

ASSEMBLY BILL NO. 369—ASSEMBLYWOMAN HANSEN

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to professional and occupational boards. (BDR 18-231)

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; providing for the expiration of certain professional and occupational licensing boards unless renewed by the Legislature; requiring the Sunset Subcommittee of the Legislative Commission to review such boards before their expiration and make recommendations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the regulation of certain occupations and professions  
2 in this State by various agencies, boards and commissions in the Executive  
3 Department of the State Government, which are generally referred to as  
4 professional and occupational licensing boards. (*See, e.g.*, Title 54 of NRS) **Section**  
5 **1** of this bill provides for the expiration by law of such a professional or  
6 occupational licensing board after 6 years unless the Legislature renews the board.  
7 **Section 1** provides that if such a board expires, a person may engage in the  
8 profession or occupation that had been regulated by the board without a license,  
9 certificate, registration, permit or similar type of authorization issued by a  
10 professional or occupational licensing board.

11 Existing law requires the Sunset Subcommittee of the Legislative Commission  
12 to review at least 10 boards or commissions in this State each legislative interim to  
13 determine whether the board or commission should be terminated, modified,  
14 consolidated or continued. (NRS 232B.210-232B.250) **Section 2** of this bill  
15 requires the Sunset Subcommittee to review each professional or occupational  
16 licensing board that is required to expire pursuant to **section 1** during the legislative  
17 interim immediately preceding the prospective expiration of the board. **Section 2**  
18 also eliminates the minimum number of reviews of other boards and commissions  
19 that the Sunset Subcommittee is required to conduct. **Section 3** of this bill makes  
20 conforming changes related to the review of professional and occupational  
21 licensing boards by the Sunset Subcommittee. **Section 4** of this bill requires the  
22 Sunset Subcommittee to include certain recommendations for the conclusion of



23 business and operation in any recommendation for nonrenewal made by the  
24 Subcommittee.

25 Existing law allows each statutory legislative committee and interim study  
26 committee to request a certain number of legislative measures preceding a regular  
27 session. (NRS 218D.160) **Section 5** of this bill authorizes the Sunset Subcommittee  
28 to request the drafting of as many legislative measures as are necessary to facilitate  
29 its recommendations relating to the renewal of professional and occupational  
30 licensing boards.

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

1 **Section 1.** Chapter 232 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. A professional or occupational licensing board expires at*  
4 *the end of the thirty-first day of December of the sixth year after it*  
5 *was created or last renewed, or on December 31, 2027, whichever*  
6 *is later, unless the Legislature renews it by a law that continues*  
7 *the statutes creating, governing or authorizing regulation by the*  
8 *professional or occupational licensing board, as applicable.*

9 *2. If a professional or occupational licensing board expires in*  
10 *accordance with this section, a person may engage in the*  
11 *profession or occupation that had been regulated by the*  
12 *professional or occupational licensing board without a license,*  
13 *notwithstanding any law to the contrary.*

14 *3. As used in this section:*

15 *(a) "License" means any license, certificate, registration,*  
16 *permit or similar type of authorization issued by a professional or*  
17 *occupational licensing board.*

18 *(b) "Professional or occupational licensing board" means an*  
19 *agency, bureau, board, commission, department, division, officer,*  
20 *employee or agent or any other unit of the Executive Department*  
21 *of the State Government which has the authority to regulate an*  
22 *occupation or profession. The term includes, without limitation, a*  
23 *regulatory body, as defined in NRS 622.060.*

24 **Sec. 2.** NRS 232B.220 is hereby amended to read as follows:

25 232B.220 1. The Sunset Subcommittee of the Legislative  
26 Commission shall conduct a review ~~[of each]~~ :

27 *(a) Of each professional or occupational licensing board that*  
28 *is required to expire pursuant to section 1 of this act during the*  
29 *legislative interim immediately preceding its prospective*  
30 *expiration.*

31 *(b) To the extent practicable, of any other* board and  
32 commission in this State which is not provided for in the Nevada  
33 Constitution or established by an executive order of the Governor to  
34 determine whether the board or commission should be terminated,



1 modified, consolidated with another board or commission or  
2 continued. ~~[Such a]~~

3 **2. A review pursuant to paragraph (a) of subsection 1 must**  
4 **include, without limitation:**

5 (a) **An evaluation the usefulness, performance, and**  
6 **effectiveness of the professional or occupational licensing board**  
7 **and the public need for its continued existence.**

8 (b) **A recommendation regarding the renewal or nonrenewal**  
9 **of the professional or occupational licensing board.**

10 **3. A review pursuant to paragraph (b) of subsection 1 must**  
11 **include, without limitation:**

12 (a) An evaluation of the major policies and programs of the  
13 board or commission, including, without limitation, an examination  
14 of other programs or services offered in this State to determine if  
15 any other provided programs or services duplicate those offered by  
16 the board or commission;

17 (b) Any recommendations for improvements in the policies and  
18 programs offered by the board or commission; and

19 (c) A determination of whether any statutory tax exemptions,  
20 abatements or money set aside to be provided to the board or  
21 commission should be terminated, modified or continued.

22 ~~[2.—The Sunset Subcommittee shall review not less than 10~~  
23 ~~boards and commissions specified in subsection 1 each legislative~~  
24 ~~interim.~~

25 ~~—3.]~~ **4. Any action taken by the Sunset Subcommittee**  
26 **concerning a board or commission pursuant to NRS 232B.210 to**  
27 **232B.250, inclusive, is in addition or supplemental to any action**  
28 **taken by the Legislative Commission pursuant to NRS 232B.010 to**  
29 **232B.100, inclusive.**

30 **Sec. 3. NRS 232B.240 is hereby amended to read as follows:**

31 232B.240 1. The Sunset Subcommittee of the Legislative  
32 Commission shall conduct public hearings for the purpose of  
33 obtaining comments on, and may require the Legislative Counsel  
34 Bureau to submit reports on, the need for the termination,  
35 modification, consolidation , or continued operation of a board or  
36 commission ~~[.]~~ **or the renewal of a professional or occupational**  
37 **licensing board.**

38 2. The Sunset Subcommittee shall consider any report  
39 submitted to it by the Legislative Counsel Bureau.

40 3. A board or commission has the burden of proving that there  
41 is a public need for its continued existence.

42 **Sec. 4. NRS 232B.250 is hereby amended to read as follows:**

43 232B.250 1. **If the Sunset Subcommittee of the Legislative**  
44 **Commission determines to recommend the nonrenewal of a**  
45 **professional or occupational licensing board pursuant to**



1 *paragraph (b) of subsection 2 of NRS 232B.220, the*  
2 *recommendation must include suggestions for the orderly,*  
3 *efficient and expeditious conclusion of the business and operation*  
4 *of the professional or occupational licensing board.*

5 2. If the Sunset Subcommittee ~~[of the Legislative Commission]~~  
6 determines to recommend the termination of a board or commission,  
7 its recommendation must include suggestions for appropriate direct  
8 legislative action, if any, which is made necessary or desirable by  
9 the termination of the board or commission.

10 ~~[2.]~~ 3. If the Sunset Subcommittee determines to recommend  
11 the consolidation, modification or continuation of a board or  
12 commission, its recommendation must include suggestions for  
13 appropriate direct legislative action, if any, which would make the  
14 operation of the board or commission or its successor more efficient  
15 or effective.

16 ~~[3.]~~ 4. If the Sunset Subcommittee determines to recommend  
17 the modification, continuation or removal of the restrictions on the  
18 criminal history of an applicant for an occupational or professional  
19 license, its recommendation must include suggestions for  
20 appropriate direct legislative action, if any, which is made necessary  
21 or desirable by any modification, continuation or removal of such  
22 restrictions.

23 ~~[4.]~~ 5. On or before June 30, 2012, the Sunset Subcommittee  
24 shall make all of its initial recommendations pursuant to this section,  
25 if any. The Sunset Subcommittee shall make all subsequent  
26 recommendations pursuant to this section, if any, on or before June  
27 30 of each even-numbered year occurring thereafter.

28 **Sec. 5.** NRS 218D.160 is hereby amended to read as follows:

29 218D.160 1. The Chair of the Legislative Commission may  
30 request the drafting of not more than 10 legislative measures before  
31 the first day of a regular session, with the approval of the Legislative  
32 Commission, which relate to the affairs of the Legislature or its  
33 employees, including legislative measures requested by the  
34 legislative staff.

35 2. The Chair of the Interim Finance Committee may request  
36 the drafting of not more than 10 legislative measures before the first  
37 day of a regular session, with the approval of the Committee, which  
38 relate to matters within the scope of the Committee.

39 3. Except as otherwise provided by a specific statute, joint rule  
40 or concurrent resolution:

41 (a) Any legislative committee created by a statute, other than an  
42 interim legislative committee, may request the drafting of not more  
43 than 10 legislative measures which relate to matters within the scope  
44 of the committee.



1 (b) Any committee or subcommittee established by an order of  
2 the Legislative Commission pursuant to NRS 218E.200 may request  
3 the drafting of not more than 5 legislative measures which relate to  
4 matters within the scope of the study or investigation, except that  
5 such a committee or subcommittee may request the drafting of  
6 additional legislative measures if the Legislative Commission  
7 approves each additional request by a majority vote.

8 (c) Any other committee established by the Legislature which  
9 conducts an interim legislative study or investigation may request  
10 the drafting of not more than 5 legislative measures which relate to  
11 matters within the scope of the study or investigation.

12 *(d) The Sunset Subcommittee of the Legislative Commission*  
13 *created by NRS 232B.210 may request the drafting of as many*  
14 *legislative measures as are necessary to facilitate its*  
15 *recommendations pursuant to subsection 2 of NRS 232B.220.*

16 ↪ The requests authorized pursuant to this subsection must be  
17 submitted to the Legislative Counsel on or before September 1  
18 preceding a regular session unless the Legislative Commission  
19 authorizes submitting a request after that date.

20 4. Each request made pursuant to this section must be on a  
21 form prescribed by the Legislative Counsel.

22 **Sec. 6.** This act becomes effective on July 1, 2021.

