

**PROPOSED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R102-13

**Notice of Workshop to
Solicit Comments on Proposed Regulation**

LCB File No. R102-13

The Nevada Governor's Office of Economic Development, 555 E. Washington Avenue, Suite 5400, Las Vegas, Nevada 89101 (702) 486-2700 is proposing the adoption of regulations pertaining to Chapter 231 of the Nevada Administrative Code.

These regulations are being proposed pursuant to Assembly Bill 294 which was passed in the 2013 Legislative Session, providing for the certification of Local Emerging Small Businesses by the Governor's Office of Economic Development and requiring the submission of certain reports concerning the participation of Local Emerging Small Businesses in certain contracts relating to purchasing and public works projects.

A workshop has been set for **11:00 AM on Monday, December 2, 2013** at the following locations:

Main Location:
Grant Sawyer Building
Governor's Office
555 E. Washington Ave, Room 5100
Las Vegas, NV 89101

Public location for video conference:
Nevada State Capitol
The Guinn Room
101 S. Carson Street
Carson City, NV 89701

The workshop will consist of a brief presentation of the proposed regulation followed by a question and answer period. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- The establishment of a Local Emerging Small Business Program;
- Program qualification requirements;
- Program application procedures;
- Program reporting requirements; and
- Providing other matters properly relating thereto.

All interested parties are encouraged to participate in the regulatory review process. A copy of all materials relating to the proposed regulations may be obtained at the **workshop** or by

contacting Shante Willis at the Governor's Office of Economic Development, 555 East Washington Avenue, Suite 5400, Las Vegas, NV 89101, Phone: (702) 486-2700.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been provided via electronic means to all persons on the agency's email list for administrative regulations and posted at the following locations:

- a) GOED, 808 West Nye Lane, Carson City, NV
- b) Sawyer Building, 555 East Washington Avenue, Las Vegas, NV
- c) Nevada State Library, 100 North Stewart St., Carson City, NV
- d) Nevada State Capitol, 101 S. Carson Street, Carson City, NV
- e) EDAWN, 5190 Neil Road, Suite 110, Reno, NV
- f) NDA, 6700 Via Austi Pkwy., Suite B, Las Vegas, NV
- g) Elko County, 569 Court Street, Elko, NV
- h) City of Fallon, 55 West Williams Avenue, Fallon, NV
- i) City of Las Vegas, City Hall, 400 East Stewart Avenue, Las Vegas, NV
- j) City of North Las Vegas, City Hall, 2250 Las Vegas Boulevard North, North Las Vegas, NV
- k) Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV
- l) City of Boulder, City Hall, 401 California Avenue, Boulder City, NV
- m) City of Henderson, City Hall, 240 Water Street, Henderson, NV
- n) City of Mesquite, City Hall, 10 E. Mesquite Boulevard, Mesquite, NV
- o) NNRDA, 1500 College Parkway, McMullen Hall, Room 120, Elko, NV
- p) Humboldt Development Authority, 90 West Fourth Street, Winnemucca, NV
- q) Lincoln County Regional Development Authority, P.O. Box 1006, Caliente, NV
- r) Lander County Economic Development Authority, 315 South Humboldt St., NV
- s) NNDA, 704 West Nye Lane, Carson City, NV
- t) Nye County Regional Economic Development Authority, P.O. Box 822, Pahrump, NV
- u) White Pine County Economic Diversification Council, 957 Campton, Suite 11, Ely, NV
- v) GOED website www.diversifynevada.com
- w) Nevada Legislature website <http://www.leg.state.nv.us>

Persons with disabilities who require special accommodations or assistance at the meeting should notify Shante Willis, Governor's Office of Economic Development, 555 East Washington Ave., Ste. 5400, Las Vegas, Nevada 89101 or by calling 702-486-2700 on or before the close of business two business days prior to the meeting date.

Date: November 8, 2013

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Public Hearing for the Adoption of Proposed New Regulations

The Nevada Governor's Office of Economic Development will hold a public hearing at **2:00 PM on December 9, 2013** at the following locations:

Main Location:

**Grant Sawyer Building
Governor's Office
555 E. Washington Ave, Room 5100
Las Vegas, NV 89101**

Public location for video conference:

**Nevada State Capitol
The Guinn Room
101 S. Carson Street
Carson City, NV 89701**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 231 of the Nevada Administrative Code. These regulations are being proposed pursuant to Assembly Bill 294 which was passed in the 2013 Legislative Session, providing for the certification of Local Emerging Small Businesses by the Governor's Office of Economic Development and requiring the submission of certain reports concerning the participation of Local Emerging Small Businesses in certain contracts relating to purchasing and public works projects.

AGENDA

1. Call to Order and Welcome
2. Public Comment (Discussion)
3. Introduction and discussion regarding the proposed regulations for the Local Emerging Small Business Program (Discussion)
4. Consideration of comments received prior to the hearing date (Discussion)
5. Public Comment and Discussion (Discussion)
6. Adjournment

ADDITIONAL NOTES:

- A. Items may be taken out of order listed on the Agenda.
- B. Two or more Agenda items may be combined for consideration.
- C. Public comment may be limited to 5 minutes per speaker.
- D. Comment based on viewpoint may not be restricted.

- E. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on an agenda as an action item.
- F. Action may be taken only on those items denoted “for possible action”.
- G. Persons with disabilities who require special accommodations or assistance at the meeting should notify Shante Willis, Governor’s Office of Economic Development, 555 East Washington Ave., Ste. 5400, Las Vegas, Nevada 89101 or by calling 702-486-2700 on or before the close of business two business days prior to the meeting date.

Proposed Regulations of the Governor’s Office of Economic Development, LCB File No. R102-13

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

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

The 2013 legislature amended Nevada Revised Statutes (NRS) Chapter 231 to encourage the development of small businesses in the state and the participation of local emerging small businesses in certain contracts relating to purchasing and public works, and requiring the Governor’s Office of Economic Development to establish goals and reporting requirements to ensure accomplishment of the stated goals. The purpose of the regulation is to adopt a standard procedure for the certification of businesses as Local Emerging Small Businesses pursuant to Assembly Bill 294.

2. Either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.

The proposed regulation includes sections implementing the Local Emerging Small Business Program including the application procedures, revocation procedures, ongoing notification requirements, term of certification, re-certification procedures, complaints regarding alleged improper certification procedures and the establishment/encouragement of goals related to the program.

3. 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. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

The proposed regulation is not expected to have adverse immediate and long-term effects on the businesses which it is to regulate. GOED has determined that the proposed regulation does not impose a direct and/or significant economic burden upon small

business and the proposed regulation will not restrict the formation, operation or expansion of a small business.

The proposed regulation is not expected to have adverse immediate and long-term effects on the public.

The proposed regulation is expected to have beneficial immediate effects on the businesses which it is to regulate as the regulation establishes a new program in which businesses that qualify and pursue certification can utilize when marketing their products and services to local government entities. It is expected to provide businesses with additional opportunities to bid on certain purchasing contracts and public works projects.

The proposed regulation is expected to have beneficial long-term effect on the businesses which it is to regulate as the regulation encourages the utilization of Local Emerging Small Businesses in certain contracts pertaining to purchasing and public works projects. Businesses invited to participate in bids will be provided with direct contact and an opportunity for feedback with purchasing department personnel. Successful contractors would be expected to obtain new revenue streams and capacity building work experience.

The proposed regulation is expected to have beneficial immediate and long-term effects on the public due to the data that will be made available regarding the utilization of Local Emerging Small Businesses in certain contracts pertaining to purchasing and public works projects. This data will provide the public with information related to how public dollars are expended and the number of Local Emerging Small Businesses that are utilized for certain projects.

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

Enforcement of these proposed regulations poses no significant cost to the Governor's Office of Economic Development beyond the budget that was established in the 2013 Legislative Session. Through negotiations conducted during the 2013 Legislative Session, the Nevada Department of Employment Training and Rehabilitation agreed to assume the costs of the program for the biennium, and transfer the funding needed to the Governor's Office of Economic Development through an Interlocal Agreement.

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

The proposed regulation does not overlap that of any other state, local or federal agency.

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

These regulations are not required pursuant to federal law.

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

The proposed regulation does not include provisions which are more stringent than a federal regulation.

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

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

Persons wishing to comment on the proposed action of the Governor's Office of Economic Development may appear at either location of the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Shante Willis, Governor's Office of Economic Development, 555 East Washington Ave., Ste. 5400, Las Vegas, Nevada 89101. Written submissions must be received by the Governor's Office of Economic Development on or before close of business **Wednesday, December 11, 2013**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Governor's Office of Economic Development may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted will be available at the Governor's Office of Economic Development located at 808 W. Nye Lane, Carson City, Nevada 89073 and 555 E. Washington Avenue, Suite 5400, Las Vegas, Nevada 89101, and at the main public libraries listed below, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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 of Hearing has been provided via electronic means to all persons on the agency's email list for administrative regulations and posted at the following locations:

- x) GOED, 808 West Nye Lane, Carson City, NV
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- z) Nevada State Library, 100 North Stewart St., Carson City, NV
- aa) Nevada State Capitol, 101 S. Carson Street, Carson City, NV
- bb) EDAWN, 5190 Neil Road, Suite 110, Reno, NV
- cc) NDA, 6700 Via Austi Pkwy., Suite B, Las Vegas, NV
- dd) Elko County, 569 Court Street, Elko, NV
- ee) City of Fallon, 55 West Williams Avenue, Fallon, NV
- ff) City of Las Vegas, City Hall, 400 East Stewart Avenue, Las Vegas, NV
- gg) City of North Las Vegas, City Hall, 2250 Las Vegas Boulevard North, North Las Vegas, NV
- hh) Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, NV
- ii) City of Boulder, City Hall, 401 California Avenue, Boulder City, NV
- jj) City of Henderson, City Hall, 240 Water Street, Henderson, NV
- kk) City of Mesquite, City Hall, 10 E. Mesquite Boulevard, Mesquite, NV
- ll) NNRDA, 1500 College Parkway, McMullen Hall, Room 120, Elko, NV
- mm) Humboldt Development Authority, 90 West Fourth Street, Winnemucca, NV
- nn) Lincoln County Regional Development Authority, P.O. Box 1006, Caliente, NV
- oo) Lander County Economic Development Authority, 315 South Humboldt St., NV
- pp) NNDA, 704 West Nye Lane, Carson City, NV
- qq) Nye County Regional Economic Development Authority, P.O. Box 822, Pahrump, NV
- rr) White Pine County Economic Diversification Council, 957 Campton, Suite 11, Ely, NV
- ss) GOED website www.diversifynevada.com

Nevada County Public Libraries:

- a) Carson City Library, 900 N. Roop Street, Carson City, NV 89701
- b) Churchill County Library, 553 S. Main Street, Fallon, NV 89406
- c) Las Vegas-Clark County Library District Headquarter, 833 Las Vegas Blvd N, Las Vegas, NV 89101
- d) Douglas County Public Library, 2625 Library Ln, Minden, NV 89423
- e) Elko County Library, 720 Court Street, Elko, NV 89801
- f) Esmeralda County Library, Corner of Crook & 4th St, PO Box 430, Goldfield, NV 89013
- g) Eureka County Library, 10190 Monroe Street, Eureka, NV 89316

- h) Humboldt County Library, 85 E. 5th Street, Winnemucca, NV 89445
- i) Battle Mountain Branch Library (Lander County), 625 S. Broad Street, Battle Mountain, NV 89820
- j) Lincoln County Library, 63 Main Street, Pioche, NV 89043
- k) Lyon County Library System, 20 Nevin Way, Yerington, NV 89447
- l) Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415
- m) Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
- n) Storey County Public Library, 95 S. "R" Street, Virginia City, NV 89440
- o) Tonopah Public Library (Nye County), 167 S. Central Street, Tonopah, NV 89049
- p) Washoe County Library System, 301 S. Center Street, Reno, NV 89501
- q) White Pine County Library, 950 Campton Street, Ely, NV 89301

Date: November 8, 2013