

Rules of Practice – State Environmental Commission Filing Statement

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233b.066

Petition 2003-10 (LCB File R-227-03)
State Environmental Commission

The following statement is submitted for adopted amendments to Nevada Administrative NAC 445B.875 to 445B.899 -- State Environmental Commission (SEC) Rules of Practice.

The regulation allow the following provisions: The SEC can order briefs to be filed before or after a hearing; it can allow a party to intervene in a proceeding by filing a written petition, along with specifying time periods and minimum content of such petitions. The SEC can further allow interveners to appear in proceedings and/or be dismissed from proceedings, where no substantial direct interest or public interest is apparent.

The regulation also allow the SEC to consolidate a proceeding, where issues are substantially the same and rights of parties are not prejudice; in such proceeding, moreover, the SEC may determine the order in which the parties introduce evidence and present testimony as well as limit redundant testimony .

The amendments further allow the SEC to take any action to maintain order during a hearing, require hearings to be recorded electronically, and where a court reporter is requested by a party, the cost for such services are paid for by the requesting party.

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 proposed regulation was noticed by the SEC in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – January 28, February 4, and February 11, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings. The proposed regulation was also posted on the SEC web site at the following address:

<http://www.sec.nv.gov/main/hearing0204.htm>

At the SEC hearing a specific time period for public comment was announced, however no comments were offered. The SEC Deputy Attorney General, Susan Gray presented the proposed regulation at the hearing.

2. The number persons who:

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| (a) | Attended February 26, 2004 hearing; | 40 |
| (b) | Testified on this Petition at the hearing: | 1 |
| (c) | Submitted to the agency written comments: | 0 |

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.

See # 1 outlined above

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

A minor change to the above referenced regulation was approved by the SEC at the February 26, 2004 public hearing held at the Department of Wildlife in Reno, Nevada. The change adopted is not substantive and was actually contained in the original draft regulation that was submitted to the Legislative Counsel Bureau (LCB) for drafting. The SEC Deputy Attorney General Susan Gray drafted the original SEC regulation in cooperation with the LCB drafters.

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

The proposed regulation will not have an economic impact, either immediate or long term, on the regulated industry.

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

There will not be additional costs to the State Environmental Commission 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.

The regulation does not overlap or duplicate any regulations of other state or government agencies.

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

Not applicable

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.

Not applicable

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