
ASSEMBLY BILL NO. 17—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE PUBLIC UTILITIES COMMISSION OF NEVADA)

PREFILED DECEMBER 13, 2010

Referred to Committee on Government Affairs

SUMMARY—Revises the applicability of the Nevada Administrative Procedure Act to the Public Utilities Commission of Nevada. (BDR 18-455)

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

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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; exempting the judicial review of decisions of the Public Utilities Commission of Nevada from the requirements of the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that the provisions of chapter 703 of NRS that relate to
2 the judicial review of decisions of the Public Utilities Commission of Nevada
3 prevail over the general provisions of the Nevada Administrative Procedure Act,
4 which is contained in chapter 233B of NRS. (NRS 233B.039) This bill removes
5 that existing provision and instead provides that the provisions of the Nevada
6 Administrative Procedure Act do not apply to the judicial review of decisions of the
7 Commission.

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:



- 1 (a) The Governor.
- 2 (b) Except as otherwise provided in NRS 209.221, the
- 3 Department of Corrections.
- 4 (c) The Nevada System of Higher Education.
- 5 (d) The Office of the Military.
- 6 (e) The State Gaming Control Board.
- 7 (f) Except as otherwise provided in NRS 368A.140, the Nevada
- 8 Gaming Commission.
- 9 (g) The Division of Welfare and Supportive Services of the
- 10 Department of Health and Human Services.
- 11 (h) Except as otherwise provided in NRS 422.390, the Division
- 12 of Health Care Financing and Policy of the Department of Health
- 13 and Human Services.
- 14 (i) The State Board of Examiners acting pursuant to chapter 217
- 15 of NRS.
- 16 (j) Except as otherwise provided in NRS 533.365, the Office of
- 17 the State Engineer.
- 18 (k) The Division of Industrial Relations of the Department of
- 19 Business and Industry acting to enforce the provisions of
- 20 NRS 618.375.
- 21 (l) The Administrator of the Division of Industrial Relations of
- 22 the Department of Business and Industry in establishing and
- 23 adjusting the schedule of fees and charges for accident benefits
- 24 pursuant to subsection 2 of NRS 616C.260.
- 25 (m) The Board to Review Claims in adopting resolutions to
- 26 carry out its duties pursuant to NRS 590.830.
- 27 2. Except as otherwise provided in subsection 5 and NRS
- 28 391.323, the Department of Education, the Board of the Public
- 29 Employees' Benefits Program and the Commission on Professional
- 30 Standards in Education are subject to the provisions of this chapter
- 31 for the purpose of adopting regulations but not with respect to any
- 32 contested case.
- 33 3. The special provisions of:
- 34 (a) Chapter 612 of NRS for the distribution of regulations by
- 35 and the judicial review of decisions of the Employment Security
- 36 Division of the Department of Employment, Training and
- 37 Rehabilitation;
- 38 (b) Chapters 616A to 617, inclusive, of NRS for the
- 39 determination of contested claims;
- 40 (c) ~~Chapter 703 of NRS for the judicial review of decisions of~~
- 41 ~~the Public Utilities Commission of Nevada;~~
- 42 ~~—(d)—~~ Chapter 91 of NRS for the judicial review of decisions of
- 43 the Administrator of the Securities Division of the Office of the
- 44 Secretary of State; and



~~(e)~~ (d) 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 Health and Human Services 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;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184; ~~(e)~~

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694 ~~(f)~~; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 2. This act becomes effective upon passage and approval.

