

Amendment No. 626

Assembly Amendment to Assembly Bill No. 329	(BDR 18-946)
Proposed by: Assembly Committee on Legislative Operations and Elections	
Amendment Box: Replaces Amendment No. 150.	
Amends: Summary: No 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



ASSEMBLY BILL NO. 329—ASSEMBLYWOMAN MILLER

MARCH 18, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing administrative regulations.
(BDR 18-946)

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 the Legislative Counsel to create a system for monitoring the progress of an agency in adopting certain permanent regulations; revising provisions relating to the Register of Administrative Regulations; requiring the summary of certain legislative measures to include information concerning whether the legislative measure grants rulemaking authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Legislative Counsel to create a system for monitoring the progress of an agency in adopting any permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature. Section 1 requires this system to include, without limitation, a requirement for an agency to submit: (1) a plan to the Legislative Commission for the adoption of the permanent regulation; and (2) a periodic report to the Legislative Counsel explaining the progress of the agency in adopting the permanent regulation. **Section 1** also requires the Legislative Counsel to compile information received pursuant to the system and report to the Legislative Commission upon request the progress of any agency in adopting a permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature.

Existing law requires the Legislative Counsel to prepare and publish a Register of Administrative Regulations which must include certain information regarding each permanent regulation adopted by an agency. (NRS 233B.0653) **Section 2** of this bill requires the Register of Administrative Regulations to include information compiled by the Legislative Counsel pursuant to the system created pursuant to **section 1**.

Existing law requires the Legislative Counsel to make available for access on the Internet the information contained in the Register of Administrative Regulations. (NRS 233B.0656) Section 2.5 of this bill requires this information to be made available for access in a searchable, standardized database.

Existing law requires the summary of each bill or joint resolution introduced in the Legislature to include certain information concerning fiscal effect and appropriations. (NRS 218D.415) Section 2.7 similarly requires the summary of each bill or joint resolution introduced in the Legislature to include information concerning whether the legislative measure grants rulemaking authority.

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislative Counsel shall:

1. Create a system for monitoring the progress of an agency in adopting any permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature. Such system ~~may~~ must include, without limitation, a requirement for an agency to submit ~~for~~:

(a) A plan for the adoption of such a regulation to the Legislative Commission on or before October 31 of the year in which the legislative measure requiring the adoption of the regulation was enacted by the Legislature; and

(b) A periodic report to the Legislative Counsel explaining the progress of the agency in adopting the permanent regulation.

2. Compile information received pursuant to the system created pursuant to subsection 1 for inclusion on the Register of Administrative Regulations created pursuant to NRS 233B.0653.

3. Report to the Legislative Commission upon request the progress of any agency in adopting a permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature.

Sec. 2. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall prepare and publish or cause to be prepared and published a Register of Administrative Regulations. The Register must include the following information regarding each permanent regulation adopted by an agency:

(a) The proposed and adopted text of the regulation and any revised version of the regulation;

(b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;

(c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;

(d) The informational statement required pursuant to NRS 233B.066; and

(e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

➤ In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.

2. In addition to the information required pursuant to subsection 1, the Register must include information compiled pursuant to section 1 of this act.

3. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.

~~3-3~~ **4.** The Register must be provided to and maintained by:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Supreme Court Law Library;

(d) The State Library, Archives and Public Records;

(e) Each county clerk;

(f) Each county library; and

(g) The Legislative Counsel Bureau.

~~4-4~~ **5.** The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.

~~[5.]~~ 6. The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.

Sec. 2.5. NRS 233B.0656 is hereby amended to read as follows:

233B.0656 1. The Legislative Counsel shall, without charge, make available for access in a searchable, standardized database on the Internet or its successor, if any, the information contained in the Register of Administrative Regulations created pursuant to NRS 233B.0653. The Legislative Counsel may determine the manner in which this information is compiled and must revise the information at least as often as the Register is published pursuant to NRS 233B.0653.

2. This section must not be construed to require the Legislative Counsel to provide any equipment or service that would enable a person to access the Internet.

Sec. 2.7. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

The summary of each bill or joint resolution introduced in the Legislature must include the statement:

“Grants rulemaking authority: Yes,” or

“Grants rulemaking authority: No,”

↪ whichever is appropriate.

Sec. 3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. This act becomes effective on July 1, 2019.