

SENATE BILL NO. 76—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2008

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the administrative procedures for the summary suspension of licenses issued by certain state agencies. (BDR 18-263)

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

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to administrative procedure; revising provisions governing the summary suspension of a license by certain agencies of the Executive Department of State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law governs the administrative procedures of certain agencies of the
2 Executive Department of State Government. (NRS Ch. 233B) An agency is
3 authorized to summarily suspend a license issued by that agency if the agency finds
4 that the public health, safety or welfare imperatively require such emergency
5 action. (NRS 233B.127) This bill provides that an agency's order for the summary
6 suspension of a license may be issued by the agency or by the Chairman of the
7 governing body of the agency. This bill further provides that the Chairman of a
8 governing body of an agency who issues an order of summary suspension must not
9 participate in any further proceedings relating to that order. Finally, this bill
10 requires the agency to complete its proceedings against the licensee within 45 days
11 after the date of the order of summary suspension unless the licensee and the
12 agency agree to a longer period.



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

Section 1. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, before the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. ~~Such proceedings~~ *An agency's order of summary suspension may be issued by the agency or by the Chairman of the governing body of the agency. If the order of summary suspension is issued by the Chairman of the governing body of the agency, the Chairman shall not participate in any further proceedings of the agency relating to that order. Proceedings relating to the order of summary suspension must be* ~~promptly~~ *instituted and determined* ~~within 45 days after the date of the order unless the agency and the licensee mutually agree in writing to a longer period.~~

Sec. 2. This act becomes effective upon passage and approval.

