



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WHEREAS, state regulations can become outdated, result in unintended consequences, create conflicts or impose an unnecessary burden on citizens, businesses or government entities; and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



Office of the Governor

MEMORANDUM

January 23, 2023

TO: State Agencies, Boards and Commissions
FROM: The Office of Governor Joe Lombardo
SUBJECT: Executive Order 2023-003

Executive Order 2023-003 – Initial Instructions

In compliance with Governor Lombardo's Executive Order (EO) 2023-003, please find the following initial instructions for compliance with EO 2023-003.

Executive Order:

https://gov.nv.gov/Newsroom/ExecOrders/2023/Executive_Order_2023-003/

Instructions:

- Permanent regulations that have already been adopted at the agency/board/commission level and were submitted to the Legislative Counsel Bureau (LCB) for adoption by the Legislative Commission prior to the issuance of EO 2023-003 may proceed for adoption. Similarly, temporary regulations that have already been adopted and have been sent or are eligible to be sent to the Secretary of State's Office may proceed accordingly.
- All scheduled workshops must be canceled (or put on hold pending an exemption approval by the Office of the Governor – see below for more information).
- All adoption hearings must be cancelled (pending an approval of an exemption).
- Any language drafted by the agency that is intended to be sent to the LCB must remain on hold (pending approval of an exemption).
- Pursuant to sections 4 and 5 of this Executive Order, certain regulations that impact public health, public safety, federal funds, etc., may be exempt pursuant to sections 4 and 5 of EO 2023-003. Before proceeding, submit a written request for an exemption to Governor Lombardo's general counsel, Chris Nielsen, via email at cgnielsen@gov.nv.gov. Please identify the regulation number, if applicable, the stage of the regulation process, and an explanation as to which exemption criteria you believe the regulation falls within. No regulation may proceed without express, written approval from the Office of the Governor.
- Please Note: A separate "Agency Reporting Form" will be sent out that must be used by agencies, boards and commissions when completing the tasks outlined by EO 2023-003.

Please contact Madeline Burak (mburak@gov.nv.gov) and Tim Robb (trobbs@gov.nv.gov) with any general questions or concerns.

NAC Regulations Recommended for Removal

[NAC-242 Revised Date: 4-12]

CHAPTER 242 - INFORMATION SERVICES

~~242.010 — Definitions.~~

~~242.015 — “Administrator” defined.~~

~~242.020 — “Division” defined.~~

~~242.040 — “Feasibility study” defined.~~

~~242.050 — “Information system” defined.~~

~~242.060 — “Project” defined.~~

~~242.070 — “Requesting agency” defined.~~

~~242.080 — “Resources for an information system” defined.~~

~~242.090 — “State agency” defined.~~

~~242.100 — “Vendor” defined.~~

242.110 Adoption by reference of Nevada Information Systems Policies and Standards Manual.

~~242.120 — Feasibility study: Completion or waiver required before state agency may begin project.~~

~~242.130 — Feasibility study: Determination of requirement; contents; participation by Division.~~

~~242.140 — Feasibility study: Maintenance of documentation.~~

~~242.150 — Request for assistance from Division; submission of services for approval of requesting agency; charging for services.~~

~~242.160 — Contract between Division and vendor: Procedure.~~

~~— NAC 242.010 — Definitions. (NRS 242.111) — As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 242.015 to 242.100, inclusive, have the meanings ascribed to them in those sections.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.015 — “Administrator” defined. (NRS 242.111) — “Administrator” means the Administrator of the Division.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92) — (Substituted in revision for NAC 242.030)~~

~~— NAC 242.020 — “Division” defined. (NRS 242.111) — “Division” means the Division of Enterprise Information Technology Services of the Department of Administration.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.040 “Feasibility study” defined. (NRS 242.111) — “Feasibility study” means the definition and examination of alternative methods to meet a requesting agency’s business needs in determining whether a course of action based on the needs, priorities and capabilities of a project is possible.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.050 “Information system” defined. (NRS 242.111) — “Information system” means any automated process used for data processing, office automation or communications technology.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.060 “Project” defined. (NRS 242.111) — “Project” means a deployment of resources for an information system.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.070 “Requesting agency” defined. (NRS 242.111) — “Requesting agency” means a state agency which requests resources for an information system or services from the Division.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.080 “Resources for an information system” defined. (NRS 242.111) — “Resources for an information system” means any hardware or software for a computer, data files, hard copy generated by a computer, data facilities, communication lines, modems, multiplexors, concentrators, power sources or any other assets related to a computer based information system or computer installation, including any services provided by natural persons in connection with that system or installation.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.090 “State agency” defined. (NRS 242.111) — “State agency” means an agency or elected officer within the Executive Branch of State Government who uses or plans to use resources for an information system for electronic processing or storage of public records.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

~~— NAC 242.100 “Vendor” defined. (NRS 242.111) — “Vendor” means a person or a governmental agency, other than a state agency, which provides resources for an information system.~~

~~— (Added to NAC by Dep’t of Data Processing, eff. 9-16-92)~~

NAC 242.110 Adoption by reference of Nevada Information Systems Policies and Standards Manual. (NRS 242.111)

1. The Nevada Information Systems Policies and Standards Manual is hereby adopted by reference as it existed on September 1, 1992.

2. Except as otherwise provided in subsection 3, a copy of:

(a) The Nevada Information Systems Policies and Standards Manual may be obtained from the Division of Enterprise Information Technology Services, 100 North Stewart Street, Suite 100, Carson City, Nevada 89701, for the price of \$25.

(b) Section 12 of the Nevada Information Systems Policies and Standards Manual may be obtained from the Division of Enterprise Information Technology Services, 100 North Stewart Street, Suite 100, Carson City, Nevada 89701, for the price of \$10.

3. The Division will provide, without charge, a copy of the Manual to each state agency.

(Added to NAC by Dep’t of Data Processing, eff. 9-16-92)

~~— NAC 242.120— Feasibility study: Completion or waiver required before state agency may begin project. (NRS 242.111)— A state agency shall not begin a project unless a feasibility study of the project has been completed or the requirement for a feasibility study has been waived by the Division.~~

~~—(Added to NAC by Dep't of Data Processing, eff. 9-16-92)~~

~~— NAC 242.130— Feasibility study: Determination of requirement; contents; participation by Division. (NRS 242.111)~~

~~—1.— The Division will determine whether a feasibility study is required for each proposed project.~~

~~—2.— Each feasibility study must include:~~

~~—(a) A description of the problem to be resolved and its origin;~~

~~—(b) The objectives, scope and anticipated results of the project;~~

~~—(c) Any proposed alternate course of action;~~

~~—(d) Sufficient information to allow the requesting agency and the Administrator to make decisions concerning the merits of the proposed project;~~

~~—(e) An analysis of the costs and benefits and an assessment of the risks for each proposed alternate course of action; and~~

~~—(f) A plan for the management of the project, including a schedule for reporting and reviewing the project.~~

~~—3.— Each alternate course of action included in a feasibility study must be consistent with:~~

~~—(a) The state agency's plan for the use of resources for an information system;~~

~~—(b) The biennial state plan; and~~

~~—(c) The standards set forth in the Nevada Information Systems Policies and Standards Manual.~~

~~—4.— A requesting agency may conduct the feasibility study independently or in conjunction with the Division. If the Division participates in the study, it will charge the requesting agency for the cost of the services it provides to the agency.~~

~~—(Added to NAC by Dep't of Data Processing, eff. 9-16-92)~~

~~— NAC 242.140— Feasibility study: Maintenance of documentation. (NRS 242.111)— Each state agency shall maintain sufficient documentation for each feasibility study to ensure the resolution of any questions concerning the purpose, justification, nature or scope of the project.~~

~~—(Added to NAC by Dep't of Data Processing, eff. 9-16-92)~~

~~— NAC 242.150— Request for assistance from Division; submission of services for approval of requesting agency; charging for services. (NRS 242.111)~~

~~—1.— A state agency which requests assistance from the Division for an information system must submit a written proposal to the Division. The state agency may develop the proposal independently or in conjunction with the Division.~~

~~—2.— Each proposal must:~~

~~—(a) Include a feasibility study of the project which complies with the requirements set forth in NAC 242.130;~~

~~—(b) Include an estimate of the time and costs of the project;~~

~~—(c) Include specifications relating to the information system; and~~

- ~~—(d) Be approved by the Division and the requesting agency before the project may begin.~~
- ~~—3. The Division will, after completing the request for an information system, submit the service to the requesting agency for its approval. The Division will not release the service to the requesting agency unless the requesting agency signs a statement that the service provided by the Division complies with the requirements of the request.~~
- ~~—4. The Division will charge the requesting agency for the cost of the services it provides to the agency.~~
- ~~—(Added to NAC by Dep't of Data Processing, eff. 9-16-92)~~
- ~~—NAC 242.160—Contract between Division and vendor: Procedure. (NRS 242.111)—If the Division wishes to enter into a contract with a vendor on behalf of the requesting agency, it will:~~
 - ~~—1. Review the list of qualified vendors in accordance with the Information System Contracting Standards set forth in section 8 of the Nevada Information Systems Policies and Standards Manual;~~
 - ~~—2. Coordinate the requests for proposals with the requesting agency and the Purchasing Division of the Department of Administration;~~
 - ~~—3. Coordinate and recommend approval of the proposed contract to the Budget Division of the Department of Administration; and~~
 - ~~—4. Manage the project in conjunction with the requesting agency. The Division will be primarily responsible for the technical management of the contract.~~
- ~~—(Added to NAC by Dep't of Data Processing, eff. 9-16-92)~~