

Amendment No. 993

Assembly Amendment to Senate Bill No. 488 First Reprint (BDR 19-1294)

Proposed by: Committee on Government Affairs**Amendment Box:** Replaces Amendment No. 787.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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"/>	_____
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Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 and 2 on page 2, and inserting:

“237.080 1. Before ~~adopting~~ *a governing body of a local government adopts* a proposed rule, the governing body ~~of a local government~~ *or its designee must notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:*

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

HC/EGO

Date: 5/24/2005

S.B. No. 488—Makes various changes concerning adoption of certain rules and regulations affecting business.

↪ *Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.*

2. If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

3. After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

- (a) Impose a direct and significant economic burden upon a business; or
- (b) Directly restrict the formation, operation or expansion of a business.

~~{2.}~~

↪ *If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.*

4. If the governing body ~~{of a local government}~~ or its designee determines pursuant to subsection ~~[4]~~ 3 that a proposed rule is likely to impose a”.

Amend section 1, page 2, line 5, after “body” by inserting:
“*or its designee*”.

Amend section 1, page 2, by deleting lines 17 and 18 and inserting:

“5. After making a determination pursuant to subsection 3, the governing body or its designee shall prepare a business”.

Amend sec. 2, page 2, line 34, after “government” by inserting:

“or its designee”.

Amend sec. 2, page 2, line 36, after “body” by inserting:

“or its designee”.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government ***or its designee*** failed to prepare a business impact statement as required pursuant to NRS 237.080; or

(b) The business impact statement prepared by the governing body ***or its designee*** pursuant to NRS 237.080 did not consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.”.