
ASSEMBLY BILL NO. 221—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

FEBRUARY 28, 2007

Referred to Committee on Government Affairs

SUMMARY—Authorizes a board of county commissioners, under certain circumstances, to provide a civil penalty in lieu of a criminal penalty for the violation of certain ordinances. (BDR 20-354)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 counties; authorizing a board of county commissioners to provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance concerning the licensing or regulation of businesses unless state law provides a criminal penalty for the same act or omission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 With certain exceptions, existing law authorizes a board of county
2 commissioners to license and regulate business conducted in the county. (NRS
3 244.335) Existing law also authorizes a board of county commissioners to provide a
4 civil penalty in lieu of a criminal penalty for the violation of certain types of
5 ordinances. (NRS 244.189, 244.3575, 244.359)

6 This bill authorizes a board of county commissioners to provide for the
7 imposition of a civil penalty in lieu of a criminal penalty for the violation of an
8 ordinance concerning the licensing or regulation of businesses unless state law
9 provides a criminal penalty for the same act or omission. A board of county
10 commissioners may delegate to a hearing officer or hearing board the authority to
11 determine whether such an ordinance has been violated and to levy civil penalties
12 therefor. The civil penalties so levied must not exceed \$1,000 per violation.



* A B 2 2 1 *

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may by ordinance provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance enacted by the board concerning the licensing or regulation of businesses, unless state law provides a criminal penalty for the same act or omission.

2. If a board of county commissioners adopts an ordinance providing for the imposition of a civil penalty in lieu of a criminal penalty as described in subsection 1, the board shall:

(a) Determine violations and levy civil penalties for those violations; or

(b) Delegate to a hearing officer or hearing board the authority to determine violations and levy civil penalties for those violations.

3. The amount of a civil penalty levied pursuant to subsection 2 must not exceed \$1,000 for each violation.

4. As used in this section, an ordinance "concerning the licensing or regulation of businesses" includes, without limitation, an ordinance that:

(a) Prescribes the criteria that must be satisfied before the business may be licensed in the county or its license may be renewed in the county;

(b) Sets forth the licensing fee that must be paid before the business may be licensed in the county or its license may be renewed in the county;

(c) Describes the practices, transactions or acts in which a business licensed in the county may engage;

(d) Describes the practices, transactions or acts in which a business licensed in the county is prohibited from engaging; or

(e) Prohibits the operation within the county of a business that is:

(1) Unlicensed; or

(2) Not licensed to engage in the particular activities in which it is engaging.

Sec. 2. 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 244.331 to 244.3345, inclusive, and 244.335 to 244.340, inclusive, **and section 1 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:



1 (a) Administer oaths and require testimony under oath;
2 (b) Pay witnesses a reasonable allowance for travel and
3 subsistence; and

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

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

8 (a) An accredited law school; or

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

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

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

17 **Sec. 3.** This act becomes effective on July 1, 2007.

