

SENATE CONCURRENT RESOLUTION NO. 6—COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

MARCH 25, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Directs the Legislative Commission to conduct an
interim study concerning professional and
occupational licensing boards. (BDR R-520)

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

SENATE CONCURRENT RESOLUTION—Directing the
Legislative Commission to conduct an interim study
concerning professional and occupational licensing
boards.

1 WHEREAS, Existing law authorizes many professional and
2 occupational licensing boards to delegate to hearing officers the
3 authority to hear complaints made against their licensees, but
4 existing law does not address the appropriate qualifications for such
5 hearing officers; and

6 WHEREAS, There is a lack of uniformity among the various
7 professional and occupational licensing boards with respect to the
8 training of their members, with the members of some boards not
9 attending the training provided by the Attorney General that each
10 member of such boards is required to attend under existing law; and

11 WHEREAS, The absence of a statutory requirement for public
12 access to the financial audits and balance sheets of professional and
13 occupational licensing boards creates a lack of transparency with
14 respect to the fiscal affairs of such boards; and

15 WHEREAS, Statutory requirements that professional and
16 occupational licensing boards use annual audits or other appropriate
17 methods to obtain financial information would enable such boards to
18 exercise better oversight of their budgeting and management,



1 increase accountability and reduce the risk of mismanagement, fraud
2 and embezzlement; and

3 WHEREAS, There is a lack of uniformity among the various
4 professional and occupational licensing boards with respect to the
5 maintenance of reasonable reserves with some boards having no
6 policy at all concerning the maintenance of such reserves; and

7 WHEREAS, To avoid conflicts of interest, existing law allows
8 many professional or occupational licensing boards to retain money
9 collected from administrative fines only if the fine is imposed by a
10 hearing officer and requires that such money be paid into the State
11 General Fund if the fine is imposed directly by the board, but not all
12 boards that are subject to that requirement comply with its terms in
13 practice and other boards are not subject to that requirement; and

14 WHEREAS, There is a lack of uniformity in existing law and
15 practice with respect to the manner in which the various
16 professional and occupational licensing boards determine the
17 amount of fees charged to their licensees; and

18 WHEREAS, There is a lack of uniformity in existing law
19 regarding the authority of the various professional and occupational
20 licensing boards to investigate or pursue legal or equitable remedies
21 against persons accused of practicing the profession or occupation
22 without a license; and

23 WHEREAS, Existing law allows some professional and
24 occupational licensing boards to enter into contracts for services
25 with outside legal counsel and lobbyists, but some of those boards
26 fail to obtain approval of such contracts from the State Board of
27 Examiners as required under existing law; and

28 WHEREAS, The status of the persons who staff the various
29 professional and occupational licensing boards is not consistent,
30 with some of those persons being public employees entitled to the
31 benefits of such employment while others are non-public employees
32 and so receive different benefits and some are treated as contractors
33 who receive no benefits at all; and

34 WHEREAS, There is a lack of uniformity in existing law and
35 practice among the various professional and occupational licensing
36 boards with respect to providing their licensees with electronic
37 access for matters such as licensing, renewal and payment of fees;
38 and

39 WHEREAS, Many professional and occupational licensing boards
40 separately incur expenses for operations, such as personnel and
41 payroll, legal advice, lobbying on certain issues and information
42 technology, whose performance could perhaps be consolidated,
43 centralized and executed by shared personnel at lower aggregate
44 costs; now, therefore, be it



1 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE
2 ASSEMBLY CONCURRING, That the Legislative Commission is
3 hereby directed to appoint a committee composed of three members
4 of the Senate and three members of the Assembly, one of whom
5 must be appointed by the Legislative Commission as Chair of the
6 committee, to conduct an interim study concerning professional and
7 occupational licensing boards; and be it further

8 RESOLVED, That any recommended legislation proposed by the
9 committee must be approved by a majority of the members of the
10 Senate and a majority of the members of the Assembly appointed to
11 the committee; and be it further

12 RESOLVED, That the Legislative Commission submit a report of
13 the results of the study and any recommended legislation to the
14 Director of the Legislative Counsel Bureau for transmittal to the
15 81st Session of the Nevada Legislature.

