

Rulemaking Process

In general, the following steps must be completed when adopting regulations:

Draft the Regulation

Discuss the content or purpose of the proposed rule with the board, commission, or agency head with rulemaking authority. Draft the language.

Proposed Regulation Submitted to the Legislative Counsel

At least 30 days before giving notice of its intention to adopt, amend, or repeal a permanent regulation, the agency must deliver a copy of the proposed rule to the Legislative Counsel.

Consider a Small Business Impact Statement

Consult with small business owners and prepare a small business impact statement.

Draft a statement explaining the method used to determine the impact on small business.

If necessary, prepare a small business impact statement.

Conduct at least One Workshop

Before conducting public hearings on the proposed regulation, the agency must conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in the proposed regulation. At least 15 days in advance of the workshop, the agency must provide written notice to every person on the agency's mailing list for receipt of notice of proposed regulations and such additional notice as will inform the general public and any business that may be affected by the proposed regulation. The notice must describe the general topics to be discussed at the workshop.

It is also permissible for an agency to conduct the workshop after it has drafted the language of a proposed regulation. To simplify the procedure in this situation, the agency may plan for the workshop at the same time it plans for the public hearing. That way, the agency may provide the formal notice of public hearing at the same time and in the same manner as the notice of workshop.

Notice of Intent to Adopt Regulations

The agency must give at least 30 days' notice of its intended action unless a shorter period of time is specifically permitted by statute. Notice may not be given until at least 30 days after submitting the proposed regulation to the Legislative Counsel for review.

The notice of intent to act upon a regulation must include the following:

A statement of the need and purpose of the proposed regulation;

The estimated economic effect on all affected persons and businesses;

Any regulations of other local, state federal governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary; and

The date, time, and place where, and the manner in which, interested persons may present their views on the proposed rule.

Agencies are required to solicit comments from the public and businesses to be affected by the proposed regulation.

Conduct a Public Hearing

Set a hearing for public comment, draft a notice of the hearing, and post it.

Conduct the public hearing.

Receive oral comments about the proposed regulation.

Consideration of Public Comments

Evaluate and consider written and oral public comment on the rule and any revisions of form and style made by the Legislative Counsel. Discuss the comments made with the board, commission, or agency head, if necessary. Amend the draft rule to reflect any changes resulting from public comment.

Final Adoption

Adopt the regulation and file the original with the Legislative Counsel.

Emergency Rulemaking

An emergency regulation may be adopted only under the following circumstances:

The agency must submit to the governor a written statement of the emergency and the reasons for that determination;

The governor must endorse the statement of the emergency; and

A copy of the regulation must be filed with the Secretary of State and the Legislative Counsel Bureau.

The statement of emergency must be included in the emergency regulation for all purposes. A regulation may be adopted by this emergency procedure only once. Emergency regulations may be adopted and become effective immediately upon their filing with the Secretary of State. They are effective for a period of not longer than 120 days.

An agency that takes such an emergency action must file with the legislative counsel within 5 working days after taking the action a statement that describes the action taken and the reason for the action.

Nevada Register

Nevada Administrative Procedure Act