

SENATE BILL NO. 409—SENATOR SEEVERS GANSERT

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to regulatory bodies. (BDR 18-147)

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

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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; revising provisions governing reviews of regulatory bodies by the Sunset Subcommittee of the Legislative Commission; revising the information that each regulatory body must submit to the Director of the Legislative Counsel Bureau on a quarterly basis; requiring the Director to submit such information from each regulatory body to the Sunset Subcommittee on a quarterly basis; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Sunset Subcommittee of the Legislative Commission is
2 required to conduct a review of certain boards and commissions in this State. The
3 Sunset Subcommittee is required to review not less than 10 boards and
4 commissions each legislative interim. (NRS 232B.220) **Section 1** of this bill
5 requires the Sunset Subcommittee to conduct a review of each regulatory body in
6 this state at least once every 8 years. Existing law defines a regulatory body as any
7 state agency, board or commission which has the authority to regulate an
8 occupation or profession pursuant to title 54 of NRS. (NRS 622.060) **Section 1**
9 further adds to the review: (1) an evaluation of certain information relating to the
10 denial of an application for licensure by the regulatory body for a reason relating to
11 the background check conducted on an applicant; and (2) an evaluation of need for
12 each eligibility requirement for licensure established by the regulatory body.
13 **Section 1** also requires the Sunset Subcommittee to annually review the entire
14 report submitted to the Legislative Commission through the Director by each
15 regulatory body pursuant to **section 2**.

16 Existing law requires each regulatory body in this State to submit a quarterly
17 report to the Director of the Legislative Counsel Bureau that includes: (1) certain
18 information concerning the disciplinary actions taken by the regulatory body; (2)
19 the number of licenses issued by the regulatory body during the immediately



20 preceding calendar quarter; (3) the total number of applications for licensure
21 received by the regulatory body; (4) the number of applications rejected by the
22 regulatory body as incomplete; (5) the average number of days between the date of
23 rejection of an application as incomplete and the resubmission by the applicant of a
24 complete application; (6) a list of each reason given by the regulatory body for the
25 denial of an application and the number of applications denied by the regulatory
26 body for each such reason; and (7) the number of applications reviewed on an
27 individual basis by the regulatory body or the executive head of the regulatory
28 body. (NRS 622.100) **Section 2** of this bill additionally requires that the quarterly
29 report include: (1) the number of applications rejected by the regulatory body
30 because of technical requirements for completing an application for licensure; (2)
31 the number of applications denied by the regulatory body for issues related to the
32 background check conducted on the applicant; and (3) a list of the types of personal
33 identifying information that the regulatory body requires an applicant or licensee to
34 provide to the regulatory body and the justification for requiring such information.
35 In addition to the Legislative Commission, **section 2** requires the Director to
36 transmit a compilation of these quarterly reports to the Sunset Subcommittee of the
37 Legislative Commission.

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

1 **Section 1.** NRS 232B.220 is hereby amended to read as
2 follows:

3 232B.220 1. ~~[[The]~~ *Beginning July 1, 2019, the* Sunset
4 Subcommittee of the Legislative Commission shall conduct a
5 review of each board and commission in this State which is not
6 provided for in the Nevada Constitution or established by an
7 executive order of the Governor *at least one time every 8 years* to
8 determine whether the board or commission should be terminated,
9 modified, consolidated with another board or commission or
10 continued. Such a review must include, without limitation:

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

16 (b) *An evaluation of the information contained in the report*
17 *submitted by the regulatory body pursuant to paragraph (b) of*
18 *subsection 1 of NRS 622.100;*

19 (c) *An evaluation of the need for each eligibility requirement*
20 *for licensure established by the regulatory body;*

21 (d) Any recommendations for improvements in the policies and
22 programs offered by the board or commission; and

23 ~~[[e)]~~ (e) A determination of whether any statutory tax
24 exemptions, abatements or money set aside to be provided to the
25 board or commission should be terminated, modified or continued.



1 2. The *Sunset Subcommittee shall conduct an annual review*
2 *of the reports submitted by regulatory bodies pursuant to*
3 *subsection 4 of NRS 622.100.*

4 3. *Unless a greater number is required pursuant to subsection*
5 *1, the Sunset Subcommittee shall review not less than 10 boards and*
6 *commissions specified in subsection 1 each legislative interim.*

7 ~~3.4~~ 4. Any action taken by the Sunset Subcommittee
8 concerning a board or commission pursuant to NRS 232B.210 to
9 232B.250, inclusive, is in addition or supplemental to any action
10 taken by the Legislative Commission pursuant to NRS 232B.010 to
11 232B.100, inclusive.

12 **Sec. 2.** NRS 622.100 is hereby amended to read as follows:

13 622.100 1. Each regulatory body shall, on or before the 20th
14 day of January, April, July and October, submit to the Director of
15 the Legislative Counsel Bureau in an electronic format prescribed
16 by the Director:

17 (a) A summary of each disciplinary action taken by the
18 regulatory body during the immediately preceding calendar quarter
19 against any licensee of the regulatory body; and

20 (b) A report that includes:

21 (1) For the immediately preceding calendar quarter:

22 (I) The number of licenses issued by the regulatory body;

23 (II) The total number of applications for licensure
24 received by the regulatory body;

25 (III) The number of applications rejected by the
26 regulatory body as incomplete ~~4.4~~ *or rejected based on other*
27 *technical requirements for completion of the application;*

28 (IV) The average number of days between the date of
29 rejection of an application as incomplete *or for other technical*
30 *requirements* and the resubmission by the applicant of a complete
31 application;

32 (V) A list of each reason given by the regulatory body for
33 the denial of an application and the number of applications denied
34 by the regulatory body for each such reason ~~4.4~~ *, which must*
35 *include, without limitation, the number of applications denied*
36 *based on issues related to the results of a background check of an*
37 *applicant and the specific reason for such a denial; and*

38 (VI) The number of applications reviewed on an
39 individual basis by the regulatory body or the executive head of the
40 regulatory body; and

41 (2) *A list of the types of personal identifying information*
42 *that the regulatory body requires an applicant or licensee to*
43 *provide to the regulatory body and the justification for requiring*
44 *the submission of such personal identifying information; and*



1 (3) Any other information that is requested by the Director or
2 which the regulatory body determines would be helpful to the
3 Legislature in evaluating whether the continued existence of the
4 regulatory body is necessary.

5 2. The Director shall:

6 (a) Provide any information received pursuant to subsection 1 to
7 a member of the public upon request;

8 (b) Cause a notice of the availability of such information to be
9 posted on the public website of the Nevada Legislature on the
10 Internet; and

11 (c) Transmit a compilation of the information received pursuant
12 to subsection 1 to the Legislative Commission *and the Sunset*
13 *Subcommittee of the Legislative Commission* quarterly, unless
14 otherwise directed by the Commission.

15 3. The Director, on or before the first day of each regular
16 session of the Legislature and at such other times as directed, shall
17 compile the reports received pursuant to paragraph (b) of subsection
18 1 and distribute copies of the compilation to the Senate Standing
19 Committee on Commerce, Labor and Energy and the Assembly
20 Standing Committee on Commerce and Labor, each of which shall
21 review the compilation to determine whether the continued
22 existence of each regulatory body is necessary.

23 4. *As soon as practicable after a regulatory body adopts any*
24 *type of new criteria for licensure or grounds for denial of an*
25 *application for licensure, the regulatory body must submit a report*
26 *to the Sunset Subcommittee describing the new criteria for*
27 *licensure or grounds for denial of an application for licensure and*
28 *the reasons for its adoption.*

29 5. *As used in this section, "personal identifying information"*
30 *has the meaning ascribed to it in NRS 205.4617.*

31 **Sec. 3.** The provisions of subsection 1 of NRS 218D.380 do
32 not apply to any provision of this act which adds or revises a
33 requirement to submit a report to the Legislature.

34 **Sec. 4.** This act becomes effective on July 1, 2019.

