection 4's modifications will: 1) align Nevada with national standards¹ of 70% minimum passing scores for asynchronous courses; and 2) clarify that "in person" includes synchronous videoconference courses. (Synchronous CE courses, be it a licensee's actual in-person attendance or virtual in-person attendance via a videoconferencing platform, are exempt from the testing requirement offered at the conclusion of a CE course in order for a licensee to receive credit.)

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.

Prior to the Notice of Workshop being posted, the Board issued a Newsletter to its membership announcing the topic of the workshop, and specifically seeking any membership input on the proposed changes. Any public comment or testimony provided concerning the proposed regulation could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

1 [COPE+Course+Qualification+Manual+12.2022+FINAL.pdf](#) at page 19 ("Post Course tests must receive a score of at least 70% or better in order for a certificate of completion to be issued.")

Notice of the October 30, 2024 workshop was sent to all registered licensees on the Board's email-mailing list, timely posted consistent with NRS 241, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>. The proposed language approved at the Notice of Intent to Take Action on September 25, 2025 is the result of a public meeting, wherein no interested person posited any changes.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on September 25, 2025 the Board conducted a meeting/hearing and approved R007-25 to make T001-25A permanent and thus amend R066-19(8)(4) permanently.

3. The number of persons who:

(a) Attended each hearing:

October 30, 2024- Notice of Workshop- 11 persons inclusive of three Board members, deputy attorney general, and executive director. No role call conducted or sign-in sheets provided.

September 25, 2025- Notice of Intent to Take Action hearing- 9 persons inclusive of three Board members and executive director

(b) Testified at each hearing:

October 30, 2024- 0 members of the public.

September 25, 2025- 0 members of the public.

(c) Submitted to the agency written comments:

October 30, 2024- 0

September 25, 2025- 0

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency

October 30, 2024- none

September 25, 2025- notwithstanding three Board members and executive director- Jon Christiansen, O.D., 702-737-0097; Ken Kopolow, O.D.; k.kopolow@lasvegaseyedocs.com, 702-452-2020; Steve Girigensen, O.D., s.girigensen@lasvegaseyedocs.com, 702-452-2020; David Davis, O.D., drdavis.visionsource@gmail.com, 702-385-7331; Jen Sommer- not provided

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 Board does not believe this regulation affects small business. Nonetheless or both the temporary regulation of T001-25A and the subject regulation R007-25, commentary was

solicited through the Board's Newsletters to its membership, posting the Notice of Workshop (specific to T001-25A) and regular meeting agendas listing proposed changes to NAC 636 as an action item on the Board's website and posting physically and electronically at the Board's office in Reno, NV 89523, and Office of Emergency Management (due to the State-wide hack of State websites) all of which expressly solicited public commentary. No comments received.

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.

The Board's policy is a 70% passing rate on continuing education (CE) credit tests in line with national standards, and codification would place the Board policy formally into regulation. The regulation also clarifies that synchronous videoconference CEs is classified as an in-person CE and addresses the need for clarification coming from the membership. The adoption of the proposed language as-is is needed to become consistent with national certifying CE groups which have it as 70%.

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

Adverse and beneficial effects on optometry-
The Board does not perceive any adverse economic effects on optometry. The Board does not perceive that CE credits' minimum passing scores for asynchronous courses will have any adverse economic effects, nor does clarifying that in-person attendance for synchronous CE courses can also include in its definition virtual attendance via videoconferencing platform.

Adverse and beneficial effects on the public-
The Board does not perceive any adverse effects on the public given the proposed regulation impacts on optometrists. The intent of R066-19(8)((4) and T001-25A is bring Nevada in conformity with national standards of 70% minimum passing scores for asynchronous courses and to clarify that "in person" includes synchronous videoconference courses, and therefore will not impact the public at large.

(b) Both immediate and long-term effects.

Immediate and long-term effects on optometry-
The minimum passing score stated in R066-19(8)(4) of 75% to the proposed 70% of T001-25A and R007-25 will align Nevada into national conformity on this issue. *See* footnote 1. CE presenters or companies are already in the stream of commerce in Nevada, and the change of a passing score from 75% to 70% to align with national standards will not impact those presenters or companies nor the practice of optometry. Clarifying that in-person attendance for synchronous CE courses can include virtual attendance via videoconferencing platform will not impact the practice of optometry.

Immediate and long-term effects on the public-
The Board does not consider the proposed changes in the regulation to have any impact on the public. Instead it is unique to optometrists and obtaining sufficient CE credits in order to be licensed for the then-upcoming biennial cycle. To the extent one is seen, the only impact is on the businesses which offer CE course to ensure for themselves that their courses have nationalized standard passing scores for their asynchronous CE courses (*see* footnote 1); and 2)

the participants can obtain credit by attending virtually on a videoconference platform for synchronous online CEs. Therefore the Board does not see this regulation affecting the public.

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

In and of itself, none as to the agency. Known violations or known alleged violations of the regulation for providing false attestations of CE attendance or completion, however, will result in an investigation as authorized under NRS 636, and possible prosecution and discipline upon the alleged violator. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

9. 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.

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

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. None of the proposed regulation changes duplicates or is more stringent than any federal, state, or local standards regulating optometry to the best of the Board's knowledge.

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.

N/A. The proposed regulation does not impose any fees.

Small Business Impact Statement re R066-19 Section (8)(4)

Background

NRS/NAC 636 govern optometry. R066-19(8), which was already the subject of oversight and Legislative Counsel Bureau (LCB) adoption in 2019-2020, governs how continuing education (herein “CE”) hours are credited to licensees for purposes of biennial license renewal requirements. R066-19 has yet to be codified, so the Board seeks additional clarification on this topic for its membership and all interested persons with the subject modifications to: 1) align Nevada with national standards¹ of 70% minimum passing scores for asynchronous courses; and 2) clarify that “in person” includes synchronous videoconference courses. Synchronous CE courses, be it a licensee’s actual in-person attendance or virtual in-person attendance via an internet platform such as Zoom or Teams or similar videoconferencing, are exempt from the testing requirement offered at the conclusion of a CE course in order for a licensee to receive credit.

Description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary (NRS 233B.0609(1)(a))

Prior to the Notice of Workshop being posted, the Board issued a Newsletter to its membership announcing the topic of the workshop, and specially seeking any membership input on the proposed changes.

The Agenda associated with the above referenced meetings is posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

Manner in which the analysis was conducted (NRS 233B.0609(1)(b))

See above. The Board sought from its stakeholders any comments, wherein any impact on small business could have been commented upon. No comments were received in response to its Newsletter announcing the workshop.

Estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects and both direct

¹ [COPE+Course+Qualification+Manual+12.2022+FINAL.pdf](#) at page 19 (“Post Course tests must receive a score of at least 70% or better in order for a certificate of completion to be issued.”)

and indirect effects. (NRS 233B.0609(1)(c)(1)-(2))

Adverse and beneficial economic effects- none. The Board does not perceive that CE credits' minimum passing scores for asynchronous courses will have any adverse economic effects, nor does clarifying that in-person attendance for synchronous CE courses can also include in its definition virtual attendance via videoconferencing platform.

Immediate and long-term effects- although not formally codified by LCB yet, R066-19 became law in 2020. Therefore the Board has a small sample size to address this topic. The minimum passing score stated in R066-19(12)(8)(4) of 75% to the proposed 70% will align Nevada into national conformity on this issue. *See* footnote 1. CE presenters or companies are already in the stream of commerce in Nevada, and the change of a passing score from 75% to 70% will not affect small business. Clarifying that in-person attendance for synchronous CE courses can include virtual attendance via videoconferencing platform will likewise not affect small business.

Description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (NRS 233B.0609(1)(d))

R066-19(8)(4) does not impact small business. Instead it is unique to optometrists and obtaining sufficient CE credits in order to be licensed for the then-upcoming biennial cycle. As summarized above, none of the above “impose a direct and significant economic burden” or “directly restrict the formation, operation or expansion of a small business” (*see* NRS 233B.0608). To the extent one is seen, the only inhibition is not on the operation of a small business in and of the industry itself, but instead ensures for the protection of the profession and the public that licensees in Nevada: 1) have nationalized standard passing scores for their asynchronous CE courses (*see* footnote 1); and 2) can obtain credit by attending virtually on a videoconference platform for synchronous online CEs.

Estimated cost to the agency for enforcement of the proposed regulation (NRS 233B.0609(1)(e))

The Board estimates that the adopted regulation will result in no additional costs. The Board's employees already count CE credits as approved when received from a qualified CE presenter on qualified topics. Whether a licensee attends a synchronous CE course physically in-person or virtually in-person does not result in any additional costs to the Board. Whether the passing score is 75% or 70% does not change how the Board's employees vet any proffered CE credit from any licensee. There is no perceived cost to the licensees governed under NRS 636. There is no perceived cost to the public.

If the proposed 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 (NRS 233B.0609(1)(f))

N/A.

If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary. (NRS 233B.0609(1)(g))

N/A. Nevada's minimum passing score (75%) to obtain credit for attending asynchronous CE courses is presently higher than national standards (70%). (See footnote 1.) None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

The reasons for the conclusions of the agency regarding the impact of a regulation on small business (NRS 233B.0609(1)(h))

R066-19(8)(4) is already effective law upon Nevada-licensed optometrists. A plain reading of R066-19(8)(4)'s text and the proposed revisions demonstrates it is not a mandate or a restriction on how licensees practice optometry, which is a core focus of NRS/NAC 636 in addition to maintaining integrity of the profession and protecting the public. Instead it requires a licensee, in the event of the licensee electing to complete an asynchronous CE course, to obtain a passing score consistent with national standards of 70%. It is at any given licensee's discretion to choose to avail himself or herself to any such asynchronous CE courses, when synchronous CE courses are available to attend physically in-person or virtually in-person and do not require course examination passing score in order to receive credit.

I, Adam Schneider, Esq., Executive Director of the Nevada State Board of Optometry, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0609(2))

Dated: 10/14/2024

/s/ Adam Schneider
Adam Schneider, Esq.
Executive Director
Nevada State Board of Optometry

**ADOPTED REGULATION OF THE
NEVADA STATE BOARD OF OPTOMETRY**

LCB File No. R008-25

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

AUTHORITY: § 1, NRS 636.125 and 636.373.

A REGULATION relating to optometry; revising provisions relating to certain associations and business relationships formed by optometrists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an optometrist to form an association or other business relationship with a physician to provide their respective services to patients. (NRS 636.373) Existing regulations: (1) authorize an optometrist to form an association or other business relationship with a person who is not licensed to practice optometry to perform certain duties concerning the operation of business; and (2) prescribe requirements for the optometrist relating to an association or business relationship with a physician or other unlicensed person. (Section 12 of LCB File No. R066-19) Existing law prohibits a person from directly or indirectly controlling, dictating or influencing the professional judgment of the practice of optometry by a licensed optometrist, unless the person is licensed to practice optometry. (NRS 636.373) This regulation: (1) clarifies the requirement for an optometrist to ensure against involvement by a physician or other unlicensed person in the professional judgment of the optometrist to align with existing law; and (2) makes the requirements for an optometrist the same for an association or other business relationship with a physician or with another unlicensed person.

Existing law prohibits an optometrist from employing or being employed by a physician. (NRS 636.373) Existing regulations prohibit the same conduct. (Section 12 of LCB File No. R066-19) This regulation removes the duplicative prohibition from the existing regulations.

Section 1. Section 12 of LCB File No. R066-19 is hereby amended to read as follows:

Sec. 12. 1. ~~If an optometrist forms an association or other business relationship with a physician pursuant to NRS 636.373, the optometrist must:~~
~~—(a) Comply with any applicable requirements of the Internal Revenue Service;~~

~~—(b) Maintain financial and organizational independence from any person who is not licensed to practice optometry, other than the physician; and~~

~~—(c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.~~

~~—2. An optometrist shall not employ or be employed by a physician.~~

~~—3.]~~ An optometrist may form an association or other business relationship with a person, other than a physician, who is not licensed to practice optometry to perform duties concerning the operation of the business. Such duties must be limited to duties concerning the operation of the business and may include, without limitation, performing services related to payroll, human resources, real estate, regulatory matters not related to health care, banking, accounting, administration of benefits, marketing, merchandising, occupancy, accounts payable, accounts receivable, supply chain management, business development, business administration, labor, compliance with applicable laws and regulations, purchasing and medical billing.

~~[4.]~~ **2.** An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry ~~[pursuant to subsection 3]~~, *including, without limitation, a physician pursuant to NRS 636.373 or a person pursuant to subsection 1*, shall:

(a) Comply with any applicable requirements of the Internal Revenue Service;

(b) Maintain organizational and financial independence from the person who is not licensed to practice optometry and ensure that the person who is not licensed to practice optometry ~~is not involved in:]~~ *does not directly or indirectly control, dictate or influence the professional*

judgment of the practice of optometry by the optometrist, including, without limitation, the professional judgment of the optometrist concerning:

- (1) Clinical decisions;
 - (2) Scheduling of patients;
 - (3) Any decision concerning scope of practice or use of facilities, equipment or drugs; or
 - (4) Any other decision concerning the provision of care to a patient or the outcome of any treatment or other service provided to a patient; and
- (c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.



**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY**

**Informational Statement Form re
R008-25**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 636.

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

NRS/NAC 636 govern optometry. This regulation seeks to clarify what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

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.

The Board's discussion for the proposed regulations were discussed at its public meeting on May 30, 2024, written submissions on or before June 27, 2024, and discussion of same at its public meeting on June 27, 2024, written submission on or before July 31, 2024 and discussion of same at its workshop on July 31, 2024, its second workshop on August 28, 2024, discussion and approval at a regular meeting for modifications on September 26, 2024, and Notice of Intent to Take Action on December 11, 2024 since assigned as T002-25A. Once adopted as a temporary regulation, the Board timely posted then held a Notice of Intent to Take Action on R008-25 on September 25, 2025.

Notice of the July 31, 2024 workshop and August 28, 2024 workshop was sent to all registered licensees on the Board's email-mailing list. Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on December 11, 2024, the Board conducted a meeting/hearing and approved R066-19(12) reassigned as T002-25A.

Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Public commentary is summarized as ensuring managed services organizations or private equity do not exert undue influence or control upon optometrists and their clinical-decision making while not creating any kind of anti-competitive atmosphere and that non-optometrists or corporations cannot own optometry practices.

3. The number of persons who:

(a) Attended each hearing:

July 31, 2024- workshop- 41¹

August 28, 2024- second workshop- 26

September 26, 2024- regular meeting- 17

December 11, 2024- Notice of Intent to Take Action hearing- 11

September 25, 2025- Notice of Intent to Take Action hearing- 9 persons inclusive of three Board members and executive director

(b) Testified at each hearing:

July 31, 2024- workshop- 16

August 28, 2024- second workshop- 7

September 26, 2024- regular meeting- 0

December 11, 2024- Notice of Intent to Take Action hearing- 0

September 25, 2025- Notice of Intent to Take Action hearing- 0

(c) Submitted to the agency written comments:

July 31, 2024- 7

August 28, 2024- second workshop- 4

September 26, 2024- regular meeting- 0

December 11, 2024- Notice of Intent to Take Action hearing- 0

September 25, 2025- Notice of Intent to Take Action hearing- 0

4. A list of names and contact information, including telephone number, business address,

¹ Concurrent with a regular board meeting.

business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency

July 31, 2024: the following persons submitted written comments- Robert Horner, Robertkhorner@yahoo.com, Jon Christiansen, drjonchristiansen@yahoo.com, Thomas Daly 1550 Wilson Blvd. Ste. 700, Arlington, VA 22209, (703) 351-5034, Troy Ogden, togden@dtvisionreno.com; Ken Kopolow, kkopolow@yahoo.com, Steve Girisgen, s.girisgen@lasvegaseyedocs.com, Spencer Quinton, drquinton@gmail.com, Joe Fermin joe.fermin@gmail.com

July 31, 2024: the following persons testified- Steve Girisgen, Ken Kopolow, Jonathan Christiansen, Danny Thompson dannylt413@gmail.com, Chen Young drcyoung@aol.com, Amber Belaustegui amberbela@gmail.com, Jonathan Mather jonmather@gmail.com, Cheryl Adlington domagicaloils@gmail.com, Maria Nutile maria@nutilelaw.com, Jennifer Letten lettenj@yahoo.com, Tonya Hubbard hubbardtonya@hotmail.com, Evan Marchant emarchant@vspventures.com

August 28, 2024: the following persons submitted written comments- Jon Christiansen, Troy Ogden, Ken Kopolow, Steve Girisgen, Spencer Quinton, Amber Belaustegui,

August 28, 2024: the following persons testified- Jon Christiansen, Ken Kopolow, Stephanie Lee drstephlee@gmail.com, Steve Girisgen, Chen Young, Maria Nutile

September 25, 2025- notwithstanding three Board members and executive director- Jon Christiansen, O.D., 702-737-0097; Ken Kopolow, O.D.; k.kopolow@lasvegaseyedocs.com, 702-452-2020; Steve Girisgen, O.D., s.girisgen@lasvegaseyedocs.com, 702-452-2020; David Davis, O.D., drdavis.visionsource@gmail.com, 702-385-7331; Jen Sommer- not provided

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 Board does not believe this regulation affects small business. Nonetheless for both the temporary regulation of T002-25A and the subject regulation R008-25, commentary was solicited through the Board's Newsletters to its membership, posting the Notice of Workshop (specific to T001-25A) and regular meeting agendas listing proposed changes to NAC 636 as an action item on the Board's website and posting physically and electronically at the Board's office in Reno, NV 89523, and Office of Emergency Management (due to the State-wide hack of State websites) all of which expressly solicited public commentary. No comments received for R008-25, notwithstanding the public commentary that went into T002-25. The public commentary for T002-25 is summarized as ensuring managed services organizations or private equity do not exert undue influence or control upon optometrists and their clinical-decision making while not creating any kind of anti-competitive atmosphere and that non-optometrists or corporations cannot own optometry practices.

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.

R008-25 accomplishes the Board's goal to clarify what kinds of non-clinical business

services are permissible should a licensee seek to engage with a non-optometry entity for any such service. R008-23 as written will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

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

Adverse and beneficial effects on optometry-

The Board does not perceive any adverse economic effects. R008-25 is not mandatory for all licensees to expend capital or to enter into the kinds of business relationships discussed therein. Instead it is permissive to those licensees, many of whom are small business owners, who wish to avail themselves to different business associations, and not mandatory. Therefore should the licensee decide to enter into a certain kind of business relationship with a non-optometry entity, R008-25 allows the licensee to do so, but as long as the non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. R08-25 can be seen as a simultaneous allowance for business management services while ensuring the licensee does not lose autonomy within the scope of professional decision-making and judgment for optometric care in Nevada which only licensees under NRS 636 are allowed to exercise. Moreover, the intent of R008-25 is consistent with another chapter of statutory healthcare providers, the Nevada State Board of Dental Examiners' NRS 631.215(2)(i) and (3)(a), 631.3455 which likewise passed legislative muster both in 2009 then again in 2023.

Adverse and beneficial effects on the public-

The Board does not perceive any adverse effects on the public. The intent of R008-25 which concerns in part that a non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. Therefore the Board sees this as a benefit to the public of licensees maintaining that autonomy regarding clinical decision making and the exercise of optometric judgment based upon the needs of any given optometric patient.

(b) Both immediate and long-term effects.

Immediate and long-term effects on optometry-

R008-25 should assist licensees with a better understanding what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

Immediate and long-term effects on the public-

The Board considers the proposed changes in the regulation to have more impact on a licensee's business, business dealings, and business administration. The intent of R008-25 which does not authorize a non-optometry entity to control or dictate how the licensee performs his or her

clinical/medical responsibilities to the patient in a manner consistent with the standard of care. Therefore the Board does not see this regulation impacting the public in terms of patients receiving appropriate optometric care.

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

In and of itself, none as to the agency. Known violations or known alleged violations of the regulation, however, will result in an investigation as authorized under NRS 636, and possible prosecution and discipline upon the alleged violator. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

9. 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.

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

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. None of the proposed regulation changes, duplicates, or is more stringent than any federal, state, or local standards regulating optometry to the best of the Board's knowledge.

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.

N/A. The proposed regulation does not impose any fees.

NEVADA STATE BOARD OF OPTOMETRY



Small Business Impact Statement re R066-19(12)(3)-(4)

Background

NRS/NAC 636 govern optometry. R066-19(12), which was already the subject of oversight and Legislative Counsel Bureau (LCB) adoption in 2019-2020, governs allowances and prohibitions to business relationships between optometrists and non-optometrist entities. R066-19 has yet to be codified, so the Board seeks additional clarification on this topic for its membership and all interested persons with the subject modifications.

Description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary (NRS 233B.0609(1)(a))

The Board's discussion for this workshop preceded proposed regulations discussed at its public meeting on May 30, 2024, written submissions on or before June 27, 2024, and discussion of same at its public meeting on June 27, 2024, written submission on or before July 31, 2024 and discussion of same at its workshop on July 31, 2024.

Notice of the July 31, 2024 workshop was sent to all registered licensees on the Board's email-mailing list. Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org.

Manner in which the analysis was conducted (NRS 233B.0609(1)(b))

See above. The Board engaged in discussions about each subject subsection for multiple hours with the public, the stakeholders, and all interested persons in a public forum wherein any impact on small business was able to be discussed, and is incorporated herein where appropriate.

Estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects and both direct and

indirect effects. (NRS 233B.0609(1)(c)(1)-(2))

Adverse and beneficial economic effects- the Board does not perceive any adverse economic effects. R066-19(12) is not mandatory for all licensees to expend capital or to enter into the kinds of business relationships discussed therein. Instead it is permissive to those licensees, many of whom are small business owners, who wish to avail themselves to different business associations, and not mandatory. Therefore should the licensee decide to enter into a certain kind of business relationship with a non-optometry entity, R066-19(12) allows the licensee to do so, but as long as the non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. R066-19(12) can be seen as a simultaneous allowance for business management services while ensuring the licensee does not lose autonomy within the scope of professional decision-making and judgment for optometric care in Nevada which only licensees under NRS 636 are allowed to exercise. Moreover, the intent of revising R066-19(12)(3)-(4) is consistent with another chapter of statutory healthcare providers, the Nevada State Board of Dental Examiners' NRS 631.215(2)(i) and (3)(a), 631.3455 which likewise passed legislative muster both in 2009 then again in 2023.

Immediate and long-term effects- although not formally codified by LCB yet, R066-19 became law in 2020. Therefore the Board has a small sample size to address this topic. Clarification of R066-19(12) should assist licensees with a better understanding what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

Description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (NRS 233B.0609(1)(d))

Given the clarification of R066-19(12)(3)-(4) is a permissive structure and not a mandate, be it funded or unfunded, the agency states it did not use any such methods after engagement with the stakeholders for multiple hours in public forum consistent with NRS 241 and NRS 233B. As summarized above, none of the above “impose a direct and significant economic burden” or “directly restrict the formation, operation or expansion of a small business” (*see* NRS 233B.0608). To the extent one is seen, the only inhibition is not on the operation of a small business in and of the industry itself, but instead ensures for the protection of the profession and the public that the licensee does not lose healthcare provider autonomy where only Nevada-licensed optometrists are allowed to practice optometry in Nevada pursuant to NRS 636.

Estimated cost to the agency for enforcement of the proposed regulation (NRS 233B.0609(1)(e))

The Board estimates that the adopted regulation will result in minimal costs, if any, to the agency for enforcement after the initial costs of implementing the regulations, providing education to licensees and updating the Board's website reflecting the regulation changes. The Board expects that staff costs will be absorbed into the existing workloads of current staff. There is no perceived cost to the licensees governed under NRS 636. There is no perceived cost to the public.

A licensee who is known or alleged to have violated the above regulation will result in an investigation as authorized under NRS 636, and possible prosecution and discipline. Attorneys' fees

and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

If the proposed 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 (NRS 233B.0609(1)(f))

N/A.

If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary. (NRS 233B.0609(1)(g))

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

The reasons for the conclusions of the agency regarding the impact of a regulation on small business (NRS 233B.0609(1)(h))

R066-19 is already effective law upon Nevada-licensed optometrists. A plain reading of R066-19(12)(3)-(4)'s text and the proposed revisions demonstrates it is not a mandate or a restriction on how licensees practice optometry which is a core focus of NRS/NAC 636, in addition to maintaining integrity of the profession and protecting the public. Instead it is permissive and non-prohibitive. It is at any given licensee's discretion to choose to avail himself or herself to such business associations, yet concurrent with the licensee's already-existing obligations under NRS/NAC 636.

I, Adam Schneider, Esq., Executive Director of the Nevada State Board of Optometry, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0609(2))

Dated: 8/12/2024

/s/ Adam Schneider
Adam Schneider, Esq.
Executive Director
Nevada State Board of Optometry

**ADOPTED REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R012-25

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

AUTHORITY: § 1, NRS 455C.110 and 455C.112.

A REGULATION relating to public safety; exempting certain heat exchangers from certain provisions governing boilers and pressure vessels; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations exempt certain boilers, pressure vessels and other related and associated equipment from the application of provisions governing boilers and pressure vessels generally. (NAC 455C.114) This regulation exempts brazed plate heat exchangers which satisfy certain criteria from the application of those provisions governing boilers and pressure vessels.

Section 1. NAC 455C.114 is hereby amended to read as follows:

455C.114 The provisions of NAC 455C.020 to 455C.300, inclusive, do not apply to:

1. Boilers and pressure vessels governed by the provisions of chapter 512 of NRS and, except as otherwise provided in section 8 of LCB File No. R026-23, chapter 512 of NAC.

2. Boilers and pressure vessels installed or used in a single-family residence unless the boiler or pressure vessel is a:

- (a) Hot water supply boiler;
- (b) Hot water supply tank that has a storage capacity which exceeds 120 gallons;
- (c) Low-pressure heating boiler;
- (d) Power boiler; or

(e) Pressure vessel that:

- (1) Operates at pressures that exceed 15 PSIG; or
- (2) Has a storage capacity of 5 cubic feet or more by volume.
3. Boilers and pressure vessels under the control of the Federal Government.
4. Unfired pressure vessels meeting the requirements of the United States Department of Transportation for the shipment of liquids or gases under pressure.
5. Unfired pressure vessels having an inside diameter not exceeding 6 inches (152 millimeters).
6. Unfired pressure vessels containing cold water under pressure, including those containing air, the compression of which serves only as a cushion.
7. A water heater or a pressure vessel containing water heated by steam or by any other indirect means, if none of the following limitations is exceeded:
 - (a) An input of heat of 199,999 British thermal units per hour (58,600 watts).
 - (b) A water temperature of 210 degrees Fahrenheit (99 degrees Centigrade).
 - (c) A water capacity of 120 gallons (450 liters).
8. Unfired pressure vessels that do not exceed 5 cubic feet in volume and 15 PSIG.
9. An unfired pressure vessel that may be classified as a pressure container which is an integral part or component of a rotating or reciprocating mechanical device, including a pump, compressor, turbine, generator, engine and hydraulic or pneumatic cylinder where the primary considerations of stresses in the design, or both, are derived from the functional requirements of the device.
10. Unfired pressure vessels used for the storage of compressed air only.

11. A hot water heater constructed of continuous coils, which is used only to produce steam vapor to clean machinery, equipment and buildings, if:

(a) The tubing or pipe size does not exceed three-fourths of an inch in diameter and drums and headers are not attached;

(b) The nominal water containing capacity does not exceed 6 gallons;

(c) The water temperatures do not exceed 350 degrees Fahrenheit; and

(d) Steam is not generated within the coil,

↪ except that the provisions of NAC 455C.020 to 455C.300, inclusive, do apply to safety relief valves on a hot water heater constructed of continuous coils.

12. Unfired pressure vessels and piping containing liquid petroleum gas and liquid natural gas.

13. A brazed plate heat exchanger which:

(a) Is a component of an autoclave assembly, regardless of the size or rated pressure of the autoclave assembly;

(b) Is a component of a chiller, a heat pump or refrigeration equipment, regardless of the size or rated pressure of the chiller, heat pump or refrigeration equipment or the mass of refrigerant in the chiller, heat pump or refrigeration equipment, that:

(1) Is installed in an outdoor location; and

(2) Contains A1 or A2L refrigerants exclusively; or

(c) Is a component of a chiller, a heat pump or refrigeration equipment that:

(1) Is installed in an indoor location;

(2) Does not exceed 50 pounds in mass of refrigerant per circuit;

(3) Does not exceed 50 tons of cooling capacity per circuit; and

(4) Contains:

(I) A1 refrigerants; or

(II) A2L refrigerants and is installed in a room or area that consists of not less than 500 square feet of floor space.



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**INFORMATIONAL STATEMENT OF ADOPTED PERMANENT REGULATIONS
AS REQUIRED BY NRS 233B.066**

The following informational statement as required by NRS 233B.066 is submitted for the adopted permanent amendments to Nevada Administrative Code (NAC) Chapter 455C as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED PERMANENT REGULATION

Current Nevada Revised Statutes (NRS) and Nevada Administrative Codes (NAC) define a “pressure vessel” as “a vessel in which pressure is obtained from an external source or by the application of heat from a direct or indirect source.” NAC 455C.114 provides for exemptions of certain boilers and pressure vessels from application of NAC 455C.020 to 455C.300. The proposed permanent regulation seeks to provide an exemption from the application of NAC Chapter 455C to brazed plate heat exchangers under certain instances. Brazed plate heat exchangers are broadly used throughout the country and are very cost effective and efficient. They carry third-party testing and label certification, including UL, ETL, and CSA. They have also been recognized in ASHRAE Standard 15 as having a low safety risk. The proposed permanent regulations would allow this mechanical equipment to be utilized in Nevada without a requirement to get a permit.

The proposed permanent regulations exempt certain brazed plate heat exchangers from regulation under NAC 455C due to their low safety risk. Objects that would be exempt from regulation include brazed plate heat exchangers which are installed in any chiller, heat pump, or refrigeration equipment that is located within an outdoor installation, regardless of size, volume of refrigerant in the unit or rated pressure and is limited to use with A1 or A2L refrigerants. It also exempts brazed plate heat exchangers that are installed within autoclave assemblies, regardless of size or rated pressure; or which are A1 refrigerants that are installed in any chiller, heat pump, or refrigeration equipment that is located within an indoor installation, and that do not exceed 50 pounds in volume of refrigerant per circuit; and do not exceed a tonnage of 50 tons cooling capacity per circuit. Further the proposed regulation seeks to exempt those brazed plate heat exchangers which contain A2L refrigerants that are installed in any chiller, heat pump, or refrigeration equipment that is located within an indoor installation and that do not exceed 50 pounds in mass of refrigerant per circuit, do not exceed a tonnage of 50 tons cooling capacity per circuit, and is not installed in a room or area that is less than 500 square feet floor space.

2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the permanent regulations were sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. This included the Division's Mechanical Compliance Section Listserv, which includes 196 recipients. Additionally, notices were sent to the Administrator's list of business stakeholders, which consists of 90 recipients.

These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings> and were also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

The information was also physically posted at the Division's offices, located at Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

The Division previously adopted a temporary regulation exempting brazed plate heat exchangers from the application of NAC Chapter 455C to under certain instances (T010-25A). During that time, the Division held a Public Workshop on December 19, 2024, to solicit comments on the proposed temporary regulation. At the conclusion of the Public Workshop, the Division invited members of the public to submit written public comments. Thereafter, the Division held a Public Adoption Hearing for the temporary regulation on February 20, 2025. Again, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments. Following the adoption of the temporary regulation, the Division proceeded with adopting a permanent version of the regulation. On September 4, 2025, the Division held a Public Adoption Hearing for the permanent regulation (R012-25P) and, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments.

A summary of the comments is below in Section 3 and may also be obtained by contacting Tina Buck, Legal Secretary II, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:

a. Attended the December 19, 2024 Workshop (T010-25A):	15
b. Attended the February 20, 2025 Public Hearing (T010-25A):	8
c. Attended the September 4, 2025 Public Hearing (R012-25P):	5
d. Testified at the December 19, 2024 Workshop (T010-25A):	1
e. Testified at the February 20, 2025 Public Hearing (T010-25A):	2
f. Testified at the September 4, 2025 Public Hearing (R012-25P):	3
g. Submitted Written Comments Related to December 19, 2024 Workshop:	0
h. Submitted Written Comments Related to February 20, 2025 Public Hearing:	0
i. Submitted Written Comments Related to February 20, 2025 Public Hearing :	0

4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (c) through (i) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

December 19, 2024, Public Workshop (T010-25A)	
1	Name: Alexis Motarex Telephone number: 775-329-6116 Business address: Nevada Chapter AGC 5400 Mill Street Reno, NV 89502 Business telephone number: 775-813-8150 Electronic mail address: alexism@nevadaagc.org Name or organization represented: Nevada Chapter AGC Summary of comment: The AGC would like language to be added exempt A2L refrigerants since A1 refrigerants are being phased out. They would also like smaller systems to be exempted from regulation as a system.

February 20, 2025, Public Hearing (T010-25A)	
1	Name: Alexis Motarex Telephone number: 775-329-6116 Business address: Nevada Chapter AGC 5400 Mill Street Reno, NV 89502 Business telephone number: 775-813-8150 Electronic mail address: alexism@nevadaagc.org Name or organization represented: Nevada Chapter AGC Summary of comment: The Nevada AGC would like to thank MCS for including the language addressing A2L refrigerants. The AGC is in support of the regulation and looks forward to working with MCS on adoption of the permanent regulations when that process begins.
2	Name: Anthony Fragale Telephone number: None Provided Business address: None Provided Business telephone number: None Provided Electronic mail address: None Provided Name or organization represented: None Provided Summary of comment: Mr. Fragale would like to understand what this regulation does. Safety Supervisor David Robinson stated that he will contact Mr. Fragale to provide more information.

September 4, 2025, Public Hearing (R012-25P)	
1	Name: Alexis Motarex Telephone number: 775-329-6116 Business address: Nevada Chapter AGC 5400 Mill Street Reno, NV 89502 Business telephone number: 775-813-8150 Electronic mail address: alexism@nevadaagc.org Name or organization represented: Nevada Chapter AGC Summary of comment: The Nevada AGC is in support of the regulation and thanks MCS.
2	Name: Tomas Hammond Telephone number: 702-469-1592

	Business address: 11035 Lavender Hill Dr., Ste. 160-163 Las Vegas, NV 89135 Business telephone number: None Provided Electronic mail address: tomas@carraranv.com Name or organization represented: Mechanical Contractors Association of LV Summary of comment: Mechanical Contractors Association of LV is in support of the regulation.
3	Name: Jordan K. Krahenbuhl Telephone number: None Provided Business address: None Provided Business telephone number: None Provided Electronic mail address: None Provided Name or organization represented: Plumbing Heating Cooling Contractors of NV Summary of comment: Plumbing Heating Cooling Contractors of NV is in support of the regulation.

5. 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.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the regulation were sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. This included the Division's Mechanical Compliance Section Listserv, which includes 196 recipients. Additionally, notices were sent to the Administrator's list of business stakeholders, which consists of 90 recipients.

These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings> and were also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

The information was also physically posted at the Division's offices, located at Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

The Division held a Public Workshop to solicit comments on the proposed temporary regulation on December 19, 2024. At the conclusion of the Public Workshop, the Division invited members of the public to submit written public comments. Thereafter, the Division held a Public Adoption Hearing on the proposed temporary regulation on February 20, 2025. Again, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments. Finally, after adopting the temporary regulation, the Division proceeded with adopting a proposed permanent regulation. The Division held a Public Adoption Hearing for the permanent regulation (R012-25P) on September 4, 2025, and, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments.

The Division did not receive any written public comments.

Additionally, to determine whether the proposed permanent regulation is likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulation. The proposed permanent regulation would provide an exemption from the application of NAC Chapter 455C to brazed plate heat exchangers under certain instances.

The Division previously adopted a temporary regulation exempting brazed plate heat exchangers from the application of NAC Chapter 455C to under certain instances. At that time, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's Mechanical Compliance Section Listserv, which includes 196 recipients, on November 19, 2024. Additionally, on November 20, 2024, the Division also sent out the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The Division also placed a link on its website to the questionnaire for interested parties to complete, should they choose. The deadline to return the questionnaire was November 26, 2024. The Division received one (1) response, which may be summarized as follows:

Waylon Lowery, PE, of Efficient Mechanical Systems Engineering – Mr. Lowery indicated that the proposed temporary regulation would not have an economic effect, adverse or beneficial, on his business. Mr. Lowery further noted that he did not believe that the proposed temporary regulation would have an indirect adverse effect on his business. Mr. Lowery believes the regulation would have an indirect beneficial effect on his business, noting, "I anticipate that with the code changes allowing non-ASME brazed plate heat exchangers[,] that it will free up funds for more customers to hire my company to design Air Cooled Chiller systems."

A summary may be obtained by contacting Tina Buck, Legal Secretary II, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102.

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.

Comments received at the public workshop supported the adopted version of the regulation.

7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESSES WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A. ADVERSE AND BENEFICIAL EFFECTS

1. Effect on Businesses

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses or small businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there may be an indirect beneficial effect on regulated businesses and small businesses as a result of the permanent regulation, namely that with the code changes allowing non-ASME brazed plate heat exchangers, consumers will have additional funds to hire Nevada businesses to design Air Cooled Chiller systems.

2. Effect on the Public

The Division does not anticipate any adverse or beneficial effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

B. IMMEDIATE AND LONG-TERM EFFECTS

1. Effect on Businesses

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

2. Effect on the Public

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

The Division does not anticipate incurring any additional cost for these proposed permanent regulations.

9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS 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.

The Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

10. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE,
THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE
MANNER IN WHICH THE MONEY WILL BE USED.

The proposed regulation does not provide for a new fee and does not increase an existing fee payable to the Division.

Dated this 11th day of September, 2025.

DIVISION OF INDUSTRIAL RELATIONS

A handwritten signature in blue ink that reads "Victoria Carreón".

By: _____

Victoria Carreón
Administrator, Division of Industrial Relations
2300 W. Sahara Ave., Ste. 300
Las Vegas, Nevada 89102



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
Temporary Regulation regarding NAC 455C.114
(Exemptions for brazed plate heat exchangers)

Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulation is likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulation. The proposed temporary regulation would provide an exemption from the application of NAC Chapter 455C to brazed plate heat exchangers under certain instances.

On November 19, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division’s Mechanical Compliance Section Listserv, which includes 196 recipients. Additionally, on November 20, 2024, the Division also sent out the Small Business Impact Statement Questionnaire to the Administrator’s list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The Division also placed a link on its website to the questionnaire for interested parties to complete, should they so choose. The deadline to return the questionnaire was November 26, 2024. As of this date, the Division received one (1) response, which may be summarized as follows:

1. Waylon Lowery, PE, of Efficient Mechanical Systems Engineering – Mr. Lowery indicated that the proposed temporary regulation would not have an economic effect, adverse or beneficial, on his business. Mr. Lowery further noted that he did not believe that the proposed temporary regulation would have an indirect adverse effect on his business. Mr. Lowery believes the regulation would have an indirect beneficial effect on his business, noting, “I anticipate that with the code changes allowing non-ASME brazed plate heat exchangers[,] that will free up funds for more customers to hire my company to design Air Cooled Chiller systems.”

Based on this review, the Division determined that this regulation will have no direct effect

on small businesses, either adverse or beneficial, and will also have no indirect adverse effect on small businesses. However, as indicated by Mr. Lowery's response, there may be an indirect beneficial effect on small businesses as a result of the temporary regulation.

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, on November 19, 2024 and November 20, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's various Listservs affecting the Mechanical Compliance Section. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was November 26, 2024. As of this date, the Division received one (1) response, which may be summarized as follows:

1. Waylon Lowery, PE, of Efficient Mechanical Systems Engineering – Mr. Lowery indicated that the proposed temporary regulation would not have an economic effect, adverse or beneficial, on his business. Mr. Lowery further noted that he did not believe that the proposed temporary regulation would have an indirect adverse effect on his business. Mr. Lowery believes the regulation would have an indirect beneficial effect on his business, noting, "I anticipate that with the code changes allowing non-ASME brazed plate heat exchangers[,] that will free up funds for more customers to hire my company to design Air Cooled Chiller systems."

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (a) Both adverse and beneficial effects; and
- (b) Both direct and indirect effects.

ANSWER: The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses. As noted in Answer 1, and as indicated by Mr. Lowery's response, there may be an indirect beneficial effect on small businesses as a result of the temporary regulation, namely that "with the code changes allowing non-ASME brazed plate heat exchangers[,] that will free up funds for more customers to hire my company to design Air Cooled Chiller systems."

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

ANSWER: Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

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

ANSWER: There is no additional cost to the agency for enforcement of this regulation.

6. If the proposed 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.

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee

payable to the Division.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. The proposed temporary regulation would provide an exemption from the application of NAC Chapter 455C to brazed plate heat exchangers under certain instances.

The Division made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business. Specifically, on November 19, 2024 and November 20, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's Listserv related to the Mechanical Compliance Section and the Administrator's list of business stakeholders. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was November 26, 2024. The only response received by the Division to the Small Business Impact Statement Questionnaire appears in favor of the proposed temporary regulation. Thus, the Division determined that these regulations will have no adverse effect on small businesses and will not restrict the formation, operation or expansion of small businesses.

I, VICTORIA CARREÓN, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

DATED this 3rd day of December, 2024.


VICTORIA CARREÓN, Administrator

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R013-25

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

AUTHORITY: § 1, NRS 501.105, 501.181 and 502.160; § 2, NRS 501.105, 501.181, 502.030, 502.160 and 502.175; § 3, NRS 501.105, 501.181, 502.160, 502.175 and 502.219; §§ 4-21, NRS 501.105, 501.181, 502.160 and 502.175.

A REGULATION relating to wildlife; clarifying that bonus points and tags may be issued for specific species, subspecies and gender of wildlife; revising provisions relating to the award and use of certain bonus points accumulated by a person; revising provisions governing the award, use and transfer of bonus points for a junior hunt; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions governing wildlife, including, without limitation, the manner and means of taking wildlife, including, without limitation, the sex, size or other physical differentiation for each species. (NRS 501.105, 501.181) In addition to regular hunting licenses, existing law requires a person to have a tag to hunt certain species of game mammals and authorizes the Commission to require tags in certain other circumstances. (NRS 502.130)

Existing regulations prescribe requirements governing the eligibility of a person to apply to engage in a junior hunt. (NAC 502.063, 502.333) Subject to certain exceptions, existing regulations prohibit a person from using any bonus points, which are an increased opportunity for a tag in a subsequent drawing, awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt. (NAC 502.027, 502.4187) **Section 7** of this regulation eliminates this prohibition. Subject to certain exceptions, existing regulations also require a bonus point to be awarded for the category of the species for which the applicant applied for a tag to hunt certain animals or for a bonus point for such a tag. (NAC 502.4187) **Section 7** provides that a person who applied for a junior hunt which authorizes the person to hunt an antlered or antlerless mule deer will be awarded bonus points in the category of antlered mule deer.

Existing regulations prescribe the process for the transfer of bonus points if a person becomes ineligible to apply for a junior hunt for deer or wild turkey or becomes ineligible to participate in such junior hunts because of his or her age. (NAC 502.4189) **Section 9** of this regulation instead provides that if a person becomes ineligible to apply or participate in a junior hunt for any species because of his or her age, each unused bonus point accumulated by that person for a junior hunt automatically transfers to the same category of species, subspecies and

gender, as applicable. **Section 9** also provides that any bonus points accumulated for a junior hunt which authorized the person to hunt antlered or antlerless mule deer automatically transfer to the category of antlered mule deer.

Subject to certain exceptions, existing regulations require any bonus points to be awarded in certain categories of species, subspecies and gender of wildlife. (NAC 502.4188) Existing regulations require an applicant for a tag to specify the species or category of species for which the applicant is applying and make various distinctions for female and male species of wildlife relating to tags for such wildlife. (NAC 502.345, 502.361, 502.373, 502.4175, 502.428, 502.4295) **Sections 1, 3-5 and 7-13** of this regulation revise certain terminology relating to wildlife to clarify that tags and bonus points may be awarded for categories of species, subspecies and gender of wildlife.

Sections 2, 6 and 14-21 of this regulation revise certain terminology relating to species and subspecies of wildlife for consistency with terminology used in similar provisions relating to wildlife.

Section 1. NAC 502.105 is hereby amended to read as follows:

502.105 “Type of hunt” means a hunt authorized by a regulation of the Commission, for which tags are awarded pursuant to application, that differs from another hunt in one or more of the following ways:

1. The species to be hunted for any species other than a species that is included in a category of a species pursuant to subsection 2;
2. The category of the species, subspecies and gender , *as applicable*, to be hunted as described in NAC 502.4188;
3. The weapons to be used;
4. The residency of applicants; and
5. The method of drawing applications for the award of tags.

Sec. 2. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. Except as otherwise authorized by the Commission, a person desiring to obtain a tag, permit or a bonus point without the opportunity to obtain a tag must submit an

electronic application provided by the Department. In addition to any information required pursuant to NAC 502.199, the application must:

- (a) Specify whether the applicant is a resident or nonresident of this State;
- (b) Specify the *category of* species or ~~category of species~~ *subspecies* for which the applicant is applying;
- (c) If the applicant is applying for a tag to hunt deer, bear, elk, antelope, bighorn sheep, mountain goat, moose or wild turkey, include a selection of not more than five hunter choice numbers; and
- (d) Set forth an acknowledgement of the affidavit that is included in the application provided by the Department.

2. A person who desires to be placed on an alternate list pursuant to NAC 502.421 or 502.4275 must apply to the Department electronically to obtain a tag and must indicate on the electronic application his or her desire to be placed on an alternate list.

3. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

4. An applicant must obtain a valid hunting license or combination hunting and fishing license before submitting his or her application for a tag, permit or bonus point, except that an applicant may apply for a hunting license when submitting the application for a tag, permit or bonus point.

5. A hunting license or combination hunting and fishing license may not be used to comply with the provisions of this section for more than one application period for each random draw during a 1-year period after the date of issuance of the license.

6. The electronic application for a tag, permit or bonus point must be accompanied by:

- (a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;
- (b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;
- (c) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the application is for:
 - (1) A tag or permit and the applicant:
 - (I) Has not obtained a hunting license or combination hunting and fishing license; and
 - (II) Indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license regardless of whether his or her application is successfully drawn; or
 - (2) A bonus point and the applicant has not obtained a hunting license; and
- (d) The applicable fee required pursuant to NAC 502.331 for the Department to act upon the application. The Department shall apply the proceeds of the fee in accordance with the provisions of NRS 502.255.

7. If an application for a tag specified in subsection 6 is successfully drawn, the Department shall collect from the applicant:

- (a) The appropriate fee for the tag as provided in NRS 502.250; and
- (b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the applicant:
 - (1) Has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

8. An application to obtain a tag that is issued by random selection may be submitted by a person who is under 12 years of age if he or she will attain the age of 12 years before the commencement of each season to which the application relates. An application to obtain a tag that is issued on a first-come, first-served basis may not be submitted by a person who has not yet attained the age of 12 years.

9. The Commission may establish an application period for a person to submit an application solely to earn a bonus point. An application for a bonus point submitted during this application period must comply with the requirements of subsection 6 and is subject to all other applicable laws and regulations governing bonus points.

10. The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag, permit or bonus point.

(b) Issue a tag or permit or award a bonus point to an applicant who fails to submit the fees required pursuant to this section.

Sec. 3. NAC 502.4179 is hereby amended to read as follows:

502.4179 A person may not submit an application for a:

1. Tag and an application for a bonus point for the same category ~~for~~ *of* species , *subspecies and gender, as applicable*, in the same drawing unless authorized by the Commission.

2. Bonus point in a subsequent drawing if a tag, other than a Dream Tag issued pursuant to NRS 502.219, or bonus point was obtained for that category of species , *subspecies and gender, as applicable*, in a previous drawing that year unless authorized by the Commission.

Sec. 4. NAC 502.418 is hereby amended to read as follows:

502.418 The Department shall reject an application to obtain a tag, permit or bonus point if any of the following occurs:

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

2. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

3. The parent or legal guardian of an applicant who is:

(a) At least 12 years of age but less than 18 years of age; or

(b) Under 12 years of age and applying for a bonus point pursuant to NAC 502.4177,

↪ fails to provide the acknowledgment required pursuant to NRS 502.060.

4. The applicant fails to specify on the application the ~~[species or the]~~ category of the species , *subspecies and gender, as applicable*, for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

5. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

6. The applicant fails to submit the fees required pursuant to NAC 502.4175.

7. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the

application is submitted, he or she pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

8. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same ~~[species or]~~ category of species , *subspecies and gender, as applicable*, of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same *category of species , subspecies and gender, as applicable*, must be rejected.

9. The application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

10. The applicant fails to comply with the provisions of NRS 502.330.

11. The applicant is otherwise ineligible to apply for the tag or bonus point.

Sec. 5. NAC 502.4183 is hereby amended to read as follows:

502.4183 1. An application for a tag, permit or bonus point for a ~~[species or]~~ category of species , *subspecies and gender, as applicable*, may be withdrawn after it is received by the Department:

(a) Electronically, if the application was submitted electronically; or

(b) By submitting a written request to the Department which includes the applicant's client number if the request is received by the Department on or before the deadline for the receipt of applications for the draw.

2. If an application is submitted electronically and is withdrawn before the deadline for the draw, the applicant may submit a new application for a tag, permit or bonus point for the same

~~{species-or}~~ category of species , *subspecies and gender, as applicable*, in that draw on or before the deadline for the draw.

3. The Department shall not consider a withdrawn application in the procedure for awarding tags or bonus points.

Sec. 6. NAC 502.4185 is hereby amended to read as follows:

502.4185 1. Except for a restricted nonresident deer hunt, residents and nonresidents may apply for tags as one party if they:

- (a) Submit individual applications to obtain tags;
- (b) Indicate the desire to hunt as a party on their applications; and
- (c) Select the corresponding valid hunter choice numbers for a ~~{species-or}~~ category of species ~~H~~ *or subspecies*.

2. If the Department is required, pursuant to NAC 502.418, to reject an application submitted by one member of a party, the Department is not required to reject the applications of the remaining members unless the ground for rejecting the one application also applies to the other applications.

3. Except as otherwise provided in NAC 502.4195, the Department shall not exceed its quotas for the respective resident and nonresident units of a season when issuing tags to a party.

4. As used in this section, “party” means two or more persons applying together as a group to obtain tags for a season to hunt any deer, antlerless elk or antelope with horns shorter than its ears.

Sec. 7. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in *this subsection and* NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant

for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for the category of the species , *subspecies and gender, as applicable*, for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose, wild turkey or bighorn sheep, or for a bonus point for such a tag. *If a person applied for a junior hunt which authorizes the person to hunt an antlered or antlerless mule deer, any bonus points must be awarded to the applicant in the category of antlered mule deer.*

2. Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season per hunting license for each ~~{species-or}~~ category of a species , *subspecies and gender, as applicable*, for which the person applied.

3. ~~{Except as otherwise provided in subsection 5, the}~~ *The* bonus points awarded to a person for a ~~{species-or}~~ category of species , *subspecies and gender, as applicable*, accumulate until the person loses his or her bonus points pursuant to this subsection. A person loses all of his or her bonus points for a ~~{species-or}~~ category of a species ~~{:}~~ , *subspecies and gender, as applicable:*

(a) If the person is successful in drawing a tag for a season for that ~~{species-or}~~ category of a species ~~{:}~~ , *subspecies and gender, as applicable;* or

(b) If the person does not apply for a tag or a bonus point for a season for 2 consecutive calendar years during which that type of hunt for a season is open.

4. Upon written request, the Department shall reinstate each bonus point a person lost pursuant to paragraph (b) of subsection 3 if:

(a) During the entirety of the respective 2 consecutive calendar years, the person was mobilized, deployed, training or stationed outside of the United States as an active member of the Armed Forces of the United States, as verified by a copy of his or her orders or other proof satisfactory to the Department; and

(b) The request is submitted to the Department not later than 1 year after the date the person returns to the United States.

5. ~~{Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.~~

~~—6.}~~ If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any ~~{species or}~~ category of species, *, subspecies and gender, as applicable,* applied for during the period that the applicant possessed the hunting license.

~~{7.}~~ 6. If an applicant is successful in obtaining a tag for a ~~{species or}~~ category of a species, *, subspecies and gender, as applicable,* but transfers the tag to another person pursuant to NAC 502.337, the applicant and the new recipient of the tag lose all bonus points for that ~~{species or}~~ category of species ~~{.}~~, *, subspecies and gender, as applicable.*

~~{8.}~~ 7. The Department shall not award bonus points for depredation hunts or management hunts.

~~{9.}~~ 8. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

Sec. 8. NAC 502.4188 is hereby amended to read as follows:

502.4188 Any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender , *as applicable*:

1. Antlered mule deer;
2. Antlerless mule deer;
3. Mule deer, either antlered or antlerless;
4. Antlered Rocky Mountain elk;
5. Antlerless Rocky Mountain elk;
6. Rocky Mountain elk, either antlered or antlerless;
7. Spike Rocky Mountain elk;
8. Pronghorn antelope whose horns are longer than their ears;
9. Pronghorn antelope whose horns are shorter than their ears;
10. Rams, from one of the following subspecies:
 - (a) Nelson bighorn sheep;
 - (b) California bighorn sheep; or
 - (c) Rocky Mountain bighorn sheep;
11. Ewes, from one of the following subspecies:
 - (a) Nelson bighorn sheep;
 - (b) California bighorn sheep; or
 - (c) Rocky Mountain bighorn sheep;
12. Mountain goats;
13. Black bears;
14. Antlered moose;

15. Antlerless moose;
16. Moose, either antlered or antlerless; or
17. Wild turkey.

Sec. 9. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the ~~{species-or}~~ category of the species , *subspecies and gender, as applicable*, for which the application was submitted. The applicant’s lowest randomly assigned draw number is the number used for the drawing.

2. ~~{Except as otherwise provided in subsection 5, bonus}~~ **Bonus** points accumulated by a person for a ~~{species-or}~~ category of species , *subspecies and gender, as applicable*, cannot be transferred to any other person or any other ~~{species-or}~~ category of species ~~{,}~~ , *subspecies and gender, as applicable*.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same ~~{species-or}~~ category of species , *subspecies and gender, as applicable*, to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. ~~[[If]]~~ *Except as otherwise provided in this subsection, if* a person becomes ineligible to apply for a junior hunt ~~[[for deer pursuant to NAC 502.333]]~~ or becomes ineligible to participate in a junior hunt ~~[[for deer]]~~ because of his or her age, each unused bonus point accumulated by that person for a junior hunt ~~[[for deer]]~~ automatically transfers to the *same* category *of species, subspecies and gender, as applicable,* for *a general hunt. Any bonus points accumulated for a junior hunt which authorized the person to hunt antlered or antlerless mule deer automatically transfer to the category of* antlered mule deer. ~~[[The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.~~

~~—6.— If a person becomes ineligible to apply for a junior hunt for wild turkey pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for wild turkey because of his or her age, each unused bonus point accumulated by that person for a junior hunt for wild turkey automatically transfers to the category for wild turkey.]~~

Sec. 10. NAC 502.41895 is hereby amended to read as follows:

502.41895 An eligible applicant who has submitted an application for a tag, permit or bonus point for a ~~[[species or]]~~ category of species , *subspecies and gender, as applicable,* and who withdraws the application pursuant to subsection 1 of NAC 502.4183 or who fails to submit an application for a ~~[[species or]]~~ category of species , *subspecies and gender, as applicable,* may electronically submit an application for a bonus point for that ~~[[species or]]~~ category of species ~~[[]]~~ , *subspecies and gender, as applicable:*

1. During the application period established by the Commission pursuant to subsection 9 of NAC 502.4175, if one has been established; or

2. By the deadline to submit an application for the draw, if the Commission has not established an application period pursuant to subsection 9 of NAC 502.4175.

Sec. 11. NAC 502.419 is hereby amended to read as follows:

502.419 1. The Department is not responsible for third-party errors, including those of a bank. If an applicant to obtain a tag, permit or bonus point proves to the satisfaction of the Department that the rejection of his or her application was due solely to a third-party error, and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the Department shall include the application in the procedure for awarding tags.

2. If the application of an applicant who is entitled to participate in a bonus point program is not entered into that drawing solely because of a third-party error, and the applicant fails to obtain a tag to participate in a hunt during the year the application was submitted, the applicant is entitled to a bonus point for the ~~[species or the]~~ category of the species , *subspecies and gender, as applicable*, for which the application was submitted.

3. As used in this section, “third-party error” means the failure to act or commission of an act, by a person or entity other than the Department or an applicant to obtain a tag, permit or bonus point which provides a ground for rejecting an application pursuant to NAC 502.418.

Sec. 12. NAC 502.4195 is hereby amended to read as follows:

502.4195 1. If the Department commits an error which results in the rejection or incorrect processing of an application to obtain a tag that has been submitted in compliance with the regulations of the Commission, the Department shall, until the close of the season, issue the

remaining tags applied for and then, if there are no further tags available, the Department may exceed its quota for the type of hunt to which the application pertains.

2. The Department shall issue a tag for a season to an applicant who, because the applicant was assigned a low draw number, would have been awarded a tag in the drawing to which his or her application pertains if not for the error of the Department specified in subsection 1.

3. If the Department confirms an error on a rejected or incorrectly processed application for a tag after the close of all the seasons, the Department shall award that applicant a bonus point for the ~~{species or the}~~ category of the species , *subspecies and gender, as applicable*, for which the application was submitted. The bonus point is not effective until the next drawing for that hunt. The Department must receive notification of the error before the expiration of the period for submission of applications for the same hunt in the next open season. If the application was one of two or more applications submitted by a group of persons applying as a party for deer tags, the Department shall treat the applicant the same as the remaining members of his or her party.

4. If the Department confirms an error on a rejected or incorrectly processed application for a bonus point after the close of all the seasons, the Department shall award that applicant a bonus point for the ~~{species or the}~~ category of species , *subspecies and gender, as applicable*, for which the application was submitted. The bonus point is not effective until the next drawing for that hunt. The Department must receive notification of the error before the expiration of the period for submission of applications for the same hunt in the next open season.

Sec. 13. NAC 502.4196 is hereby amended to read as follows:

502.4196 1. Except as otherwise provided in NAC 502.419 and 502.4195, if the Department experiences a computer contaminant, power outage, interruption of Internet service,

malfunctioning of a computer application or database of the Internet website of the Department or other similar event that prevents the receipt by the Department of an application submitted electronically for a tag, permit or bonus point for a ~~[species or]~~ category of species , *subspecies and gender, as applicable*, during the application period established by the Commission, the Director may extend that period by not more than 5 days or, with the approval of the Commission, by more than 5 days.

2. As used in this section, “computer contaminant” has the meaning ascribed to it in NRS 205.4737.

Sec. 14. NAC 502.4273 is hereby amended to read as follows:

502.4273 1. The Partnership in Wildlife Drawing will occur after the Silver State Tag Drawing but before the main drawing.

2. A person desiring to participate in the Partnership in Wildlife Drawing must:

(a) Indicate the desire to participate in the Partnership in Wildlife Drawing on his or her electronic application for the main drawing;

(b) Pay a nonrefundable fee of \$10 which the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Account; and

(c) Participate solely as a single applicant in the Partnership in Wildlife Drawing.

3. Except as otherwise provided in subsection 3 of NAC 502.4237, a person who is ineligible to participate in the main drawing for a *category of* species or subspecies is ineligible to participate in the Partnership in Wildlife Drawing for that *category of* species or subspecies.

Sec. 15. NAC 502.4275 is hereby amended to read as follows:

502.4275 1. The Department shall award tags from the Partnership in Wildlife Drawing through a random order of selection conducted pursuant to a computerized system of drawing.

The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the computer's clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species or subspecies, after the initial selection of tag recipients in the Partnership in Wildlife Drawing. The alternate list must consist solely of each applicant who indicated a desire to be placed on an alternate list pursuant to subsection 2 of NAC 502.4175.

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Partnership in Wildlife Drawing to less than the quota for the hunt for a *category of* species or subspecies, the Department shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, to applicants who were rejected because of an error by the Department; and

(b) Second, to applicants on the alternate list, unless there are fewer than 14 business days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall select the eligible applicant appearing on the list who:

(a) Has not received a tag for that *category of* species or subspecies in the main drawing or the Silver State Tag Drawing for that year;

(b) Has the drawing number with the highest priority for that *category of* species or subspecies; and

(c) Indicated on his or her application the desire to compete for that *category of* species or subspecies in the Partnership in Wildlife Drawing.

5. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag that is awarded from the Partnership in Wildlife Drawing because the method of payment is rejected during the processing of the fee for the license or tag, the Department shall, if more than 14 business days remain until the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

- (a) Has the drawing number with the highest priority; and
- (b) Indicated as the applicant's first choice the area and season for which the quota is being filled.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

Sec. 16. NAC 502.428 is hereby amended to read as follows:

502.428 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per *category of* species and subspecies, units and other conditions for the type of hunt in which recipients of big game tags from a Partnership in Wildlife Drawing may participate.

2. Tags issued through the Partnership in Wildlife Drawing will be in addition to the quotas set for the main drawing for big game tags. The Commission will set the quota of tags to be issued per *category of* species and subspecies for the Partnership in Wildlife Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the Partnership in Wildlife Drawing will be issued for male animals only, except for tags to hunt mountain goats which will be issued for males and females.

3. Except as otherwise provided in subsection 4, the annual quotas for Partnership in Wildlife tags will not exceed the following:

(a) Deer tags:

(1) Resident	22
(2) Nonresident.....	3
(b) Antelope tags (resident).....	5
(c) Elk tags (resident)	3
(d) Mountain goat tags (resident).....	1
(e) Bighorn sheep tags (resident)	4

4. If the Department commits an error which results in the rejection or incorrect processing of an application for a tag that has been submitted in compliance with the regulations of the Commission and the error is confirmed before the close of the seasons, the Department may exceed its quota for the *category of* species or subspecies to which the application pertains and issue a tag to the applicant if his or her draw number was low enough that the applicant would have been awarded a tag in the drawing to which that application pertains if the Department had not committed the error. If the Department confirms an error on a rejected or incorrectly processed application after the close of the seasons, it shall not take any action to correct the error.

Sec. 17. NAC 502.4291 is hereby amended to read as follows:

502.4291 1. The Department shall provide an electronic application for the Silver State Tag Drawing to residents and nonresidents.

2. An applicant must indicate the desire to participate in the Silver State Tag Drawing on his or her application, and must participate solely as a single applicant in the Silver State Tag Drawing for a *category of* species or subspecies.

3. If eligible, an applicant who indicates the desire to participate on his or her application for the Silver State Tag Drawing may in the same year, if the applicant was unsuccessful in obtaining a tag in the Silver State Tag Drawing for a *category of* species or subspecies, apply for the same *category of* species or subspecies in the Partnership in Wildlife Drawing and the main drawing for a tag for that *category of* species or subspecies.

Sec. 18. NAC 502.4293 is hereby amended to read as follows:

502.4293 A person who is ineligible to apply for a tag pursuant to NAC 502.341, 502.345, 502.361 or 502.364 may, if he or she is otherwise eligible for the issuance of a tag, apply for a Silver State Tag for a *category of* species or subspecies specified in those sections.

Sec. 19. NAC 502.4294 is hereby amended to read as follows:

502.4294 The Department shall not consider bonus points as giving an applicant an increased opportunity to receive a tag in a Silver State Tag Drawing. If an applicant is successful in a Silver State Tag Drawing, his or her bonus point total will not revert to zero for the *category of* species or ~~{category of species}~~ *subspecies* for which he or she applied. The Department shall not award bonus points to unsuccessful applicants in a Silver State Tag Drawing.

Sec. 20. NAC 502.4295 is hereby amended to read as follows:

502.4295 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per *category of* species and subspecies, units and other conditions for the type of hunt in which the recipients of big game tags from a Silver State Tag Drawing

may participate. The seasons will be concurrent with the seasons established for the tags, if any, that are awarded through an auction pursuant to NRS 502.250.

2. Tags issued through the Silver State Tag Drawing are in addition to the quotas set for the main drawing for big game tags and the Partnership in Wildlife tags. The Commission will set the quota of tags to be issued per *category of* species and subspecies for the Silver State Tag Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the Silver State Tag Drawing will be issued for male animals only, except for tags to hunt mountain goats, which will be issued for males and females.

3. If the Department commits an error which results in the rejection or incorrect processing of an application for a Silver State Tag that has been submitted in compliance with the regulations of the Commission, the Department shall provide a refund of the fee for the Silver State Tag to the applicant.

Sec. 21. NAC 502.4298 is hereby amended to read as follows:

502.4298 1. The Silver State Tag Drawing will occur before the Partnership in Wildlife Drawing and the main drawing. The Department shall award tags from the Silver State Tag Drawing through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the computer's clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the Silver State Tag Drawing.

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Silver State Tag Drawing to less than the quota for the hunt for a species, the Department shall refill the quota by awarding tags to applicants on the alternate list, unless there are fewer than 14 business days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall select the eligible applicant appearing on the list who:

(a) Has not received a tag in the main drawing for big game tags or the Partnership in Wildlife Drawing for that *category of* species or subspecies for that year;

(b) Has the drawing number with the highest priority for that *category of* species or subspecies; and

(c) Indicated on his or her application the desire to compete for that *category of* species or subspecies in the Silver State Tag Drawing.

5. If the Department is unable to collect any fee that is required from the Silver State Tag Drawing because the method of payment is rejected during the processing of those fees, the Department shall, if more than 14 business days remain until the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

(a) Has the drawing number with the highest priority; and

(b) Indicated on his or her application for the main drawing for big game tags the desire to compete for that *category of* species *or subspecies* in the Silver State Tag Drawing.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

**LCB FILE NO. T009-25
Commission General Regulation 524**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502.

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

The regulation is necessary to provide additional convenience to the Department's customers, resolve uncertainty generated by existing regulatory language and existing or proposed hunt application structures, and add to customer retention by reducing the need to transfer and potentially loose bonus points issued in junior hunt applications. This regulation will improve customer service and satisfaction, particularly for junior hunters and their parents or guardians.

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

Public comment was solicited during both the regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) in January 2025 and the adoption hearing in March 2025. There was no public comment.

Meeting minutes from the Nevada Board of Wildlife Commissioners' meetings include all public comment and can be found here when posted: <https://nvboardofwildlife.org/#meetings>

3. The number of persons who:

(a) Attended each hearing:

January 2025: 126 Attendees

March 2025: 36 Attendees

(b) Testified at each hearing:

January 2025: 1

March 2025: 0

(c) Submitted written comments:

January 2025: 0

March 2025: 0

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) **Name:** Mike Reese
 - (b) **Telephone number:**
 - (c) **Business address:**
 - (d) **Business telephone number:**
 - (e) **Electronic mail address:** mikereese224@gmail.com
 - (f) **Name of entity or organization represented:** Southern Coalition for Nevada's Wildlife
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:**
- Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with individual customers of the Nevada Department of Wildlife.
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:**
- N/A
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 on businesses; and**
It has been determined that there are neither significant adverse nor beneficial effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
It has been determined that there are neither immediate nor long-term effects on businesses.
 - (a) **Both adverse and beneficial effects on the public; and**
It has been determined that there are no adverse effects on the public.
 - (b) **Both immediate and long-term effects on the public:**
It has been determined that there are neither immediate nor long-term effects on the public.
8. **The estimated cost to the agency for enforcement of the adopted regulation:**
- There will be no additional cost to the Department for the enforcement of this regulation.
9. **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 regulation does not overlap or duplicate any local, state, or federal regulation.

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

This regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.

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.

The proposed regulation does not provide new or increased fees.

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Commission General Regulation 524 LCB File No. R013-25 Bonus Points Associated with Junior Hunt Applications

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with individual customers of the Nevada Department of Wildlife.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Agency personnel concluded that there would be no small businesses impact and no need for a small business impact analysis.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

ANSWER:

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

ANSWER:

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget. Since this regulation will simplify bonus point processes, it is anticipated to save costs for the Department.

6. If the proposed 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:

ANSWER:

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

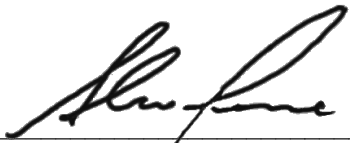
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are associated with individual customers of the Nevada Department of Wildlife and do not include any added fees, costs, or requirements of those customers.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Alan Jenne, Director
Nevada Department of Wildlife

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R016-25

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

AUTHORITY: § 1, NRS 388.360, 388.380 and 388.385.

A REGULATION relating to education; revising provisions governing certain programs of career and technical education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates the State Board of Education as the sole state agency responsible for the administration of career and technical education in this State, and authorizes the Board to adopt regulations relating to career and technical education. (NRS 388.360) Existing law authorizes the board of trustees of a school district to establish and maintain a program of career and technical education. (NRS 388.380) Existing federal law makes federal funding for career and technical education contingent on an eligible recipient that has established such a program consulting with certain stakeholders concerning certain matters relating to the operation of the program. (20 U.S.C. § 2354) If such a program has been established in a school district, existing law requires the superintendent of the school district or his or her designee to: (1) appoint an advisory technical skills committee, consisting of certain members, to perform certain duties relating to the program in accordance with federal law; or (2) consult regularly with persons in each category of membership of such a committee to carry out the duties of the committee. (NRS 388.385)

Existing regulations: (1) require a superintendent of a school district to establish a joint technical skills committee to collaborate with any community college located within that school district which offers career and technical instruction for a specific job for which the local school district also provides an instructional program; and (2) authorize such a superintendent to establish a career and technical education council to assist the school district and, upon request, the community college. (NAC 389.810)

This regulation removes the requirement to establish a joint technical skills committee and the authorization to establish a career and technical education council. This regulation instead requires: (1) the superintendent of a school district that offers a program of career and technical education to comply with the requirements of existing state and federal law regarding the appointment and duties of an advisory technical skills committee and the consultation with such stakeholders as an alternative to establishing such a committee; and (2) the governing body of a charter school that offers such a program to comply with the same requirements.

Section 1. NAC 389.810 is hereby amended to read as follows:

389.810 ~~{1.—If a community college located within a local school district provides career and technical instruction for a specific job for which the local school district also provides an instructional program, the}~~ *For the purposes of subsection 2 of NRS 388.385, the superintendent of ~~{that}~~ a school district or governing body of a charter school that offers a program of career and technical education shall ~~{establish a joint}~~ :*

1. Establish one or more advisory technical skills ~~{committee}~~ for each such program of career and technical education to review and determine annually the tasks, duties and competency levels to be taught. The committee shall assist the school district and be available to assist the community college upon request.} *committees consisting of the members listed in paragraph (a) of subsection 1 of NRS 388.385; or*

2. ~~{The superintendent of each local school district which is located in a county:~~

- ~~—(a) Whose population is 35,000 or more; and~~
- ~~—(b) In which a campus of the community college is located,~~

~~↪ may establish a career and technical education council to assist the school district and be available to assist, upon request, the community college. To the extent possible, the superintendent shall draw the membership from among the members of an advisory technical skills committee formed pursuant to NRS 388.385. Educators may serve on the council in an advisory, nonvoting capacity only. The council shall render advice on questions of policy regarding the programs of career and technical education where employment demands are being met and shall make recommendations regarding the expansion, improvement and modernization of all of the programs. The council shall also recommend methods to establish a cooperative mechanism for local businesses and industries to share with the school district the instruction, facilities and equipment necessary for the programs and to participate in the resulting efforts~~

~~needed to secure employment for the pupils who complete the programs.]~~ *Consult regularly with persons in each category listed in paragraph (a) of subsection 1 of NRS 388.385.*

Joe Lombardo
Governor

Steve Canavero
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
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STATE OF STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

August 6, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066 Pertaining to NAC 389.810 of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 389:

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

This proposed regulation will revise requirements establishing a joint technical skills committee. This is necessary to ensure all school districts provide resources in the best interest of student's success. Also, it is requisite from AB38 (2021).

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

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

There was public comment at the workshop and the public hearing.

3. The number of persons who:

- Attended Workshop: 1; Hearing: 18
- Testified at Workshop: 0 ; Hearing: 0
- Submitted Written Statements: Workshop: 0; Hearing: 0

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.

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. Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519

or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop on 9/30/21 and hearing on 7/30/25.

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.

The Nevada State Board of Education adopted the proposed regulation language at the public hearing held on July 30, 2025. No changes were requested, so it was adopted without change.

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

There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

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

There are none.

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.

This regulation does not provide for a new fee or increase an existing fee.

**Nevada Department of Education
Nevada State Board of Education**

**July 30, 2025
9:00 AM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Nevada Capital Building	101 N. Carson Street	Carson City	Old Assembly Chamber
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at [Nevada State Board of Education Meeting Material Webpage](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement

2. Public Comment #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agendaized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. Approval of Flexible Agenda (For Possible Action)

4. President's Report

- Reappointment of Member Hughes to the Commission for Innovation and Excellence in Education
- Board Member Updates
 - At-Risk Subcommittee – Member Orr
 - NRS 388G Subcommittee – Member Braxton

5. Interim Superintendent's Report

- Nevada Department of Education Updates
 - Request for Proposal Timeline for the State Assessment System (Nevada Alternate Assessment, Grades 3-8 English Language Arts, and Mathematics, Science Grades 5, 8 and 11).

6. Informational Updates (*Information Only*)

The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.

- Historical Overview of State Board of Education Authority Over Superintendent of Public Instruction Appointments (1861–2011)

7. Consent Agenda (*For Possible Action*)

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- a. Possible Approval of Private School License Renewals and New Private School Licenses
- b. FY25 Q3 CSR Report
- c. FY24 Condition of School Facilities Report
- d. Nevada Pre-Kindergarten Social Emotional Standards, Revised 2025
- e. Possible Approval of Washoe County School District Dual Credit Course List
- f. Possible Approval of State Board of Education Meeting Minutes, June 25, 2025
- g. Possible Approval of "At-Risk" Subcommittee Meeting Minutes, June 30, 2025
- h. Possible Approval of AB469 Subcommittee Meeting Minutes, July 9, 2025
- i. Possible Approval of State Board of Education Meeting Minutes, July 17, 2025

8. Information, Discussion, and for Possible Action for the State Superintendent Search (*Information, Discussion, and for Possible Action*)

The Board will discuss and take possible action on matters related to the State Superintendent search, including:

- a. Review and discussion of cumulative rubric scores from the candidate CVs and vision statements to select a slate of candidates for formal interviews.
- b. Finalization of interview questions and scoring rubric.
- c. Finalization of the performance task and scoring rubric.
- d. Confirmation of the interview schedule, including dates, times, and duration of formal interviews.
- e. Determination of whether interviews will be conducted in person, virtually, or in a hybrid format.
- f. Finalization of instructions to be sent to candidates selected for formal interviews.
- g. Discussion and approval of the structure and format for the interviews.
- h. Authorization for staff to notify selected finalists and provide interview instructions.
 - Katherine Dockweiler, President, State Board of Education

9. Information, Discussion, and for Possible Action for the Read by Grade Three Alternative Assessments *(Information, Discussion, and for Possible Action)*

Pursuant to Senate Bill (SB) 460, the Board will receive an overview of the process for approving alternative assessments for use in the Read by Grade Three program. The Board may discuss and possibly approve the following:

- a. The process for district and charter schools may request approval to use of an alternative assessment in place of using the State Adopted the Read by Grade 3 (RBG3) assessment.
- b. The use of Curriculum Associate's iReady Assessment as the alternative RBG3 Assessment for the 2025-2026 school year.
- c. Approval of the proposed cut score for the iReady assessment
 - Dr. Steve Canavero, Interim State Superintendent of Public Instruction
 - Peter Zutz, Administrator, Office of Assessment, Data Accountability Management

10. Information, Discussion, and for Possible Action on the Development of a Board Policy Agenda for Legislative Engagement *(Information, Discussion, and for Possible Action)*

The Board will consider whether to develop a policy agenda to guide its engagement with the Legislature. If the Board chooses to proceed, it may take initial steps toward outlining a process for identifying priorities at a future meeting.

- Katherine Dockweiler, President, State Board of Education

11. Information, Discussion, and for Possible Action for the Development of a New Nevada Assessment *(Information, Discussion, and for Possible Action)*

The Board will engage in an initial discussion to explore the feasibility of the potential development of a Nevada-specific statewide assessment to comply with state and federal requirements. The Board may act to express interest in exploring the concept further and request additional information to inform a future decision.

- Katherine Dockweiler, President, State Board of Education

12. Information, Discussion, and for Possible Action to revisit the Board's Current Vision and Goals for Potential Revision.

Board members will discuss and determine next steps to revisit and revise the Board's current vision and goals.

- Katherine Dockweiler, President, State Board of Education

13. 9:32 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R016-25 (Formerly R146-22) Regarding NAC 388.XXX - Career and Technical Education *(Information, Discussion, and for Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NRS 388.360, NRS 388.380, and NRS 388.385, regarding career and technical education programming. The need for and the purpose of the proposed regulation or amendment: To ensure all school districts, regardless of size, establish a joint technical skills committee to support equitable access to high-quality career and technical education programs and promote student success statewide.

- Anna Reynolds, Director of Career Readiness, Adult Learning, and Education Options

14. 9:34 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R058-24 Regarding NAC 388.XXX - Transition Services for Students with Disabilities *(Information, Discussion, and for Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 388.435 and NAC 389.810, regarding transition services for certain children with disabilities who have individualized education programs (IEPs). The need for and the purpose of the proposed regulation or amendment: To create more inclusive and supportive language related to transition services by lowering the required planning age from 16 to 14, thereby improving early preparation and promoting successful

post-secondary outcomes for students with disabilities.

- Julie Bowers, Director of Office of Comprehensive Student Services

15. 9:36 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Proposed Regulation LCB File No. R017-25 (Formerly R147-22) Regarding NAC 388.XXX - Adult High School Program (Information, Discussion, and for Possible Action)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 387.190, NAC 390.470, NAC 390.480, and NAC 390.500 of the NAC, and pursuant to NRS 385.080 and NRS 390.055, regarding the adult high school program. The need for and the purpose of the proposed regulation or amendment: To align regulatory language in the Nevada Administrative Code with existing statutory provisions in the Nevada Revised Statutes in order to alleviate confusion and improve clarity and consistency for adult high school programs across the state.

- Nancy Olsen, Education Programs Supervisor, Career Readiness, Adult Learning, and Education Options

16. 9:38 a.m. Public Hearing to Solicit Comments Regarding the Possible Adoption of Regulation LCB File No. R131-22 Regarding NAC 388.XXX - Residential Treatment for Certain Children (Information, Discussion, and for Possible Action)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NRS 385.080 and NRS 388.419, regarding residential treatment for certain children. The need for and the purpose of the proposed regulation or amendment: To clarify and strengthen the regulatory framework governing educational services provided to children placed in residential treatment facilities, ensuring consistency, oversight, and alignment with student needs and state requirements.

- Christy McGill, Deputy Superintendent of Student Investment Division

17. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

18. Future Agenda Items Requests

19. Adjournment

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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STATE BOARD OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
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June 15, 2025

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File R#016-25, formerly R#146-22.

The STATE BOARD will hold a public hearing at **9:32 AM** on Wednesday, July 30th, 2025 via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.XXX of the Nevada Administrative Code (NAC), pursuant to NAC 389.810 of the Nevada Administrative Code (NAC), pursuant to NRS 388.360, NRS 388.380, and NRS 388.385 regarding career and technical education programming.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

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

- To ensure all school districts regardless of size have a joint technical skills committee in the best interest of students' success.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

- 3. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation would revise requirements governing the application for authorization to sponsor a charter school to apply to an applicant that is a city or county.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public.** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Method used by the agency in determining the impact on a small business:** Small business is not impacted by this regulation.

6. **Estimated cost to the agency for enforcement of the proposed regulation:** no costs.
7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local governmental agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulation.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Event - July 30, 2025 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the Nevada Department of Education, **Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City, and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Friday, April 12th. A record of all submitted comments will be retained, and the Department or Board will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: 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 notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
SEPTEMBER 30, 2021
9:00 A.M.**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	Lifesize Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please call Amelia Thibault, Interim Board Secretary, at (775) 687-9217 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials page](#) (under the meeting date referenced above) or by contacting Amelia Thibault at the Nevada Department of Education Office, 700 E. 5th St, Carson City, Nevada 89701, via phone at 775-687-9217, or by email at NVBoardEd@doe.nv.gov. This public notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENT #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. 9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 389.810 – ADVISORY TECHNICAL SKILLS COMMITTEE
(For possible action)

The proposed changes relate to the Advisory Technical Skills Committee, as required by Assembly Bill 38 (2021).

- Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

- 4. 9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387.190, NAC 390.470, NAC 390.480, AND NAC 390.500 – ADULT HIGH SCHOOL DIPLOMAS** *(For possible action)*
The proposed changes would revise requirements for students to earn an adult high school diploma, as required by Assembly Bill 215 (2021).
- Nancy Olsen, Education Programs Supervisor, Office of Career Readiness, Adult Learning, and Education Options
 - Tracy Moore, Education Programs Professional, Office of Career Readiness, Adult Learning, and Education Options
- 5. 9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 389.803 – CTE PROGRAMS OF STUDY** *(For possible action)*
The proposed changes relate to Career and Technical Education programs of study.
- Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options
- 6. 9:15 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.XXX – KINDERGARTEN ENTRY ASSESSMENT** *(For possible action)*
The proposed changes relate to the Kindergarten entry assessments required within the first 45 days of school, as required by Senate Bill 2 (2021).
- Kaitlin Lewallen, Education Programs Professional, Office of Early Learning and Development
 - Patti Oya, Director, Office of Early Learning and Development
- 7. 9:20 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387.131 – SCHOOL DAY IN SESSION (KINDERGARTEN)** *(For possible action)*
The proposed changes relate to the Kindergarten school day in session.
- Patti Oya, Director, Office of Early Learning and Development
- 8. 9:25 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.XXX – GRANTS FOR PREKINDERGARTEN PROGRAMS** *(For possible action)*
The proposed changes relate to grants for pre-Kindergarten programs including Nevada Ready! State Pre-K, as required by Senate Bill 84 (2019).
- Patti Oya, Director, Office of Early Learning and Development
 - Dr. Stacey Joyner, Nevada Ready! State Pre-K Administrator
- 9. 9:30 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.662-666 – READ BY GRADE THREE** *(For possible action)*
The proposed changes relate to the required training or professional development for Read by Grade 3 (RBG3) Literacy Specialists and elementary teachers, and details the duties of the RBG3 Literacy Specialist, as required by NRS 388.159.
- Dr. Kevin Marie Laxalt, Education Programs Professional, Office of Standards and Instructional Support
 - Mark Rincon, Education Programs Professional, Office of Standards and Instructional Support
 - Dave Brancamp, Director, Office of Standards and Instructional Support
- 10. 9:35 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.XXX and 389.XXX – ACADEMIC SUBJECTS IN SOCIAL STUDIES** *(For possible action)*
The proposed changes relate to academic subjects in social studies, integrating civics, financial literacy, and multicultural education, and aligning with high school graduation requirements, as required by Assembly Bill 19 (2021).
- Jaynie Malorni, Education Programs Professional, Office of Standards and Instructional Support
 - Dave Brancamp, Director, Office of Standards and Instructional Support

11. 9:40 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.XXX AND 389.XXX – CIVIC SEAL AND DISTINCTION *(For possible action)*

The proposed changes relate to the State Seal of Civics program and distinction, as required by Senate Bill 194 (2021).

- Jaynie Malorni, Education Programs Professional, Office of Standards and Instructional Support
- Dave Brancamp, Director, Office of Standards and Instructional Support

12. 9:45 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387.XXX – ADMINISTRATIVE EXPENSE CAP *(For possible action)*

The proposed changes relate to the administrative expense cap within the Pupil-Centered Funding Plan, as required by NRS 387.1224.

- Beau Bennett, Management Analyst IV, Student Investment Division
- James Kirkpatrick, Administrative Services Officer III, Student Investment Division

13. 9:50 A.M. WORKSHOP TO SOLICIT COMMENT SON PROPOSED CHANGES TO NAC 387.XXX – DISTRICT EQUITY ADJUSTMENT *(For possible action)*

The proposed changes relate to an account for the increased cost per-pupil to operate a school district in which relatively fewer pupils are enrolled; a small district equity adjustment for use in the Pupil-Centered Funding Plan, as required by NRS 387.1218.

- Beau Bennett, Management Analyst IV, Student Investment Division
- James Kirkpatrick, Administrative Services Officer III, Student Investment Division

14. 9:55 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388A.140, 388A.145, 388A.155, 388A.530, 388A.590, AND NAC 388.850 – CHARTER SCHOOLS *(For possible action)*

The proposed changes relate to various charter school requirements, including the percentage of licensed teachers as required by Assembly Bill 109 (2021), and clarifying language regarding operations.

- Sarah Nick, Education Programs Professional, Office of Student and School Supports
- Tracy Moore, Education Programs Professional, Office of Career Readiness, Adult Learning, and Education Options

15. 10:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO THE NEVADA SCHOOL BUS STANDARDS – INSPECTIONS *(For possible action)*

The proposed changes relate to the Nevada School Bus Standards, to include aspects related to inspections as required by NAC 386.550 and Assembly Bill 417 (2021).

- Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment
- Jennah Fiedler, Program Officer, Office for a Safe and Respectful Learning Environment

16. 10:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387.XXX, 388.XXX, AND/OR 432B.XXX – EDUCATION PLAN FOR STUDENTS IN RESIDENTIAL TREATMENT *(For possible action)*

The proposed changes relate to plans of continued education for a child in the custody of a child welfare agency and admitted to a psychiatric treatment facility or hospital pursuant to NRS 432B.6076, as required by Senate Bill 210 (2021).

- Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment

17. 10:30 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388.XXX – RESTORATIVE JUSTICE AND PRACTICES *(For possible action)*

The proposed changes relate to Restorative Justice/Practices as required by Assembly Bill (AB) 67

(2021), AB 194 (2021), AB 371 (2021), Senate Bill (SB) 327 (2021), and SB 354 (2021).

- Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment

18. 10:50 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 392.XXX – STUDENT DISCIPLINE *(For possible action)*

The proposed changes relate to Student Discipline as required by Assembly Bill (AB) 67 (2021), AB 194 (2021), AB 371 (2021), Senate Bill (SB) 327 (2021), and SB 354 (2021).

- Amber Reid, Education Programs Professional, Office for a Safe and Respectful Learning Environment

19. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

20. ADJOURNMENT

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

Notice of Workshop to Solicit Comments on Proposed Regulation

The **Nevada Department of Education** is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, September 30, 2021** via [Lifesize](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:10 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.803 which pertain to regulations for Career and Technical Education programs of study.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page, by contacting Amelia Thibault, Interim Board Secretary, Nevada Department of Education via email at NVBoardEd@doe.nv.gov, by telephone at 775-687-9217 or in person at the Nevada Department of Education, 700 E. 5th St, Carson City, Nevada. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th St, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before September 29, 2021.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: September 30, 2021

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.803 which pertain to regulations for Career and Technical Education programs of study.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding CTE Programs of Study is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

**ADOPTED REGULATION OF THE NEVADA
INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R019-25

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

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; authorizing the Board of Control of the Nevada Interscholastic Activities Association to amend the list of sanctioned sports through a certain process; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic activities and events. (NRS 385B.060) Existing regulations authorize the Board of Control of the Association to amend the list of sanctioned sports that are designated by the Association. (NAC 385B.390) This regulation authorizes the Board to amend the list of sanctioned sports through a certain process in which any member school or representative of the Board who wishes to propose that a sport be sanctioned by the Association: (1) completes a certain form approved by the Association; and (2) submits the form to the Executive Director of the Association.

This regulation also requires the Executive Director, as soon as practicable after receiving a proposal to sanction a sport, to include the proposal as an item on the agenda for a meeting of the Board. This regulation additionally requires the Association to collect certain interest surveys from all member schools and certain financial and logistical information from each public school district, charter school and private school before the meeting of the Board in which the Board is scheduled to discuss the proposal.

This regulation requires the Executive Director or his or her designee, as soon as practicable after receiving the required interest surveys and financial and logistical information, to present such information to the Board at a meeting of the Board. This regulation then requires the Board to approve, deny or delay action on the proposal to sanction the sport based on consideration of any factors the Board deems relevant.

If the Board approves the proposal to sanction the sport, this regulation requires the Board to determine an implementation date to occur not earlier than 1 calendar year after the date of approval. This regulation also requires implementation of the new sanctioned sport to follow a specified 3-year progression, with certain exceptions.

This regulation requires schools participating in the implementation process for a new sanctioned sport to provide certain reports to the Association for review by the Board during certain years of the implementation process. The Board is then required to evaluate and vote on whether to advance a new sanctioned sport to the final year of the implementation process after the sport meets certain requirements for completion of any required years at the lower stages of

the implementation process. Existing regulations require the Board to place each school in a class and align it in a league or region and to conduct this alignment process for schools on a periodic basis. (NAC 385B.114, 385B.250) This regulation requires that approval to advance a new sanctioned sport to the final year of the implementation process must coincide with the first year of a period of classification and alignment of schools.

Section 1. Chapter 385B of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NAC 385B.390, the Board may amend the list of sanctioned sports set forth in subsection 1 of NAC 385B.390 pursuant to the process described in this section.

2. Any member school or representative of the Board who wishes to propose that a sport be designated as a sanctioned sport by the Association may do so by completing a form approved by the Association and submitting the form to the Executive Director. The form must include, without limitation:

- (a) The proposed season in which the sport will take place;*
- (b) Whether the sport will be offered for girls, boys or both girls and boys;*
- (c) The proposed contest limits of the sport;*
- (d) The proposed minimum number of participants required to participate in the sport;*
- (e) Any equipment and facilities required to participate in the sport;*
- (f) The estimated financial impact the sport will have on schools and school districts;*
- (g) Considerations regarding availability of facilities, transportation, risk of injury, opportunities for all member schools to participate, any potential challenges of implementing the sport and any impact on existing sanctioned sports;*
- (h) The rationale for sanctioning the sport;*

(i) Information regarding any third-party entities that may be involved in the implementation and funding of the sport; and

(j) Any data regarding the number of member schools and pupils currently participating in the sport through an intramural program associated with the member school.

3. As soon as practicable after receiving a proposal pursuant to subsection 2, the Executive Director shall include the proposal as an item for inclusion on an agenda for a meeting of the Board.

4. The Association will collect interest surveys from all member schools before the meeting of the Board in which the Board is scheduled to discuss the proposal. The survey must include, without limitation:

(a) The amount of pupil interest in the sport;

(b) The equity among boys and girls sports offered at the school with the addition of the sport;

(c) The impact of the sport on participation in existing sanctioned sports; and

(d) A determination whether the member school will participate in the sport if the sport is approved as a sanctioned sport.

5. The Association will collect information from each school district, charter school and private school before presenting the proposal to sanction the sport at a meeting of the Board. The information must include financial and logistical impacts of the sport, including, without limitation:

(a) Equipment and uniforms required to participate in practices and contests;

(b) Costs for upgrades, rentals or any other cost associated with the facility required to participate in practices and contests; and

(c) Needs regarding:

(1) Coaching personnel;

(2) Transportation; and

(3) Officials.

6. As soon as practicable after receiving the interest surveys described in subsection 4 and the financial and logistical information described in subsection 5, the Executive Director or his or her designee shall present the information to the Board at a meeting of the Board. The Board shall approve, deny or delay action on the proposal based on consideration of any factors the Board deems relevant, which may include, without limitation:

(a) The information provided in the proposal;

(b) The interest surveys collected from member schools as described in subsection 4;

(c) The financial and logistical information collected from school districts, charter schools and private schools as described in subsection 5;

(d) The impact of sanctioning the sport on compliance with Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(e) Whether other state high school associations sanction the sport; and

(f) Whether the National Federation of State High School Associations or its successor organization publishes rules for interscholastic competition in the sport.

7. If the Board approves the proposal to sanction the sport, the Board will determine an implementation date to occur not earlier than 1 calendar year after the date of approval. Implementation of the new sanctioned sport must follow a progression over a continuum of 3 years, in which the Board may adjust the initial placement of the sport on the 3-year continuum. The 3-year continuum must include, in succession:

(a) A “Pilot” year for member schools to begin offering the sport at the varsity level and compete against other member schools in the sport, but wherein no postseason competition will take place;

(b) A “Development” year for member schools to begin offering the sport at levels other than varsity, if applicable, or continue to grow the varsity program, but wherein no postseason competition will take place; and

(c) A “Full Implementation” year, after final Board approval, where all levels of the sport may be offered, if applicable, and a postseason competition takes place.

8. If at any time during the three stages of implementation described in subsection 7, the number of participating schools decreases to 50 percent or less of the original total of participating schools, the Board shall require an additional year at the previous stage. If the number of participating schools does not increase to more than 50 percent of the original total of participating schools during the additional year, the sport must not advance to the Board for a vote.

9. Schools participating in the implementation process for a new sanctioned sport shall provide reports to the Association for review by the Board during the “Pilot” and “Development” years. The report must include, without limitation:

(a) Participation numbers;

(b) Competitive structure and balance;

(c) Pupil and school engagement with the new sport;

(d) Logistical challenges;

(e) Geographic distribution of competition;

(f) Financial sustainability of implementing the sport; and

(g) Facility usage.

10. The Board shall evaluate and vote on “Full Implementation” after the “Development” year, or after any additional year required pursuant to subsection 8. The approval for “Full Implementation” must coincide with the first year of a period of classification and alignment of schools as described in NAC 385B.250.

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY
NRS 233B.066
LCB FILE No. R019-25**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation will adopt the process by which a new sport can become a sanctioned sport recognized by the NIAA.

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 regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <https://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23,

2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
 - (a) **Attended each hearing: 0**
 - (b) **Testified at each hearing: 0**
 - (c) **Submitted to the agency written comments: 0**
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is 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.**

There was no testimony provided by any of the people in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other people having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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.**

The regulation was adopted on September 23, 2025, without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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**
 - (b) **Both immediate and long-term effects.**

///

- (a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

- (b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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.

N/A

12. Is the proposed regulation 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 to determine the impact of the regulation on a small business?

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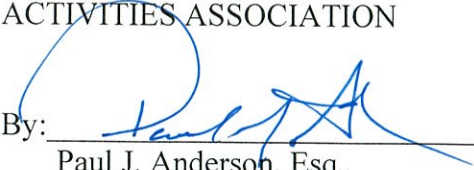
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As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 30th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____


Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608
LCB FILE No. R019-25**

The following statement is submitted in accordance with NRS 233B.0608:

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

2. **The manner in which the analysis was conducted.**

N/A. See response to number one, above.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(a) both adverse and beneficial affects; and

(b) both direct and indirect effects.

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

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

None.

6. **If the proposed 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.**

This regulation will not affect any small businesses and will not result in an increase in payments by member schools of the NIAA.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

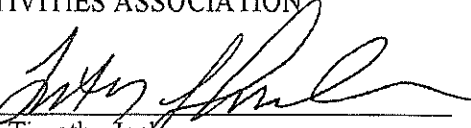
N/A. See response to number one, above.

This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 29th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By:


Timothy Jackson
Executive Director

**ADOPTED REGULATION OF THE
NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R022-25

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

AUTHORITY: § 1, NRS 385B.060.

A REGULATION relating to interscholastic activities; revising provisions governing the amount of annual dues a school is required to pay to maintain membership in the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations concerning interscholastic athletic events. (NRS 385B.060) Existing regulations establish the Board of Control of the Association and set forth the duties of the Board, including, without limitation, establishing the dues required for membership in the Association. (NAC 385B.106, 385B.114) Under existing regulations, the annual dues for membership in the Association are: (1) if a school enrolls less than 600 pupils during a school year, \$850; and (2) if a school enrolls at least 600 pupils during a school year, \$1.50 for each pupil enrolled in the school for that school year. (NAC 385B.212) This regulation provides that the amount of annual dues for membership in the Association for a school that enrolls less than 600 pupils in a school year is instead determined by the Board. This regulation additionally provides that, if a school enrolls at least 600 pupils in a school year, the annual dues for membership are calculated by multiplying an amount, determined by the Board, by the number of pupils enrolled in the school for that school year. Finally, this regulation requires the Board, when determining the amount of annual dues for membership a school is required to pay to: (1) consult with member schools of the Association; and (2) consider certain factors related to the costs associated with conducting interscholastic activities and events in this State.

Section 1. NAC 385B.212 is hereby amended to read as follows:

385B.212 1. Except as otherwise provided in NAC 385B.210, if a school enrolls ~~less~~:

(a) Less than 600 pupils during a school year, the *school must pay* annual dues for the membership of the school in the Association for that school year ~~[is \$850. If a school enrolls at]~~
in an amount determined by the Board.

(b) At least 600 pupils during a school year, the annual dues for the membership of the school in the Association ~~is \$1.50 for each pupil~~ must be calculated by multiplying an amount, determined by the Board, by the number of pupils who ~~is~~ are enrolled in the school for that school year.

2. When determining the amount of dues for membership a school in the Association is required to pay pursuant to subsection 1, the Board shall:

(a) Consult with member schools; and

(b) Consider the costs associated with conducting interscholastic activities and events in this State, including, without limitation:

(1) Organizing, supervising, certifying and providing sports officials;

(2) Using or retaining facilities for a league, regional or state tournament; and

(3) Any other factor which the Board deems relevant in determining the cost of conducting interscholastic activities and events.

3. Each school shall pay the annual dues specified ~~in~~ pursuant to subsection 1 not later than August 1 of each year. The Executive Director may require a school to pay a penalty in an amount determined by the Board if the school fails to pay the annual dues for the school later than August 21 of that year.

~~{3-}~~ *4. The Board may impose a special assessment against each school. Any special assessment imposed against a school pursuant to this subsection must not exceed 20 percent of the annual dues paid by that school for the year in which the Board imposes the special assessment.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED BY
NRS 233B.066
LCB FILE No. R022-25**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises provisions that address the payment of annual membership dues by member schools of the NIAA, and a method for determining the assessment of dues member schools are to pay for annual membership in the Association in future years.

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 regulation and notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <https://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 3 and 4, 2025 at its Summer Board Meeting. On or about August 22, 2025, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is

attached as Exhibit "1." This regulation was reviewed by the NIAA Board of Control at a board meeting held on September 23, 2025, respectively, which included the opportunity for public comment concerning the proposed amendment.

3. **The number of persons who:**
 - (a) **Attended each hearing: 0**
 - (b) **Testified at each hearing: 0**
 - (c) **Submitted to the agency written comments: 0**
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is 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.**

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

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.**

The regulation was adopted on September 23, 2025 without changing any part of the proposed regulation because no request for any changes was made at the workshop or hearing.

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**
 - (b) **Both immediate and long-term effects.**

///

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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.

N/A

12. Is the proposed regulation 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 to determine the impact of the regulation on a small business?

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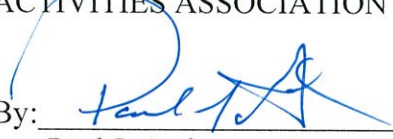
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As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 30th day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

Paul J. Anderson, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
775-827-2000 (telephone)
775-827-2185 (facsimile)

Legal Counsel

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608
LCB FILE No. R022-25**

The following statement is submitted in accordance with NRS 233B.0608:

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

- 2. The manner in which the analysis was conducted.**

N/A. See response to number one, above.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(a) both adverse and beneficial affects; and

(b) both direct and indirect effects.

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

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

None.

- 6. If the proposed 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.**

This regulation will not affect any small businesses, but may result in an increase in annual membership dues paid by NIAA member schools.

- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

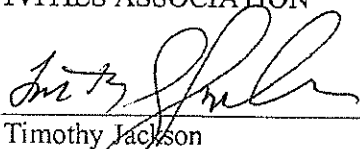
N/A. See response to number one, above.

This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

Dated this _____ day of September, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: _____


Timothy Jackson
Executive Director

**ADOPTED REGULATION OF
THE BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R024-25

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

AUTHORITY: § 1, NRS 501.105, 501.181 and 501.1818.

A REGULATION relating to wildlife; revising the wildlife violations for which a person who is convicted of such violations will be assessed demerit points; assessing a demerit point penalty for such conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations relating to wildlife and the means of hunting, fishing and taking wildlife. (NRS 501.105, 510.181) Existing regulations prohibit any person from possessing or using certain equipment or devices while locating, hunting or taking any game mammal or game bird. (Section 1 of LCB File No. R035-20) **Section 1** of this regulation expands the existing demerit schedule to assess 12 demerit points against any person who unlawfully possesses or uses electronic night-vision, electronically enhanced light-gathering, thermal imaging, infrared night-vision or any comparable devices or equipment for such a purpose.

Existing regulations prohibit, with limited exceptions, a person from placing, using or maintaining a trail camera or similar device during certain periods of the year and under certain circumstances. (NAC 503.1485) **Section 1** of this regulation expands the existing demerit schedule to include the unlawful placement, maintenance or use of trail cameras or similar devices capable of transmitting images, video or wildlife location data. In addition, any person who unlawfully places, maintains or uses a trail camera or similar device from August 1 through December 31, regardless of transmission capability of such a camera or similar device, is subject to the assessment of 12 demerit points.

Section 1. NAC 501.200 is hereby amended to read as follows:

501.200 1. A person who is convicted of a wildlife violation will be assessed demerit points pursuant to the following schedule:

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor- driven vehicle or using such a vehicle to molest, rally, stir up or drive game mammals or game birds.....	503.010	-----	12
Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting.....	503.010	-----	12
Unlawfully using information obtained in violation of subsection 3 of NRS 503.010 to hunt or kill game mammals or game birds.....	503.010	-----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	-----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft	503.005	-----	12

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully using an aircraft, balloon, unmanned aerial vehicle or satellite to locate or observe big game mammals, game birds or fur-bearing mammals for the purpose of hunting	501.385	503.148	12
Hunting or taking an endangered species without a special permit	503.585	503.093	12
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	-----	12
Unlawfully taking bald eagles or golden eagles	503.620	-----	12
Taking twice the legal limit or more of big game mammals	501.385	-----	12
<i>Unlawfully using or possessing thermal imaging, infrared or electronic night-vision, or electronically enhanced light-gathering or comparable night-vision devices or equipment</i>	<i>501.385</i>	<i>Section 1 of LCB File No. R035-20</i>	<i>12</i>
Hunting or taking a threatened species	501.385	503.093	9

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully killing a fur-bearing mammal during the closed season	503.440	-----	9
Unlawfully hunting migratory waterfowl by aid of baiting.....	501.385	503.180	6
Hunting big game mammals during the closed season	503.090	-----	6
Hunting fur-bearing mammals during the closed season	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas	501.385	504.340	6
Unlawfully hunting in a privately owned wildlife management area.....	504.140	-----	6
Unlawfully hunting in a state-owned wildlife management area.....	504.143	-----	6
Hunting big game mammals or migratory waterfowl during prohibited hours.....	503.140	-----	6
Unlawfully hunting game birds or game mammals with the aid of artificial light.....	503.150	-----	6

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Hunting or taking a sensitive species.....	501.385	503.093	6
Hunting, trapping, possessing or selling birds of prey or raptors without a permit.....	503.582	503.205	6
Hunting alternative livestock	503.242	-----	6
Taking a game mammal of a prohibited age or with prohibited physical characteristics	501.385	-----	6

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully possessing big game mammals during the closed season	503.030	-----	12
Possessing a big game mammal or parts thereof without the correct tag.....	502.150	-----	9

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Possessing twice the legal limit or more of game			
birds or game mammals, other than big game ..	501.385	-----	9
Possessing twice the legal limit or more of game			
fish.....	501.385	-----	9
Unlawfully possessing a fur-bearing mammal			
during the closed season.....	503.030	-----	9
Possessing game birds or game mammals, other			
than big game, during the closed season.....	503.030	-----	6
Possessing fish during the closed season.....	503.030	-----	6
Possessing game birds or game mammals, other			
than big game, in excess of the legal limit but			
less than twice the legal limit.....	501.385	-----	6
Possessing game fish in excess of the legal limit			
but less than twice the legal limit.....	501.385	-----	6
Possessing a species that may not legally be			
possessed without a license or permit	501.385	-----	6

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Hunting big game or wild turkey without a tag	502.130	-----	9
Unlawfully transferring a tag to another person	502.140	502.385	9
Possessing or using a tag legally issued to another person	502.140	502.385	9
Obtaining tags in excess of the legal limit	502.140	502.331	9
Possessing used tags or tags in excess of the legal limit	502.150	-----	9
Unlawfully using a tag	502.200	-----	9
Using a tag in an improper area	502.160	502.385	6
Failing to punch a tag properly	502.160	502.390	6
Failing to attach a tag to a big game mammal in the manner prescribed by regulation	502.160	502.400	6
Hunting by a Native American off an Indian reservation without a tag	502.280	-----	6
Possessing fur-bearing mammals, other than a bobcat, without a seal	501.385	-----	6
Possessing the pelt of a bobcat without a seal	501.385	502.347	6

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Possessing the pelt of a mountain lion without a seal.....	501.385	502.370	6
Possessing the horns of a ram bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license..	503.597	503.110	12
Collecting unprotected wildlife for commercial purposes without a permit	501.385	503.095	12
Collecting live bait fish or live aquatic bait for commercial purposes without a permit	501.385	503.513	12

PERMITS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Collecting unprotected fish for commercial			
purposes without a permit	501.385	503.545	12
Selling live bait without a permit.....	501.379	503.513	6
Conducting a field trial without a permit.....	503.200	503.610	6
Conducting a dredging operation without a permit	503.425	503.810	6
Possessing a raptor without a permit	503.582	503.205	6
Furnishing false information to obtain a permit	502.060	-----	6
Hunting swan without a swan hunt permit	-----	502.380	6
Transferring or giving a swan hunt permit to any			
other person.....	-----	502.380	6
Using or possessing a swan hunt permit issued to			
another person	-----	502.380	6
Commercial taking of crayfish, except in			
accordance with a permit issued pursuant to			
NAC 503.540	501.385	503.540	6

FISHING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	-----	6

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....	501.385	-----	12
Unlawfully selling big game mammals	501.379	-----	12
Unlawfully selling an endangered species.....	501.379	-----	12
Needless waste of big game mammals	503.050	-----	12

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
<i>Unlawfully placing, maintaining or using a trail camera or similar device capable of transmitting images, video or wildlife location data at any time during the period beginning July 1 and ending December 31 of each year..</i>	<i>501.385</i>	<i>503.1485</i>	<i>12</i>
<i>Unlawfully placing, maintaining or using a trail camera or similar device at any time during the period beginning August 1 and ending December 31 of each year.....</i>	<i>501.385</i>	<i>503.1485</i>	<i>12</i>
Hunting, fishing in nonnavigable waters or trapping on private property without permission	503.240	-----	9
Needless waste of game birds or game mammals, other than big game.....	503.050	-----	9
Unlawfully selling a threatened species.....	501.379	-----	9
Taking or gathering shed antlers in certain counties between January 1 and April 30	503.655	503.172	9
Unlawfully selling game other than big game mammals	501.379	-----	6

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully selling a sensitive or protected species	501.379	-----	6
Unlawfully selling game fish	501.381	-----	6
Needless waste of game fish	503.050	-----	6
Unlawfully carrying a loaded rifle or shotgun in vehicle	503.165	-----	6
Unlawfully discharging a firearm	503.175	-----	6
Failing to retain the cape or scalp and any antlers or horns of wildlife.....	501.385	503.173	6
Destroying or mutilating signs of the Department..	501.383	-----	6
Polluting water	503.430	-----	6
Removing, altering or tampering with a tag placed on wildlife or on seized equipment	501.377	-----	6
Intentionally interfering with a person lawfully hunting or trapping	503.015	-----	6
Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl.....	501.385	503.180	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Taking or gathering shed antlers in certain counties between May 1 and June 30 without a certificate in violation of NAC 503.172.....	503.655	503.172	6

CATEGORY E FELONIES AND GROSS MISDEMEANORS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Conviction of a felony for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing	501.376	-----	12

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Conviction of a gross misdemeanor for			
intentionally killing a big game mammal,			
including aiding and abetting a person in the			
commission of the killing.....	501.376	-----	12
Conviction of a gross misdemeanor for willfully			
possessing an unlawfully killed big game			
mammal.....	501.376	-----	12
Acting as a master guide or subguide without a			
license.....	504.395	-----	12
Furnishing false information to obtain a big game			
tag.....	502.060	-----	12

TRAPPING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait.....	501.385	503.157	6
Trapping in a closed area	501.385	504.340	6
Unlawfully removing or disturbing a trap, snare or similar device lawfully being used by another person	503.454	-----	6
Trapping fur-bearing mammals during closed season	503.440	-----	6
Trapping birds of prey or raptors without a permit or by unlawful means	503.582	503.205	6
Failing to visit traps, snares or similar devices 48 or more hours after the required period for visitation.....	503.570	503.152	6

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus	502.120	-----	12
Hunting without having procured a license	502.010	-----	6
Fishing without having procured a license	502.010	-----	6
Hunting without a license in possession	502.120	-----	6
Fishing without a license in possession	502.120	-----	6
Furnishing false information to obtain a license	502.060	-----	6
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a specialty combination hunting and fishing license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class	502.110	-----	6
Altering a license	502.105	-----	6
Practicing falconry without a license	503.583	503.235	6
Operating as a fur dealer without a license	505.010	-----	6

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Trapping without having procured a license.....	502.010	-----	6
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license.....	502.060	-----	6
Obtaining a hunting license without obtaining certification as a responsible hunter	502.360	-----	6

2. Except as otherwise provided in this subsection, a person who is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1 will be assessed 3 demerit points. No demerit points will be assessed for a violation of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.398, inclusive.

3. A person who is convicted of committing a wildlife violation within 60 months after a conviction for the same violation will be assessed double the amount of demerit points listed in the schedule set forth in subsection 1.

4. A person who is convicted of committing any four wildlife violations arising out of separate events within a 60-month period will be assessed an extra 12 demerit points.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSION
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

**LCB FILE NO. R024-25
Commission General Regulation 515**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 501.

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

The issue this regulation aims to address is the absence of meaningful penalties for violations, which results in insufficient deterrence against the use of trail cameras and thermal imaging devices during closed seasons. Currently, the low penalties associated with such violations do not effectively discourage continued misuse, as the consequences are minimal and often deemed acceptable by violators.

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

Public comment was solicited at the September Wildlife Commission meeting, and members of the public were given advanced notice pursuant to OML. Members of County Advisory Boards to Manage Wildlife, animal rights groups, and members of the public generally supported the introduced regulation, with many individuals citing that they did not want to see this expanded to current wildlife that are currently allowed to be captured with these devices. Interested persons may obtain a copy of the summary by visiting <https://www.ndow.org/events/commission-meeting-september-26-27-2025-las-vegas/>.

3. The number of persons who:

- (a) Attended each hearing: (date and number of attended for workshops and hearings)**
- (b) Testified at each hearing: (date and number of attended for workshops and hearings)**
- (c) Submitted written comments: (date and number of attended for workshops and hearings)**

- (a)** On September 27th 67 people attended.
- (b)** 4 individuals testified on September 27th during the hearing of this regulation.
- (c)** No individuals submitted written comments

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name:** Jana Wright,
- (b) Telephone number:** Not provided
- (c) Business address:** Not provided
- (d) Business telephone number:** Not provided
- (e) Electronic mail address:** Not Provided

(f) Name of entity or organization represented: Self

(a) Name: Stephanie Myers,

(b) Telephone number: (702)872-0180

(c) Business address: Not provided

(d) Business telephone number: Not provided

(e) Electronic mail address: casemakers@outlook.com

(f) Name of entity or organization represented: Self

(b) Name: Bryce Screen

(b) Telephone number: Not provided

(c) Business address: Not provided

(d) Business telephone number: Not provided

(e) Electronic mail address: brycescreen@gmail.com

(f) Name of entity or organization represented: Nevada Trappers Association

(a) Name: George Forbush

(b) Telephone number: Not provided

(c) Business address: Not provided

(d) Business telephone number: Not provided

(e) Electronic mail address: Not provided

(f) Name of entity or organization represented: Self

- 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.**

There were no businesses found to be affected by the introduction of this regulation.

- 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.**

N/A

- 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 on businesses; and

There are none.

(b) Both immediate and long-term effects on businesses:

There are none.

(a) Both adverse and beneficial effects on the public; and

There are none.

(b) Both immediate and long-term effects on the public:

There are none.

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

There is no associated cost with the enforcement of this adopted regulation.

9. 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.

There is no duplicative regulation that this verbiage addresses.

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

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

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.

This regulation does not provide a new fee, or increase an existing fee.

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSION
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Commission General Regulation 515 – LCB File No. R024-25 – Demerit Points Associated with Trail Cameras and Thermal Imaging Devices

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commission. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Agency personnel concluded that there would be no small businesses impacted and, therefore, no need for a small business impact analysis.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

ANSWER:

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

ANSWER:

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If the proposed 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:

ANSWER:

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are associated with a program administered by the Nevada Department of Wildlife.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.


Alan Jenne, Director
Nevada Department of Wildlife

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R025-25

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

AUTHORITY: § 1, NRS 445A.855, 445A.860 and 445A.863; § 2, NRS 445A.855 and 445A.860; § 3, NRS 445A.855, 445A.860 and 445A.940, as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849.

A REGULATION relating to public water systems; revising certain provisions of federal law which are adopted by reference; revising the situations under which the owner or operator of a public water system is required to provide certain public notice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Environmental Commission to adopt regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water. (NRS 445A.860)

Existing regulations adopt by reference certain federal regulations relating to primary drinking water that are applicable to public water systems. (NAC 445A.4525) **Section 1** of this regulation updates the referenced federal regulations to adopt the version of those provisions as they existed on July 1, 2025. **Section 1** also provides updated information on how to obtain copies of the referenced federal regulations.

Existing federal regulations establish requirements for certain reports that a community water system must deliver to its customers. (40 C.F.R. §§ 141.151-141.156) Existing state regulations also require each community public water system to deliver an annual consumer confidence report that contains information on the quality of the water delivered by the system in accordance with federal requirements. (NAC 445A.4845) **Section 2** of this regulation updates the requirements for consumer confidence reports to comply with federal regulations.

Existing law requires a supplier of water to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources or, if designated, the district board of health if the supplier’s public water system is not in compliance with the primary drinking water standards. (NRS 445A.940, as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849) Existing regulations also require the owner or operator of a public water system to provide public notice to users of the public water system under certain circumstances with potential adverse health effects. (NAC 445A.485) **Section 3** of this regulation also requires the owner or operator of a public water system to provide such notice if the public water system exceeds the action level for lead set forth in federal regulations. (40 C.F.R. § 141.80)

Section 1. NAC 445A.4525 is hereby amended to read as follows:

445A.4525 1. The provisions of 40 C.F.R. §§ 141.1, 141.2, 141.4 to 141.42, inclusive, ~~subsections (a) and (d) of § 141.43, §§~~ 141.60 to 141.722, inclusive, and 141.851 to 141.861, inclusive, of the “National Primary Drinking Water Regulations,” and related federal regulations applicable to public water systems, including all tables and appendices therein, as those provisions and regulations existed on July 1, ~~2014,~~ **2025**, are hereby adopted by reference.

2. The provisions of 40 C.F.R. §§ 142.61 to 142.65, inclusive, including all tables therein, as those provisions existed on July 1, ~~2014,~~ **2025**, are hereby adopted by reference.

3. A copy of a publication containing those provisions is available by mail from the Superintendent of Documents, United States Government ~~Printing~~ **Publishing** Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, for the price of ~~(\$67.)~~ **\$51**. Copies of those regulations are also available, free of charge, at the Internet address ~~<http://www.gpoaccess.gov/cfr/index.html>~~ **<https://www.govinfo.gov/app/collection/cfr>**.

Sec. 2. NAC 445A.4845 is hereby amended to read as follows:

445A.4845 Each community public water system shall deliver to its customers on an annual basis consumer confidence reports which contain information on the quality of the water delivered by the system in accordance with the requirements of 40 C.F.R. §§ 141.151 to ~~141.155,~~ **141.156**, inclusive, as adopted by reference in NAC 445A.4525.

Sec. 3. NAC 445A.485 is hereby amended to read as follows:

445A.485 1. The owner or operator of a public water system shall provide notice to the Division or the appropriate district board of health of the occurrence of any of the events listed in NAC 445A.538, in accordance with the provisions of that section.

2. Public notice of violations of primary drinking water regulations, and other ~~circumstances~~ **situations** with potential adverse health effects, is required pursuant to NRS

445A.940 , *as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849*, and as follows:

(a) The owner or operator of a public water system shall provide notice to persons served by the system for all violations of the primary standards, treatment techniques, monitoring requirements, testing procedures and other circumstances set forth in NAC 445A.450 to 445A.5405, inclusive, pursuant to the requirements of this section and 40 C.F.R. §§ 141.201 to 141.211, inclusive, as adopted by reference in NAC 445A.4525, including, without limitation:

- (1) Failing to comply with an applicable primary standard;
- (2) Failing to comply with a prescribed treatment technique;
- (3) Failing to perform water quality monitoring;
- (4) Failing to comply with testing procedures as prescribed by a drinking water regulation;
- (5) Operating under a variance or exemption;
- (6) Failing to comply with the requirements of any schedule that has been set under a variance or exemption;
- (7) The occurrence of a waterborne disease outbreak or other waterborne emergency;
- (8) Exceeding the nitrate MCL by a noncommunity water system when granted permission by the primacy agency under 40 C.F.R. § 141.11(d);
- (9) Exceeding the secondary maximum contaminant level for fluoride, set forth in subsection 2 of NAC 445A.455;
- (10) Making available unregulated contaminant monitoring data; ~~for~~
- (11) Other violations as determined by the Division or the appropriate district board of health to require a public notice, not already listed in Appendix A to 40 C.F.R. §§ 141.201 to 141.211, inclusive, as adopted by reference in NAC 445A.4525 ~~for~~ ; *or*

(12) Exceeding the action level for lead set forth in 40 C.F.R. § 141.80(c).

(b) Public notices are divided into three tiers to take into account the seriousness of the violation or situation and any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in paragraph (a) are determined by the tier to which the violation or situation is assigned. The federal public notification regulations, 40 C.F.R. §§ 141.201 to 141.211, inclusive, including Appendices A, B and C, as adopted by reference in NAC 445A.4525, provide the criteria for the tier assignment for each specific violation or situation, and the requirements for the content, form, manner and frequency of the notice.

(c) Each public water system shall provide public notice to persons served by the water system in accordance with this section. Public water systems that sell or otherwise provide drinking water to other public water systems are required to give notice to the owners or operators of those systems, who are then responsible for providing public notice to the persons they serve. If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Division or the appropriate district board of health may allow the system to limit distribution of the public notice to only those persons served by that portion of the system which is out of compliance. Permission by the Division or the appropriate district board of health for limiting distribution of the notice must be granted in writing.

(d) A copy of the notice must also be sent to the Division or the appropriate district board of health in accordance with the requirements of 40 C.F.R. § 141.31(d), as adopted by reference in NAC 445A.4525.

3. Public notice of a violation of NAC 445A.455 is required pursuant to NRS 445A.940 and as follows:

(a) When a secondary maximum contaminant level exceeds the levels or units specified in subsection 1 of NAC 445A.455, the public water system shall, within 90 days, collect and analyze three additional samples from the same sample point, but not more than one sample per month. If the average contaminant level of the four samples exceeds the secondary maximum contaminant level, the public water system shall notify the Division or the appropriate district board of health and shall provide notice to the public. The notice must be:

(1) For community public water systems:

(I) Published in a newspaper of general circulation in the area served by a system not more than 30 days after the standard is exceeded, or delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded; and

(II) Published and delivered annually thereafter as provided in the annual consumer confidence report prepared pursuant to NAC 445A.4845 if the standard continues to be exceeded.

(2) For noncommunity water systems:

(I) Delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded, or posted, within 30 days after the standard is exceeded, in a prominent location for consumers of the water system to read; and

(II) Posted, or delivered annually thereafter if the standard continues to be exceeded.

(b) If the Commission grants a variance pursuant to NAC 445A.487 or 445A.4872 from the requirement concerning a secondary maximum contaminant level, the public water system shall

give notice to the public pursuant to subparagraph (1) or (2) of paragraph (a), as required by the type of system.

(c) In a fluoridated public water system, if the concentration for fluoride does not meet the concentrations specified in subsection 6 of NAC 445A.6682, the public water system shall report the incident to the Division of Public and Behavioral Health of the Department of Health and Human Services as required in paragraph (j) of subsection 12 of NAC 445A.6682.

(d) Notice to the public must be in such form and manner as prescribed by the Division or the appropriate district board of health and must ensure that the public using the system is adequately informed.

4. The Commission may not grant a variance from the provisions of public notification required by this section.

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission Permanent No: R025-25P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The United States Environmental Protection Agency (EPA) finalized and promulgated the following rules: Lead and Copper Rule Revisions (LCRR - January 15, 2021), Lead and Copper Rule Improvements (LCRI - October 30, 2024), and Consumer Confidence Report Rule Revisions (CCR - May 15, 2024). The NDEP does not currently have Safe Drinking Water Act's primacy over LCRR, LCRI or CCR. NDEP is proposing to adopt federal rules into regulations to request and obtain primacy over these rules. Adopting these rules into regulations and updating primacy would allow NDEP to implement, manage, and enforce the federal rule requirements as promulgated. NDEP is not proposing changes to the adopted rules. If these rules are adopted and primacy is obtained, public water systems will continue to work directly with the NDEP rather than the U.S. Environmental Protection Agency.

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

The Legislative Counsel Bureau published its draft, R025-25P, in the Nevada Register on August 6, 2025.

The NDEP held four public workshops for R025-25P:

Date	Location	Workshop type	Number of Attendees	Number of Comments Received
June 5, 2025	Elko, Nevada	In-person	13	None
June 10, 2025	Carson City, Nevada	In-person and virtual	2 in person 28 virtually	None
June 11, 2025	Las Vegas, Nevada	In-person	4	None
July 23, 2025	Carson City, Nevada	Virtual	17	None

A summary of the workshops is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to the Bureau of Safe Drinking Water's email distribution list. The Division accepted written comments on R025-25I and R025-25P for more than 50 days ending on July 29, 2025.

The SEC held a hybrid regulatory hearing on September 9, 2025, to consider possible action on R025-25P. The SEC posted its public notice, which included a link¹ and instructions to access R025-25P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended September 9, 2025, hearing: 51 (approximately)
- (b) Testified on this petition at the hearing: 3

1. Andrea Seifert, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9526
aseifert@ndep.nv.gov
2. Alex Lanza, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9515
alanza@ndep.nv.gov
3. Cassie Ehleringer, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9491
cehleringer@ndep.nv.gov

¹ <https://sec.nv.gov/meetings/sec-meeting-september-9-2025>

(c) Submitted to the agency written comments: None

4. 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.

Comments were solicited from affected businesses through four public workshop and during the September 9, 2025, SEC hearing as noted in number 2 above. There were no verbal or written comments regarding the regulatory amendments during the September 9, 2025, SEC meeting:

A recording of these comments is available on the SEC website.

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

The Commissioners unanimously adopted R025-25P without change because the SEC was satisfied with the proposed regulation.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

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

Enforcing Agency. The proposed amendments will have a slight economic effect on the agency. NDEP intends to request a 0.5 FTE position to address the increase in agency responsibilities but does not intend to increase or add new fees to fund this position.

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, the name of the regulating federal agency.

Not applicable; the proposed amendments do not duplicate any other state or government regulations.

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

The proposed amendments do not include requirements that are more stringent than the regulations of other state or federal agencies.

10. 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.

R025-25P does not provide for any new fees or increases to existing fees.

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time employees" (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

There will be no added economic burden to small businesses due to the NDEP's adopting federal rules by reference into applicable Nevada Administrative Code (NAC). The rules proposed for adoption are already federal requirements that public water system (PWS) must comply with regardless of whether the U.S Environmental Protection Agency (USEPA) or the NDEP have authority for implementation and enforcement. Therefore, there will be no added economic impacts on PWS due to this regulatory update.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The formation, operation or expansion of a small privately owned public water system is not restricted by this regulation amendment.

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

Notice of Public Workshop regarding proposed regulation changes emails were sent to all interested parties on May 2, 2025; this information was also published in required websites and shared directly with county/city agencies, state health agencies, and county health agencies. NDEP, Bureau of Safe Drinking Water (BSDW) performed three (3) in-person workshops to solicit public input in response to the proposed regulatory amendments, Elko (6/5/25), Carson City (also on-line 6/10/2025) and Las Vegas (6/11/25). Attendees were encouraged to participate and to share questions/comments by 5:00PM on Friday 6-20-25, via mail, email or phone call. NDEP/BSDW did not received comments regarding the adoption of the subject regulations.

2. The manner in which the analysis was conducted (if an impact was determined).

The agency determined that small businesses would not be impacted (see Small Business Impact Disclosure #1 and #2).

3. The estimated economic effect of the proposed regulation on small businesses:

Not Applicable. The agency determined that small businesses would not be economically impacted (see Small Business Impact Disclosure #1 and #2).

a. Both adverse and beneficial effects:

Not Applicable. The agency determined that small businesses would not be economically impacted (see Small Business Impact Disclosure #1 and #2).

b. Both direct and indirect effects:

Not Applicable. The agency determined that small businesses would not be economically impacted (see Small Business Impact Disclosure #1 and #2).

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (Include a discussion of any considerations of the methods listed below.)

Not Applicable. The agency determined that small businesses would not be economically impacted (see Small Business Impact Disclosure #1 and #2).

A. Simplification of the proposed regulation:

The NDEP is requesting the adoption by reference of the Lead and Copper Rule Revisions/Improvement as defined in 40 CFR §141.80 to 141.93; and the Consumer Confidence Rule as defined in 40 CFR § 141.151 to 141.156. There is no simpler alternative to the rules promulgated by EPA. However, NDEP has been, and will continue working with the regulated public water systems to facilitate the implementation

B. Establishment of different standards of compliance for a small business:

Not Applicable. This regulation amendment will not be more stringent than federal regulations.

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

Not Applicable. This regulation amendment does not propose new or changes fees.

5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)

Adopting the LCRR, LCRI and CCR rules increases the responsibilities of the Nevada Division of Environmental Protection, but these programs will be implemented through existing programs and by existing staff.

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

Not Applicable. This regulation amendment does not propose new or increased fees.

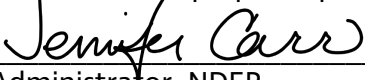
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

This regulation amendment will not duplicate any State regulation.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

Adopting these regulations by reference does not impose any additional requirements, burden or fees on any public water system (see Small Business Impact Disclosure #1 and #2).

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.



Administrator, NDEP

6/27/2025

Date

Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>

**STATE AGENCY REGULATIONS TO BE REVIEWED
BY THE LEGISLATIVE COMMISSION**

OCTOBER 28, 2025

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2024 REGULATIONS		
R057-24	385B	NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION A REGULATION revising provisions relating to conduct CONTACT Paul Anderson (775) 827-2000 panderson@mcllawfirm.com

**REVISED ADOPTED REGULATION OF THE NEVADA
INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

LCB File No. R057-24

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

AUTHORITY: §§ 1-10, NRS 385B.060.

A REGULATION relating to interscholastic activities; extending certain requirements concerning sportsmanship, ethics and conduct to certain persons attending a sanctioned sport; prescribing penalties for verbal abuse, assault or battery of a sports official; establishing a process for the reinstatement of persons who are suspended from participating in or attending a sanctioned sport for verbally abusing or committing assault or battery against a sports official; revising provisions relating to ejections from a sanctioned sport and the penalties relating to such ejections; revising the persons to whom a principal of a school or a designee thereof must provide a report concerning any penalty he or she imposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt regulations governing interscholastic events. (NRS 385B.060) Existing regulations require a coach, administrator, faculty member or other representative of a school to practice and demonstrate the highest principles of sportsmanship and ethics in all sanctioned sports, and provide that a person who violates such principles is subject to certain penalties. (NAC 385B.800) **Section 3** of this regulation further requires such persons to represent the highest principles of sportsmanship and ethics in all sanctioned sports and subjects a person who fails to do so to certain penalties.

Existing regulations require each pupil, coach, administrator, faculty member and sports official who participates in or is assigned to a sanctioned sport to comply with certain provisions relating to sportsmanship and ethics. (NAC 385B.802, 385B.812) **Sections 4 and 5** of this regulation extend these requirements to such persons whenever they attend a sanctioned sport, regardless of whether they are participating in or assigned to the sport being played.

Existing regulations prescribe certain procedures governing the ejection of a pupil or coach from a game, contest or meet and certain penalties to be imposed on a pupil or coach who is so ejected. (NAC 385B.822) **Section 6** of this regulation: (1) authorizes the ejection and suspension for 180 school days of any pupil or coach who verbally abuses or commits assault or battery against a sports official; and (2) prescribes a procedure for the reinstatement of such a pupil or coach before the end of that period of 180 school days. **Sections 1, 2 and 7** of this regulation make various changes to prescribe a uniform definition of the term “eject” for the purposes of all regulations governing sanctioned sports. **Section 7** additionally clarifies that certain provisions regarding the removal of a coach from the premises after being ejected from a

game, contest or meet apply if the coach is ejected for verbally abusing or committing assault or battery against a sports official.

Existing regulations establish the penalties for a pupil or coach who is ejected from a game, contest or meet for unsportsmanlike conduct. (NAC 385B.822) **Section 7** revises such penalties depending on: (1) the number of games, contests or meets from which a person is ejected; (2) the number of scheduled games, contests or meets in the sanctioned sport for that season; and (3) the timing in the season of the game, contest or meet in which the ejection occurred. If a pupil is ejected from a game, contest or meet, **section 7** requires the pupil's head coach or the staff of the school responsible for the pupil's participation to ensure the pupil is escorted away from the area in which the game, contest or meet is being held. **Section 7** also requires a pupil or coach who is ejected from a game, contest or meet to satisfy certain requirements before again participating in or attending any level of a sanctioned sport. **Section 7** further clarifies that a decision to eject a pupil or coach from a game, contest or meet is final and may not be appealed.

Existing regulations prohibit a coach, sports official, administrator, faculty member or pupil from making a defamatory statement to the media or through the use of social media relating to any person, sports official or school involved in a game, contest or meet and prescribe penalties for doing so. (NAC 385B.826) **Section 8** of this regulation extends this prohibition to such persons when they attend a sanctioned sport, regardless of whether they are involved in or participate in the sport being played in the game, contest or meet.

Existing regulations require the principal of a school or his or her designee, or a sports official, to report to the Commissioner of Sports Officials of the Association certain penalties that the principal, designee or sports official imposes on a person relating to a game, contest or meet. (NAC 385B.828) **Section 9** of this regulation expands the list of persons to whom such penalties may be reported to include the designee of the Commissioner and the Association.

Existing regulations prohibit each coach, administrator or faculty member of a school who is involved in or has responsibility for any sanctioned sport from engaging in certain conduct. (NAC 385B.830) **Section 10** of this regulation extends these prohibitions to such persons when they are attending any sanctioned sport. **Section 10** also requires a coach, administrator or faculty member who attends a game, contest or meet and becomes aware of a spectator engaging in unsportsmanlike conduct to report that fact to the Commissioner, his or her designee or the Association.

Section 1. Chapter 385B of NAC is hereby amended by adding thereto a new section to read as follows:

“Eject” means the permanent removal of a pupil or coach from a game, contest or meet by a principal of a school or designee thereof, or a sports official who is assigned to the game, contest or meet.

Sec. 2. NAC 385B.002 is hereby amended to read as follows:

385B.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 385B.004 to 385B.056, inclusive, and section 2 of LCB File No. R047-21, and section 1 of LCB File No. R139-24, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 385B.800 is hereby amended to read as follows:

385B.800 1. A pupil who represents a school in any sanctioned sport must be of good moral character as determined by the principal of the school. The pupil shall comply with any standards concerning discipline adopted by the school he or she attends or school district in which he or she resides and shall not engage in conduct that discredits the pupil or school. As used in this subsection, “conduct that discredits the pupil or school” includes, without limitation:

(a) A violation of any training or disciplinary rules of the school or school district or a team at the school;

(b) The use or possession of:

(1) Any tobacco or alcoholic beverages; or

(2) Any controlled substance, unless in accordance with a lawfully issued prescription for the controlled substance; and

(c) The commission of any act that violates a law or regulation of this State or the Federal Government.

2. A coach, administrator, faculty member or any other representative of a school shall practice , ~~and~~ demonstrate *and represent* the highest principles of sportsmanship and ethics in all sanctioned sports.

3. A sports official who is assigned to a game, contest or meet shall carry out his or her duties in an impartial manner.

4. Any sports official or any pupil, coach, administrator, faculty member or other representative of a school who violates any provision of this section is subject to the penalties set forth in NAC 385B.960.

Sec. 4. NAC 385B.802 is hereby amended to read as follows:

385B.802 The provisions of NAC 385B.802 to 385B.812, inclusive, apply to each pupil, coach, administrator, faculty member and sports official who participates in , ~~for~~ is assigned to *or attends* any sanctioned sport.

Sec. 5. NAC 385B.812 is hereby amended to read as follows:

385B.812 1. Each pupil, coach, administrator, faculty member and sports official shall comply with the provisions of NAC 385B.802 to 385B.812, inclusive, during any period in which he or she is assigned to , ~~for~~ participates in *or attends* a sanctioned sport.

2. Any violation of the provisions of NAC 385B.802 to 385B.812, inclusive, may result in the imposition of the penalties set forth in NAC 385B.960.

3. A specific violation set forth in NAC 385B.820 to 385B.826, inclusive, includes the penalties specified in each of those sections.

Sec. 6. NAC 385B.820 is hereby amended to read as follows:

385B.820 1. If a team, pupil, coach, administrator or faculty member of a school violates any provision of NAC 385B.802 to 385B.812, inclusive, the principal of the school or a designee thereof shall, within 24 hours after becoming aware of the violation, prepare and submit to the Executive Director a written report concerning the violation. The report must include:

(a) The name of each person who is alleged to have committed the violation and any other person involved in the violation; and

(b) A statement indicating the disciplinary action, if any, the school will impose against the team, pupil, coach, administrator or faculty member for the violation.

2. As soon as practicable after receiving a written report pursuant to subsection 1, the Executive Director:

(a) Shall review the written report; and

(b) May impose any additional penalty against the team, pupil, coach, administrator or faculty member in accordance with the provisions of NAC 385B.960.

3. If a team, pupil, coach, administrator, faculty member or spectator who is enrolled at, employed by or affiliated with a school *or is attending a game, contest or meet* commits an act of violence against a sports official who is assigned to a game, contest or meet, the principal of the school or the designee shall prepare and submit to the Executive Director a written report concerning the act of violence within 24 hours after the act is committed.

4. *A pupil or coach who verbally abuses or commits assault or battery against a sports official assigned to a game, contest or meet is guilty of unsportsmanlike conduct. The principal of the school with which the pupil or coach is affiliated or the designee thereof may, where the principal determines that such action is reasonably likely to prevent or discourage such conduct:*

(a) Immediately eject the pupil or coach from the game, contest or meet; and

(b) Suspend the pupil or coach from participating in or attending any sanctioned sport, at any level, for 180 school days or until the pupil or coach is reinstated pursuant to subsection 9, whichever occurs first.

5. A written report that is prepared pursuant to subsection 3 must include:

(a) The name of each person who is alleged to have committed the act of violence and any other person involved in the act; and

(b) The disciplinary action the school may take against the person for the act of violence.

~~{5.}~~ **6.** As soon as practicable after receiving a written report pursuant to subsection 3, the Executive Director:

(a) Shall review the written report; and

(b) May impose a penalty in addition to the disciplinary action ~~{, if any,}~~ taken by the school, including any penalties set forth in NAC 385B.960.

~~{6.}~~ **7.** In addition to ~~{imposing a}~~ **any other** penalty **imposed** pursuant to ~~{paragraph (b) of subsection 5,}~~ **this section**, if a pupil uses physical force or an immediate threat of physical force during the commission of an act of violence, the Executive Director may, depending upon the severity of the physical force or the immediate threat of physical force:

(a) Suspend the pupil from participating in **or attending** the sanctioned sport for the remainder of the season; or

(b) Prohibit the pupil from participating in any sanctioned sport for the remainder of the period in which the pupil is eligible to participate in sanctioned sports.

8. A pupil or coach who is suspended in accordance with subsection 4 and wishes to have his or her eligibility to participate in or attend sanctioned sports reinstated before the passage of 180 school days must submit a request to the Executive Director seeking reinstatement in the form prescribed by the Association and, as determined by the Executive Director based on the severity of the verbal abuse, assault or battery:

(a) Satisfy any conditions imposed by the principal of the school with which the pupil or coach is affiliated relating to the verbal abuse, assault or battery;

(b) Attend a meeting with the Executive Director; or

(c) Comply with the requirements of both paragraphs (a) and (b).

9. The Executive Director may approve a request for reinstatement pursuant to subsection 8 if he or she:

(a) Determines that the pupil or coach seeking reinstatement has complied with the requirements of subsection 8; and

(b) Has good cause to believe that the pupil or coach seeking reinstatement is unlikely to commit further acts of violence against a sports official or other pupils or coaches of sanctioned sports.

10. Not later than 30 days after the scheduled date of a meeting pursuant to paragraph (b) of subsection 8 or, if no such meeting is scheduled, not less than 30 days after receiving a request for reinstatement pursuant to subsection 8, the Executive Director shall notify the requester and the principal of the school with which the pupil or coach is affiliated in writing of his or her decision to approve or deny the request.

11. A decision made by the Executive Director pursuant to subsection 9 is a final decision and may not be appealed.

~~[7.]~~ *12. As used in this section ~~[, “act”]~~ :*

(a) “Act of violence” means verbal abuse, assault, battery or any other conduct that threatens the safety of a participant, coach, administrator, spectator, employee, volunteer or sports official ~~[.]~~ at a sanctioned sport, including, without limitation, any unwelcome and intentional touching, hitting or shoving . ~~[of the sports official.]~~

(b) “Assault” has the meaning ascribed to it in NRS 200.471.

(c) “Battery” has the meaning ascribed to it in NRS 200.481.

(d) “Verbal abuse” means aggressive, offensive or profane language that is directed at a person.

Sec. 7. NAC 385B.822 is hereby amended to read as follows:

385B.822 1. ~~{Unsportsmanlike}~~ *Except as otherwise provided in NAC 385B.820, unsportsmanlike* conduct which results in the ejection of a pupil or coach from a game, contest or meet must be treated in the following manner:

(a) If the ejection occurs before the last game, contest or meet of a season ~~{}~~ *in a sanctioned sport for which the season consists of 10 or fewer scheduled games, contests or meets*, the pupil or coach must be removed from the game, contest or meet immediately and may not participate in *or attend* the next scheduled game, contest or meet for that season. ~~{}~~

(b) *If the ejection occurs before the second-to-last game, contest or meet of a season in a sanctioned sport for which the season consists of more than 10 scheduled games, contests or meets, the pupil or coach must be removed immediately from the game, contest or meet and may not participate in or attend the next two scheduled games, contests or meets for that season.*

(c) *If the ejection occurs during the second-to-last game, contest or meet of a season in a sanctioned sport for which the season consists of more than 10 scheduled games, contests or meets, the pupil or coach must be removed immediately from the game, contest or meet and may not participate in or attend the next scheduled game, contest or meet for that season.*

(d) If the ejection occurs during the last game, contest or meet of a season, the pupil or coach must be removed from the game, contest or meet immediately and may not participate in *or attend* the first scheduled game, contest or meet for the season for that sanctioned sport that is held immediately after the season in which the ejection occurs. ~~{or}~~

~~—(e)~~ **(e)** If the ejection occurs during the last game, contest or meet of a season and the person ejected is a pupil who is enrolled in twelfth grade, the pupil must be removed from the game, contest or meet immediately and may not participate in the first scheduled game, contest or meet of any other season in which he or she participates.

2. Except as otherwise provided in this subsection, if a coach is ejected from or becomes ineligible to participate in **or attend** a game, contest or meet pursuant to this section ~~H~~ **or NAC 385B.820**, the coach shall not remain on the premises during that game, contest or meet or any other game, contest or meet for which the coach is ineligible to participate **or attend** because of the ejection. If ~~the~~ **a** coach **who is ejected** is the only adult on the premises who is available to supervise his or her team or pupils who are participating in the game, contest or meet, the coach must be allowed to remain on the premises to supervise the team or pupils after the conclusion of the game, contest or meet.

3. If a pupil is ejected from a game, contest or meet, the pupil's head coach **or the staff of the school with which the pupil is affiliated** shall ensure that the pupil is ~~supervised~~ :

(a) Supervised for the remainder of the game, contest or meet ~~H~~ ; **and**

(b) Escorted away from the premises before the next play.

4. If a pupil or coach is ejected from two games, contests or meets during a season, the principal of the school ~~to~~ **with which** the pupil or coach **is affiliated** or a designee thereof shall report that fact to the Executive Director ~~H~~ **and prohibit the pupil or coach from participating in or attending the next two scheduled games, contests or meets for that season.** In addition to any penalty imposed by the Association pursuant to NAC 385B.960, the principal or the designee may impose an additional penalty in accordance with that section.

5. If a pupil or coach is ejected from three or more games, contests or meets during a season, the pupil or coach may not participate in ~~[the]~~ *or attend:*

(a) Any sanctioned sport for ~~[which the game, contest or meet was held for the remainder of the season.]~~ 180 school days; and

(b) All future sanctioned sports until the Executive Director approves such participation or attendance in accordance with subsection 7.

6. *A pupil or coach who is ejected from a game, contest or meet for unsportsmanlike conduct pursuant to this section may not participate in or attend any level of any sanctioned sport until he or she:*

(a) Satisfies all penalties imposed pursuant to this section at the level from which he or she was ejected;

(b) Completes the free “Sportsmanship” course offered through the Learning Center of the National Federation of State High School Associations at the Internet address <http://www.nfhslearn.com>; and

(c) Submits the certificate of completion of the course described in paragraph (b) to an athletic administrator of the school with which the pupil or coach is affiliated, a designee of the board of trustees of the school district to which that school belongs, if applicable, or a designee of the Association.

7. *A pupil or coach who is ejected from three or more games, contests or meets during a season and wishes to participate in or attend a sanctioned sport after the expiration of the period prescribed by paragraph (a) of subsection 5 must apply to the Executive Director in the form prescribed by the Association. The Executive Director may approve such a request if he or she:*

(a) Determines that the pupil or coach has complied with the requirements of subsection 6;
and

(b) Has good cause to believe that the pupil or coach seeking reinstatement is unlikely to engage in further unsportsmanlike conduct.

8. Each coach of a school must comply with the provisions of this section and shall enforce those provisions against each of his or her assistant coaches and pupils. In addition to any penalty imposed by the Association pursuant to NAC 385B.960, the principal of the school or the designee, or the Executive Director may impose an additional penalty in accordance with that section.

~~{7.}~~ 9. The decision of *the principal of a school, the designee thereof or* a sports official to eject a pupil or coach from a game, contest or meet is a final decision and may not be appealed.

~~{8.}~~ 10. As used in this section ~~{:~~

~~—(a) “Eject” means the permanent removal of a pupil or coach from a game, contest or meet by a sports official who is assigned to the game, contest or meet.~~

~~—(b) “Premises”~~, *“premises”* means the area in which a game, contest or meet is conducted, including, without limitation, any area designated for spectators at that game, contest or meet.

Sec. 8. NAC 385B.826 is hereby amended to read as follows:

385B.826 1. A coach, sports official, administrator or faculty member who is involved in ~~{}~~ *or attends a sanctioned sport* or a pupil who participates in ~~{}~~ *or attends* a sanctioned sport shall not make a defamatory statement to the media or through the use of any social media relating to any person, sports official or school that is involved in any game, contest or meet.

2. The Association will investigate each alleged violation of this section. If the Association determines that a coach, sports official, administrator, faculty member or pupil specified in

subsection 1 has violated this section, the Association will suspend the coach, sports official, administrator, faculty member or pupil from any involvement in the sanctioned sport for at least one game, contest or meet.

3. As used in this section, “social media” means any electronic service or account or electronic content, including, without limitation, any video, photograph, video blog, podcast, instant message, text message, electronic mail program, online service or Internet website profile.

Sec. 9. NAC 385B.828 is hereby amended to read as follows:

385B.828 1. The Executive Director or any principal of a school or a designee thereof, or a sports official who is assigned to a game, contest or meet, may impose any penalty set forth in NAC 385B.820 to 385B.826, inclusive. The penalty may be imposed during a game, contest or meet or after the review of a videotape or written report concerning the conduct for which the penalty is imposed.

2. If a principal of a school or the designee, or a sports official who is assigned to a game, contest or meet, imposes any penalty specified in subsection 1, the principal or the designee or the sports official shall immediately report that fact to the Commissioner ~~HH~~, *his or her designee or the Association*. As soon as practicable after receiving the report, the Commissioner , *his or her designee or the Association, as applicable*, shall submit the report to the Executive Director.

3. In addition to imposing a penalty for any conduct specified in subsection 1, the Executive Director may impose an additional penalty for that conduct in accordance with the provisions of NAC 385B.960.

Sec. 10. NAC 385B.830 is hereby amended to read as follows:

385B.830 1. Each coach, administrator or faculty member of a school who is involved in ,
~~for~~ has responsibility for *or attends* any sanctioned sport shall not:

(a) Use any tobacco or alcoholic beverages or any controlled substance, unless in accordance with a lawfully issued prescription for the controlled substance, during any period in which he or she is *attending a game, contest or meet or is* directly supervising a pupil or team during a game, contest or meet or a practice for a game, contest or meet;

(b) Use foul or abusive language or insulting gestures or engage in abusive physical contact with any pupil, sports official or other person who is associated with a game, contest or meet or a practice for a game, contest or meet;

(c) Taunt a sports official, pupil, team, coach or spectator during any game, contest or meet;
or

(d) Engage in conduct that may incite a fight, violence or other unsportsmanlike act.

2. Each coach, administrator or faculty member of a school shall ensure that each pupil enrolled in the school who participates in a game, contest or meet conducts himself or herself in accordance with the rules of sportsmanship.

3. Each coach, administrator or faculty member of a school shall, if a violation of this chapter occurs during a game, contest or meet, prepare a written report concerning the violation. The written report must be submitted to the Executive Director within 24 hours after the coach, administrator or faculty member becomes aware of the violation and must include, without limitation, the name of each person involved in the violation. As soon as practicable after receiving the written report, the Executive Director shall review the report and may impose any appropriate penalty against any person who committed the violation in accordance with the provisions of NAC 385B.960.

4. Each coach, administrator or faculty member of a school who attends a game, contest or meet shall, if the coach, administrator or faculty member becomes aware of a spectator of the school who engages in unsportsmanlike conduct during the game, contest or meet:

(a) *Report that fact to the Commissioner, his or her designee or the Association;*

(b) Require the spectator to refrain from engaging in the unsportsmanlike conduct; and

~~(b)~~ (c) Impose any applicable penalty or disciplinary action against the spectator.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE No. R057-24RA1**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 385B.

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

This regulation is necessary to address the ever-changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation revises provisions governing the conduct and sportsmanship of student athletes, coaches, and administrators during NIAA sanctioned events. Spectators were previously included as part of the regulation but have been removed based on refusal to vote on that language by the Legislative Commission at its July 7, 2025, meeting.

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 regulation and notice of intent to act upon the regulation and amended notice of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, www.niaa.com, as well as <http://notice.nv.gov>; and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic
Activities Association
1188 Victorian Plaza Circle
Sparks, NV 89431

Washoe County School District
425 East Ninth Street
Reno, NV 89520

Clark County School District
5100 West Sahara Avenue
Las Vegas, NV 89143

Carson City School District
1140 West King Street
Carson City, NV 89703

Elko County School District
850 Elm Street
Elko, NV 89801

This regulation was initially reviewed by the NIAA Board of Control on June 14, 2023, at its summer Board Meeting. On or about May 25, 2023, the Executive Director issued a Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated

Notice of Intent to Act Upon a Regulation pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meeting, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit "1." This regulation was again reviewed by the NIAA Board of Control at a workshop and board meeting held on September 27 and 28, 2024, respectively, which included the opportunity for public comment concerning the proposed amendment. The regulation was resubmitted to the LCB with revisions and thereafter returned to the NIAA where it was approved at the NIAA Board of Control meeting held on April 1 and 2, 2025. The regulation was then reviewed by the Legislative Commission on July 7, 2025, but was rejected based on the references in the regulation to spectators. The regulation was subsequently revised to remove any reference to spectators and was reviewed by the Board of Control at its September 23-24, 2025, meeting, where it was again approved. A copy of the Workshop Notice for the September 23-24, 2025, Board of Control meeting is attached as Exhibit "2."

- 3. The number of persons who:**
 - (a) Attended each hearing: 0**
 - (b) Testified at each hearing: 0**
 - (c) Submitted to the agency written comments: 0**
- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information is 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.**

There was no testimony provided by any of the people in attendance at this meeting and, therefore, no information to provide in response hereto.

- 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.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other people having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

- 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.**

The regulation was finally adopted on April 1, 2025, without changing any part of the proposed regulation following revisions made at the September 27 and 28, 2024, NIAA Board of Control meeting, because no request for any changes was made at the workshop or hearing. The regulation was revised following the initial review of the regulation by the Legislative Commission on July 7, 2025, with all references to spectators being removed from the regulation, and was approved as revised by the NIAA Board of Control at its September 23-24, 2025, Board meeting.

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**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

This regulation will have no economic effect, immediate or long-term, with respect to any business or the public.

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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.

There are no other state or government agency regulations that the proposed amendments duplicate.

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.

N/A

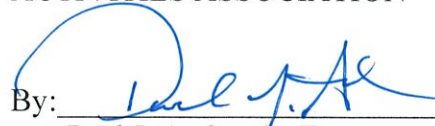
12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a

small business? What methods did the agency use to determine the impact of the regulation on a small business?

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do not impact private business.

Dated this 2nd day of October, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 
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Legal Counsel

**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY
NRS 233B.0608
LCB FILE No. R057-RA1**

The following statement is submitted in accordance with NRS 233B.0608:

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The regulation in question does not affect small business, or business of any kind, in the State of Nevada, or elsewhere. This regulation as well as all regulations pertaining to the Nevada Interscholastic Activities Association ("NIAA"), exists solely to govern high school athletics in the State of Nevada. As such, private business is not affected.

- 2. The manner in which the analysis was conducted.**

N/A. See response to number one, above.

- 3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

(a) both adverse and beneficial affects; and

(b) both direct and indirect effects.

There is no economic effect on small business based upon the proposed regulation. See response to number one, above.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small business and a statement regarding whether the agency actually used any of those methods.**

N/A. See response to number one, above.

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

None.

- 6. If the proposed 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.**

This regulation will not affect any small businesses, but may result in an increase in annual membership dues paid by NIAA member schools.

- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

N/A.

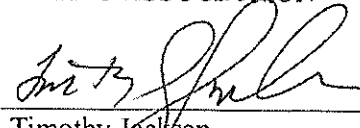
8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

N/A. See response to number one, above.

This is to certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

Dated this 2nd day of October, 2025.

NEVADA INTERSCHOLASTIC
ACTIVITIES ASSOCIATION

By: 

Timothy Jackson
Executive Director