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December 13, 2022

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the State Emergency Response Commission

The State Emergency Response Commission (SERC) will hold a public hearing at 10:30am on December 13, 2022, at 107 Jacobsen Way, Classroom C, Carson City, NV 89711. The purpose of the public hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to Chapter 459 (459.9912 – 459.99189) 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.

LCB file R059-22P: The proposed regulation is to: define the Legislative Committee, Policy Committee, Radiological Committee; clarification of the Bylaws Committee duties; replacing and/or updating words in text; clarifying and/or simplifying language; and clarification of collection process.

2. Either the terms or the substance of the regulations to be amended or a description of the subjects and issues involved.

Areas in the regulation for amendments are:

Section 1 Chapter 459 - "amended by adding thereto the provisions set forth as sections, 2, 3 and 4 of this regulation"

NAC 459.99121 – "Bylaws Committee"

NAC 4529.99123 – "Emergency Plan"

NAC 459.99132 – "Local emergency planning committees: Administrative duties"

NAC 459.99133 – "Emergency plans: Establishment, review and approval; correction of deficiencies; failure to comply"

NAC 459.99141 – “Requests for money from proceeds of certain fees to pay for training”

NAC 459.99163 – “Requests for money from proceeds of certain fees to pay for training”

NAC 459.99183 – “Failure to pay required fee when due”

NAC 459.99189 – “Appeal of decision of Commission or staff member of Commission”

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (a) both adverse and beneficial effects; and (b) both immediate and long-term effects.

The estimated economic effect of the regulation on the business which it is to regulate will have neither adverse nor beneficial effects and neither immediate nor long-term effects. The estimated economic effect of the regulation on the public which it is to regulate will have neither adverse nor beneficial effects and neither immediate nor long-term effects.

4. Methods used by the agency in determining the impact on a small business pursuant to subsection 3 of NRS 233B.0608.

The State Emergency Response Commission has considered the two factors in NRS 233B.0608 (1) and has determined that a Small Business Impact Statement is not required pursuant to NRS 233B.0609 based upon the following:

Any proposed regulation amendments will not impose a direct and significant economic burden upon a small business and will not directly restrict the formation, operation, or expansion of a small business.

The State Emergency Response Commission is statutorily directed by:

NRS 459.738 (1) “.....is hereby created for the purpose of carrying out the provisions of 42 U.S.C. 11001 et seq. and other matters relating thereto.”

NRS 459.740 (1) “Adopt regulations for the purpose of enforcing its responsibilities pursuant to 42 U.S.C. 11001 et seq.”

NRS 459.740 (2) “Accept gifts and grants of money and other revenues for the purpose of enforcing its responsibilities pursuant to 42 U.S.C 1001 et seq.”

NRS 459.742 (1) “Enter into contracts, leases or other agreements or transactions.”

NAC 459.99135 Authority of Commission: Grants of money from Contingency Account for Hazardous Materials. (NRS 459.735, 459.740) Pursuant to NRS 459.742 an in accordance with the provisions set forth in NAC 459.99138 to 459.99146, inclusive, the Commission may: (1), (2), (3) “.....issue grant to local emergency planning committees.....”

NAC 459.99161 Authority of Commission: Allocation of money from Contingency Account for Hazardous Materials. (NRS 459.735, 459.740) Pursuant to NRS 459.742 and in accordance with the provisions set forth in NAC 459.99138 to 459.99146, inclusive, the Commission may: (1), (2), (3) “.....Allocate.....to state agencies.....”

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

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

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.

There are no overlaps or duplications of other state or local governmental agencies or a federal regulation.

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

No regulation is required pursuant to federal laws.

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

No regulation includes 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 State Emergency Response Commission may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form, to State Emergency Response Commission, 107 Jacobsen Way, Carson City, NV 89711. Written submissions must be received by the State Emergency Response Commission on or before December 9, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Emergency Response Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Amended 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 Amended will be available at the State Emergency Response Commission, 107 Jacobsen Way, Carson City, NV 89711, 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, 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. A reasonable fee may be charged for copies if it is deemed necessary.

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 adoption.

This notice of hearing has been posted at the following locations:

State Emergency Response Commission – 107 Jacobsen Way – Carson City
Nevada State Library & Archives – 100 North Stewart Street – Carson City
Grant Sawyer Building – 555 East Washington Street – Las Vegas
Department of Transportation – 123 East Washington Avenue – Las Vegas
Department of Transportation – 1263 Stewart Street – Carson City
Department of Transportation – 1951 Idaho Street – Elko
Department of Transportation – 1401 East Aultman Street – Ely

Carson City Library – 900 North Roop Street – Carson City
Churchill County Library – 553 South Main Street – Fallon
Las Vegas – Clark County Library District – 833 Las Vegas Blvd N – Las Vegas
Douglas County Public Library – 1625 Library Lane – Minden
Elko County Library – 720 Court Street – Elko
Esmeralda County Library – Corner of Crook & 4th Street, PO Box 430 – Goldfield
Eureka County Library – 80 South Monroe Street – Eureka
Humboldt County Library – 85 East 5th Street – Winnemucca
Battle Mountain Branch Library (Lander County) – 625 S Broad St – Battle Mountain
Lincoln County Library – 63 Main Street – Pioche
Lyon County Library System – 20 Nevin Way – Yerington
Mineral County Public Library – 110 1st Street (1st and A) PO Box 1390 – Hawthorne
Pershing County Library – 1125 Central Avenue – Lovelock
Storey County Clerk’s Office – Drawer D – Virginia Street
Tonopah Public Library – 167 South Central Street, PO Box 449 – Tonopah
Washoe County Library System – 301 South Center Street – Reno
White Pine County Library – 950 Campton Street – Ely

Electronically Posted pursuant to NRS 241.020(4)

SERC web site – <http://serc.nv.gov>
Nevada Public Notice Website – <https://notice.nv.gov>
Legislative Council Bureau Website – <https://leg.state.nv.us>