

**PROPOSED REGULATION OF THE
STATE BOARD OF EXAMINERS**

LCB File No. R011-00

March 14, 2000

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

AUTHORITY: §§ 1 and 2, NRS 41.036 and 353.040.

Section 1. Chapter 41 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If a tort claim filed pursuant to NRS 41.036 against the state, any of its agencies or any of its present or former officers, employees, immune contractors or legislators is for an amount less than \$25,000, the attorney general shall:

(a) Investigate the claim; and

(b) Based on the best interest of the state, approve, deny or settle the tort claim.

2. The approval, denial or settlement by the attorney general of a tort claim in the amount of less than \$25,000 pursuant to this section is deemed to be the determination of the state board of examiners with regard to that claim. Appeals of such a determination must be made directly to the court having jurisdiction.

3. If a tort claim filed pursuant to NRS 41.036 against the state, any of its agencies or any of its present or former officers, employees, immune contractors or legislators is for \$25,000 or more, the attorney general shall present the tort claim, and any administrative appeals of the tort claim, to the state board of examiners.

Sec. 2. NAC 41.120 is hereby amended to read as follows:

41.120 *Except as otherwise provided in section 1 of this regulation:*

1. If a claim is to be disputed by any party, a hearing will be held within 45 days after the ~~[board's receipt of]~~ *state board of examiners receives* the claim. The *state board of examiners* will set the time and place of the hearing.
2. The claimant must submit to the *state board of examiners* the names and addresses of all witnesses to be called by him at the hearing.