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ASSEMBLY BILL NO. 250—ASSEMBLYMAN ARBERRY JR.  
(BY REQUEST)

MARCH 21, 2005

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Referred to Committee on Commerce and Labor

SUMMARY—Provides for licensing and regulation of massage therapists. (BDR 54-733)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
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.

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AN ACT relating to massage therapy; creating the Board of Massage Therapists; prescribing the powers and duties of the Board; providing for its membership; prohibiting a person from engaging in the practice of massage therapy unless he is issued a license by the Board; prescribing the requirements for the issuance or renewal of a license; setting forth the grounds for disciplinary action against a massage therapist; providing the actions the Board may take against a person who commits certain acts; 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:

**Section 1.** Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

**Sec. 2. *The Legislature finds and declares that:***

***1. The practice of massage therapy by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the relationship between the structure and function of the tissues being treated and the total function of the***



1 *body may endanger the health, welfare and safety of the residents*  
2 *of this State.*

3 *2. To protect the residents of this State, it is necessary to*  
4 *license and regulate the practice of massage therapy.*

5 **Sec. 3.** *As used in this chapter, unless the context otherwise*  
6 *requires, the words and terms defined in sections 4 to 7, inclusive,*  
7 *of this act have the meanings ascribed to them in those sections.*

8 **Sec. 4.** *“Board” means the Board of Massage Therapists.*

9 **Sec. 5.** *“License” means a license issued by the Board.*

10 **Sec. 6.** *“Massage therapist” means a person who is licensed*  
11 *pursuant to the provisions of this chapter to engage in the practice*  
12 *of massage therapy.*

13 **Sec. 7. 1.** *“Massage therapy” means the application of a*  
14 *system of pressure to the muscular structure and soft tissues of the*  
15 *human body for therapeutic purposes, including, without*  
16 *limitation:*

17 (a) *Effleurage;*

18 (b) *Petrissage;*

19 (c) *Tapotement;*

20 (d) *Compressions;*

21 (e) *Vibration;*

22 (f) *Friction; and*

23 (g) *Movements applied manually with or without superficial*  
24 *heat, cold, water or lubricants for the purpose of maintaining good*  
25 *health and establishing and maintaining good physical condition.*

26 *2. The term does not include diagnosis, adjustment or*  
27 *manipulation of any articulations of the body or spine.*

28 **Sec. 8. 1.** *The provisions of this chapter do not apply to:*

29 (a) *A person licensed pursuant to chapter 630, 630A, 632, 633,*  
30 *634, 634A, 635 or 640 of NRS if the massage therapy is performed*  
31 *in the course of the practice for which he is licensed.*

32 (b) *A person who is an employee of an athletic department of*  
33 *any high school, college or university in this State and who, within*  
34 *the scope of that employment, practices massage therapy on*  
35 *athletes.*

36 (c) *Students enrolled in a school of massage therapy*  
37 *recognized by the Board.*

38 (d) *A person who practices massage therapy solely on*  
39 *members of his immediate family.*

40 (e) *A person who performs any activity in a licensed brothel.*

41 *2. Except as otherwise provided in subsection 3, the*  
42 *provisions of this chapter preempt the licensure and regulation of*  
43 *a massage therapist by a county, city or town.*

44 *3. The provisions of this chapter do not prohibit a county, city*  
45 *or town from requiring a massage therapist to obtain a license or*



1 *permit to transact business within the jurisdiction of the county,*  
2 *city or town, if the license or permit is required of other persons,*  
3 *regardless of occupation or profession, who transact business*  
4 *within the jurisdiction of the county, city or town.*

5 4. As used in this section, "immediate family" means persons  
6 who are related by blood, adoption or marriage, within the second  
7 degree of consanguinity or affinity.

8 **Sec. 9.** 1. *The Board of Massage Therapists, consisting of*  
9 *five members appointed by the Governor, is hereby created.*

10 2. *The Governor shall appoint to the Board:*

11 (a) *Four members who:*

12 (1) *Are licensed to practice massage therapy in this State,*  
13 *two of whom represent northern Nevada and two of whom*  
14 *represent southern Nevada; and*

15 (2) *Have engaged in the practice of massage therapy for the*  
16 *2 years immediately preceding their appointment.*

17 (b) *One member who is a member of the general public.*

18 3. *The Governor may, in making his appointments to the*  
19 *Board pursuant to paragraph (a) of subsection 2, consider for*  
20 *appointment to the Board a person recommended to him by any*  
21 *person or group.*

22 4. *The members who are appointed to the Board pursuant to*  
23 *paragraph (a) of subsection 2 must continue to practice massage*  
24 *therapy while they are members of the Board.*

25 5. *The Governor may remove any member of the Board for*  
26 *incompetence, neglect of duty, moral turpitude or misfeasance,*  
27 *malfeasance or nonfeasance in office.*

28 6. *No member of the Board may be held liable in a civil*  
29 *action for an act that he performs in good faith in the execution of*  
30 *his duties pursuant to this chapter.*

31 7. *Upon appointment, new members must be provided*  
32 *training that includes, but is not limited to, the:*

33 (a) *Licensure and discipline of massage therapists; and*

34 (b) *Rules and procedures of the Board.*

35 **Sec. 10.** 1. *At the first meeting of each year, the members*  
36 *of the Board shall elect a Chairman, Vice Chairman and*  
37 *Secretary-Treasurer from among its members.*

38 2. *After the initial terms, the term of each member of the*  
39 *Board is 4 years. The members shall continue in office until their*  
40 *successors are appointed. No member of the Board may serve*  
41 *more than two consecutive terms. A former member of the Board*  
42 *is eligible for reappointment to the Board if that person has not*  
43 *served on the Board during the 4 years immediately preceding the*  
44 *reappointment. A vacancy must be filled by appointment for the*  
45 *unexpired term in the same manner as the original appointment.*



1     **Sec. 11. 1.** *The Board shall meet at least quarterly and may*  
2 *meet at other times at the call of the Chairman or upon the written*  
3 *request of a majority of the members of the Board. The Board*  
4 *shall alternate the location of its meetings between northern*  
5 *Nevada and southern Nevada. A meeting of the Board may be*  
6 *conducted telephonically or by videoconferencing. A meeting*  
7 *conducted telephonically or by videoconferencing must meet the*  
8 *requirements of chapter 241 of NRS.*

9     2. *Except as otherwise provided in subsection 3, a majority of*  
10 *the members of the Board constitutes a quorum for the transaction*  
11 *of the business of the Board.*

12     3. *Four members of the Board constitute a quorum for the*  
13 *purposes of issuing, renewing, suspending, revoking or reinstating*  
14 *a license issued pursuant to this chapter.*

15     **Sec. 12.** *The Board shall:*

16     1. *Review and evaluate applications for the licensing of*  
17 *massage therapists;*

18     2. *Determine the qualifications and fitness of applicants;*

19     3. *Issue, renew, reinstate, revoke, suspend and deny licenses,*  
20 *as appropriate;*

21     4. *Investigate any complaints filed with the Board;*

22     5. *Impose any penalties it determines are required to*  
23 *administer the provisions of this chapter; and*

24     6. *Transact any other business required to carry out its*  
25 *duties.*

26     **Sec. 13. 1.** *The Board shall prepare and maintain a*  
27 *separate list of:*

28     (a) *Persons issued a license;*

29     (b) *Applicants for a license; and*

30     (c) *Persons whose licenses have been revoked or suspended by*  
31 *the Board.*

32     ↪ *The Board shall, upon request, disclose the information*  
33 *included in each list and may charge a fee for a copy of the list.*

34     2. *The Board shall:*

35     (a) *Prepare and maintain a record of its proceedings and*  
36 *transactions;*

37     (b) *Adopt a seal of which each court in this State shall take*  
38 *judicial notice; and*

39     (c) *Enforce the provisions of this chapter and any regulations*  
40 *adopted pursuant thereto.*

41     **Sec. 14.** *The Board shall adopt regulations to carry out the*  
42 *provisions of this chapter. The regulations must include, without*  
43 *limitation, provisions that:*

44     1. *Establish the requirements for continuing education for*  
45 *the renewal of a license;*



2. *Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy;*

3. *Establish the requirements for the approval of an instructor of a course of continuing education;*

4. *Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy; and*

5. *Prescribe the requirements for any practical, oral or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination.*

**Sec. 15.** 1. *The Board may employ an Executive Secretary and any other persons required to carry out its duties.*

2. *While engaged in the business of the Board, each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.*

**Sec. 16.** *The Board shall adopt a fiscal year beginning on July 1 and ending on June 30.*

**Sec. 17.** 1. *Except as otherwise provided in subsection 5, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of any expenses of the Board may be paid from the State General Fund.*

2. *The Board may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of this chapter.*

3. *All money received by the Board must be deposited in a bank or other financial institution in this State and paid out upon the Board's order for its expenses.*

4. *The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor, and deposit the money therefrom in a bank or other financial institution in this State.*

5. *If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*



1     **Sec. 18. 1.** *A person whose license has expired or has been*  
2 *suspended or revoked by the Board and who:*

3     (a) *Engages in the practice of massage therapy; or*

4     (b) *Uses in connection with his name the words or letters*  
5 *“L.M.T.,” “licensed massage therapist,” “licensed massage*  
6 *technician,” “M.T.,” “massage technician” or “massage*  
7 *therapist,” or any other letters, words or insignia indicating or*  
8 *implying that he is licensed to practice massage therapy, or who in*  
9 *any other way, orally, or in writing or print, or by sign, directly or*  
10 *by implication, uses the word “massage” or represents himself as*  
11 *licensed or qualified to engage in the practice of massage therapy,*  
12 *↪ is guilty of a misdemeanor.*

13     2. *If the Board determines that a person has violated or is*  
14 *about to violate any provision of subsection 1, the Board may*  
15 *bring an action in a court of competent jurisdiction to enjoin that*  
16 *person from engaging in or continuing the violation. An*  
17 *injunction:*

18     (a) *May be issued without proof of actual damage sustained by*  
19 *any person.*

20     (b) *Does not prohibit the criminal prosecution and punishment*  
21 *of a person who violates any of those provisions.*

22     3. *A person who is not licensed pursuant to this chapter to*  
23 *practice massage therapy and who:*

24     (a) *Engages in the practice of massage therapy; or*

25     (b) *Uses in connection with his name the words or letters*  
26 *“L.M.T.,” “licensed massage therapist,” “licensed massage*  
27 *technician,” “M.T.,” “massage technician” or “massage*  
28 *therapist,” or any other letters, words or insignia indicating or*  
29 *implying that he is licensed to practice massage therapy, or who in*  
30 *any other way, orally, or in writing or print, or by sign, directly or*  
31 *by implication, uses the word “massage” or represents himself as*  
32 *licensed or qualified to engage in the practice of massage therapy,*  
33 *↪ is guilty of a misdemeanor.*

34     **Sec. 19. 1.** *The Board may issue a license to practice*  
35 *massage therapy.*

36     2. *An applicant for a license must:*

37     (a) *Be at least 18 years of age;*

38     (b) *Submit to the Board:*

39         (1) *A completed application on a form prescribed by the*  
40 *Board;*

41         (2) *The fees prescribed by the Board pursuant to section 25*  
42 *of this act;*

43         (3) *Proof that he has successfully completed a program of*  
44 *massage therapy recognized by the Board;*



1       (4) A certified statement issued by the licensing authority in  
2 each state, territory or possession of the United States or the  
3 District of Columbia in which the applicant is or has been licensed  
4 to practice massage therapy indicating that no disciplinary  
5 proceedings relating to his license to practice massage therapy are  
6 pending; and

7       (5) A full set of fingerprints and written permission  
8 authorizing the Board to forward the fingerprints to the Central  
9 Repository for Nevada Records of Criminal History for submission  
10 to the Federal Bureau of Investigation for its report; and

11       (c) In addition to any examination required pursuant to  
12 section 14 of this act and except as otherwise provided in section  
13 20 of this act, pass a written examination administered by the  
14 National Certification Board for Therapeutic Massage and  
15 Bodywork.

16       3. The Board shall recognize a program of massage therapy  
17 that is, including, but not limited to, a program:

18       (a) Approved by the Commission on Postsecondary Education;  
19 or

20       (b) Offered by a public college in this State or any other state.

21       **Sec. 20.** If the National Certification Board for Therapeutic  
22 Massage and Bodywork ceases to administer the written  
23 examination required by paragraph (c) of subsection 2 of section  
24 19 of this act or if the Board, after public comment, determines  
25 that such examination inadequately tests the knowledge and  
26 competency of applicants, the Board shall:

27       1. Accept from an applicant for a license the results of an  
28 examination administered by any board that is accredited by the  
29 National Commission for Certifying Agencies to examine massage  
30 therapists; or

31       2. Prepare or cause to be prepared a written examination that  
32 is:

33       (a) Substantially equivalent to the written examination that  
34 was administered by the National Certification Board for  
35 Therapeutic Massage and Bodywork or any other organization  
36 approved by the Board; and

37       (b) Offered not less than twice each year at a location in  
38 northern Nevada and southern Nevada.

39       **Sec. 21.** 1. The Board may issue a temporary license to  
40 practice massage therapy.

41       2. An applicant for a temporary license issued pursuant to  
42 this section must:

43       (a) Be at least 18 years of age; and

44       (b) Submit to the Board:





1       (1) *A completed application on a form prescribed by the*  
2 *Board;*

3       (2) *The fees prescribed by the Board pursuant to section 25*  
4 *of this act;*

5       (3) *Proof that he has successfully completed a program of*  
6 *massage therapy recognized by the Board;*

7       (4) *Proof that he:*

8           (I) *Has taken the examination offered by the National*  
9 *Certification Board for Therapeutic Massage and Bodywork; or*

10          (II) *Is scheduled to take the examination offered by the*  
11 *National Certification Board for Therapeutic Massage and*  
12 *Bodywork within 90 days after the date of application;*

13       (5) *An affidavit indicating that he has not committed any of*  
14 *the offenses for which the Board may refuse to issue a license*  
15 *pursuant to section 29 of this act;*

16       (6) *A certified statement issued by the licensing authority in*  
17 *each state, territory or possession of the United States or the*  
18 *District of Columbia in which the applicant is or has been licensed*  
19 *to practice massage therapy indicating that no disciplinary*  
20 *proceedings relating to his license to practice massage therapy are*  
21 *pending; and*

22       (7) *A full set of fingerprints and written permission*  
23 *authorizing the Board to forward the fingerprints to the Central*  
24 *Repository for Nevada Records of Criminal History for submission*  
25 *to the Federal Bureau of Investigation for its report.*

26       3. *A license issued pursuant to this section expires 90 days*  
27 *after the date the Board issues the license. The Board shall not*  
28 *renew the license.*

29       4. *The Board shall recognize a program of massage therapy*  
30 *that is, including, but not limited to, a program:*

31           (a) *Approved by the Commission on Postsecondary Education;*  
32 *or*

33           (b) *Offered by a public college in this State or any other state.*

34       **Sec. 22.** *1. In addition to the requirements set forth in*  
35 *sections 19, 21 and 24 of this act, a natural person who applies for*  
36 *the issuance or renewal of a license shall submit to the Board:*

37           (a) *In any application for the issuance of a license, the social*  
38 *security number of the applicant and the statement prescribed by*  
39 *the Welfare Division of the Department of Human Resources*  
40 *pursuant to NRS 425.520. The statement must be completed and*  
41 *signed by the applicant.*

42           (b) *In any application for renewal of a license, the statement*  
43 *prescribed by the Welfare Division of the Department of Human*  
44 *Resources pursuant to NRS 425.520. The statement must be*  
45 *completed and signed by the applicant.*





1       2. The Board shall include the statement required pursuant to  
2 subsection 1 in:

3       (a) The application or any other forms that must be submitted  
4 for the issuance or renewal of the license; or

5       (b) A separate form prescribed by the Board.

6       3. The Board shall not issue or renew a license if the  
7 applicant is a natural person who:

8       (a) Fails to submit the statement required pursuant to  
9 subsection 1; or

10       (b) Indicates on the statement submitted pursuant to  
11 subsection 1 that he is subject to a court order for the support of a  
12 child and is not in compliance with the order or a plan approved  
13 by the district attorney or other public agency enforcing the order  
14 for the repayment of the amount owed pursuant to the order.

15       4. If an applicant indicates on the statement submitted  
16 pursuant to subsection 1 that he is subject to a court order for the  
17 support of a child and is not in compliance with the order or a  
18 plan approved by the district attorney or other public agency  
19 enforcing the order for the repayment of the amount owed  
20 pursuant to the order, the Board shall advise the applicant to  
21 contact the district attorney or other public agency enforcing the  
22 order to determine the actions that the applicant may take to  
23 satisfy the arrearage.

24       **Sec. 23.** 1. If the Board receives a copy of a court order  
25 issued pursuant to NRS 425.540 that provides for the suspension  
26 of all professional, occupational and recreational licenses,  
27 certificates and permits issued to a person who is the holder of a  
28 license, the Board shall deem the license issued to that person to  
29 be suspended at the end of the 30th day after the date on which the  
30 court order was issued unless the Board receives a letter issued to  
31 the holder of the license by the district attorney or other public  
32 agency pursuant to NRS 425.550 stating that the holder of the  
33 license has complied with the subpoena or warrant or has satisfied  
34 the arrearage pursuant to NRS 425.560.

35       2. The Board shall reinstate a license that has been  
36 suspended by a district court pursuant to NRS 425.540 if:

37       (a) The Board receives a letter issued by the district attorney or  
38 other public agency pursuant to NRS 425.550 to the person whose  
39 license was suspended stating that the person whose license was  
40 suspended has complied with the subpoena or warrant or has  
41 satisfied the arrearage pursuant to NRS 425.560; and

42       (b) The licensee pays the fee for reinstatement of the license  
43 prescribed by the Board pursuant to section 25 of this act.



**Sec. 24. 1.** *Except as otherwise provided in subsection 3, the Board may issue a license, without regard to the requirements of section 19 of this act, to an applicant:*

*(a) Who holds a current license to practice massage therapy issued by a county, city or town of this State that regulates the practice of massage therapy; or*

*(b) Who holds a current license to practice massage therapy issued by another state, territory or possession of the United States or the District of Columbia.*

**2.** *An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:*

*(a) A completed application on a form prescribed by the Board;*

*(b) The fees prescribed by the Board pursuant to section 25 of this act;*

*(c) A notarized statement signed by the applicant that states whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and*

*(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy during the immediately preceding 10 years indicating that no disciplinary proceedings relating to his license to practice massage therapy are pending.*

**3.** *The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy set forth in this chapter.*

**Sec. 25. 1.** *The Board shall establish and may amend a schedule of fees and charges for the following items and within the following amounts:*

	<i>Not less than</i>	<i>Not more than</i>
<i>An examination established by the Board pursuant to section 14 or 20 of this act.....</i>	<i>\$50</i>	<i>\$150</i>
<i>An application for a license .....</i>	<i>42</i>	<i>126</i>
<i>An application for a license without an examination.....</i>	<i>42</i>	<i>126</i>
<i>A background check of an applicant.....</i>	<i>48</i>	<i>120</i>
<i>The issuance of a license .....</i>	<i>52</i>	<i>156</i>



<i>The renewal of a license.....</i>	<i>\$33</i>	<i>\$99</i>
<i>The restoration of an expired license .....</i>	<i>33</i>	<i>99</i>
<i>The reinstatement of a suspended or</i>		
<i>revoked license .....</i>	<i>99</i>	<i>250</i>
<i>The issuance of a duplicate license .....</i>	<i>25</i>	<i>75</i>
<i>The restoration of an inactive license.....</i>	<i>33</i>	<i>99</i>

2. In addition to the fees prescribed pursuant to subsection 1, the Board may charge and collect a fee for any other service it provides. The amount of the fee must not exceed the cost of providing the service.

3. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board.

**Sec. 26.** Each licensee shall display his license in a conspicuous location at each place where he practices massage therapy.

**Sec. 27.** 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of his completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under section 14 of this act;

(c) Proof of his certification by the National Certification Board for Therapeutic Massage and Bodywork; and

(d) The fee for renewal of the license prescribed by the Board pursuant to section 25 of this act.

2. A license that expires pursuant to this section may be restored if the applicant:

(a) Complies with the provisions of subsection 1;

(b) Submits to the Board proof of his certification by the National Certification Board for Therapeutic Massage and Bodywork; and

(c) Submits to the Board the fees prescribed by the Board pursuant to section 25 of this act:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before his license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.



1     **Sec. 28. 1.** *Upon written request to the Board, a holder of a*  
2 *license in good standing may cause his name and license to be*  
3 *transferred to an inactive list. The holder of the license may not*  
4 *practice massage therapy during the time the license is inactive,*  
5 *and no renewal fee accrues.*

6     **2.** *If an inactive holder of a license desires to resume the*  
7 *practice of massage therapy, the Board shall renew the license*  
8 *upon:*

9     **(a)** *Demonstration, if deemed necessary by the Board, that the*  
10 *holder of the license is then qualified and competent to practice;*

11     **(b)** *Completion and submission of an application; and*

12     **(c)** *Payment of the current fee for renewal of the license.*

13     **Sec. 29.** *The Board may refuse to issue a license to an*  
14 *applicant, or may initiate disciplinary action against a holder of a*  
15 *license, if the applicant or holder of the license:*

16     **1.** *Has submitted false, fraudulent or misleading information*  
17 *to the Board or any agency of this State, any other state, a territory*  
18 *or possession of the United States, the District of Columbia or the*  
19 *Federal Government;*

20     **2.** *Has violated any provision of this chapter or any*  
21 *regulation adopted pursuant thereto;*

22     **3.** *Has been convicted of:*

23     **(a)** *A crime involving violence, prostitution or any other sexual*  
24 *offense, a crime relating to a controlled substance, a crime*  
25 *involving any federal or state law or regulation relating to*  
26 *massage therapy or a substantially similar business, or a crime*  
27 *involving moral turpitude; or*

28     **(b)** *Any other felony or misdemeanor, excluding misdemeanor*  
29 *traffic violations,*

30     **↪** *within the immediately preceding 5 years;*

31     **4.** *Has engaged in or solicited sexual activity during the*  
32 *course of practicing massage on a person, with or without*  
33 *the consent of the person, including, without limitation, if the*  
34 *applicant or holder of the license:*

35     **(a)** *Made sexual advances toward the person;*

36     **(b)** *Requested sexual favors from the person; or*

37     **(c)** *Massaged, touched or applied any instrument to the breasts*  
38 *of the person, unless the person has signed a written consent form*  
39 *provided by the Board;*

40     **5.** *Has habitually abused alcohol or is addicted to a*  
41 *controlled substance;*

42     **6.** *Is, in the judgment of the Board, guilty of gross negligence*  
43 *in his practice of massage therapy;*

44     **7.** *Is determined by the Board to be professionally*  
45 *incompetent to engage in the practice of massage therapy;*



1       8. *Has failed to provide information requested by the Board*  
2 *within 60 days after he received the request;*

3       9. *Has, in the judgment of the Board, engaged in unethical or*  
4 *unprofessional conduct as it relates to the practice of massage*  
5 *therapy;*

6       10. *Has been disciplined in another state, a territory or*  
7 *possession of the United States or the District of Columbia for*  
8 *conduct that would be a violation of the provisions of this chapter*  
9 *or any regulations adopted pursuant thereto if the conduct were*  
10 *committed in this State;*

11       11. *Has solicited or received compensation for services*  
12 *relating to the practice of massage therapy that he did not provide;*

13       12. *If the holder of the license is on probation, has violated*  
14 *the terms of his probation;*

15       13. *Has engaged in false, deceptive or misleading advertising,*  
16 *including, without limitation, falsely, deceptively or misleadingly*  
17 *advertising that he has received training in a specialty technique*  
18 *of massage for which he has not received training; or*

19       14. *Has failed to maintain certification with the National*  
20 *Certification Board for Therapeutic Massage and Bodywork.*

21       **Sec. 30.** 1. *The Board or any of its members who become*  
22 *aware of any ground for initiating disciplinary action against a*  
23 *holder of a license shall, and any other person who is so aware*  
24 *may, file a written complaint with the Board.*

25       2. *The complaint must specifically:*

26       (a) *Set forth the relevant facts; and*

27       (b) *Charge one or more grounds for initiating disciplinary*  
28 *action.*

29       3. *As soon as practicable after the filing of the complaint, the*  
30 *Board shall set a date for a hearing on the matter. The date must*  
31 *not be later than 30 days after the complaint is filed, except that*  
32 *the date may be extended upon agreement of the person against*  
33 *whom the complaint is filed and the Board.*

34       4. *The Board shall:*

35       (a) *Notify the person in writing that a complaint against him*  
36 *has been filed;*

37       (b) *Include in the notice a statement setting forth the date, time*  
38 *and place set for the hearing; and*

39       (c) *Include a copy of the complaint with the notice.*

40       5. *The notice and complaint may be served on the person by*  
41 *delivery to him personally or by registered or certified mail at his*  
42 *last known address.*



1     **Sec. 31. 1. The person against whom the complaint**  
2 *specified in section 30 of this act is filed:*

3     **(a) May appear in person or through the representation of**  
4 *legal counsel;*

5     **(b) Must be given adequate opportunity to confront any**  
6 *witness against him;*

7     **(c) May testify and introduce the testimony of witnesses in his**  
8 *behalf; and*

9     **(d) May submit arguments and briefs in person or through his**  
10 *counsel.*

11     **2. The Board shall issue its decision within 30 days after the**  
12 *hearing.*

13     **3. The failure of the person charged to attend the hearing or**  
14 *to defend himself must not delay and does not void the*  
15 *proceedings. The Board may, for good cause shown, continue any*  
16 *hearing from time to time.*

17     **Sec. 32. 1. Except as otherwise provided in subsection 3, if**  
18 *the Board determines, after notice and hearing, that an applicant*  
19 *for or a holder of a license has committed any of the acts charged*  
20 *in the complaint specified in section 30 of this act, the Board may:*

21     **(a) Place the applicant or holder of the license on probation**  
22 *for a specified period or until further order of the Board;*

23     **(b) Administer to the applicant or holder of the license a public**  
24 *or private reprimand;*

25     **(c) Refuse to issue, renew, reinstate or restore the license;**

26     **(d) Suspend or revoke the license;**

27     **(e) Impose an administrative fine of not more than \$5,000;**

28     **(f) Require the applicant or holder of the license to pay the**  
29 *costs incurred by the Board to conduct the investigation and*  
30 *hearing; or*

31     **(g) Impose any combination of actions set forth in paragraphs**  
32 *(a) to (f), inclusive.*

33     **2. The order of the Board may contain such other terms,**  
34 *provisions or conditions as the Board deems appropriate.*

35     **3. The Board may, if the Board finds that the action is**  
36 *necessary to protect the health, safety or welfare of the public,*  
37 *upon providing notice to the holder of the license, temporarily*  
38 *suspend or refuse to renew his license for a period not to exceed*  
39 *30 days. For good cause, the Board may extend the period of*  
40 *suspension of the license or continue to refuse to renew the license*  
41 *if the Board deems such action to be necessary to protect the*  
42 *health, safety or welfare of the public. In any such case, a hearing*  
43 *must be held and a final decision rendered within 30 days after the*  
44 *Board notifies the holder of the license of the temporary*  
45 *suspension.*



1     **Sec. 33. 1. The Board may conduct investigations and hold**  
2     **hearings to carry out its duties pursuant to this chapter.**

3     **2. In such a hearing:**

4     **(a) Any member of the Board may administer oaths and**  
5     **examine witnesses; and**

6     **(b) The Board or any member thereof may issue subpoenas to**  
7     **compel the attendance of witnesses and the production of books**  
8     **and papers.**

9     **3. Each witness who is subpoenaed to appear before the**  
10    **Board is entitled to receive for his attendance the same fees and**  
11    **mileage allowed by law for a witness in a civil case. The amount**  
12    **must be paid by the party who requested the subpoena. If any**  
13    **witness who has not been required to attend at the request of any**  
14    **party is subpoenaed by the Board, his fees and mileage must be**  
15    **paid by the Board from money available for that purpose.**

16    **4. If any person fails to comply with the subpoena within 10**  
17    **days after it is issued, the Chairman of the Board may petition a**  
18    **court of competent jurisdiction for an order of the court**  
19    **compelling compliance with the subpoena.**

20    **5. Upon the filing of such a petition, the court shall enter an**  
21    **order directing the person subpoenaed to appear before the court**  
22    **at a time and place to be fixed by the court in its order, the time to**  
23    **be not more than 10 days after the date of the order, and to show**  
24    **cause why he has not complied with the subpoena. A certified copy**  
25    **of the order must be served upon the person subpoenaed.**

26    **6. If it appears to the court that the subpoena was regularly**  
27    **issued by the Board, the court shall enter an order compelling**  
28    **compliance with the subpoena. The failure of the person to comply**  
29    **with the order is a contempt of the court that issued the order.**

30    **Sec. 34. 1. Any records or information obtained during the**  
31    **course of an investigation conducted by the Board are confidential**  
32    **until the investigation is completed. Upon completion of the**  
33    **investigation, the records and information are public records if:**

34    **(a) Disciplinary action was taken by the Board as a result of**  
35    **the investigation; or**

36    **(b) The person who was investigated submits a written request**  
37    **to the Board requesting that the information and records be made**  
38    **public records.**

39    **2. The provisions of this section do not prohibit the Board**  
40    **from cooperating with another licensing board, any agency or any**  
41    **county, city or town in which the holder of the license practices**  
42    **massage therapy if the licensing board, agency, county, city or**  
43    **town is investigating a holder of a license, including, without**  
44    **limitation, a law enforcement agency.**





**Sec. 35.** NRS 218.825 is hereby amended to read as follows:

218.825 1. Except as otherwise provided in subsection 2, each board created by the provisions of *NRS 590.485 and* chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~[and NRS 590.485,]~~ *and sections 2 to 34, inclusive, of this act* shall:

(a) If the revenue of the board from all sources is less than \$50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is \$50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering 2 successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:



1 (a) Is responsible for preparing a balance sheet or having an  
2 audit conducted pursuant to this section or is responsible for  
3 preparing or maintaining the fiscal records that are necessary to  
4 prepare a balance sheet or have an audit conducted pursuant to this  
5 section; and

6 (b) Knowingly fails to prepare the balance sheet or have the  
7 audit conducted pursuant to this section or knowingly fails to  
8 prepare or maintain the fiscal records that are necessary to prepare a  
9 balance sheet or have an audit conducted pursuant to this section.

10 6. In addition to any other remedy or penalty, a person who is  
11 guilty of nonfeasance pursuant to this section forfeits his state office  
12 or employment and may not be appointed to a state office or  
13 position of state employment for a period of 2 years following the  
14 forfeiture. The provisions of this subsection do not apply to a state  
15 officer who may be removed from office only by impeachment  
16 pursuant to Article 7 of the Nevada Constitution.

17 **Sec. 36.** NRS 244.335 is hereby amended to read as follows:

18 244.335 1. Except as otherwise provided in subsection 2, the  
19 board of county commissioners may:

20 (a) Except as otherwise provided in NRS 598D.150 ~~and~~ *and*  
21 *section 8 of this act*, regulate all character of lawful trades, callings,  
22 industries, occupations, professions and business conducted in its  
23 county outside of the limits of incorporated cities and towns.

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

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

36 3. No license to engage in any type of business may be granted  
37 unless the applicant for the license signs an affidavit affirming that  
38 the business has complied with the provisions of NRS 360.780. The  
39 county license board shall provide upon request an application for a  
40 business license pursuant to NRS 360.780.

41 4. No license to engage in business as a seller of tangible  
42 personal property may be granted unless the applicant for the license  
43 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



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

3 **Sec. 37.** 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) Except as otherwise provided in NRS 598D.150 ~~§~~ *and*  
7 *section 8 of this 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. 38.** NRS 269.170 is hereby amended to read as follows:

18 269.170 1. Except as otherwise provided in NRS 576.128  
19 and 598D.150, *and section 8 of this act*, the town board or board of  
20 county 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.



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

(10) Drummers, hawkers, peddlers and solicitors.

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

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

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

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

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

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

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

**Sec. 39.** NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~§~~ *and sections 2 to 34, inclusive, of this act*; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.



3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act* which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

**Sec. 40.** NRS 353.005 is hereby amended to read as follows:

353.005 The provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act* and the officers and employees of those boards.

**Sec. 41.** NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever he considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS *and sections 2 to 34, inclusive, of this act*.

(b) The University and Community College System of Nevada.



- 1 (c) The Public Employees' Retirement System.  
2 (d) The Housing Division of the Department of Business and  
3 Industry.  
4 (e) The Colorado River Commission of Nevada.
- 5 **Sec. 42.** NRS 353A.025 is hereby amended to read as follows:  
6 353A.025 1. The head of each agency shall periodically  
7 review the agency's system of internal accounting and  
8 administrative control to determine whether it is in compliance with  
9 the uniform system of internal accounting and administrative control  
10 for agencies adopted pursuant to subsection 1 of NRS 353A.020.  
11 2. On or before July 1 of each even-numbered year, the head of  
12 each agency shall report to the Director whether the agency's  
13 system of internal accounting and administrative control is in  
14 compliance with the uniform system adopted pursuant to subsection  
15 1 of NRS 353A.020. The reports must be made available for  
16 inspection by the members of the Legislature.  
17 3. For the purposes of this section, "agency" does not include:  
18 (a) A board created by the provisions of NRS 590.485 and  
19 chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648,  
20 654 and 656 of NRS ~~H~~ *and sections 2 to 34, inclusive, of this act.*  
21 (b) The University and Community College System of Nevada.  
22 (c) The Public Employees' Retirement System.  
23 (d) The Housing Division of the Department of Business and  
24 Industry.  
25 (e) The Colorado River Commission of Nevada.
- 26 4. The Director shall, on or before the first Monday in  
27 February of each odd-numbered year, submit a report on the status  
28 of internal accounting and administrative controls in agencies to the:  
29 (a) Director of the Legislative Counsel Bureau for transmittal to  
30 the:  
31 (1) Senate Standing Committee on Finance; and  
32 (2) Assembly Standing Committee on Ways and Means;  
33 (b) Governor; and  
34 (c) Legislative Auditor.
- 35 5. The report submitted by the Director pursuant to subsection  
36 4 must include, without limitation:  
37 (a) The identification of each agency that has not complied with  
38 the requirements of subsections 1 and 2;  
39 (b) The identification of each agency that does not have an  
40 effective method for reviewing its system of internal accounting and  
41 administrative control; and  
42 (c) The identification of each agency that has weaknesses in its  
43 system of internal accounting and administrative control, and the  
44 extent and types of such weaknesses.





**Sec. 43.** NRS 353A.045 is hereby amended to read as follows:  
353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~and~~ *and sections 2 to 34, inclusive, of this act.*

(b) The University and Community College System of Nevada.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.



10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

11. Appoint a Manager of Internal Controls.

**Sec. 44.** NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, and 656A of NRS ~~and sections 2 to 34, inclusive, of this act.~~

**Sec. 45.** Section 2.140 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2896, 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) Except as otherwise provided in NRS 598D.150 ~~and section 8 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. 46.** Section 2.150 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2897, 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) Except as otherwise provided in NRS 598D.150 ~~and section 8 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. 47.** Section 2.260 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 465, Statutes of Nevada 2003, at page 2897, is hereby amended to read as follows:

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

1. Except as otherwise provided in NRS 598D.150  and section 8 of this act, the Board may fix, impose and collect a license tax for revenue upon, or regulate:

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

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

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

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


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

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

**Sec. 48.** Section 2.150 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 2003, at page 2897, is hereby amended to read as follows:

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

1. The City Council may:

(a) Except as otherwise provided in NRS 598D.150  and section 8 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 collected pursuant to this section.

**Sec. 49.** Section 2.130 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2898, is hereby amended to read as follows:

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

1. The City Council may:

(a) Except as otherwise provided in NRS 598D.150 **and section 8 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. 50.** Section 2.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 465, Statutes of Nevada 2003, at page 2898, is hereby amended to read as follows:

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

1. The City Council may:

(a) Except as is otherwise provided in subsection 2 and NRS 598D.150 **and section 8 of this act**, license and regulate all lawful businesses, trades and professions.

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



1 to the City such license taxes and related fees and posts such  
2 bond or bonds as may be prescribed by ordinance; and

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

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

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

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


13 (c) Such other businesses, trades and professions as may  
14 be declared by ordinance to be privileged,

15 ➔ and regulations which prescribe the circumstances under  
16 and the manner in which licenses with respect to those  
17 establishments, businesses, trades and professions may be  
18 denied, limited, suspended or revoked.

19 **Sec. 51.** Section 2.140 of the Charter of the City of North Las  
20 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by  
21 chapter 465, Statutes of Nevada 2003, at page 2899, is hereby  
22 amended to read as follows:

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

26 1. The City Council may:

27 (a) Except as otherwise provided in NRS 598D.150   
28 *and section 8 of this act*, regulate all businesses, trades and  
29 professions.

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

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


35 **Sec. 52.** Section 2.140 of the Charter of the City of Reno,  
36 being chapter 662, Statutes of Nevada 1971, as last amended by  
37 chapter 465, Statutes of Nevada 2003, at page 2899, is hereby  
38 amended to read as follows:

39 Sec. 2.140 General powers of City Council.

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

42 (a) Acquire, control, improve and dispose of any real or  
43 personal property for the use of the City, its residents and  
44 visitors.



(b) Except as otherwise provided in NRS 598D.150  *and section 8 of this act*, regulate and impose a license tax for revenue upon all businesses, trades and professions.

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

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

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

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

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

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

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

2. The City Council:

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

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

(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.



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


4           5. As used in this section:

5           (a) "Telecommunications" has the meaning ascribed to it  
6 in 47 U.S.C. § 153(43), as that section existed on July 16,  
7 1997.

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

11       **Sec. 53.** Section 2.090 of the Charter of the City of Sparks,  
12 being chapter 470, Statutes of Nevada 1975, as last amended by  
13 chapter 465, Statutes of Nevada 2003, at page 2900, is hereby  
14 amended to read as follows:

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

19           1. Except as otherwise provided in NRS 598D.150   
20 *and section 8 of this act*, license all businesses, trades and  
21 professions for purposes of regulation and revenue.

22           2. Enact and enforce fire ordinances.

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

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

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

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

30           7. Except as otherwise provided in NRS 707.375,  
31 regulate vehicular traffic and parking of vehicles.

32           8. Establish and maintain a sanitary sewer system.

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

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

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






1     **Sec. 54.** Section 2.150 of the Charter of the City of Wells,  
2 being chapter 275, Statutes of Nevada 1971, as amended by chapter  
3 465, Statutes of Nevada 2003, at page 2901, is hereby amended to  
4 read as follows:

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

8         1. The Board of Councilmen may:

9         (a) Except as otherwise provided in NRS 598D.150   
10 *and section 8 of this act*, regulate all businesses, trades and  
11 professions.

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


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

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

20     **Sec. 55.** Section 2.140 of the Charter of the City of Yerington,  
21 being chapter 465, Statutes of Nevada 1971, as amended by chapter  
22 465, Statutes of Nevada 2003, at page 2901, is hereby amended to  
23 read as follows:

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

27         1. The City Council may:

28         (a) Except as otherwise provided in NRS 598D.150   
29 *and section 8 of this act*, regulate all businesses, trades and  
30 professions.

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

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

36     **Sec. 56.** Notwithstanding the provisions of subsection 2 of  
37 section 15 of this act, a member or employee of the Board of  
38 Massage Therapists is not entitled to payment of any per diem  
39 allowance or travel expense until July 1, 2006.

40     **Sec. 57.** 1. By July 1, 2007, a person licensed to practice  
41 massage therapy by a county, city or town in this State must, if he  
42 wishes to continue to practice massage therapy on and after that  
43 date, obtain a license pursuant to the provisions of sections 2 to 34,  
44 inclusive, of this act.



2. Until a person licensed to practice massage therapy by a county, city or town in this State obtains a license to practice massage therapy pursuant to the provisions of sections 2 to 34, inclusive, of this act, the person shall comply with:

(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 20, 22, 23 and 25 to 34, inclusive, of this act.

**Sec. 58.** As soon as practicable after October 1, 2005, the Governor shall appoint to the Board of Massage Therapists:

1. Two members whose terms expire on June 30, 2006.

2. Three members whose terms expire on June 30, 2007.

**Sec. 59.** Sections 22 and 23 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

2. Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.



