

**REVISED PROPOSED REGULATION OF  
THE STATE BOARD OF EXAMINERS**

**LCB File No. R011-00**

June 26, 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 less than \$200,000, 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 of \$200,000 or more, 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 of not more than \$100,000 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**Sec. 2.** NAC 41.120 is hereby repealed.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**TEXT OF REPEALED SECTION**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

LAD 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