

**ADOPTED REGULATION OF THE
ATTORNEY GENERAL**

LCB File No. R050-14

Effective June 28, 2016

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

AUTHORITY: §1, NRS 233B.0603.

A REGULATION relating to administrative procedures; revising the form of the notice of intent to act upon a regulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest

Existing law requires an agency to post a notice of intent to act upon a permanent or temporary regulation at least 30 days before the intended action. (NRS 233B.060) Existing law also specifies the information that is required to be included in the notice of intent to act upon a regulation and authorizes the Attorney General to prescribe the form of the notice by regulation. (NRS 233B.0603) This regulation revises the provisions which prescribe the form of the notice of intent to act upon a regulation to make the form consistent with current statutory requirements.

Section 1. NAC 233B.010 is hereby amended to read as follows:

233B.010 The following form must be used by agencies, except those agencies specifically exempted by NRS 233B.039, to adopt, amend or repeal a regulation pursuant to chapter 233B of NRS:

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the(Adoption) (Amendment)

(Repeal).... of Regulations of the

.....(Name of Agency).....

The(Name of Agency)..... will hold a public hearing at(time).....m., on the(day) of(month) of(year), at(Address of Hearing Room).....

The purpose of the hearing is to receive comments from all interested persons regarding the ... (Adoption) (Amendment) (Repeal).... of regulations that pertain to chapter(Number of Chapter) of the Nevada Administrative Code.

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

(In this space, state:

1. The need for and the purpose of the proposed regulation or amendment.
2. ~~{Either}~~ *If the proposed regulation is a temporary regulation*, the terms or the substance of the ~~{regulations}~~ *proposed regulation* to be adopted, amended or repealed, or a description of the subjects and issues involved.
3. *If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.*
4. 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.
- ~~{4.}~~ 5. *The methods used by the agency in determining the impact on a small business.*

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

~~15.1~~ 7. 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.

~~16.1~~ 8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

~~17.1~~ 9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

~~18.1~~ 10. Whether the proposed regulation establishes a new fee or increases an existing fee. ~~1.1~~

11. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)

Persons wishing to comment upon the proposed action of(Name of Agency)..... may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to(Name and Address of Agency)..... Written submissions must be received by the(Name of Agency)..... on or before(Date)..... If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the(Name of Agency)..... may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be ...(Adopted) (Amended) (Repealed)... 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 the regulation to be ...(Adopted) (Amended) (Repealed)... will be available at(Name and Address of each Office of the Agency)....., and in all counties in which an office of the agency is not maintained, at the main public library, 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.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public *at no charge* 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~~ *shall* 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 posted at the following locations:

(Include in this space the locations at which the notice was posted pursuant to the provisions of chapters 233B and 241 of Nevada Revised Statutes.)

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

LCB FILE NO. R050-14

The following statement is submitted by the Office of the Attorney General (OAG) for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 233B.

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

This regulation is needed to update NAC 233B.010 to comply with recent changes to NRS Chapter 233B. Prior to the current amendment, this regulation has not been changed since November 1997.

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.

(a) A description of how public comment was solicited:

The OAG held a public workshop on April 18, 2014. Notice of the public workshop was posted on the OAG website and at the OAG Offices in Carson City, Reno, Las Vegas, and Ely. The public workshop notice was also posted at the Nevada Supreme Court Law Library, the Legislative Counsel Bureau offices in both Carson City and Las Vegas, and the Nevada State Library and Archives.

The OAG held a public hearing on March 4, 2016. Notice of the public hearing was posted on the OAG website and at the OAG Offices in Carson City, Reno, Las Vegas, and Ely. The public hearing notice was also posted at the Nevada State Library, Carson City Library, Churchill County Library, Clark County Library, Douglas County Public Library, Elko County Library, Esmeralda County Library, Eureka County Library, Humboldt County Library, Battle Mountain Branch Library (Lander County), Lincoln County Library, Lyon County Library System, Mineral County Library, Tonapah Public Library, Pershing County Library, Storey County Library, Washoe County Library System, and the White Pine County Library.

(b) A summary of public response:

No public responses regarding the regulation were received. The OAG received no written comments regarding the regulation. Five members of the public attended the public workshop on April 18, 2014 regarding the regulation. These members of the public provided no comment about the proposed regulation. Instead, they had questions regarding other administrative rulemaking requirements. No members of the public attended the public hearing on March 4, 2016.

(c) An explanation of how other interested persons may obtain a copy of the summary:

The summary in part 2(b) above reflects the comments and the testimony that transpired with regard to LCB File No. R050-14. A copy of the summary may be obtained by contacting Sarah Bradley, Deputy Attorney General, at (775) 684-1213 or SBradley@ag.nv.gov. Ms. Bradley may be contacted by mail at 100 N. Carson Street, Carson City, NV 89701.

3. The number of persons who:

(a) Attended each hearing:

Public Workshop: April 18, 2014: 5
Public Hearing: March 4, 2016: 0

(b) Testified at each hearing:

Public Workshop: April 18, 2014: 0
Public Hearing: March 4, 2016: 0

(c) Submitted to the agency written statements: 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 (b) and (c), as provided to the agency:

The OAG has no information to provide in response to this question because no one testified at either hearing or submitted written statements to the OAG regarding the regulation.

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

Comments were solicited from business in the same manner as they were solicited from the public. The OAG has determined that no businesses will be affected by the regulation after review of the text of the regulation. The regulation amends a form that is required to be used only by state agencies, this regulation will have no impact on small businesses.

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.

No public comments were received by the OAG requesting any changes or modifications to the regulation. The regulation was, therefore, adopted without change.

7. (a) The estimated economic effect of the adopted regulation on the business which it is to regulate:

(1) Both adverse and beneficial effects:

This regulation does not regulate or affect any business. This regulation amends a form that is required to be used only by state agencies. There are no adverse or beneficial effects of this regulation upon business.

(2) Both immediate and long-term effects:

This regulation does not regulate or affect any business. This regulation amends a form that is required to be used only by state agencies. There are no immediate or long-term effects of this regulation upon business.

(b) The estimated economic effect of the adopted regulation on the public:

(1) Both adverse and beneficial effects:

This regulation will not have any economic effect on the public. This regulation amends a form that is required to be used only by state agencies. There are no adverse or beneficial economic effects upon the public. Because this regulation amends the form that state agencies are required to use in administrative rulemaking pursuant to NRS 233B, this form, when used by state agencies in the future, is likely to be more current, clear, and complete which will benefit the public in a non-economic manner.

(2) Both immediate and long-term effects:

This regulation will not have any economic effect on the public. This regulation amends a form that is required to be used only by state agencies. There are no immediate or long-term economic effects upon the public. Because this regulation amends the form that state agencies are required to use in administrative rulemaking pursuant to NRS 233B, this form, when used by state agencies in the future, is likely to be more current, clear, and complete which will benefit the public in a non-economic manner.

8. The estimated costs to the agency for enforcement of the adopted regulations.

The Office of the Attorney General does not enforce compliance with this regulation. Instead, this regulation is adopted pursuant to permissive statutory authority given by the Nevada Legislature in NRS 233B.0603(2) which states, "The Attorney General may by regulation prescribe the form of notice to be used." The Attorney General has previously prescribed by regulation the form of notice to be use and this regulation simply updates the requirements contained in that form in order to comport with NRS Chapter 233B.

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 regulations of other state or local government agencies. This regulation does not overlap or duplicate any federal regulations.

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

This regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity. This regulation deals only with rulemaking requirements for state agencies pursuant to NRS Chapter 233B. This regulation applies only to state agencies, except those exempted by NRS 233B.039.

11. If the regulation establishes 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 establish a new fee or increase an existing fee. This regulation only amends the form required to notice a state agency's intent to act upon a regulation as required by NRS Chapter 233B.