

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS - NRS 233B.066

Informational Statement

LCB FILE: R-019-21

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 407.

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

During the COVID-19 pandemic Nevada’s state parks and recreation areas were impacted due to temporary closures, intermittent capacity reductions due to directives from the Governor, and an overwhelming demand for outdoor recreation. Demand was, and continues to remain high for outdoor recreation activities, placing additional stress on facilities, resources, and maintenance needs at our state park and recreation areas. In order to mitigate the impacts to the Division of State Parks for the administration, management, and maintenance of the state’s 27 park and recreation areas, the Division adopted temporary regulations in February 2021 establishing a new out-of-state user fee and increasing annual use permit fees. The permanent fee changes are needed to help support the Division of State Parks in effectively maintaining state park facilities and grounds.

Additionally, the regulation reflects updates to Chapter 407 of Nevada Revised Statutes due to the passage of Assembly Bill 102 and Senate Bill 53 during the 2021 Legislative Session. The regulation aligns Chapter 407 of Nevada Administrative Code with statutory language.

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

A public workshop was held virtually, pursuant to the Governor’s Emergency Declarations, on May 20, 2021, to solicit public comment from interested parties. There were no participants during the public workshop. A final adoption public hearing was held on October 28, 2021. Members of the public were invited to participate in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulations, notice of workshop, and notice of intent to act upon regulations were posted to the Division’s website, the Legislative Counsel Bureau website, and the public notice website. Notices and copies of the proposed regulations were also posted at public libraries, the Bryan Building in Carson City, and the Grant Sawyer Building in Las Vegas. The Division also allowed the public to submit written comment, though no written comment was received.

3. Number of persons who:

a. Attended the hearing:

No person from the public attended the hearing on October 28, 2021.

b. Testified at each hearing:

No person from the public testified at the hearing on October 28, 2021.

c. Submitted to the agency written comments:

No person from the public submitted written comment to the agency.

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 (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

The following is a list of names and contact information for all public persons who attended, testified or submitted written statements.

- a. None

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.

The Division determined that there was no impact on small businesses with the adoption of these regulations, therefore comments were not solicited from small businesses.

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

No public comment was received; the Division is submitting for final adoption as proposed.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

- a. Pursuant to NRS 233B.060, the proposed administrative regulation changes are not likely to impose a direct or significant economic burden upon a small business, or
- b. Directly restrict the formation, operation, or expansion of a small business.

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

Entrance fees are already enforced and collected at all Nevada State Parks therefore there will be no additional costs incurred for the adoption of this regulation.

- 9. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulation federal agency.**

There are no other regulations of other state or government agencies which the proposed regulation overlaps or duplicates. The proposed regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity and no summary is provided.

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

N/A

- 11. If the regulation provides a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

The new fee and increase to existing fees, combined, is expected to generate roughly \$1,000,000 in added user fee revenue. Any user fees the agency collects in excess of revenue targets gets deposited into an account that is used specifically for maintenance of state park facilities. It is anticipated that these increases will offset the reduction in the State General Fund allocated to the agency's current budget.