

CHAPTER.....

AN ACT relating to administrative regulations; revising provisions governing notice requirements under the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Administrative Procedure Act requires each agency of the Executive Department of State Government that is not exempt from the Act to provide 30 days’ notice of its intended action before holding a hearing on any proposed permanent or temporary regulation. Such an agency is required to give such notice on a proposed permanent regulation after the agency has received the approved or revised text of the proposed permanent regulation from the Legislative Counsel. (NRS 233B.060) **Section 1** of this bill requires an agency to post the regulation to be considered at the hearing on the Internet website of the agency 3 working days before the hearing.

Existing law does not specify the notice required when a proposed regulation receives a second or subsequent hearing to consider further revisions. **Section 1** requires an agency to provide at least 3 working days’ notice of its intended action before holding a second or subsequent hearing on a regulation.

Existing law requires an agency, before holding a public hearing on a proposed regulation, to conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. (NRS 233B.061) **Section 2** of this bill provides that such a workshop is not required if it is the second or subsequent hearing on the regulation.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:

(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063 ~~†~~:

*(1) If it is the first hearing on the regulation, give at least 30 days’ notice of its intended action, unless a shorter period of notice is specifically permitted by statute. **When posted, the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the***



regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.

(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.

(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission or the Subcommittee to Review Regulations.

Sec. 2. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation ~~§~~, *except that a workshop is not required if it is the second or subsequent hearing on the regulation.* Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and



(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 3. This act becomes effective on July 1, 2017.



