

SENATE BILL NO. 340—SENATOR DALY

MARCH 12, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-1008)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to governmental administration; authorizing the Legislative Commission to suspend or nullify certain administrative regulations in certain circumstances; revising provisions relating to judicial review of certain administrative regulations in certain circumstances; revising provisions relating to certain administrative regulations and procedures; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under the separation-of-powers provision of the Nevada Constitution, one
2 department of the State Government may not exercise powers properly belonging to
3 another department of the State Government “except in the cases expressly directed
4 or permitted in this constitution.” (Nev. Const. Art. 3, § 1) As a general rule under
5 the separation-of-powers doctrine, because the question of whether a regulation
6 adopted by an executive agency exceeds its statutory authority or is inconsistent
7 with legislative intent presents a question of statutory interpretation, the power to
8 resolve that question of statutory interpretation and determine whether to invalidate
9 or nullify the regulation is usually regarded as judicial power because “it is
10 emphatically the province and duty of the judicial department to say what the law
11 is.” (*Nevadans for Nev. v. Beers*, 122 Nev. 930, 943 n.20 (2006) (quoting *Marbury*
12 *v. Madison*, 3 U.S. 137, 177-78 (1803)); *Berkson v. LePome*, 126 Nev. 492, 499
13 (2010) (explaining that “[t]o declare what the law is or has been is judicial power;
14 to declare what the law shall be is legislative.” (quoting 1 Thomas M. Cooley,
15 *Constitutional Limitations* 191 (8th ed. 1927)); *Silver State Elec. Supply Co. v.*
16 *State ex rel. Dep’t of Tax’n*, 123 Nev. 80, 84 (2007) (“appeals involving
17 interpretation of a statute or regulation present questions of law subject to our
18 independent review.”))



19 For example, in applying the separation-of-powers doctrine to the Federal
20 Government and other state governments, courts have found that the separation-of-
21 powers doctrine ordinarily prohibits legislative committees or other legislative
22 bodies from exercising the power to nullify a regulation adopted by an executive
23 agency on the basis that the regulation exceeds the statutory authority of the agency
24 or is inconsistent with legislative intent, unless Congress or the state legislature
25 passes a law that expressly nullifies the regulation or revises or repeals the agency's
26 statutory authority. (*I.N.S. v. Chadha*, 462 U.S. 919, 953 n.16 (1983); *State v.*
27 *A.L.I.V.E. Voluntary*, 606 P.2d 769, 772-79 (Alaska 1980); *Legis. Research*
28 *Comm'n v. Brown*, 664 S.W.2d 907, 917-20 (Ky. 1984); *Blank v. Dep't of Corr.*,
29 611 N.W.2d 530, 537-39 (Mich. 2000); *General Assembly of N.J. v. Byrne*, 448
30 A.2d 438, 443-49 (N.J. 1982); *State ex rel. Barker v. Manchin*, 279 S.E.2d 622,
31 630-36 (W. Va. 1981))

32 However, in Nevada, the voters in 1996 approved a constitutional amendment
33 to Nevada's separation-of-powers provision which expressly empowers the
34 Legislature to provide by law for legislative agencies and legislative bodies
35 composed of members of the Senate and Assembly to suspend or nullify
36 regulations adopted by executive agencies on the basis that the regulations exceed
37 the statutory authority of the agencies or are inconsistent with legislative intent. The
38 constitutional amendment provides that if the Legislature authorizes the adoption of
39 regulations by executive agencies which bind persons outside the agencies, the
40 Legislature is authorized to enact laws providing for: (1) the review of such
41 regulations by a legislative agency before their effective date to determine whether
42 each such regulation is within the statutory authority for its adoption; (2) the
43 suspension by a legislative agency of any such regulation which appears to exceed
44 the statutory authority for its adoption until the regulation is reviewed by a
45 legislative body composed of members of the Senate and Assembly; and (3) the
46 nullification of any such regulation by a majority vote of a legislative body
47 composed of members of the Senate and Assembly. (Nev. Const. Art. 3, § 1) When
48 the constitutional amendment was presented to the voters, the ballot materials
49 explained that its purpose was to ensure that the Legislative Department had the
50 specific constitutional power to suspend or nullify regulations adopted by executive
51 agencies which exceed the statutory authority granted by the Legislature when it
52 passed the laws that authorized the agencies to adopt the regulations. (*State of*
53 *Nevada Ballot Questions 1996*, Question No. 5, at pp. 1-2 (Nev. Sec'y of State
54 1996))

55 When the Nevada Constitution expressly grants specific powers to the
56 Legislative Department, the other departments may not infringe upon the exercise
57 of those powers out of respect for an equal and coordinate department of
58 government. (*Heller v. Legislature*, 120 Nev. 456, 466-72 (2004); *Comm'n on*
59 *Ethics v. Hardy*, 125 Nev. 285, 291-94 (2009)) For example, the Nevada Supreme
60 Court has determined that because the Nevada Constitution expressly grants to each
61 legislative House the specific power to "judge" the qualifications, returns and
62 elections of its own members, the constitutional assignment of that power to the
63 Legislative Department "insulates a legislator's qualifications to hold office from
64 judicial review. In other words, a legislative body's decision to admit or expel a
65 member is almost unreviewable by the courts." (*Heller v. Legislature*, 120 Nev.
66 456, 466-67 (2004)) Because Nevada's voters expressly granted specific
67 constitutional power to the Legislature to provide by law for legislative agencies
68 and legislative bodies composed of members of the Senate and Assembly to
69 suspend or nullify regulations adopted by executive agencies, the other departments
70 may not infringe upon the exercise of that power out of respect for an equal and
71 coordinate department of government. **Section 1** of this bill expresses the
72 Legislature's findings and declaration regarding its exercise of its expressly granted
73 and specific constitutional power to suspend or nullify such regulations.



74 In exercising its expressly granted and specific constitutional power regarding
75 agency regulations, the Legislature has enacted provisions of the Nevada
76 Administrative Procedure Act which set forth the procedures for the adoption of
77 emergency, temporary and permanent regulations by certain executive agencies.
78 (NRS 233B.0395-233B.120) Under existing law, with limited exceptions, the
79 Legislative Commission or the Subcommittee to Review Regulations of the
80 Legislative Commission has the authority to review and to approve or object to
81 certain temporary or permanent regulations before those regulations become
82 effective. (NRS 233B.067-233B.070)

83 **Section 3** of this bill authorizes a person to submit a petition requesting the
84 Legislative Commission to review whether a permanent or temporary regulation
85 adopted pursuant to the Nevada Administrative Procedure Act should be suspended
86 or nullified because the regulation: (1) exceeds the statutory authority for its
87 adoption; (2) is inconsistent with the intent of the Legislature in granting the
88 statutory authority for its adoption; or (3) is not being administered or interpreted in
89 a manner that is consistent with the agency's stated intent when adopting the
90 regulation or the agency's stated intent during the review and approval of the
91 regulation by the Legislative Commission. **Section 3** also: (1) establishes
92 procedures for the review and consideration of such petitions; (2) authorizes the
93 Legislative Commission to suspend or nullify a regulation based on certain grounds
94 raised in such petitions; and (3) requires certain actions to be taken after a
95 suspension or nullification. Additionally, **sections 3 and 5** of this bill preclude
96 judicial review of any action taken or determination made by the Legislative
97 Commission in exercising its powers to review, object to, suspend or nullify a
98 regulation. **Sections 5, 10, 11, 15 and 16** of this bill make conforming changes
99 relating to the authority of the Legislative Commission to suspend or nullify a
100 regulation.

101 **Section 4** of this bill requires the Legislative Commission to adopt such
102 regulations as are necessary to carry out the provisions of the Nevada
103 Administrative Procedure Act governing administrative regulations. **Section 4** also
104 requires the regulations to: (1) include procedural standards that provide interested
105 persons with an opportunity to comment on issues raised in a petition and whether
106 the regulation should be suspended or nullified; and (2) be included in the Nevada
107 Administrative Code.

108 Existing law excludes the application of certain agency policies to a person
109 with sufficient prior actual notice of the policy from the definition of "regulation"
110 for the purposes of the Nevada Administrative Procedure Act. (NRS 233B.038)
111 **Section 6** of this bill removes this exception, which has the effect of requiring such
112 policies to be adopted in a regulation under the Nevada Administrative Procedure
113 Act.

114 Existing law ratifies the Nevada Administrative Code as revised or
115 supplemented before May 15, 1987. (NRS 233B.0395) **Section 7** of this bill ratifies
116 the Code as revised or supplemented before February 3, 2025.

117 Existing law requires an agency to adopt a proposed regulation not later than 2
118 years after the proposed regulation is submitted to the Legislative Counsel. (NRS
119 233B.040) **Section 8** of this bill requires an agency to also submit the proposed
120 regulation to the Legislative Commission for review within the same 2-year period.

121 Existing law requires an agency to hold an oral public hearing on a proposed
122 regulation if an oral hearing is requested by certain persons and the proposed
123 regulation is substantive. (NRS 233B.061) **Section 9** of this bill eliminates the
124 requirement regarding the substantiveness of the regulation, which has the effect of
125 requiring an oral hearing on all proposed regulations.

126 Under existing law, the Legislative Counsel is required to prepare and publish a
127 Register of Administrative Regulations, which includes information relating to
128 adopted permanent regulations. (NRS 233B.0653) **Section 12** of this bill eliminates



129 the requirement that the Legislative Counsel publish paper copies of the Register
130 and instead requires the Legislative Counsel to publish the Register electronically
131 on the public Internet website of the Legislature.

132 An emergency regulation becomes effective when certain documents are filed
133 with the Secretary of State. (NRS 233B.070) **Sections 10 and 14** of this bill require
134 a copy of the written statement of the emergency endorsed by the Governor to be
135 included with the information that is required be filed with the Secretary of State
136 before an emergency regulation becomes effective.

137 Existing law authorizes a plaintiff to bring an action for declaratory judgment
138 on an allegation that a regulation, or its proposed application, interferes with or
139 impairs, or threatens to interfere with or impair, the legal rights or privileges of the
140 plaintiff. Under existing law, a court is required to declare the regulation invalid if
141 it finds that the regulation violates constitutional or statutory provisions or exceeds
142 the statutory authority of the agency that adopted the regulation. (NRS 233B.110)

143 In determining whether a regulation violates statutory provisions or exceeds the
144 statutory authority of an agency, the Nevada Supreme Court has held that “courts
145 should not substitute their own construction of a statutory provision for a
146 reasonable interpretation made by an agency.” (*Collins Disc. Liquors & Vending v.*
147 *State, Dep’t of Tax’n*, 106 Nev. 766, 768 (1990)) The Nevada Supreme Court has
148 also held that “the interpretation by the agency charged with administering a statute
149 is persuasive, and that great deference should be given to that interpretation if it is
150 within the language of the statute.” (*Nev. Tax Comm’n v. Nev. Cement Co.*, 117
151 Nev. 960, 968-69 (2001))

152 However, because the Nevada Administrative Procedure Act does not include
153 any specific provisions regarding whether any deference should be given to the
154 Legislative Commission’s approval of a regulation, the Nevada Supreme Court has
155 declined to give any deference to the Legislative Commission’s approval of the
156 regulation, even though such approval includes the Legislative Commission’s legal
157 determination that the regulation conforms to the statutory authority pursuant to
158 which it was adopted and carries out the Legislature’s intent in granting that
159 authority. (*Killebrew v. State ex rel. Donahue*, 139 Nev. Adv. Op. No. 43, 535 P.3d
160 1167, 1173 n.4 (2023) (“The Legislative Commission, as amicus curiae, urges us to
161 give deference to its approval of the regulation and to review whether the regulation
162 is reasonable as a matter of law. We decline the invitation to alter our statutorily
163 mandated review of a regulation.”))

164 **Section 16** amends the Nevada Administrative Procedure Act to provide that in
165 any action where the court must determine whether a regulation violates statutory
166 provisions or exceeds the statutory authority of an agency and the Legislative
167 Commission or the Subcommittee to Review Regulations has approved the
168 regulation under the Nevada Administrative Procedure Act, the court: (1) must not
169 substitute its judgment for the legal determination of the Legislative Commission or
170 the Subcommittee to Review Regulations, made through its legislative approval of
171 the regulation, that the regulation conforms to the statutory authority pursuant to
172 which it was adopted and carries out the Legislature’s intent in granting that
173 authority; (2) must make every reasonable effort and indulge in every reasonable
174 presumption to uphold that legislative legal determination and must resolve any
175 ambiguity, uncertainty or doubt against the plaintiff and in favor of that legislative
176 legal determination; and (3) must give great weight and deference to that legislative
177 legal determination and must uphold that legislative legal determination if it is
178 reasonable as a matter of law. **Section 13** of this bill makes conforming changes.



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

1 **Section 1.** 1. The Legislature hereby finds that:

2 (a) Under the separation-of-powers provision of Section 1 of
3 Article 3 of the Nevada Constitution, one department of the State
4 Government may not exercise powers properly belonging to another
5 department of the State Government except in cases expressly
6 directed or permitted in the Nevada Constitution.

7 (b) In 1996, Nevada's voters approved a constitutional
8 amendment to the separation-of-powers provision which expressly
9 empowers the Legislature to provide by law for legislative agencies
10 and legislative bodies composed of members of the Senate and
11 Assembly to suspend or nullify regulations adopted by executive
12 agencies on the basis that the regulations exceed the statutory
13 authority of the agencies or are inconsistent with legislative intent.

14 (c) When the constitutional amendment was presented to the
15 voters, the ballot materials explained that its purpose was to ensure
16 that the Legislative Department had the specific constitutional
17 power to suspend or nullify regulations adopted by executive
18 agencies which exceed the statutory authority granted by the
19 Legislature when it passed the laws that authorized the agencies to
20 adopt the regulations.

21 (d) Because Nevada's voters expressly granted specific
22 constitutional power to the Legislature to provide by law for
23 legislative agencies and legislative bodies composed of members of
24 the Senate and Assembly to suspend or nullify regulations adopted
25 by executive agencies, the other departments may not infringe upon
26 the exercise of that power out of respect for an equal and coordinate
27 department of government.

28 (e) When executive agencies adopt regulations which exceed
29 their statutory authority or are inconsistent with legislative intent,
30 the regulations thwart and undermine the will of the people who,
31 through their elected representatives in the Legislature, determine by
32 properly enacted laws the scope and extent of the authority granted
33 to executive agencies to adopt regulations.

34 (f) When a regulation adopted by an executive agency is alleged
35 to exceed the statutory authority or to be inconsistent with
36 legislative intent, the issue should be resolved by legislative
37 agencies and legislative bodies composed of members of the Senate
38 and Assembly under the exclusive power expressly granted by
39 Nevada's voters to suspend or nullify regulations adopted by
40 executive agencies.

41 2. The Legislature hereby declares that there is a legitimate and
42 compelling need to exercise its expressly granted and specific



1 constitutional power under Section 1 of Article 3 of the Nevada
2 Constitution, in the manner set forth in the provisions of this act, in
3 order to:

4 (a) Provide by law for legislative agencies and legislative bodies
5 composed of members of the Senate and Assembly to suspend or
6 nullify regulations adopted by executive agencies which exceed
7 their statutory authority or are inconsistent with legislative intent;
8 and

9 (b) Protect and safeguard the rights of people against such
10 unlawful and invalid regulations.

11 **Sec. 2.** Chapter 233B of NRS is hereby amended by adding
12 thereto the provisions set forth as sections 3 and 4 of this act.

13 **Sec. 3. 1.** *A person may submit a petition pursuant to this*
14 *section requesting that the Legislative Commission review whether*
15 *any permanent or temporary regulation that has been filed with*
16 *the Secretary of State pursuant to NRS 233B.070 should be*
17 *suspended or nullified, in whole or in part, based on one or more*
18 *of the following grounds:*

19 (a) *The regulation exceeds the statutory authority pursuant to*
20 *which the regulation was adopted;*

21 (b) *The regulation does not carry out the intent of the*
22 *Legislature in granting the statutory authority pursuant to which*
23 *the regulation was adopted; or*

24 (c) *The regulation is not being administered or interpreted by*
25 *the adopting agency in a manner consistent with the stated intent*
26 *of the agency when adopting the regulation or during the review*
27 *and approval of the regulation by the Legislative Commission.*

28 2. *In order to submit a petition pursuant to this section, the*
29 *person must submit the petition to the Legislative Counsel in a*
30 *format prescribed by the Legislative Counsel. The petition must*
31 *contain sufficient allegations and arguments regarding the issues,*
32 *including citations to relevant legal authorities, to provide for*
33 *meaningful review of whether the regulation should be suspended*
34 *or nullified based on one or more of the grounds set forth in*
35 *subsection 1.*

36 3. *If a petition is properly submitted to the Legislative*
37 *Counsel, the Chair of the Legislative Commission shall review the*
38 *petition in consultation with the Legislative Counsel to determine*
39 *whether to schedule the matter for a meeting of the Legislative*
40 *Commission.*

41 4. *The Chair of the Legislative Commission may schedule the*
42 *matter for a meeting of the Legislative Commission if the Chair*
43 *determines that the petition contains sufficient allegations and*
44 *arguments regarding the issues, including citations to relevant*
45 *legal authorities, to provide for meaningful review of whether the*



1 *regulation should be suspended or nullified based on one or more*
2 *of the grounds set forth in subsection 1.*

3 5. *The Chair of the Legislative Commission may decline to*
4 *schedule the matter for a meeting of the Legislative Commission if*
5 *the Chair determines that the petition:*

6 (a) *Does not contain sufficient allegations or arguments*
7 *regarding the issues, including citations to relevant legal*
8 *authorities, to provide for meaningful review of whether the*
9 *regulation should be suspended or nullified based on one or more*
10 *of the grounds set forth in subsection 1;*

11 (b) *Does not warrant review by the Legislative Commission*
12 *because it contains substantially the same or similar allegations or*
13 *arguments regarding the issues presented in previous petitions*
14 *submitted pursuant to this section; or*

15 (c) *Does not warrant review by the Legislative Commission for*
16 *any other reason.*

17 6. *If the Chair of the Legislative Commission declines to*
18 *schedule the matter for a meeting of the Legislative Commission,*
19 *the Legislative Counsel shall provide written notice of the*
20 *determination to the person submitting the petition.*

21 7. *If the Chair of the Legislative Commission decides to*
22 *schedule the matter for one or more meetings of the Legislative*
23 *Commission, the Legislative Counsel shall, at least 30 days before*
24 *the initial meeting to review the petition, provide the person*
25 *submitting the petition and the adopting agency with written*
26 *notice of the meeting which includes, without limitation:*

27 (a) *A copy of the petition submitted pursuant to subsection 1;*

28 (b) *A copy of the regulation that will be considered at the*
29 *initial meeting; and*

30 (c) *A summary of the issues to be determined at the initial*
31 *meeting that could result in the suspension or nullification of the*
32 *regulation. The summary of the issues provided pursuant to this*
33 *paragraph:*

34 (1) *Must include sufficient information to allow the person*
35 *submitting the petition and the adopting agency to prepare for the*
36 *initial meeting.*

37 (2) *Does not preclude the Legislative Commission from*
38 *considering any other issues at the initial or any subsequent*
39 *meeting to review the petition that could result in the suspension*
40 *or nullification of the regulation.*

41 8. *At the initial meeting to review the petition, the Chair of*
42 *the Legislative Commission shall provide the person submitting*
43 *the petition and the adopting agency with an opportunity to*
44 *present comment on the issues raised in the petition and whether*



1 *the regulation should be suspended or nullified, subject to any*
2 *reasonable requirements and restrictions on such presentations.*

3 *9. At the initial or any subsequent meeting to review the*
4 *petition, the Legislative Commission may suspend or nullify the*
5 *regulation, in whole or in part, if the Legislative Commission*
6 *determines that the regulation:*

7 *(a) Exceeds the statutory authority pursuant to which the*
8 *regulation was adopted;*

9 *(b) Does not carry out the intent of the Legislature in granting*
10 *the statutory authority pursuant to which the regulation was*
11 *adopted; or*

12 *(c) Is not being administered or interpreted by the adopting*
13 *agency in a manner consistent with the stated intent of the agency*
14 *when adopting the regulation or during the review and approval of*
15 *the regulation by the Legislative Commission.*

16 *10. If the Legislative Commission takes action to suspend or*
17 *nullify a regulation, in whole or in part, pursuant to this section,*
18 *the Legislative Counsel shall, as soon as practicable after such*
19 *action, provide the Secretary of State and the adopting agency*
20 *with written notice of:*

21 *(a) The suspension of the regulation or any part of the*
22 *regulation and when the suspension becomes effective and when it*
23 *expires; or*

24 *(b) The nullification of the regulation or any part of the*
25 *regulation and when the nullification becomes effective.*

26 *11. As soon as practicable after the Legislative Counsel*
27 *provides the Secretary of State and the adopting agency with*
28 *written notice of the nullification of a regulation or any part of the*
29 *regulation pursuant to this section:*

30 *(a) The Legislative Counsel shall remove the nullified*
31 *regulation or part of the regulation from the Nevada*
32 *Administrative Code; and*

33 *(b) The adopting agency shall remove the nullified regulation*
34 *or part of the regulation from any agency publications, notices or*
35 *other documents made available to the public or provided to*
36 *persons regulated by the agency.*

37 *12. Any action taken or determination made by the*
38 *Legislative Commission or the Chair of the Legislative*
39 *Commission pursuant to this section, including, without*
40 *limitation, any action or determination to suspend or nullify a*
41 *regulation, in whole or in part, is final and is not subject to*
42 *judicial review.*

43 *13. As used in this section, "adopting agency" means the*
44 *agency that adopted the regulation or any successor agency that*
45 *administers the regulation.*



1 **Sec. 4. 1.** *The Legislative Commission shall adopt such*
2 *regulations as are necessary to carry out the provisions of this*
3 *section and NRS 233B.0395 to 233B.120, inclusive, and section 3*
4 *of this act. The Legislative Commission's adoption of such*
5 *regulations is exempted from the requirements of this chapter and*
6 *is final and is not subject to judicial review.*

7 **2.** *For meetings of the Legislative Commission relating to a*
8 *petition requesting the suspension or nullification of a regulation*
9 *pursuant to section 3 of this act, the regulations adopted by the*
10 *Legislative Commission pursuant to this section must establish*
11 *procedural standards that provide persons who are regulated by or*
12 *otherwise interested in the regulation with an opportunity to*
13 *present comment on the issues raised in the petition and whether*
14 *the regulation should be suspended or nullified, subject to any*
15 *reasonable requirements and restrictions on such presentations.*

16 **3.** *The Legislative Counsel shall include the regulations*
17 *adopted by the Legislative Commission pursuant to this section in*
18 *the Nevada Administrative Code.*

19 **Sec. 5.** NRS 233B.020 is hereby amended to read as follows:

20 233B.020 1. By this chapter, the Legislature intends to
21 establish ~~[minimum]~~ procedural requirements for :

22 **(a)** *Except as otherwise provided in paragraph (b),* the
23 regulation-making and adjudication procedure of all agencies of the
24 Executive Department of the State Government and for judicial
25 review of both functions, except *as to* those agencies expressly
26 exempted pursuant to the provisions of this chapter.

27 **(b)** *The exercise by the Legislative Commission of the power to*
28 *review, object to, suspend or nullify a regulation as authorized by*
29 *Section 1 of Article 3 of the Nevada Constitution and NRS*
30 *233B.0395 to 233B.120, inclusive, and sections 3 and 4 of this act,*
31 *except that the exercise of such a power by the Legislative*
32 *Commission is final and not subject to judicial review.*

33 **2.** This chapter confers no additional regulation-making
34 authority upon any agency except to the extent provided in
35 subsection 1 of NRS 233B.050.

36 ~~[2.]~~ **3.** The provisions of this chapter are intended to
37 supplement statutes applicable to specific agencies. This chapter
38 does not abrogate or limit additional requirements imposed on such
39 agencies by statute or otherwise recognized by law.

40 **Sec. 6.** NRS 233B.038 is hereby amended to read as follows:

41 233B.038 1. "Regulation" means:

42 **(a)** An agency rule, standard, directive or statement of general
43 applicability which effectuates or interprets law or policy, or
44 describes the organization, procedure or practice requirements of
45 any agency;



1 (b) A proposed regulation;
2 (c) The amendment or repeal of a prior regulation; and
3 (d) The general application by an agency of a written policy,
4 interpretation, process or procedure to determine whether a person is
5 in compliance with a federal or state statute or regulation in order to
6 assess a fine, monetary penalty or monetary interest.

7 2. The term does not include:

8 (a) A statement concerning only the internal management of an
9 agency and not affecting private rights or procedures available to the
10 public;

11 (b) A declaratory ruling;

12 (c) An intraagency memorandum;

13 (d) A manual of internal policies and procedures or audit
14 procedures of an agency which is used solely to train or provide
15 guidance to employees of the agency and which is not used as
16 authority in a contested case to determine whether a person is in
17 compliance with a federal or state statute or regulation;

18 (e) An agency decision or finding in a contested case;

19 (f) An advisory opinion issued by an agency that is not of
20 general applicability;

21 (g) A published opinion of the Attorney General;

22 (h) An interpretation of an agency that has statutory authority to
23 issue interpretations;

24 (i) Letters of approval, concurrence or disapproval issued in
25 relation to a permit for a specific project or activity;

26 (j) A contract or agreement into which an agency has entered;

27 (k) The provisions of a federal law, regulation or guideline;

28 (l) An emergency action taken by an agency that is necessary to
29 protect public health and safety;

30 (m) ~~[(The application by an agency of a policy, interpretation,
31 process or procedure to a person who has sufficient prior actual
32 notice of the policy, interpretation, process or procedure to
33 determine whether the person is in compliance with a federal or
34 state statute or regulation in order to assess a fine, monetary penalty
35 or monetary interest;~~

36 ~~[(n)]~~ A regulation concerning the use of public roads or facilities
37 which is indicated to the public by means of signs, signals and other
38 traffic-control devices that conform with the manual and
39 specifications for a uniform system of official traffic-control devices
40 adopted pursuant to NRS 484A.430;

41 ~~[(o)]~~ (n) The classification of wildlife or the designation of
42 seasons for hunting, fishing or trapping by regulation of the Board
43 of Wildlife Commissioners pursuant to the provisions of title 45 of
44 NRS; or

45 ~~[(p)]~~ (o) A technical bulletin prepared pursuant to NRS 360.133.



1 **Sec. 7.** NRS 233B.0395 is hereby amended to read as follows:
2 233B.0395 The Nevada Administrative Code as most recently
3 revised or supplemented before ~~May 15, 1987,~~ **February 3, 2025,**
4 and the text of those regulations which have been prepared by the
5 Legislative Counsel for inclusion in the Nevada Administrative
6 Code on or before ~~May 15, 1987,~~ **February 3, 2025,** but have not
7 been included, are hereby ratified.

8 **Sec. 8.** NRS 233B.040 is hereby amended to read as follows:
9 233B.040 1. To the extent authorized by the statutes
10 applicable to it, each agency may adopt reasonable regulations to aid
11 it in carrying out the functions assigned to it by law and shall adopt
12 such regulations as are necessary to the proper execution of those
13 functions. If adopted and filed in accordance with the provisions of
14 this chapter, the following regulations have the force of law and
15 must be enforced by all peace officers:

- 16 (a) The Nevada Administrative Code; and
- 17 (b) Temporary and emergency regulations.

18 ➤ In every instance, the power to adopt regulations to carry out a
19 particular function is limited by the terms of the grant of authority
20 pursuant to which the function was assigned.

21 2. Every regulation adopted by an agency must include:

22 (a) A citation of the authority pursuant to which it, or any part of
23 it, was adopted; and

24 (b) The address of the agency and, to the extent not elsewhere
25 provided in the regulation, a brief explanation of the procedures for
26 obtaining clarification of the regulation or relief from the strict
27 application of any of its terms, if the agency is authorized by a
28 specific statute to grant such relief, or otherwise dealing with the
29 agency in connection with the regulation.

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

32 (a) It files one copy of the publication with the Secretary of
33 State and one copy with the State Library, Archives and Public
34 Records Administrator, and makes at least one copy available for
35 public inspection with its regulations; and

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

38 ➤ An agency shall not attempt to incorporate any other material in a
39 regulation by reference.

40 4. An agency shall adopt **and submit** a proposed regulation **to**
41 **the Legislative Commission for review** not later than 2 years after
42 the date on which the proposed regulation is submitted to the
43 Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If
44 an agency does not adopt **and submit** a proposed regulation **to the**
45 **Legislative Commission for review** within the time prescribed by



1 this subsection, the executive head of the agency shall appear
2 personally before the Legislative Commission and explain why the
3 proposed regulation has not been adopted ~~and~~ *and submitted to the*
4 *Legislative Commission for review.*

5 **Sec. 9.** NRS 233B.061 is hereby amended to read as follows:

6 233B.061 1. All interested persons must be afforded a
7 reasonable opportunity to submit data, views or arguments upon a
8 proposed regulation, orally or in writing.

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

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

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

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

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

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

35 **Sec. 10.** NRS 233B.0613 is hereby amended to read as
36 follows:

37 233B.0613 1. If an agency determines that an emergency
38 exists ~~and~~ *and wants to adopt an emergency regulation,* it shall
39 submit to the Governor *the original copy of the proposed*
40 *emergency regulation with* a written statement of the emergency
41 which sets forth the reasons for ~~the~~ *its* determination ~~that an~~
42 *emergency exists.*

43 2. *Except as otherwise provided in this section, if* the
44 Governor endorses the statement of the emergency by written
45 endorsement at the end of the full text of the statement of *the*



1 emergency on the original copy of ~~fa~~ *the* proposed regulation, the
2 *emergency* regulation may be adopted and become effective
3 immediately upon its being filed in the Office of the Secretary of
4 State pursuant to subsection 3 of NRS 233B.070. The statement of
5 the emergency endorsed by the Governor must be included as a part
6 of the *emergency* regulation for all purposes.

7 ~~2.~~ 3. If practicable, the agency shall, not later than 9 a.m. on
8 the first working day before the date on which the emergency
9 regulation is filed in the Office of the Secretary of State pursuant to
10 subsection 3 of NRS 233B.070, make the emergency regulation
11 available to the public by:

12 (a) Providing a copy of the emergency regulation to a member
13 of the public upon request; and

14 (b) Making a copy of the emergency regulation available on its
15 website on the Internet, if any.

16 ~~3.~~ 4. If practicable, the agency shall, not later than 9 a.m. on
17 the first working day before the date of any hearing at which the
18 agency considers the emergency regulation, make the version of
19 the proposed emergency regulation that will be considered at the
20 hearing available to the public by:

21 (a) Providing a copy of the proposed emergency regulation to a
22 member of the public upon request; and

23 (b) Making a copy of the proposed emergency regulation
24 available on its website on the Internet, if any.

25 ~~4.—A)~~

26 5. An *emergency* regulation adopted pursuant to this section
27 may *not* be ~~effective~~:

28 (a) *Effective* for a period ~~of not~~ longer than 120 days. ~~A~~
29 ~~regulation may be adopted~~

30 (b) *Adopted* by this emergency procedure ~~only once.~~
31 ~~—5.) more than once.~~

32 (c) *Substantially identical, in whole or in part, to a regulation*
33 *suspended or nullified by the Legislative Commission pursuant to*
34 *Section 1 of Article 3 of the Nevada Constitution and NRS*
35 *233B.0395 to 233B.120, inclusive, and sections 3 and 4 of this act.*

36 6. If an agency adopts, after providing notice and the
37 opportunity for a hearing as required in this chapter, a permanent or
38 temporary regulation which becomes effective and is substantially
39 identical to its effective emergency regulation, the emergency
40 regulation expires automatically on the effective date of the
41 temporary or permanent regulation.

42 **Sec. 11.** NRS 233B.0617 is hereby amended to read as
43 follows:

44 233B.0617 1. No regulation adopted after July 1, 1965, is
45 valid unless adopted in substantial compliance with this chapter but



1 no objection to any regulation on the ground of noncompliance with
2 the procedural requirements of NRS 233B.060 to 233B.0617,
3 inclusive, may be made more than 2 years after its effective date.
4 *This section must not be construed to establish a time bar for*
5 *making an objection to a regulation on any grounds other than*
6 *noncompliance with the procedural requirements of NRS*
7 *233B.060 to 233B.0617, inclusive.*

8 2. Regulations in effect on July 1, 1965, continue in effect until
9 amended, *suspended, nullified* or repealed in accordance with the
10 provisions of this chapter, if an original and two copies were
11 deposited with the Secretary of State on or before July 1, 1965.

12 **Sec. 12.** NRS 233B.0653 is hereby amended to read as
13 follows:

14 233B.0653 1. The Legislative Counsel shall *periodically*
15 prepare and publish ~~for cause to be prepared and published~~
16 *electronically* a Register of Administrative Regulations ~~[-]~~ *on the*
17 *public Internet website of the Legislature.* The Register must
18 include the following information regarding each permanent
19 regulation adopted by an agency:

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

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

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

26 (d) The informational statement required pursuant to NRS
27 233B.066; and

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

30 ~~[→ In carrying out the duties set forth in this subsection, the~~
31 ~~Legislative Counsel may use the services of the State Printing~~
32 ~~Office.~~

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

35 ~~—3. The Register must be provided to and maintained by:~~

36 ~~—(a) The Secretary of State;~~

37 ~~—(b) The Attorney General;~~

38 ~~—(c) The Supreme Court Law Library;~~

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

40 ~~—(e) Each county clerk;~~

41 ~~—(f) Each county library; and~~

42 ~~—(g) The Legislative Counsel Bureau.~~

43 ~~—4. The Legislative Counsel may sell an additional copy of the~~
44 ~~Register to any person or governmental entity that requests a copy,~~



1 ~~at a price which does not exceed the cost of publishing the~~
2 ~~additional copy.~~

3 ~~—5.]~~ 2. The Legislative Counsel is immune from civil liability
4 which may result from failure to include any information in the
5 Register.

6 **Sec. 13.** NRS 233B.067 is hereby amended to read as follows:

7 233B.067 1. After adopting a permanent regulation, the
8 agency shall submit the informational statement prepared pursuant
9 to NRS 233B.066 and one copy of each regulation adopted to the
10 Legislative Counsel for review by the Legislative Commission to
11 determine whether to approve the regulation ~~[]~~, *which includes*
12 *determining whether the regulation conforms to the statutory*
13 *authority pursuant to which it was adopted and whether the*
14 *regulation carries out the intent of the Legislature in granting that*
15 *authority.* The Legislative Counsel shall endorse on the original and
16 the copy of each adopted regulation the date of their receipt. The
17 Legislative Counsel shall maintain the copy of the regulation in a
18 file and make the copy available for public inspection for 2 years.

19 2. If an agency submits an adopted regulation to the Legislative
20 Counsel pursuant to subsection 1 that:

21 (a) The agency is required to adopt pursuant to a federal statute
22 or regulation; and

23 (b) Exceeds the specific statutory authority of the agency or sets
24 forth requirements that are more stringent than a statute of this State,
25 ↪ it shall include a statement that adoption of the regulation is
26 required by a federal statute or regulation. The statement must
27 include the specific citation of the federal statute or regulation
28 requiring such adoption.

29 3. Except as otherwise provided in subsection 4, the
30 Legislative Commission shall:

31 (a) Review the regulation at its next regularly scheduled meeting
32 if the regulation is received more than 10 working days before the
33 meeting; or

34 (b) Refer the regulation for review to the Subcommittee to
35 Review Regulations appointed pursuant to subsection 6.

36 4. If an agency determines that an emergency exists which
37 requires a regulation of the agency submitted pursuant to subsection
38 1 to become effective before the next meeting of the Legislative
39 Commission is scheduled to be held, the agency may notify the
40 Legislative Counsel in writing of the emergency. Upon receipt of
41 such a notice, the Legislative Counsel shall refer the regulation for
42 review by the Subcommittee to Review Regulations. The
43 Subcommittee shall meet to review the regulation as soon as
44 practicable.



1 5. If the Legislative Commission, or the Subcommittee to
2 Review Regulations if the regulation was referred, approves the
3 regulation, the Legislative Counsel shall promptly file the regulation
4 with the Secretary of State and notify the agency of the filing. If the
5 Commission or Subcommittee objects to the regulation after
6 determining that:

7 (a) If subsection 2 is applicable, the regulation is not required
8 pursuant to a federal statute or regulation;

9 (b) The regulation does not conform to statutory authority;

10 (c) The regulation does not carry out legislative intent;

11 (d) The small business impact statement is inaccurate,
12 incomplete or did not adequately consider or significantly
13 underestimated the economic effect of the regulation on small
14 businesses; or

15 (e) The agency has not provided a satisfactory explanation of the
16 need for the regulation in its informational statement as required
17 pursuant to NRS 233B.066, or the informational statement is
18 insufficient or incomplete,

19 ↪ the Legislative Counsel shall attach to the regulation a written
20 notice of the objection, including, if practicable, a statement of the
21 reasons for the objection, and shall promptly return the regulation to
22 the agency.

23 6. As soon as practicable after each regular legislative session,
24 the Legislative Commission shall appoint a Subcommittee to
25 Review Regulations consisting of at least three members or alternate
26 members of the Legislative Commission.

27 **Sec. 14.** NRS 233B.070 is hereby amended to read as follows:

28 233B.070 1. A permanent regulation becomes effective when
29 the Legislative Counsel files with the Secretary of State the original
30 of the final draft or revision of a regulation, except as otherwise
31 provided in NRS 293.247 or where a later date is specified in the
32 regulation.

33 2. Except as otherwise provided in NRS 233B.0633, an agency
34 that has adopted a temporary regulation may not file the temporary
35 regulation with the Secretary of State until 35 days after the date on
36 which the temporary regulation was adopted by the agency. A
37 temporary regulation becomes effective when the agency files with
38 the Secretary of State the original of the final draft or revision of the
39 regulation, together with the informational statement prepared
40 pursuant to NRS 233B.066. The agency shall also file a copy of the
41 temporary regulation with the Legislative Counsel, together with the
42 informational statement prepared pursuant to NRS 233B.066.

43 3. An emergency regulation becomes effective when the
44 agency files with the Secretary of State the original of the final draft
45 or revision of an emergency regulation, together with the



1 informational statement prepared pursuant to NRS 233B.066 ~~and~~ *and*
2 *a copy of the written statement of the emergency endorsed by the*
3 *Governor pursuant to NRS 233B.0613.* The agency shall also file a
4 copy of the emergency regulation with the Legislative Counsel,
5 together with the informational statement prepared pursuant to NRS
6 233B.066 ~~and~~ *and a copy of the written statement of the emergency*
7 *endorsed by the Governor pursuant to NRS 233B.0613.*

8 4. The Secretary of State shall maintain the original of the final
9 draft or revision of each regulation in a permanent file to be used
10 only for the preparation of official copies.

11 5. The Secretary of State shall file, with the original of each
12 agency's rules of practice, the current statement of the agency
13 concerning the date and results of its most recent review of those
14 rules.

15 6. Immediately after each permanent or temporary regulation is
16 filed, the agency shall deliver one copy of the final draft or revision,
17 bearing the stamp of the Secretary of State indicating that it has
18 been filed, including material adopted by reference which is not
19 already filed with the State Library, Archives and Public Records
20 Administrator, to the State Library, Archives and Public Records
21 Administrator for use by the public. If the agency is a licensing
22 board as defined in NRS 439B.225 and it has adopted a permanent
23 regulation relating to standards for the issuance or renewal of
24 licenses, permits or certificates of registration issued to a person or
25 facility regulated by the agency, the agency shall also deliver one
26 copy of the regulation, bearing the stamp of the Secretary of State,
27 to the Joint Interim Standing Committee on Health and Human
28 Services within 10 days after the regulation is filed with the
29 Secretary of State.

30 7. Each agency shall furnish a copy of all or part of that part of
31 the Nevada Administrative Code which contains its regulations, to
32 any person who requests a copy, and may charge a reasonable fee
33 for the copy based on the cost of reproduction if it does not have
34 money appropriated or authorized for that purpose.

35 8. An agency which publishes any regulations included in the
36 Nevada Administrative Code shall use the exact text of the
37 regulation as it appears in the Nevada Administrative Code,
38 including the leadlines and numbers of the sections. Any other
39 material which an agency includes in a publication with its
40 regulations must be presented in a form which clearly distinguishes
41 that material from the regulations.

42 **Sec. 15.** NRS 233B.100 is hereby amended to read as follows:

43 233B.100 1. Any interested person may petition an agency
44 requesting the adoption, filing, amendment or repeal of any
45 regulation and shall accompany the petition with relevant data,



1 views and arguments. Each agency shall prescribe by regulation the
2 form for such petitions and the procedure for their submission,
3 consideration and disposition. Upon submission of such a petition,
4 the agency shall within 30 days either deny the petition in writing,
5 stating its reasons, or initiate regulation-making proceedings.

6 2. Any regulation of any agency is subject to **[amendment]** :

7 **(a) Amendment** or suspension by the Governor pursuant to the
8 provisions of NRS 416.060.

9 **(b) Suspension or nullification by the Legislative Commission**
10 **pursuant to Section 1 of Article 3 of the Nevada Constitution and**
11 **NRS 233B.0395 to 233B.120, inclusive, and sections 3 and 4 of**
12 **this act.**

13 **Sec. 16.** NRS 233B.110 is hereby amended to read as follows:

14 233B.110 1. The validity or applicability of any regulation
15 may be determined in a proceeding for a declaratory judgment in the
16 district court in and for Carson City, or in and for the county where
17 the plaintiff resides, when it is alleged that the regulation, or its
18 proposed application, interferes with or impairs, or threatens to
19 interfere with or impair, the legal rights or privileges of the plaintiff.
20 A declaratory judgment may be rendered after the plaintiff has first
21 requested the agency to pass upon the validity of the regulation in
22 question.

23 2. The court shall declare the regulation invalid if it finds that it
24 violates constitutional or statutory provisions or exceeds the
25 statutory authority of the agency. ***In any action where the court***
26 ***must determine whether the regulation violates statutory***
27 ***provisions or exceeds the statutory authority of the agency and the***
28 ***Legislative Commission or the Subcommittee to Review***
29 ***Regulations has approved the regulation after reviewing it***
30 ***pursuant to NRS 233B.0633 or 233B.067 to 233B.0681, inclusive,***
31 ***as applicable, the court:***

32 ***(a) Must not substitute its judgment for the legal determination***
33 ***of the Legislative Commission or the Subcommittee to Review***
34 ***Regulations, made through its legislative approval of the***
35 ***regulation, that the regulation conforms to the statutory authority***
36 ***pursuant to which it was adopted and carries out the intent of the***
37 ***Legislature in granting that authority;***

38 ***(b) Must make every reasonable effort and indulge in every***
39 ***reasonable presumption to uphold that legal determination of the***
40 ***Legislative Commission or the Subcommittee to Review***
41 ***Regulations and must resolve any ambiguity, uncertainty or doubt***
42 ***against the plaintiff and in favor of that legal determination of the***
43 ***Legislative Commission or the Subcommittee to Review***
44 ***Regulations; and***



1 (c) *Must give great weight and deference to that legal*
2 *determination of the Legislative Commission or the Subcommittee*
3 *to Review Regulations and must uphold that legal determination if*
4 *it is reasonable as a matter of law.*

5 3. The agency whose regulation is made the subject of *action*
6 *for* the declaratory ~~[action shall]~~ *judgment must* be made a party to
7 the action.

8 ~~[2.]~~ 4. An agency may institute an action for declaratory
9 judgment to establish the validity of any one or more of its own
10 regulations.

11 ~~[3.]~~ 5. Actions for declaratory judgment provided for in
12 ~~[subsections 1 and 2 shall]~~ *this section must* be in accordance with
13 the Uniform Declaratory Judgments Act (chapter 30 of NRS), and
14 the Nevada Rules of Civil Procedure.

15 6. In all actions under ~~[subsections 1 and 2, the]~~ *this section:*

16 (a) *The* plaintiff shall serve a copy of the complaint upon the
17 Attorney General, ~~[who]~~ *or a person designated by the Attorney*
18 *General, at the Office of the Attorney General in Carson City; and*

19 (b) *The Attorney General* is also entitled to be heard.

20 7. *This section must not be construed to limit the authority of*
21 *the Legislative Commission to suspend or nullify a regulation*
22 *pursuant to Section 1 of Article 3 of the Nevada Constitution and*
23 *NRS 233B.0395 to 233B.120, inclusive, and sections 3 and 4 of*
24 *this act.*

25 8. *As used in this section, "Subcommittee to Review*
26 *Regulations" means the Subcommittee to Review Regulations*
27 *appointed pursuant to subsection 6 of NRS 233B.067.*

28 **Sec. 17.** The amendatory provisions of sections 11 and 16 of
29 this act apply to any judicial proceedings:

30 1. Commenced on or after July 1, 2025; or

31 2. Commenced before July 1, 2025, if the proceedings are
32 pending or otherwise unresolved on July 1, 2025.

33 **Sec. 18.** This act becomes effective:

34 1. Upon passage and approval for the purpose of adopting any
35 regulations pursuant to section 4 of this act and performing any
36 other preparatory administrative tasks that are necessary to carry out
37 the provisions of this act; and

38 2. On July 1, 2025, for all other purposes.



