

SENATE BILL NO. 210—COMMITTEE ON GOVERNMENT AFFAIRS

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

MARCH 2, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing state boards and commissions. (BDR 18-899)

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

~

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

AN ACT relating to governmental administration; declaring that the public policy of the State of Nevada includes that persons appointed to certain public bodies by the Governor should reflect the diversity of the State; requiring certain public bodies to submit lists of qualified persons to the Governor to fill vacancies on a board, commission or similar body within 60 days after the vacancy occurs; revising the manner in which the Chair and Vice Chair of the Sunset Subcommittee of the Legislative Commission are selected; modifying reporting requirements by certain licensing boards and other regulatory bodies concerning the criminal histories of certain applicants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to appointments made by the Governor to boards, commissions or similar bodies. (NRS 232A.010-232A.030)

Section 2 of this bill declares it to be the public policy of the State that such appointments must, to the extent practicable and except as otherwise required by law, represent the diversity of the State. **Section 3** of this bill requires boards, commissions and similar bodies to submit to the Governor a list of persons qualified for membership on such a board, commission or similar body within 60 days after a vacancy occurs.

Existing law creates the Sunset Subcommittee of the Legislative Commission and requires the Sunset Subcommittee to conduct reviews of certain boards and commissions. Under existing law, the Chair and Vice Chair of the Sunset



* S B 2 1 0 *

Subcommittee are elected by the voting members of the Sunset Subcommittee. (NRS 232B.210, 232B.220) **Section 4** of this bill instead requires that the Chair and Vice Chair of the Sunset Subcommittee be appointed by the Legislative Commission.

Existing law requires certain professional or occupational licensing boards and other regulatory bodies to submit to the Legislature quarterly reports concerning petitions for the review of criminal histories of potential applicants, which would disqualify such applicants from obtaining a license from the professional or occupational licensing board or regulatory body, as applicable. (NRS 622.100) **Section 6** of this bill removes this requirement. **Section 5** of this bill instead requires the Sunset Subcommittee to review not less than three such professional or occupational licensing boards and regulatory bodies regarding restrictions on criminal histories for applicants.

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

Section 1. Chapter 232A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *It is hereby declared to be the public policy of the State of Nevada that, except as otherwise required by law, a person appointed by the Governor to a new term or to fill a vacancy on a board, commission or similar body must, to the extent practicable, reflect the diversity of this State, including, without limitation, the age, gender, gender identity or expression, sexual orientation, ethnic and geographic diversity of this State.*

Sec. 3. *Boards, commissions and similar bodies whose members are appointed by the Governor must, within 60 days after a vacancy occurs, submit to the Governor a list of names of qualified persons.*

Sec. 4. NRS 232B.210 is hereby amended to read as follows:

232B.210 1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:

(a) Three voting members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three voting members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three nonvoting members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative



Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The ~~[voting members of the Sunset Subcommittee]~~ *Chair of the Legislative Commission* shall ~~[elect a]~~ *appoint the* Chair from one House of the Legislature and ~~[a]~~ Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Four voting members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➤ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.



Sec. 5. NRS 232B.237 is hereby amended to read as follows:

232B.237 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 433.616, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 433.616, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626; and

(c) The reasons for such determinations of disqualification.

3. *The Sunset Subcommittee shall review each legislative interim not less than three professional or occupational licensing boards or regulatory bodies specified in subsection 2.*

4. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 6. NRS 622.100 is hereby amended to read as follows:

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

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

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

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



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

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; *and*

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

~~[(VII) The number of petitions submitted to the regulatory body pursuant to NRS 622.085;~~

~~—(VIII) The number of determinations of disqualification made by the regulatory body pursuant to NRS 622.085; and~~

~~—(IX) The reasons for such determinations;]~~ and

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

2. The Director shall:

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

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

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

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

