

REVIEW OF REGULATIONS OF  
EXECUTIVE AGENCIES



*Bulletin No. 77-17*

LEGISLATIVE COMMISSION  
OF THE  
LEGISLATIVE COUNSEL BUREAU  
STATE OF NEVADA

*December 1976*



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## LEGISLATIVE COMMISSION

Senator Richard H. Bryan	Assemblyman Keith Ashworth
Senator Melvin D. Close, Jr.	Assemblyman Joseph E. Dini, Jr.
Senator Carl F. Dodge	Assemblyman Lawrence E. Jacobsen
Senator James I. Gibson	Assemblyman Paul W. May
Senator Lee E. Walker	Assemblyman Donald R. Mello
Senator Thomas R. C. Wilson	Assemblyman Sue Wagner



Assembly Concurrent Resolution No. 14—Assemblymen Dini, Ford, Murphy,  
Benkovich, Getto, Coulter, Barengo, Wagner, Heaney, Hayes and Hickey

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing legislative commission to cause the director of the legislative counsel bureau to conduct a review of regulations of agencies of the executive branch of state government.

WHEREAS, The Nevada Administrative Procedure Act authorizes certain agencies of the executive branch of state government to adopt reasonable regulations to aid them in carrying out their functions assigned by law and to adopt such other regulations as are necessary to the proper execution of those functions; and

WHEREAS, The regulations adopted by agencies, if adopted and filed in accordance with the Nevada Administrative Procedure Act, have the force of law; and

WHEREAS, All regulations adopted and used by an agency in the discharge of its function shall be available for public inspection; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission cause the director of the legislative counsel bureau to conduct a review in order to determine:

1. The agencies that have regulations in force;
2. The method used by such agencies in adopting, amending or repealing regulations;
3. The availability of the agencies' regulations to the general public; and
4. The content of existing regulations to determine whether they are in conformance with legislative policy; and be it further

*Resolved,* That the director of the legislative counsel bureau report his findings to the legislative commission; and be it further

*Resolved,* That the legislative commission report the results of such review and submit appropriate recommendations and suggested legislation to the 59th session of the Nevada legislature.



## REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 59th Session of the Nevada Legislature:

The attached report of the director of the legislative counsel bureau upon his review of the regulations of the executive agencies, with recommended legislation, is submitted for your consideration and appropriate action. The legislative commission thankfully acknowledges the assistance of the secretary of state in making available the files of his office.

Respectfully submitted,

Legislative Commission  
State of Nevada

Carson City, Nevada  
November 1976





## REPORT OF THE REVIEW OF REGULATIONS OF EXECUTIVE AGENCIES

Pursuant to A.C.R. 14, the director of the legislative counsel bureau instructed the legislative counsel to perform the required review. His findings and recommendations, as accepted or modified by the legislative commission, are presented in this report.

The substantive authority for the adoption of regulations by executive agencies is found in the respective statutes prescribing their powers and duties. Without an express reference, the power to adopt appropriate regulations may be implied by the imposition of a duty to enforce a statute. H. P. Welch Co. v. State, 199 Atl. 886 (N.H. 1938), aff'd 306 U.S. 79. The minimum procedural requirements for the adoption of regulations are found (except for agencies expressly exempted) in chapter 233B of NRS, the Nevada Administrative Procedure Act, and are often supplemented in the statutes applicable to particular agencies. NRS 233B.060 requires that every regulation be filed in quadruplicate in the office of the secretary of state.

### I. AGENCIES HAVING REGULATIONS IN FORCE

The first requirement of A.C.R. 14 is a determination of which agencies have regulations in force. A list of the agencies which have filed regulations is attached as Appendix B. It will be noted that some departments adopt and file their regulations as departments without division regulations, some have only division regulations without department regulations, and some have both. Only the department of economic development has none, and it has no regulatory or enforcement function. There is often no substantive reason for the adoption by a department rather than a division, or vice versa, but in the absence of a cross-index to the file, the variety of practice makes the regulations harder to find.

Not every regulation filed is legally in force. An example is provided by the Nevada racing commission, which on September 26, 1968, filed with the secretary of state a pamphlet described as "Rules and Regulations attached which have been in force since 1964 [and] are presently effective." NRS

233B.060 provides that regulations in effect on July 1, 1965, continue in effect if deposited with the secretary of state "on or before July 1, 1965." Thus the date of the file stamp itself rebuts the presumption of authenticity otherwise created by its presence, and shows that the purported regulations are invalid.

## II. METHODS OF ADOPTING REGULATIONS

NRS 233B.060 requires that (except for emergency regulations) the agency give at least 30 days' notice (unless a shorter period is expressly permitted by statute) by mail to all persons requesting it, and afford an opportunity to all interested persons to submit facts or arguments. An illustration of the shorter period is NRS 501.118, which provides for 10 days' notice of intent by the state board of fish and game commissioners to establish open or closed seasons, bag limits or hours. There is no evidence that the emergency procedure, which requires the written endorsement of the governor, is abused to evade the notice requirement; no evidence that agencies fail to give the required notice under the standard procedure; and no evidence of popular dissatisfaction with the limitation of notice to persons requesting it. There is likewise no evidence of dissatisfaction with the hearing procedure, but recommended BDR 18-107 includes an amendment of NRS 233B.-060 to clarify when a request for oral hearing must be made.

NRS 233B.070 provides that a resolution, unless it is an emergency resolution or a different date is required or permitted by specific statute, becomes effective 30 days after filing with the secretary of state. Although there is again no evidence of popular dissatisfaction, the mute record of the filed regulations and the secretary of state's file stamps bear witness to technical noncompliance: nearly all of the regulations of the Nevada mental health institute show that they were filed after their purported effective dates, and nearly every agency shows at least one example of such tardy filing.

Of more substantive concern is that some regulations are put into operation without being formally adopted or filed. Subsection 6 of NRS 233B.030 defines "regulation" as including the amendment or repeal of a prior regulation, so the same

procedures are required for these acts as for the original adoption. The State Administrative Manual was filed as a regulation on July 1, 1965, in its fourth edition; it is now in its ninth edition, but none of the later versions was ever filed. This is surely not the only instance, but one which is obvious where others may escape notice.

### III. AVAILABILITY TO THE PUBLIC

NRS 233B.050 requires each agency to make its own regulations available for public inspection, and the regulations of all agencies as filed with the secretary of state are likewise available. There are several factors, however, which decrease the practical effect of this theoretical availability. One is the sheer bulk of the regulations filed with the secretary of state: they occupy some 19 feet of file drawers and bookshelves. Another, already mentioned, is whether a given subject is covered under regulations of a particular division or of the department of which that division is part. It requires a more sophisticated knowledge of state government than the average citizen can reasonably be expected to possess, to trace out the various possibilities. Next, even after a searcher has found the correct agency, the regulations are usually not indexed by subject matter, but are filed by the secretary of state in the order of adoption. Finally, when a searcher has found one regulation on his subject, he has no means of knowing whether it is current or complete: there may be others adopted on different dates, and a later may modify or supersede an earlier without mentioning it.

The series of even one agency's regulations is like the uncoded ordinances of a city, or the laws of this state before the enactment of Nevada Revised Statutes, and without even an unofficial compilation for a guide. To state the problem thus is to indicate a solution: to make the regulations accessible, they must be codified, that is, arranged in a uniform style according to subject matter, with repealed regulations removed and amended regulations changed, and the whole body of agency regulations suitably indexed and cross-referenced.

### IV. CONFORMITY OF CONTENT TO LEGISLATIVE POLICY

This question is disarmingly simple to state, crucial to the attitude of the legislature and the public toward administrative regulations, and wholly beyond the scope of a single

interim staff study to answer fairly. The content of each regulation, or group of regulations upon a single subject, must be considered individually. If the answer is to have value, it must be the regulation now in force which must be measured against the statute now in force. The preceding discussion has described both the sheer bulk of the regulations as a whole and the difficulty of tracing any given subject of regulation through successive filings to its present form. Either to have begun at some point and worked consecutively through the regulations encountered or to have selected regulations at random, in each case tracing each regulation studied to its present form and comparing that to present law, would within the limits of time available have covered such a small sample of the regulations that no reliable conclusion about conformity of content as a whole could be drawn, and to single out examples found would be unfair.

A random sampling approach was actually used in examining the regulations for method of adoption and for conformity of content to legislative policy. The result, in the judgment of the staff, was to confirm what has been reported to several discussions of administrative regulations sponsored by the National Conference of State Legislatures by representatives of those states which have established processes for the continuing review of all regulations: only a small percentage of regulations deviate from legislative policy, but that small percentage may cause substantial hardship to the public and complaint to members of the legislature.

#### V. SUGGESTED REMEDIES

The logical beginning is the extent of the authority to adopt substantive regulations. As already noted, a court may in the absence of a statute infer the authority to adopt substantive regulations from the imposition on an agency of an enforcement duty. NRS 233B.020, in the second sentence of subsection 1, provides that chapter 233B "confers no additional regulation-making authority upon any agency" except to make rules of procedure, but NRS 233B.040 clouds this policy by a general reference to the existence of regulation-making authority unless "otherwise provided by law." NRS 233B.040 should therefore be amended to clarify that all authority to adopt substantive regulations depends upon an express legislative grant.

Codification of the regulations to make them accessible to the public requires essentially the same legal skills and

clerical procedures as codification of the statutes into NRS. The attorney general through his deputies working with the executive agencies has a substantive knowledge of their regulations fully adequate to the task, but he and his staff have no reason to be familiar with the specialized procedures of codification. On the other hand, the legal division of the legislative counsel bureau does specialize in this work and during the intervals between legislative sessions the professional and clerical services of its staff can be so used without detracting from their primary duties.

The use of the legislature's own staff for this purpose also relates directly to the solution of the other major problem: assuring conformity of regulations to legislative intent through some form of legislative review. Several forms of review have been provided in the several states (19, according to a recent compilation by the National Conference of State Legislatures) which have acted on this subject ranging from simple review to suspensive veto. In Florida, for example, a committee of legislators reviews each regulation prior to adoption and notifies the agency of any deviation from legislative intent; if the agency nevertheless adopts the regulation, the committee's finding is filed with the regulation and printed in the official compilation of regulations. In Iowa, upon similar review and action, a finding by the review committee that the regulation violates legislative intent shifts the burden of proving validity to the agency if the regulation is challenged in court. In Wisconsin, there is a routine advisory review of proposed regulations by the appropriate standing committee of the legislature, and a special committee with power to review any regulation upon complaint and to prohibit an agency from enforcing a regulation found violative of legislative intent until adjournment of the current or next session of the legislature, but the agency may then proceed unless the legislature has acted to forbid it. In each of these states, informal conversations with legislators serving on the review committees indicate that (1) because of limited time, the committee reviews only those regulations selected for its attention by its staff, and (2) the agency usually withdraws a regulation to which the committee objects, or modifies it to meet the objection. There has been no decision found up to October 10, 1976, of a court of last resort of any state or of the United States that even the strongest remedy, the suspensive veto, goes beyond the constitutional power of the legislature to provide, so each of the remedies must be deemed constitutional.

The practical difficulty with the suspensive veto in Nevada is that, if a regulation were proposed soon after the adjournment of a session and found violative of legislative intent by the review committee, almost 2 years would elapse before it is finally reviewed by the legislature, whereas one of the purposes of authorizing the adoption of administrative regulations is to permit prompt action. The Iowa plan avoids this difficulty but leaves the financial burden of court challenge upon the person adversely affected, even though his task is easier. This report therefore recommends that disapproval by the review committee place the burden on the agency to obtain a judicial declaration of validity before the regulation can become effective. The recommended legislation also follows the Oregon statute and reported Wisconsin practice by making the remedy of such review by legislators and possible suspension of the regulation available to a person affected after the regulation has been adopted, upon complaint of the person affected or any legislator. Thus the recommendation offers an inexpensive remedy to the citizen, avoids unreasonably delaying the effectiveness of any lawful regulation, and commits any conflict between the executive and legislative branches to the judicial branch for decision, where under article 3 of the constitution it appropriately belongs. Of course, if the legislature itself finds that a regulation sustained by the court violates its intent, it can by statute remove the agency's authority, and thus has the last word upon future acts of the agency.

Further adapting the proposed plan to Nevada conditions, this report recommends utilizing the existing legislative commission as the review committee and reducing the demands upon its time for this purpose by requiring the legislative counsel to bring an apparent violation of legislative intent found in a proposed regulation first to the attention of the agency, and only report it to the legislative commission if the agency does not take corrective action. This would take full advantage of the conciliation process found usually effective in other states. The duty of the legislative commission to review would also relate appropriately to its general duty to supervise staff activities, including the proposed codification. In fact, it would be only when individual regulations are sorted out for codification that any effective review could be made of existing regulations for compliance with legislative intent.

Nevada probably does not need, and probably would not wish to pay for, a publication of its codified administrative regulations similar to the Federal Register, though some states do. This report therefore recommends requiring only that the full codification be kept available by the legislative counsel for the use of the legislature and by the secretary of state for official record and public access, and the relevant parts kept by the respective agencies for public access, leaving it to the discretion of the legislative commission to provide for any further distribution which may seem appropriate as the codification is completed and may become more widely used. BDR 18-107, attached as Exhibit I of Appendix A, embodies all these recommendations.

Another recommendation, made by the legislative counsel pursuant to his duties under NRS 220.080 to recommend the clarification of statutes and call the attention of the legislature to conflicting statutes, is appended to this report because of the close relation of its subject. When the Nevada Administrative Procedure Act was originally enacted in 1965, it was not integrated with the remainder of NRS. Although by its terms it applied to regulation making by all state agencies except those specifically exempted, the scattered statutes which dealt separately with regulation making by the individual agencies were not appropriately amended or repealed. Likewise when in 1967 the Act was enlarged to provide generally for determination of contested cases, the only recognition of related statutes was to defer expressly to chapters 612 and 704 of NRS. Most of the statutes so ignored remain in NRS, at least redundant and often confusing. At their side have sprung up dozens of references expressly making new or old agencies subject to the Act in some respect when they were already so in all respects. These are at best redundant and at worst mischievous, for if X is specifically mentioned, one may ask whether Y is impliedly excluded. BDR 18-108 undertakes to remove the duplicative provisions and unnecessary references, without changing any provision which adds a further requirement to changes for one agency a specified provision of the general plan. Thus BDR 18-108 makes no change in substantive law but improves the consistency of NRS.





SUMMARY--Provides for codification and review of administrative regulations. (BDR 18-107)

Fiscal Note: Local Government Impact: No.

State or Industrial Insurance Impact: Yes.

AN ACT relating to administrative regulations; providing for their codification and review for compliance with legislative intent; and providing other matters properly relating thereto.

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 the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. 1. It is the policy of this state that every agency regulation be made easily accessible to the public and expressed in clear and concise language. To assist in carrying out this policy, every agency regulation effective for a period longer than 120 days shall be incorporated, excluding any forms used by the agency, any publication adopted by reference, the title, citation of authority, signature and other formal parts, in the Nevada Administrative Code, and every regulation effective for 120 days or less shall be distributed in the same manner as the Nevada Administrative Code.

2. The legislative commission may authorize inclusion in the Nevada Administrative Code of the regulations of an agency otherwise exempted from the requirements of this chapter.

Sec. 3: 1. At or before the time of giving notice of its intention to adopt, amend or repeal a regulation which is to be or has been effective for a period longer than 120 days, an agency shall deliver to the legislative counsel a copy of the proposed regulation or amendment or an identification of the regulation to be repealed. The legislative counsel shall review and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to him between November 1 of an even-numbered year and June 1 of the succeeding odd-numbered year, the legislative counsel shall deliver the approved or revised text of the regulation, and if such is the case his opinion that its substance violates the intent of the legislature, before the date set for its adoption. If the proposed regulation is submitted during the November 1-June 1 period above mentioned, the legislative counsel shall deliver the text and any opinion to the agency before the following July 1.

3. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the legislative counsel, who shall review and revise it if appropriate pursuant to the standards of subsection 2. Unless it is submitted during the November 1-June 1 period mentioned in subsection 2, the legislative counsel shall return it with any appropriate revisions and any opinion within 30 days; if it is submitted during the November 1-June 1 period, he shall so return it before the following July 1.

Sec. 4. 1. An agency shall not adopt, amend or repeal a regulation effective for a period longer than 120 days until it has received from the legislative counsel the approved or revised text of the regulation in the form to be adopted. The agency shall immediately notify the legislative counsel of the date of adoption of each regulation adopted.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Sec. 5. 1. The legislative counsel shall prescribe the numbering, page size, style and typography of the Nevada Administrative Code. For convenience of reproduction in the code, he may prescribe the same matters in original agency regulations.

2. The legislative counsel shall prepare or cause the superintendent of the state printing and records division of the department of general services to prepare three sets of the Nevada Administrative Code and of supplementary pages as required from time to time, which shall be kept respectively:

(a) By the secretary of state as the master copy;

(b) By the secretary of state for public use; and

(c) By the legislative counsel for his use and that of the legislature.

*flush* The legislative commission may direct the preparation of additional sets or pages, or both, and specify the places where such sets or parts of sets are to be kept and the uses to be made of them.

3. Each agency shall reimburse the legislative counsel bureau and the state printing and records division of the department of general services for their respective costs in preparing and keeping current that agency's portion of the Nevada Administrative Code in the number of copies required for agency, official

and public use. If additional sets or pages are sold, the legislative commission shall set sale prices sufficient to recover at least the cost of production and distribution of the additional sets or pages.

Sec. 6. 1. If the legislative counsel in reviewing a proposed regulation which is to be effective for a period longer than 120 days finds that it is inconsistent with the intent of the legislature as it appears from any statute, he shall so notify the agency which has proposed the regulation and state his reasons for so finding. If the agency adopts the proposed regulation without changing it to conform to the intent of the legislature so noted, the legislative counsel shall report his finding and reasons to the legislative commission. At its next meeting the legislative commission shall review the regulation and the finding and reasons of the legislative counsel, and may request further information from the agency, the legislative counsel or any person affected by the regulation.

2. Any legislator or any person directly affected by an adopted regulation may mail or deliver to the director of the legislative counsel bureau a written statement of reasons for believing that the regulation is inconsistent with the intent of the legislature as it appears from one or more statutes cited in the statement. The director may request the legislative counsel to prepare a

legal analysis of the statement or any other information which it appears will assist the legislative commission in considering the statement, and shall submit the statement with any such analysis or supplementary information to the commission. The legislative commission may request further information from the person submitting the statement, the agency adopting the regulation, the legislative counsel or any person affected by the regulation.

3. If the legislative commission finds that a regulation submitted pursuant to subsection 1 or 2 is inconsistent with the intent of the legislature as it appears from any statute, it shall so notify the agency. After receipt of such notification, the agency shall not attempt to enforce the regulation, and the regulation is ineffective, unless the agency obtains a declaratory judgment that the regulation is valid.

Sec. 7. "Agency" means an agency, bureau, board, commission, department, division, officer or employee of the executive department of the state government authorized by law to make regulations or to determine contested cases.

Sec. 8. "Contested case" means a proceeding, including but not restricted to ratemaking and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing, or in which an administrative penalty may be imposed.

Sec. 9. "License" means the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law. "Licensing" means the agency procedure whereby the license is granted, denied, revoked, suspended, annulled, withdrawn or amended.

Sec. 10. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any contested case.

Sec. 11. "Person" means any natural person, partnership, corporation, association, political subdivision or public or private organization of any character other than an agency.

Sec. 12. "Regulation" means an agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes a proposed regulation and the amendment or repeal of a prior regulation, but does not include:

1. A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
2. A declaratory ruling;
3. An intra-agency memorandum;
4. An agency decision or finding in a contested case; or

5. A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs and signals.

Sec. 13. 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The Nevada state prison.

(c) The University of Nevada System.

(d) The department of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The state board of parole commissioners.

(h) The welfare division of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

2. The state board of education is subject to the provisions of this chapter for the purpose of regulation-making 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 department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims; and



(c) Chapters 704 and 706 of NRS for the judicial review of decisions of the public service commission of Nevada, prevail over the general provisions of this chapter.

4. The provisions of this chapter do not apply to any order for immediate action, including but not limited to quarantine and the treatment or cleansing of infected or infested animals, object or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners 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.

Sec. 14. NRS 233B.020 is hereby amended to read as follows:

233B.020 1. By this chapter, the legislature intends to establish minimum procedural requirements for the regulation-making and adjudication procedure of all agencies of the executive department of the state government and for judicial review of both functions, [excepting] except those agencies expressly exempted pursuant to the provisions of this chapter. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050.

2. The provisions of this chapter are intended to supplement [present] statutes applicable to specific agencies. [Nothing in the chapter shall be held to limit or repeal] This chapter does

not abrogate or limit additional requirements imposed on such agencies by [statutes or to limit such requirements] statute or otherwise recognized by law.

[3. The state board of education is an agency subject to the provisions of this chapter for the purpose of regulation making but not with respect to any contested case.]

Sec. 15. NRS 233B.030 is hereby amended to read as follows:

233B.030 [In] As used in this chapter, unless the context otherwise requires [:

1. "Agency" means each public agency, bureau, board, commission, department, division, officer or employee of the executive department of the state government authorized by law to make regulations or to determine contested cases, except:

- (a) The governor.
- (b) Any penal or educational institution.
- (c) Any agency acting within its capacity as administrator of the military affairs of this state.
- (d) The state gaming control board.
- (e) The Nevada gaming commission.
- (f) The state board of parole commissioners.
- (g) The welfare division of the department of human resources.
- (h) The state board of examiners acting pursuant to chapter 217 of NRS.

2. "Contested case" means a proceeding, including but not restricted to ratemaking and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. Nothing contained in this section shall be construed to require a hearing where not otherwise required by law or regulation.

3. "License" means the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law. "Licensing" means the agency procedure whereby the license is granted, denied, revoked, suspended, annulled, withdrawn or amended.

4. "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party in any contested case.

5. "Person" means any individual, partnership, corporation, association, political subdivision or public or private organization of any character other than an agency.

6. "Regulation" means each agency rule, standard, directive or statement of general applicability that implements or interprets law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include:

(a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to NRS 233B.120;

(c) Intra-agency memoranda;

(d) Agency decisions and findings in contested cases;

(e) Regulations concerning the use of public roads or facilities which are indicated to the public by means of signs and signals; or

(f) 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, the state board of sheep commissioners 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.] , the words and terms defined in sections 7 to 12, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. NRS 233B.040 is hereby amended to read as follows:

233B.040 [Unless otherwise provided by law,] 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If

adopted and filed in accordance with the provisions of this chapter, such regulations shall have the force of law and be enforced by all peace officers. In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority under which the function was assigned.

2. Every regulation adopted by an agency shall include a notice of the right of every affected person to transmit a statement to the legislative commission and a citation of the section of NRS by which this right is conferred and its consequences provided.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files two copies of the publication with the secretary of state and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

*Check* An agency shall not attempt to incorporate any other material in a regulation by reference.

Sec. 17. NRS 233B.050 is hereby amended to read as follows:

233B.050 1. In addition to other regulation-making requirements imposed by law, each agency shall:

(a) Adopt [regulations] rules of practice, setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency.

(b) Make available for public inspection all regulations adopted or used by the agency in the discharge of its functions [.] and that part of the Nevada Administrative Code which contains its regulations.

(c) Make available for public inspection all final orders, decisions and opinions except those expressly made confidential or privileged by statute.

2. No agency regulation, rule, final order or decision [shall be] is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as required in this section, except that this provision [shall not be applicable] does not apply in favor of any person or party who has actual knowledge thereof.

Sec. 18. NRS 233B.060 is hereby amended to read as follows:

233B.060 1. Prior to the adoption, amendment or repeal of any regulation, the agency shall give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.

2. The notice shall:

(a) Include a statement of either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.

(b) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which shall be kept by the agency for such purpose.

*just* The agency shall at the time of giving the notice deposit one copy of the text of the proposed regulation with the secretary of state, and keep at least one copy available in its office from the date of the notice to the date of the hearing, for inspection and copying by the public. The notice shall state the address or addresses at which the text of the proposed regulation may be inspected and copied. After the agency has filed the original and copies of the adopted regulation , [pursuant to NRS 233B.070,] the secretary of state may discard the deposited copy of the proposed regulation.

3. All interested persons shall be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. With respect to substantive regulations, [opportunity for oral hearing must be granted if requested by any interested person who will be directly affected by the proposed regulation.]

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. If an agency finds that an emergency exists, and such a finding is concurred in by the governor by written endorsement on the original copy of a proposed regulation, a regulation may be adopted and become effective immediately upon its being filed in the office of the secretary of state. A regulation so adopted may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections 1 to 3, inclusive, is not precluded.

5. No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this [section,] chapter, but no objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date. Regulations in effect on July 1, 1965, [shall] continue in effect until amended or repealed in accordance with the provisions of this chapter, if an original and two copies [are] were deposited with the secretary of state on or before July 1, 1965.



[6. Upon adoption of a regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.]

Sec. 19. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. [Regulations shall become] A regulation becomes effective 30 days after an original and [three duplicate copies of each] duplicate copy of the regulation are filed with the secretary of state, except where:

- (a) A later date is required by statute;
- (b) An earlier date is permitted by statute;
- (c) A later date is specified in the regulation; or
- (d) The [agency finds that an emergency exists, and such finding is concurred in by the governor,] regulation is an emergency regulation authenticated by written endorsement of the governor upon the original regulation.

2. Each regulation shall include a citation of the authority pursuant to which it, or any part of it, was adopted.

3. The secretary of state shall cause to be endorsed on the original and duplicate [copies] copy of each regulation filed the time and date of the filing thereof, and shall maintain a file

of such regulations for public inspection together with suitable indexes therefor.

4. [No adopted regulation, which attempts to incorporate an agency's ruling, order or similar pronouncement by referring to the general subject of such, or to where such may be found, or to both, shall be effective.

5. The secretary of state shall deliver a duplicate copy of each adopted regulation to the Nevada legislative counsel bureau.

6.] Each agency shall furnish a copy of [its regulations] any of its regulations, or all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for such copy based on the cost of reproduction if it does not have funds appropriated or authorized for such purpose.

Sec. 20. NRS 233B.100 is hereby amended to read as follows:

233B.100 Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany his petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency shall within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings .  
[in accordance with NRS 233B.060.]

Sec. 21. NRS 233B.110 is hereby amended to read as follows:

233B.110 1. The validity or applicability of any regulation may be determined in a proceeding for a declaratory judgment in the district court in and for Carson City, or in and for the county where the plaintiff resides, when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered after the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency.

[2. Any] The agency whose regulation is made the subject of [a] the declaratory action [under subsection 1] shall be made a party to the action. [Any agency may institute an action for a declaratory judgment, as provided in subsection 1, concerning any regulation adopted and filed by it or any other agency.]

2. An agency may institute an action for declaratory judgment to establish the validity of any one or more of its own regulations. If the legislative commission has notified the agency that any regulation which is the subject or among the subjects of the action violates the intent of the legislature, the agency shall name the

legislative commission as a party defendant and serve a copy of the complaint upon the director of the legislative counsel bureau.

3. Actions for declaratory judgment provided for in subsections 1 and 2 shall be in accordance with the Uniform Declaratory Judgments Act (chapter 30 of NRS), and the Nevada Rules of Civil Procedure. In all actions under subsections 1 and 2, the [attorney general shall, before judgment is entered, be served with a copy of the petition, and shall be] plaintiff shall serve a copy of the complaint upon the attorney general, who is also entitled to be heard.

Sec. 22. NRS 47.140 is hereby amended to read as follows:

47.140 The laws subject to judicial notice are:

1. The Constitution and statutes of the United States, and the contents of the Federal Register.
2. The constitution of this state and Nevada Revised Statutes.
3. Any other statute of this state if brought to the attention of the court by its title and the day of its passage.
4. A county, city or town code which has been filed as required by NRS 244.118, 266.160, 268.014, 269.168 or the city charter and any city ordinance which has been filed or recorded as required by the applicable law.
5. A regulation of an agency of this state which has been adopted [pursuant to NRS 233B.060] and filed pursuant to [NRS 233B.070.] chapter 233B of NRS.

6. The class and organization of a city incorporated under general law.

7. The constitution, statutes or other written law of any other state or territory of the United States, or of any foreign jurisdiction, as contained in a book or pamphlet published by its authority or proved to be commonly recognized in its courts.

Sec. 23. NRS 612.220 is hereby amended to read as follows:

612.220 1. The executive director shall administer this chapter . [as the same now exists or may hereafter be amended.]

2. He shall have power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. [Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the executive director shall prescribe.]

3. The executive director shall determine his own organization and methods of procedure in accordance with the provisions of this chapter.

Sec. 24. NRS 612.240 is hereby amended to read as follows:

612.240 1. General and special rules may be adopted, amended or rescinded by the executive director only after public hearing or

opportunity to be heard thereon, of which proper notice has been given.

2. General rules shall become effective 10 days after filing with the secretary of state and publication in one or more newspapers of general circulation in this state.

3. Special rules shall become effective 10 days after notification to or mailing to the last-known address of the individuals or concerns affected thereby.

4. Regulations for the internal management of the employment security department which do not affect private rights or procedures available to the public may be adopted, amended or rescinded by the executive director and shall become effective in the manner and at the time prescribed by the executive director.

Sec. 25. NRS 616.218 is hereby amended to read as follows:

616.218 The [Nevada Administrative Procedure Act (chapter 233B of NRS) applies to all proceedings or hearings under this chapter, but its application is controlled by the specific provisions of this chapter and the] commission may by regulation provide for specific procedures for the determination of contested cases not inconsistent with [chapter 233B of NRS or] this chapter.

Sec. 26. NRS 616.220 is hereby amended to read as follows:

616.220 [In accordance with the Nevada Administrative Procedure Act, the] The commission shall:

1. [Adopt reasonable and proper rules to govern its procedure.

2.] Prescribe by regulation the time within which adjudications and awards shall be made.

[3.] 2. Prepare, provide and regulate forms of notices, claims and other blank forms deemed proper and advisable.

[4.] 3. Furnish blank forms upon request.

[5.] 4. Provide by regulation the method of making investigations, physical examinations, and inspections.

[6.] 5. Prescribe by regulation the methods by which the staff of the commission may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith. Every such approval, rejection and determination [shall be] is subject to review by the commission.

[7.] 6. Provide for adequate notice to each claimant of his right:

(a) To review by the commission of any determination or rejection by the staff.

(b) To judicial review of any final decision.

Sec. 27. NRS 617.165 is hereby amended to read as follows:

617.165 The [Nevada Administrative Procedure Act, chapter 233B of NRS, applies to all proceedings or hearings under this chapter, but its application is controlled by the specific provisions of this chapter and the] commission may by regulation provide for

specific procedures for the determination of contested cases not inconsistent with [chapter 233B of NRS or] this chapter.

Sec. 28. NRS 233B.160 is hereby repealed.

Sec. 29. The legislative commission shall prescribe the order in which the legislative counsel shall codify the existing regulations of the several agencies, and shall so schedule his work that it is completed before November 1, 1980. Every agency of the executive department of the state government, except those entirely exempted from the operation of the Nevada Administrative Procedure Act, shall make available to the legislative counsel all records requested by him to assist in the codification of its regulations. If in the course of codifying existing regulations, the legislative counsel finds that the substance of an existing regulation is inconsistent with the intent of the legislature as it appears from the statute law in force at the time of his examination, the legislative counsel, the agency whose regulation it is, and the legislative commission shall proceed as provided in section 6 of this act with respect to proposed regulations, and if the legislative commission notifies the agency that the regulation is inconsistent with the intent so expressed, the regulation is ineffective unless the agency obtains a declaratory judgment that it is valid.



SUMMARY--Reconciles statutes concerning administrative procedure.  
(BDR 18-108)

Fiscal Note: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

AN ACT relating to administrative procedure; reconciling specific procedures provided for individual agencies with the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

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

Section 1. NRS 233B.121 is hereby amended to read as follows:

233B.121 1. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

2. The notice shall include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

3. Any party is entitled to be represented by counsel.

4. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

[4.] 5. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

[5.] 6. The record in a contested case shall include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof and objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer presiding at the hearing.

[6.] 7. Oral proceedings, or any part thereof, shall be transcribed on request of any party.

[7.] 8. Findings of fact shall be based exclusively on substantial evidence and on matters officially noticed.

Sec. 2. NRS 233B.123 is hereby amended to read as follows:

233B.123 In contested cases:

1. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Evidence may be admitted, except where precluded by

statute, if it is of a type commonly relied upon by reasonable and prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

3. Every witness shall declare, by oath or affirmation, that he will testify truthfully.

4. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though such matter was not covered in the direct examination, impeach any witness regardless of which party first called him to testify, and rebut the evidence against him.

[4.] 5. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda

or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Sec. 3. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party aggrieved by a final decision in a contested case is entitled to judicial review thereof under this chapter. Where appeal is provided within an agency, only the decision at the highest agency level is reviewable unless otherwise provided by statute. This [section] chapter does not limit utilization of trial de novo review where provided by statute, but this [section] chapter provides an alternative means of review in those cases. Any preliminary, procedural or intermediate agency act or ruling is immediately reviewable in any case in which review of the final agency decision would not provide an adequate remedy.

2. Proceedings for review shall be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides, or in and for the county where the act on which the proceeding is based occurred [,] Unless otherwise provided by specific statute, a petition shall be filed within 30 days after the service of the final decision of the agency or, if a rehearing is held, within 30 days after the decision thereon.

Copies of the petition shall be served upon the agency and all other parties of record.

Sec. 4. NRS 233B.140 is hereby amended to read as follows:

233B.140 1. The filing of the petition does not itself stay enforcement of the agency decision [.] , unless expressly so provided by statute. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

2. Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under [view.] review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

3. If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.

4. The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

5. The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the agency;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 5. NRS 41A.040 is hereby amended to read as follows:

41A.040 [Subject to applicable requirements and procedures of chapter 233B of NRS, the screening panel administrators shall adopt

uniform procedural rules for the submission and consideration of cases relating to medical malpractice against physicians.] The screening panels are state agencies. Their administrators shall jointly adopt the required rules of practice, which shall be uniform for the two panels.

Sec. 6. NRS 90.175 is hereby amended to read as follows:

90.175 1. Except as provided in subsection 3, the administrator shall not:

(a) Deny approval of the statement of any security or commodity option or the registration of a broker-dealer, bullion dealer, issuer, agent, investment adviser or transfer agent;

(b) Prohibit or suspend the sale of any security or commodity option; or

(c) Prohibit or suspend any person from acting as a broker-dealer, bullion dealer, issuer, agent, investment adviser or transfer agent, *such* except after opportunity for a hearing upon not less than 10 days' advance notice given by personal service or registered or certified mail to the person or persons concerned.

2. The notice shall:

(a) State the date, time and place of the hearing;

(b) Contain a brief statement of the proposed action of the administrator; and

(c) State the grounds for the proposed action.

3. The administrator may temporarily prohibit the sale of any security or commodity option or suspend the registration of a broker-dealer, bullion dealer, issuer, agent, investment adviser or transfer agent without the notice and prior hearing if the administrator deems such action to be necessary for the protection of the public.

4. Immediately after taking any such action, the administrator shall:

(a) Schedule a hearing on the action as soon as possible and give to the person or persons concerned notice by personal service, by registered or certified mail or by telegram of the date, time and place of the hearing.

(b) Conduct the hearing and, under the facts developed, suspend or revoke the registration of any security, commodity option or person involved, or the imposition on any such person of a civil penalty of not more than \$1,000 for each offense.

[5. The provisions of the Nevada Administrative Procedure Act (chapter 233B of NRS) for the hearing, determination and review of contested cases apply to actions of the administrator or any deputy administrator under this section, and the findings and decision are a public record.]

Sec. 7. NRS 119.180 is hereby amended to read as follows:

119.180 1. No subdivision or lot, parcel or unit in any subdivision [shall] may be sold:



(a) Until the division has approved a written plan or the methods proposed to be employed for the procurement of prospective purchasers, the sale to purchasers and the retention of purchasers after sale, which plan or methods shall describe with particularity:

(1) The form and content of advertising to be used;

(2) The nature of the offer of gifts or other free benefits to be extended;

(3) The nature of promotional meetings involving any person or act described in this paragraph;

(4) The contracts, agreements and other papers to be employed in the sale of such property; and

(5) Such other reasonable details as may be required by the division.

*Just* The written plan, or the methods proposed, may be filed as a part of the application under NRS 119.140 and shall constitute and be treated as a part thereof.

(b) Except through a broker, and prior to any offering or disposition, pursuant to any license granted under this chapter, the name of such broker shall be placed on file with the division. [A registered representative of the developer may be utilized in offering or selling subdivision properties not exempt from the provisions of this chapter until January 1, 1975, but such real estate broker shall be responsible for the selling activities of the registered

representative so utilized. The registered representative and the developer are both required to comply with the same standards of business ethics as are required of licensed real estate brokers and salesmen except where different standards are prescribed by the division pursuant to a plan or methods under paragraph (a) of this subsection. Each registered representative of the developer engaged in offering subdivision property for sale shall, under such regulations as the division may promulgate, register with the division and pay the fees prescribed by this chapter. Such registered personnel shall be known as registered representatives of the developer and may not use the term "licensed." Real estate brokers and salesmen licensed in the State of Nevada may function as registered representatives upon filing their names with the division. On and after January 1, 1975, only such] Only that broker or his real estate salesman may offer or sell subdivision property or any interest therein. Prior to such salesman's offering or selling such property or interest, the salesman's name shall be placed on file with the division. Additionally, the broker and salesman, if any, shall:

(1) Complete an application in such form and containing such reasonable information as the division may require.

(2) Pay the fees prescribed in this chapter.

*Just* Brokers and salesmen may represent only one developer at any one time, and may transfer their representation to a different developer

only after completing an application in such form and containing such reasonable information as the division may require and paying the fees prescribed in this chapter, except, notwithstanding the provisions of this subsection, a broker of record may conduct his own separate brokerage business in compliance with chapter 645 of NRS.

2. [On and after January 1, 1975, no] No person, except a registered representative of the developer or a broker or salesman who has complied with this section, may induce, solicit or attempt to have any person attend any offer or sale of subdivision property or any interest therein. A broker is responsible for the inducing and soliciting activities of the registered representative so utilized. The registered representative and the developer are both required to comply with the same standards of business ethics as are applied to licensed real estate brokers and salesmen. A registered representative shall not make statements of any kind concerning prices, interests or values of the subdivision property; his sole function is inducing and soliciting persons to attend an offer or sale of subdivision property and handing out information approved by the division. The registered representative's activities shall strictly conform to the written plan approved by the division in this section.

3. Prior to engaging in any activities specified in subsection 2, each registered representative of the developer, under such regulations as the division may promulgate, shall:

(a) Complete an application in such form and containing such reasonable information as the division may require.

(b) Pay the fees prescribed in this chapter. Such registered personnel shall be known as registered representatives of the developer and may not use the term "licensee." Real estate brokers and salesmen licensed in the State of Nevada may function as registered representatives upon the completion of whatever application and the submission of whatever reasonable information the division may prescribe, and upon the payment of the fees prescribed in this chapter.

4. The information required to be provided by NRS 119.140 shall be given to and reviewed with each purchaser by the broker, registered representative or salesman prior to the execution of any contract for the sale of any such property. The broker shall obtain from the purchaser a signed receipt for a copy of such information and, if a contract for disposition is entered into, the receipt and a copy of all contracts and agreements shall be kept in the broker's files within the State of Nevada for a period of 3 years or 1 year after final payment has been made on any contract for the sale of property, whichever is longer, and [shall be] is subject to such inspection and audit as may be prescribed by [rules and] regulations [adopted pursuant to chapter 233B of NRS.] of the division.

5. Any contract or agreement for the sale of any subdivision or any lot, parcel, unit or interest in any subdivision, not exempted under the provisions of NRS 119.120, where such information has not been given to and reviewed with the purchaser more than 3 days in advance of his signing such contract or agreement, may be revoked by the purchaser within 3 days after he signed or after receipt by him of such information, whichever is the later, and the contract or agreement shall so provide, except that the contract or agreement may stipulate that the foregoing revocation authority shall not apply in the case of a purchaser who has received the information and inspected the subdivision in advance of signing the contract or agreement.

6. Any such revocation shall be in writing in form prescribed by the division and shall be communicated to the broker within the time limited by this section and all moneys paid by the purchaser under such revoked contract or agreement shall be returned to him immediately by the broker, without any deductions.

7. No subdivision consisting of land situated in the State of Nevada [~~shall~~] may be advertised or offered for sale within or outside the State of Nevada until such advertising and offering is approved by the division. Each such advertisement shall contain the processing number assigned by the division. Each application for approval of advertising shall be accompanied by a filing fee

not to exceed \$25, according to a schedule of fees to be established by the division. The division shall render a decision upon an application for approval of an advertising or offering within 30 days from the date such application is filed. The division shall [promulgate rules and] adopt regulations to accomplish the purpose of this section.

Sec. 8. NRS 233.070 is hereby amended to read as follows:

233.070 1. The commission shall receive and investigate complaints and initiate its own investigation of tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, physical or visual handicap, national origin or ancestry, and may conduct private or public hearings with regard thereto.

2. The commission, after the completion of any hearing, shall make a report in writing to the governor setting forth the facts found by the commission and the commission's recommendations. The commission shall use its best efforts to bring about compliance with its recommendations.

3. The commission may subpoena witnesses and require the production of any evidence relevant to any hearings conducted by the commission.

4. The commission may delegate its power to hold hearings, to issue subpoenas and to require the production of evidence to one or

more of its members or to one or more hearing officers whom it may employ. [If a hearing is held pursuant to such delegation, the provisions of NRS 233B.124 govern the rendering of the decision, including the finding of facts upon which to base further action.]

Sec. 9. NRS 284.377 is hereby amended to read as follows:

284.377 1. Within 30 days after receipt of notice of the decision of the hearing officer rendered pursuant to NRS 284.376, the employee or the appointing authority may, in writing, request that the commission review such decision for the purpose of determining whether to grant a hearing before the commission.

2. Within 30 days after receipt of a request for review pursuant to subsection 1, the commission shall review the decision of the hearing officer and shall either grant or deny a hearing before the commission.

3. If a hearing before the commission is granted, it shall be held within 60 days after receipt of the request for review and it shall be a hearing de novo. The technical rules of evidence do not apply at such hearing.

4. After the hearing and consideration of the evidence, the commission shall render its decision in writing, setting forth the reasons therefor. The decision of the commission supersedes the decision of the hearing officer and is binding on the parties. [The decision constitutes final agency action subject to judicial

review in accordance with the provisions of NRS 233B.130 to 233B.-150, inclusive.

5. If a hearing before the commission is denied, or if the commission receives no request for review within the specified time, the decision of the hearing officer constitutes final agency action subject to judicial review in accordance with the provisions of NRS 233B.130 to 233B.150, inclusive.]

Sec. 10. NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 30 days after receipt of a copy of the statement provided for in subsection 2 of NRS 284.385, an employee who has been dismissed, demoted or suspended may, in writing, request a hearing before the hearing officer of the personnel division to determine the reasonableness of such action. If an employee utilizes an internal grievance adjustment procedure adopted by the commission, such employee shall have 30 days following the final disposition of the internal proceeding to request, in writing, a hearing before the hearing officer.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing or review calendar of the hearing officer, in which case the hearing shall be scheduled for the earliest possible date after the expiration of the 20 days.



3. At the hearing of such appeal, technical rules of evidence do not apply.

4. After the hearing and consideration of the evidence, the hearing officer shall render his decision in writing, setting forth the reasons therefor.

5. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, such action shall be set aside and the employee shall be reinstated, with full pay for the period of dismissal, demotion or suspension.

6. The decision of the hearing officer is binding on the parties, but is subject to review and rehearing by the commission.

7. Within 30 days after receipt of notice of the decision of the hearing officer rendered pursuant to this section, the employee or the appointing authority may, in writing, request that the commission review such decision for the purpose of determining whether to grant a hearing before the commission.

8. Within 30 days after receipt of a request for review pursuant to subsection 7, the commission shall review the decision of the hearing officer and shall either grant or deny a hearing before the commission.

9. If a hearing before the commission is granted, it shall be held within 60 days after receipt of the request for review and it

shall be a hearing de novo. The technical rules of evidence do not apply at such hearing.

10. After the hearing and consideration of the evidence, the commission shall render its decision in writing, setting forth the reasons therefor. The decision of the commission supersedes the decision of the hearing officer and is binding on the parties. [The decision constitutes final agency action subject to judicial review in accordance with the provisions of NRS 233B.130 to 233B.-150, inclusive.]

11. If a hearing before the commission is denied, or if the commission receives no request for review within the specified time, the decision of the hearing officer constitutes final agency action subject to judicial review in accordance with the provisions of NRS 233B.130 to 233B.150, inclusive.]

Sec. 11. NRS 286.630 is hereby amended to read as follows:

286.630 1. The board shall designate medical advisers who are specialists in their respective fields of medicine and who maintain their medical practices in the Reno-Carson City or Las Vegas areas. As directed by the board, the medical advisers shall conduct medical examinations, make recommendations and consult with the board concerning applications for disability allowances.

2. The board shall require medical examinations of all applicants for disability retirement allowances. Such examinations shall at least consist of:

(a) An examination at an applicant's expense and by his personal physician who shall submit a written statement to the board describing the nature and extent of the applicant's disability; and

(b) A review of the written statement from the applicant's physician by the board's medical advisers.

*uch* If the medical advisers deem it necessary, the advisers, or any one of them, may conduct an additional medical examination of the applicant. The costs of such additional examination shall be paid from the public employees' retirement administrative fund.

3. The board may adopt [rules or] regulations providing for medical examinations of persons receiving disability retirement allowances. Expenses for such medical examinations shall be paid from the public employees' retirement administrative fund. If any person receiving such an allowance refuses a reasonable request from the board to submit to a medical examination, the board may discontinue the payment of his allowance and may further provide for the forfeiture of all allowances accruing during such discontinuance.

4. A member may apply to the board for one reconsideration of a decision concerning the eligibility of an applicant for a disability retirement allowance or the discontinuance of such an allowance.

[If no application for rehearing is made or if such an application is denied, every such decision is subject only to judicial review as provided in the Nevada Administrative Procedure Act (chapter 233B of NRS).]

Sec. 12.. NRS 288.130 is hereby amended to read as follows:

288.130 Every hearing and determination of an appeal or complaint by the board is a contested case [within the meaning of chapter 233B of NRS. Every such determination is] subject to [judicial review as provided in chapter 233B of NRS.] the provisions of law which govern the administrative decision and judicial review of such cases.

Sec. 13. NRS 341.260 is hereby amended to read as follows:

341.260 1. The board, in conjunction with the public service commission of Nevada, shall establish insulation standards by [January 1, 1976,] regulation for all buildings, public and private, constructed in the State of Nevada.

[2. The insulation standards established pursuant to this section shall be adopted and modified in the manner prescribed in chapter 233B of NRS.] Modifications may be made to coincide with applicable federal requirements or for any other purpose in the public interest, but only upon the approval of both the board and the public service commission of Nevada.

[3.] 2. Insulation standards established pursuant to subsection 1 are intended to establish minimum insulation requirements and [shall] do not supersede more stringent requirements imposed by the building codes of any city or county. The sufficiency of city and county insulation standards shall be determined by the board.

[4. After the adoption of insulation standards pursuant to this section, the board shall be] The board is responsible for the implementation and enforcement of such standards.

Sec. 14. NRS 361.870 is hereby amended to read as follows:

361.870 1. Any claimant aggrieved by a county assessor's decision which denies assistance claimed under the Senior Citizens' Property Tax Assistance Act may have a review of the denial before the executive director if within 30 days after the claimant receives notice of the denial he submits a written petition for review to the department.

2. Any claimant aggrieved by the denial in whole or in part of relief claimed under the Senior Citizens' Property Tax Assistance Act, or by any other final action or review of the executive director, is entitled to judicial review thereof. [Proceedings for such review must be instituted within 30 days after the claimant has received notice of such final action.]

Sec. 15. NRS 369.485 is hereby amended to read as follows:

369.485 1. The legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

(c) "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

5. The department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than \$500.

(b) For the second violation a penalty of not more than \$1,000.

(c) For the third and any subsequent violation a penalty of not more than \$5,000 or by a license suspension, or by both such penalty and suspension.

6. The department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer. [The department shall follow the provisions of chapter 233B of NRS in the enforcement of this section.]

Sec. 16. NRS 394.221 is hereby amended to read as follows:

394.221 1. The department, under the direction and control of the board, shall administer the provisions of the Private Elementary and Secondary Education Authorization Act in addition to any other duties prescribed by law.

2. The department, with the approval of the board, shall:

(a) Establish minimum criteria, in conformity with NRS 394.241, which applicants for a license or agent's permit shall meet before a license or permit is issued. The criteria shall be sufficient to effectuate the purposes of the Private Elementary and Secondary Education Authorization Act but not unreasonably hinder legitimate educational innovation.

(b) Receive, investigate as necessary and act upon applications for licenses and agents' permits.

(c) Maintain a list of agents and private elementary and secondary education institutions authorized to operate in this state. The list shall be available for the information of the public.



(d) Receive, and maintain as a permanent file, copies of academic records in conformity with NRS 394.341.

[(e) In conformity with the Nevada Administrative Procedure Act (chapter 233B of NRS), promulgate regulations and procedures necessary for the conduct of its work and the implementation of the Private Elementary and Secondary Education Authorization Act, which regulations shall have the force of law; and hold such hearings as are advisable or required in developing regulations and procedures, or in aid of any investigation or inquiry.]

Sec. 17. NRS 394.291 is hereby amended to read as follows:

394.291 [1.] Any person aggrieved by a decision of the board denying a license to operate or an agent's permit, or the placement of conditions on the license to operate or agent's permit, is entitled to a hearing before the board if the aggrieved person submits a written request for a hearing within 10 days from receipt of the board's letter of denial. If no request is submitted within the prescribed period the decision is final.

[2. The hearing shall be conducted in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS).

3. The decision of the board is final unless the applicant seeks judicial review.]

Sec. 18. NRS 394.301 is hereby amended to read as follows:

394.301 1. A license to operate or an agent's permit may be revoked or made conditional after its issuance if the department

reasonably believes that the holder of the license or permit has violated the Private Elementary and Secondary Education Authorization Act or any regulations [promulgated] adopted under it. Prior to the revocation or imposition of conditions, the department shall notify the holder by certified mail of facts or conduct which warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days of receipt of the department's notice letter. [The hearing shall be conducted in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS)].

2. If no hearing is requested within the 10-day period, or after a hearing before the board, the decision of the agency is final unless judicially reviewed.

3.] 2. If an agent's permit is revoked or conditions imposed, the department shall, by certified mail, notify the institutions which the agent represented in addition to the agent and any other parties to any hearing.

Sec. 19. NRS 394.321 is hereby amended to read as follows:

394.321 [1. Any person aggrieved or adversely affected by any final board action, or by any penalty imposed by the board, may obtain judicial review in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS).

2.] If the board determines that irreparable injury would result from the implementation of its decision, it shall postpone the

effective date of its action pending judicial review \_ [, or the reviewing court may order a stay as provided in the Nevada Administrative Procedure Act.]

Sec. 20. NRS 394.421 is hereby amended to read as follows:

394.421 The administrator, with the approval of the commission, shall:

1. Establish minimum criteria in conformity with NRS 394.450, including quality of education, ethical and business practices, health and safety, and fiscal responsibility, which applicants for a license to operate, or for an agent's permit, shall meet before the license or permit may be issued and to continue the license or permit in effect. The criteria to be developed shall be sufficient to effectuate the purposes of the Postsecondary Educational Authorization Act, but not unreasonably hinder legitimate education innovation.

2. Receive, investigate as necessary, and act upon applications for a license to operate postsecondary educational institutions and applications for agents' permits.

3. Maintain a list of postsecondary educational institutions licensed and agents permitted to operate in this state. The list shall be available for the information of the public.

4. Receive and maintain as a permanent file, copies of academic records in conformity with NRS 394.550.

5. [In conformity with the Nevada Administrative Procedure Act (chapter 233B of NRS), promulgate regulations and procedures necessary for the conduct of its work and the implementation of the Postsecondary Educational Authorization Act, which regulations shall have the force of law; and hold such hearings as are advisable or required in developing regulations and procedures, or in aid of any investigation or inquiry.

6.] Direct the technical and administrative activities of the commission.

[7.] 6. Perform any lawful acts considered necessary or desirable to carry out the provisions and purposes of the Postsecondary Educational Authorization Act.

Sec. 21. NRS 394.500 is hereby amended to read as follows:

394.500 [1.] Any person aggrieved by a decision of the commission denying a license or an agent's permit, or the placement of conditions on the license or agent's permit, is entitled to a hearing before the commission, if the aggrieved person submits a written request for a hearing within 10 days from the receipt of the commission's letter of denial. If no request is submitted within the prescribed period the decision is final.

[2. The hearing shall be conducted in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS). After a hearing, the decision of the commission is final unless judicially reviewed.]

Sec. 22. NRS 394.510 is hereby amended to read as follows:

394.510 1. A license or an agent's permit may be revoked or made conditional after its issuance if the commission reasonably believes that the holder of the license or permit has violated the Postsecondary Educational Authorization Act or regulations [promulgated] adopted hereunder. Prior to revocation or imposition of conditions, the commission shall notify the holder by certified mail of the impending action, setting forth the basis for the commission's actions and advising the holder that if a hearing is desired it must be requested within 10 days of receipt of the commission's notice letter. If no hearing is requested within the prescribed period the commission's decision is final. [The hearing shall be conducted in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS).]

2. If an agent's permit is revoked or conditions imposed, the commission shall notify, by certified mail, the institution which the agent represented in addition to the agent and any other parties to any hearing.

Sec. 23. NRS 394.530 is hereby amended to read as follows:

394.530 [1. Any person aggrieved or adversely affected by any final commission action, or by any penalty imposed by the commission, may obtain judicial review in accordance with the provisions of the Nevada Administrative Procedure Act (chapter 233B of NRS).

2.] If the commission determines that irreparable injury would result from the implementation of its decision, it shall postpone the effective date of its action pending review . [, or the reviewing court may order a stay as provided in the Nevada Administrative Procedure Act.]

Sec. 24. NRS 444.560 is hereby amended to read as follows:

444.560 1. The state environmental commission shall adopt regulations concerning solid waste management systems, or any part thereof.

2. [In addition to the requirements of chapter 233B of NRS, notice] Notice of the intention to adopt and the adoption of any regulation shall be given to the clerk of the governing board of all municipalities in this state.

3. Within a reasonable time, as fixed by the state environmental commission, after the adoption of any regulation, no governing board of a municipality or person shall operate or permit an operation in violation of such regulation.

Sec. 25. NRS 445.207 is hereby amended to read as follows:

445.207 [At least 30 days before each hearing required by NRS 445.204, notice of such hearing:

1. Shall] Before adopting any regulation, the commission shall hold a public hearing. If the regulation provides a standard of water quality or waste discharge, notice of the hearing shall be

published at least once in a newspaper of general circulation in the area to which the standard, if adopted, will apply. [; and

2. Shall be mailed to all persons who have requested the commission to notify them of such hearing or hearings.]

Sec. 26. NRS 445.267 is hereby amended to read as follows:

445.267 The commission shall provide by [rules and regulations:]  
regulation:

1. An opportunity for each permit applicant, interested agency or any person to request a public hearing conducted by the director with respect to each permit application; and

2. For public notice of such hearing, at least 30 days prior to the date of such hearing.

*ush* [The hearings shall be conducted according to the provisions of chapter 233B of NRS.]

Sec. 27. NRS 445.466 is hereby amended to read as follows:

445.466 In the adoption of [rules and regulations pursuant to the authority granted in subsection 1 of NRS 445.461 and for its own procedures and for hearings held before it the commission shall comply with the provisions of chapter 233B of NRS. In addition, no rule or regulation shall be adopted by] any regulation, the commission [without] shall hold a public hearing. [having been held thereon.] Notice of [such] the public hearing shall be given by at least three publications of a notice in newspapers throughout

the state, once a week for 3 weeks, commencing at least 30 days prior to the hearing. [The notice shall, among other items, specify with particularity the reason for the proposed rule or regulation and provide other informative details.]

Sec. 28. NRS 445.501 is hereby amended to read as follows:

445.501 1. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension or revocation of an operating permit; or

(b) The issuance, modification or rescission of any other order, by the director may appeal to the commission.

2. The commission shall affirm, modify or reverse any action taken by the director which is the subject of the appeal.

3. The commission shall provide by rule for the time and manner in which appeals are to be taken to the commission.

[4. Any decision or order of the commission may be appealed as provided in NRS 233B.130.]

Sec. 29. NRS 445.521 is hereby amended to read as follows:

445.521 [1.] No applicant is entitled to the granting or renewal of a variance as of right.

[2. Judicial review may be had of the granting or denial of a variance as provided in NRS 233B.130.]

Sec. 30. NRS 445.601 is hereby amended to read as follows:

445.601 1. Any person who violates any provision of NRS 445.-401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, or



any regulation in force pursuant thereto, other than NRS 445.576 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the commission of not more than \$5,000. Each day of violation constitutes a separate offense.

2. The commission shall by regulation establish a schedule of administrative fines not exceeding \$500 for lesser violations of any provision of NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, by injunction or other appropriate remedy, and the commission or the director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. All administrative fines collected by the commission pursuant to this section shall be deposited in the county school district fund of the county where the violation occurred.

[5. Any person aggrieved by an order issued pursuant to this section is entitled to review as provided in NRS 233B.130.]

Sec. 31. NRS 449.170 is hereby amended to read as follows:

449.170 1. When the health division denies, suspends or revokes a health and care facility license, the division shall afford reasonable notice to all parties by certified mail, which notice shall contain the legal authority, jurisdiction and reasons for the action taken.

2. The aggrieved person may file notice of appeal with the state health officer within 10 calendar days after receipt of notice of action of the health division.

3. Within 20 calendar days after the receipt of the notice of appeal by the state health officer, the health division shall hold a hearing \_ [in the manner provided by the Nevada Administrative Procedure Act and the rules and regulations of the state board of health.]

4. Notice of the hearing shall be given no less than 5 days prior to the date set for the hearing.

Sec. 32. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician shall apply to the health division using forms prescribed by the health division.

2. The health division shall charge no fee for an emergency medical technician certificate.

3. The health division, under [rules,] regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications as an emergency medical technician, and shall issue an emergency medical technician certificate to each qualified applicant.

4. An emergency medical technician certificate shall be valid for a period not exceeding 2 years and may be renewed if the holder meets the qualifications set forth in the [rules,] regulations and standards established by the board pursuant to this chapter.

5. The health division may suspend or revoke an emergency medical technician certificate if [, after reasonable notice and opportunity for a hearing,] it is determined that the holder no longer meets the prescribed qualifications. The holder has the right of appeal to the board . [, subject to judicial review as provided in chapter 233B of NRS.]

6. The board shall determine the procedures and techniques which may be performed by an emergency medical technician and by those who qualify to give advanced emergency care pursuant to the provisions of subsection 7.

7. The board shall determine training and other requirements for the delivery of advanced emergency care, including but not limited to defibrillation and administration of parenteral injections. No attendant [shall] may give, and no ambulance service [shall] may

offer, such advanced emergency care without fulfilling the requirements established by the board.

Sec. 33. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health division may issue permits for the operation of ambulance service and air ambulance service.

2. Each permit shall be evidenced by a card issued to the permit-holder.

3. No permit [~~shall~~] may be issued unless the applicant is qualified under rules and regulations of the board.

4. An application for a permit shall be made upon forms prescribed by the board and in accordance with procedures established by the board, and shall contain the following:

(a) The name and address of the owner of the ambulance service or air ambulance service or proposed service;

(b) The name under which the applicant is doing business or proposes to do business;

(c) A description of each ambulance or air ambulance, including the make, model, year of manufacture, motor and chassis numbers, and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance or air ambulance;

(d) The location and description of the place or places from which the ambulance or air ambulance service is intended to operate; and

(e) Such other information as the board [shall deem] deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board may establish an annual permit fee not to exceed \$10.

6. All permits shall expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days prior to the expiration date.

7. The health division may revoke, suspend or refuse to renew any permit to operate an ambulance or air ambulance service for violation of any provision of this chapter or of any [rule or] regulation [promulgated] adopted by the board.

8. No revocation, suspension or refusal may be made without the concerned permitholder's having been afforded an opportunity for a public hearing before the board in the matter prior to such time as any suit is filed in court for violation of this chapter or the [rules and] regulations [issued hereunder. The board shall issue regulations and procedures for the conduct of hearings required by this subsection, and determinations are subject to judicial review pursuant to chapter 233B of NRS.] adopted pursuant to this chapter.

9. The health division may suspend a permit if the permitholder is using an ambulance or air ambulance which does not meet the

minimum equipment requirements as established by the board pursuant to this chapter.

10. The issuance of a permit under this section or NRS 450B.210 does not authorize any person, firm, corporation, association or government entity to provide ambulance or air ambulance services or to operate any ambulance or air ambulance not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

Sec. 34. NRS 452.390 is hereby amended to read as follows:

452.390 [1. The provisions of chapter 233B of NRS apply to prepaid contracts and all persons connected with such contracts.

2.] The administrator may [promulgate such rules and] adopt such regulations relative to trade practices and frauds in connection with prepaid contracts, and all persons involved therewith, as he may determine necessary or proper.

Sec. 35. NRS 453.146 is hereby amended to read as follows:

453.146 1. The board shall administer the provisions of NRS 453.011 to 453.551, inclusive, and may add substances to or delete or reschedule all substances enumerated in the schedules in NRS 453.161, 453.171, 453.181, 453.191, and 453.201 [, pursuant to the procedures of chapter 233B of NRS.] by regulation.

2. In making a determination regarding a substance, the board shall consider the following:

(a) The actual or relative potential for abuse;

(b) The scientific evidence of its pharmacological effect, if known;

(c) The state of current scientific knowledge regarding the substance;

(d) The history and current pattern of abuse;

(e) The scope, duration and significance of abuse;

(f) The risk to the public health;

(g) The potential of the substance to produce psychic or physiological dependence liability; and

(h) Whether the substance is an immediate precursor of a substance already controlled under the provisions of NRS 453.011 to 453.551, inclusive.

3. After considering the factors enumerated in subsection 2 the board shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

4. If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

5. If any substance is designated, rescheduled or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under

the provisions of NRS 453.011 to 453.551, inclusive, after the expiration of 60 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that 60-day period the board objects to inclusion, rescheduling or deletion. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which [shall be] is final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under the provisions of NRS 453.011 to 453.551, inclusive, by the board, control under such sections is stayed until the board publishes its decision.

6. Authority to control under this section does not extend to distilled spirits, wine, malt beverages or tobacco.

7. The board shall not include any nonnarcotic substance on any such schedule if such substance has been approved by the Food and Drug Administration for sale over the counter without a prescription.

Sec. 36. NRS 453.241 is hereby amended to read as follows:

453.241 1. Before denying, suspending or revoking a registration, or refusing a renewal of registration, the board shall serve



upon the applicant or registrant an order to show cause why registration should not be denied, revoked or suspended, or why the renewal should not be refused.

2. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. In the case of a denial or renewal of registration the show cause order shall be served not later than 30 days before the expiration of the registration.

3. [These proceedings shall be conducted in accordance with chapter 233B of NRS without regard to any criminal prosecution or other proceeding.

4.] Proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing.

[5.] 4. The board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under NRS 453.236, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

Sec. 37. NRS 454.050 is hereby amended to read as follows:

454.050 1. It is unlawful to vend, sell, furnish or deliver any poison included in Schedule "A," the additions thereto or those enumerated by [the board in a] regulation [adopted in compliance with chapter 233B of NRS] of the board without making or causing to be made, at the time of the sale, an entry in a book kept solely for that purpose, stating:

- (a) The date of sale.
- (b) The name, complete residence or business address and signature of the purchaser.
- (c) The name and quantity of the poison sold.
- (d) The statement by the purchaser of the purpose for which the poison is required.
- (e) The signature of the dispenser, who must be a registered pharmacist or a registered intern pharmacist acting under the direct and immediate supervision of a registered pharmacist.

2. The provisions of this section do not apply when the poisons enumerated in Schedule "A" are used as solvents for glues and cements used in making of models, when sold in single units or containers simultaneously with or as a part of a kit to be used for the construction of model airplanes, boats, automobiles, trains or other similar models if such kits have been assembled by a recognized manufacturer of such kits and are advertised as such.

Sec. 38. NRS 454.371 is hereby amended to read as follows:

454.371 1. If the board finds any drug to be dangerous to the public health or safety, it may [make other rules,] adopt a regulation not inconsistent with NRS 454.181 to 454.381, inclusive, limiting or restricting the furnishing of such drug. [The proceedings for adoption of such rules shall be governed by chapter 233B of NRS.]

2. A violation of any such [rule] regulation shall be punished in the same manner as is provided in NRS 454.306 to 454.356, inclusive.

Sec. 39. NRS 454.500 is hereby amended to read as follows:

454.500 The board shall establish, by regulation, the type of devices other than hypodermic needles and syringes that must be sold in compliance with the provisions of NRS 454.470 to 454.530, inclusive. [Proceedings in adopting such regulations shall be conducted in compliance with the provisions of chapter 233B of NRS.]

Sec. 40. NRS 459.100 is hereby amended to read as follows:

459.100 1. In any proceeding under NRS 459.010 to 459.160, inclusive, for the granting, amending, suspension or revocation of any license, or for determining compliance with, or granting exceptions to, [rules and] regulations [promulgated] adopted in accordance with NRS 459.010 to 459.160, inclusive, the state

board of health shall afford an opportunity for a hearing on the record upon the request of any person whose interest may be affected by such proceeding, and shall admit any such person as a party to such proceeding.

2. [Any such person who applies for a hearing before the state board of health may appear at such hearing before the board in person or by counsel, and may produce witnesses and introduce evidence orally or in written form.

3. Any testimony at such hearing shall be given under oath.

4. The rules of evidence shall not obtain in a hearing before the state board of health under this section.

5.] The board shall render a written decision at the conclusion of every hearing, and the record and decision in every hearing shall be available for inspection by any interested person.

Sec. 41. NRS 459.120 is hereby amended to read as follows:

459.120 1. If the health division finds that an emergency exists requiring immediate action to protect the public health and safety, the division may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is considered necessary to meet the emergency.

2. [Notwithstanding any other provision of NRS 459.010 to 459.160, inclusive, any such order shall be effective immediately.

3.] Any person to whom such order is directed shall comply immediately with such order, but on application to the state board of health he shall be afforded a hearing.

[4.] 3. Such emergency order shall be continued, modified or revoked within 30 days after such hearing.

Sec. 42. NRS 467.113 is hereby amended to read as follows:

467.113 1. Any member of the commission may conduct hearings.

2. All hearings conducted under the provisions of this chapter shall be preceded by a written notice to be served upon the accused at least 30 days prior to the hearing.

3. [At the hearing the accused shall have the right to:

- (a) Appear personally and by counsel;
- (b) Introduce evidence; and
- (c) Examine and cross-examine witnesses.

4.] Before any adjudication is rendered, a majority of the members of the commission shall be required to examine the record and approve the adjudication and order.

[5.] 4. The commission shall file a written report of its findings, adjudication and order in the record of the proceedings and shall send a copy to the accused.

Sec. 43. NRS 477.033 is hereby amended to read as follows:

477.033 1. A license, issued by the state fire marshal, is required for the servicing, installation or sale of fire extinguishers, fire alarm systems or fire sprinkler systems.

2. Applications for licenses shall be made on a form prescribed by the state fire marshal.

3. The state fire marshal may conduct inspections, examinations or hearings prior to the issuance of licenses.

4. The state fire marshal may charge a reasonable fee, to be fixed by regulation , [pursuant to the Nevada Administrative Procedure Act,] for the inspection and issuance of licenses.

5. If any person is denied a license by the state fire marshal, such person is entitled to a hearing, upon request, before the state fire marshal's advisory board. [Any final determination by the state fire marshal's advisory board after a hearing is subject to review by the district court at the instance of any party aggrieved.]

Sec. 44. NRS 482.353 is hereby amended to read as follows:

482.353 1. The applicant or licensee may, within 30 days after receipt of the notice of denial or revocation, petition the director in writing for a hearing.

2. [Upon filing the petition, a date for hearing shall be fixed, and the applicant or licensee shall have the right to be present at the hearing and testify in his own behalf and to have such other persons as he desires present and testify at the hearing.

3.] Within 10 days after the hearing, the director shall make written findings of fact and conclusions and shall either grant or finally deny the application or revoke the license.

[4.] 3. Notwithstanding the provisions of subsections [1 to 3, inclusive,] 1 and 2, the department may, if the director finds that the action is necessary in the public interest, upon notice to the licensee temporarily suspend or refuse to renew the license certificate issued to a manufacturer, dealer or rebuilder pursuant to NRS 482.322, and the special plates issued to a manufacturer or dealer pursuant to NRS 482.330, for a period not to exceed 30 days. In any such case a hearing shall be held, and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 45. NRS 489.440 is hereby amended to read as follows:

489.440 1. The applicant or licensee may, within 30 days after receipt of the notice of denial or revocation, petition the commission in writing for a hearing.

2. Upon filing the petition, a date for hearing shall be fixed . [, and the applicant or licensee shall have the right to be present at the hearing and testify in his own behalf and to have such other persons as he desires present and testify at the hearing.]

3. Within 10 days after the hearing, the commission shall make written findings of fact and conclusions and shall either grant or finally deny the application or revoke the license.

4. Notwithstanding the provisions of subsections 1 to 3, inclusive, the commission may, if it finds that the action is necessary in the public interest, upon notice to the licensee, temporarily

suspend or refuse to renew the license certificate. In any such case a hearing shall be held, and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 46. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this Title, wildlife shall be classified as follows:

(a) Wild animals, which shall be further classified as either game animals, fur-bearing animals, protected or unprotected animals.

(b) Wild birds, which shall be further classified as either game birds, protected birds or unprotected birds. Game birds shall be further classified as upland game birds or migratory game birds.

(c) Fish, which shall be further classified as either game fish or protected fish or unprotected fish.

(d) Reptiles, which shall be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which shall be further classified as either game amphibians, protected amphibians or unprotected amphibians.

2. Protected wildlife may be further classified as rare or endangered.

3. Each species of wildlife shall be placed in a classification by commission regulation and, when it is in the public interest to do so, species may be moved from one classification to another . [, in accordance with the procedure set by chapter 233B of NRS.]



Sec. 47. NRS 501.118 is hereby amended to read as follows:

501.118 Whenever [in this Title or by the provisions of chapter 488 of NRS] the commission is required to publish any official order or [regulation,] regulation regarding open or closed seasons, bag limits or hours, it shall [:

1. Comply with chapter 233B of NRS with regard to all such orders or regulations dealing with subjects other than open or closed seasons, bag limits or hours.

2. With regard to open or closed seasons, bag limits or hours,] publish once in each case, in a newspaper of general circulation in the State of Nevada or in the locality to which the order or regulation applies:

[(a)] 1. A notice of intention to establish such order or regulation at an open meeting to be held on a date no sooner than 10 days following such publication; and

[(b)] 2. Upon the establishment of such order or regulation a notice of that fact, which publication date shall become the effective date of such order or regulation, unless otherwise provided in such order or regulation.

Sec. 48. NRS 512.131 is hereby amended to read as follows:

512.131 1. The inspector of mines shall:

(a) Adopt, modify, amend or repeal regulations formulated and proposed by the mining safety advisory board as he deems necessary

and which are consistent with the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. §§ 721-740), as amended.

(b) Adopt all mandatory federal health and safety standards promulgated by the Secretary of the Interior pursuant to the provisions of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. §§ 721-740), as amended.

2. [The adoption of such regulations and standards, or their modification, amendment or repeal shall be in accordance with chapter 233B of NRS (Nevada Administrative Procedure Act), the provisions of which are specifically made applicable to such procedures.

3.] The inspector of mines shall forward a copy of every regulation or standard adopted under this section to the operator of each mine and to the representative of the workers, if any, at such mine. Failure to receive a copy of such regulation or standard shall not relieve anyone of the obligation to comply with such regulations or standards.

Sec. 49. NRS 522.090 is hereby amended to read as follows:

522.090 1. [The commission shall prescribe rules and regulations governing practice and procedure before the commission.

2. No rule,] The commission shall make no regulation or order, or amendment thereof, except in an emergency, [shall be made by the commission] without a public hearing upon at least 10 days' notice. The public hearing shall be held at such time and place

as may be prescribed by the commission, and any interested person [shall be] is entitled to be heard.

[3. When an emergency requiring immediate action is found to exist, the commission is authorized to issue an emergency order without notice or hearing, which shall be effective upon promulgation. No emergency order shall remain effective for more than 15 days.

4.] 2. Any notice required by this chapter shall be given by personal service on all interested persons; and in the event such personal service cannot be made, then substituted service may be made in the manner provided for substitute service of process under the Nevada Rules of Civil Procedure. [The notice shall issue in the name of the state, shall be signed by the commission, and shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding.

5. All rules, regulations and orders issued by the commission shall be in writing, shall be entered in full and indexed in books to be kept by the commission for that purpose, and shall be public records open for inspection at all times during reasonable office hours. A copy of any rule, regulation or order certified by the commission, under its seal, shall be received in evidence in all courts of this state with the same effect as the original.

6.] 3. The commission may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the commission, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The commission shall enter its order within 30 days after the hearing.

Sec. 50. NRS 522.110 is hereby amended to read as follows:

522.110 [1.] Within 20 days after written notice of the entry of any order or decision of the commission, or such further time as the commission may grant for good cause shown, any person affected thereby may file with the commission an application for the rehearing in respect of any matter determined by such order or decision, setting forth the respect in which such order or decision is believed to be erroneous. The commission shall grant or refuse any such application in whole or in part within 10 days after the same is filed, and failure to act thereon within such period is deemed a refusal thereof and a final disposition of such application. In the event the rehearing is granted, the commission may enter such new order or decision after rehearing as may be required under the circumstances.

[2. Any party to such rehearing proceeding, dissatisfied with the disposition of the application for rehearing, may appeal therefrom to the district court of the county wherein is located any property affected by the decision of the commission, by filing a petition for the review of the action of the commission within 20 days after the entry of the order following rehearing or after the refusal of rehearing as the case may be. Such petition shall state briefly the nature of the proceedings before the commission and shall set forth the order or decision of the commission complained of and the grounds of invalidity thereof upon which the applicant will rely; provided, that the questions reviewed on such appeal shall be only questions presented to the commission by the application for rehearing. Notice of such appeal shall be served upon the adverse party or parties and the commission in the manner provided for the service of summons in civil proceedings. The trial upon appeal shall be without a jury, and the transcript of proceedings before the commission, including the evidence taken in hearings by the commission, shall be received in evidence by the court in whole or in part upon offer by either party, subject to legal objections to evidence, in the same manner as if such evidence was originally offered in the district court. The commission's action complained of shall be prima facie valid and the burden shall be placed upon the party or parties seeking review to

establish the invalidity of such action of the commission. The court shall determine the issues of fact and of law and shall, upon a preponderance of the evidence introduced before the court, which may include evidence in addition to the transcript of proceedings before the commission and the law applicable thereto, enter its order either affirming or vacating the order of the commission. Appeals may be taken from the judgment or decision of the district court to the supreme court in the same manner as provided for appeals from any other final judgment entered by a district court in this state.

3. The pendency of proceedings to review shall not of itself stay or suspend operation of the order or decision being reviewed, but during the pendency of such proceedings the district court in its discretion may, upon its own motion or upon proper application of any party thereto, stay or suspend, in whole or in part, operation of the order or decision pending review thereof, on such terms as the court deems just and proper and in accordance with the Nevada Rules of Civil Procedure; provided, that the court, as a condition to any such staying or suspension of operation of any order or decision, may require that one or more parties secure, in such form and amount as the court may deem just and proper, one or more other parties against loss or damage due to the staying or

suspension of the commission's order or decision, in the event that the action of the commission shall be affirmed.

4. The applicable rules of practice and procedure in civil cases for the courts of this state shall govern the proceedings for review, and any appeal therefrom to the supreme court, to the extent such rules are consistent with provisions of this chapter.]

Sec. 51. NRS 528.105 is hereby amended to read as follows:

528.105 1. Any state nursery authorized by NRS 528.100 shall be operated under management of the state forester firewarden and shall propagate stock for uses as provided in this section.

2. The state forester firewarden may:

(a) Purchase nursery stock, seed and other conservation plant materials.

(b) Engage in seed, tree and plant development research.

(c) Demonstrate methods of conservation plant material planting, propagation and landscaping to public or private organizations or individuals.

(d) Distribute, at cost of production, conservation plant materials for planting on public property for the purposes of soil erosion control, windbreaks, noise abatement, reforestation, greenbelts, watershed protection, wildlife protection and beautification.

(e) Distribute, at cost of production, conservation plant materials for planting on private property for the purposes of production of forest or woodlot products, reforestation, windbreaks, woodlots, shelterbelts, greenbelts and wildlife habitat.

3. Conservation plant materials distributed by the state forester firewarden under the provisions of paragraph (e) of subsection 2 shall be used only for the purposes therein set forth. The state forester firewarden may [, pursuant to chapter 233B of NRS,] set by regulation the criteria for eligibility for distribution of plants under paragraph (e) of subsection 2.

4. Any person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 52. NRS 584.685 is hereby amended to read as follows:

584.685 [1.] Any decision of the commission [in the absence of an appeal therefrom as herein provided shall become] becomes final 20 days after the date of notification or mailing thereof. The commission shall be deemed to be a party to any judicial action involving any such decision, and may be represented in any such judicial action by any qualified attorney employed by it and designated by it for that purpose, or, at the commission's request, by the attorney general.

[2. Within 20 days after the decision of the commission, any party aggrieved thereby may secure judicial review thereof by commencing an action in the district court of the county in which the



aggrieved party resides. Upon filing of the appeal, the enforcement of the commission's order shall be stayed pending final disposition of the appeal.

3. If the order is affirmed, it shall become final and conclusive and the stay of enforcement shall be automatically vacated. With its answer, the commission shall certify and file with the court all documents, papers and a transcript of all testimony taken in the matter, together with the commission's findings of fact and decision therein.

4. Upon the final determination of such judicial proceedings, the commission shall enter an order in accordance with such determination.]

Sec. 53. NRS 590.605 is hereby amended to read as follows:

590.605 1. Whenever the board [shall have] has reasonable ground to believe that any applicant or licensee under NRS 590.-465 to 590.645, inclusive, is violating any of the provisions of NRS 590.465 to 590.645, inclusive, or [rules,] regulations or specifications [promulgated] adopted hereunder, or is violating or failing to comply with any of the health and safety laws [, rules] or regulations in force in this state, or is acting or conducting his operations in any other manner which the board deems to be inimical and not to the best interests of the health, safety or welfare of the people of this state, the board [is authorized and empowered,] may, after a hearing, [to] suspend or revoke any

or all licenses previously issued under the provisions of NRS 590.465 to 590.645, inclusive. If the board has reasonable grounds to believe that a licensee is delivering a lesser quantity of gas than he bills the customer for with the intent to defraud, such fact shall be reported to the state sealer of weights and measures.

2. The board shall cite the licensee, upon notice, stating reasons and given not less than 10 days prior to the date set for the hearing, to appear and show cause, if any he has, why the license should not be revoked or suspended. [The licensee cited to appear and show cause shall have the right to file an answer, to appear and be heard in person, and by counsel, and to present evidence at such hearing.]

3. The board [shall have the power to] may conduct investigations, summon and compel the attendance of witnesses, require the production of any records or documents and [to] provide for the taking of depositions under the Nevada Rules of Civil Procedure in connection with such hearings.

4. If, upon hearing, the board is satisfied that the violation charged is true, or if the licensee fails to appear and show cause, the board [shall have the power to] may revoke or suspend the license summarily.

5. The findings of the board, the judgment and the order shall be reduced to writing and filed in the permanent public records of

the board. Copies shall be furnished to the licensee . [and the licensee may, within 30 days after the revocation or suspension, file an appeal with the district court of the county wherein the licensee resides or has his principal place of business. The matter will be heard de novo in the district court but the order of the board shall be affirmed if it is supported by substantial evidence. Upon the filing of the appeal, the enforcement of the board's order shall be stayed pending final disposition of the appeal. If the order be affirmed, it shall become final and conclusive and the stay of enforcement shall be automatically vacated.] A licensee who petitions for judicial review is entitled to a trial de novo, and enforcement of the board's order shall be stayed until judicial review is completed.

6. In any case where the board refuses to issue a license, or suspends or revokes a license, the applicant or accused [shall have the right to] may submit another application for the consideration of the board.

Sec. 54. NRS 598B.150 is hereby amended to read as follows:

598B.150 1. Upon receipt of such a complaint or upon its own initiative, the division may:

(a) Investigate any matters alleged in the complaint or believed to be a discriminatory practice under the provisions of this chapter or regulations adopted thereunder.

(b) Eliminate or correct the cause of the complaint or discriminatory condition by methods of conference or conciliation.

(c) Conduct a public hearing and make a decision or order     
[in accordance with the provisions of chapter 233B of NRS.]

2. In conducting such investigation or hearing, the division may issue necessary subpoenas requiring such attendance of witnesses or production of documents, and upon petition of the division, the district court may compel obedience to the subpoenas.

Sec. 55. NRS 607.207 is hereby amended to read as follows:

607.207 1. When an enforcement question is presented under any labor law of the State of Nevada, the determination of which is not exclusively vested in another officer, board or commission, the labor commissioner or a person designated from the commissioner's regular staff may conduct a hearing in any place convenient to the parties, if practicable, and otherwise in a place chosen by the labor commissioner.

2. Notice of such hearing shall be given by registered or certified mail to each party and to any person who has in writing requested such notice. [The content of the notice shall conform to chapter 233B of NRS.]

3.] The hearing shall be conducted no less than 15 days following the mailing of the notices. [It shall be conducted in keeping

with the appropriate provisions of chapter 233B of NRS.] The proceedings shall be recorded and one copy shall be provided at cost to any party who requests it. The labor commissioner or a person designated from the commissioner's regular staff shall, in any such hearing, make full use of the authority conferred upon him by NRS 607.210.

Sec. 56. NRS 607.215 is hereby amended to read as follows:

607.215 1. Within 30 days after the conclusion of the hearing provided for in NRS 607.207, the labor commissioner or a person designated from the commissioner's regular staff shall issue a written decision, setting forth findings of fact and conclusions of law developed at the hearing.

2. The decision, together with the findings of fact and conclusions of law, shall be mailed to each of the parties to whom the notice of the hearing was mailed and to any other persons who may have requested notice of the hearing. The decision becomes enforceable 10 days following such mailing.

3. [Any decision issued under this section may receive] Upon a petition for judicial review , [in the manner provided in chapter 233B of NRS, or] the court may order trial de novo.

4. A decision issued pursuant to this section is binding on all parties and has the force of law.

Sec. 57. NRS 608.019 is hereby amended to read as follows:

608.019 1. An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work for the purposes of this subsection.

2. Every employer shall authorize and permit all his employees to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest periods shall be counted as hours worked, for which there shall be no deduction from wages.

3. This section does not apply to:

(a) Situations where only one person is employed at a particular place of employment.

(b) Employees included within the provisions of a collective bargaining agreement.

4. An employer may apply to the labor commissioner for an exemption from providing to all or to one or more defined categories of his employees one or more of the benefits conferred by this

section. The labor commissioner may grant the exemption if he believes the employer has shown sufficient evidence that business necessity precludes providing such benefits. Any exemption so granted shall apply to members of either sex.

5. The labor commissioner may by regulation exempt a defined category of employers from providing to all or to one or more defined categories of their employees one or more of the benefits conferred by this section, upon his own motion or upon the application of an association of employers. Each such application shall be considered at a hearing [pursuant to the Nevada Administrative Procedure Act (chapter 233B of NRS),] and may be granted if the labor commissioner finds that business necessity precludes providing that particular benefit or benefits to the employees affected. Any exemption so granted shall apply to members of either sex.

Sec. 58. NRS 610.185 is hereby amended to read as follows:

610.185 The state apprenticeship council shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in the apprenticeship program under the provisions of this chapter if the Nevada equal rights commission, after [due] notice and hearing , [as prescribed by chapter 233 of NRS,] finds that

such employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, physical or visual handicap or national origin in violation of subsection 8 of NRS 610.150.

Sec. 59. NRS 611.025 is hereby amended to read as follows:

611.025 1. The labor commissioner may conduct hearings [pursuant to chapter 233B of NRS] in the performance of his duties as set forth in NRS 611.020 to 611.320, inclusive.

2. The labor commissioner may, in connection with such hearings:

(a) Issue subpoenas for the attendance of witnesses and for the production of papers; and

(b) Administer oaths, examine witnesses and take testimony.

3. If any person fails to comply with any subpoena or order lawfully issued by the labor commissioner or to testify to any matter regarding which the person in a hearing before the labor commissioner may be lawfully interrogated, the district court, upon application of the labor commissioner, shall compel obedience to the subpoena or order or require the testimony by proceedings for contempt.

Sec. 60. NRS 611.055 is hereby amended to read as follows:

611.055 [Judicial review of any final order of the labor commissioner denying, suspending, or revoking a license of any employment agency is available to such agency pursuant to chapter 233B



of NRS, and during the pendency of the proceedings for such review the agency shall be permitted to continue doing business as a licensed agency.] Any employment agency shall be permitted to continue doing business as a licensed agency during the pendency of the proceedings for review of any final order of the labor commissioner.

Sec. 61. NRS 616.220 is hereby amended to read as follows:

616.220 [In accordance with the Nevada Administrative Procedure Act, the] The commission shall:

1. [Adopt reasonable and proper rules to govern its procedure.

2.] Prescribe by regulation the time within which adjudications and awards shall be made.

[3.] 2. Prepare, provide and regulate forms of notices, claims and other blank forms deemed proper and advisable.

[4.] 3. Furnish blank forms upon request.

[5.] 4. Provide by regulation the method of making investigations, physical examinations, and inspections.

[6.] 5. Prescribe by regulation the methods by which the staff of the commission may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith. Every such approval, rejection and determination [shall be] is subject to review by the commission.

[7.] 6. Provide for adequate notice to each claimant of his right:

(a) To review by the commission of any determination or rejection by the staff.

(b) To judicial review of any final decision.

Sec. 62. NRS 616.542 is hereby amended to read as follows:

616.542 1. The governor shall appoint an appeals officer to conduct hearings in contested claims for compensation under this chapter and chapter 617 of NRS. Such appeals officer shall hold office for a term of 4 years from the date of his appointment and until his successor is appointed and has qualified. Such officer is entitled to receive an annual salary of not more than \$25,000 depending upon education, training and experience, to be paid from the state insurance fund.

2. Such appeals officer shall be familiar with the provisions of this chapter and chapter 617 of NRS and have 5 years' experience in adjudication of workmen's compensation claims or cases or shall be an attorney licensed to practice law before all the courts of this state for a period of at least 2 years. The appeals officer shall not engage in the private practice of law after January 1, 1977.

3. If the appeals officer determines that he has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him, he shall disqualify himself from hearing

such case and the governor shall appoint a special appeals officer who is vested with the same powers as the regular appeals officer would possess. The special appeals officer shall be paid at an hourly rate, based upon the appeals officer's salary, from money in the state insurance fund.

4. The decision of the appeals officer is the final administrative determination of a claim under this chapter or chapter 617 of NRS and the whole record [, for the purposes of judicial review under the Nevada Administrative Procedure Act (chapter 233B of NRS), shall be made up] consists of all evidence taken at the hearing, before the appeals officer, and any findings of fact and conclusions of law based thereon.

Sec. 63. NRS 616.5421 is hereby amended to read as follows:

616.5421 At any time 10 or more days prior to a scheduled hearing before an appeals officer or the commission, a party shall mail or deliver to the opposing party any affidavit which he proposes to introduce into evidence and notice to the effect that unless the opposing party, within 7 days after the mailing or delivery of such affidavit, mails or delivers to the proponent a request to cross-examine the affiant, his right to cross-examine the affiant is waived and the affidavit, if introduced into evidence, will have the same effect as if the affiant had given sworn testimony before the appeals officer or commission. [If the

opportunity to cross-examine an affiant is not given after the opposing party has made a request for such examination, the affidavit is subject to the provisions of NRS 233B.123 and Title 4 of NRS.]

Sec. 64. NRS 616.543 is hereby amended to read as follows:

616.543 1. No judicial proceedings [shall] may be instituted for compensation for an injury or death under this chapter unless:

(a) A claim for compensation is filed as provided in NRS 616.-500; and

(b) A final decision of the appeals officer has been rendered on such claim.

2. Judicial proceedings instituted for compensation for an injury or death under this chapter [shall be] are limited to judicial review [as prescribed by NRS 233B.130 to 233B.150, inclusive.] of the decision of the appeals officer.

Sec. 65. NRS 617.405 is hereby amended to read as follows:

617.405 1. No judicial proceedings [shall] may be instituted for benefits for an occupational disease under this chapter, unless:

(a) A claim is filed within the time limits prescribed in NRS 617.330; and

(b) A final decision has been rendered on such claim.

2. Judicial proceedings instituted for benefits for an occupational disease under this chapter [shall be] are limited to judicial review [as prescribed by NRS 233B.130 to 233B.150, inclusive.] of that decision.

Sec. 66. NRS 618.295 is hereby amended to read as follows:

618.295 1. The department shall [fix and] adopt such [reasonable and proper rules and] regulations as are necessary to [govern its procedures, and to] provide safe and healthful employment in those employments within its jurisdiction.

2. The department shall not propose standards [, rules] or regulations for products distributed or used in interstate commerce which are different from federal standards for such products unless such standards are required by compelling local conditions and do not unduly burden interstate commerce.

3. The department may adopt [and promulgate] by emergency regulation temporary emergency standards for the protection of employees who are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards. [Such temporary emergency standards may be made effective for any period up to 6 months from the date of adoption or until superseded within 6 months by a standard adopted in accordance with subsection 9.]

4. Standards established under this chapter shall apply equally to all places of employment.

5. Standards or regulations shall provide for furnishing prompt information to employees by means of labels or warning signs regarding hazards in the workplace. The information shall include the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards.

6. If an employee has been exposed to a hazard and the department considers a medical examination necessary, the cost of such examination shall be paid by the employer. The results of such examination shall be furnished only to the department and, at the request of the employee, to the employee's physician.

7. To protect employees from hazards, standards or regulations shall prescribe the use of suitable protective equipment and control methods or procedures to include monitoring or measuring such exposures. The employees are entitled to be apprised of such monitoring and to obtain the results.

8. All federal occupational safety and health standards which the Secretary of Labor promulgates, modifies or revokes, and any amendments thereto, shall be deemed Nevada occupational safety and health standards.

[9. All rules and regulations of the department shall be adopted under the provisions of the Nevada Administrative Procedure Act (chapter 233B of NRS).]

Sec. 67. NRS 618.315 is hereby amended to read as follows:

618.315. The department [shall have full power, jurisdiction and] has authority:

1. Over all places of employment except : [those which are subject to the jurisdiction of:]

(a) [The] Those which are subject to the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. §§ 801 et seq.) or the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. §§ 721 et seq.);

(b) [The] Those which are subject to the jurisdiction of the inspector of mines under the provisions of chapter 512 of NRS;

(c) [Railroad] Those of railroad employees whose safety and health are subject to protection under the Federal Safety Appliances Act (45 U.S.C. §§ 1 et seq.) or the Federal Railroad Safety Act of 1970 (45 U.S.C. §§ 421 et seq.); and

(d) Motor vehicles operating on public highways of this state. This section does not invest the department with any power, jurisdiction or authority over motor vehicles operating on the public highways.

2. To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as

required by lawful order, state standards [, rules,] or regulations or federal standards, as adopted by the department.

3. To fix and adopt such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, which shall be as nearly uniform as practicable, as may be necessary to carry out all laws and lawful orders relative to the protection of the lives, safety and health of employees in employments and places of employment.

4. To [fix,] adopt [and order] such reasonable standards for the construction, repair and maintenance of places of employment as shall render such places safe and healthful.

5. To require the performance of any other act which the protection of the lives, safety and health in places of employment may reasonably demand.

6. To provide the method and frequency of making investigations, examinations and inspections.

7. To prepare, provide and regulate forms of notices, publications and blank forms deemed proper and advisable to carry out the provisions of this chapter, and to charge to employers the printing costs for such publications.

8. To furnish blank forms upon request.



9. To provide for adequate notice to each employer or employee of his right [:

(a) To] to administrative review of any department action or decision as set forth in NRS 618.475 and 618.605 [.

(b) To judicial review under NRS 618.615.] and to judicial review.

10. To consult with the chief of the bureau of environmental health in the health division of the department of human resources with respect to occupational health matters in chapter 617 of NRS.

11. To appoint advisers and fix their compensation, who shall assist the department in establishing standards of safety and health, and the department may adopt and incorporate in its general orders such safety and health recommendations as it may receive from such advisers.

Sec. 68. NRS 623A.130 is hereby amended to read as follows:

623A.130 The board shall:

1. Adopt an official seal.
2. Administer and enforce the provisions of this chapter.
3. Adopt regulations for [its administration and government and for] the administration of this chapter . [pursuant to the Nevada Administrative Procedure Act (chapter 233B of NRS).]
4. Administer and conduct comprehensive examinations of applicants, which shall test the applicant's fitness to engage in the business of landscape architect.

Sec. 69. NRS 623A.180 is hereby amended to read as follows:

623A.180 1. The board shall approve or disapprove each application. If the board is satisfied that the information contained in the application is true, and that the applicant is qualified to take the examination and has paid the required fee, it shall approve the application.

2. Whenever the board approves an application, the secretary shall promptly notify the applicant in writing of such approval and of the time and place of the examination, if required.

3. Whenever the board disapproves an application, the secretary shall promptly notify the applicant of the disapproval, stating the reasons therefor. [An unsuccessful applicant is entitled to judicial review pursuant to the Nevada Administrative Procedure Act (chapter 233B of NRS).]

Sec. 70. NRS 624.283 is hereby amended to read as follows:

624.283 [Subject to the provisions of NRS 233B.127, each] Each license issued under the provisions of this chapter expires on January 31 of the year next following the date on which it is issued. A license may be renewed by filing a renewal application accompanied by the annual renewal fee as fixed by the board. The board may prescribe regulations concerning license renewal.

Sec. 71. NRS 624.310 is hereby amended to read as follows:

624.310 1. In any case when the board refuses to issue or renew a license, or suspends or revokes a license, the applicant or

accused [shall have the opportunity extended to him of having] is entitled to a hearing before the board . [, at which time he may be represented by counsel.]

2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive, shall be considered a part of the record of the hearing before the board.

3. The hearing shall be public if a request is made therefor.

[4. The applicant or accused shall also have full right of resort and appeal to the courts, but the action taken by the board shall in the courts be deemed prima facie lawful and regular.]

Sec. 72. NRS 625.430 is hereby amended to read as follows:

625.430 [1.] The time and place for the hearing shall be fixed by the board, and [a copy of the charges, together with a] notice of the time and place of hearing [,] shall be personally served on the registrant or mailed to the last-known address of such registrant at least 30 days before the date fixed for the hearing.

[2. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.]

Sec. 73. NRS 630.330 is hereby amended to read as follows:

630.330 1. The person charged [shall be given a full and fair trial by] is entitled to a hearing before the board, [with the

right to be heard and to appear in person and by counsel, to cross-examine witnesses who appear against him and to present witnesses. The] but the failure of the person charged to attend his hearing or his failure to defend himself shall not serve to delay or make void the proceedings. The board may, for good cause shown, continue any hearing from time to time.

2. The secretary or the president of the board [shall have power to] may issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence. A subpoena may be served by the sheriff, his deputy or any other person who is not a party and is not less than 18 years of age. If any person refuses to obey any subpoena so issued or refuses to testify or produce any tangible evidence designated therein, the board may petition the district court of the county where the person is served or where he resides to secure the attendance of that person and the production of any tangible evidence. Upon receiving the petition the court shall issue an order requiring that person to obey the subpoena or to show cause why he failed to obey the subpoena. The failure of any person, without adequate excuse, to obey a subpoena [shall be] is contempt of the court.

3. If after hearing the charges it appears to the satisfaction of the board that the person is guilty as charged, the board may

revoke the license of such person either permanently or temporarily, and by its order suspend the person from the practice of medicine within this state either permanently or temporarily in the discretion of the board. The board may likewise after finding the person guilty as charged place him on probation for such period and subject to such terms as may be determined by the board or administer to him a public or private reprimand. The order of the board may also contain such other terms, provisions or conditions, including terms and conditions for reinstatement of license, as the board may deem proper.

4. In all cases of revocation [of] or suspension of a license, the secretary of the board shall file a certified copy of the order of the board with the county recorder of the county in which the person's certificate has been recorded.

[5. In all cases where a license is revoked or suspended or a person placed on probation a transcript of the proceedings before the board, and the findings and order of the board, shall be filed within 30 days with the clerk of the district court of the county in which the license has been recorded.]

Sec. 74. NRS 630.340 is hereby amended to read as follows:

630.340 [1.] Any person whose license [has been] is revoked or suspended or who [has been] is placed on probation may, within 60 days , [after the filing of certified copies of the transcript,

findings and order,] petition the district court to review the proceedings, findings and order of the board and to reverse or modify the same. Upon such review the burden is upon the petitioner to show wherein the order of the board is erroneous or unlawful.

[2. When 60 days have elapsed after the filing of the order and findings, if no petition for review has been filed, the district court shall make its order affirming the decision of the board. Until the same is modified or reversed, as provided in this section, the revocation, suspension or probation of such license and the right to practice thereunder shall become effective on the date the secretary certifies such fact of the decision and order of the board to the county recorder of the county in which the person's license has been recorded.]

Sec. 75. NRS 632.350 is hereby amended to read as follows:

632.350 1. Before suspending or revoking any license the board shall notify the licensee in writing of the charges against him, accompanying the notice with a copy of the complaint, if any is filed, and the board shall grant the licensee an opportunity to be heard thereon in person or by counsel.

2. Written notice may be served by delivery of the same personally to the licensee, or by mailing the same by registered or certified mail to the last-known residence address of the licensee.

3. If the licensee shall so desire, the board shall:

(a) Grant a hearing upon the charges, which hearing shall be held not less than 10 days after prior notice in writing to the licensee nor more than 30 days after the filing of any complaint; and

(b) Furnish the licensee, at the time of giving the notice, copies of any and all communications, reports and affidavits in possession of the board, touching upon or relating to the matter in question.

4. The hearing on the charges may be held by the board, or a majority thereof, at such time and place as the board shall prescribe, but the hearing should be held, if the licensee so desires, within the county where he resides.

[5. Any party to a hearing before the board shall have the right to the attendance of witnesses in his behalf at the hearing or upon deposition, as set forth in this chapter, upon making request therefor to the board and designating the names and addresses of the persons sought to be subpoenaed.

6. At the hearing all witnesses shall be sworn by the board or a member thereof, and stenographic notes of the proceedings shall be taken and filed as part of the record in the case. Any party to the proceedings desiring it shall be furnished with a copy of the stenographic notes upon the payment to the board of the actual cost of the transcript.

7. At the hearing the licensee shall be entitled:

(a) To examine, either in person or by counsel, any and all persons complaining against him, as well as all other witnesses whose testimony is relied upon to substantiate the charge made.

(b) To present such evidence, written and oral, as he may see fit, and as may be pertinent to the inquiry.]

Sec. 76. NRS 634.200 is hereby amended to read as follows:

634.200 1. In all cases where a license is revoked or suspended or a person is placed on probation, a transcript of the proceedings before the board and the findings and order of the board shall be filed within 30 days with the clerk of the district court of the county in which the license to practice has been filed.

2. Any person whose license was revoked or suspended or who has been placed on probation may, within 60 days , [after the filing of the certified copies of the transcript, findings and order,] petition the district court to review the proceedings, findings and order of the board and to reverse or modify the same.

3. Upon such review the burden shall be upon the petitioner to show wherein the order of the board is erroneous or unlawful.

Sec. 77. NRS 638.143 is hereby amended to read as follows:

638.143 1. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth



facts which, if proven, would constitute grounds for the refusal to issue or renew any license under the provisions of this chapter or to revoke or suspend any such license already issued, investigate the actions of any person holding such license.

2. If the board determines that a violation of chapter 638 of NRS has occurred, the board shall hold a hearing concerning whether to issue a license to an applicant or whether to suspend, revoke or refuse to renew any license issued to a veterinarian pursuant to the provisions of this chapter.

[3. All hearings concerning the refusal to issue or renew a license or the revocation or suspension of any license issued under this chapter, shall be conducted in accordance with the provisions of chapter 233B of NRS.

4. In addition to the authority conferred upon the board by chapter 233B of NRS, the board shall have the power to swear witnesses, take testimony under oath and compel the attendance of witnesses and the production of documents.]

Sec. 78. NRS 639.095 is hereby amended to read as follows:

639.095 1. The board shall furnish all licensees with one copy of the pharmacy law.

2. [Notice of hearings on rules and regulations shall be given in accordance with the Nevada Administrative Procedure Act (chapter 233B of NRS).

3.] General notice shall be given of the time and place set for board meetings. Upon the written request of any person, the secretary shall furnish notice of meetings of the board by mail.

Sec. 79. NRS 639.139 is hereby amended to read as follows:

639.139 1. At any time within 30 days after receipt of the notice of denial of his application, an applicant may petition the board for reconsideration of the application. The petition must set forth a denial, in whole or in part, of the violations alleged and a statement that the applicant is prepared to submit evidence in support of his denial of the allegations.

2. Within 30 days after the petition is received by the board, the secretary shall notify the petitioner, by registered or certified mail, of the board's decision either to grant or deny the petition for reconsideration. If the petition is granted, the notice shall include the time and place set for reconsideration of the application by the board.

[3. Denial of the petition for reconsideration, or a denial of the application at the conclusion of the hearing for reconsideration, shall in no way affect the petitioner's right to judicial review by a court of competent jurisdiction within this state.]

Sec. 80. NRS 639.248 is hereby amended to read as follows:

639.248 [1. In any hearing held for the purpose of suspending or revoking any certificate, certification, license or permit, each party shall have the right:

(a) To call and examine witnesses, confront the witnesses against him and cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination of the witness;

(b) To testify in his own behalf;

(c) To introduce exhibits;

(d) To submit arguments, either oral or written and rebut evidence against him; and

(e) To impeach any witness regardless of which party first called him to testify.

2. All testimony to be considered, either in support of the complaint or in opposition thereto, shall be given under oath or affirmation under penalty of perjury.] Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but [shall not be] is not sufficient in itself to support a finding. [The rules of privileges shall be effective to the same extent that they are now or hereafter may be recognized by law, and irrelevant and unduly repetitious evidence shall be excluded.]

Sec. 81. NRS 642.530 is hereby amended to read as follows:

642.530 [A transcript of all pleadings upon which the cause was submitted to the board, duly certified, shall be filed in the office of the clerk of the district court and such filing shall perfect the appeal. The trial of the district court upon such appeal

shall be] Upon a petition for judicial review, the district court may order a trial de novo.

Sec. 82. NRS 645.190 is hereby amended to read as follows:

645.190 1. The real estate division may do all things necessary and convenient for carrying into effect the provisions of this chapter.

2. The commission or the administrator, with the approval of the commission, may from time to time adopt reasonable regulations for the administration of this chapter . [in compliance with the Nevada Administrative Procedure Act (chapter 233B of NRS).] When regulations are proposed by the administrator, in addition to other notices required by law, he shall provide copies of the proposed regulations to the commission no less than 30 days prior to the next commission meeting. The commission shall approve, amend or disapprove any proposed regulations at such meeting.

3. All regulations adopted by the commission, or adopted by the administrator with the approval of the commission, shall be published by the division and offered for sale at a reasonable fee.

4. The real estate division may publish a reference manual or study guide for licensees or applicants for licenses, and may offer it for sale at a reasonable fee.

Sec. 83. NRS 645.440 is hereby amended to read as follows:

645.440 1. If the real estate division, after an application in proper form has been filed with it, accompanied by the proper

fee and the applicant's certification of trustworthiness, competency and integrity, [shall deny] denies an application to the applicant, the real estate division shall give notice of the fact to the applicant within 15 days after its ruling, order or decision.

2. Upon written request from the applicant, filed within 30 days after receipt of such notice by the applicant, the commission shall set the matter down for a hearing to be conducted within 90 days after receipt of the applicant's request.

3. The hearing shall be at such time and place as the commission [shall prescribe.] prescribes. At least 15 days prior to the date set for the hearing, the real estate division shall notify the applicant and other persons interested or protesting, and shall accompany such notification with an exact copy of any protest filed, together with copies of any and all communications, reports, affidavits or depositions in possession of the real estate division touching upon or relating to the matter in question. Such written notice of hearing may be served by delivery personally to the applicant, or by mailing the same by registered or certified mail to the last-known business address of the applicant. If the application is for a real estate salesman's license, the real estate division shall also notify the broker with whom the applicant expected to be associated by mailing such notice by registered or certified mail to the broker's last-known business address.

4. [At the hearing the applicant shall be entitled to examine, either in person or by counsel, any and all persons protesting against him, as well as all other witnesses whose testimony is relied upon to substantiate any protest or denial of the application. He shall be entitled to present such evidence, written and oral, as he may see fit and as may be pertinent to the inquiry.

5.] The hearing may be held by the commission or a majority thereof, and a hearing shall be held, if the applicant so desires, within the county where the applicant's principal place of business is situated.

[6. . At the hearing, all witnesses shall be duly sworn by the commission, or any member thereof, and stenographic] Stenographic notes of the proceedings shall be taken and filed as part of the record in the case. Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes upon the payment to the real estate division of such fee as the commission [shall prescribe] prescribes by [general rule or] regulation, not exceeding 25 cents per folio.

[7.] 5. The commission shall render a decision on any application within 60 days from the final hearing on such application, and shall immediately notify the parties to the proceedings, in writing, of its ruling, order or decision.

[8.] 6. Where an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larcency, extortion, conspiracy to defraud, or other like offense or offenses, or has been convicted of a felony or a crime involving moral turpitude, and has been convicted thereof in a court of competent jurisdiction of this or any other state, district or territory of the United States, or of a foreign country, such untrustworthiness of the applicant, and the conviction, may in itself be sufficient ground for refusal of a license.

[9.] 7. Where an applicant has made a false statement of material fact on his application such false statement may in itself be sufficient ground for refusal of a license.

Sec. 84. NRS 645A.130 is hereby amended to read as follows:

645A.130 1. If the order of the administrator is reversed, the court shall by its mandate specifically direct the administrator as to his further action in the matter including the making and entering of any order in connection therewith and the conditions, limitations or restrictions to be therein contained; but the administrator is not thereby barred from thereafter revoking or altering the order for any proper cause which may thereafter accrue or be discovered.

2. If [the order] an order of the administrator is affirmed, the appellant is not barred after 30 days from filing a new application if the application is not otherwise barred or limited.

3. The appeal shall not suspend the operation of the order appealed from during the pendency of the appeal except upon proper order of the court.

[4. An appeal may be taken from the judgment of the district court on the same terms and conditions as an appeal is taken in civil actions.]

Sec. 85. NRS 645B.100 is hereby amended to read as follows:

645B.100 1. Grounds for refusing to license any person as a mortgage company and grounds for suspending any license [in any proceedings under chapter 233B of NRS] are that the applicant or licensee:

- (a) Is insolvent;
- (b) Is of bad business reputé or has demonstrated his unworthiness to transact the business of a mortgage company;
- (c) Does not conduct his business in accordance with law or has violated any provisions of NRS 645B.010 to 645B.230, inclusive;
- (d) Is in such financial condition that he cannot continue in business with safety to his customers;
- (e) Has been guilty of fraud in connection with any transaction governed by NRS 645B.010 to 645B.230, inclusive;
- (f) Has made any misrepresentations or false statement to, or concealed any essential or material fact from, any person in the course of the mortgage company business;



(g) Has knowingly made or caused to be made to the commissioner any false representation of material fact or has suppressed or withheld from the commissioner any information which the applicant or licensee possesses, and which if submitted by him would have rendered the applicant or licensee ineligible to be licensed under NRS 645B.010 to 645B.230, inclusive;

(h) Has failed to account to persons interested for all funds received for the impound trust account;

(i) Has refused to permit an examination by the commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the commissioner under the provisions of NRS 645B.-010 to 645B.230, inclusive; or

(j) Has been convicted of a felony or any misdemeanor of which an essential element is fraud.

2. It is sufficient cause for refusal or revocation of a license in the case of a partnership or corporation or any unincorporated association if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual.

Sec. 86. NRS 648.170 is hereby amended to read as follows:

648.170 1. Before imposing any disciplinary order, the board shall:

(a) At least 10 days prior to the date set for hearing, notify the licensee or applicant in writing of any charges made.

(b) Afford the accused an opportunity to be heard in person or by counsel in reference thereto.

2. Written notice may be served by delivery of the same personally to the accused or by mailing the same by registered or certified mail to the place of business last theretofore specified by the accused as registered with the board.

3. At the time and place fixed in the notice, the board shall proceed to hear the charges. [The accused and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto.]

4. If the board is not sitting at the time and place fixed in the notice, or at the time and place to which hearing has been continued, the board shall continue the hearing for a period not to exceed 30 days.

Sec. 87. NRS 654.190 is hereby amended to read as follows:

654.190 1. The board may, after notice and hearing, suspend or revoke the license of any skilled nursing facility administrator for any of the following:

(a) The conviction of a felony, or of any offense involving moral turpitude.

- (b) Obtaining a license by the use of fraud or deceit.
- (c) The violation of any of the provisions of this chapter.
- (d) Aiding or abetting any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as such provisions pertain to skilled nursing facilities.
- (e) The violation of any [rule or] regulation of the board prescribing additional standards of conduct for skilled nursing facility administrators.

2. The board shall give a licensee against whom proceedings are brought under this section written notice of hearing not less than 10 days prior to the date of such hearing.

[3. Hearings for the suspension or revocation of a license issued under this chapter shall be governed by the Nevada Administrative Procedure Act.]

Sec. 88. NRS 659.055 is hereby amended to read as follows:

659.055 [1.] Any person aggrieved by any decision of the superintendent made under NRS 659.045 [shall] may appeal to the state board of finance [,] if a review of such decision is desired. If an appeal is taken, the state board of finance shall conduct a full hearing . [in accordance with the provisions of the Nevada Administrative Procedure Act.

2. Any person aggrieved by a final decision of the state board of finance may obtain a review of such decision solely on the

record made before the state board of finance, with no trial de novo, limited or otherwise, by filing a petition in the district court as provided in subsection 2 of NRS 233B.130.]

Sec. 89. NRS 673.047 is hereby amended to read as follows:

673.047 1. Any association aggrieved by any action of the commissioner or by his failure to act under the provisions of this chapter may appeal therefrom to the board. The association shall file a written statement of objections with the chairman of the board within 30 days after the action of the commissioner or after his failure to act. A copy of the statement of objections shall be filed simultaneously with the commissioner.

2. Within 10 days after the filing of such statement of objections with the chairman, the board shall fix a date for a hearing on the objections. Written notice shall be given to the objecting association and to the commissioner stating the date of the hearing. The date of the hearing shall not be earlier than 15 days nor later than 30 days after the date of the notice, unless the board determines that an earlier hearing is necessary or advisable. Upon written agreement between the parties the board may extend the time for the hearing to the time agreed upon by the parties.

3. [At the hearing, the association may be represented by an attorney, and may show by its directors, officers, employees and other witnesses the reasons why it deems itself aggrieved by the

commissioner's action or failure to act. The commissioner may be represented by an attorney, and shall be heard in defense of his action or his failure to act. Other interested persons who may be affected by the board's decision may be permitted to appear and testify.

4.] Upon the conclusion of the hearing, the board shall excuse the representatives of the association, the commissioner and all other persons present, and shall determine the facts. The board [may,] shall, in writing, either approve, disapprove or modify the action of the commissioner or approve or disapprove of his failure to act.

[5.] 4. The board's written findings and decision [shall be] are subject to review by the state board of finance if written demand therefor is filed with the secretary of the state board of finance within 30 days after the rendition of the findings and decision . [of the savings association board.

6. Any association shall have the right to appeal to the courts of the State of Nevada from any decision of the board after review thereof by the state board of finance as provided in subsection 5.]

Sec. 90. NRS 673.484 is hereby amended to read as follows:

673.484 [1.] The commissioner may after notice and hearing suspend or revoke the charter of any association for repeated failure to abide by the provisions of this chapter or the [rules and] regulations [promulgated] adopted thereunder.

[2. Any association aggrieved by the action of the commissioner pursuant to this section is entitled to judicial review of such action as provided in NRS 233B.130.]

Sec. 91. NRS 675.410 is hereby amended to read as follows:

675.410 If the superintendent finds that probable cause for revocation of any license exists and that enforcement of this chapter requires immediate suspension of such license pending investigation, he may, upon 5 days' written notice and a hearing, enter an order suspending such license for a period not exceeding 20 days, pending [the holding of] a hearing [as prescribed in the Nevada Administrative Procedure Act (Chapter 233B of NRS).] upon the revocation.

Sec. 92. NRS 676.310 is hereby amended to read as follows:

676.310 1. The superintendent may, [following a] after notice and hearing , [as provided by NRS 233B.121,] enter an order:

(a) Denying a license to any applicant who fails to establish, at such hearing, its financial responsibility, experience, character and general fitness to engage in debt adjusting; or

(b) Revoking the license of a licensee who fails to overcome, at such hearing, the probable cause for such revocation found by the superintendent.,

2. The denial, suspension or revocation of a license, as provided in this chapter, shall not impair nor affect the obligation under any lawful debt-adjusting contract.

Sec. 93. NRS 677.500 is hereby amended to read as follows:

677.500 If the director finds that probable cause for revocation of any license exists and that enforcement of this chapter requires immediate suspension of such license pending investigation, he may, upon 5 days' written notice and without a hearing, enter an order suspending such license for a period not exceeding 20 days pending the holding of a hearing . [as prescribed in chapter 233B of NRS.]

Sec. 94. NRS 678.250 is hereby amended to read as follows:

678.250 The commissioner of credit unions shall administer the provisions of this chapter, subject to administrative supervision by the director and the credit union advisory council. He shall make the decisions and determinations and adopt regulations [pursuant to chapter 233B of NRS] which are necessary or reasonably appropriate to accomplish the purposes of this chapter. [This chapter does not prevent any person affected by any order, ruling, proceeding, act or action of the commissioner or any person acting on his behalf, from testing the validity of the action in any court of competent jurisdiction through injunction, appeal, error or other proper process or proceeding, mandatory or otherwise.]

Sec. 95. NRS 678.830 is hereby amended to read as follows:

678.830 1. If the division determines that any credit union organized pursuant to the provisions of this chapter is bankrupt or

insolvent, has willfully violated the provisions of this chapter or is operating in an unsafe or unsound manner, the division may, if emergency action is required to protect the assets of the members, issue an order temporarily suspending the credit union's operations. [Notice] Reasonable notice of the suspension of operations and of the impending hearing shall be given to the board . [in accordance with the provisions of NRS 233B.121.] Operations of the credit union shall cease upon receipt of notice from the division.

2. At the scheduled hearing, the board shall, if it desires to continue operations, submit a plan of corrective actions. If the board desires, it may, prior to the hearing, request the commissioner to declare the credit union insolvent and appoint a liquidating agent.

3. If the credit union is not represented at the scheduled hearing or the division rejects the credit union's plan to continue operations, the commissioner may appoint a liquidating agent and dissolve the credit union.

[4. Any credit union aggrieved by the action of the commissioner or division pursuant to this section is entitled to judicial review and a stay of such action pursuant to NRS 233B.130 and 233B.140.]



Sec. 96. NRS 679B.130 is hereby amended to read as follows:

679B.130 1. [Subject to applicable requirements and procedures of chapter 233B of NRS (Nevada Administrative Procedure Act), the] The commissioner may [make] adopt reasonable [rules and] regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this code. [No such rule or] A regulation shall not extend, modify or conflict with any law of this state or the reasonable implications thereof.

2. Willful violation of any such [rule or] regulation shall subject the violator to such suspension or revocation of a certificate of authority or license, or administrative fine in lieu of such suspension or revocation, as may be applicable under this code for violation of the provision to which such [rule or] regulation relates; but no penalty shall apply to any act done or omitted in good faith in conformity with any such [rule or] regulation, notwithstanding that such [rule or] regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

Sec. 97. NRS 679B.330 is hereby amended to read as follows:

679B.330 1. The commissioner may hold a hearing in Carson City, Nevada, or any other place of convenience to parties and witnesses, as the commissioner determines. The commissioner, or

his deputy or assistant, shall preside at the hearing, and shall expedite the hearing and all procedures involved therein.

2. [Any party to the hearing shall have the right to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary and other evidence and to examine and cross-examine witnesses, to present evidence in support of his interest and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence in his behalf.] Testimony may be taken orally or by deposition, and any party shall have such right of introducing evidence by interrogatories or deposition as may obtain in a district court.

3. Upon good cause shown the commissioner shall permit to become a party to the hearing by intervention, if timely, only such persons, not original parties thereto, whose pecuniary interests are to be directly and immediately affected by the commissioner's order made upon the hearing.

4. [Formal rules of pleading or evidence need not be observed at any hearing.

5.] The commissioner shall cause a full stenographic record of the proceedings to be made. If transcribed, a copy of such record shall be part of the commissioner's record of the hearing; and a copy shall be furnished to any other party to the hearing, at the

request and expense of such other party. If no such record is transcribed, the commissioner shall prepare a summary record of the proceedings and evidence.

Sec. 98. NRS 679B.370 is hereby amended to read as follows:

679B.370 1. Except as to matters arising under chapter 686B of NRS (rates and rating organizations), an appeal from the commissioner shall be taken only from an order on hearing, or as to a matter on which the commissioner has refused or failed to hold a hearing after application therefor under NRS 679B.310, or as to a matter concerning which the commissioner has refused or failed to make his order on hearing as required by NRS 679B.360.

2. Any person who was a party to such hearing or whose pecuniary interests are directly and immediately affected by any such refusal or failure, and who is aggrieved by such order, refusal or failure, may [appeal from] petition for judicial review of such order or [upon] any such matter within 60 days after:

(a) The order on hearing has been mailed or delivered to the persons entitled to receive the same, or given by last publication thereof where delivery by publication is permitted; [or]

(b) The commissioner has refused or failed to make his order on hearing as required under NRS 679B.360; or

(c) The commissioner has refused or failed to grant or hold a hearing as required under NRS 679B.310.

3. [The appeal shall be granted as a matter of right, and shall be taken to the district court of Carson City or of any county in which the petitioner resides or has his principal offices in this state.

4. The appeal shall be taken by filing in the court a verified petition stating the grounds upon which the review is sought, together with] The petitioner shall file a bond with good and sufficient sureties to be approved by the court conditioned to pay all costs which may be assessed against the [appellant or] petitioner in such proceedings . [, and by serving a copy of the petition upon the commissioner. If the appeal is from the commissioner's order on hearing, the petitioner shall also deliver to the commissioner a sufficient number of copies of the petition and the commissioner shall mail or otherwise furnish a copy thereof to the other parties to the hearing to the same extent as a copy of the commissioner's order is required to be furnished to the hearing parties under NRS 679B.360.

5. Upon receiving the petition for review, the commissioner shall cause to be prepared an official record certified by him, which shall contain a copy of all proceedings and orders of the commissioner appealed from the transcript of testimony and evidence or summary record thereof made as provided in NRS 679B.330. Within 30 days after the petition was served upon him the commissioner

shall file such official record with the court in which the appeal is pending.

6. Upon filing of the petition for review the court shall have full jurisdiction of the proceeding. Such filing shall not stay the enforcement of the commissioner's order or action appealed from unless so stayed by order of the court.

7. If the appeal is from] 4. Unless the petition is for review of the commissioner's order on hearing, [the review of the court shall be limited to matters shown by the commissioner's official record; otherwise] the review shall be de novo. The court shall have the power, by preliminary order, to settle questions concerning the completeness and accuracy of the commissioner's official record.

[8.] 5. In its discretion, the court may remand the case to the commissioner for further proceedings in accordance with the court's directions . [; or, in advance of judgment and upon a sufficient showing, the court may remand the case to the commissioner for the purpose of taking additional testimony or other proceedings. Subsection 5 of NRS 233B.140 shall apply to the appeals provided for herein.

9. From the judgment of the district court either the commissioner or other party to the appeal may appeal directly to the Supreme Court of the State of Nevada in the same manner as is provided in civil cases.]

Sec. 99. NRS 685A.210 is hereby amended to read as follows:

685A.210 1. The commissioner may [make or approve and] adopt reasonable [rules and] regulations, consistent with the Surplus Lines Law, for any and all of the following purposes:

(a) Effectuation of the law;

(b) Establishment of procedures through which determination is to be made as to the eligibility of particular proposed coverages for export; and

(c) Establishment, procedures and operations of any voluntary organization of surplus lines brokers or others designed to assist such brokers to comply with the Surplus Lines Law, and for the collection on behalf of the state and remission to the commissioner of the tax on surplus lines coverages provided for in NRS 685A.180.

2. Such [rules and] regulations [shall be subject to the procedures and] carry the penalty provided by NRS 679B.130.

Sec. 100. NRS 689.215 is hereby amended to read as follows:

689.215 1. After giving written notice of charges to the seller, not less than 30 days in advance of hearing, the administrator may, after hearing, [which shall be held pursuant to the provisions of chapter 233B of NRS,] revoke the seller's certificate of authority if the seller:

(a) Obtained his certificate of authority through misrepresentation or concealment of a material fact;

(b) Is no longer qualified for such certificate of authority;  
or

(c) Knowingly violates any provision of this chapter or any lawful order [, rule] or regulation of the administrator.

2. If a seller is found to be in violation of paragraph (c) of subsection 1, the administrator may, in lieu of revocation, suspend the seller's certificate of authority for a period not to exceed 90 days.

Sec. 101. NRS 692C.490 is hereby amended to read as follows:

692C.490 1. Any person aggrieved by any act, determination, [rule,] regulation, order or any other action of the commissioner pursuant to this chapter may [appeal therefrom to the First Judicial District Court] petition for review thereof in the district court in and for Carson City. The court shall conduct its review without a jury and by trial de novo, except that if all parties including the commissioner so stipulate, the review shall be confined to the record. Portions of the record may be introduced by stipulation into evidence in a trial de novo as to those parties so stipulating.

2. The filing of an appeal pursuant to this section shall stay the application of any such [rule,] regulation, order or other action of the commissioner to the appealing party unless the court, after giving such party notice and an opportunity to be

heard, determines that such a stay would be detrimental to the interests of policyholders, shareholders, creditors or the public.

3. Any person aggrieved by any failure of the commissioner to act or make a determination required by this chapter, may petition the [First Judicial District Court] district court in and for Carson City for a writ [in the nature] of [a] mandamus [or a peremptory mandamus] directing the commissioner to act or make such determination forthwith.

Sec. 102. NRS 703.270 is hereby amended to read as follows:

703.270 The chairman, acting through the division, shall:

1. Adopt regulations . [pursuant to chapter 233B of NRS.]
2. Prepare any reports necessary to carry out the provisions of NRS 703.250 to 703.280, inclusive.

3. Prepare any reports requested by the governor or by the legislature.

Sec. 103. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. For each county of this state to which NRS 706.-881 to 706.885, inclusive, apply, the governor shall, until December 31, 1971, appoint a taxicab authority consisting of three persons, who shall serve at his pleasure. On and after January 1, 1972, a taxicab authority shall consist of three members appointed by the governor. Of the first taxicab authority appointed, one member shall be appointed for a term of 1 year, one member for 2



years, and one member for 3 years. Vacancies occurring as a result of the expiration of such terms shall be filled by appointment for terms of 3 years. No member may serve for more than 6 years. No more than two of such persons may be members of the same political party, and no elected officer of the state or any political subdivision is eligible for appointment.

2. Each member of the taxicab authority is entitled to receive as compensation \$40 for each day actually employed on work of the authority, and reimbursement for necessary travel and per diem expenses in the manner provided by law.

3. The taxicab authority may [, in accordance with the provisions of chapter 233B of NRS, make] adopt appropriate [rules and] regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and as it may deem necessary, for the conduct of the taxicab business and the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. Local law enforcement agencies and the Nevada highway patrol, upon request of the taxicab authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and [rules and] regulations adopted pursuant thereto.

4. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every [rule,] regulation and order issued by the public service commission of Nevada

shall remain effective in a county to which NRS 706.881 to 706.-885, inclusive, apply until modified or rescinded by the taxicab authority, and shall be enforced by the taxicab authority.

Sec. 104. NRS 361.875, 445.204, 445.347, 445.591, 454.376, 459.110, 459.130, 489.330, 523.040, 534A.030, 583.531, 618.-355, 618.615, 623A.340, 625.465, 631.193, 631.370, 632.410, 636.400, 637A.280, 637A.320, 639.254, 641A.390, 642.520, 644.450, 645A.120, 648.180, 649.405, 673.085, 689.415, 695C.040 and 703.170 are hereby repealed.

Sec. 105. The legislature does not intend by this act to enlarge or curtail any substantive right, but to make explicit the changes in procedural rights and duties implied by the enactment and amendment of chapter 233B of NRS and to remove provisions of other statutes which repeat provisions of chapter 233B.

SURVEY OF AGENCIES THAT HAVE AND HAVE NOT  
FILED REGULATIONS WITH THE  
SECRETARY OF STATE

Note--Some departments adopt and file regulations for their divisions, while some divisions adopt and file regulations independently of their departments. Therefore, numerical totals are not as significant as percentages which indicate trends.

Major Departments

<u>Filed</u>	<u>Not Filed</u>
Administration	Conservation and Natural
Agriculture	Resources
Commerce	Economic Development
Education	General Services
Employment Security	Human Resources
Fish and Game	
Highways	
Nevada Industrial Commission	
Law Enforcement Assistance	
Motor Vehicles	
Taxation	
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10	5

Divisions and Other Subagencies of Departments

<u>Department</u>	<u>Divisions Filed</u>	<u>Divisions Not Filed</u>
Administration	Budget Personnel	Committee on Group Insurance Merit Award Board
Agriculture	(filed under Dept.)	
Commerce	Banking Consumer Affairs Fire Marshal Insurance Real Estate Savings and Loan	

<u>Department</u>	<u>Divisions Filed</u>	<u>Divisions Not Filed</u>
Conservation and Natural Resources	Environmental Comm. Forestry State Parks Water Resources	Conservation Commission Colorado River Resources Land Use Planning Oil and Gas Conservation State Lands
Economic Development	(no divisions)	
Education	(filed under Dept.)	Textbook Commission
Employment Security	(filed under Dept.)	
Fish and Game	(filed under Dept.)	
General Services	Buildings and Grounds Purchasing	Central Data Processing Motor Pool State Printing and Records Lost City Museum
Highways	(filed under Dept.)	Advance Right-of-Way Acquisition and Management Agency
Human Resources	Bureau of Services to the Blind Health Mental Hygiene and Mental Retardation Nevada Mental Health Institute Welfare (exempted) Youth Services Agency Nevada Girls Training Center (exempted)	Aging Services Bureau of Alcohol and Drug Abuse Child Care Services Bureau of Disability Adjudication Rehabilitation Bureau of Vocational Rehabilitation
Nevada Industrial Commission	Inspector of Mines Occupational Safety and Health Review Board	Industrial Commission Medical Boards

<u>Department</u>	<u>Divisions Filed</u>	<u>Divisions Not Filed</u>
Law Enforcement Assistance	Peace Officer Standards and Training Committee	Planning and Training Identification and Communications Investigation and Narcotics Commission on Crimes, Delinquency and Corrections
Motor Vehicles	Automation Drivers License Motor Carrier Nevada Highway Patrol Registration	
Taxation	(filed under Dept.)	

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#### Boards, Commissions and Offices

<u>Filed</u>	<u>Not Filed</u>
State Apprenticeship Council	State Council on the Arts
Nevada Athletic Commission	Attorney General
Civil Defense and Disaster Agency	Data Processing Commission
Comprehensive Health Planning	State Controller
Commission on Equal Rights of Citizens	Rural Housing Authority
Dairy Commission	State Board of Examiners
Ethics Commission	State Board of Finance
Gaming Commission (exempt)	State General Obligation Bond Commission
Nevada Historical Society	Central Committee of Nevada State Graing Boards
Nevada Indian Commission	Commission of Industry, Agriculture and Irrigation (Carey Act Lands)
Nevada Interscholastic Activities Association	Irrigation District Bond Commission
Nevada State Library	Labor Commissioner
Nevada State Liquefied Petroleum Gas Board	Nevada State Museum
Nevada Junior Livestock Show Board	State Predatory Animal and Rodent Committee
Local Government Employee-Management Relations Board	Office of the Public Defender
State Board of Pardons Commissioners	Railroad Police
	American Revolution Bicentennial Commission

Filed

State Board of Parole Commissioners (exempt)  
Post-secondary Institutional Authorization Commission  
Public Employees' Retirement Board  
Public Service Commission  
State Public Works Board  
Nevada Racing Commission  
Secretary of State  
State Taxicab Authority

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Not Filed

State Board of Sheep Commissioners  
State Woolgrowers Predatory Animal Committee  
State Treasurer  
University of Nevada (exempt)  
Nevada Commissioner for Veterans' Affairs

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Licensing Boards

Filed

Accountancy  
Architecture  
Barbers' Health and Sanitation  
Examiners in Basic Sciences  
Chiropractic Examiners  
Contractors  
Cosmetology  
Dental Examiners  
Registered Professional Engineers  
Hearing Aid Specialists  
Landscape Architects  
Marriage and Family Counselor Examiners  
Medical Examiners  
Nursing  
Examiners for Nursing Home Administrators  
Dispensing Opticians  
Optometry  
Oriental Medicine  
Osteopathy  
Pharmacy  
Physical Therapy Examiners  
Podiatry  
Private Investigators' Licensing Board  
Psychological Examiners

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Not Filed

Funeral Directors and Embalmers  
Public Health Sanitarians  
Certified Shorthand Reporters  
Veterinary Medical Examiners

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Interstate, Regional and Local Boards

Filed

Tahoe Regional Planning Authority  
Virginia City Historic District  
Commission  
Park Ordinances--ch. 726,  
Statutes of Nevada 1973

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Not Filed

Central Nevada Resource Development  
Agency  
Nevada Grazing Board of District  
No. \_\_\_\_\_  
Urban Renewal Agency  
Western Interstate Commission for  
Higher Education  
Western Interstate Nuclear Board

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