

SENATE BILL NO. 7—SENATOR WIENER

PREFILED DECEMBER 13, 2010

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the adoption of emergency regulations. (BDR 18-13)

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 regulations; requiring an agency, if practicable, to make a proposed emergency regulation available to the public before the agency adopts the emergency regulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes an agency to adopt an emergency regulation if the
2 agency determines, and the Governor agrees, that an emergency exists. (NRS
3 233B.0613) This bill requires the agency, if practicable, to make a copy of the
4 emergency regulation available to the public at least 1 working day before the
5 agency files the emergency regulation with the Office of the Secretary of State.
6 This bill also requires the agency, if practicable, to make a copy of the proposed
7 emergency regulation available to the public at least 1 working day before the
8 agency holds any hearing to adopt the emergency regulation. Specifically, the
9 agency must provide a copy of the proposed emergency regulation to a member of
10 the public upon request and, if the agency maintains a website, the agency must
11 make a copy of the proposed emergency regulation available on its website. When
12 so providing a copy of the proposed emergency regulation and making a copy of
13 the proposed emergency regulation available, the agency must provide and make
14 available the version of the proposed emergency regulation which will be
15 considered at the hearing.



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

Section 1. NRS 233B.0613 is hereby amended to read as follows:

233B.0613 1. If an agency determines that an emergency exists, it shall submit to the Governor a written statement of the emergency which sets forth the reasons for the determination. If the Governor endorses the statement of the emergency by written endorsement at the end of the full text of the statement of emergency on the original copy of a proposed regulation, the regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070. The statement of the emergency endorsed by the Governor must be included as a part of the regulation for all purposes.

2. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation is filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070, make the emergency regulation available to the public by:

(a) Providing a copy of the emergency regulation to a member of the public upon request; and

(b) Making a copy of the emergency regulation available on its website on the Internet, if any.

3. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date of any hearing at which the agency considers the emergency regulation, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by:

(a) Providing a copy of the proposed emergency regulation to a member of the public upon request; and

(b) Making a copy of the proposed emergency regulation available on its website on the Internet, if any.

4. A regulation ~~is~~ adopted *pursuant to this section* may be effective for a period of not longer than 120 days. A regulation may be adopted by this emergency procedure only once.

~~12-1~~ 5. If an agency adopts, after providing notice and the opportunity for a hearing as required in this chapter, a permanent or temporary regulation which becomes effective and is substantially identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

