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OFFICE OF THE
SECRETARY OF STATE

Appendix G

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE T003-18

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 240.

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

This regulation is necessary to update NAC Chapter 240 to comply with the implementation of the Electronic Notary Authorization Act as required by AB413 of the 2017 Session of the Nevada Legislature and NRS Chapter 240.

2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of electronic notarization as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Secretary of State, nvsos.gov, and mailed to all county libraries in Nevada and posted at the following locations:

Nevada Secretary of State's Office
Capitol Bldg. Main Lobby
2250 Las Vegas Blvd. North, Suite 400
North Las Vegas, Nevada 89030

Grant Sawyer Building
555 E. Washington Blvd
Las Vegas, Nevada 89101

Nevada State Legislative Building
401 South Carson Street
Carson City, Nevada 89710

Nevada State Library & Archives
100 North Stewart Street
Carson City, Nevada 89701

Nevada Secretary of State's Office
Commercial Recording's Lobby
202 North Carson Street
North Las Vegas, Nevada 89030

State Capitol
100 North Carson Street
Carson City, NV 89701

A Workshop to Solicit Public Comment was held on October 17, 2018, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed electronic notary regulations. Thereafter, on November 8, 2018, the Secretary of State's office, Notary Division, issued a Notice of Intent to Act Upon Temporary Regulations with the suggestions of the parties attending the October 17th workshop.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701, 775-684-5708, or email to lmuller@sos.nv.gov.

3. The number persons who:

- (a) **Attended each hearing:** October 17, 2018 – 18 ; November 8, 2018: 9
- (b) **Testified at each hearing:** October 17, 2018 – 6 ; November 8, 2018: 5
- (c) **Submitted to the agency written comments:** 5

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, as provided to the agency, is attached as Exhibit A.

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted on November 8, 2018, and included most of the changes suggested by stakeholders at the Workshop to Solicit Public Comments held on October 17, 2018.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.**

There is no adverse immediate or long-term economic effect estimated for the businesses that offer electronic notarization.

The estimated beneficial immediate and long-term economic effect on the businesses regulated by the Secretary of State's office is a new avenue of ecommerce revenue and convenience of service for their customer base. For the stakeholders in the mortgage industry, it is anticipated that loan package completion time will be reduced from weeks to days with the implementation of electronic notarization.

There is no estimated economic effect on the public that may use electronic notarization, other than the possible incidental saving of travel expenses when using audio-visual communication to have a signature notarized as compared to traveling to a notary for a traditional notarization.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

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.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

11. If the regulation provides 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 provides for an electronic notary-training fee of \$45.00 per registrant and a \$50.00 registration fee per registrant. The agency projects to receive approximately \$7,000 annually, which pursuant to NRS 240.018 is deposited in the Notary Public Training Account.