

Administrative Rulemaking

A PROCEDURAL GUIDE



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A message from the Attorney General:

The Nevada Legislature authorizes almost every department, agency, board and commission to adopt administrative regulations. Administrative regulations take into consideration complex and technical issues that are not addressed in our state statutes. The process of adopting administrative regulations gives the public insight into how laws passed by the legislature should be implemented and into opportunities to be engaged in the process. To assist those involved with the process of adopting administrative regulations, the Office of the Attorney General offers training classes and has prepared this manual: ADMINISTRATIVE RULEMAKING—A PROCEDURAL GUIDE. This manual aims to provide its readers with a comprehensive explanation of the procedure of adopting administrative regulations. I hope this manual will be used as a helpful reference for Nevadans.

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Purpose of Regulations

In general, regulations clarify the requirements that licensees and members of the public must follow. To promote public access and government accountability, any general standard set by an agency should be made into a regulation. Regulations are statements of general applicability that interpret law, describe agency rules and practice, and set standards for the public. Regulations allow public agencies to use their specific knowledge to clarify and supplement the law; if an agency creates a standard that applies to the public in general or the population for which it has jurisdiction and affects private rights, the agency must do so via a regulation. For these reasons, regulations do not include those policies and procedures controlling the internal business of the agency itself or applications of law to specific facts, such as in a contested case or advisory opinion.

The Legislature granted agencies authority to create regulations that have the force and effect of law.¹ To ensure public access and fair notice to the public, agencies must diligently follow the process created by the Nevada Administrative Procedure Act (“APA”)² when creating regulations.³ Agencies must also be vigilant against inadvertent ad hoc rulemaking. Stating an official position on an interpretation question⁴ or setting a standard or definition without following the rulemaking process is considered ad hoc rulemaking and must be eschewed.⁵ In short, any standard or policy that affects the general public, such as requiring or prohibiting conduct, must be made by the formal procedure for promulgating regulations.

Regulations must (1) have authority delegated by the legislature, (2) comply with the rights guaranteed by the Nevada and United States Constitutions and (3) comply with the requirements of the Nevada APA.

¹ NRS 233B.040(1).

² NRS Chapter 233B.

³ Some agencies are exempt from NRS Chapter 233B. See NRS 233B.039(1).

⁴ *Coury v. Whittlesea-Bell Luxury Limousine*, 102 Nev. 302, 305 721 P.2d 375, 377 (1986).

⁵ There are certain exceptions laid out in NRS 233B.038 and not all agencies are subject to the APA. See NRS 233B.039.

Rulemaking Authority

Agencies are given rulemaking authority via an enabling statute. This statute may be general, such as the authority to make regulations “necessary for the execution of the powers and duties conferred upon it by law”.⁶ The statute may instead be tailored to a specific, legislative goal; for example, the Department of Education was directed to “... prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free from bullying and cyberbullying.”⁷ An agency may only promulgate regulations to the extent authorized by the legislature, and whether the enabling statute is broad or narrow, the authority will be limited to some level. For regulations which are required by federal law, but which exceed state statutory authority, a statement to this effect must be made.⁸

There are special considerations when beginning the rulemaking process. Some subject areas require specific authorization; for example, the imposition of monetary sanctions, penalties or fees, and the submission of fingerprint records. There are also some regulations required of all public agencies, such as petition processes.⁹ Always refer to the agency’s enabling statute, review any legislative changes which may have created new authority, and confer with a colleague, supervisor, or legal counsel if you are unsure.

Agencies are only permitted to promulgate regulations during certain time periods, aligning with Nevada’s biennial legislative schedule. Agencies may submit permanent regulations to the Legislative Counsel Bureau between July 1 of an odd-numbered year and July 1 the following even-numbered year.¹⁰ Temporary regulations may be adopted between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year.¹¹

⁶ NRS 385.080.

⁷ NRS 388.133.

⁸ NRS 233B.067.

⁹ NRS 233B.100; NRS 233B.120.

¹⁰ NRS 233B.063(2).

¹¹ NRS 233B.063(3).

Drafting

After determining (1) that a regulation is necessary, and (2) that your agency has statutory authority to create it, it is time to begin the drafting process. If it is within the window to submit permanent regulations, drafting suggested language is not required as the Legislative Counsel Bureau (“LCB”) will review and likely revise the language after submission. In this case, you need only provide a summary of what your agency would like to accomplish through regulation. If your agency is promulgating temporary or emergency regulations, or otherwise would like to submit language for the regulation, refer to Appendix A for the technical specifications.

Aside from the regulations themselves, your agency must also consider the impact of the regulations on small businesses.¹² If you determine the regulation(s) will “impose a direct and significant economic burden” or “directly restrict the formation, operation or expansion of a small business,”¹³ your agency must prepare a small business impact statement.¹⁴ This statement must summarize the likely impact and consider methods to reduce the burden.¹⁵ The analysis should be conducted by a knowledgeable employee or through the use of a consultant or independent contractor, and be prepared in consultation with owners and officers of small businesses likely to be affected. As a matter of practice, the agency should submit a statement regardless of whether an impact is anticipated—demonstrating to the legislature that the agency reached out to work with small businesses.

Types of Regulations

There are three types of regulations: permanent, temporary, and emergency. Each type has its own process from conception to filing with the Secretary of State. Promulgating permanent regulations is only possible during a specified time period; in the interim, circumstances may arise which require an agency to bring forth temporary or emergency regulations.

¹² Small business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” NRS 233B.0382.

¹³ NRS 233B.0608(1).

¹⁴ NRS 233B.0608(2).

¹⁵ See NRS 233B.0609 for all requirements of the statement.

Below you will see an overview of the process for each type of regulation and a description of each step in the processes:

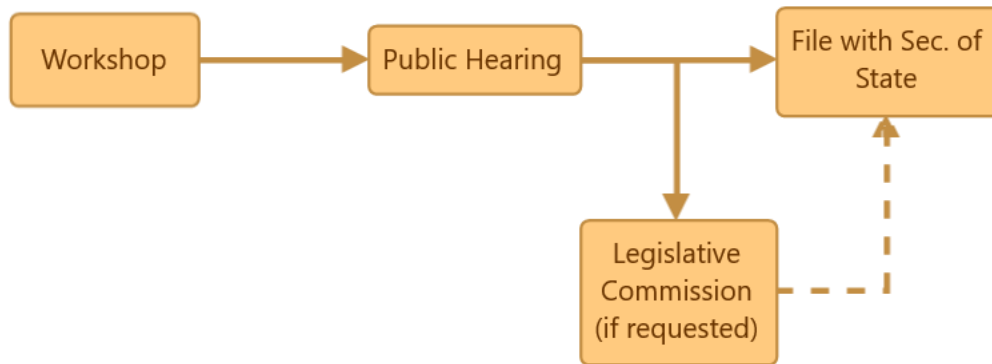
Permanent Regulations

(Must submit between July 2 of an odd-numbered year and June 30 the following even-numbered year)



Temporary Regulations

(May submit from August 1 of an even-numbered year to July 1 the following odd-numbered year. Valid through Nov. 1 of the odd-numbered year)



Emergency Regulations

(Valid for 120 days)



Procedure

Workshop

The first public step of the rulemaking process is the workshop. At least one workshop must be held when promulgating permanent or temporary regulations to discuss the proposal and incorporate input received from interested stakeholders. The workshop must be conducted in accordance with Open Meeting Law requirements¹⁶. In addition, notice of the workshop must be posted at least fifteen (15) calendar days before the workshop is held and an electronic copy of the notice must be submitted to the Director of the Legislative Counsel Bureau (“LCB”) for posting on the LCB website.

LCB Review

After the workshop, the draft language or summary of permanent regulations must be submitted to LCB.¹⁷ This should be done via e-mail to regulations@lcb.state.nv.us. After receipt, LCB will assign the regulation an R-number and may consult with your agency to clarify the intent. The drafter assigned to your regulation is tasked with ensuring clear, concise language for incorporation in the Nevada Administrative Code and that the agency has the requisite authority. The agency and its counsel should work with LCB to clarify where necessary and ensure that any changed language is consistent with the agency’s intent. By statute, LCB must return a draft within thirty (30) days¹⁸, though in practice this process may take longer. The agency should provide timely responses to any questions from its LCB drafter to facilitate the process.

Public Hearing

After the agency has received a draft from LCB, the agency is able to post its Notice of Intent to Act Upon Regulations¹⁹ (also known as the public hearing notice), along with a copy of the draft regulation. This Notice must be

¹⁶ Refer to the Nevada Open Meeting Law Manual published by the Office of the Attorney General for more information. Note that in 2023 the Open Meeting Law was amended to require meetings held to consider a regulation to have a physical location where members of the public can attend and participate.

¹⁷NRS 233B.060; NRS 233B.063.

¹⁸ NRS 233B.063(2).

¹⁹ See NRS 233B.0603 for notice requirements; a copy of the form is provided in Appendix B.

posted for at least thirty (30) days prior to holding the public hearing, and a copy of the notice must be sent to the Director of LCB to be posted on the LCB website.²⁰ Agencies have an affirmative duty to solicit comment and provide notice to the public. Notice must be given to LCB, the State Library and Archives, and all persons on the agency's mailing list for regulations. Notice may be additionally posted in other locations such as courthouses, businesses, and professional associations to ensure a wide-ranging response, and help address stakeholder concerns prior to submission to the Legislative Commission.

At the public hearing on the regulation, the agency will receive comments from the public. The agency must accept comments both in person and in writing, but the agency may set a deadline for receipt of written comments to allow time for consideration. The public hearing must comply with Open Meeting Law²¹ and afford "interested parties... a reasonable opportunity to submit data, views or arguments upon a proposed regulation."²² The public body or individual with the authority to adopt the regulations must fully consider all comments received at the hearing; in the case of a public body, this consideration can be done orally, on the record. In the case of an individual, a written report is required. The consideration statement must include the requested change, the response to the request and the reason why the change was made or rejected.

Respond to Changes

If any substantive changes are made to the regulations in response to the public hearing, the language must be resubmitted to LCB for drafting of a "revised proposed" regulation. After receipt of the second LCB draft, the agency must again notice and hear public comments on the changes prior to adoption.

²⁰ An additional agenda conforming to Open Meeting Law requirements must also be prepared and posted.

²¹ Refer to the Nevada Open Meeting Law Manual for more information.

²² NRS 233B.061(1).

Legislative Commission

At this point, the regulations may be formally adopted by the agency and submitted to the Legislative Commission for approval.²³ The Legislative Commission is a body of 12 legislators, six from each house, that takes actions on behalf of the legislative branch of government when the full legislature is not in session. It meets every few months between sessions to provide guidance to staff of the Legislative Counsel Bureau and to deal with interim matters such as regulations.

While temporary regulations typically do not require approval by the Legislative Commission, it will be required if a legislator specifically requests review of the regulation. The original, final copy of the regulation must be sent to LCB, along with an informational statement explaining the need for the change,²⁴ the Form for Filing Administrative Regulations and the Notice of Adoption of Regulation.²⁵ Permanent regulations must be approved by the Legislative Commission before they may become effective.

The Legislative Commission will review the regulation to ensure it conforms to legislative authority and intent.²⁶ If it determines that the regulation is not in conformity or that a regulation submitted under federal authority is not required by federal law, the body may suspend filing. If the Legislative Commission or the Subcommittee to Review Regulations objects to a regulation, the agency shall, within sixty (60) days, revise and return the regulation. At the second review, the body may either withdraw its objection (and LCB will file the regulation with the Secretary of State and notify the agency of the filing²⁷) or it may object to the revised regulation. In the latter case, notice of the objection will be provided to the agency, which must continue to revise the regulation and resubmit it within thirty (30) days after receipt until the objection is removed.

For licensing boards relating to health care services, regulations that address licensing and renewal requirements have one further step. These

²³ The Legislative Commission may delegate this approval to the Subcommittee to Review Regulations.

²⁴ See NRS 233B.066 and Appendix C for more information.

²⁵ See Appendix D.

²⁶ The Legislative Commission takes guidance from LCB; for this reason, working closely with your LCB drafter to resolve any issues prior to approval is advised.

²⁷ NRS 233B.0675.

regulations must additionally be submitted to the Legislative Committee on Health Care for review and approval.²⁸

Governor's Signature

In the case of emergency regulations, the language is submitted to the Governor with a statement describing the emergency which requires the regulation. If the Governor agrees with the agency's assessment and proposed regulations, she or he will sign the regulations and they will be ready to file with the Secretary of State. These regulations are only valid for 120 days; this affords the agency time to begin the temporary or permanent rulemaking process.

In addition to the ability to approve emergency regulations, the Governor is also specifically authorized to suspend regulations in the case of a proclaimed water or energy emergency.²⁹

File with Secretary of State

Once the regulation has received final approval, it must be filed with the Secretary of State to become effective. Permanent regulations will be filed by LCB after approval. In the case of temporary regulations, the agency must wait at least 35 days after the date of adoption before the regulations may be filed. Upon filing with the Secretary of State, the agency must also submit a copy of the regulations bearing a stamp from the Secretary of State to the State Library and Archives.

Special Considerations

Continued Review

Agencies are required by statute to review their regulations every ten (10) years and submit a report to LCB.³⁰ However, we advise agencies review their regulations every two (2) years, following the legislative session. Often, new law will be passed that assigns an agency a regulatory task or changes the scope of the agency. Even without new law, agencies often respond and

²⁸ NRS 439B.225(2).

²⁹ NRS 233B.100(2); NRS 416.060.

³⁰ See Appendix E for the form.

must adapt to new scenarios; ensuring regulations reflect the needs of the agency provides proper notice and transparency for the public.

Rules of Practice

Rules regarding the practice and procedure before an agency are called *Rules of Practice*.³¹ They are a subset of the agency's regulations and control subjects such as petitioning for new regulations or amending existing regulations,³² requests for declaratory orders or advisory opinions,³³ and any agency specific requirements for contested hearings and other proceedings. Agencies must review their rules of practice every three (3) years and submit a form to the Secretary of State.³⁴

Register of Administrative Regulations

LCB maintains the Register of Administrative Regulations³⁵. This Register includes all versions of the text of the regulations, including the proposed and adopted text. It also includes the Notice of Intent to Act Upon a Regulation, the Written Notice of Adoption of Regulation, the Informational Statement, and the effective date of the regulation.

Challenges

A regulation may be challenged for its validity or applicability. The court must declare a regulation invalid if it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The plaintiff in this action must allege that the regulation or proposed application interferes with or impairs, or threatens to interfere with or impair, his or her legal rights or privileges. The plaintiff may bring the action in the district court where he or she resides or in Carson City. The Attorney General must be served and have the opportunity to be heard. In addition to challenges by the public, any agency may seek a declaratory judgement to establish the validity of its own regulations.

³¹ NRS 233B.050(1).

³² NRS 233B.100 requires all agencies with rulemaking authority to create a process for requesting new or amended regulations.

³³ See NRS 233B.120.

³⁴ See Appendix F for the form.

³⁵ NRS 233B.0653(1).

Appendix

Because regulations are added to the Nevada Administrative Code (“NAC”) and must be accessible, clear and concise, consistent use of language is necessary. NRS 233B.062. To achieve this goal, the following are guidelines for drafting:

Text

Related or relevant NAC provisions from other agencies serve as a helpful guide in formatting and drafting your regulations. If you are amending a section of your current NAC chapter, include the entire section as is. You do not need to include the entire chapter unless it is being amended in its entirety.

For new language, the font should be italicized and in a color *other than black*. For language you wish to delete from the current chapter, ~~place it in brackets and strikethrough~~. Changes to punctuation or language should be placed after the brackets.

Sections should not be assigned numbers for codification, as only permanent regulations are codified and this will be done by LCB. To format your sections, follow the format found in the NRS and NAC:

1. Subsection
 - (a) Paragraph.
 - (1) Subparagraph.
 - (I) Sub-Subparagraph.

Definitions

1. A definition should be used where the word is used in a sense different from its ordinary meaning or where its meaning is extended or limited. Do not define a word which does not occur in the regulation or chapter.

2. A definition must not contain any substantive provisions.

3. If a word is defined in NRS, it should be used in the same sense in any related regulations. NRS 0.024 provides that, with certain exceptions, “if a word or term is defined for use in a particular title or chapter of the Nevada Revised Statutes or in a particular subpart thereof, the word or term has the same meaning in the corresponding title or chapter of the Nevada Administrative Code or in the corresponding subpart thereof, as applicable.” Regulations should not duplicate a definition from the NRS

4. It may be helpful or necessary to reference a NRS definition that is not in the same chapter. For example, in a licensing board’s NAC chapter, it may be helpful to reference the definition of controlled substance as it relates to unprofessional conduct. A regulation could state: “Controlled substance” has the meaning ascribed to it in NRS 0.031.

Common Terms of Art

1. A command is expressed by “shall,” a prohibition by “shall not.”
 - a. “No person shall” is not acceptable usage. Use “shall” when a duty to act is imposed. Remember that only persons and other legal entities can perform a duty. See NRS 0.025.
2. Use “must” to express a requirement when:
 - a. The subject is a thing. (For example: “The application must be accompanied by a fee of . . .”)
 - b. The subject is a natural person and the verb is in the passive voice. (For example: “A licensee whose bond has expired must be . . .”)
 - c. The subject is a natural person and only a condition precedent and not a duty is imposed. (For example: “A person who desires to be licensed must file an application . . .”)See NRS 0.025.
3. Permissive conduct is expressed by “may.” See NRS 0.025. For example: “The Board may fine a licensee not more than \$5,000 per violation.”
4. A regulating authority cannot command itself. If the agency intends to promise that it will act in a certain way, the appropriate phrase is, for example, “The Board will . . .”
5. The following is a partial list of words and phrases that should be avoided:
 - “individual” as a noun, instead use “person”
 - “prior to,” instead use “before”
 - “such,” unless it means “of this kind” or is followed by “as” or “that”
 - “due to,” instead use “because of”
 - “duly”
 - “herein”
 - “professional” as a noun
 - “implement” as a verb, instead use “carry out”
 - “utilize,” instead use “use”
6. Use verbs in their simplest and most active form. For example: Instead of using “give consideration to” use “consider,” instead of using “have knowledge of” use “know,” and instead of using “make payment” use “pay.”
7. Do not use jargon. Words used in a regulation should be found in the dictionary. A common fault of contemporary speech and writing is the stringing together of nouns when all but the last are being used as adjectives, as in “health care delivery system.” Use prepositions to avoid this (“system for delivery of health care”) or define the term in the proposed regulation.

8. The NRS and NAC must be gender neutral, such as “he or she” or “persons.” However, non-gender specific terms are preferred, such as “applicant” or “licensee”. See NRS 0.030.
9. Always use the singular number unless only the plural applies. See NRS 0.030.
10. Do not use redundant language. A regulation should contain no text covered by a statute. Portions of proposed regulations that repeat statutory provisions will be deleted by Legislative Counsel.

Material Incorporated by Reference

NRS 233B.040 authorizes the adoption by reference of material published by another authority. A regulation which incorporates such material must state where a copy of the material may be obtained and how much it costs. The agency is required to file a copy of the material incorporated by reference with the Secretary of State and the State Library and Archives Administrator. In addition, a copy of the material should accompany the adopted regulation filed with the Legislative Counsel. The Legislative Counsel will file the regulation with the Secretary of State. When the agency files a copy of the adopted regulation with the State Library and Archives Administrator, a copy of the material incorporated by reference must accompany the regulation.

Typical Order of Sections in a Regulation

Chapters and sections should be amended in numerical order. New sections added to a chapter are placed before amended sections for that chapter. If definitions are added with other new sections, the definitions appear before the substantive provisions. The following is an outline of the typical order of sections in a regulation:

1. New sections for a particular chapter.
 - (a) Definitions, listed alphabetically.
 - (b) Substantive provisions.
2. Amended sections in that same chapter in numerical order.
3. If applicable, new sections for another chapter, in numerical order.
4. Amended sections for that chapter, in numerical order.
5. Repealed sections in numerical order.
6. Effective date. (This is rarely used in a regulation. Normally, the regulations become effective upon filing.)

Notice Of Intent To Act Upon A Regulation

Notice of Hearing for the(Adoption) (Amendment)
(Repeal).... of Regulations of the
.....(Name of Agency).....

The(Name of Agency)..... will hold a public hearing at(time).....m., on the(day) of(month) of(year), at(Address of Hearing Room)..... The purpose of the hearing is to receive comments from all interested persons regarding the(Adoption) (Amendment) (Repeal).... of regulations that pertain to chapter(Number of Chapter) of the Nevada Administrative Code.

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

(In this space, state:

1. The need for and the purpose of the proposed regulation or amendment.
2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.
3. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.
4. The estimated economic effect of the regulation on the business 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.
5. The methods used by the agency in determining the impact on a small business.
6. The estimated cost to the agency for enforcement of the proposed regulation.
7. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
8. If the regulation is required pursuant to federal law, a citation and description of the federal law.
9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
10. Whether the proposed regulation establishes a new fee or increases an existing fee.
11. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)

Persons wishing to comment upon the proposed action of(Name of Agency)..... may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to(Name and Address of Agency)..... Written submissions must be received by the(Name of Agency)..... on or before(Date)..... If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the(Name of Agency)..... may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be ...(Adopted) (Amended) (Repealed)... will be on file at the State Library, Archives and Public Records, 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) (Amended) (Repealed)... will be available at(Name and Address of each Office of the Agency)....., and (website address for Agency)....., for inspection and copying 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 at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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 locations:

(Include in this space the locations at which the notice was posted pursuant to the provisions of chapters 233B and 241 of Nevada Revised Statutes.)

Informational Statement Form

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

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

This regulation is necessary to update the regulations to comply with recent statutory changes.

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 industrial development bonds as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Office of Business Finance and Planning (OBFP), www.dbi.state.nv.us/bfp/, mailed to all county libraries in Nevada and posted at the following locations:

Department of Business and Industry
788 Fairview Dr. #100
Carson City, Nevada 89701

Grant Sawyer Building
555 E. Washington Blvd., Suite 4900
Las Vegas, Nevada 89101

Legislative Building
401 South Carson Street
Carson City, Nevada 89710
Nevada Dept. Of Cultural Affairs
100 Stewart St.
Carson City, Nevada 89701

The Bradley Building
2501 East Sahara Ave.
Las Vegas, Nevada 89104

A workshop was held in conjunction with a meeting of the special committee to provide advice on private activity bonds (Volume Cap Committee) established

pursuant to NAC 348A.280 on March 25, 2014, and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed amendments. Thereafter, on or about July 12, 2014, the Director of the Department of Business and Industry (Director) issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments the suggestions of the parties attending the March 25th workshop as well as the recommendations of the Volume Cap Committee.

An additional workshop and public hearing was held on September 1, 2014. At that workshop and hearing, John Swendseid, an attorney representing Clark County, Nevada, testified in support of the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Office of Business Finance and Planning, 788 Fairview Drive, Suite 100, Carson City, Nevada 89701, 775-687-4246, or email to ssmith@dbi.nv.gov.

3. The number persons who:

- (a) Attended each hearing:** March 25, 2005 – 10; September 1, 2005: 4
- (b) Testified at each hearing:** March 25, 2005 – 10; September 1, 2005: 3
- (c) Submitted to the agency written comments:**
No written comments were submitted.

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, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

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 September 1, 2014 and included all of the changes suggested at the workshop and Volume Cap Committee meeting held on March 25, 2014.

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**
- (b) Both immediate and long-term effects.**

(a) Both adverse and beneficial effects

Local governments will have additional, although minor, requirements for the allocation and use of state volume cap in the immediate and long-term which should not involve any additional expense. Local governments and other persons who benefit from the use of state volume cap, including the public, will benefit in the immediate and long-term from provisions that will provide greater assurance that volume cap authority is not wasted.

(b) Both immediate and long-term effects.

See Item # 5(a)

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

There is no additional cost to the agency for enforcement of this regulation.

9. 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, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

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.

This regulation does not provide a new fee or increase an existing fee.

Notice of Adoption of Regulation

The (Name of Agency)..... adopted regulations assigned LCB File No.
which pertain to chapter(chapter number).... of the Nevada Administrative Code
on(Date)..... A copy of the regulations as adopted is attached hereto.

Form for Review of Regulations
(10-Year Review)

NRS 233B.050(1)(e) states:

1. In addition to other regulation-making requirements imposed by law, each agency shall: (e) Review its regulations at least once every 10 years to determine whether it should amend or repeal any of the regulations. Within 30 days after completion of the review, the agency shall submit a report to the Legislative Counsel for distribution to the next regular session of the Legislature. The report must include the date on which the agency completed its review of the regulations and describe any regulation that must be amended or repealed as a result of the review.

(Attach additional sheets if necessary)

Agency Reporting: _____

Address: _____

Contact Person: _____

Contact Telephone: _____

Contact Email: _____

Date of Last Review: _____

Date of Current Review: _____

Chapters or Sections of Nevada Administrative Code Reviewed:

Revisions to regulations made or proposed as result of review:

Date Filed With Legislative Counsel: _____

Comments:

Form for Review of Rules of Practice
(3-Year Review)

NRS 233B.050(1)(d) states:

1. In addition to other regulation-making requirements imposed by law, each agency shall: (d) Review its rules of practice at least once every 3 years and file with the Secretary of State a statement setting forth the date on which the most recent review of those rules was completed and describing any revisions made as a result of the review. (Attach additional sheets if necessary)

Agency Reporting: _____

Address: _____

Contact Person: _____

Contact Telephone: _____

Contact Email: _____

Date of Last Review: _____

Date of Current Review: _____

Chapters or Sections of Nevada Administrative Code Reviewed:

Revisions to regulations made or proposed as result of review:

Date Filed With Secretary of State: _____

Comments:

Form for Filing Administrative Regulations

SECRETARY OF STATE
FILING DATA

Agency

FOR EMERGENCY
REGULATIONS ONLY

Effective date

Expiration date

Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action

Authority citation other than 233B

Notice date _____

Date of Adoption by Agency _____

Hearing date _____

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

2. Description of Solicitation:

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1))

4. How was that conclusion reached?

I, [NAME] [TITLE], certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: _____

Signature: _____

Name

Title

Agency

Regulation Checklist

- Need for new regulation (legislative directive, change of agency policy, need for clarification, etc.)
- Statutory authority to promulgate regulations
 - General Authority
 - For this specific regulation
- Type of regulation?
 - Permanent: between July 2, 20xOdd and June 30, 20xEven
 - Temporary: between July 1, 20xEven and July 1, 20xOdd
 - Emergency: requires immediate implementation

Permanent

- Notice of Workshop Posted
- Workshop held in accordance with Open Meeting Law
 - Take note of attendees, speakers
- Draft language or summary sent to LCB
 - Answer any questions from drafter
 - Check intent of regulation still captured by language
- Notice of Intent to Act Upon Regulations Form
 - Post for 30 days prior to hearing
 - Notify LCB, State Library and Archives and agency's mailing list for regulations
- Public Hearing held in accordance with Open Meeting Law
 - Deadline for written submissions set
- Fully Consider public comments
 - OML: discuss and decide changes on the records
 - Individual: discuss and decide changes, publish report
- Any substantive changes?
 - Resubmit to LCB
 - Notice and receive public comment
- Submit to LCB for approval
 - Final Copy of Regulations
 - Informational Statement
 - Form for Filing Administrative Regulations
 - Notice of Adoption of Regulation
- Approval by Legislative Commission (or Subcommittee for Review of Regulations)
 - LCB will file automatically
 - If licensing and renewal regulations, submit to Legislative Committee on Health Care

- Submit stamped copy from Secretary of State to the State Library and Archives

Temporary

- Notice of Workshop Posted
- Workshop held in accordance with Open Meeting Law
 - Take note of attendees, speakers
- Draft language
 - Use textual guide from Appendix A
- Notice of Intent to Act Upon Regulations Form
 - Post for 30 days prior to hearing
 - Notify LCB, State Library and Archives and agency's mailing list for regulations
- Public Hearing held in accordance with Open Meeting Law
 - Deadline for written submissions set
- Fully Consider public comments
 - OML: discuss and decide changes on the records
 - Individual: discuss and decide changes, publish report
- Legislative Review requested?
 - Submit to LCB for approval by Legislative Commission
 - LCB will file automatically
- File with Secretary of State
 - Submit stamped copy from Secretary of State to the State Library and Archives

Emergency

- Draft Statement of Emergency
- Submit to Governor's Office for signature
- File with Secretary of State
 - Submit stamped copy from Secretary of State to the State Library and Archives