

SENATE CONCURRENT RESOLUTION NO. 42—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MAY 19, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Declares that certain regulations to which Legislative Commission has objected will not become effective.
(BDR R-1454)

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

SENATE CONCURRENT RESOLUTION—Declaring that certain regulations to which the Legislative Commission has objected will not become effective.

- 1 WHEREAS, At the general election in 1996, the voters approved
2 and ratified an amendment to Section 1 of Article 3 of the
3 Constitution of the State of Nevada that authorized the Legislature
4 to nullify any regulation adopted by an executive agency which
5 binds persons outside the agency; and
6 WHEREAS, The Legislative Commission has carefully considered
7 each regulation described in this resolution and has determined that
8 each such regulation fails to conform to the statutory authority
9 pursuant to which it was adopted or to carry out the intent of the
10 Legislature in granting that authority and therefore should not
11 become effective; and
12 WHEREAS, In accordance with the provisions of NRS 233B.0675,
13 the Legislature may, not later than the final day of this session,
14 declare that any regulation to which the Legislative Commission has
15 objected not become effective; now, therefore, be it
16 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
17 ASSEMBLY CONCURRING, That in accordance with the provisions
18 of NRS 233B.0675, the Legislature hereby declares that the
19 regulation adopted by the State Board of Health (LCB File No.
20 R147-04), concerning the provisions governing “assisted living
21 services” provided by residential facilities for groups, to which the
22 Legislative Commission objected on August 3, 2004, as failing to
23 conform to the statutory authority pursuant to which it was adopted



1 and to carry out the intent of the Legislature in granting that
2 authority will not become effective; and be it further

3 RESOLVED, That in accordance with the provisions of NRS
4 233B.0675, the Legislature hereby declares that the regulation
5 adopted by the Commissioner of Mortgage Lending (LCB File No.
6 R159-04), concerning the requirements for the establishment of
7 signs for mortgage brokers, to which the Legislative Commission
8 objected on December 15, 2004, as failing to conform to the
9 statutory authority pursuant to which it was adopted and to carry out
10 the intent of the Legislature in granting that authority will not
11 become effective; and be it further

12 RESOLVED, That the Secretary of the Senate prepare and
13 transmit a copy of this resolution to the Administrator of the Health
14 Division of the Department of Human Resources, the Commissioner
15 of Mortgage Lending and the Secretary of State.

