

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

LCB FILE R109-19

The following statement is submitted for adopted amendments to Nevada Administrative code (NAC) Chapter 612.

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

This regulation will add a requirement to the Veterans and Senior Citizens Small Business Loan program stating that financial institutions entering into a contract to disburse a grant of money pursuant to the program shall distribute the funds within 15 months of the date on which the application for the grant submitted by the nonprofit private entity is approved. This regulation is needed due to standard bank lending practices making it untenable for the awarded party to implement any program or report on any program activity under previous timelines.

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

In compliance with NRS 233B.0603, a Small Business Workshop was held on Thursday, December 5 at 10:00 a.m., the live meeting was held at the Legislative Building, 401 S. Carson Street, Room 3137, Carson City, Nevada 89701 and Video conferenced to the Grant Sawyer Building, 555 E. Washington Ave, Room 4401, Las Vegas, Nevada 89101. The purpose of the Small Business Workshop was to solicit public comment on a proposed regulation requiring that Grant Funds for the Veterans and Senior Citizens Small Business Start-up Loan Program established pursuant to NAC 612.673 be distributed to the recipient within 15 months of approval.

Notice of the Small Business Workshop was sent on November 19, 2019, requesting comments by December 2, 2019, to all individuals and employers on the Employment Security Division mailing list. Notices were posted at the principal office of the Employment Security Division in Carson City, as well as numerous offices of the Employment Security Division throughout the state. In addition, the notices were submitted to the Legislative Counsel Bureau, the Nevada State Library, and all main county libraries in the state. These documents were also made available at the website of the Department of Employment, Training and Rehabilitation (DETR):

https://detr.nv.gov/page/public_meetings (DETR Public Meetings page),
https://detr.nv.gov/Page/PUBLIC_NOTICES (DETR Public Notices page),
<https://notice.nv.gov/> and at the Nevada Legislature website at
<http://www.leg.state.nv.us/App/Notice/A/>.

Posting locations:

Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
Legislative Building, 401 South Carson Street, Carson City, NV 89701
Grant Sawyer State Building, 555 E. Washington Ave., Las Vegas, NV 89101
Legislative Counsel Bureau Web Site
Department of Employment, Training and Rehabilitation Web Site
All County Libraries in Nevada
Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
Unemployment Insurance Contributions, 1320 South Curry Street, Carson City, NV 89703
Las Vegas Field Audit Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
Appeals Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
Reno Casual Labor Office, 420 Galletti Way, Sparks, NV 89431
Las Vegas Casual Labor Office, 1001 North A Street, Las Vegas, NV 89106
Nevada JobConnect-Carson City, 1929 North Carson Street, Carson City, NV 89701
Nevada JobConnect-Elko, 172 Sixth Street, Elko, NV 89801
Nevada JobConnect-Ely, 1500 Avenue F, Suite 1, Ely, NV 89301
Nevada JobConnect-Fallon, 121 Industrial Way, Fallon, NV 89406
Nevada JobConnect-Henderson, 4500 E. Sunset Road, Suite 40, Henderson, NV 89014
Nevada JobConnect-Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169
Nevada JobConnect-North Las Vegas, 2827 Las Vegas Boulevard North, Las Vegas, NV 89030
American Job Center of Nevada-Reno Town Mall, 4001 South Virginia Street, Reno, NV 89502
Nevada JobConnect-Sparks, 2281 Pyramid Way, Sparks, NV 89431
Nevada JobConnect-Winnemucca, 475 Haskell St., Suite 1, Winnemucca, NV 89445

During the Small Business Workshop, the Administrator of ESD reviewed the language and purpose of the proposed regulation for the public. The final draft of the regulation was drafted by LCB on February 4, 2020.

On February 11, 2020, the Division issued a Hearing Agenda and a Notice of Intent to Act upon the proposed regulation. The Notice and Agenda was sent by mail or email, to all individuals and employers on the Employment Security Division mailing list. The Notice and Agenda was posted at the principal office of the Employment Security Division in Carson City, as well as numerous offices of the Employment Security Division throughout the state. In addition, the notice was submitted to the Legislative Counsel Bureau, the Nevada State Library, and all main county libraries in the state, including all locations in the

workshop notification list above. These documents were also made available at the website of the Department of Employment,

Training and Rehabilitation (DETR):

https://detr.nv.gov/page/public_meetings (DETR Public Meetings page),
https://detr.nv.gov/Page/PUBLIC_NOTICES (DETR Public Notices page),
<https://notice.nv.gov/> and at the Nevada Legislature website at
<http://www.leg.state.nv.us/App/Notice/A/>.

The division posted the regulation drafted by LCB to the DETR website and posted the revised language to the Nevada Legislature website. A copy of the regulation was also made available to the public at the Hearing and the ESD Administrator reviewed the Amended Regulation, providing an explanation of the Regulation.

In compliance with NRS 233B, a Hearing for the adoption of the regulation was held on March 13, 2020 at 10:00 a.m., the live meeting was held at the DETR – SAO Auditorium, 500 E 3rd St, Carson City, Nevada 89713 and Video conferenced to DETR – St. Louis Conference Room C, 2800 E. St. Louis Ave, Las Vegas, Nevada 89104. The purpose of the hearing was to receive comments from all interested persons regarding the adoption of the regulation pertaining to Chapter 612, of the Nevada Administrative Code.

The transcript of the Hearing is not yet available, but will be posted to DETR’s Public Meeting Minutes page within 30 days of the Hearing at the following link;

https://detr.nv.gov/Page/Minutes_of_Employment_Security_Division_Employment_Security_Council

3. The number of persons who:

a. Attended at each meeting:

Small Business Workshop:

December 5, 2019: Carson City: 9; Las Vegas: 1

Hearing:

March 13, 2020: Carson City: 8; Las Vegas: 1

b. Testified at each meeting:

Small Business Workshop:

December 5, 2019

- No Public Testimony

Hearing:

March 13, 2020

- No Public Testimony

c. Submitted to the agency written comments:

Small Business Workshop: No written comments were submitted

Hearing: No written comments were submitted

4. A description of how comments were 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.

5. 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 recommended changes submitted in written or public comment.

6. The estimated economic effect of the adopted regulation on the business 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.

This regulation change will add a requirement to the Veterans and Senior Citizens Small Business Loan program stating that institutions entering into a contract to disburse a grant of money pursuant to the program shall distribute the funds within 15 months of the date on which the application for the grant is approved.

Beneficial Impacts

This regulation change will allow for more reliable distribution of grant funds and reporting on program outcome measures.

Adverse Impacts

There is estimated to be no adverse impact from this regulation change.

Direct Impacts

The direct impact of this regulation will be adding a requirement that grant funds are distributed to recipients within 15 months of approval.

Indirect Impacts

DETR anticipates an improvement in the reporting of program outcome measures due to the shortened distribution timeframe.

Immediate Effect:

The immediate impact of this regulation will be an addition of a requirement for grant funds to be issued pursuant to the Veterans and Senior Citizens Small Business Loan program within 15 months after the approval of the grant.

Long-Term Effect:

By requiring that funds for the Veterans and Small Business Loan program be distributed within 15 months of the date the award was approved, the awarded party will be better able to implement programs and report on program activity, which was untenable due to standard bank lending practices prior to the passing of this regulation.

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

This regulation will not require enforcement and therefore there is estimated to be no cost related to enforcement.

Anticipated Revenue Increase and Use

There is no anticipated change in revenue increase or use.

- 8. 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 other regulation of federal, state, or local governments.

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

The proposed regulation is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

- 10. 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 impose any new or increased fees on employers.