

Amendment No. 4

Senate Amendment to Senate Bill No. 17

(BDR 18-647)

Proposed by: Committee on Legislative Operations and Elections**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 3, line 5, after “*regulations.*” by inserting:

“The subcommittee shall meet to review the regulation as soon as practicable.”.

Amend sec. 2, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 4 on page 4, and inserting:

“3. If the agency refuses to revise a regulation to which the Legislative Commission *or the subcommittee* has objected, the Commission ~~[may]~~ **shall** suspend the filing of the regulation . ~~until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective.]~~ The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not be enforced. ~~[If the Legislature has not~~

BJE

Date: 2/22/2005

S.B. No. 17—Revises provisions governing review of administrative regulations by Legislative Commission.

~~so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.]~~

Amend the title of the bill, fifth line, after “mandatory;” by inserting:
“revising the procedure for objecting to an administrative regulation;”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law provides for the review, suspension and nullification by the Legislative Branch of permanent administrative regulations adopted by agencies of the Executive Branch of State Government. (Nev. Const., Art. 3, § 1; NRS 233B.0395-233B.120) The regulations are reviewed to determine whether they conform to statutory authority and carry out legislative intent. Under existing law, a state agency is required to submit permanent regulations for review by the Legislative Commission. The Commission must review the regulation if a regular meeting of the Commission is held within 35 days after receipt of the regulation. If there is no meeting of the Commission scheduled within 35 days after receipt of a regulation, the regulation is filed and becomes effective without being reviewed unless the regulation is referred to a subcommittee or a joint interim committee. (NRS 233B.067)

This bill requires that every permanent regulation be reviewed by the Legislative Commission at its next scheduled meeting after submission of the regulation unless: (1) the Commission refers the regulation to a subcommittee; or (2) the adopting agency has an emergency that requires the regulation to become effective before the next scheduled meeting of the Commission. In either case, the bill provides for review of the regulation by an established subcommittee of the Commission. This bill makes the appointment of a subcommittee to review regulations mandatory. This bill also removes the requirement that the Legislature ratify any objections to regulations made by the Legislative Commission or the subcommittee appointed to review regulations.