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NEVADA BOARD OF PAROLE COMMISSIONERS

July 17, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R070-20

**Notice of Hearing for the Adoption of a Regulation
of the Board of Parole Commissioners.**

The Board of Parole Commissioners (Board) will hold a public hearing at **1:00 PM on Monday, August 31, 2020** at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706 that will be video conferenced to 4000 South Eastern Avenue, Suite 130, Las Vegas, NV 89119. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 213 of the Nevada Administrative Code.

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

1. The need for and the purpose of the proposed regulation or amendment.

This proposed regulation is necessary to carry out the provisions of NRS Chapter 213, pursuant to NRS 233B.100, which established a system for any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments on a form developed by the Board.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to [NRS 233B.063](#).

A copy of the proposed regulation is attached to this notice. The proposed regulation can also be obtained by visiting the Board’s website at www.parole.nv.gov or by contacting the Board office at (775) 687-5049 and requesting a copy to be mailed.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be state separately, and in each case must include:

a. Both adverse and beneficial effects; and

Adverse effects: There are no known adverse economic effects of the proposed regulation.

Beneficial effects: There are no known beneficial economic effects of the proposed regulation.

b. Both Immediate and long-term effects.

Immediate economic effects: There are no known immediate economic effects.

Long-term economic effects: There are no known long-term economic effects.

4. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of [NRS 233B.0608](#).

The Board used informed, reasonable judgement in determining that there will not be an impact on small businesses due to the nature of the proposed regulation.

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

The Board estimates that there are no additional enforcement costs as a result of the proposed regulation.

6. 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.

The Board is unaware of any other Federal, state or local governmental agency regulations that the proposed regulation may overlap or duplicate.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to Federal law.

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

The proposed regulation does not include provisions which are more stringent than a Federal regulation that regulates the same activity.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Board of Parole Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Board of Parole Commissioners, attention Kathi Baker at 1677 Old Hot Spring Road, Carson City, Nevada, 89706 or by email to kjbaker@parole.nv.gov. Written submissions must be received by the Board of Parole Commissioners on or before August 26, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Parole Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted 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 will be available at the Board of Parole Commissioners office located at 1677 Old Hot Springs Road, Suite A, Carson City, Nevada; the Board of Parole Commissioners office located at 4000 S. Eastern Avenue, Suite 130, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, 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 (R188-19), 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.

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 locations:

NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library
900 North Roop St.
Carson City, NV 89701

Churchill County Library
553 South Maine Street
Fallon, NV 89406

Douglas County Public Library
1625 Library Lane
Minden, NV 89423

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89822

Elko County Library
720 Court Street
Elko, NV 89801

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Humboldt County Library 85
East 5th Street
Winnemucca, Nevada 89445

McDermitt County Library
135 Oregon Road
McDermitt, NV 89421

Clark County Library
1401 E. Flamingo Road
Las Vegas, NV 89119

Las Vegas Library
833 Las Vegas Blvd North
Las Vegas, NV 89101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Lyon County Central Library
20 Nevin Way
Yerington, Nevada 89447

Mineral County Public Library
PO Box 1390
Hawthorne, Nevada 89415

Mineral County Public Library
110 First Street
Hawthorne, NV 89415

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Library
175 E. Carson Street
Virginia City, NV 89440

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89049

Tonopah Public Library
PO Box 449
Tonopah, Nevada 89049

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R070-20

July 15, 2020

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

AUTHORITY: §1, NRS 233B.040 and 233B.100.

A REGULATION relating to parole; creating provisions governing the procedure for any interested person to petition the State Board of Parole Commissioners to adopt, file, amend or repeal any regulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each agency of the Executive Department of State Government to adopt reasonable regulations to aid it in carrying out the functions assigned to it by law. (NRS 233B.040) Existing law requires the State Board of Parole Commissioners to adopt certain regulations and authorizes the Board to adopt certain other regulations to carry out various duties and functions assigned to the Board. (NRS 213.10885, 213.110, 213.1214, 213.12155, 213.1243, 213.133, 213.140, 213.150, 213.1543, 213.155)

Existing law authorizes any interested person to petition an agency requesting the adoption, filing, amendment or repeal of any regulation. Existing law requires such a petition to be accompanied with relevant data, views and arguments. Existing law requires an agency, within 30 days after submission of the petition, to: (1) deny the petition in writing, stating its reasons; or (2) initiate regulation-making proceedings. Existing law requires each agency to prescribe by regulation: (1) the form for such petitions; and (2) the procedure for the submission, consideration and disposition of such petitions. (NRS 233B.100) This regulation provides that, pursuant to existing law, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation. This regulation requires such a petition to be: (1) in writing on a form prescribed by the Board; and (2) include certain information, including any relevant data, views and arguments that support the petition. If a petition does not include such information, this regulation authorizes the Board to refuse to act on the petition. This regulation also requires the Board to, within 30 days after the date on which the petitioner filed the petition: (1) notify the petitioner of the decision of the Board regarding the petition; and (2) if the Board approves the petition, initiate regulation-making proceedings.

Section 1. Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:

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LCB Draft of Proposed Regulation R070-20

1. Pursuant to NRS 233B.100, any interested person may petition the State Board of Parole Commissioners created by NRS 213.108 for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:

(a) The name and address of the petitioner;

(b) The reason for the petition for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation;

and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

4. The Board will notify the petitioner in writing of the decision of the Board regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.

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ERIC CHRISTIANSON, *Member*
MINERVA DE LA TORRE, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

NRS 233B.100, NAC 213

Small Business Impact Statement pursuant to NRS 233B.0608

February 25, 2020

The following statement is made pursuant to the regulatory process outlined in NRS 233B.

Before conducting a workshop on the proposed regulation, the agency must make a concerted effort to determine whether the 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. If the agency concludes that the proposed regulation is likely to have such an impact, it must; (1) consult with owners and officers of small businesses that are likely to be affected by the proposed regulation; (2) conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses; (3) consider methods to reduce the impact of the proposed regulation on small businesses; and (4) prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061.

Prior to scheduling the public workshop, the Board of Parole Commissioners' (Board) staff made a concerted effort to determine whether the proposed regulation was likely to impose a direct and significant economic burden upon a small business and/or directly restrict the formation, operation or expansion of a small business.

The proposed regulation codifies administrative functions related to persons who petition the Board requesting the adoption, filing, amendment or repeal of any regulation and the form for such petitions and the procedure for their submission, consideration and disposition.

Board staff considered whether any part of the proposed regulations would impact a small business, and also considered whether the regulation imposed a fee on a small business; whether a small business would be required in any way to participate in the early discharge process; or whether a small business would be impacted in any way by the early discharge from parole procedures.

The Board staff has determined that the proposed regulations would not impact small businesses as small businesses do not currently perform a function within the parole process, and therefore would not directly or indirectly experience a negative outcome if the regulations are adopted.

NRS 233B.100, NAC 213

Small Business Impact Statement pursuant to NRS 233B.0608

February 25, 2020

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I hereby certify that to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement is prepared properly and accurate.



Christopher P. DeRicco, Chairman

Board of Parole Commissioners

775-687-5049