

Amendment No. 12

Assembly Amendment to Assembly Bill No. 16 (BDR 18-212)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JWP/MSN



Date: 3/29/2013

A.B. No. 16—Provides for the adoption, compilation and publication of policies of operation for state agencies by the State Board of Examiners.
(BDR 18-212)



ASSEMBLY BILL NO. 16—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 19, 2012

Referred to Committee on Government Affairs

SUMMARY—Provides for the ~~adoption,~~ compilation and publication of ~~policies of operation for state agencies by the State Board of Examiners,~~ the State Administrative Manual. (BDR 18-212)

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 the State Government; ~~requiring the Department of Administration to compile and publish an administrative manual~~ providing for the compilation and publication of the State Administrative Manual, consisting of the policies and procedures adopted and amended by the State Board of Examiners for the Executive Branch of State Government; ~~providing special authority and~~ establishing notice requirements for the adoption, amendment and repeal of such policies ~~and ratifying the policies currently in effect;~~ and procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Administration currently publishes the State Administrative Manual, a compilation of policies governing the internal operation of all agencies of the Executive Branch of the State Government. This bill provides specific statutory authority and notice requirements for adopting, amending and repealing these policies and provides specific requirements for compiling and publishing such a manual.

Section 1 of this bill requires the Director of the Department of Administration, or the Chief of the Budget Division of the Department if the Director does not serve as the Chief, to compile and publish an administrative manual consisting of the policies ~~described above, and~~ and procedures adopted or amended by the State Board of Examiners. Section 2 of this bill provides that the special provisions of section 7 of this bill, authorizing the Board to adopt, amend or repeal such policies, prevail over the general provisions of the Nevada Administrative Procedure Act to the extent of any conflict between these provisions. Section 7 I also establishes certain procedural requirements to be met by the Board in adopting, amending or repealing Director or the Chief, as applicable, in connection with the adoption, amendment or repeal of such policies.

Section 9 of this bill approves and ratifies the policies set forth in the State Administrative Manual as those policies existed before the effective date of this bill, and procedures.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Department~~ *State Administrative Manual is hereby created. The Director, or the Chief of the Budget Division of the Department if the Director does not serve as the Chief, shall compile and publish for an administrative manual consisting of the in the State Administrative Manual any policies and procedures adopted or amended by the State Board of Examiners pursuant to section 7 of this act.*

~~2. The Department shall cause a copy of the current version of the administrative manual to be posted on the primary Internet website maintained by the State Government. The copy must be accessible through a conspicuous link to the manual that appears on the main page of that website.~~ NRS 353.040.

2. In addition to complying with the requirements of NRS 241.020, the Director or the Chief, as applicable, shall, not later than 30 days before presenting to the State Board of Examiners any policy or procedure for adoption, amendment or repeal, cause notice of the proposed action to be posted on the Internet website used by the State Board of Examiners to provide public notice of its meetings. The notice must:

(a) Be accessible through a conspicuous link that appears on the main page of that website;

(b) Include the full text of the policy or procedure proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy or procedure;

(c) Solicit the submission of written comments by any interested person to the Director or the Chief, as applicable, for transmittal to the State Board of Examiners, concerning its proposed action and set forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and

(d) Set forth the date on which the adoption, amendment or repeal of the policy or procedure becomes effective if action is taken as proposed.

3. Any written comments submitted to the Director or the Chief, as applicable, pursuant to subsection 2 must be submitted not later than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the State Board of Examiners and must be entered into the record of the Board.

Sec. 2. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, *and section 1 of this act*, unless the context requires otherwise:

1. "Department" means the Department of Administration.

2. "Director" means the Director of the Department.

Sec. 2.5. NRS 353.040 is hereby amended to read as follows:

353.040 The State Board of Examiners shall have authority to establish ~~rules and regulations~~ *policies and procedures* for its government not inconsistent with law.

Sec. 3. ~~NRS 232B.039 is hereby amended to read as follows:~~

~~232B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections;~~
~~(c) The Nevada System of Higher Education;~~
~~(d) The Office of the Military;~~
~~(e) The State Gaming Control Board;~~
~~(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission;~~
~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services;~~
~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~
~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS;~~
~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~
~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~
~~(l) 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;~~
~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830;~~
~~(n) The Silver State Health Insurance Exchange;~~
~~2. Except as otherwise provided in subsection 5 and NRS 291.322, the Department of Education, the Board of the Public Employees' Benefits Program 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 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]~~
~~(d) NRS 90.800 for the use of summary orders in contested cases [;] and~~
~~(e) Section 7 of this act for the adoption, amendment and repeal of policies by the State Board of Examiners;~~
~~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;~~
~~(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; 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. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 285.016 is hereby amended to read as follows:~~

~~285.016 "State agency" has the meaning ascribed to it in NRS 281.105, except that the term does not include a board which is exempt from the provisions of chapter 352 of NRS pursuant to] described in NRS 352.005. (Deleted by amendment.)~~

Sec. 5. ~~[NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 352 of NRS pursuant to] described in NRS 352.005.~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 331.120 is hereby amended to read as follows:~~

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere used by the State, and shall determine the occupancy thereof in such manner as the public service may require.~~

~~2. The executive and administrative officers, departments, boards, commissions and agencies of the State must be provided with suitable quarters which must, so far as is expedient, be in Carson City. As used in this subsection, "boards" does not include boards that are exempt from the provisions of chapter 352 of NRS pursuant to] described in NRS 352.005.~~

~~3. The Administrator shall provide suitable office space for the use of the Governor Elect and expend money for incidental expenses connected therewith. The provisions of this subsection do not apply if the incumbent Governor is elected to succeed himself or herself.~~

~~4. The Administrator may provide suitable space in the Capitol Building for the permanent use of accredited members of the press and for the installation of communication equipment.] (Deleted by amendment.)~~

Sec. 7. ~~[Chapter 352 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The State Board of Examiners may adopt, amend and repeal policies, not inconsistent with applicable law, governing the internal operation of:~~

~~(a) Any agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government, including, without limitation, any agency, board or commission which has the authority to regulate an occupation or profession pursuant to title 54 of NRS; and~~

~~(b) Except to the extent any such policy conflicts with a regulation adopted by the Board of Regents of the University of Nevada, the Nevada System of Higher Education.~~

~~2. In addition to complying with the requirements of NRS 241.020, the State Board of Examiners shall, not less than 30 days before adopting, amending or repealing any policy pursuant to this section, cause notice of its proposed action to be posted on the Internet website used to provide public notice of its meetings. The notice must:~~

~~(a) Be accessible through a conspicuous link that appears on the main page of that website;~~

~~(b) Include the full text of the policy proposed to be adopted, amended or repealed, clearly setting forth any language proposed for addition to or deletion from the policy;~~

~~(c) Solicit the submission of written comments by any interested person to the Board concerning its proposed action, setting forth the address for the submission of such comments and the deadline for submission applicable pursuant to subsection 3; and~~

~~(d) State the date on which the adoption, amendment or repeal of the policy becomes effective if action is taken as proposed.~~

~~3. Any written comments submitted to the State Board of Examiners pursuant to subsection 2 must be submitted to the Board not less than 5 working days before the meeting at which the proposed adoption, amendment or repeal is to be considered by the Board. Any such comments must be entered into the record of the Board. (Deleted by amendment.)~~

Sec. 8. ~~[NRS 353.005 is hereby amended to read as follows:~~

~~353.005 [The] Except as otherwise provided in section 7 of this act, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards. (Deleted by amendment.)~~

Sec. 9. ~~[The Legislature hereby approves, confirms and ratifies the policies adopted by the State Board of Examiners before the effective date of this act, as set forth in the State Administrative Manual as most recently published by the Department of Administration before that date. (Deleted by amendment.)~~

Sec. 10. This act becomes effective ~~[upon passage and approval.] on January 1, 2014.~~