

Informational Statement
LCB File No. R107-13. Public Records

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

- (a) The need for this regulation is to comply with Assembly Bill (“AB”) 31 of 2013, which requires the State Library and Archives Administrator, pursuant to NRS 378.255 and in cooperation with the Attorney General, to prescribe by regulation the procedures with which a records official must comply in carrying out his or her duties. NRS 239.008
- (b) It is also needed to interpret certain statutory terms relating to public records for agencies of the Executive Department when carrying out these procedures.

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.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of public records as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Library and Archives (NSLA), posted on LCB’s Administrative Regulation Notices board, emailed to all county libraries in Nevada, and posted at the following locations:

Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV
Office of the Attorney General, 100 N. Carson Street, Carson City, NV

On November 14, 2013, the Administrator of the Nevada State Library and Archives, in a collaborative effort with the Attorney General’s Office, issued a Notice of Intent to Act Upon a Regulation.

A workshop was held by NSLA, in the hearing rooms of the Nevada Gaming Control Board in Carson City and Las Vegas, to review the regulations pursuant to NAC 348A.280 on December 6, 2013. The minutes of that Workshop, attached hereto, contain a summary of the discussion held regarding the proposed regulation. Mr. Barry Smith representing the Nevada Press Association testified at this Workshop.

A public hearing was held on December 16, 2013. All public comments from the Workshop were presented and discussed and the proposed amendments were incorporated, based on the suggestions of the parties attending the December 6, 2013 Workshop. Mr. Barry Smith representing the Nevada Press Association and Ms Ande Engleman, Independent Consultant, testified at this Hearing. The minutes of that Hearing, attached hereto, contain a summary of the discussion held regarding the proposed regulation.

A summary of the public response to the proposed regulation is attached hereto. Additional copies of the summary and copies of the proposed regulations may be obtained from the Nevada State Library and Archives, Records Management program at 100 N. Stewart St., Carson City, NV 89701, 775-684-3411, records@admin.nv.gov.

3. The number persons who:

- (a) Attended Workshop: December 6, 2013: 8
- (b) Testified at Workshop: December 6, 2013: 1
- (c) Submitted to the agency written comments: 2
- (d) Attended Hearing: December 16, 2013: 10
- (e) Testified at Hearing: December 16, 2013: 2

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

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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 State Library and Archives is not a regulatory agency with oversight over industries or small businesses, therefore comments were not solicited from the small business. 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 permanent regulation was adopted on January 6, 2013 and included some of the changes suggested at the workshop held on December 16, 2013. All comments of the proposed regulation were thoughtfully considered by the Administrator and representatives from the Attorney General's office. Not all requests for changes were accepted by the Administrator. A summary of the comments is attached hereto.

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

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. There is no economic effect on the agencies. There is no economic effect on the public.

(b) Both immediate and long-term effects.

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. There is no immediate or long-term economic effect on the public.

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

There are no estimated costs to the State Library and Archives for enforcement of the proposed regulation amendments. All impacts can be absorbed within existing staff and resources.

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, identify the name of the regulating federal agency.

The proposed regulation is not required pursuant to any federal law; the proposed regulation does not overlap that of any other state, local, or federal government agency.

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

N/A

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.

No fees are included in this regulation.

12. Is the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The State Library and Archives is not a regulatory agency with oversight over industries or small businesses. The proposed regulation only applies to activity by state government officials and imposes no direct requirements on any private businesses.

Attachment 1: Minutes of Workshop, December 6, 2013

Attachment 2: Workshop sign-in sheet

Attachment 3: Minutes of Hearing, December 16, 2013

Attachment 4: Hearing sign-in sheet

Attachment 5: Comments summary

(Attachments available at the State Library and Archives)