



February 3, 2023

To: State Land Use Planning Advisory Council

From: Scott Carey, AICP, State Lands Planner

RE: Public Hearing for Executive Order 2023-003 and Review of SLUPAC Regulations

Authorization

On January 12, 2023, Governor Lombardo issued Executive Order 2023-003. The Governor's order directed the freezing of new regulations and required a review of existing regulations by all executive branch agencies, departments, boards and commissions.

Background

Section 1 of the order directs each State board or commission by May 1st to provide a report to the Governor's Office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

Section 2 of the order requires as part of its report that each State board or commission provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

Section 3 of the order requires each State board or commission to hold a public hearing to vet & solicit input on any recommended changes to its regulations, and to identify any regulatory changes stakeholders feel are worthy of consideration. This section also directs that any stakeholder input be included in the report submitted to the Governor's Office.

Section 4 of the order directs that no new regulations shall be proposed, approved or acted on upon by a State board or commission until the order is rescinded or is subject to an exemption. Section 5 of the order spells out the exemptions for regulations not subject to the order.

For additional background, a copy of Executive Order 2023-003 is attached to this staff memo.

Analysis

The Council does not have any regulations that have been adopted under the Nevada Administrative Code (NAC). It is staff's interpretation, that the main intent of the Executive Order 2023-003 is to streamline and increase the efficiency of all existing regulations by all executive branch agencies, departments, boards and commissions. Even though the Council does not have any existing regulations, staff recommends that the Council comply with the order. To best comply with the intent of the order, the Council should have a by having a discussion on its regulations

and hold a public hearing to solicit input on any regulatory changes that stakeholders feel are worthy of consideration. Following the Council's review and public hearing on this item, staff will prepare and submit a report to the Governor's Office prior to May 1st as required by Executive Order 2023-003.

Recommendation: *Staff recommends that the Council conduct a review its regulations and then hold a public hearing to solicit feedback on how its on how its regulations can be streamlined, clarified, reduced or otherwise improved in accordance with Executive Order 2023-003.*



EXECUTIVE ORDER 2023-003

Order Freezing the Issuance of New Regulations and Requiring a Review of Existing Regulations by All Executive Branch Agencies, Departments, Boards and Commissions

WHEREAS, state regulations should protect workers, consumers and the environment, while promoting entrepreneurship and economic growth; and

WHEREAS, state regulations can become outdated, result in unintended consequences, create conflicts or impose an unnecessary burden on citizens, businesses or government entities; and

WHEREAS, it is in the best interest of the state of Nevada that its regulatory environment be concise, transparent, stable, balanced, predictable and thoughtfully constructed; and

WHEREAS, Nevada's current regulatory structure is too often unfocused and inefficient, contains regulations that are obsolete and includes regulations that are unnecessarily onerous, thereby limiting the economic potential of the State; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada;

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, it is hereby ordered as follows:

SECTION 1

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

SECTION 2:

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

SECTION 3:

Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.

SECTION 4:

Unless specifically exempt from this Executive Order as set forth in Section 5, no new regulations shall be proposed, approved or acted on by any executive branch agency, department, board or commission until such time as this Executive Order is rescinded.

SECTION 5:

The following regulations are not subject to the suspension set forth in Section 4:

- (a) Regulations that affect public health;
- (b) Regulations that affect public safety and security;
- (c) Regulations that are necessary in the pursuit of federal funds and certifications;
- (d) Regulations that affect the application of powers, functions and duties essential to the operation of the executive branch agency, department, board or commission at issue;
- (e) Regulations that affect pending judicial deadlines; and
- (f) Regulations necessary to comply with federal law.

Until the suspension of this Executive Order, each executive branch department, agency,


board and commission that intends to continue with the enactment of a proposed regulation under an exception to the freeze set forth in Section 4 shall submit a report to the Governor's office identifying which exemption the proposed regulation falls within and detailing the problem the regulation addresses or the value to the public of the regulation, how the regulation addresses the problem or the benefits provided by the regulation, why alternate forms of regulation are insufficient to address the problem and whether other regulations currently address the problem.




IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 12th day of January, in the year two thousand twenty-three.



Governor



Secretary of State



Deputy