

Amendment No. CA43

First Conference Committee Amendment to Senate Bill No. 17 Third Reprint (BDR 18-647)

Proposed by: First Conference Committee**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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

“**Sec. 2.** NRS 233B.0675 is hereby amended to read as follows:

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 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]~~ *Legislative Counsel shall attach to the revised regulation a written notice of the objection,*

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including a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission
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~~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.]~~ *or subcommittee within 30 days after the agency received the written notice of the objection to the revised regulation.”.*

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

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 provides that if the Legislative Commission or subcommittee has objected to a revised regulation, the agency shall continue to revise it and resubmit it to the Commission or subcommittee until the objection is removed.