

**PROPOSED REGULATION OF THE
NEVADA ARTS COUNCIL**

LCB FILE NO. R081-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/23/2018**

Proposed Regulation Draft Changes for the Nevada Arts Council

~~NAC 233C.015 Scheduled meetings of Board: Mailing of agenda to members; consideration of material submitted after mailing of agenda. (NRS 233C.090)~~

~~1. The Administrator shall mail a copy of the agenda and any supporting documents to each member of the Board at least 10 days before a scheduled meeting of the Board.~~

~~2. The Board may wait until the next meeting of the Board to consider any material that is submitted to the Administrator after the Administrator has mailed a copy of the agenda for a scheduled meeting to the members of the Board.~~

~~(Added to NAC by Bd. of Nev. Arts Council by R175-03, eff. 8-25-2004)~~

NAC 233C.030 Grants: Use, amendment and availability of guidelines; return of application received after deadline for filing. (NRS 233C.090)

1. The Board will approve grants in accordance with the grant guidelines approved by the Board.

2. The Division shall make any proposed substantive change to the grant guidelines available for public review and comment at least 2 weeks before the approval of the changes by the Board.

3. An application for a grant must be completed in accordance with the grant guidelines approved by the Board for the type of grant for which the applicant is applying. The grant guidelines will be available not less than 3 months before the announced deadline for filing the application.

4. If an application is received by the Division after the announced deadline for filing, the application will not be considered and will be returned to the applicant.

5. A copy of the grant guidelines approved by the Board may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at < <http://www.culturegrants-nv.org/>>. <http://nvculture.org/nevadaartscouncil/grants/>

[Council on Arts Reg. C §§ 1-10, eff. 7-26-77]—(NAC A by Bd. of Nev. Arts Council by R175-03, 8-25-2004)

NAC 233C.040 Grants: Examination, review and approval of application. (NRS 233C.090)

1. The Division will examine each application for completeness, accuracy and compliance with the grant guidelines applicable to the type of grant for which the applicant is applying.

2. A panel selected by the Division will review the application and make a recommendation to the Board in accordance with the grant guidelines and the panel review process approved by the Board for the type of grant for which the applicant is applying.

3. Panel meetings will be conducted according to the provisions of the open meeting law as contained in NRS Chapter 241.

4. The panel shall base the review solely on the application materials submitted by the applicant, including the application form, narrative, budget and any supplemental material that conforms to the grant guidelines applicable to the type of grant for which the applicant is applying.

5. An applicant is not required to attend the meeting of a panel to review the application of the applicant, and an absence from the meeting will not prejudice the review of the application by the panel.

6. The Division shall make any proposed substantive change to a panel review process available for public review and comment at least 4 weeks before the Board acts to approve the change. A copy of the proposed substantive change may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at <http://www.culturegrants-nv.org> > <http://nvculture.org/nevadaartscouncil/grants/>

7. The Board will review the recommendation of the panel and the review process used by the panel, and the Board will vote to determine whether to approve the grant and the amount of any grant so approved.

[Council on Arts Reg. D § 1, eff. 7-26-77]—(NAC A by Bd. of Nev. Arts Council by R175-03, 8-25-2004)

NAC 233C.100 Grants: Requirements for management; final report; change in program or project; termination or reduction; records. ([NRS 233C.090](#))

1. A grantee must comply with all requirements set out in the grants management packet provided by the Division.

2. The Division will make any proposed substantive change to the grants management packet available for public review and comment at least 2 weeks before the Board acts to approve the change. A copy of the grants management packet may be obtained from the Nevada Arts Council, 716 North Carson Street, Suite A, Carson City, Nevada 89701, at no cost, or on the Internet at <http://www.culturegrants-nv.org> > <http://nvculture.org/nevadaartscouncil/grants/>

3. A grantee must file a final report form with the Division in accordance with the grant guidelines and the grants management packet. If a grantee fails to file a final report form, the Division will notify the grantee in writing that the grant application does not comply with the grant guidelines and the grants management packet. The Division will not accept a new grant application from an applicant that does not comply with the grant guidelines and the grants management packet.

4. A grantee shall notify the Division of any proposed change to a program or project that was outlined in the application of the grantee. The Division must give approval for the proposed change before the grantee may make the proposed change.

5. A grantee shall notify the Division of any change in the essential personnel involved in a program or project.

6. A grant may be terminated or reduced by the Division 15 days after the Division gives notification to the grantee that the grant application does not comply

with the grant guidelines and the grants management packet, that there have been changes to the budget of the Division or as directed by the Office of the Governor. The termination or reduction does not affect any commitment which, in the judgment of the Division, has become firm before the effective date of the termination.

7. The records of a project or program, including, without limitation, a copy of the original application, financial records, supporting documents and any other record related to the grant, must be retained by a grantee and made available for review by the Division for at least 3 years after the completion of the project.

[Council on Arts Reg. F §§ 1, 5-7 & 11-14, eff. 7-26-77]—(NAC A by Bd. of Nev. Arts Council by R175-03, 8-25-2004)

NAC 233C.110 Grants: Grounds for refusal or withdrawal of funding. (NRS 233C.097) Upon a violation ~~or willful avoidance~~ of any provision contained in this chapter, the **Council Division** may refuse to approve a grant or may withdraw financial support, in whole or in part, after ~~consultation with~~ **notifying** the applicant or subgrantee **in writing**.

[Council on Arts Reg. G § 1, eff. 7-26-77]

~~— NAC 233C.120 Severability. (NRS 233C.097) If any provision of the regulations contained in this chapter, or its application to any person or circumstance is held invalid, the invalidity does not affect any other provision contained in this chapter or its application which can be given effect without the invalid provision or application, and to this end the provisions contained in this chapter are hereby declared to be severable.~~

~~— [Council on Arts Reg. G § 2, eff. 7-26-77]~~

New Provision #1: (Authority for Regulation NRS 233B.100; NRS 233C.090(3); NRS 233C.097)

1. Pursuant to NRS 233B.100, any interested person may petition the Board or the Division for the adoption, filing, amendment or repeal of any regulation.

2. A petition submitted under this provision will be directed to the Board or Division for review and decision as appropriate based on the request contained in the petition and whether that request pertains to the Board's regulation authority or the Division's regulation authority.

3. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board or the Division, as applicable, and must include:

(a) The name and address of the petitioner;

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

4. The Board or the Division, as applicable, may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

5. The Board or the Division, as applicable, will notify the petitioner in writing of the Board or the Division's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board or the Division approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board or the Division will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.

6. For purposes of this provision, the Administrator of the Division shall review and decide any petitions submitted requesting regulation changes under the Division's statutory control.