

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

MARCH 21, 2005

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.

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, including, without*
44 *limitation, conducting a criminal background investigation and*



1 *examination of a massage therapist or applicant for a license to*
2 *practice massage therapy.*

3 3. *The provisions of this chapter do not prohibit a county, city*
4 *or town from requiring a massage therapist to obtain a license or*
5 *permit to transact business within the jurisdiction of the county,*
6 *city or town, if the license or permit is required of other persons,*
7 *regardless of occupation or profession, who transact business*
8 *within the jurisdiction of the county, city or town.*

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

12 **Sec. 9. 1. The Board of Massage Therapists, consisting of**
13 **at least six members appointed by the Governor, is hereby created.**

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

15 (a) *At least five members who:*

16 (1) *Are licensed to practice massage therapy in this State, at*
17 *least two of whom represent northern Nevada and at least two of*
18 *whom represent southern Nevada; and*

19 (2) *Have engaged in the practice of massage therapy for the*
20 *2 years immediately preceding their appointment.*

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

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

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

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

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

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

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

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

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

42 2. *After the initial terms, the term of each member of the*
43 *Board is 4 years. The members shall continue in office until their*
44 *successors are appointed. No member of the Board may serve*
45 *more than two consecutive terms. A former member of the Board*



1 *is eligible for reappointment to the Board if that person has not*
2 *served on the Board during the 4 years immediately preceding the*
3 *reappointment. A vacancy must be filled by appointment for the*
4 *unexpired term in the same manner as the original appointment.*

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

13 **2.** *Except as otherwise provided in subsection 3, a majority of*
14 *the members of the Board constitutes a quorum for the transaction*
15 *of the business of the Board.*

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

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

20 **1.** *Review and evaluate applications for the licensing of*
21 *massage therapists;*

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

23 **3.** *Issue, renew, reinstate, revoke, suspend and deny licenses,*
24 *as appropriate;*

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

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

28 **6.** *Transact any other business required to carry out its*
29 *duties.*

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

32 **(a)** *Persons issued a license;*

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

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

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

38 **2. The Board shall:**

39 **(a)** *Prepare and maintain a record of its proceedings and*
40 *transactions;*

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

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



1 3. The Board shall hire a full-time staff of investigators to
2 conduct background investigations of applicants for a license in a
3 timely manner, as determined by the Board, and to conduct
4 routine unannounced inspections of massage therapists. The
5 Board shall employ those investigators in both northern Nevada
6 and southern Nevada.

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

10 1. Establish the requirements for continuing education for
11 the renewal of a license;

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

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

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

19 5. Prescribe the requirements for any practical, oral or
20 written examination for a license that the Board may require,
21 including, without limitation, the passing grade for such an
22 examination; and

23 6. Reduce duplication in the licensing procedure for a
24 qualified applicant who is applying to the Board for a license
25 issued pursuant to this chapter and to the State Board of
26 Cosmetology for a license issued pursuant to chapter 644 of NRS.

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

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

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

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

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



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

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

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

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

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

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

29 2. If the Board determines that a person has violated or is
30 about to violate any provision of subsection 1, the Board may
31 bring an action in a court of competent jurisdiction to enjoin that
32 person from engaging in or continuing the violation. An
33 injunction:

34 (a) May be issued without proof of actual damage sustained by
35 any person.

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

38 3. A person who is not licensed pursuant to this chapter to
39 practice massage therapy and who:

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

41 (b) Uses in connection with his name the words or letters
42 "L.M.T.," "licensed massage therapist," "licensed massage
43 technician," "M.T.," "massage technician" or "massage
44 therapist," or any other letters, words or insignia indicating or
45 implying that he is licensed to practice massage therapy, or who in



1 *any other way, orally, or in writing or print, or by sign, directly or*
2 *by implication, uses the word "massage" or represents himself as*
3 *licensed or qualified to engage in the practice of massage therapy,*
4 *↪ is guilty of a misdemeanor.*

5 **Sec. 19. 1. The Board may issue a license to practice**
6 **massage therapy.**

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

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

9 **(b) Submit to the Board:**

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

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

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

16 **(4) 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;**

22 **(5) 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 **(6) The names and addresses of five natural persons not**
27 **related to the applicant and not business associates of the**
28 **applicant who are willing to serve as character references;**

29 **(7) A statement authorizing the Board or its designee to**
30 **conduct an investigation to determine the accuracy of any**
31 **statements set forth in the application; and**

32 **(8) If required by the Board, a financial questionnaire; and**
33 **(c) In addition to any examination required pursuant to**
34 **section 14 of this act and except as otherwise provided in section**
35 **20 of this act, pass a written examination administered by the**
36 **National Certification Board for Therapeutic Massage and**
37 **Bodywork.**

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

40 **(a) Approved by the Commission on Postsecondary Education;**
41 **or**

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

43 **4. The Board or its designee shall:**

44 **(a) Fingerprint each applicant and conduct an investigation to**
45 **determine:**



- (1) The reputation and character of the applicant;*
- (2) The existence and contents of any record of arrests or convictions of the applicant;*
- (3) The existence and nature of any pending litigation involving the applicant; and*
- (4) The accuracy and completeness of any information submitted to the Board by the applicant;*
- (b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;*
- (c) Report the results of the investigation not more than 30 days after the Board receives a complete application; and*
- (d) Maintain the results of the investigation in a confidential manner. The results of an investigation must be available only to the Board and a peace officer of this State.*

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

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

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

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

(b) Offered not less than four times each year. The location of the examination must alternate between northern Nevada and southern Nevada. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

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

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

- (a) Be at least 18 years of age; and*
- (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.



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

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

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

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

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

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

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

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

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

32 **4.** *An applicant who holds a license to practice massage*
33 *therapy that is issued by a county, city or town in this State and*
34 *who does not have a criminal background investigation approved*
35 *by a local law enforcement agency must submit to a background*
36 *investigation conducted pursuant to section 19 of this act.*

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

	<i>Not less</i>	<i>Not more</i>
	<i>than</i>	<i>than</i>
<i>An examination established by the Board</i>		
<i>pursuant to section 14 or 20 of this</i>		
<i>act.....</i>	<i>\$50</i>	<i>\$150</i>



1	<i>An application for a license</i>	<i>\$42</i>	<i>\$126</i>
2	<i>An application for a license without an</i>		
3	<i>examination.....</i>	<i>42</i>	<i>126</i>
4	<i>A background check of an applicant.....</i>	<i>45</i>	<i>300</i>
5	<i>The issuance of a license</i>	<i>52</i>	<i>156</i>
6	<i>The renewal of a license.....</i>	<i>33</i>	<i>99</i>
7	<i>The restoration of an expired license</i>	<i>33</i>	<i>99</i>
8	<i>The reinstatement of a suspended or</i>		
9	<i>revoked license</i>	<i>99</i>	<i>250</i>
10	<i>The issuance of a duplicate license</i>	<i>25</i>	<i>75</i>
11	<i>The restoration of an inactive license.....</i>	<i>33</i>	<i>99</i>
12			

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

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

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

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

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

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

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

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

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

38 (a) *Complies with the provisions of subsection 1;*

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

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

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



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

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

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

12 2. If an inactive holder of a license desires to resume the
13 practice of massage therapy, the Board shall renew the license
14 upon:

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

17 (b) Completion and submission of an application; and

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

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

22 1. Has submitted false, fraudulent or misleading information
23 to the Board or any agency of this State, any other state, a territory
24 or possession of the United States, the District of Columbia or the
25 Federal Government;

26 2. Has violated any provision of this chapter or any
27 regulation adopted pursuant thereto;

28 3. Has been convicted of a crime involving violence,
29 prostitution or any other sexual offense, a crime involving any
30 type of larceny, a crime relating to a controlled substance, a crime
31 involving any federal or state law or regulation relating to
32 massage therapy or a substantially similar business, or a crime
33 involving moral turpitude within the immediately preceding 10
34 years.

35 4. Has engaged in or solicited sexual activity during the
36 course of practicing massage on a person, with or without
37 the consent of the person, including, without limitation, if the
38 applicant or holder of the license:

39 (a) Made sexual advances toward the person;

40 (b) Requested sexual favors from the person; or

41 (c) Massaged, touched or applied any instrument to the breasts
42 of the person, unless the person has signed a written consent form
43 provided by the Board;

44 5. Has habitually abused alcohol or is addicted to a
45 controlled substance;



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

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

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

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

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

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

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

19 13. *Has engaged in false, deceptive or misleading advertising,*
20 *including, without limitation, falsely, deceptively or misleadingly*
21 *advertising that he has received training in a specialty technique*
22 *of massage for which he has not received training, practicing*
23 *massage therapy under an assumed name and impersonating a*
24 *licensed massage therapist; or*

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

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

31 2. *The complaint must specifically:*

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

33 (b) *Charge one or more grounds for initiating disciplinary*
34 *action.*

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

40 4. *The Board shall:*

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

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

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



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

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

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

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

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

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

14 2. *The Board shall issue its decision within 30 days after the*
15 *hearing.*

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

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

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

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

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

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

30 (e) *Impose an administrative fine of not more than \$1,000 per*
31 *day for each day for which the Board determines that a violation*
32 *occurred as charged in the complaint;*

33 (f) *Require the applicant or holder of the license to pay the*
34 *costs incurred by the Board to conduct the investigation and*
35 *hearing; or*

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

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

40 3. *The Board may, if the Board finds that the action is*
41 *necessary to protect the health, safety or welfare of the public,*
42 *upon providing notice to the holder of the license, temporarily*
43 *suspend or refuse to renew his license for a period not to exceed*
44 *30 days. For good cause, the Board may extend the period of*
45 *suspension of the license or continue to refuse to renew the license*



1 *if the Board deems such action to be necessary to protect the*
2 *health, safety or welfare of the public. In any such case, a hearing*
3 *must be held and a final decision rendered within 30 days after the*
4 *Board notifies the holder of the license of the temporary*
5 *suspension.*

6 *4. The appropriate law enforcement agency of a city or*
7 *county in which a massage therapist holds a business license*
8 *issued by the city or county may temporarily suspend the license of*
9 *a massage therapist immediately if the massage therapist is*
10 *charged with or cited for a crime involving violence, prostitution*
11 *or any other sexual offense. The temporary suspension of the*
12 *license must not exceed 15 days. The Board may extend the*
13 *temporary suspension if the Board determines that the suspension*
14 *is required to protect the health, safety or welfare of the public. In*
15 *any such case, the hearing must be held and a final decision*
16 *rendered within 15 days after the law enforcement agency notifies*
17 *the holder of the license of the temporary suspension.*

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

20 **2. In such a hearing:**

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

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

26 **3. Each witness who is subpoenaed to appear before the**
27 **Board is entitled to receive for his attendance the same fees and**
28 **mileage allowed by law for a witness in a civil case. The amount**
29 **must be paid by the party who requested the subpoena. If any**
30 **witness who has not been required to attend at the request of any**
31 **party is subpoenaed by the Board, his fees and mileage must be**
32 **paid by the Board from money available for that purpose.**

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

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

43 **6. If it appears to the court that the subpoena was regularly**
44 **issued by the Board, the court shall enter an order compelling**



compliance with the subpoena. The failure of the person to comply with the order is a contempt of the court that issued the order.

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

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

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

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



1 Administration on or before December 1 following the end of the
2 second fiscal year.

3 3. The cost of each audit conducted pursuant to subsection 1 or
4 2 must be paid by the board that is audited. Each such audit must be
5 conducted in accordance with generally accepted auditing standards
6 , and all financial statements must be prepared in accordance with
7 generally accepted principles of accounting for special revenue
8 funds.

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

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

17 (a) Is responsible for preparing a balance sheet or having an
18 audit conducted pursuant to this section or is responsible for
19 preparing or maintaining the fiscal records that are necessary to
20 prepare a balance sheet or have an audit conducted pursuant to this
21 section; and

22 (b) Knowingly fails to prepare the balance sheet or have the
23 audit conducted pursuant to this section or knowingly fails to
24 prepare or maintain the fiscal records that are necessary to prepare a
25 balance sheet or have an audit conducted pursuant to this section.

26 6. In addition to any other remedy or penalty, a person who is
27 guilty of nonfeasance pursuant to this section forfeits his state office
28 or employment and may not be appointed to a state office or
29 position of state employment for a period of 2 years following the
30 forfeiture. The provisions of this subsection do not apply to a state
31 officer who may be removed from office only by impeachment
32 pursuant to Article 7 of the Nevada Constitution.

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

34 244.335 1. Except as otherwise provided in subsection 2, the
35 board of county commissioners may:

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

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

44 2. The county license boards have the exclusive power in their
45 respective counties to regulate entertainers employed by an



1 entertainment by referral service and the business of conducting a
2 dancing hall, escort service, entertainment by referral service or
3 gambling game or device permitted by law, outside of an
4 incorporated city. The county license boards may fix, impose and
5 collect license taxes for revenue or for regulation, or for both
6 revenue and regulation, on such employment and businesses.

7 3. No license to engage in any type of business may be granted
8 unless the applicant for the license signs an affidavit affirming that
9 the business has complied with the provisions of NRS 360.780. The
10 county license board shall provide upon request an application for a
11 business license pursuant to NRS 360.780.

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

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

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

20 5. Any license tax levied for the purposes of NRS 244.3358 or
21 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
22 and personal property of the business upon which the tax was levied
23 until the tax is paid. The lien has the same priority as a lien for
24 general taxes. The lien must be enforced in the following manner:

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

29 (1) The amount of tax due and the appropriate year;

30 (2) The name of the record owner of the property;

31 (3) A description of the property sufficient for identification;

32 and

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

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

39 6. The board of county commissioners may delegate the
40 authority to enforce liens from taxes levied for the purposes of NRS
41 244A.597 to 244A.655, inclusive, to the county fair and recreation
42 board. If the authority is so delegated, the board of county
43 commissioners shall revoke or suspend the license of a business
44 upon certification by the county fair and recreation board that the
45 license tax has become delinquent, and shall not reinstate the license



1 until the tax is paid. Except as otherwise provided in NRS 244.3357,
2 all information concerning license taxes levied by an ordinance
3 authorized by this section or other information concerning the
4 business affairs or operation of any licensee obtained as a result of
5 the payment of such license taxes or as the result of any audit or
6 examination of the books by any authorized employee of a county
7 fair and recreation board of the county for any license tax levied for
8 the purpose of NRS 244A.597 to 244A.655, inclusive, is
9 confidential and must not be disclosed by any member, officer or
10 employee of the county fair and recreation board or the county
11 imposing the license tax unless the disclosure is authorized by the
12 affirmative action of a majority of the members of the appropriate
13 county fair and recreation board. Continuing disclosure may be so
14 authorized under an agreement with the Department of Taxation for
15 the exchange of information concerning taxpayers.

16 **Sec. 37.** NRS 266.355 is hereby amended to read as follows:

17 266.355 1. Except as otherwise provided in subsection 3, the
18 city council may:

19 (a) Except as otherwise provided in NRS 598D.150 ~~§~~ *and*
20 *section 8 of this act*, regulate all businesses, trades and professions.

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

24 2. The city council may establish any equitable standard to be
25 used in fixing license taxes required to be collected pursuant to this
26 section.

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

30 **Sec. 38.** NRS 269.170 is hereby amended to read as follows:

31 269.170 1. Except as otherwise provided in NRS 576.128
32 and 598D.150, *and section 8 of this act*, the town board or board of
33 county commissioners may in any unincorporated town:

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

37 (1) Artisans, artists, assayers, auctioneers, bakers, banks and
38 bankers, barbers, boilermakers, cellars and places where soft drinks
39 are kept or sold, clothes cleaners, foundries, laundries, lumberyards,
40 manufacturers of soap, soda, borax or glue, markets, newspaper
41 publishers, pawnbrokers, funeral directors and wood and coal
42 dealers.

43 (2) Bootmakers, cobblers, dressmakers, milliners,
44 shoemakers and tailors.



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

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

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

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

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

(8) Carts, drays, express companies, freight companies, job 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 ~~H~~ *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.

Sec. 42. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. 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 ~~H~~ *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.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:



(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the 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



1 subsection 5 of NRS 353A.038 and prepare audit reports of his
2 findings.

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

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

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

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

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

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

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

21 11. Appoint a Manager of Internal Controls.

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

23 608.0116 "Professional" means pertaining to an employee who
24 is licensed or certified by the State of Nevada for and engaged in the
25 practice of law or any of the professions regulated by chapters 623
26 to 645, inclusive, and 656A of NRS ~~§~~ *and sections 2 to 34,*
27 *inclusive, of this act.*

28 **Sec. 45.** Section 2.140 of the Charter of the City of Caliente,
29 being chapter 31, Statutes of Nevada 1971, as amended by chapter
30 465, Statutes of Nevada 2003, at page 2896, is hereby amended to
31 read as follows:

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

35 1. The City Council may:

36 (a) Except as otherwise provided in NRS 598D.150 ~~§~~
37 *and section 8 of this act*, regulate all businesses, trades and
38 professions.

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


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



1 **Sec. 46.** Section 2.150 of the Charter of the City of Carlin,
2 being chapter 344, Statutes of Nevada 1971, as amended by chapter
3 465, Statutes of Nevada 2003, at page 2897, 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. 47.** Section 2.260 of the Charter of Carson City, being
21 chapter 213, Statutes of Nevada 1969, as last amended by chapter
22 465, Statutes of Nevada 2003, at page 2897, is hereby amended to
23 read as follows:

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

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

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

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

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

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

43 3. The Board may establish any equitable standard to be
44 used in fixing license taxes required to be collected pursuant
45 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 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. 51. Section 2.140 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2899, 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 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.

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

Sec. 2.140 General powers of City Council.

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

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

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. 53. Section 2.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 465, Statutes of Nevada 2003, at page 2900, 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. Except as otherwise provided in NRS 598D.150  *and section 8 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. Except as otherwise provided in NRS 707.375, 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.

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. 54. Section 2.150 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2901, 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~~ *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. 55. Section 2.140 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 465, Statutes of Nevada 2003, at page 2901, 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~~ *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.



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

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

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

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

16 (b) The provisions of sections 2 to 18, inclusive, 20, 22, 23 and
17 25 to 34, inclusive, of this act.

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

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

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

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

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

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

32 ↪ are repealed by the Congress of the United States.

