



704 W. NYE LANE
CARSON CITY, NEVADA 89703
(775) 684-5469

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608

1. Background:

The Nevada Commission on Ethics intends to proceed with the administrative rulemaking process as outlined in NRS 233B and is statutorily authorized to do so by NRS 281A.290. The Commission's Nevada Administrative Code (NAC) chapter is 281A. The Commission's jurisdiction is limited to public officers and public employees as defined by NRS Chapter 281A (Ethics Law). The enabling statute, NRS 281A.290, permits the Commission to adopt only procedural regulations. The Commission is not permitted to create new or otherwise modify substantive ethics standards that are established in the Ethics Law.

In analyzing the potential impact NAC 281A regulations may have on small business, the agency has concluded that regulations of the Commission have no impact on small business. The only parts of Nevada's ethics statutory framework that could impact small businesses are restrictions on where a former public officer or employee may work for one-year following separation from public service ("cooling off" restrictions) and restrictions on certain contracts. Those rules are established in statute and may not be modified by a change in NAC. Therefore, any regulations adopted or modified as part of the Commission's rulemaking process will have no direct or significant economic burden on small business and will not directly restrict the formation, operation, or expansion of small business.

2. Methods for Determination:

In making the determination that proposed amendments or new regulations under NAC 281A do not have an impact on small business, the agency used the following methods to determine any small business impacts:

- a. Review and analysis of the Commission's statutory authority and limits of jurisdiction
- b. Review and analysis of the Commission's rulemaking authority under NRS 281A
- c. Staff discussion of any Ethics Law touch points with small businesses
- d. Identification of potential small business issues related to the Ethics Law's "cooling off" and contracting restrictions as the only touch point with small business
- e. Legal conclusion that changes to "cooling off" and contracting restriction requirements are beyond the rulemaking authority of the Commission and can only be changed by statutory amendment by the Nevada Legislature

3. Conclusions and Reasons:

Conclusion 1: Any proposed regulation changes in Chapter 281A will not impose a direct and significant economic burden upon a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 2: Any proposed regulation changes in Chapter 281A. will not directly restrict the formation, operation, or expansion of a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 3: The Commission does not need to consult or solicit feedback from small business pursuant to NRS 222B.0608(2) related to proposed language in NAC Chapter 281A.

Reasons: Consultation and feedback are required under NRS 233B.0608(2) only if the agency determination that a 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 and the agency has determined the proposed regulations do not, as described in Conclusion 1 and 2 above.

I, Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), certify that a concerted effort was made to determine the impact of the proposed regulation on small business and the information contained in this statement is accurate to the best of my knowledge or belief:

Respectfully submitted,

DATED: 10/24/23

/s/ 
Ross E. Armstrong, Esq.
Executive Director