

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS

INFORMATIONAL STATEMENT AS REQUIRED BY NRS 233B.066

LCB FILE NO. R168-18

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.

The proposed amendments to Nevada Administrative Code (“NAC”) 590 are to: authorize the staff of the Nevada Board for the Regulation of Liquefied Petroleum Gas (“Board”) to issue citations and impose administrative fines for certain violations relating to the regulation of liquefied petroleum gas; revise provisions relating to the availability of emergency personnel in case of an emergency relating to a licensee’s business; revise provision relating to certain regulations adopted by reference by the Board; revise provisions relating to the handling of complaints filed with the Board; revise provisions relating to administrative proceedings before the Board; and improve the Board’s ability to ensure safe practices in the industry.

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 Board held a public workshop on November 16, 2018 at 10:00 a.m. Notice of the public workshop was posted on the Board’s website and at the Board’s Offices in Carson City. The public workshop notice was also posted at the Carson City Public Library, the Nevada State Library and Archives and Public Records, the Carson City Office of the Nevada Attorney General, The State of Nevada Department of Administration website, the Nevada Legislature’s Administrative Regulation Notice website, and email notices were sent to all email address on the Board’s administrative mailing regulation mailing list.

The Board held a public hearing on January 18, 2019 at 10:00 a.m. Notice of the Public Hearing along with a copy of the Small Business Impact Statement was posted on the Board’s website and at the Board’s Offices in Carson City. The Public Hearing Notice and Small Business Impact Statement 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 Board received no written comments regarding the regulation. One member of the public attended the public workshop via telephone on November 16, 2018 and provided no comments regarding the proposed regulation. Four members of the public attended the public hearing on January 18, 2019. These members of the public provided no comment about the proposed regulation. Instead, they had questions regarding other administrative rulemaking requirements.

(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. R168-18. A copy of the summary may be obtained by contacting Katie Bavaro, Office Manager, at (775) 687-4890 or KBavaro@nvlpgasboard.com. Katie Bavaro may be contacted by mail at 106 E. Adams Street, Suite 216, Carson City, NV 89706.

3. The number of persons who:

(a) Attended each hearing:

Public Workshop: November 16, 2018:	1
Public Hearing: January 18, 2019:	4

(b) Testified at each hearing:

Public Workshop: November 16, 2018:	0
Public Hearing: January 18, 2019:	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:

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 via email from all Board licensees who had requested to be included on the Board's regulatory notification email list. The Board has determined that no businesses will be affected by the regulation after review of the text of the regulation. The regulation primarily amends the administrative disciplinary process and will not have a direct 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 Board 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 was determined not have any adverse or beneficial effect upon business; however, the regulation is expected to improve public safety by increasing Board's tools for regulatory oversight of liquefied petroleum businesses and simultaneously improving the clarity of the disciplinary hearing procedures thereby improving due process afforded to licensed and unlicensed liquefied petroleum businesses.

(2) Both immediate and long-term effects:

This regulation was determined not have any adverse or beneficial effect upon business; however, the regulation is expected to improve public safety by increasing Board's tools for regulatory oversight of liquefied petroleum businesses and simultaneously improving the clarity of the disciplinary hearing procedures thereby improving due process afforded to licensed and unlicensed liquefied petroleum businesses.

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

(1) Both adverse and beneficial effects:

This regulation will not have any direct economic effect on the public. There are no adverse or beneficial economic effects upon the public. This regulation does however improve the possibilities for customers of licensed liquefied petroleum gas businesses in Nevada to obtain Board Staff mediated settlements of disputed accounts.

(2) Both immediate and long-term effects:

This regulation will not have any direct economic effect on the public. There are no adverse or beneficial economic effects upon the public. This regulation does however improve the possibilities for customers of licensed liquefied petroleum gas businesses in Nevada to obtain Board Staff mediated settlements of disputed accounts.

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

There are not additional costs to the agency for enforcement of this regulation. This regulation streamlines the administrative disciplinary process by allowing the Board's inspection staff to issue appealable administrative citations; however, this regulation does not expand the scope of the Board's regulatory discipline authority. By streamlining the administrative disciplinary process, the costs of enforcement are expected to be reduced by eliminating the need to process all disciplinary actions through a formal 233B contested case involving the Board's Deputy Attorney General.

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.

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.