

**ADOPTED REGULATION OF
THE STATE BOARD OF EXAMINERS**

LCB File No. R011-00

Effective December 22, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~{omitted material}~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 41.036 and 353.040.

Section 1. Chapter 41 of NAC is hereby amended by adding thereto a new section to read as follows:

If a tort claim filed pursuant to NRS 41.036 against the state, any of its agencies or any of its present or former officers, employees, immune contractors or legislators:

1. Is for an aggregate amount that is less than the maximum allowable award for damages set forth in NRS 41.035, the attorney general shall:

(a) Investigate the claim; and

(b) Based on the best interest of the state, as determined by the attorney general, approve, deny or settle the tort claim.

2. Is for an aggregate amount that is equal to or greater than the maximum allowable award for damages set forth in NRS 41.035, the attorney general shall:

(a) Investigate the tort claim; and

(b) Present the claim to the state board of examiners, with the recommendation of the attorney general as to whether the claim should be approved, denied or settled.

3. The attorney general may, pursuant to Rule 68 of the Nevada Rules of Civil Procedure or Rule 68 of the Federal Rules of Civil Procedure, make an offer of judgment which is not

more than the maximum allowable award for damages set forth in NRS 41.035 in any pending litigation.

4. The attorney general may pay any final judgment entered by a state or federal court on a claim against the state, any of its agencies or any of its present or former officers, employees, immune contractors or legislators, regardless of the amount of the final judgment.

Sec. 2. NAC 41.120 is hereby repealed.

TEXT OF REPEALED SECTION

41.120 Hearings.

1. If a claim is to be disputed by any party, a hearing will be held within 45 days after the board's receipt of the claim. The board will set the time and place of the hearing.

2. The claimant must submit to the board the names and addresses of all witnesses to be called by him at the hearing.

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and

Repeal of Regulations of the

Nevada State Board of Examiners

The Nevada State Board of Examiners will hold a public hearing at 10:00 a.m., on December 13, 2000 at the Office of the Governor, Capitol Building, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 41 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. NRS 41.036 authorizes the State Board of Examiners to adopt regulations that specify the type of claim that the Attorney General is required to approve, settle or deny and the procedure to be used by the Attorney General in doing so. Adoption of the proposed regulations will expedite the State's handling of claims.
2. The proposed regulations would:
 - (a) Raise the dollar amount of the Attorney General's claims settlement authority;
 - (b) Raise the dollar amount of the Attorney General's authority to make offers of judgment;
 - (c) Allow the Attorney General to pay final State or Federal judgments in any amount; and
 - (d) Remove the requirement that the Board of Examiners provide a hearing for a person who disputes a determination of a claim by the Attorney General or by the State Board of Examiners.
3. The proposed regulations will have no foreseeable economic impact on businesses or on the public.
4. The proposed regulations will result in no enforcement cost to the State Board of Examiners.
5. There are no regulations of other state or local entities which these proposed regulations overlap or duplicate.
6. These regulations are not required pursuant to any federal law.
7. No federal regulation controls the same activities as controlled by these regulations.
8. These regulations do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the State Board of Examiners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to State Board of Examiners, 209 East Musser Street, Room 200, Carson City, Nevada, 89701. Written submissions must be received by the State Board of Examiners on or before Friday, December 8, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Board of Examiners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and repealed will be available at 209 East Musser Street, Room 200, Carson City, Nevada, 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following public agency locations:

Carson City Courthouse
Capitol Building, Carson City
Blasdel Building, Carson City
Legislative Building, Carson City
Sawyer Building, Las Vegas

CARSON CITY LIBRARY
900 NORTH ROOP ST
CARSON CITY NV 89701

CHURCHILL COUNTY LIBRARY
553 SOUTH MAINE ST
FALLON NV 89406

LAS VEGAS-CLARK COUNTY LIBRARY
833 LAS VEGAS BLVD NORTH
LAS VEGAS NV 89101
DOUGLAS COUNTY LIBRARY
P O BOX 337
MINDEN NV 89423

ELKO COUNTY LIBRARY
720 COURT ST
ELKO NV 89801

GOLDFIELD PUBLIC LIBRARY
P O BOX 430
GOLDFIELD NV 89013

EUREKA BRANCH LIBRARY
P O BOX 293
EUREKA NV 89316

HUMBOLDT COUNTY LIBRARY
85 E 5TH ST
WINNEMUCCA NV 89445

LANDER COUNTY
BATTLE MOUNTAIN BRANCH LIBRARY
P O BOX 141
BATTLE MOUNTAIN NV 89820

LINCOLN COUNTY LIBRARY
BOX 330
PIOCHE NV 89043

LYON COUNTY LIBRARY
20 NEVIN WAY
YERINGTON NV 89447

MINERAL COUNTY LIBRARY
P O BOX 1390
HAWTHORNE NV 89415

NYE COUNTY
TONOPAH PUBLIC LIBRARY
P O BOX 449
TONOPAH NV 89049

PERSHING COUNTY LIBRARY
P O BOX 781
LOVELOCK NV 89419

STOREY COUNTY LIBRARY
P O BOX 14
VIRGINIA CITY NV 89440

WASHOE COUNTY LIBRARY
P O BOX 2151
RENO NV 89505

WHITE PINE COUNTY LIBRARY
950 CAMPTON
ELY NV 89301

STATE LIBRARY AND ARCHIVES
100 STEWART STREET
CARSON CITY NV 89701

BLASDEL BUILDING
209 E MUSSER STREET
CARSON CITY NV 89701

MOTOR VEHICLES & PUBLIC SAFETY BUILDING
305 GALETTI WAY
RENO NV 89512

GOVERNOR'S OFFICE
555 E WASHINGTON AVE
SUITE 5100
LAS VEGAS NV 89101

LEGISLATIVE COUNSEL BUREAU
401 S CARSON STREET
CARSON CITY NV 89701

LCB File No. R011-00

NOTICE OF ADOPTION OF REGULATIONS

The State Board of Examiners adopted regulations assigned LCB File No. RO11-00 which pertain to chapter 41 of the Nevada Administrative Code on December 13, 2000. A copy of regulations as adopted with changes is attached hereto.

INFORMATIONAL STATEMENT

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY THE
ADMINISTRATIVE PROCEDURES ACT,
NRS 233B.066
LCB FILE RO11-00

The following statement is submitted for adopted amendments to chapter 41 of the Nevada Administrative Code.

1. 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.

Public response was solicited by the required posting of the Notice of Intent to Act Upon a Regulation, which was posted on October 9, 2000 at the following locations in Carson City: Carson City Courthouse, Capitol Building, Blasdel Building, Legislative Building and at the Sawyer Building in Las Vegas. There was no public response.

2. The number of persons who:
- (a) Attended the hearing: 16
 - (b) Testified at the hearing: 1
 - (c) Submitted to the agency written comments: 0

3. Description of how comment was solicited from affected businesses, summary of their responses and an explanation how other interested persons may obtain a copy of the summary.

The regulations have no affect on business and no businesses responded to the Notice of Intent to Act Upon a Regulation.

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

At the suggestion of the Governor, the \$200,000 thresholds in Sections 1 and 2, and the \$100,000 threshold in Section 3, were unanimously adopted to incorporate by reference the tort claim cap set forth in NRS 41.035.

5. 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 in each case must include:

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

The adopted regulations do not regulate businesses and will therefore have no economic effect on businesses.

6. The estimated cost to the agency for enforcement of the adopted regulations.

None.

7. Description of any regulations of other state or government agencies which the adopted 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 regulated federal agency.

There are no other state or government agency regulations that the adopted amendments duplicate.

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

No federal regulation regulates the same activity as the adopted regulation.

9. 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.

The adopted regulation does not provide for a new fee or for an increase in an existing fee.