

**ADOPTED REGULATION OF THE
DEPARTMENT OF ADMINISTRATION**

LCB File No. R149-01

Effective May 28, 2002

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

AUTHORITY: §1, NRS 387.3335.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

A school district that desires to receive a grant of money from the fund to assist school districts in financing capital improvements created pursuant to NRS 387.333, must submit its application to the director of the department of administration on or before September 1 of the year immediately preceding the year in which the grant will be awarded.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R149-01**

The State Board of Examiners adopted regulations assigned LCB File No. R149-01 which pertain to chapter 387 of the Nevada Administrative Code on March 20, 2002.

Notice date: 1/25/2002
Hearing date: 3/20/2002

Date of adoption by agency: 3/20/2002
Filing date: 5/28/2002

INFORMATIONAL STATEMENT

The following statement is submitted for an adopted amendment to chapter 387 of the Nevada Administrative Code.

1. 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.

The Department of Administration developed a Notice of Workshop to Solicit Comments on Proposed Regulation and a Notice of Intent to Act Upon a Regulation and scheduled a workshop and public hearing on March 20, 2002. On January 25, 2002, the notices were posted at the Blasdel Building, the Legislative Building, and the Capitol Building in Carson City and the Sawyer Building in Las Vegas. The notices were mailed to all Nevada county libraries and to approximately 125 school district entities affected by the proposed regulation. These entities were on the Department of Education's mailing list which included school district superintendents, various school district personnel, and the media. The notices were E-mailed to the Legislative Counsel Bureau and placed on the Budget Division's website. The workshop and public hearing were held on March 20, 2002. A summary of the proceedings is attached. Those present at the proceedings were in support of the proposed regulation. A copy of the meeting summary may be obtained by calling the Director's Office of the Department of Administration at (775)684-0222 or by writing the Director's Office at 209 E. Musser St., Room 200, Carson City, NV 89701-4298.

2. The number of persons who:

(a) Attended each hearing:

Three people were present at the workshop. Three people were present at the hearing.

(b) Testified at each hearing:

One person testified at the workshop. One person testified at the hearing.

(c) Submitted to the agency written comments:

No written comments were submitted.

3. 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.

Businesses are not affected by the regulation. State agencies are affected by the regulation if they choose to apply for assistance from the fund established by NRS 387.333; therefore, on February 1, 2002, the Department of Education sent the Notice of Workshop to Solicit Comments on Proposed Regulation and Notice of Intent to Act Upon a Regulation to approximately 125 school district entities on their mailing list, which included superintendents, various school district personnel and the media. In addition, notices were posted in three prominent State offices and at the Legislative Building. The notices were E-mailed to the Legislative Counsel Bureau and placed on the Budget Division's website. The workshop and public hearing were held on March 20, 2002. A summary of the proceedings is attached. Those present at the proceedings were in support of the proposed regulation. A copy of the meeting summary and written comments may be obtained by calling the Director's Office of the Department of Administration at (775)684-0222 or by writing the Director's Office at 209 E. Musser St., Room 200, Carson City, NV 89701-4298.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulations without change.

The permanent regulation was adopted by the Department of Administration on March 20, 2002, without any changes to the proposed regulation. All public comments received concerning the proposed regulation were in support of the proposed language.

5. 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 regulation does not regulate any businesses. It establishes a deadline for school districts to adhere to when applying for money from the fund established in NRS 387.333.

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

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

7. 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.

There are no other state or governmental agency regulations that the proposed amendment duplicates.

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

The federal government does not regulate this activity.

9. 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 regulation does not provide for a fee or increase an existing fee.

**SUMMARY OF THE WORKSHOP AND PUBLIC HEARING
TO SOLICIT COMMENTS
ON THE PROPOSED REGULATION TO AMEND
N.A.C. CHAPTER 387**

**March 20, 2002
Carson City, Nevada**

Workshop

The workshop commenced at 9:00 a.m. Those in attendance were Lorell Bleak, Lincoln County School District; Jim Spencer, Senior Deputy Attorney General; and John P. Comeaux, Director, Department of Administration.

The meeting commenced at 9:00 a.m. Mr. Comeaux introduced himself and explained the purpose of the workshop. Mr. Comeaux further explained that the Department of Administration is proposing the regulation in accordance with NRS 387.3335. He read the statute and explained that the fund the statute refers to was created by NRS 387.333 to assist school districts in construction and maintenance of their school facilities. He explained that the proposed regulation specifies the date by which a school district annually must apply for a grant of money from the fund. Mr. Comeaux read the proposed regulation and then solicited comments and recommendations from those present.

Lorell Bleak, Lincoln County School District, advised Mr. Comeaux that he supports the proposed regulation and the established guidelines. He asked if there was already an amount scheduled for school district capital improvements or if it would be created. He asked if the school district could apply for funds by September 1, 2002, for possible dollars in January. He asked if the year mentioned in the proposed regulation represented the calendar year or the fiscal year and if in September the grant would be made in June for July 1 to begin. Mr. Comeaux advised Mr. Bleak that the department's intention was the fiscal year and that the July 1 grant implementation date was correct. He advised Mr. Bleak that there is an existing fund and, when it was created, there was money placed in the fund. He advised Mr. Bleak that the money in the fund has, for the most part, been committed and spent; however, there maybe a small available balance remaining. He advised Mr. Bleak that he was not sure if the Department (of Education) intends to request another allocation to the fund from the legislature or what the legislature would do.

Mr. Bleak asked if this was the fund that is financing the construction of the schools in White Pine and Lincoln County. Mr. Comeaux responded in the affirmative and advised Mr. Bleak that there was a special appropriation made to Lincoln County and White Pine County School Districts from the fund. He advised Mr. Bleak that the legislation was primarily written to cover all school districts and provides for acceptance of gifts and grants into the fund so, in the future, appropriations from the legislature or gifts and grants from other sources, could be used to assist school districts that meet the criteria. Mr. Bleak reiterated his support of any fund that is available for school districts.

Mr. Comeaux concluded the workshop since there were no other questions and no others present.

Public Hearing

The meeting commenced at 10:15 a.m. Mr. Comeaux advised those present that a workshop was held earlier that morning where some comments were offered with no proposed changes to the regulation. He stated the purpose of the hearing was to receive comments and suggestions from interested parties in connection with the proposed regulation. Mr. Comeaux opened the floor for public comments.

Bob Anderson from the Carson City School District questioned the language of 387.3335 where it states that the application must be accompanied by proof that certain emergency conditions exist within the school district. He asked if the statute meant all of the listed conditions must exist or if any one condition must exist to have an application considered for approval.

Mr. Comeaux advised Mr. Anderson that he understood it to read that all of the existing conditions must exist. Mr. Comeaux referred Mr. Anderson to the three requirements noted in the language and advised him that during the 99 session applicants, White Pine and Lincoln Counties, were required to meet all three of the conditions.

Mr. Comeaux asked if there were any comments on the wording of the proposed regulations. Since there were none, he advised those present that since Mr. Anderson was the only interested party present, the public hearing would be closed. He further indicated that after he had an opportunity to consider the comments made at both the workshop and public hearing, he would propose the adoption of the final regulation and send it to the Legislative Counsel Bureau.