



**STATE OF NEVADA  
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

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**SMALL BUSINESS IMPACT STATEMENT REGARDING  
LCB FILE NO. R042-20**

- 1. A description of the manner in which comment was solicited from affected small business, a summary of their responses, and explanation of the manner in which other interested persons may obtain a copy of the summary:**

The Department of Indigent Defense Services requested input from private attorneys, investigators, and bail bond companies via an e-mailed survey link. The Department sent out 161 emails.

The survey asked for input on adverse/beneficial economic effects on small businesses, and indirect adverse/beneficial effects – with space to elaborate on responses.

The Department received three completed surveys.

- 2. The manner in which the analysis was conducted:**

The Department reviewed the completed surveys. One survey was excluded as the concerns addressed effects on a municipal court and not a small business.

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects, and both direct and indirect effects.**

There are no reasonably foreseen potential economic impacts to small business. One completed survey expressed concern that uniform timekeeping, as required by NRS 180.320(d), would be too time consuming and would require the employment of an extra part-time staff person.

One completed survey was unsure whether business would be affected adversely or beneficially.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulations on small businesses and a statement regarding whether the agency actually used any of those methods.**

Concerns on the possible impacts to small business were considered during the drafting of the proposed amendment. The Department will propose a regulation which requires the use of Department provided, time keeping software. The use of software for time keeping and automatic submission of reports would save the time of an attorney.

The Board of Indigent Defense Services discussed a requirement to use a time keeping software at a meeting on June 29, 2020. The Board could not agree on whether to require the use of software and the Chair called for public comment on this issue for the next meeting. This issue was discussed on September 24, 2020. No written comment on the issue had been received.

A workshop to solicit further comment on the proposed regulations is set to be held on December 2, 2020.

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

The estimated cost to the agency is:

FY22 = \$5,634,976

FY23 = \$5,782,072

**6. If the proposed 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 proposed amendments do not involve an increase to existing fees or create any new fees.

**7. If the Proposed Regulation Included Provisions Which Duplicate or Are More Stringent Than Federal, State or Local Standards Regulating the Same Activity, an Explanation of Why Such Duplicative or More Stringent Provisions Are Necessary.**

NRS 180.320 set forth regulations which must be adopted by the Board of Indigent Defense Services. These regulations meet those legislative mandates.

**8. The Reasons For the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.**

**a. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon Small Businesses?**

The proposed regulation does not impose a direct or significant economic burden upon small businesses. Attorneys that provide indigent defense services in the rural counties are paid for their time spent working on cases. The Department believes that use of a software program for case management and time keeping will save attorneys' time. However, if there is an increase in time due to time keeping, that can be billed as a case expense.

**b. Will the Proposed Regulation Directly Restrict the Information, Operation or Expansion of a Small Business?**

The proposed regulations will not directly restrict the information, operation, or expansion of a small business.

Signed and effective this 3rd day of November 2020.



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Marcie Ryba, Executive Director  
Nevada State Department of Indigent Defense Services