

PRIVATE INVESTIGATOR'S LICENSING BOARD
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R047-12

The following is an informational statement for adoption to the Nevada Administrative Code (NAC) 648, for the Board to issue registrations for all employees who work for licensees in the industries regulated pursuant to NRS 648. The following proposed language is required to carry out the functions of the statute.

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

LCB File No. R047-12 Regulation changes relating to private investigators: revising conditions under which the Private Investigator's Licensing Board may require a background investigation of a licensee who changes status to that of a qualifying agent for a corporate licensee; revising provisions governing out-of-state licensees who apply for authorization to work on a particular case in Nevada; revising provisions for determining whether an employee of a licensee is a "bona fide employee"; revising provisions relating to the types of polygraphic instruments approved for use in conducting polygraphic examinations; revising the minimum standards of accuracy and reliability for polygraphic instruments; revising the phases of supervision of an internship in polygraphic examination by a supervising examiner; revising provisions governing whether a corporation may continue to conduct operations if its qualified agent is absent from this State for a certain period; eliminating certain obsolete provisions; and providing other matters properly relating thereto.

2. 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.

LCB File No. R047-12 was noticed for public workshop on April 17, 2012, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City, Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada.

Copies of the proposed regulations were also made available at the Private Investigator's Licensing Board for inspection by the public during business hours.

A public hearing was held October 31, 2012 at the Grant Sawyer State Office Building, 555 E. Washington Avenue Suite 4500, Las Vegas, Nevada and video-conferenced to The Office of the Attorney General, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada, in accordance with Nevada Revised Statute (NRS) 233B.

The notice of hearing was posted at the following locations:

Private Investigator's Licensing Board, Carson City
Private Investigator's Licensing Board, Las Vegas
Office of the Attorney General, Carson City
Legislature Building, Carson City Office of the Attorney General

Nevada State Library, Carson City
Washoe County Library, Reno Nevada
Clark County Library, Las Vegas, Nevada
Grant Sawyer State Office Building, Las Vegas, Nevada

Copies of the proposed amendment were sent to those persons who are licensed pursuant to NRS 648 and would be affected. Copies were also sent to all Nevada County Public Libraries for compliance with NRS 233B.066.

Seventeen individuals signed in for the work shop on April 17, 2012. All seventeen attendees provided comments and suggestions to clarify some of the verbiage. All seventeen expressed support of the proposed regulation. There was no opposition to the proposed regulation changes. The Board considered and incorporated some of the comments from the work shop into the proposed regulation.

On October 31, 2013, the Board reviewed the revised language received from the Legislative Counsel Bureau for R047-12. There was neither public comment nor opposition from the public in Carson City or Las Vegas. The Board voted unanimously to continue the review of the proposed changes to the December meeting as one board member was not present. The Board felt that a unanimous vote from all board members was needed to proceed.

Nine individuals signed in for the Public hearing on December 5, 2012, however none of them stayed for the review of the regulation changes. Therefore, there was neither public comment nor opposition from the public in Carson City or Las Vegas to the proposed changes. The Board considered each section and sub-section, asking for public comment of each section of the regulation. The Board accepted the revised language from the Legislative Counsel Bureau as written. The Board voted unanimously to adopt the amendments to R047-12.

Interested persons may obtain a copy of the public response and industry response by contacting the Private Investigators Licensing Board to request a copy of the minutes or by visiting our website at www.nevadapiboard.org.

- 3. The number of persons who:**
 - (a) Attended each hearing:** April 17, 2012 (17), October 31, 2012 (2), December 5, 2012 (5)
 - (b) Testified at each hearing:** April 17, 2012 (17), October 31, 2012 (0), December 5, 2012 (0)
 - (c) Submitted written comments:** No written comments were submitted.

- 4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**

(f) Name of entity or organization represented.

Please see the attached Exhibit A.

5. A description of how comment was 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 solicited from affected businesses in the same manner that they were solicited from the public.

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.

N/A

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

(a) Estimated economic effect on the businesses which they are to regulate.

It is estimated that the amendments to NAC 648.260 may have a financial impact on the applicant applying for a status change. Should the applicant be required to submit to a background investigation, the applicant would be responsible for the investigation costs up to the \$1,500 maximum pursuant to NRS 648.100.

(b) Estimated economic effect on the public which they are to regulate.

N/A

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

There will be no cost to the agency for enforcement of the proposed regulations.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

These amendments do not overlap or duplicate any other regulation of a state or government agency.

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

N/A

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.

N/A