

**LEGISLATIVE REVIEW OF ADOPTED  
PERMANENT REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R003-24**

The following statement is submitted for adopted amendments to Nevada Administrative code (NAC) Chapter 394

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

The proposed repeal of the regulation pertaining to NAC 394, pursuant to Nevada Administrative Code (NAC) 394.600 removes the burdensome approval of advertisements regulation pertaining to licensed institutions as this is an unnecessary and again burdensome regulation that offers no value or benefit to the Commission's licensing process

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

On October 30, 2023, the Employment Security Division held meetings to review, discuss, and solicit comments on the repeal of NAC 394.600. On September 4, 2023, and the Division publicly notified the Employment Security Council meeting in accordance with Nevada Revised Statute NRS 241.020. In the meeting notice, written comment was requested on or before September 28, 2022. As of October 4, 2023, no written comments were received. The division then held a Small Business Workshop to solicit further public comment on the proposed amendment of a regulation pertaining to Chapter 394 of Nevada Administrative Code. The Small Business Workshop was noticed on October 12, 2023 and December 4, 2023, and held on October 30, 2023 and December 21, 2023. The Division received no public comment. The Commission on Postsecondary Education held a hearing to adopt the regulations on June 12, 2024 (noticed on May 9, 2024) and no public comments were received regarding the decision to repeal the proposed regulation.

**Posting locations:**

- Department of Employment, Training and Rehabilitation Web Site
- Commission on Postsecondary Education website
- Nevada Public Notice website
- Employment Security Division, State Administrative Office, 500 East Third Street, Carson City, NV 89713
- Employment Security Division Southern Administrative Office, 2800 E. St. Louis Ave., Las Vegas, NV 89104
- Nevada EmployNV Hub -Las Vegas, 3405 South Maryland Parkway, Las Vegas, NV 89169
- Office of the Governor, 1 State of Nevada Way, Las Vegas, NV 89119
- State Capitol, 101 N. Carson Street, Carson City, NV 89701

This repeal does not impact individuals filing for unemployment benefits and lessens the burden on private postsecondary businesses.

The division posted the regulation drafted by LCB to the DETR website, CPE website and posted the revised language to the Nevada Legislature website. A copy of the revised regulation was also made available to the public at the Hearing and DETR staff reviewed the changes to the Regulations, providing an explanation of the Regulation.

In compliance with NRS 233B, a Hearing for the adoption of the regulation was held on June 12, 2024, at 2 p.m. through Zoom. The purpose of the hearing was to receive comments from all interested persons regarding the adoption of the regulation pertaining to Chapter 394, of the Nevada Administrative Code. The transcript of the Hearing is posted to CPE's Public Meeting Minutes page at the following link;

[https://cpe.nv.gov/Meetings/2024/2024\\_Commission\\_Meetings/](https://cpe.nv.gov/Meetings/2024/2024_Commission_Meetings/)

**3. The Number of persons who:**

**a. Attendance at each meeting:**

**Employment Security Division Meeting:**

October 4, 2023: Carson City: 14

October 4, 2023: Las Vegas: 1

**Small Business Workshop:**

October 30, 2023: Carson City: 14

October 30, 2023: Las Vegas: 1

December 21, 2023: Carson City: 5

December 21, 2023: Las Vegas: 1

**Hearing:**

February 5, 2024: Carson City: 8

June 12, 2024: Las Vegas: 7

**b. Testified at each meeting:**

**Employment Security Division Meeting:**

October 4, 2023

- No public comment

**Small Business Workshop:**

October 30, 2023

- No public comment

**Hearing:**

February 5, 2024

- No public comment

June 12, 2023

- No public comment

c. Submitted to the agency written comments:

**Employment Security Council Meeting:** No written comments were received.

**Small Business Workshop:** No written comments were received.

**Hearings:** No written comments were received.

4. **A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were not submitted from any affected businesses.

5. **If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Comments were not submitted from the public.

6. **The estimated economic effect of the adopted regulation on the business 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.**

This repealed regulation does not impact individuals filing for unemployment benefits and will remove the burdensome approval of advertisements regulation pertaining to licensed postsecondary institutions with the Commission on Postsecondary Education.

#### **Beneficial Impacts**

Ease for licensed businesses during the approval process of an advertisement.

#### **Adverse Impacts**

This repeal is not expected to impose any burden on any large or small businesses in Nevada, nor would they directly restrict the formation, operation, or expansion of any businesses in the state.

#### **Direct Impacts**

This Repeal has no direct impact to employers and the public, instead eases the advertisement process with the Commission of Postsecondary Education.

#### **Indirect Impacts**

There are no indirect impact.

**Immediate Effect:**

Ease for the burdensome approval requirement of advertisements pertaining to licensed institutions.

**Long-Term Effect:**

Ease for the approval requirement of advertisements pertaining to licensed institutions.

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

There is no cost to the agency, this Repeal does not represent any additional burden on staff time, as the regulation is to provide ease to the approval of advertisements pertaining to licensed institutions as this regulation offers no value or benefit of the Commission's licensing process.

**Anticipated Revenue Increase and Use**

This Repeal does not impact any increase or use to Nevadans.

**8. 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.**


This Repeal does not duplicate or provide a more stringent standard than any other regulation of federal, state, or local governments.

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

The Repeal is not required pursuant to federal law, nor is there a federal regulation that regulates the same activity.

**10. If the regulation establishes 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 Repeal does not impose any new or increased fees on employers.

  
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Kelly Wuest

6/24/24

Administrator, Commission on Postsecondary Education