

ASSEMBLY BILL NO. 153—ASSEMBLYMEN SEGERBLOM,  
OHRENSCHALL, DIAZ, AIZLEY; DONDERO LOOP, FLORES,  
FRIERSON, MUNFORD AND PIERCE

FEBRUARY 16, 2011

Referred to Committee on Government Affairs

SUMMARY—Prohibits certain provisions from being construed to authorize the use of a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license, permit, certificate or registration. (BDR 7-560)

FISCAL NOTE: Effect on Local Government: No.  
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 arrests; prohibiting certain provisions from being construed to authorize the use of a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, permit, certificate or registration; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, various boards, commissions, departments, divisions and  
2 other governing bodies have authority to issue and to deny, refuse to renew,  
3 suspend or revoke various licenses, permits and certificates to engage in business or  
4 to practice a profession. This bill provides that the provisions of existing law  
5 authorizing such action shall not be construed to authorize the issuing board,  
6 commission, department, division or governing body to use a record of an arrest of  
7 a person to deny, refuse to renew, suspend or revoke a license, permit or certificate.

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

1 **Section 1.** Chapter 76 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. The provisions of this chapter shall not be construed to*  
4 *authorize the Secretary of State to use a record of an arrest as a*  
5 *reason to deny, refuse to renew, suspend or revoke a state business*



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1 *license or to take any other disciplinary action against a person*  
2 *who has obtained a state business license.*

3 2. *As used in this section, "arrest" has the meaning ascribed*  
4 *to it in NRS 171.104.*

5 **Sec. 2.** NRS 1.510 is hereby amended to read as follows:

6 1.510 1. The Court Administrator shall, in consultation with  
7 the committee established pursuant to NRS 1.530, adopt regulations  
8 which, subject to the availability of funding, establish a program for  
9 the certification of court interpreters for witnesses, defendants and  
10 litigants who speak a language other than English and do not know  
11 the English language.

12 2. The regulations must set forth:

13 (a) The specific languages for which court interpreters may  
14 obtain certification, based upon the need for interpreters of those  
15 languages.

16 (b) Any examination and the qualifications which are required  
17 for:

18 (1) Certification; and

19 (2) Renewal of the certification.

20 (c) The circumstances under which the Court Administrator will  
21 deny, suspend or refuse to renew a certificate.

22 (d) The circumstances under which the Court Administrator will  
23 take disciplinary action against a court interpreter.

24 (e) The circumstances under which a court must require the  
25 services of an interpreter who is certified.

26 (f) Except as otherwise provided in NRS 50.050, the rate and  
27 source of the compensation to be paid for services provided by a  
28 certified court interpreter.

29 3. An application for a certificate as a court interpreter must  
30 include the social security number of the applicant.

31 4. *The provisions of NRS 1.500 to 1.560, inclusive, shall not*  
32 *be construed to authorize the Court Administrator to use a record*  
33 *of an arrest as a reason to deny, refuse to renew, suspend or*  
34 *revoke a certificate as a court interpreter or to take any other*  
35 *disciplinary action against a certified court interpreter. As used in*  
36 *this subsection, "arrest" has the meaning ascribed to it in*  
37 *NRS 171.104.*

38 5. Except as otherwise provided by a specific regulation of the  
39 Court Administrator, it is grounds for disciplinary action for a  
40 certified court interpreter to act as interpreter in any action in which:

41 (a) The spouse of the court interpreter is a party;

42 (b) A party or witness is otherwise related to the court  
43 interpreter;

44 (c) The court interpreter is biased for or against one of the  
45 parties; or



(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

**Sec. 3.** NRS 116A.400 is hereby amended to read as follows:

116A.400 1. Except as otherwise provided in this section, a person shall not act as a community manager unless the person holds a certificate.

2. In addition to the standards of practice for community managers set forth in NRS 116A.630 and 116A.640, the Commission shall by regulation adopt any additional standards of practice for community managers who hold certificates that the Commission deems appropriate and necessary.

3. The Division may investigate any community manager who holds a certificate to ensure that the community manager is complying with the provisions of this chapter and chapters 116 and 116B of NRS and any additional standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a community manager who holds a certificate has violated any provision of this chapter or chapter 116 or 116B of NRS or any of the additional standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the community manager.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a certificate to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the certificate of a person who has failed to pay money which the person owes to the Commission or the Division.

6. *The provisions of this chapter or chapter 116 or 116B of NRS shall not be construed to authorize the Commission to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a certificate or to take any other disciplinary action against a holder of a certificate. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

7. The provisions of this section do not apply to:

(a) A financial institution that is engaging in an activity permitted by law.

(b) An attorney who is licensed to practice in this State and who is acting in that capacity.

(c) A trustee with respect to the property of the trust.



(d) A receiver with respect to property subject to the receivership.

(e) A member of an executive board or an officer of an association who is acting solely within the scope of his or her duties as a member of the executive board or an officer of the association.

**Sec. 4.** NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section and subsection 2 of NRS 116.31152, a person shall not act as a reserve study specialist unless the person registers with the Division on a form provided by the Division.

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists.

3. The Division may investigate any reserve study specialist to ensure that the reserve study specialist is complying with the provisions of this chapter and chapters 116 and 116B of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist has violated any provision of this chapter or chapter 116 or 116B of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to accept the registration of a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the registration of a person who has failed to pay money which the person owes to the Commission or the Division.

*6. The provisions of this chapter or chapter 116 or 116B of NRS shall not be construed to authorize the Commission to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke the registration of a person or to take any other disciplinary action against a person to whom a registration has been issued. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

7. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his or her duties as a member of the executive board or an officer of the association.



~~[7-]~~ 8. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

**Sec. 5.** Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of this chapter shall not be construed to authorize the Administrator to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, registration or permit issued pursuant to NRS 119A.210 to 119A.365, inclusive, or to take any other disciplinary action against a holder of such a license, registration or permit.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 6.** NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages may be obtained only from the county clerk of the county in which the minister or other person authorized to solemnize a marriage resides, after the filing of a proper application. The initial application must:

(a) Be in writing and be verified by the applicant.

(b) Include the date of licensure, ordination or appointment of the minister or other person authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated.

(c) Include the social security number of the applicant.

(d) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection ~~[5-]~~ 6.

2. To determine the qualifications of any minister or other person authorized to solemnize a marriage who has filed an application for a certificate, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other person authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) The district attorney and the sheriff to conduct an investigation of the background and present activities of the minister or other person authorized to solemnize a marriage.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) The applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other person authorized to solemnize a marriage, that his or her active ministry was of such a nature.



8 4. The county clerk may require any applicant to submit  
9 information in addition to that required by this section.

6. The affidavit of authority to solemnize marriages must be in substantially the following form:

State of Nevada }  
 } ss.  
County of ..... }

I am duly authorized by.....  
(name of church or religious organization) to complete and  
submit this affidavit.



.....  
Name of Official  
(type or print name)

.....  
Title of Official

.....  
Address

.....  
City, State and Zip Code

.....  
Telephone Number

Signed and sworn to (or affirmed) before me this.....  
day of the month of..... of the year.....

.....  
Notary Public for  
..... County, Nevada.

My appointment expires.....

**Sec. 7.** Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

**Sec. 8. 1.** *The provisions of NRS 240.001 to 240.206, inclusive, shall not be construed to authorize the Secretary of State to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke the appointment of a notary public or to take any other disciplinary action against a notary public.*

**2.** *As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 9. 1.** *The provisions of NRS 240.240 to 240.330, inclusive, shall not be construed to authorize the Secretary of State to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke an appointment of a commissioned abstractor or to take any other disciplinary action against a commissioned abstractor.*

**2.** *As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 10.** NRS 240.001 is hereby amended to read as follows:  
240.001 As used in NRS 240.001 to 240.206, inclusive, *and section 8 of this act*, unless the context otherwise requires, the



1 words and terms defined in NRS 240.002 to 240.0055, inclusive,  
2 have the meanings ascribed to them in those sections.

3 **Sec. 11.** NRS 240.189 is hereby amended to read as follows:

4 240.189 An electronic notary public shall comply with those  
5 provisions of NRS 240.001 to 240.169, inclusive, *and section 8 of*  
6 *this act* which are not inconsistent with NRS 240.181 to 240.206,  
7 inclusive. To the extent that the provisions of NRS 240.001 to  
8 240.169, inclusive, *and section 8 of this act* conflict with the  
9 provisions of NRS 240.181 to 240.206, inclusive, the provisions of  
10 NRS 240.181 to 240.206, inclusive, control.

11 **Sec. 12.** Chapter 244 of NRS is hereby amended by adding  
12 thereto a new section to read as follows:

13 *1. The provisions of this chapter shall not be construed to*  
14 *authorize a board of county commissioners or a county license*  
15 *board to use a record of an arrest as a reason to deny, refuse to*  
16 *renew, suspend or revoke a license, certificate or permit issued*  
17 *pursuant to NRS 244.331 to 244.3525, inclusive, or pursuant to an*  
18 *ordinance adopted pursuant thereto, or to take any other action*  
19 *concerning the license, certificate or permit against a holder of the*  
20 *license, certificate or permit.*

21 *2. As used in this section, "arrest" has the meaning ascribed*  
22 *to it in NRS 171.104.*

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

24 266.355 1. Except as otherwise provided in subsections 3, 4  
25 and 5, the city council may:

26 (a) Except as otherwise provided in NRS 268.0881 to 268.0888,  
27 inclusive, 598D.150 and 640C.100, regulate all businesses, trades  
28 and professions.

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

32 2. The city council may establish any equitable standard to be  
33 used in fixing license taxes required to be collected pursuant to this  
34 section.

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

38 4. A city council shall not require that a person who is licensed  
39 as a contractor pursuant to chapter 624 of NRS obtain more than one  
40 license to engage in the business of contracting or pay more than  
41 one license tax related to engaging in the business of contracting,  
42 regardless of the number of classifications or subclassifications of  
43 licensing for which the person is licensed pursuant to chapter 624 of  
44 NRS.





5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

*6. The provisions of this chapter shall not be construed to authorize the city council to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, certificate or permit issued pursuant to this section or to take any other action concerning the license, certificate or permit against a holder of the license, certificate or permit. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 14.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of this chapter shall not be construed to authorize a governing body of a city to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, certificate or permit issued pursuant to NRS 268.0881 to 268.0975, inclusive, or pursuant to an ordinance adopted pursuant thereto, or to take any other action concerning the license, certificate or permit against a holder of the license, certificate or permit.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 15.** NRS 269.170 is hereby amended to read as follows:

269.170 1. Except as otherwise provided in subsection 5 and NRS 576.128, 598D.150 and 640C.100, the town board or board of county commissioners may, in any unincorporated town:

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

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

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

(3) Boardinghouses, hotels, lodging houses, 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.

5. The town board or board of county commissioners shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in



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1 NRS 622.060, or who is regulated pursuant to the Nevada Supreme  
2 Court Rules; and

3 (b) Practices his or her profession for any type of compensation  
4 as an employee.

5 *6. The provisions of this chapter shall not be construed to*  
6 *authorize the town board or board of county commissioners to use*  
7 *a record of an arrest as a reason to deny, refuse to renew, suspend*  
8 *or revoke a license, certificate or permit issued pursuant to this*  
9 *section or to take any other action concerning the license,*  
10 *certificate or permit against a holder of the license, certificate or*  
11 *permit. As used in this subsection, "arrest" has the meaning*  
12 *ascribed to it in NRS 171.104.*

13 **Sec. 16.** Chapter 361 of NRS is hereby amended by adding  
14 thereto a new section to read as follows:

15 *1. The provisions of this chapter shall not be construed to*  
16 *authorize the Department to use a record of an arrest as a reason*  
17 *to deny, refuse to renew, suspend or revoke a certificate as an*  
18 *appraiser or to take any other disciplinary action against a holder*  
19 *of the certificate.*

20 *2. As used in this section, "arrest" has the meaning ascribed*  
21 *to it in NRS 171.104.*

22 **Sec. 17.** NRS 379.0073 is hereby amended to read as follows:

23 379.0073 1. The State Library and Archives Administrator  
24 shall adopt regulations establishing standards for the certification by  
25 the State Library and Archives Administrator of the personnel of  
26 public libraries in this State.

27 2. The regulations must include:

28 (a) Standards for the certification of various categories of library  
29 personnel, based upon their educational backgrounds, work  
30 experience and job descriptions.

31 (b) The qualifications required for certification, including the  
32 courses of study or training required for each category of  
33 certification.

34 3. The regulations may include:

35 (a) Provisions governing the issuance of conditional certificates  
36 to personnel of public libraries before the completion of all courses  
37 of study or other requirements for certification.

38 (b) Provisions governing the issuance of provisional certificates  
39 pursuant to NRS 379.0077.

40 4. The regulations must provide that they do not apply to a  
41 public library unless the governing authority of the library has  
42 approved the regulations for use by the library.

43 *5. The provisions of this chapter shall not be construed to*  
44 *authorize the State Library and Archives Administrator to use a*  
45 *record of an arrest as a reason to deny, refuse to renew, suspend*



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1 *or revoke a certificate issued pursuant to NRS 379.007 to 379.009,*  
2 *inclusive, or to take any other disciplinary action against a holder*  
3 *of such a certificate. As used in this subsection, "arrest" has the*  
4 *meaning ascribed to it in NRS 171.104.*

5 **Sec. 18.** NRS 427A.719 is hereby amended to read as follows:

6 427A.719 **1.** The Division may deny an application for a  
7 certificate or may suspend or revoke any certificate issued under the  
8 provisions of NRS 427A.701 to 427A.745, inclusive, upon any of  
9 the following grounds:

10 ~~(1)~~ **(a)** Violation by the applicant or the holder of a certificate  
11 of any of the provisions of NRS 427A.701 to 427A.745, inclusive,  
12 or of any other law of this State or of the standards, rules and  
13 regulations adopted thereunder.

14 ~~(2)~~ **(b)** Aiding, abetting or permitting the commission of any  
15 illegal act.

16 ~~(3)~~ **(c)** Conduct inimical to the public health, morals, welfare  
17 and safety of the people of the State of Nevada in the operation of  
18 an intermediary service organization.

19 ~~(4)~~ **(d)** Conduct or practice detrimental to the health or safety  
20 of a person under contract with or employees of the intermediary  
21 service organization.

22 **2.** *The provisions of NRS 427A.701 to 427A.745, inclusive,*  
23 *shall not be construed to authorize the Division to use a record of*  
24 *an arrest as a reason to deny, refuse to renew, suspend or revoke a*  
25 *certificate as an intermediary service organization or to take any*  
26 *other disciplinary action against a holder of such a certificate. As*  
27 *used in this subsection, "arrest" has the meaning ascribed to it in*  
28 *NRS 171.104.*

29 **Sec. 19.** Chapter 435 of NRS is hereby amended by adding  
30 thereto the provisions set forth as sections 20 and 21 of this act.

31 **Sec. 20. 1.** *The provisions of NRS 435.130 to 435.310,*  
32 *inclusive, shall not be construed to authorize the Division to use a*  
33 *record of an arrest as a reason to deny, refuse to renew, suspend*  
34 *or revoke a certificate or to take any other disciplinary action*  
35 *against a holder of a certificate.*

36 **2.** *As used in this section, "arrest" has the meaning ascribed*  
37 *to it in NRS 171.104.*

38 **Sec. 21. 1.** *The provisions of NRS 435.3305 to 435.339,*  
39 *inclusive, shall not be construed to authorize the Division to use a*  
40 *record of an arrest as a reason to deny, refuse to renew, suspend*  
41 *or revoke a certificate or to take any other disciplinary action*  
42 *against a holder of a certificate.*

43 **2.** *As used in this section, "arrest" has the meaning ascribed*  
44 *to it in NRS 171.104.*



**Sec. 22.** NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, *and section 20 of this act* is to aid persons with mental retardation and persons with related conditions who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

**Sec. 23.** NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, *and section 20 of this act*, unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 have the meanings ascribed to them in those sections.

**Sec. 24.** NRS 435.3305 is hereby amended to read as follows:

435.3305 As used in NRS 435.3305 to 435.339, inclusive, *and section 21 of this act*, unless the context otherwise requires, the words and terms defined in NRS 435.331 and 435.3315 have the meanings ascribed to them in those sections.

**Sec. 25.** Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of NRS 445B.700 to 445B.845, inclusive, shall not be construed to authorize the Commission to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles issued pursuant to NRS 445B.775 or to take any other disciplinary action against a holder of such a license.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 26.** NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and section 25 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, have the meanings ascribed to them in those sections.

**Sec. 27.** NRS 449.00455 is hereby amended to read as follows:

449.00455 "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to *paragraph (d) of subsection 1* of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.



**Sec. 28.** NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, and shall issue a certificate as an emergency medical technician to each qualified applicant.

3. A certificate as an emergency medical technician is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the board pursuant to this chapter. The regulations and standards established by the board must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

➤ The board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

4. The health authority may suspend or revoke the certificate of an emergency medical technician if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician.



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6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Health Division or a district board of health.

7. The Health Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Health Division or a district board of health.

8. *The provisions of this chapter shall not be construed to authorize the board to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a certificate issued pursuant to this section or to take any other disciplinary action against a holder of such a certificate.*

9. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

~~9-1~~ 10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) *"Arrest" has the meaning ascribed to it in NRS 171.104.*

(c) "Biological agent" has the meaning ascribed to it in NRS 202.442.

~~(c)~~ (d) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

~~(d)~~ (e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~(e)~~ (f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

**Sec. 29.** NRS 455C.110 is hereby amended to read as follows:

455C.110 1. The Division shall adopt regulations that establish:

~~(1)~~ (a) Standards and procedures relating to the installation, inspection, operation, maintenance, relocation, improvement, alteration and repair of boilers, elevators and pressure vessels, including, without limitation, regulations:

~~(a)~~ (I) Providing an exemption from those standards and procedures:

~~(1)~~ (I) In the case of an emergency; or

~~(2)~~ (II) If the Division determines that it is in the best interests of the general public; and

~~(b)~~ (2) Establishing requirements for the inspection of boilers, elevators and pressure vessels.

~~(2)~~ (b) The requirements for the issuance and renewal of a certificate as:

~~(a)~~ (I) A boiler inspector; and

~~(b)~~ (2) An elevator mechanic.

~~(3)~~ (c) The grounds for initiating disciplinary action against a holder of a certificate, including, without limitation, the grounds for:



~~[(a)]~~ (1) The suspension or revocation of a certificate; and  
~~[(b)]~~ (2) Requiring the holder of a certificate to pay an administrative fine.

~~[(4)]~~ (d) The methods of enforcement the Division will use to ensure compliance with NRS 455C.100 and the regulations adopted pursuant to ~~[(subsection 1)]~~ *paragraph (a)*, including, without limitation:

~~[(a)]~~ (1) Notifying an owner of a boiler, elevator or pressure vessel that the owner has violated a provision of the regulations adopted pursuant to ~~[(subsection 1)]~~ *paragraph (a)* and establishing a period within which the owner must correct the violation;

~~[(b)]~~ (2) Requiring the owner to pay an administrative fine; and

~~[(c)]~~ (3) Suspending or revoking a permit issued by the Division pursuant to NRS 455C.100.

*2. The provisions of this chapter shall not be construed to authorize the Division to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a certificate or to take any other disciplinary action against a holder of a certificate.*

**Sec. 30.** Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of NRS 457.182 to 457.187, inclusive, shall not be construed to authorize the Health Division to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a certificate of authorization to operate a radiation machine for mammography or to take any other disciplinary action against a holder of such a certificate of authorization.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 31.** NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, *and section 30 of this act*, unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

**Sec. 32.** NRS 458.025 is hereby amended to read as follows:

458.025 *1.* The Division:

~~[(1)]~~ (a) Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

~~[(a)]~~ (1) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to





1 provide services and a plan for the development and distribution of  
2 services and programs throughout this State.

3 ~~[(b)]~~ (2) A plan for programs to educate the public in the  
4 problems of the abuse of alcohol and other drugs.

5 ~~[(e)]~~ (3) A survey of the need for persons who have  
6 professional training in fields of health and other persons involved  
7 in the prevention of alcohol and drug abuse and in the treatment and  
8 recovery of alcohol and drug abusers, and a plan to provide the  
9 necessary treatment.

10 ➤ In developing and revising the state plan, the Division shall  
11 consider, without limitation, the amount of money available from  
12 the Federal Government for alcohol and drug abuse programs and  
13 the conditions attached to the acceptance of that money, and the  
14 limitations of legislative appropriations for alcohol and drug abuse  
15 programs.

16 ~~[(2)]~~ (b) Shall coordinate the efforts to carry out the state plan  
17 and coordinate all state and federal financial support of alcohol and  
18 drug abuse programs in this State.

19 ~~[(3)]~~ (c) Must be consulted in the planning of projects and  
20 advised of all applications for grants from within this State which  
21 are concerned with alcohol and drug abuse programs, and shall  
22 review the applications and advise the applicants concerning the  
23 applications.

24 ~~[(4)]~~ (d) Shall certify or deny certification of detoxification  
25 technicians or any facilities or programs on the basis of the  
26 standards established by the Division pursuant to this section, and  
27 publish a list of certified detoxification technicians, facilities and  
28 programs. Any detoxification technicians, facilities or programs  
29 which are not certified are ineligible to receive state and federal  
30 money for alcohol and drug abuse programs. The Division shall  
31 adopt regulations. The regulations:

32 ~~[(a)]~~ (1) Must prescribe the requirements for continuing  
33 education for persons certified as detoxification technicians; and

34 ~~[(b)]~~ (2) May prescribe the fees for the certification of  
35 detoxification technicians, facilities or programs. A fee prescribed  
36 pursuant to this ~~[paragraph]~~ *subparagraph* must be calculated to  
37 produce the revenue estimated to cover the costs related to the  
38 certifications, but in no case may a fee for a certificate exceed the  
39 actual cost to the Division of issuing the certificate.

40 ~~[(5)]~~ (e) Upon request from a facility which is self-supported,  
41 may certify the facility, its programs and detoxification technicians  
42 and add them to the list described in ~~[subsection 4.]~~ *paragraph (d)*.

43 *2. The provisions of NRS 458.010 to 458.350, inclusive, shall*  
44 *not be construed to authorize the Division to use a record of an*  
45 *arrest of a person as a reason to deny, refuse to renew, suspend or*



1 *revoke a certificate issued pursuant to this section or to take any*  
2 *other disciplinary action against a holder of such a certificate. As*  
3 *used in this subsection, "arrest" has the meaning ascribed to it in*  
4 *NRS 171.104.*

5 **Sec. 33.** NRS 483.760 is hereby amended to read as follows:

6 483.760 **1.** The Department may cancel, suspend, revoke or  
7 refuse to renew any license granted pursuant to NRS 483.700 to  
8 483.780, inclusive:

9 ~~(1)~~ **(a)** If the licensee permits fraud or engages in fraudulent  
10 practices either with reference to the applicant or the Department or  
11 induces or countenances fraud or fraudulent practices on the part of  
12 any applicant for driver's license.

13 ~~(2)~~ **(b)** If the licensee fails to comply with any of the provisions  
14 of NRS 483.700 to 483.780, inclusive, or any of the regulations or  
15 requirements of the Department made pursuant thereto.

16 ~~(3)~~ **(c)** If the licensee or any employee or agent of the licensee  
17 solicits persons for enrollment in a school for training drivers in an  
18 office of the Department or within 200 feet of any such office.

19 ~~(4)~~ **(d)** If the licensee or any employee or agent of the licensee  
20 follows the identical course of training which is used by the  
21 Department in giving an examination for a driver's license.

22 **2.** *The provisions of NRS 483.700 to 483.780, inclusive, shall*  
23 *not be construed to authorize the Department to use a record of an*  
24 *arrest as a reason to deny, refuse to renew, suspend or revoke a*  
25 *license issued pursuant to NRS 483.700 to 483.780, inclusive, or to*  
26 *take any other disciplinary action against a holder of such a*  
27 *license. As used in this subsection, "arrest" has the meaning*  
28 *ascribed to it in NRS 171.104.*

29 **Sec. 34.** NRS 489.381 is hereby amended to read as follows:

30 489.381 **1.** The Division may impose an administrative fine  
31 of not more than \$1,000 per violation, and may deny, suspend or  
32 revoke any license issued under this chapter or reissue the license  
33 subject to reasonable conditions upon any of the grounds set forth in  
34 NRS 489.391 to 489.421, inclusive, which constitute grounds for  
35 disciplinary action. If discipline is imposed pursuant to this section,  
36 the costs of the proceeding, including investigative costs and  
37 attorney's fees, may be recovered by the Division.

38 **2.** *The provisions of this chapter shall not be construed to*  
39 *authorize the Division to use a record of an arrest as a reason to*  
40 *deny, refuse to renew, suspend or revoke a license issued pursuant*  
41 *to this chapter or to take any other disciplinary action against a*  
42 *holder of such a license. As used in this subsection, "arrest" has*  
43 *the meaning ascribed to it in NRS 171.104.*



**Sec. 35.** NRS 504.390 is hereby amended to read as follows:

504.390 1. As used in this section, unless the context otherwise requires:

(a) ***"Arrest" has the meaning ascribed to it in NRS 171.104.***

(b) "Compensation" means any remuneration given in exchange for providing guide service which is predicated on a business relationship between the parties. The term does not include any reimbursement for shared trip expenses, including, without limitation, expenses for gasoline, food or any other costs that are generally associated with persons who are engaging in recreational hunting or fishing together.

~~[(b)]~~ (c) "Guide" means to assist another person for compensation in hunting wild mammals or wild birds and fishing and includes the transporting of another person or the person's equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Each person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department. Such a license must not be issued to any person who has not reached 21 years of age.

3. Except as otherwise provided in this subsection, each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department. Such a license must not be issued to any person who has not reached 18 years of age. The provisions of this subsection do not apply to a person who:

(a) Is employed by or assists a person who holds a master guide license solely for the purpose of cooking, cutting wood, caring for, grooming or saddling livestock, or transporting a person by motor vehicle to or from a public facility for transportation, including, without limitation, a public airport.

(b) Holds a master guide license which authorizes the person to provide services for the same species and in the same areas as the guide who employs him or her or requests the person's assistance and has submitted to the Department a notarized statement which indicates that the person is employed by or provides assistance to the guide. The statement must be signed by both guides.

4. Fees for master guide and subguide licenses must be as provided in NRS 502.240.

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain the social security



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1 number of the applicant and such other information as the  
2 Commission may require by regulation. If that person was not  
3 licensed as a master guide during the previous licensing year, the  
4 person's application must be accompanied by a nonrefundable fee of  
5 \$1,500.

6 6. Any person who desires a subguide license must apply for  
7 the license on a form prescribed and furnished by the Department. If  
8 that person was not licensed as a subguide during the previous  
9 licensing year, the person's application must be accompanied by a  
10 nonrefundable fee of \$50.

11 7. It is unlawful for the holder of a master guide license to  
12 operate in any area where a special use permit is required without  
13 first obtaining a permit unless the holder is employed by or  
14 providing assistance to a guide pursuant to subsection 3.

15 8. The holder of a master guide license shall maintain records  
16 of the number of hunters and anglers served, and any other  
17 information which the Department may require concerning fish and  
18 game taken by such persons. The information must be furnished to  
19 the Department on request.

20 9. If any licensee under this section, or person served by a  
21 licensee, is convicted of a violation of any provision of this title or  
22 chapter 488 of NRS, the Commission may revoke the license of the  
23 licensee and may refuse issuance of another license to the licensee  
24 for a period not to exceed 5 years.

25 10. The Commission may adopt regulations covering the  
26 conduct and operation of a guide service.

27 11. The Department may issue master guide and subguide  
28 licenses that are valid only in certain management areas,  
29 management units or administrative regions in such a manner as  
30 may be determined by the regulations of the Commission.

31 ***12. The provisions of this chapter shall not be construed to***  
32 ***authorize the Department or the Commission to use a record of an***  
33 ***arrest as a reason to deny, refuse to renew, suspend or revoke a***  
34 ***master guide license or subguide license or to take any other***  
35 ***disciplinary action against a holder of such a license.***

36 **Sec. 36.** NRS 505.010 is hereby amended to read as follows:

37 505.010 1. It is unlawful for any person to engage in, carry  
38 on or conduct wholly or in part the business of buying, selling,  
39 trading or dealing, within this State, in the raw skins or pelts of any  
40 wild mammal without first obtaining a fur dealer's license pursuant  
41 to NRS 502.240.

42 2. If the dealer resides in, or if the dealer's principal place of  
43 business is within this State, the dealer is a resident fur dealer.

44 3. All other fur dealers are nonresident fur dealers.



1       4. The Commission may adopt regulations concerning the  
2       licensing, operating and recordkeeping of fur dealers.

3       5. *The provisions of this chapter shall not be construed to*  
4       *authorize the Department or the Commission to use a record of an*  
5       *arrest as a reason to deny, refuse to renew, suspend or revoke a*  
6       *fur dealer's license or to take any other disciplinary action against*  
7       *a holder of such a license. As used in this subsection, "arrest" has*  
8       *the meaning ascribed to it in NRS 171.104.*

9       **Sec. 37.** NRS 534.160 is hereby amended to read as follows:

10       534.160 1. A person shall not drill a well for water in this  
11       State without having first obtained a well-drilling license.

12       2. Well drillers must comply with the regulations adopted by  
13       the State Engineer governing the drilling of water wells.

14       3. If the State Engineer determines, upon investigation and  
15       after hearing held upon at least 15 days' notice sent by registered or  
16       certified mail to the licensed well driller, that the well driller has  
17       failed to comply with the law or the required regulations, the State  
18       Engineer may revoke the license. The State Engineer may refuse to  
19       reissue a license to a well driller if the well driller has violated the  
20       law or the regulations.

21       4. The order revoking or refusing to reissue a license is final  
22       unless an action for review by the district court is filed pursuant to  
23       NRS 533.450.

24       5. The State Engineer shall order any person who drills a well  
25       without a license to plug that well. If the well is not plugged within  
26       30 days after the order, the State Engineer shall plug the well at the  
27       expense of the person who owned or drilled the well.

28       6. If any licensed driller who owns, rents, leases or has a  
29       contract to purchase a well-drilling rig allows an unlicensed person  
30       to drill or perform any work in connection with well drilling, except  
31       under the supervision of the licensed driller, the license must be  
32       revoked or not reissued.

33       7. *The provisions of this chapter shall not be construed to*  
34       *authorize the State Engineer or the State Contractors' Board to*  
35       *use a record of an arrest as a reason to deny, refuse to renew,*  
36       *suspend or revoke a license to drill or a license as a well driller*  
37       *issued pursuant to NRS 534.140 or to take any other disciplinary*  
38       *action against a holder of such a license. As used in this*  
39       *subsection, "arrest" has the meaning ascribed to it in*  
40       *NRS 171.104.*

41       **Sec. 38.** NRS 544.220 is hereby amended to read as follows:

42       544.220 1. The Director may suspend or revoke any license  
43       or permit issued if it appears that the licensee no longer possesses  
44       the qualifications necessary for the issuance of a new license or  
45       permit. The Director may suspend or revoke any license or permit if



1 it appears that the licensee has violated any of the provisions of  
2 NRS 544.070 to 544.240, inclusive. Such suspension or revocation  
3 shall occur only after notice to the licensee and a reasonable  
4 opportunity granted such licensee to be heard respecting the grounds  
5 for the proposed suspension or revocation. The Director may refuse  
6 to renew the license of, or to issue another permit to, any applicant  
7 who has failed to comply with any provisions of NRS 544.070 to  
8 544.240, inclusive.

9 2. The Director may modify the terms of a permit after  
10 issuance thereof if the licensee is first given notice and a reasonable  
11 opportunity for a hearing respecting the grounds for the proposed  
12 modification and if it appears to the Director that it is necessary for  
13 the protection of the health or the property of any person to make  
14 the modification proposed.

15 3. *The provisions of NRS 544.070 to 544.240, inclusive, shall*  
16 *not be construed to authorize the Director to use a record of an*  
17 *arrest as a reason to deny, refuse to renew, suspend or revoke a*  
18 *license or permit or to take any other disciplinary action against a*  
19 *holder of such a license or permit. As used in this subsection,*  
20 *“arrest” has the meaning ascribed to it in NRS 171.104.*

21 **Sec. 39.** NRS 555.241 is hereby amended to read as follows:

22 555.241 1. The Director may refuse to issue or renew, or may  
23 suspend or revoke, a license for violation of any provision of NRS  
24 555.235 to 555.249, inclusive, or any rule or regulation adopted  
25 under NRS 555.243, but no license may be refused, suspended or  
26 revoked pursuant to this section until the applicant or licensee has  
27 been given the opportunity to appear at a hearing. Offenders must be  
28 given 15 days' notice in writing. The notice must indicate the  
29 offense and the place of hearing.

30 2. *The provisions of NRS 555.235 to 555.249, inclusive, shall*  
31 *not be construed to authorize the Director to use a record of an*  
32 *arrest as a reason to deny, refuse to renew, suspend or revoke a*  
33 *license or to take any other disciplinary action against a licensee.*  
34 *As used in this subsection, “arrest” has the meaning ascribed to it*  
35 *in NRS 171.104.*

36 **Sec. 40.** NRS 555.350 is hereby amended to read as follows:

37 555.350 1. The Director may suspend, pending inquiry, for  
38 not longer than 10 days, and, after opportunity for a hearing, may  
39 revoke, suspend or modify any license issued under NRS 555.2605  
40 to 555.460, inclusive, if the Director finds that:

41 (a) The licensee is no longer qualified;

42 (b) The licensee has engaged in fraudulent business practices in  
43 pest control;



1 (c) The licensee has made false or fraudulent claims through any  
2 media by misrepresenting the effect of materials or methods to be  
3 used;

4 (d) The licensee has applied known ineffective or improper  
5 materials;

6 (e) The licensee operated faulty or unsafe equipment;

7 (f) The licensee has made any application in a faulty, careless or  
8 negligent manner;

9 (g) The licensee has violated any of the provisions of NRS  
10 555.2605 to 555.460, inclusive, or regulations adopted pursuant  
11 thereto;

12 (h) The licensee engaged in the business of pest control without  
13 having a licensed applicator or operator in direct on-the-job  
14 supervision;

15 (i) The licensee aided or abetted a licensed or an unlicensed  
16 person to evade the provisions of NRS 555.2605 to 555.460,  
17 inclusive, combined or conspired with such a licensee or an  
18 unlicensed person to evade the provisions, or allowed one's license  
19 to be used by an unlicensed person;

20 (j) The licensee was intentionally guilty of fraud or deception in  
21 the procurement of his or her license;

22 (k) The licensee was intentionally guilty of fraud or deception in  
23 the issuance of an inspection report on wood-destroying pests or  
24 other report required by regulation; or

25 (l) The licensee has been convicted of, or entered a plea of nolo  
26 contendere to, a felony or any crime involving moral turpitude in  
27 any court of competent jurisdiction in the United States or any other  
28 country.

29 2. A license is suspended automatically, without action of the  
30 Director, if the proof of public liability and property damage or drift  
31 insurance filed pursuant to NRS 555.330 is cancelled, and the  
32 license remains suspended until the insurance is reestablished.

33 3. A licensee against whom the Director initiates disciplinary  
34 action to revoke, suspend or modify the license of the licensee  
35 pursuant to this section shall, within 30 days after receiving written  
36 notice of the disciplinary action from the Director, submit to the  
37 Director a complete set of the licensee's fingerprints and written  
38 permission authorizing the Director to forward the fingerprints to  
39 the Central Repository for Nevada Records of Criminal History for  
40 submission to the Federal Bureau of Investigation for its report.

41 4. A willful failure of a licensee to comply with the  
42 requirements of subsection 3 constitutes an additional ground for the  
43 revocation, suspension or modification of the license of the licensee  
44 pursuant to this section.



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5. The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 1.

*6. The provisions of NRS 555.2605 to 555.460, inclusive, shall not be construed to authorize the Director to use a record of an arrest as a reason to deny, refuse to renew, suspend, revoke or modify a license issued pursuant to NRS 555.2605 to 555.460, inclusive, or to take any other disciplinary action against a holder of such a license. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 41.** NRS 576.120 is hereby amended to read as follows:

576.120 1. The Department may refuse to grant or renew a license or registration as provided in subsection 4 of NRS 576.140 or may suspend or revoke a license or registration as provided in subsection 4 of NRS 576.140 if, after notice and a hearing, the Department is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That the applicant or licensee has intentionally made any false or misleading statement concerning the conditions of the market for any farm products.

(b) That the applicant or licensee has made fictitious sales or has been guilty of collusion to defraud the producer.

(c) That the licensee was intentionally guilty of fraud or deception in the procurement of the license.

(d) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit or willful negligence.

(e) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(f) That the licensee, without reasonable cause, has issued checks for the payment of farm products received without sufficient money to cover them or has stopped payment on a check given in payment for farm products received.

(g) That the licensee, without reasonable cause, has failed to account or make payment for farm products as required by this chapter.

(h) That the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter applicable to agents.

(i) That the licensee has failed or refused to maintain and file records as required by this chapter.

(j) That the licensee has failed or refused to maintain a bond or other security as required by the provisions of NRS 576.040.





2. The Department may suspend, pending inquiry, for not longer than 30 days, and after hearing or investigation may refuse to grant, renew or revoke any license as the case may require, if it is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

3. A license is suspended automatically, without action of the Department, if the bond filed pursuant to subsection 1 of NRS 576.040 is cancelled, and remains suspended until the bond is renewed.

4. In the case of any hearing held under the provisions of this section, there must be filed in the office of the Department a memorandum stating briefly the reasons of the Department for the denial, suspension or revocation of the license, but formal findings of fact need not be made or filed.

*5. The provisions of this chapter shall not be construed to authorize the Department to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license issued pursuant to this chapter or a registration as provided in subsection 4 of NRS 576.140 or to take any other disciplinary action against a holder of such a license or registration. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 42.** Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of this chapter shall not be construed to authorize the State Sealer of Weights and Measures to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a certificate of registration issued pursuant to NRS 581.103 or to take any other disciplinary action against a holder of such a certificate of registration.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 43.** Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of this chapter shall not be construed to authorize the State Sealer of Weights and Measures to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license as a public weighmaster or to take any other disciplinary action against a public weighmaster.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*



**Sec. 44.** NRS 584.079 is hereby amended to read as follows:

584.079 1. The Commission may refuse to grant any license or permit provided in this chapter and may revoke or suspend any such license or permit as the case may require when it is satisfied that an applicant, a licensee or a permit holder has violated any provision of this chapter, but no order may be made refusing, revoking or suspending any license or permit except after hearing upon at least 10 days' notice to the applicant, licensee or permit holder, as appropriate.

2. The decision may include an order refusing, revoking or suspending the license or permit applied for or held by the respondent, or fixing such other conditional and probationary orders as may be proper for the enforcement of this chapter.

3. After any decision, including any conditional or probationary orders, should the respondent fail, refuse or neglect to comply with any such orders, the Commission may suspend or revoke the license or permit in accordance with the procedure provided in this section.

4. Previous violation by any applicant or by any person connected with the applicant of any provision of this chapter is ground for denial, revocation or suspension of a license or permit.

*5. The provisions of this chapter shall not be construed to authorize the Commission to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license or permit or to take any other disciplinary action against a holder of a license or permit. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 45.** Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The provisions of NRS 587.290 to 587.450, inclusive, shall not be construed to authorize the State Quarantine Officer to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license to inspect or classify agricultural products or to take any other disciplinary action against a holder of such a license.*

*2. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 46.** NRS 587.290 is hereby amended to read as follows:

587.290 As used in NRS 587.290 to 587.450, inclusive, *and section 45 of this act*, unless the context otherwise requires, "agricultural products" includes horticultural, viticultural, dairy, bee and farm products.

**Sec. 47.** NRS 599A.060 is hereby amended to read as follows:

599A.060 1. In the solicitation of any customer, it is an unfair practice for any person to commit any of the following acts:



- 1 (a) To misrepresent any material fact.
- 2 (b) To conceal any material fact.
- 3 (c) To make any false or deceptive statement.
- 4 (d) To fail to disclose any conditions or obligations connected
- 5 with any gift or other free benefit offered to such customer.
- 6 (e) To contact anyone for the purpose of soliciting such person
- 7 to attend a land sales presentation without first disclosing such
- 8 purpose.

9 2. Any person committing any such unfair practice is guilty of  
10 a misdemeanor.

11 3. In addition to the penalty provided in subsection 2, the board  
12 of county commissioners or governing body of an incorporated city  
13 may, by ordinance, prohibit, and provide a penalty for, the  
14 commission of any unfair trade practice.

15 *4. The provisions of this chapter shall not be construed to*  
16 *authorize the board of county commissioners or governing body of*  
17 *an incorporated city to use a record of an arrest as a reason to*  
18 *deny, refuse to renew, suspend or revoke a license issued pursuant*  
19 *to NRS 599A.050 or to take any other action concerning the*  
20 *license against a holder of the license. As used in this subsection,*  
21 *“license” has the meaning ascribed to it in NRS 171.104.*

22 **Sec. 48.** Chapter 599B of NRS is hereby amended by adding  
23 thereto a new section to read as follows:

24 *1. The provisions of this chapter shall not be construed to*  
25 *authorize the Division to use a record of an arrest as a reason to*  
26 *deny, refuse to renew, suspend or revoke a registration required*  
27 *pursuant to NRS 599B.080 or to take any other disciplinary action*  
28 *against a seller or salesperson so registered.*

29 *2. As used in this section, “arrest” has the meaning ascribed*  
30 *to it in NRS 171.104.*

31 **Sec. 49.** NRS 608.330 is hereby amended to read as follows:

32 608.330 1. Any person who violates any provision of NRS  
33 608.300 to 608.330, inclusive, or any regulation adopted pursuant  
34 thereto is guilty of a misdemeanor.

35 2. In addition to any other remedy or penalty, the Labor  
36 Commissioner may impose against the person an administrative  
37 penalty of not more than \$5,000 for each such violation.

38 *3. The provisions of NRS 608.300 to 608.330, inclusive, shall*  
39 *not be construed to authorize the Labor Commissioner to use a*  
40 *record of an arrest as a reason to deny, refuse to renew, suspend*  
41 *or revoke a permit granted pursuant to NRS 608.310, or to take*  
42 *any other disciplinary action against a holder of such a permit. As*  
43 *used in this subsection, “arrest” has the meaning ascribed to it in*  
44 *NRS 171.104.*



**Sec. 50.** NRS 611.050 is hereby amended to read as follows:

611.050 1. The Labor Commissioner, upon reasonable notice and opportunity for a licensed employment agency to be heard, may deny, suspend or revoke its license after finding that it has failed to comply with any provision of NRS 611.020 to 611.320, inclusive.

2. When, in the opinion of the Labor Commissioner, a community is being adequately served by existing licensed employment agencies, the Labor Commissioner may deny the establishment therein of any other employment agency.

*3. The provisions of NRS 611.020 to 611.320, inclusive, shall not be construed to authorize the Labor Commissioner to use a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license to conduct an employment agency or to take any other disciplinary action against a holder of such a license. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 51.** Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

*The provisions of this chapter shall not be construed to authorize the Division to use a record of arrest to deny, refuse to renew, suspend or revoke a license or certificate issued pursuant to this chapter or to take any other disciplinary action against a holder of such a license or certificate. As used in this section, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 52.** NRS 618.710 is hereby amended to read as follows:

618.710 1. A person shall not hold himself or herself out as:

(a) An associate safety professional or use in connection with the person's name the words or letters "Associate Safety Professional" or "A.S.P." or any other title, word, letter or other designation intended to imply or designate that the person is an associate safety professional, unless the person is recognized as such by the Board of Certified Safety Professionals.

(b) A certified industrial hygienist or use in connection with the person's name the words or letters "Certified Industrial Hygienist" or "C.I.H." or any other title, word, letter or other designation intended to imply or designate that the person is a certified industrial hygienist, unless the person is certified as such by the American Board of Industrial Hygiene.

(c) A certified safety professional or use in connection with the person's name the words or letters "Certified Safety Professional" or "C.S.P." or any other title, word, letter or other designation intended to imply or designate that the person is a certified safety professional, unless the person is certified as such by the Board of Certified Safety Professionals.



(d) An industrial hygienist in training or use in connection with the person's name the words "Industrial Hygienist in Training" or "I.H.I.T." or any other title, word, letter or other designation intended to imply or designate that the person is an industrial hygienist in training, unless the person is certified as such by the American Board of Industrial Hygiene.

(e) An occupational health and safety technologist or use in connection with the person's name the words "Occupational Health and Safety Technologist" or "O.H.S.T." or any other title, word, letter or other designation intended to imply or designate that the person is an occupational health and safety technologist, unless the person is certified as such by the Joint Committee of the American Board of Industrial Hygiene and the Board of Certified Safety Professionals.

(f) An associate safety and health manager or use in connection with the person's name the words "Associate Safety and Health Manager" or "A.S.H.M." or any other title, word, letter or other designation intended to imply or designate that the person is an associate safety and health manager, unless the person is recognized as such by the Institute for Safety and Health Management.

(g) A certified safety and health manager or use in connection with the person's name the words "Certified Safety and Health Manager" or "C.S.H.M." or any other title, word, letter or other designation intended to imply or designate that the person is a certified safety and health manager, unless the person is certified as such by the Institute for Safety and Health Management.

2. The Division shall report any alleged violation of subsection 1 to the district attorney of the county in which the alleged violation occurred.

3. Any governmental entity that has issued a license to conduct business in this State as an associate safety professional, a certified industrial hygienist, a certified safety professional, an industrial hygienist in training, an occupational health and safety technologist, an associate safety and health manager or a certified safety and health manager to a person who is convicted of violating any provision of subsection 1 shall revoke that license and send notice of the revocation to the licensee by certified mail. *The provisions of this subsection shall not be construed to authorize a governmental entity to use a record of an arrest as a reason to revoke a license. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

4. Any person who violates a provision of subsection 1 is guilty of a misdemeanor.



1     **Sec. 53.** Chapter 622 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     ***1. The provisions of this title shall not be construed to***  
4 ***authorize a regulatory body to use a record of an arrest as a***  
5 ***reason to deny, refuse to renew, suspend or revoke a license or to***  
6 ***take any other disciplinary action against a licensee.***

7     ***2. As used in this section, "arrest" has the meaning ascribed***  
8 ***to it in NRS 171.104.***

9     **Sec. 54.** Chapter 679A of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11     ***1. The provisions of this Code shall not be construed to***  
12 ***authorize the Commissioner to use a record of an arrest as a***  
13 ***reason to deny, refuse to renew, suspend or revoke a license,***  
14 ***certificate or permit issued pursuant to this Code or to take any***  
15 ***other disciplinary action against a holder of such a license,***  
16 ***certificate or permit.***

17     ***2. As used in this section, "arrest" has the meaning ascribed***  
18 ***to it in NRS 171.104.***

19     **Sec. 55.** Section 3 of the Charter of Boulder City is hereby  
20 amended to read as follows:

21         Section 3. Powers of the City.

22         1. The City shall have all the powers granted to  
23 municipal corporations and to cities by the Constitution and  
24 laws of this State, together with all the implied powers  
25 necessary to carry into execution all the powers granted.  
26 (Add. 4; Amd. 1; 5-6-1969)

27         2. The City may acquire property within or without its  
28 corporate limits for any City purpose, in fee simple or any  
29 lesser interest, or estate, by purchase, exchange, gifts, devise,  
30 lease, or condemnation, and may sell, exchange, lease,  
31 mortgage, hold, manage, and control such property as its  
32 interests may require or that will result in the maximum  
33 benefit accruing to the City from such action. (Add. 4; Amd.  
34 2; 5-6-1969)

35         3. Except as prohibited by the Constitution of this State  
36 or restricted by this Charter, the City shall and may exercise  
37 all municipal powers, functions, rights, privileges and  
38 immunities of every name and nature whatsoever.

39         4. The enumeration of particular powers by this Charter  
40 shall not be deemed to be exclusive, and in addition to the  
41 powers enumerated therein or implied thereby, or appropriate  
42 to the exercise of such powers, it is intended that the City  
43 shall have and may exercise all powers which, under the  
44 Constitution of this State, it would be competent for this  
45 Charter specifically to enumerate. (1959 Charter)



1           ***5. The provisions of this Charter shall not be construed***  
2           ***to authorize the City to use a record of arrest as a reason to***  
3           ***deny, refuse to renew, suspend or revoke a license issued by***  
4           ***the City or to take any other disciplinary action against a***  
5           ***holder of such a license. As used in this subsection, "arrest"***  
6           ***has the meaning ascribed to it in NRS 171.104.***

7           **Sec. 56.** Section 2.140 of the Charter of the City of Caliente,  
8 being chapter 31, Statutes of Nevada 1971, as last amended by  
9 chapter 325, Statutes of Nevada 2005, at page 1140, is hereby  
10 amended to read as follows:

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

14           1. The City Council may:

15           (a) Except as otherwise provided in NRS 598D.150 and  
16           640C.100, regulate all businesses, trades and professions.

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

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

22           ***3. The provisions of this Charter shall not be construed***  
23           ***to authorize the City Council to use a record of arrest as a***  
24           ***reason to deny, refuse to renew, suspend or revoke a license***  
25           ***issued by the City or to take any other disciplinary action***  
26           ***against a holder of such a license. As used in this***  
27           ***subsection, "arrest" has the meaning ascribed to it in***  
28           ***NRS 171.104.***

29           **Sec. 57.** Section 2.150 of the Charter of the City of Carlin,  
30 being chapter 344, Statutes of Nevada 1971, as last amended by  
31 chapter 325, Statutes of Nevada 2005, at page 1140, is hereby  
32 amended to read as follows:

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

36           1. The Board of Council Members may:

37           (a) Except as otherwise provided in NRS 598D.150 and  
38           640C.100, regulate all businesses, trades and professions.

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

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



\* A B 1 5 3 \*



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

4           ***4. The provisions of this Charter shall not be construed***  
5 ***to authorize the Board of Council Members to use a record***  
6 ***of arrest as a reason to deny, refuse to renew, suspend or***  
7 ***revoke a license issued by the City or to take any other***  
8 ***disciplinary action against a holder of such a license. As***  
9 ***used in this subsection, "arrest" has the meaning ascribed***  
10 ***to it in NRS 171.104.***

11       **Sec. 58.** Section 2.260 of the Charter of Carson City, being  
12 chapter 213, Statutes of Nevada 1969, as last amended by chapter  
13 325, Statutes of Nevada 2005, at page 1141, is hereby amended to  
14 read as follows:

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

17       1. Except as otherwise provided in NRS 598D.150 and  
18 640C.100, the Board may fix, impose and collect a license tax  
19 for revenue upon, or regulate:

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

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

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

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

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

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

39       ***5. The provisions of this Charter shall not be construed***  
40 ***to authorize the Board to use a record of arrest as a reason***  
41 ***to deny, refuse to renew, suspend or revoke a license issued***  
42 ***by the City or to take any other disciplinary action against a***  
43 ***holder of such a license. As used in this subsection, "arrest"***  
44 ***has the meaning ascribed to it in NRS 171.104.***





1     **Sec. 59.** Section 2.150 of the Charter of the City of Elko,  
2 being chapter 276, Statutes of Nevada 1971, as last amended by  
3 chapter 325, Statutes of Nevada 2005, at page 1141, is hereby  
4 amended to read as follows:

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

8         1. The City Council may:

9             (a) Except as otherwise provided in NRS 598D.150 and  
10             640C.100, regulate all businesses, trades and professions.

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

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

16         3. *The provisions of this Charter shall not be construed*  
17 *to authorize the City Council to use a record of arrest as a*  
18 *reason to deny, refuse to renew, suspend or revoke a license*  
19 *issued by the City or to take any other disciplinary action*  
20 *against a holder of such a license. As used in this*  
21 *subsection, "arrest" has the meaning ascribed to it in*  
22 *NRS 171.104.*

23     **Sec. 60.** Section 2.130 of the Charter of the City of Henderson,  
24 being chapter 266, Statutes of Nevada 1971, as last amended by  
25 chapter 325, Statutes of Nevada 2005, at page 1141, is hereby  
26 amended to read as follows:

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

30         1. The City Council may:

31             (a) Except as otherwise provided in NRS 598D.150 and  
32             640C.100, regulate all businesses, trades and professions.

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

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

38         3. *The provisions of this Charter shall not be construed*  
39 *to authorize the City Council to use a record of arrest as a*  
40 *reason to deny, refuse to renew, suspend or revoke a license*  
41 *issued by the City or to take any other disciplinary action*  
42 *against a holder of such a license. As used in this*  
43 *subsection, "arrest" has the meaning ascribed to it in*  
44 *NRS 171.104.*



1     **Sec. 61.** Section 2.150 of the Charter of the City of Las Vegas,  
2 being chapter 517, Statutes of Nevada 1983, as last amended by  
3 chapter 325, Statutes of Nevada 2005, at page 1142, is hereby  
4 amended to read as follows:

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

8         1. The City Council may:

9             (a) Except as is otherwise provided in subsection 2 and  
10 NRS 598D.150 and 640C.100, license and regulate all lawful  
11 businesses, trades and professions.

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

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

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

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

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

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

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

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

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

41         ➤ and regulations which prescribe the circumstances under  
42 and the manner in which licenses with respect to those  
43 establishments, businesses, trades and professions may be  
44 denied, limited, suspended or revoked.



1           ***4. The provisions of this Charter shall not be construed***  
2           ***to authorize the City Council to use a record of an arrest as***  
3           ***a reason to deny, refuse to renew, suspend or revoke a***  
4           ***license issued by the City or to take any other disciplinary***  
5           ***action against a holder of such a license. As used in this***  
6           ***subsection, "arrest" has the meaning ascribed to it in***  
7           ***NRS 171.104.***

8           **Sec. 62.** Section 2.140 of the Charter of the City of North Las  
9 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended  
10 by chapter 325, Statutes of Nevada 2005, at page 1142, is hereby  
11 amended to read as follows:

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

15           1. The City Council may:

16           (a) Except as otherwise provided in NRS 598D.150 and  
17 640C.100, regulate all businesses, trades and professions.

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

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

23           ***3. The provisions of this Charter shall not be construed***  
24           ***to authorize the City Council to use a record of arrest as a***  
25           ***reason to deny, refuse to renew, suspend or revoke a license***  
26           ***issued by the City or to take any other disciplinary action***  
27           ***against a holder of such a license. As used in this***  
28           ***subsection, "arrest" has the meaning ascribed to it in***  
29           ***NRS 171.104.***

30           **Sec. 63.** Section 2.140 of the Charter of the City of Reno,  
31 being chapter 662, Statutes of Nevada 1971, as last amended by  
32 chapter 216, Statutes of Nevada 2007, at page 726, is hereby  
33 amended to read as follows:

34           Sec. 2.140 General powers of City Council.

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

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

40           (b) Except as otherwise provided in NRS 598D.150 and  
41 640C.100, regulate and impose a license tax for revenue upon  
42 all businesses, trades and professions.

43           (c) Provide or grant franchises for public transportation  
44 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 telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication 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 telecommunication service to the general public.

5. *The provisions of this Charter shall not be construed to authorize the City Council to use a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license*



*issued by the City or to take any other disciplinary action against a holder of such a license.*

6. As used in this section:

(a) *“Arrest” has the meaning ascribed to it in NRS 171.104.*

(b) “Telecommunication” has the meaning ascribed to it in NRS 704.025.

~~[(b)]~~ (c) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

**Sec. 64.** Section 2.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 325, Statutes of Nevada 2005, at page 1144, is hereby amended to read as follows:

Sec. 2.090 Powers of City Council: General areas.

1. 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)]~~ (a) Except as otherwise provided in NRS 598D.150 and 640C.100, license all businesses, trades and professions for purposes of regulation and revenue.

~~[(2)]~~ (b) Enact and enforce fire ordinances.

~~[(3)]~~ (c) Regulate the construction and maintenance of any building or other structure within the City.

~~[(4)]~~ (d) Provide for safeguarding of public health in the City.

~~[(5)]~~ (e) Zone and plan the City, including the regulation of subdivision of land, as prescribed by chapter 278 of NRS.

~~[(6)]~~ (f) Acquire, control, lease, dedicate, sell and convey rights-of-way, parks and other real property.

~~[(7)]~~ (g) Except as otherwise provided in NRS 707.375, regulate vehicular traffic and parking of vehicles.

~~[(8)]~~ (h) Establish and maintain a sanitary sewer system.

~~[(9)]~~ (i) 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)]~~ (j) Regulate, prescribe the location for, prohibit or suppress all businesses selling alcoholic liquors at wholesale or retail.

~~[(11)]~~ (k) Regulate, prescribe the location for, prohibit or suppress gaming of all kinds.

2. *The provisions of this Charter shall not be construed to authorize the City Council to use a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license issued by the City or to take any other disciplinary action against a holder of such a license. As used in this*



*subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 65.** Section 2.150 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1144, is hereby amended to read as follows:

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

1. The Board of Council Members may:

(a) Except as otherwise provided in NRS 598D.150 and 640C.100, 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 or her profession.

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

*4. The provisions of this Charter shall not be construed to authorize the Board of Council Members to use a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license issued by the City or to take any other disciplinary action against a holder of such a license. As used in this subsection, "arrest" has the meaning ascribed to it in NRS 171.104.*

**Sec. 66.** Section 2.140 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1145, 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 640C.100, 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.

*3. The provisions of this Charter shall not be construed to authorize the City Council to use a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license*



1       *issued by the City or to take any other disciplinary action*  
2       *against a holder of such a license. As used in this*  
3       *subsection, “arrest” has the meaning ascribed to it in*  
4       *NRS 171.104.*

5       **Sec. 67.** This act becomes effective on July 1, 2011.

