

**PROPOSED REGULATION OF THE
ATTORNEY GENERAL**

LCB File No. R050-14

June 27, 2014

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regulation*, the terms or the substance of the ~~{regulations}~~ *proposed regulation* to be adopted, amended or repealed, or a description of the subjects and issues involved.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.)