

Amendment No. 753

Assembly Amendment to Senate Bill No. 17 First Reprint

(BDR 18-647)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No 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 sec. 2, pages 3 and 4, by deleting lines 32 through 44 on page 3 and lines 1 through 12 on page 4, and inserting:

“233B.0675 1. If the Legislative Commission *or the subcommittee to review regulations* has objected to a regulation, the agency ~~{may revise it}~~ *shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority* and return it to the Legislative Counsel ~~{ }~~ *within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067.*

Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~{at its next regularly scheduled meeting. If the Commission does not object}~~ *or subcommittee for review. If there is no objection* to the revised regulation, the Legislative Counsel

EGO/BJE

Date: 5/18/2005

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

shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission *or subcommittee* objects to the revised regulation, the [agency may continue to revise it and resubmit it to the Commission.

~~—3. If the agency refuses to revise a regulation to which the Legislative Commission has objected, the Commission may 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 so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.]~~ *Legislative Counsel shall:*

(a) Revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority;

(b) Submit the regulation to the Legislative Commission or subcommittee for its approval; and

(c) Upon approval of the regulation by the Legislative Commission or subcommittee, promptly file the regulation with the Secretary of State and provide the agency with a copy of the filing.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“**Sec. 3.** NRS 233B.0675, as amended by section 2 of this act, applies to regulations for which filing was suspended on or after July 1, 2003, by the Legislative Commission or the Committee to Review Regulations appointed pursuant to NRS 233B.067. Those regulations include, without

limitation, R114-03, R147-04 and R159-04. Within 60 days after the effective date of this act, the Legislative Counsel shall revise those regulations to conform to the statutory authority pursuant to which they were adopted and to carry out the intent of the Legislature in granting that authority and submit the regulations to the Legislative Commission or subcommittee to review regulations appointed pursuant to NRS 233B.067 for approval.”.

Amend sec. 3, page 4, line 13, by deleting:

“on July 1, 2005.” and inserting:

“upon passage and approval.”.

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.

Existing law provides that if the Legislative Commission has objected to a regulation, the agency may revise and resubmit the regulation to the Legislative Commission until the objection is

removed. Under existing law, if an agency refuses to revise a regulation to which the Legislative Commission has objected, the Legislative Commission may suspend the filing of the regulation until the final day of the next regular session of the Legislature. Unless the Legislature declares by the final day of the next regular session that the regulation will not become effective, the regulation is filed with the Secretary of State and becomes effective. (NRS 233B.0675)

This bill allows an agency one opportunity to revise a regulation after the Legislative Commission or the subcommittee to review regulations has objected to the regulation. If the Legislative Commission or subcommittee objects to the revised regulation, the bill requires the Legislative Counsel to revise the regulation to conform to statutory authority and carry out legislative intent and submit it to the Legislative Commission or subcommittee for its approval. Upon such approval, the bill provides that the regulation is filed with the Secretary of State and becomes effective.