

**NOTICE OF PUBLIC WORKSHOPS TO SOLICIT COMMENTS ON
PROPOSED REGULATIONS
LCB File No. R136-14**

(THIS IS NOT A NOTICE OF INTENT TO ACT ON A REGULATION)

The Division of Industrial Relations, Department of Business and Industry, State of Nevada, (“Division”), will conduct a public workshops to amend NAC 616C.490 and repealing NAC 616A.500 and NAC 616A.510.

The public workshops will be conducted at the following locations at the listed dates and times:

MONDAY, JANUARY 5, 2015 AT 9:00 A.M., BY VIDEO CONFERENCE

Nevada State College
303 S. Water Street
Room 119
Henderson, Nevada 89015

Western Nevada College
Cedar Building, Room 307
2201 W. College Parkway
Carson City, Nevada 89703

Pursuant to NRS 233B.608 and 233B.609, the Division is providing the following statements pertaining to the workshop on proposed changes to Chapter 616B, NAC.

The need and purpose of the proposed revisions to regulations:

The Division of Industrial Relations, Workers’ Compensation Section’s proposed amendment to NAC 616C.490 and repeal of NAC 616A.500 and NAC 616A.510 will: conform the language of NAC 616C.490 with the Nevada Supreme Court holding in PACT v. Blake, supra, which struck down subsection 4; and repeal NAC 616A.500 and NAC 616A.510, to comply with Sections 1.7 and 3.5 of Chapter 521, Statutes of Nevada 2011, at pages 3589 and 3592-93, amending NRS 244.33505 and NRS 268.0955, respectively, regarding Form D-25.

The estimated economic effect of the proposed regulations on regulated businesses and the public, stating adverse and beneficial effects:

Adverse: The Division believes that there will be no adverse effects that would negatively impact business. The Division also believes that there is no adverse effects anticipated that would negatively impact the general public.

Beneficial: The Division believes that repeal of NAC 616A.500 and NAC 616A.510 will remove unnecessary or duplicative regulations which are now covered in NRS 244.33505 and NRS 268.0955.

A copy of the proposal may be obtained at the workshop or downloaded from the Nevada Mechanical Section website: <http://dirweb.state.nv.us/WCS/wcs.htm>. Before the Public Workshop, persons may submit written comments to Donald C. Smith, Esq., Senior Division

Counsel, Division of Industrial Relations, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074.

After the comments have been reviewed and considered, the Division will give notice of intent to act on the regulations and conduct one or more public hearings to solicit written and/or oral comments, data, and views on the proposed regulations.

Persons with disabilities who require special accommodations or assistance at the workshop must notify Kristin Dakuginow, at the Division of Industrial Relations, 1301 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074, or by calling (702) 486-9000 by 5:00 p.m., Friday, December 29, 2014.

This Notice of Workshops to Solicit Comments on Proposed Regulations has been posted at the following locations: the Division's offices at 400 West King, Suite 210, Carson City, NV 89703; 1301 North Green Valley Parkway, Suite 200, Henderson, NV 89074; 4600 Kietzke Lane, Suite F-153, Reno, NV 89502; the Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101; the Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; and the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada 89701. In addition, this notice has been posted on the Division's Web site: <http://dirweb.state.nv.us/WCS/wcs.htm>.

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
LCB FILE NO. R136-14**

December 8, 2014

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

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether these regulatory matters are likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed and potential regulation changes in conjunction with existing regulations. This statement addresses the fiscal impact of the proposed change to NAC 616C.490 to comply with the Nevada Supreme Court decision in Public Agency Compensation Trust (PACT) v. Blake, 127 Nev. Adv. Op. 77, 265 P.3d 694 (2011); plus a repeal of NAC 616A.500 and NAC 616A.510. Based on this review, the Division determined that this regulation will have no effect on small businesses, either adverse or beneficial.

Section 1 of these proposed regulations aligns the language of NAC 616C.490 with the Nevada Supreme Court holding in PACT v. Blake, *supra*, which struck down subsection 4. Section 2 of these proposed regulations repeals NAC 616A.500 and NAC 616A.510, to comply with Sections 1.7 and 3.5 of Chapter 521, Statutes of Nevada 2011, at pages 3589 and 3592-93, amending NRS 244.33505 and NRS 268.0955, respectively.

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, above, there will be no affect from the adoption of these regulations, which will align the language of NAC 616C.490 with existing law in Nevada as determined by the Supreme Court and will repeal NAC 616A.500 and 616A.510 because of the amendment to NRS 244.33505 and NRS 268.0955. The Division determined that this regulation will have no effect on small businesses, either adverse or beneficial.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (a) Both adverse and beneficial effects; and**
- (b) Both direct and indirect effects.**

ANSWER: The Division anticipates no adverse or beneficial effects, both direct and indirect, on small businesses as the result of the adoption of this regulation.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

ANSWER: Because there will be no impact on small businesses, there are no methods available to reduce the impact the Division could have considered.

5. The estimated cost to the agency for enforcement of the proposed regulation.

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

6. If the proposed 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.

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed and potential regulation changes in conjunction with existing regulations and making a concerted effort to determine whether the proposed regulation imposes a direct or significant economic burden upon small businesses, or directly restricts the formation, operation or expansion of a small business. The Division determined that the effect of these regulations, if any, will be solely on private workers' compensation insurance carriers and will have no effect on small businesses.

I, STEVE GEORGE, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

DATED this 8 day of December, 2014.



STEVE GEORGE, Administrator
Department of Business and Industry
Division of Industrial Relations