

ASSEMBLY BILL NO. 284—ASSEMBLYMEN BUCKLEY, PARKS, GIBBONS, LESLIE, HORNE, ANDERSON, BEERS, BROWN, CARPENTER, CLABORN, COLLINS, CONKLIN, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRIFFIN, HARDY, HETTRICK, KOIVISTO, MABEY, MANENDO, MCCLAIN, OCEGUERA, OHRENSCHALL, PERKINS AND SHERER

MARCH 11, 2003

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Referred to Committee on Commerce and Labor

SUMMARY—Prohibits unfair lending practices for home loans and revises provisions governing sale of real property by trustee. (BDR 52-20)

FISCAL NOTE: Effect on Local Government: Yes.  
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.

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AN ACT relating to property; prohibiting certain acts by lenders of home loans as unfair lending practices; providing for enforcement by the Attorney General; prohibiting a trustor from directing a trustee to exercise a power of sale of real property under certain circumstances; prohibiting certain agencies, boards, commissions or political subdivisions from regulating certain acts relating to lending; providing a penalty; and providing other matters properly relating thereto.

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

1     **Section 1.** Title 52 of NRS is hereby amended by adding  
2     thereto a new chapter to consist of the provisions set forth as  
3     sections 2 to 9, inclusive, of this act.

4     **Sec. 2.** *As used in this chapter, unless the context otherwise*  
5     *requires, the words and terms defined in sections 3 to 6, inclusive,*  
6     *of this act have the meanings ascribed to them in those sections.*



\* A B 2 8 4 R 1 \*

1     **Sec. 3.** *“Borrower” means a natural person who is a*  
2 *mortgagor, grantor of a deed of trust or other debtor of a home*  
3 *loan.*

4     **Sec. 4.** *“Home” means a dwelling or dwellings for not more*  
5 *than four families, the principal use of which is for residential*  
6 *purposes. The term includes, without limitation:*

7         1. *A dwelling on a farm.*

8         2. *A dwelling unit of a cooperative housing corporation.*

9         3. *A mobile home, as defined in NRS 489.120, with the*  
10 *wheels removed and skirting added, when set on a foundation*  
11 *located on land that the owner of the mobile home owns or*  
12 *occupies pursuant to a tenancy with a term of 40 years or more.*

13     **Sec. 5.** *“Home loan” means a consumer credit transaction*  
14 *that:*

15         1. *Is secured by a mortgage loan which involves real property*  
16 *located within this state; and*

17         2. *Constitutes a mortgage under § 152 of the Home*  
18 *Ownership and Equity Protection Act of 1994, 15 U.S.C. §*  
19 *1602(aa), and the regulations adopted by the Board of Governors*  
20 *of the Federal Reserve System pursuant thereto, including,*  
21 *without limitation, 12 C.F.R. § 226.32.*

22     **Sec. 6.** *“Lender” means a mortgagee, beneficiary of a deed*  
23 *of trust or other creditor who holds a mortgage, deed of trust or*  
24 *other instrument that encumbers home property as security for the*  
25 *repayment of a home loan.*

26     **Sec. 7.** 1. *It is an unfair lending practice for a lender to:*

27         (a) *Require a borrower, as a condition of obtaining or*  
28 *maintaining a home loan secured by home property, to provide*  
29 *property insurance on improvements to home property in an*  
30 *amount that exceeds the reasonable replacement value of the*  
31 *improvements.*

32         (b) *Knowingly or intentionally make a home loan to a*  
33 *borrower based solely upon the equity of the borrower in the home*  
34 *property and without determining that the borrower has the ability*  
35 *to repay the home loan from other assets, including, without*  
36 *limitation, income.*

37         (c) *Finance a prepayment fee or penalty in connection with the*  
38 *refinancing by the original borrower of a home loan owned by the*  
39 *lender or an affiliate of the lender.*

40         (d) *Finance, directly or indirectly in connection with a home*  
41 *loan, any credit insurance.*

42         2. *As used in this section:*

43             (a) *“Credit insurance” has the meaning ascribed to it in*  
44 *NRS 690A.015.*



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1       (b) "Prepayment fee or penalty" means any fee or penalty  
2       imposed by a lender if a borrower repays the balance of a loan or  
3       otherwise makes a payment on a loan before the regularly  
4       scheduled time for repayment.

5       **Sec. 8. 1.** A lender who willfully engages in an unfair  
6       lending practice described in this chapter is guilty of a  
7       misdemeanor.

8       2. If a lender willfully engages in any unfair lending practice  
9       described in this chapter in connection with a home loan, the  
10      lender is liable to the borrower in an amount equal to the sum of:

11      (a) Three times the amount of any actual damages sustained  
12      by the borrower; and

13      (b) If the borrower brings an action and is successful in  
14      enforcing the liability imposed by paragraph (a) in the action, the  
15      costs of bringing the action and reasonable attorney's fees as  
16      determined by the court.

17      3. The borrower has a defense against the unpaid obligation  
18      of the home loan to the extent of any amount awarded by a court  
19      pursuant to paragraph (a) of subsection 2, and the court, in  
20      addition to any other legal or equitable remedy, may cure any  
21      existing default of the home loan and cancel any pending  
22      foreclosure sale, trustee's sale or other sale to enforce the home  
23      loan.

24      **Sec. 9. 1.** The Attorney General has primary jurisdiction to  
25      investigate and prosecute violations of this chapter.

26      2. When acting pursuant to this section, the Attorney General  
27      may commence his investigation and file a criminal action without  
28      leave of court, and he has exclusive charge of the conduct of the  
29      prosecution.

30      3. A local government shall not regulate any activity to which  
31      the provisions of this chapter apply.

32      **Sec. 10.** Chapter 107 of NRS is hereby amended by adding  
33      thereto a new section to read as follows:

34      1. With regard to a transfer in trust of an estate in real  
35      property to secure the performance of an obligation or the  
36      payment of a debt, the trustor may not direct the trustee to exercise  
37      a power of sale pursuant to NRS 107.080 if:

38      (a) The trust agreement becomes effective on or after  
39      October 1, 2003; and

40      (b) On the date the trust agreement is made, the trust  
41      agreement is subject to the provisions of § 152 of the  
42      Homeownership and Equity Protection Act of 1994, 15 U.S.C. §  
43      1602(aa), and the regulations adopted by the Board of Governors  
44      of the Federal Reserve System pursuant thereto, including,  
45      without limitation, 12 C.F.R. § 226.32.



1     **2. This section does not prohibit a judicial foreclosure.**  
2     **Sec. 11.** NRS 107.080 is hereby amended to read as follows:  
3     107.080 1. ~~[Where]~~ **Except as otherwise provided in section**  
4     **10 of this act, if** any transfer in trust of any estate in real property is  
5     made after March 29, 1927, to secure the performance of an  
6     obligation or the payment of any debt, a power of sale is hereby  
7     conferred upon the trustee to be exercised after a breach of the  
8     obligation for which the transfer is security.  
9     2. The power of sale must not be exercised, however, until:  
10    (a) In the case of any trust agreement coming into force:  
11      (1) On or after July 1, 1949, and before July 1, 1957, the  
12      grantor, or his successor in interest, a beneficiary under a  
13      subordinate deed of trust or any other person who has a subordinate  
14      lien or encumbrance of record on the property, has for a period of 15  
15      days, computed as prescribed in subsection 3, failed to make good  
16      the deficiency in performance or payment; or  
17      (2) On or after July 1, 1957, the grantor, or his successor in  
18      interest, a beneficiary under a subordinate deed of trust or any other  
19      person who has a subordinate lien or encumbrance of record on the  
20      property, has for a period of 35 days, computed as prescribed in  
21      subsection 3, failed to make good the deficiency in performance or  
22      payment;  
23      (b) The beneficiary, the successor in interest of the beneficiary  
24      or the trustee first executes and causes to be recorded in the office of  
25      the recorder of the county wherein the trust property, or some part  
26      thereof, is situated a notice of the breach and of his election to sell  
27      or cause to be sold the property to satisfy the obligation; and  
28      (c) Not less than 3 months have elapsed after the recording of  
29      the notice.  
30    3. The 15- or 35-day period provided in paragraph (a) of  
31    subsection 2 commences on the first day following the day upon  
32    which the notice of default and election to sell is recorded in the  
33    office of the county recorder of the county in which the property is  
34    located and a copy of the notice of default and election to sell is  
35    mailed by registered or certified mail, return receipt requested and  
36    with postage prepaid to the grantor, and to the person who holds the  
37    title of record on the date the notice of default and election to sell is  
38    recorded, at their respective addresses, if known, otherwise to the  
39    address of the trust property. The notice of default and election to  
40    sell must describe the deficiency in performance or payment and  
41    may contain a notice of intent to declare the entire unpaid balance  
42    due if acceleration is permitted by the obligation secured by the  
43    deed of trust, but acceleration must not occur if the deficiency in  
44    performance or payment is made good and any costs, fees and  
45    expenses incident to the preparation or recordation of the notice and



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1 incident to the making good of the deficiency in performance or  
2 payment are paid within the time specified in subsection 2.

3 4. The trustee, or other person authorized to make the sale  
4 under the terms of the trust deed or transfer in trust, shall, after  
5 expiration of the 3-month period following the recording of the  
6 notice of breach and election to sell, and before the making of the  
7 sale, give notice of the time and place thereof in the manner and for  
8 a time not less than that required by law for the sale or sales of real  
9 property upon execution. The sale itself may be made at the office  
10 of the trustee, if the notice so provides, whether the property so  
11 conveyed in trust is located within the same county as the office of  
12 the trustee or not.

13 5. Every sale made under the provisions of this section and  
14 other sections of this chapter vests in the purchaser the title of the  
15 grantor and his successors in interest without equity or right of  
16 redemption. The sale of a lease of a dwelling unit of a cooperative  
17 housing corporation vests in the purchaser title to the shares in the  
18 corporation which accompany the lease.

19 **Sec. 12.** NRS 244.335 is hereby amended to read as follows:

20 244.335 1. Except as otherwise provided in subsection 2, the  
21 board of county commissioners may:

22 (a) ~~[Regulate]~~ *Except as otherwise provided in section 9 of this*  
23 *act, regulate* all character of lawful trades, callings, industries,  
24 occupations, professions and business conducted in its county  
25 outside of the limits of incorporated cities and towns.

26 (b) Except as otherwise provided in NRS 244.3359 and 576.128,  
27 fix, impose and collect a license tax for revenue or for regulation, or  
28 for both revenue and regulation, on such trades, callings, industries,  
29 occupations, professions and business.

30 2. The county license boards have the exclusive power in their  
31 respective counties to regulate entertainers employed by an  
32 entertainment by referral service and the business of conducting a  
33 dancing hall, escort service, entertainment by referral service or  
34 gambling game or device permitted by law, outside of an  
35 incorporated city. The county license boards may fix, impose and  
36 collect license taxes for revenue or for regulation, or for both  
37 revenue and regulation, on such employment and businesses.

38 3. No license to engage in any type of business may be granted  
39 unless the applicant for the license signs an affidavit affirming that  
40 the business has complied with the provisions of chapter 364A of  
41 NRS. The county license board shall provide upon request an  
42 application for a business license pursuant to chapter 364A of NRS.

43 4. No license to engage in business as a seller of tangible  
44 personal property may be granted unless the applicant for the license  
45 presents written evidence that:



1 (a) The Department of Taxation has issued or will issue a permit  
2 for this activity, and this evidence clearly identifies the business by  
3 name; or

4 (b) Another regulatory agency of the State has issued or will  
5 issue a license required for this activity.

6 5. Any license tax levied for the purposes of NRS 244.3358 or  
7 244A.597 to 244A.655, inclusive, constitutes a lien upon the real  
8 and personal property of the business upon which the tax was levied  
9 until the tax is paid. The lien has the same priority as a lien for  
10 general taxes. The lien must be enforced in the following manner:

11 (a) By recording in the office of the county recorder, within 6  
12 months after the date on which the tax became delinquent or was  
13 otherwise determined to be due and owing, a notice of the tax lien  
14 containing the following:

15 (1) The amount of tax due and the appropriate year;  
16 (2) The name of the record owner of the property;  
17 (3) A description of the property sufficient for identification;  
18 and

19 (4) A verification by the oath of any member of the board of  
20 county commissioners or the county fair and recreation board; and

21 (b) By an action for foreclosure against the property in the same  
22 manner as an action for foreclosure of any other lien, commenced  
23 within 2 years after the date of recording of the notice of the tax  
24 lien, and accompanied by appropriate notice to other lienholders.

25 6. The board of county commissioners may delegate the  
26 authority to enforce liens from taxes levied for the purposes of NRS  
27 244A.597 to 244A.655, inclusive, to the county fair and recreation  
28 board. If the authority is so delegated, the board of county  
29 commissioners shall revoke or suspend the license of a business  
30 upon certification by the county fair and recreation board that the  
31 license tax has become delinquent, and shall not reinstate the license  
32 until the tax is paid. Except as otherwise provided in NRS 244.3357,  
33 all information concerning license taxes levied by an ordinance  
34 authorized by this section or other information concerning the  
35 business affairs or operation of any licensee obtained as a result of  
36 the payment of such license taxes or as the result of any audit or  
37 examination of the books by any authorized employee of a county  
38 fair and recreation board of the county for any license tax levied for  
39 the purpose of NRS 244A.597 to 244A.655, inclusive, is  
40 confidential and must not be disclosed by any member, officer or  
41 employee of the county fair and recreation board or the county  
42 imposing the license tax unless the disclosure is authorized by the  
43 affirmative action of a majority of the members of the appropriate  
44 county fair and recreation board. Continuing disclosure may be so



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1 authorized under an agreement with the Department of Taxation for  
2 the exchange of information concerning taxpayers.

3 **Sec. 13.** NRS 266.355 is hereby amended to read as follows:

4 266.355 1. Except as otherwise provided in subsection 3, the  
5 city council may:

6 (a) ~~Regulate~~ *Except as otherwise provided in section 9 of this*  
7 *act, regulate* all businesses, trades and professions.

8 (b) Except as otherwise provided in NRS 576.128, fix, impose  
9 and collect a license tax for revenue upon all businesses, trades and  
10 professions.

11 2. The city council may establish any equitable standard to be  
12 used in fixing license taxes required to be collected pursuant to this  
13 section.

14 3. The city council may license insurance agents, brokers,  
15 analysts, adjusters and managing general agents within the  
16 limitations and under the conditions prescribed in NRS 680B.020.

17 **Sec. 14.** NRS 269.170 is hereby amended to read as follows:

18 269.170 1. Except as otherwise provided in NRS 576.128 ~~and~~  
19 *and section 9 of this act*, the town board or board of county  
20 commissioners may in any unincorporated town:

21 (a) Fix and collect a license tax on, and regulate, having due  
22 regard to the amount of business done by each person so licensed,  
23 and all places of business and amusement so licensed, as follows:

24 (1) Artisans, artists, assayers, auctioneers, bakers, banks and  
25 bankers, barbers, boilermakers, cellars and places where soft drinks  
26 are kept or sold, clothes cleaners, foundries, laundries, lumberyards,  
27 manufacturers of soap, soda, borax or glue, markets, newspaper  
28 publishers, pawnbrokers, funeral directors and wood and coal  
29 dealers.

30 (2) Bootmakers, cobblers, dressmakers, milliners,  
31 shoemakers and tailors.

32 (3) Boardinghouses, hotels, lodginghouses, restaurants and  
33 refreshment saloons.

34 (4) Barrooms, gaming, manufacturers of liquors and other  
35 beverages, and saloons.

36 (5) Billiard tables, bowling alleys, caravans, circuses,  
37 concerts and other exhibitions, dance houses, melodeons,  
38 menageries, shooting galleries, skating rinks and theaters.

39 (6) Corrals, hay yards, livery and sale stables and wagon  
40 yards.

41 (7) Electric light companies, illuminating gas companies,  
42 power companies, telegraph companies, telephone companies and  
43 water companies.

44 (8) Carts, drays, express companies, freight companies, job  
45 wagons, omnibuses and stages.



1 (9) Brokers, commission merchants, factors, general agents,  
2 mercantile agents, merchants, traders and stockbrokers.

3 (10) Drummers, hawkers, peddlers and solicitors.

4 (11) Insurance agents, brokers, analysts, adjusters and  
5 managing general agents within the limitations and under the  
6 conditions prescribed in NRS 680B.020.

7 (b) Fix and collect a license tax upon all professions, trades or  
8 business within the town not specified in paragraph (a).

9 2. No license to engage in business as a seller of tangible  
10 personal property may be granted unless the applicant for the license  
11 presents written evidence that:

12 (a) The Department of Taxation has issued or will issue a permit  
13 for this activity, and this evidence clearly identifies the business by  
14 name; or

15 (b) Another regulatory agency of the State has issued or will  
16 issue a license required for this activity.

17 3. Any license tax levied for the purposes of NRS 244A.597 to  
18 244A.655, inclusive, constitutes a lien upon the real and personal  
19 property of the business upon which the tax was levied until the tax  
20 is paid. The lien must be enforced in the same manner as liens for ad  
21 valorem taxes on real and personal property. The town board or  
22 other governing body of the unincorporated town may delegate the  
23 power to enforce such liens to the county fair and recreation board.

24 4. The governing body or the county fair and recreation board  
25 may agree with the Department of Taxation for the continuing  
26 exchange of information concerning taxpayers.

27 **Sec. 15.** Section 2.140 of the Charter of the City of Caliente,  
28 being chapter 31, Statutes of Nevada 1971, at page 60, is hereby  
29 amended to read as follows:

30 Sec. 2.140 Powers of City Council: Licensing,  
31 regulation and prohibition of businesses, trades and  
32 professions.

33 1. The City Council may:

34 (a) ~~Regulate~~ *Except as otherwise provided in section 9*  
35 *of this act, regulate* all businesses, trades and professions.

36 (b) Fix, impose and collect a license tax for revenue upon  
37 all businesses, trades and professions.

38 2. The City Council may establish any equitable  
39 standard to be used in fixing license taxes required to be  
40 collected pursuant to this section.

41 **Sec. 16.** Section 2.150 of the Charter of the City of Carlin,  
42 being chapter 344, Statutes of Nevada 1971, at page 608, is hereby  
43 amended to read as follows:



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1           Sec. 2.150 Powers of Board of Councilmen: Licensing,  
2 regulation and prohibition of businesses, trades and  
3 professions.

4           1. The Board of Councilmen may:

5           (a) ~~[Regulate]~~ *Except as otherwise provided in section 9*  
6 *of this act, regulate* all businesses, trades and professions.

7           (b) Fix, impose and collect a license tax for revenue upon  
8 all businesses, trades and professions.

9           2. No person licensed by an agency of the State of  
10 Nevada to practice any trade or profession except gaming  
11 may be denied a license to conduct his profession.

12           3. The Board of Councilmen may establish any equitable  
13 standard to be used in fixing license taxes required to be  
14 collected pursuant to this section.

15       **Sec. 17.** Section 2.260 of the Charter of the City of Carson  
16 City, being chapter 213, Statutes of Nevada 1969, as amended by  
17 chapter 96, Statutes of Nevada 1997, at page 181, is hereby  
18 amended to read as follows:

19           Sec. 2.260 Power of Board: Licensing, regulation and  
20 prohibition of trades, professions and businesses.

21           1. ~~[The]~~ *Except as otherwise provided in section 9 of*  
22 *this act, the* Board may fix, impose and collect a license tax  
23 for revenue upon, or regulate:

24           (a) Or both, all trades, callings, professions and  
25 businesses, conducted in whole or in part within Carson City,  
26 except that no person licensed by an agency of the State of  
27 Nevada to practice any profession except gaming may be  
28 denied a license to conduct his profession or required to pay a  
29 license tax except for revenue.

30           (b) Or both, all businesses selling alcoholic liquors at  
31 wholesale or retail, or prohibit or suppress such businesses.

32           (c) Or prescribe the location of all gaming establishments,  
33 or any combination of these, or may prohibit gambling and  
34 gaming of all kinds, and all games of chance.

35           2. The Board may provide for the issuance of all licenses  
36 authorized in this section and the time and manner in which  
37 they will be issued.

38           3. The Board may establish any equitable standard to be  
39 used in fixing license taxes required to be collected pursuant  
40 to this section.

41           4. The Board may, for just cause, suspend, cancel or  
42 revoke any business license.



1     **Sec. 18.** Section 2.150 of the Charter of the City of Elko,  
2 being chapter 276, Statutes of Nevada 1971, as amended by chapter  
3 51, Statutes of Nevada 2001, at page 454, is hereby amended to read  
4 as follows:

5         Sec. 2.150 Powers of City Council: Licensing,  
6 regulation and prohibition of businesses, trades and  
7 professions.

8         1. The City Council may:

9             (a) ~~[Regulate]~~ *Except as otherwise provided in section 9*  
10 *of this act, regulate* all businesses, trades and professions.

11             (b) Fix, impose and collect a license tax for revenue upon  
12 all businesses, trades and professions.

13         2. The City Council may establish any equitable  
14 standard to be used in fixing license taxes collected pursuant  
15 to this section.

16     **Sec. 19.** Section 2.130 of the Charter of the City of Henderson,  
17 being chapter 266, Statutes of Nevada 1971, at page 407, is hereby  
18 amended to read as follows:

19         Sec. 2.130 Powers of City Council: Licensing,  
20 regulation and prohibition of businesses, trades and  
21 professions.

22         1. The City Council may:

23             (a) ~~[Regulate]~~ *Except as otherwise provided in section 9*  
24 *of this act, regulate* all businesses, trades and professions.

25             (b) Fix, impose and collect a license tax for revenue upon  
26 all businesses, trades and professions.

27         2. The City Council may establish any equitable  
28 standard to be used in fixing license taxes required to be  
29 collected pursuant to this section.

30     **Sec. 20.** Section 2.150 of the Charter of the City of Las Vegas,  
31 being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby  
32 amended to read as follows:

33         Sec. 2.150 Powers of City Council: Licensing,  
34 regulation and prohibition of businesses, trades and  
35 professions.

36         1. The City Council may:

37             (a) Except as is otherwise provided in subsection 2 ~~[H]~~ *and*  
38 *section 9 of this act,* license and regulate all lawful  
39 businesses, trades and professions.

40             (b) Fix, impose and collect a license tax for regulation or  
41 for revenue, or both, upon all businesses, trades and  
42 professions and provide an equitable standard for fixing those  
43 license taxes.



(c) Suspend or revoke the license of any business, trade or profession for failing to comply with any regulation of the City in such manner as may be prescribed by ordinance.

2. No person, firm or corporation which is licensed by an agency of the State to conduct or practice any business, trade or profession, except as is otherwise provided in subsection 3, may be denied a license to conduct or practice that business, trade or profession, nor may the license be suspended or revoked, if:

(a) That person, firm or corporation complies with all of the regulations which are established by that agency and pays to the City such license taxes and related fees and posts such bond or bonds as may be prescribed by ordinance; and

(b) The location of the business, trade or profession complies with all of the requirements of all of the zoning, building, plumbing, electrical, safety and fire prevention codes or regulations of the City.

3. The City Council may provide, by ordinance, regulations which restrict the number, location and method of operation of and the qualifications for ownership in:

(a) Liquor-dispensing or gaming establishments, or both;

(b) Businesses which are engaged in the manufacture or distribution, or both, of liquor or gaming devices; and

(c) Such other businesses, trades and professions as may be declared by ordinance to be privileged, and regulations which prescribe the circumstances under and the manner in which licenses with respect to those establishments, businesses, trades and professions may be denied, limited, suspended or revoked.

**Sec. 21.** Section 2.140 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~Regulate~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license fee for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license fees required to be collected pursuant to this section.



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1     **Sec. 22.** Section 2.140 of the Charter of the City of Reno,  
2 being chapter 662, Statutes of Nevada 1971, as last amended by  
3 chapter 416, Statutes of Nevada 2001, at page 2105, is hereby  
4 amended to read as follows:

5         Sec. 2.140 General powers of City Council.

6         1. Except as otherwise provided in subsection 2 and  
7 section 2.150, the City Council may:

8             (a) Acquire, control, improve and dispose of any real or  
9 personal property for the use of the City, its residents and  
10 visitors.

11            (b) ~~[Regulate]~~ *Except as otherwise provided in section 9*  
12 *of this act, regulate* and impose a license tax for revenue  
13 upon all businesses, trades and professions.

14            (c) Provide or grant franchises for public transportation  
15 and utilities.

16            (d) Appropriate money for advertising and publicity and  
17 for the support of a municipal band.

18            (e) Enact and enforce any police, fire, traffic, health,  
19 sanitary or other measure which does not conflict with the  
20 general laws of the State of Nevada. An offense that is made  
21 a misdemeanor by the laws of the State of Nevada shall also  
22 be deemed to be a misdemeanor against the City whenever  
23 the offense is committed within the City.

24            (f) Fix the rate to be paid for any utility service provided  
25 by the City as a public enterprise. Any charges due for  
26 services, facilities or commodities furnished by any utility  
27 owned by the City is a lien upon the property to which the  
28 service is rendered and is perfected by filing with the County  
29 Recorder a statement by the City Clerk of the amount due and  
30 unpaid and describing the property subject to the lien. Any  
31 such lien is:

32                 (1) Coequal with the latest lien upon the property to  
33 secure the payment of general taxes.

34                 (2) Not subject to extinguishment by the sale of any  
35 property on account of the nonpayment of general taxes.

36                 (3) Prior and superior to all liens, claims,  
37 encumbrances and titles other than the liens of assessments  
38 and general taxes.

39         2. The City Council:

40             (a) Shall not sell telecommunications service to the  
41 general public.

42             (b) May purchase or construct facilities for providing  
43 telecommunications that intersect with public rights of way if  
44 the governing body:



\* A B 2 8 4 R 1 \*

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

**Sec. 23.** Section 2.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 230, is hereby amended to read as follows:

Sec. 2.090 Powers of City Council: General areas. The City Council may exercise any power specifically granted in this Charter or by any of the provisions of Nevada Revised Statutes not in conflict with this Charter, in order to:

1. ~~License~~ *Except as otherwise provided in section 9 of this act, license* all businesses, trades and professions for purposes of regulation and revenue.

2. Enact and enforce fire ordinances.

3. Regulate the construction and maintenance of any building or other structure within the City.

4. Provide for safeguarding of public health in the City.

5. Zone and plan the City, including the regulation of subdivision of land, as prescribed by chapter 278 of NRS.

6. Acquire, control, lease, dedicate, sell and convey rights of way, parks and other real property.

7. Regulate vehicular traffic and parking of vehicles.

8. Establish and maintain a sanitary sewer system.

9. Condemn property within the territorial limits of the City, as well as property outside the territorial limits of the City, in the manner prescribed by chapter 37 of NRS.



\* A B 2 8 4 R 1 \*

10. Regulate, prescribe the location for, prohibit or suppress all businesses selling alcoholic liquors at wholesale or retail.

11. Regulate, prescribe the location for, prohibit or suppress gaming of all kinds.

**Sec. 24.** Section 2.150 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended to read as follows:

Sec. 2.150 Powers of Board of Councilmen: Licensing, regulation and prohibition of businesses, trades and professions.

1. The Board of Councilmen may:

(a) ~~Regulate~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. No person licensed by an agency of the State of Nevada to practice any trade or profession except gaming may be denied a license to conduct his profession.

3. The Board of Councilmen may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

**Sec. 25.** Section 2.140 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 906, is hereby amended to read as follows:

Sec. 2.140 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) ~~Regulate~~ *Except as otherwise provided in section 9 of this act, regulate* all businesses, trades and professions.

(b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

**Sec. 26.** The amendatory provisions of sections 1 to 9, inclusive, of this act do not apply to a loan that is entered into before October 1, 2003.

