

SENATE BILL NO. 157—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Enacts the State and Local Government Cooperation Act. (BDR 22-706)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 governmental administration; enacting the State and Local Government Cooperation Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the State and Local Government Cooperation Act.

Section 7 of this bill provides that the purpose of the Act is to facilitate cooperation and coordination between state agencies and local governments to: (1) provide consistency in interpretive rulings made by state agencies and local governments; and (2) encourage communication and foster positive working relationships between the Executive Department of State Government and local governments.

Sections 4-6 of this bill define “interpretive ruling,” “local government” and “state agency.” **Section 8** of this bill requires a state agency, before making an interpretive ruling that may affect an interpretive ruling of a local government, to: (1) inform and solicit comments from the local governments that may be affected; (2) allow a reasonable time for each such local government to submit comments; (3) consider any comments received from affected local governments in preparing its interpretive ruling; and (4) inform in writing each affected local government that submitted comments of the state agency’s proposed interpretive ruling. **Section 8** also authorizes a local government to submit a request to the Governor, or his or her designee, to consider any inconsistency between the proposed interpretive ruling of the state agency and an interpretive ruling of a local government. If the Governor, or his or her designee, considers such a request, he or she may recommend sustaining or amending the state agency’s ruling.

Section 9 of this bill provides that nothing in the Act shall be interpreted to: (1) limit the power of a state agency to carry out its statutory duties and responsibilities; (2) supersede any law providing for the right of any party to seek administrative or judicial review in a contested case; or (3) otherwise affect the right of any party to seek such review.



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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *Sections 2 to 9, inclusive, of this act may be cited as the State and Local Government Cooperation Act.*

Sec. 3. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Interpretive ruling" means a statement of the construction or interpretation of a statute, regulation, rule or policy according to the specific facts before it by a:*

- 1. State agency; or*
- 2. Local government.*

Sec. 5. *"Local government" means any political subdivision of this State, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, general improvement district, irrigation district, water district, water conservancy district, school district, hospital district or other district authorized by statute to perform a governmental function.*

Sec. 6. *"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government.*

Sec. 7. *It is the purpose of the State and Local Government Cooperation Act to facilitate cooperation and coordination between state agencies and local governments to:*

- 1. Provide consistency in interpretive rulings made by state agencies and local governments.*
- 2. Encourage communication and foster positive working relationships between the Executive Department of State Government and local governments.*

Sec. 8. *1. Before a state agency makes an interpretive ruling that may affect an interpretive ruling of a local government, the state agency must:*

(a) Inform and solicit comments from each local government that may be affected;

(b) Allow a reasonable amount of time for each local government informed pursuant to paragraph (a) to submit comments;

(c) Consider any comments received from an affected local government in preparing its interpretive ruling so that, to the



1 *extent practicable, the interpretive ruling of the state agency is*
2 *consistent with any interpretive ruling of the local government;*
3 *and*

4 *(d) Inform in writing each local government that submitted*
5 *comments pursuant to paragraph (b) of the proposed interpretive*
6 *ruling of the state agency.*

7 2. *Upon receiving a proposed interpretive ruling pursuant to*
8 *paragraph (d) of subsection 1, if an inconsistency exists between*
9 *an interpretive ruling of the state agency and an interpretive*
10 *ruling of a local government, the local government may submit a*
11 *request to the Governor, or his or her designee, to consider the*
12 *inconsistency. If the Governor, or his or her designee, accepts*
13 *the request, he or she may recommend sustaining or amending the*
14 *proposed interpretive ruling of the state agency.*

15 **Sec. 9.** *Nothing in the State and Local Government*
16 *Cooperation Act shall be interpreted to:*

17 1. *Limit the power of a state agency to carry out its statutory*
18 *duties and responsibilities;*

19 2. *Supersede any law providing for the right of any party to*
20 *seek administrative or judicial review in a contested case; or*

21 3. *Otherwise affect the right of any party to seek such review.*

