

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 Council 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:

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

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



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

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

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

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

3 *The Legislative Counsel shall:*

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

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

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

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

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

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

23 233B.0653 1. The Legislative Counsel shall prepare and
24 publish or cause to be prepared and published a Register of
25 Administrative Regulations. The Register must include the
26 following information regarding each permanent regulation adopted
27 by an agency:

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

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

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



1 (d) The informational statement required pursuant to NRS
2 233B.066; and

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

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

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

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

13 ~~3.~~ 4. The Register must be provided to and maintained by:

- 14 (a) The Secretary of State;
- 15 (b) The Attorney General;
- 16 (c) The Supreme Court Law Library;
- 17 (d) The State Library, Archives and Public Records;
- 18 (e) Each county clerk;
- 19 (f) Each county library; and
- 20 (g) The Legislative Counsel Bureau.

21 ~~4.~~ 5. The Legislative Counsel may sell an additional copy of
22 the Register to any person or governmental entity that requests a
23 copy, at a price which does not exceed the cost of publishing the
24 additional copy.

25 ~~5.~~ 6. The Legislative Counsel is immune from civil liability
26 which may result from failure to include any information in the
27 Register.

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

30 233B.0656 1. The Legislative Counsel shall, without charge,
31 make available for access *in a searchable, standardized database*
32 on the Internet or its successor, if any, the information contained in
33 the Register of Administrative Regulations created pursuant to NRS
34 233B.0653. The Legislative Counsel may determine the manner in
35 which this information is compiled and must revise the information
36 at least as often as the Register is published pursuant to
37 NRS 233B.0653.

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

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

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

45 *“Grants rulemaking authority: Yes,” or*



1 ***“Grants rulemaking authority: No,”***
2 ***↳ whichever is appropriate.***

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

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

