

SENATE BILL NO. 217—SENATOR TITUS

MARCH 21, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Revises exemption to Nevada Administrative Procedure Act. (BDR 18-1141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to administrative procedure; requires the Welfare Division of the Department of Human Resources to comply with the Nevada Administrative Procedure Act when adopting regulations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 233B.039 is hereby amended to read as
2 follows:
3 233B.039 1. The following agencies are entirely exempted
4 from the requirements of this chapter:
5 (a) The Governor.
6 (b) The Department of Corrections.
7 (c) The University and Community College System of Nevada.
8 (d) The Office of the Military.
9 (e) Except as otherwise provided in NRS 368A.140, the State
10 Gaming Control Board.
11 (f) The Nevada Gaming Commission.
12 (g) ~~{The Welfare Division of the Department of Human~~
13 ~~Resources.~~
14 ~~—(h)}~~ The Division of Health Care Financing and Policy of the
15 Department of Human Resources.
16 ~~{(i)}~~ *(h)* The State Board of Examiners acting pursuant to
17 chapter 217 of NRS.



~~(i)~~ (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

~~(j)~~ (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

~~(k)~~ (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

~~(l)~~ (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program, *the Welfare Division of the Department of Human Resources* and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(e) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Human Resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;



- 1 (b) An extraordinary regulation of the State Board of Pharmacy
- 2 adopted pursuant to NRS 453.2184; or
- 3 (c) A regulation adopted by the State Board of Education
- 4 pursuant to NRS 392.644 or 394.1694.
- 5 6. The State Board of Parole Commissioners is subject to the
- 6 provisions of this chapter for the purpose of adopting regulations but
- 7 not with respect to any contested case.
- 8 **Sec. 2.** NRS 422.224 is hereby repealed.
- 9 **Sec. 3.** This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTION

422.224 Regulations: Procedure for adoption, amendment or repeal.

1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Welfare Division is responsible, the State Welfare Administrator shall give at least 30 days' notice of his intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the State Welfare Administrator for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The State Welfare Administrator shall consider fully all oral and written submissions relating to the proposed regulation.

4. The State Welfare Administrator shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.



5. The State Welfare Administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

6. No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date.

