
SENATE BILL NO. 422—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes governing body of local government to regulate managers of certain motels, hotels or apartment complexes. (BDR 20-533)

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

~

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

AN ACT relating to local governments; authorizing the governing body of a local government to adopt an ordinance requiring a person to obtain a certificate to manage certain hotels, motels and apartment complexes; authorizing the governing body of a local government to adopt an ordinance requiring that certain hotels, motels and apartment complexes be managed by a person issued such a certificate; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 to 7, inclusive, of this act have the meanings ascribed to*
7 *them in those sections.*

8 **Sec. 3.** *“Apartment complex” means a building or group of*
9 *buildings, each building of which is arranged in several units of*



1 *connecting rooms, with each unit designed for independent*
2 *housekeeping.*

3 **Sec. 4.** *“Certificate” means a certificate to engage in*
4 *property management issued pursuant to section 8 of this act.*

5 **Sec. 5.** *“Property” means a hotel, motel or apartment*
6 *complex with three or more units.*

7 **Sec. 6.** *“Property management” means the physical,*
8 *administrative or financial management of a property.*

9 **Sec. 7.** *“Unit” means a structure or the part of a structure*
10 *that is occupied as, or designed or intended for occupancy as, a*
11 *residence or sleeping place by one person who maintains a*
12 *household or by two or more persons who maintain a common*
13 *household.*

14 **Sec. 8. 1.** *Except as otherwise provided in subsection 3, the*
15 *board of county commissioners of each county may, by ordinance,*
16 *require each person who wishes to engage in property*
17 *management in an unincorporated area of the county to obtain a*
18 *certificate issued by the board before engaging in property*
19 *management.*

20 **2.** *If a board of county commissioners of a county adopts an*
21 *ordinance pursuant to subsection 1:*

22 *(a) Each person who engages in property management must*
23 *make application for a certificate to the board of county*
24 *commissioners of the county in which the property to be managed*
25 *is to be located. The application must be in a form and manner*
26 *prescribed by the board of county commissioners.*

27 *(b) The board of county commissioners may:*

28 *(1) Establish and collect a fee for the issuance or renewal*
29 *of a certificate.*

30 *(2) Grant or deny applications for the issuance or renewal*
31 *of a certificate.*

32 *(3) Impose conditions, limitations and restrictions upon a*
33 *certificate.*

34 *(4) Establish any other requirements necessary to carry out*
35 *the ordinance, including, without limitation, the imposition of a*
36 *penalty for a violation of the ordinance.*

37 *(5) Adopt, amend and repeal regulations relating to the*
38 *ordinance.*

39 **3.** *An ordinance adopted pursuant to the provisions of this*
40 *section must not apply to:*

41 *(a) A person issued a permit to engage in property*
42 *management pursuant to the provisions of NRS 645.6052; or*

43 *(b) A person engaging in property management of a property*
44 *where gaming is conducted under a nonrestricted license for*
45 *gaming issued pursuant to NRS 463.170.*



1 **Sec. 9. 1.** *Except as otherwise provided in subsection 3, the*
2 *board of county commissioners of each county may, by ordinance,*
3 *require that a property which is located in an unincorporated area*
4 *of the county must be managed by a person issued a certificate*
5 *pursuant to the provisions of section 8 of this act.*

6 **2.** *If a board of county commissioners adopts an ordinance*
7 *pursuant to the provisions of subsection 1, the board of county*
8 *commissioners may:*

9 **(a)** *Establish any other requirements necessary to carry out the*
10 *ordinance, including, without limitation, the imposition of a*
11 *penalty for a violation of the ordinance.*

12 **(b)** *Adopt, amend and repeal regulations relating to the*
13 *ordinance.*

14 **3.** *An ordinance adopted pursuant to the provisions of this*
15 *section must not apply to:*

16 **(a)** *A property managed by a person issued a permit to engage*
17 *in property management pursuant to the provisions of NRS*
18 *645.6052; or*

19 **(b)** *A property where gaming is conducted under a*
20 *nonrestricted license for gaming issued pursuant to NRS 463.170.*

21 **Sec. 10.** NRS 244.335 is hereby amended to read as follows:

22 244.335 1. Except as otherwise provided in subsection 2,
23 ~~{the}~~ a board of county commissioners may:

24 **(a)** Except as otherwise provided in NRS 598D.150 ~~{,}~~ and
25 *sections 2 to 9, inclusive, of this act,* regulate all character of lawful
26 trades, callings, industries, occupations, professions and business
27 conducted in its county outside of the limits of incorporated cities
28 and towns.

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

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

41 **3.** No license to engage in any type of business may be granted
42 unless the applicant for the license signs an affidavit affirming that
43 the business has complied with the provisions of NRS 360.780. The
44 county license board shall provide upon request an application for a
45 business license pursuant to NRS 360.780.



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

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

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

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

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

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

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

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

21 and

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

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

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



1 affirmative action of a majority of the members of the appropriate
2 county fair and recreation board. Continuing disclosure may be so
3 authorized under an agreement with the Department of Taxation for
4 the exchange of information concerning taxpayers.

5 **Sec. 11.** NRS 244.33506 is hereby amended to read as
6 follows:

7 244.33506 1. If a board of county commissioners requires a
8 person to obtain a license, permit or certificate to practice a
9 profession or occupation pursuant to NRS 244.335 ~~or~~ *or section 8*
10 *of this act*, an applicant for the issuance or renewal of such a
11 license, certificate or permit shall submit to the board of county
12 commissioners the statement prescribed by the Welfare Division of
13 the Department of Human Resources pursuant to NRS 425.520. The
14 statement must be completed and signed by the applicant.

15 2. The board of county commissioners shall include the
16 statement required pursuant to subsection 1 in:

17 (a) The application or any other forms that must be submitted
18 for the issuance or renewal of the license, certificate or permit; or

19 (b) A separate form prescribed by the board of county
20 commissioners.

21 3. A license, certificate or permit may not be issued or renewed
22 by a board of county commissioners pursuant to NRS 244.335 *or*
23 *section 8 of this act* if the applicant:

24 (a) Fails to submit the statement required pursuant to subsection
25 1; or

26 (b) Indicates on the statement submitted pursuant to subsection
27 1 that he is subject to a court order for the support of a child and is
28 not in compliance with the order or a plan approved by the district
29 attorney or other public agency enforcing the order for the
30 repayment of the amount owed pursuant to the order.

31 4. If an applicant indicates on the statement submitted pursuant
32 to subsection 1 that he is subject to a court order for the support of a
33 child and is not in compliance with the order or a plan approved by
34 the district attorney or other public agency enforcing the order for
35 the repayment of the amount owed pursuant to the order, the board
36 of county commissioners shall advise the applicant to contact the
37 district attorney or other public agency enforcing the order to
38 determine the actions that the applicant may take to satisfy the
39 arrearage.

40 **Sec. 12.** NRS 244.33507 is hereby amended to read as
41 follows:

42 244.33507 An application for the issuance of a license, permit
43 or certificate to practice a profession or occupation pursuant to NRS
44 244.335 *or section 8 of this act* must include the social security
45 number of the applicant.



Sec. 13. NRS 244.3525 is hereby amended to read as follows:

244.3525 1. The chairman or clerk of the board of county commissioners to enforce NRS 244.335 to 244.340, inclusive, *and sections 2 to 9, inclusive, of this act*, the chairman or clerk of the license board of the county to enforce NRS 244.345 and the chairman or clerk of the liquor board of the county to enforce NRS 244.350, 244.3501 and 244.351 may:

(a) Administer oaths and require testimony under oath;

(b) Pay witnesses a reasonable allowance for travel and subsistence; and

(c) Appoint hearing officers who may administer oaths and receive testimony given under oath.

2. Each hearing officer appointed pursuant to paragraph (c) of subsection 1 must be a resident of this State who is a graduate of:

(a) An accredited law school; or

(b) An accredited, 4-year college and has at least 5 years' experience in public administration,

➤ and who has completed a course of instruction in administrative law, relating to the provisions of this chapter, offered by the office of the district attorney for the county. This course must consist of at least 4 hours of instruction in a classroom.

3. Any notice given by the board must be served in the manner required for civil actions.

Sec. 14. NRS 266.355 is hereby amended to read as follows:

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

(a) Except as otherwise provided in NRS 598D.150 ~~§~~ *and sections 19 to 26, inclusive, of this act*, regulate all businesses, trades and professions.

(b) Except as otherwise provided in NRS 576.128, 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.

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

Sec. 15. NRS 266.358 is hereby amended to read as follows:

266.358 1. If a city council requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 ~~§~~ *or section 25 of this act*, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the city council the statement prescribed by the Welfare Division of the Department of Human Resources pursuant



1 to NRS 425.520. The statement must be completed and signed by
2 the applicant.

3 2. The city council shall include the statement required
4 pursuant to subsection 1 in:

5 (a) The application or any other forms that must be submitted
6 for the issuance or renewal of the license, certificate or permit; or

7 (b) A separate form prescribed by the city council.

8 3. A license, certificate or permit may not be issued or renewed
9 by the city council pursuant to NRS 266.355 *or section 25 of this*
10 *act* if the applicant:

11 (a) Fails to submit the statement required pursuant to subsection
12 1; or

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

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

26 **Sec. 16.** NRS 266.362 is hereby amended to read as follows:

27 266.362 1. If a city council receives a copy of a court order
28 issued pursuant to NRS 425.540 that provides for the suspension of
29 all professional, occupational and recreational licenses, certificates
30 and permits issued to a person who is the holder of a license,
31 certificate or permit to practice a profession or occupation issued by
32 the city council pursuant to NRS 266.355 *or section 25 of this*
33 *act*, the city council shall deem the license, certificate or permit
34 issued to that person to be suspended at the end of the 30th day after
35 the date on which the court order was issued unless the city council
36 receives a letter issued to the holder of the license, certificate or
37 permit by the district attorney or other public agency pursuant to
38 NRS 425.550 stating that the holder of the license, certificate or
39 permit has complied with the subpoena or warrant or has satisfied
40 the arrearage pursuant to NRS 425.560.

41 2. A city council shall reinstate a license, certificate or permit
42 to practice a profession or occupation issued by the city council
43 pursuant to NRS 266.355 *or section 25 of this act* that has been
44 suspended by a district court pursuant to NRS 425.540 if the city
45 council receives a letter issued by the district attorney or other



1 public agency pursuant to NRS 425.550 to the person whose license,
2 certificate or permit was suspended stating that the person whose
3 license, certificate or permit was suspended has complied with the
4 subpoena or warrant or has satisfied the arrearage pursuant to
5 NRS 425.560.

6 **Sec. 17.** NRS 266.368 is hereby amended to read as follows:

7 266.368 An application for the issuance of a license, permit or
8 certificate to practice a profession or occupation pursuant to NRS
9 266.355 *or section 25 of this act* must include the social security
10 number of the applicant.

11 **Sec. 18.** Chapter 268 of NRS is hereby amended by adding
12 thereto the provisions set forth as sections 19 to 26, inclusive, of this
13 act.

14 **Sec. 19.** *As used in sections 19 to 26, inclusive, of this act,*
15 *unless the context otherwise requires, the words and terms defined*
16 *in sections 20 to 24, inclusive, of this act have the meanings*
17 *ascribed to them in those sections.*

18 **Sec. 20.** *“Apartment complex” means a building or group of*
19 *buildings, each building of which is arranged in several units of*
20 *connecting rooms, with each unit designed for independent*
21 *housekeeping.*

22 **Sec. 21.** *“Certificate” means a certificate to engage in*
23 *property management issued pursuant to section 25 of this act.*

24 **Sec. 22.** *“Property” means a hotel, motel or apartment*
25 *complex with three or more units.*

26 **Sec. 23.** *“Property management” means the physical,*
27 *administrative or financial management of a property.*

28 **Sec. 24.** *“Unit” means a structure or the part of a structure*
29 *that is occupied as, or designed or intended for occupancy as, a*
30 *residence or sleeping place by one person who maintains a*
31 *household or by two or more persons who maintain a common*
32 *household.*

33 **Sec. 25.** *1. Except as otherwise provided in subsection 3,*
34 *the city council or other governing body of any incorporated city*
35 *in the State of Nevada, whether organized under general law or*
36 *special charter, may, by ordinance, require each person who*
37 *wishes to engage in property management in the incorporated*
38 *area of the city to obtain a certificate issued by the city council or*
39 *other governing body before engaging in property management.*

40 *2. If a city council or other governing body of an*
41 *incorporated city adopts an ordinance pursuant to subsection 1:*

42 *(a) Each person who engages in property management must*
43 *make application for a certificate to the city council or other*
44 *governing body of the incorporated city in which the property to be*



1 *managed is to be located. The application must be in a form and*
2 *manner prescribed by the city council or other governing body.*

3 *(b) The city council or other governing board of an*
4 *incorporated city may:*

5 *(1) Establish and collect a fee for the issuance or renewal*
6 *of a certificate.*

7 *(2) Grant or deny applications for the issuance or renewal*
8 *of a certificate.*

9 *(3) Impose conditions, limitations and restrictions upon a*
10 *certificate.*

11 *(4) Establish any other requirements necessary to carry out*
12 *the ordinance, including, without limitation, the imposition of a*
13 *penalty for a violation of the ordinance.*

14 *(5) Adopt, amend and repeal regulations relating to the*
15 *ordinance.*

16 *3. An ordinance adopted pursuant to the provisions of this*
17 *section must not apply to:*

18 *(a) A person issued a permit to engage in property*
19 *management pursuant to the provisions of NRS 645.6052; or*

20 *(b) A person engaging in property management of a property*
21 *where gaming is conducted under a nonrestricted gaming license*
22 *issued pursuant to NRS 463.170.*

23 *Sec. 26. 1. Except as otherwise provided in subsection 3,*
24 *the city council or other governing body of any incorporated city*
25 *in the State of Nevada, whether organized under general law or*
26 *special charter may, by ordinance, require that a property which is*
27 *located in the incorporated area of the city must be managed by a*
28 *person issued a certificate pursuant to the provisions of section 25*
29 *of this act.*

30 *2. If a city council or other governing body adopts an*
31 *ordinance pursuant to the provisions of subsection 1, the city*
32 *council or other governing body may:*

33 *(a) Establish any other requirements necessary to carry out the*
34 *ordinance, including, without limitation, the imposition of a*
35 *penalty for a violation of the ordinance.*

36 *(b) Adopt, amend and repeal regulations relating to the*
37 *ordinance.*

38 *3. An ordinance adopted pursuant to the provisions of this*
39 *section must not apply to:*

40 *(a) A property managed by a person issued a permit to engage*
41 *in property management pursuant to the provisions of NRS*
42 *645.6052; or*

43 *(b) A property where gaming is conducted under a*
44 *nonrestricted license for gaming issued pursuant to NRS 463.170.*



1 **Sec. 27.** 1. This act becomes effective on July 1, 2005.

2 2. Sections 11, 12, 15, 16 and 17 of this act expire by limitation
3 on the date on which the provisions of 42 U.S.C. § 666 requiring
4 each state to establish procedures under which the state has
5 authority to withhold or suspend, or to restrict the use of
6 professional, occupational and recreational licenses of persons who:

7 (a) Have failed to comply with the subpoena or warrant relating
8 to a proceeding to determine the paternity of a child or to establish
9 or enforce an obligation for the support of a child; or

10 (b) Are in arrears in the payment for the support of one or more
11 children,

12 ➔ are repealed by the Congress of the United States.



