

Form #2
Commission On Mineral Resources
Nevada Division Of Minerals
Small Business Impact Disclosure Process
Pursuant To NRS 233B "Nevada Administrative Procedures Act"
For Proposed Regulations in NAC 519A

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the Nevada Division of Minerals (NDOM) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time or part-time employees" (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The proposed regulation lessens the financial burden upon small business.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The proposed regulation has no impact on the formation, operation or expansion of a small business.

If Yes to either of questions 1 & 2, a SBIS must be noticed and available at the public workshop.

Form #2
Small Business Impact Statement
(NRS 233B.0609)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

The Division mailed a written request to all current reclamation performance bond pool participants soliciting comment on the proposed regulation. There were no written responses. One participant responded in person in our Carson City office that he was very much in favor of the proposed changes. A summary of responses is available for review at our Carson City office.

2. The manner in which the analysis was conducted (if an impact was determined).

Though there is no increased economic burden on small businesses, an analysis was performed to quantify the total savings to the current bond pool participants as a result of the proposed annual premium decrease and increased premium refunds.

3. The estimated economic effect of the proposed regulation on small businesses:

Small businesses, in total, would see an estimated \$32,378 in premium reductions. Plan-level participants who fulfill their reclamation requirements or exit the bond pool would see, in total, an estimated \$549,129 in additional refunds.

A. Both adverse and beneficial effects

There are no adverse effects to small businesses. The beneficial effect is reduced bond premium payment amounts paid to the Division and increased premium refund amounts for plan-level participants. Increased premium refund amounts may incentivize concurrent reclamation efforts or exit from the bond pool through bond replacement with the regulatory agency.

B. Both direct and indirect effects

Direct effects are reduced annual costs to bond pool participants. The indirect effect is to incent more bond pool participation through the reduced costs.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. *(Include a discussion of any considerations of the methods listed below.)*

Not applicable.

A. Simplification of the proposed regulation

B. Establishment of different standards of compliance for a small business

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

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

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

Not applicable.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same industry.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

The proposed regulation eases the financial burden on small businesses and therefore only has a positive impact.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in this statement was prepared properly and is accurate.



Administrator, NDOM

10-11-19
Date

LINK TO REGULATION: <https://www.leg.state.nv.us/Register/2019Register/R044-19RP1.pdf>