



**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

896 West Nye Lane, Suite 202 | Carson City, NV 89703-1578
Phone: (775) 687-8490 | dids.nv.gov

**INFORMATIONAL STATEMENT REQUIRED BY NRS 233B.066
CONCERNING ADOPTED REVISED PROPOSED REGULATION OF THE
BOARD ON INDIGENT DEFENSE SERVICES
LCB FILE NO. R033-23**

The following statement is submitted for the adoption of regulations to Nevada Administrative Code (NAC) Chapter 180.

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

The need for and the purpose of the proposed regulation and amendment are to:

- Repeal the regulatory maximum contribution formula, as it has been superseded by statute (AB 518).
- Require compliance in the county plan with the caseload/workload standards for Nevada's rural counties as they are adopted by the Board on Indigent Defense Services.
- Set an hourly rate in lieu of the \$100 rate in NRS 7.125 for the 15 rural counties, and for representation in post-conviction petitions for habeas corpus across the state (AB 454); and,
- Amend NAC 180 to make the remaining language clearer and more concise to be consistent with the Board's intent.

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.

A copy of this notice and the regulation to be Adopted, Amended, and Repealed was on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business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 Additional copies of the Notice and the Regulation to be Adopted, Amended, and Repealed were available at the Department of Indigent Defense Services, 896 W. Nye, Suite 202, Carson City, NV 89703, and our website dids.nv.gov, for inspection and copying by members of the public during business hours.

A workshop was held on August 3, 2023, in conjunction with the Board of Indigent Defense Services ("Board") Meeting to provide an opportunity to comment on the

proposed regulations. The minutes of the meeting, contain a summary of the discussion held at the Workshop regarding the proposed amendments.

Thereafter, on September 26, 2023, the Director of the Department issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed regulations, the suggestions of the parties attending the August 3rd Workshop, as well as the recommendations of the Board.

A copy of the minutes of the August 3, 2023, Workshop and Board Meeting, which includes a summary of the public response to the proposed regulations, may be obtained by visiting the Department website at <http://dids.nv.gov/> or by contacting:

Department of Indigent Defense Services
896 W. Nye Ln., Suite 202
Carson City, NV 89703
Phone: (775) 687-8490 Email: didscontact@dids.nv.gov

The Notice of Intent to Act Upon the Regulation and the regulations were additionally posted on the Internet at dids.nv.gov and notice.nv.gov, the Administrative Regulation Notices Website, <https://www.leg.state.nv.us/App/Notice/A/>, was on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection, and was posted at the following locations:

Department of Indigent Defense Services
896 W. Nye Ln., Suite 202
Carson City, NV 89703
<http://dids.nv.gov/>

Capitol Building
101 North Carson Street,
Carson City, NV 89701

The Public Hearing was held in conjunction with the November Board Meeting on October 3, 2023. Interested persons were invited to comment at the Public Hearing in written form or in oral presentation. The Board received no public comment.

Recordings of the August 3, 2023, Workshop and the November 3, 2023, Public Hearing can be viewed on our YouTube Channel:
<https://www.youtube.com/channel/UCAGEFbVylncGBI2zzaB4uqw/videos>

3. The number persons who:

a. Attended the hearing:

- i. August 3, 2023, Workshop: 42 participants.
- ii. November 3, 2023, Public Hearing: 37 virtual participants and 0 participants at the physical location.

b. Testified at the hearing:

- i. August 3, 2023, Workshop: 4

ii. November 3, 2023, Public Hearing: 0

c. Submitted to the agency written comments:

i. August 3, 2023, Workshop: No written comments received.

ii. November 3, 2023, Public Hearing: No written comments received.

4. A list of names and contact information, including telephone number, 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.

August 3, 2023, Workshop: See Exhibit A.

November 3, 2023, Public Hearing: See 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. No comments were received during the August 3 Workshop nor the November 3, 2023, Public Hearing from affected businesses. A copy of the minutes of the workshop and/or the public hearing may be obtained by contacting:

Department of Indigent Defense Services
896 W. Nye Ln., Suite 202
Carson City, NV 8903
Phone: (775) 687-8490 Email: didscontact@dids.nv.gov

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 regulations were adopted without clarifications.

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.**

There are no reasonably foreseen potential economic impacts to small business or the public.

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

The estimated cost to the agency is unknown at this time.

- 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.**

To our knowledge, the proposed regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

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

To our knowledge, 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.**

The proposed regulation does NOT establish a new fee nor increase an existing fee.

EXHIBIT A

A list of names and contact information, including telephone number, business address, business telephone number, electronic email address, and name of entity or organization represented, for each person identified in #3 of the Informational Statement.

August 3, 2023, Workshop: Public Comment:

Todd Reese
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November 3, 2023, Public Hearing: Public Comment:

None Received