

SENATE PUBLIC RESOURCES AND ECOLOGY COMMITTEE

MINUTES OF MEETING

WEDNESDAY, March 15, 1973

The meeting was called to order at 3:00 p.m.

Senator Wilson in the Chair.

PRESENT: Senator Bryan
Senator Dodge
Senator Echols
Senator Young
Senator Blakemore

S. B. 195 - Requires labeling of commercial livestock feed supplements to show net weight and ingredients by percentage.

Motion Senator Blakemore to have amendments printed and re-refer to committee on Finance, seconded by Senator Echols, carried.

S. B. 241 - Requires written permission to build campfires in certain areas.

Motion Senator Dodge, seconded by Senator Blakemore to hold in committee, carried.

S.J.R. 25 - Urges preservation and protection of Truckee River by all appropriate government agencies.

Motion, Do Pass by Senator Dodge, seconded by Senator Blakemore, carried.

S. B. 432 - Enables and directs state department of conservation and natural Resources to begin negotiations on interstate compact for land use in Truckee watershed.

Motion, Do Pass by Senator Dodge, seconded by Senator Blakemore, carried.

S. B. 82 - Provides for a 2-day fishing license for a fee of \$3.00

Motion, Do Pass by Senator Dodge, seconded by Senator Blakemore, carried.


A. B. 320 - Removes imprisonment condition on payment of cattle theft rewards.

Motion Do Pass, Senator Bryan, seconded by Senator Blakemore, carried.

S. B. 195, S. B. 241, S.J.R. 25, S. B. 432, S. B. 82 and A. B. 320
are attached hereto as Exhibits A, B, C, D, E and F, respectively.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Mae Lofthouse, Secretary

APPROVED:

Senator Wilson, Chairman

S. B. 195

SENATE BILL NO. 195—SENATOR MONROE

FEBRUARY 12, 1973

Referred to Committee on Ecology and Public Resources

SUMMARY—Requires labeling of commercial livestock feed supplements to show net weight and ingredients by percentage. Fiscal Note: No. (BDR 51-723)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT requiring the labeling of commercial livestock feed supplements to show the net weight and ingredients by percentage of the supplement in each container; providing a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 587 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *It is unlawful to sell, offer to sell or distribute in this state any live-*
4 *stock feed supplement unless each container in which it is marketed bears*
5 *a descriptive label or tag stating the net weight of the supplement and the*
6 *commonly recognized or official name and percentage of each ingredient*
7 *included in the supplement.*
8 2. *Each delivery of commercial livestock feed supplement in bulk*
9 *must be accompanied by an invoice or delivery slip containing the infor-*
10 *mation required by subsection 1.*

S. B. 241

SENATE BILL NO. 241—COMMITTEE ON ECOLOGY
AND PUBLIC RESOURCES

FEBRUARY 14, 1973

Referred to Committee on Ecology and Public Resources

SUMMARY—Requires written permission to build campfires in certain areas.
Fiscal Note: No. (BDR 42-200)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT to amend NRS 473.090, relating to unlawful burning in fire protection districts, by defining campfires; requiring written permission to build or use campfires in certain areas; providing penalties; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 473.090 is hereby amended to read as follows:
2 473.090 1. *As used in this section, "campfire" means a fire used by*
3 *one or more persons while camping, picnicking, engaged in recreation or*
4 *working on grass, brush or forest-covered land, to provide any one or a*
5 *combination of the following: Heat for cooking, heat for personal warmth*
6 *or light for ceremonial, esthetic or other purposes. Campfires include open*
7 *fires, those contained within fire places or enclosed stoves with flues or*
8 *chimneys, stoves using pressurized liquid or gaseous fuels, portable braz-*
9 *iers or space heating devices which are used outside of any building,*
10 *trailer, house or living accommodation mounted on a motor vehicle.*
11 2. Except as otherwise provided in this section, it shall be unlawful
12 within the boundaries of any fire protection district organized under this
13 chapter for any person, firm, association, corporation or agency *to build*
14 *or cause to be built or to use a campfire*, to burn, or cause to be burned,
15 any brush, grass, logs or any other inflammable material, or blast with
16 dynamite, powder or other explosive, or set off fireworks, or operate a
17 welding torch, tarpot or any other device that may cause a fire in forest,
18 grass or brush, either on his own land or on the land of another, or on
19 public land, unless such burning or act is done under a written permit
20 from the state forester firewarden or his duly authorized agent and in
21 strict accordance with the terms of the permit. *The permit must also be*
22 *signed by the owner of any private land on which a campfire is built or*
23 *used, and the permit must be in the actual possession of one of the per-*
24 *sons building or using a campfire.*

S. J. R. 25

SENATE JOINT RESOLUTION NO. 25—SENATORS WILSON,
YOUNG, SWOBE, DRAKULICH AND RAGGIO

MARCH 13, 1973

Referred to Committee on Ecology and Public Resources

SUMMARY—Urges preservation and protection of Truckee River by all
appropriate government agencies. (BDR 1472)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

SENATE JOINT RESOLUTION—Urging preservation and protection of the
Truckee River by all appropriate government agencies through proper and
controlled development.

1 WHEREAS, The Truckee River is the major source of water for western
2 Nevada, including Verdi, Reno and Sparks, Nevada, and Pyramid Lake;
3 and

4 WHEREAS, The Truckee River is the source of 90 percent of the
5 domestic supply of water for Reno and Sparks; and

6 WHEREAS, The Truckee River is the major scenic characteristic of the
7 Truckee Meadows; now, therefore, be it

8 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
9 That the State of Nevada is appreciative of the effort and work of the
10 state of California in concert with the State of Nevada to preserve and
11 protect the natural resources and environment of the Sierra Nevada, the
12 lakes, rivers and streams thereof and specifically Lake Tahoe; and be it
13 further

14 *Resolved,* That the quality of the water of the Truckee River not be
15 diminished either by development within its watershed without adequate
16 sewage treatment facilities or by development which is at levels or
17 densities which will generate sewage effluent or urban runoff within the
18 river watershed; and be it further

19 *Resolved,* That the upper Truckee River watershed extending through
20 Truckee, California and Martis Valley, California, is related to and
21 directly affects the Lake Tahoe Basin, in that population levels and auto-
22 mobile traffic generated within the upper Truckee River watershed affect
23 Lake Tahoe by causing increased commerce, tourists and automobile
24 traffic within the Lake Tahoe basin; and be it further

25 *Resolved,* That development in the Truckee River watershed and in
26 the Truckee and Martis Valley area be controlled and suspended until:

27 (a) A sewage collection, treatment and disposal plan is approved and
28 in operation; and

S. B. 423

SENATE BILL NO. 423—SENATORS NEAL, ECHOLS, BRYAN,
BLAKEMORE, BROWN AND FOLEY

MARCH 12, 1973

Referred to Committee on Judiciary

SUMMARY—Removes felony disability under certain conditions as a ground
for disqualification. Fiscal Note: No. (BDR 1-1236)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT removing felony disability under certain conditions as a ground for
disqualification under applicable NRS sections; and providing other matters
properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 6.010 is hereby amended to read as follows:
- 2 6.010 Every qualified elector of the state, whether registered or not:
- 3 [, who]
- 4 1. *Who* has sufficient knowledge of the English language; [, and
- 5 who]
- 6 2. *Who* has not been convicted of treason, felony, or other infamous
- 7 crime [, and who] , unless the person convicted:
- 8 (a) *Has served his sentence;*
- 9 (b) *Has completed his parole;*
- 10 (c) *Has received a general discharge from probation; or*
- 11 (d) *Has been pardoned,*
- 12 *and has not been convicted of any offense greater than a traffic violation*
- 13 *within 5 years of such pardon or completion of parole, probation or*
- 14 *sentence; and*
- 15 3. *Who* is not rendered incapable by reason of physical or mental
- 16 infirmity; []
- 17 is a qualified juror of the county in which he resides.
- 18 SEC. 2. NRS 138.020 is hereby amended to read as follows:
- 19 138.020 1. No person shall be deemed competent to serve as an
- 20 executor or executrix who, at the time the will is probated:
- 21 (a) Is under the age of majority; [or]
- 22 (b) Has been convicted of a felony [; or] , unless such person:
- 23 (1) *Has served his sentence;*
- 24 (2) *Has completed his parole;*

1 (3) Has received a general discharge from probation; or
2 (4) Has been pardoned,
3 and has not been convicted of any offense greater than a traffic violation
4 within 5 years of such pardon or completion of parole, probation or
5 sentence;

6 (c) Upon proof, is adjudged by the court incompetent to execute the
7 duties of the trust by reason of drunkenness, improvidence, or want of
8 integrity or understanding; or

9 (d) Is a banking corporation whose principal place of business is not
10 in the State of Nevada, unless it associates as coexecutor a banking cor-
11 poration whose principal place of business is in this state.

12 2. If any such person be named as the sole executor or executrix in
13 any will, or if all persons so named are incompetent, or shall renounce
14 the trust, or fail to appear and qualify, letters of administration with the
15 will annexed shall issue.

16 SEC. 3. NRS 139.010 is hereby amended to read as follows:

17 139.010 No person shall be entitled to letters of administration:

18 1. Who shall be under the age of majority; [or]

19 2. Who shall have been convicted of a felony [; or] , unless such
20 person:

21 (a) Has served his sentence;

22 (b) Has completed his parole;

23 (c) Has received a general discharge from probation; or

24 (d) Has been pardoned,
25 and has not been convicted of any offense greater than a traffic violation
26 within 5 years of such pardon or completion of parole, probation or
27 sentence.

28 3. Who, upon proof, shall be adjudged by the court incompetent to
29 execute the duties of the trust by reason of drunkenness, improvidence,
30 or want of integrity or understanding; or

31 4. Who is not a resident of the State of Nevada or which, in the case
32 of a banking corporation, does not have its principal place of business
33 in this state or does not associate as coadministrator a banking corpo-
34 ration whose principal place of business is in this state.

35 SEC. 4. NRS 159.059 is hereby amended to read as follows:

36 159.059 Any qualified person or entity that the court finds suitable
37 may serve as a guardian. A person is not qualified to serve as a guardian
38 who is:

39 1. An incompetent.

40 2. A minor.

41 3. A person who has been convicted of a felony [.] , unless the
42 person convicted:

43 (a) Has served his sentence;

44 (b) Has completed his parole;

45 (c) Has received a general discharge from probation; or

46 (d) Has been pardoned,
47 and has not been convicted of any offense greater than a traffic violation
48 within 5 years of such pardon or completion of parole, probation or
49 sentence.

1 4. A person suspended for misconduct or disbarred from the practice
2 of law during the period of the suspension or disbarment.

3 5. A nonresident of this state who has not:

4 (a) Associated as a coguardian a banking corporation whose principal
5 place of business is in this state; and

6 (b) Caused the appointment to be filed in the guardianship proceeding.

7 SEC. 5. NRS 202.760 is hereby amended to read as follows:

8 202.760 It is unlawful for any person:

9 1. Who is under indictment for, or has been convicted in any court
10 of, a crime punishable by imprisonment for a term exceeding 1 year
11 **;** **or** **;**, unless the person convicted:

12 (a) Has served his sentence;

13 (b) Has completed his parole;

14 (c) Has received a general discharge from probation; or

15 (d) Has been pardoned,

16 and has not been convicted of any offense greater than a traffic violation
17 within 5 years of such pardon or completion of parole, probation or
18 sentence;

19 2. Who is a fugitive from justice; **;** **or** **;**

20 3. Who is an unlawful user of or addicted to marihuana or any
21 depressant or stimulant drug or narcotic drug; or

22 4. Who has been judicially declared mentally ill or who has been
23 committed to a hospital as mentally ill,

24 to ship or transport any explosive within the state, or to receive any
25 explosive which has been shipped or transported within the state.

26 SEC. 6. NRS 630.030 is hereby amended to read as follows:

27 630.030 As used in this chapter, "unprofessional conduct" means:

28 1. Obtaining a certificate upon fraudulent credentials, or gross mis-
29 representation.

30 2. Procuring, or aiding or abetting in procuring, criminal abortion.

31 3. Obtaining a fee on assurance that a manifestly incurable disease
32 can be permanently cured.

33 4. Advertising medical business in which grossly improbable state-
34 ments are made.

35 5. Any advertising of any medicine or any means whereby the
36 monthly periods of women can be regulated, or menses reestablished if
37 suppressed.

38 6. Willful disobedience of the law, or of the rules and regulations of
39 the state board of health.

40 7. Conviction of any offense involving moral turpitude **;** **or** **;**, the
41 conviction of a felony **;** **The** **;** or the conviction or violation of any fed-
42 eral or state law regulating the possession, distribution or use of any
43 controlled substance in which case the record of the conviction shall be
44 conclusive evidence of unprofessional conduct **;** **;**, unless the person
45 convicted:

46 (a) Has served his sentence;

47 (b) Has completed his parole;

48 (c) Has received a general discharge from probation; or

49 (d) Has been pardoned,

50 and has not been convicted of any offense greater than a traffic violation

1 *within 5 years of such pardon or completion of parole, probation or sen-*
2 *tence.*

3 8. Administering, dispensing or prescribing any controlled substance
4 as defined in chapter 453 of NRS, otherwise than in the course of legiti-
5 mate professional practice and for the prevention, alleviation or cure of
6 disease or for the relief of suffering, and not primarily for the purpose of
7 catering to the cravings of an addict.

8 9. [Conviction or violation of any federal or state law regulating the
9 possession, distribution or use of any such controlled substance. The
10 record of conviction shall be conclusive evidence of such unprofessional
11 conduct.

12 10.] Habitual intemperance or excessive use of alcohol or alcoholic
13 beverages or any controlled substance as defined in chapter 453 of NRS.

14 [11.] 10. Conduct unbecoming a person licensed to practice medi-
15 cine or detrimental to the best interests of the public.

16 [12.] 11. Violating, or attempting to violate, directly or indirectly,
17 or assisting in or abetting the violation of or conspiring to violate any
18 provision or term of this chapter.

19 [13.] 12. Employing, directly or indirectly, any suspended or unli-
20 censed practitioner in the practice of any system or mode of treating the
21 sick or afflicted, or the aiding or abetting of any unlicensed person to
22 practice medicine as defined in this chapter.

23 [14.] 13. Gross negligence in the practice of any phase of the pro-
24 fession.

25 [15.] 14. The adjudication of insanity by a court of competent juris-
26 diction. The record of the adjudication, judgment or order of commit-
27 ment is conclusive evidence of such unprofessional conduct.

28 SEC. 7. NRS 631.050 is hereby amended to read as follows:

29 631.050 1. As used in this chapter, "dishonorable or unprofessional
30 conduct" is declared to include:

31 (a) Conviction of a felony or misdemeanor involving moral turpitude,
32 or conviction of any criminal violation of this chapter [; or] , *unless the*
33 *person convicted:*

34 (1) *Has served his sentence;*

35 (2) *Has completed his parole;*

36 (3) *Has received a general discharge from probation; or*

37 (4) *Has been pardoned,*

38 *and has not been convicted of any offense greater than a traffic violation*
39 *within 5 years of such pardon or completion of parole, probation or sen-*
40 *tence;*

41 (b) Employing, directly or indirectly, any student or any suspended or
42 unlicensed dentist to perform operations of any kind in treating or cor-
43 rection of the teeth or jaws, except as provided in this chapter; [or]

44 (c) The publication or circulation, directly or indirectly, of any fraud-
45 ulent, false or misleading statement as to the skill or method of practice
46 of any dentists; [or]

47 (d) The use of advertising in which reference is made to any anes-
48 thetic, drug, formula, material, medicine, method or system used or to
49 be used; or the advertising of the performance of any dental operation
50 without causing pain; or the advertising of any free dental service or

1 examination as an inducement to secure dental patronage; or the adver-
2 tising of price, cost, charge, fee or terms of credit for the services per-
3 formed or to be performed, or for material used or to be used, by any
4 person engaged as principal or agent in the practice of dentistry; or the
5 advertising of a guarantee for any dental services; or the advertising of
6 artificial teeth or dentures with or without the use of any representation
7 of a tooth, teeth, bridgework or denture, or of any portion of the human
8 head, or the exhibition or use of specimens of dental work, large display
9 signs, glaring light signs, electric or neon, or any signs, posters or other
10 media calling attention of the public to any person engaged in the prac-
11 tice of dentistry. Any person taking up or retiring from the practice of
12 dentistry, changing his place of business or business telephone, or who
13 intends to absent himself from, or return to, his place of business may
14 advertise such fact in a newspaper for not more than 3 successive publi-
15 cations, which advertisement shall not exceed 2 column inches; [or]

16 (e) The claiming or inferring of professional superiority over neigh-
17 boring practitioners; [or]

18 (f) The giving of a public demonstration of skill or methods of prac-
19 ticing upon or along the streets or highways or any place other than the
20 office where the licensee is known to be regularly engaged in his practice;
21 [or]

22 (g) Fraud or misrepresentation in connection with the securing of a
23 license; [or]

24 (h) Willful or repeated violations of the rules of the board of health;
25 [or]

26 (i) Division of fees or agreeing to split or divide the fees received for
27 services with any person for bringing or referring a patient, without the
28 knowledge of the patient or his legal representative, but this shall not be
29 construed to forbid licensed dentists from practicing in a partnership and
30 sharing professional fees, to forbid a licensed dentist from employing
31 another licensed dentist or dental hygienist, or to forbid a licensed dentist
32 from rendering services as a member of a nonprofit professional service
33 corporation; [or]

34 (j) Employing, procuring, inducing, aiding or abetting a person not
35 licensed or registered as a dentist to engage in the practice of dentistry;
36 but the patient practiced upon shall not be deemed an accomplice,
37 employer, procurer, inducer, aider, or abettor within the meaning of this
38 chapter; [or]

39 (k) Professional connection or association with, or lending his name
40 to, anyone who is engaged in the illegal practice of dentistry; professional
41 connection or association with any person, firm or corporation holding
42 himself, themselves, or itself out in any manner contrary to this chapter;
43 [or]

44 (l) Use of the name "clinic," "institute," or other title or designation
45 that may suggest a public or semipublic activity; [or]

46 (m) Failure to pay license fees; [or]

47 (n) Chronic or persistent inebriety, or addiction to a controlled sub-
48 stance as defined in chapter 453 of NRS, to such an extent as to render
49 him unsafe or unreliable as a practitioner, or such gross immorality as
50 tends to bring reproach upon the dental profession; [or]

- 1 (o) Willful negligence in the practice of dentistry or dental hygiene;
2 [or]
3 (p) Practice by a dental hygienist in any place not authorized by this
4 chapter; [or]
5 (q) Practicing while his license is suspended or without a renewal
6 certificate; or
7 (r) Practicing under a false or assumed name.

8 2. The enumeration of the acts in subsection 1 shall not be construed
9 as a complete definition of dishonorable or unprofessional conduct, or as
10 authorizing or permitting the performance of other and similar acts, or
11 as limiting or restricting the board from holding that other or similar acts
12 constitute unprofessional or dishonorable conduct.

13 SEC. 8. NRS 632.220 is hereby amended to read as follows:

14 632.220 The board shall have power to deny, revoke or suspend
15 any license to practice nursing as a professional nurse applied for or
16 issued under this chapter or otherwise to discipline a licensee upon proof
17 that he:

18 1. Is guilty of fraud or deceit in procuring or attempting to procure a
19 license to practice nursing as a professional nurse.

20 2. Is guilty of a felony or any offense involving moral turpitude, in
21 which case the record of conviction shall be conclusive evidence thereof
22 [.] , unless the person convicted:

23 (a) Has served his sentence;

24 (b) Has completed his parole;

25 (c) Has received a general discharge from probation; or

26 (d) Has been pardoned,

27 and has not been convicted of any offense greater than a traffic violation
28 within 5 years of such pardon or completion of parole, probation or
29 sentence.

30 3. Is unfit or incompetent by reason of gross negligence in carrying
31 out usual nursing functions.

32 4. Is habitually intemperate or is addicted to the use of any con-
33 trolled substance as defined in chapter 453 of NRS.

34 5. Is mentally incompetent.

35 6. Is guilty of unprofessional conduct, which includes but is not
36 limited to the following:

37 (a) Conviction of practicing medicine without a license in violation
38 of chapter 630 of NRS, in which case the record of conviction shall be
39 conclusive evidence thereof.

40 (b) Procuring, or aiding, abetting, attempting, agreeing, or offering
41 to procure or assist at, a criminal abortion.

42 (c) Impersonating any applicant or acting as proxy for an applicant
43 in any examination required under this chapter for the issuance of a
44 license.

45 (d) Impersonating another licensed practitioner.

46 (e) Permitting or allowing another person to use his certificate for the
47 purpose of nursing the sick or afflicted.

48 7. Has willfully or repeatedly violated the provisions of this chapter.

49 SEC. 9. NRS 632.320 is hereby amended to read as follows:

1 632.320 The board shall have power to deny, revoke or suspend
2 any license to practice nursing as a practical nurse applied for or issued
3 under this chapter, or otherwise to discipline a licensee upon proof that
4 he:

5 1. Is guilty of fraud or deceit in procuring or attempting to procure
6 a license to practice nursing as a practical nurse.

7 2. Is guilty of a felony [or] , conviction of any offense involving
8 moral turpitude, or conviction of procuring or aiding, abetting, attempt-
9 ing, agreeing or offering to procure or assist at a criminal abortion, in
10 which case the record of conviction shall be conclusive evidence
11 thereof [.] , unless the person convicted:

12 (a) Has served his sentence;

13 (b) Has completed his parole;

14 (c) Has received a general discharge from probation; or

15 (d) Has been pardoned,

16 and has not been convicted of any offense greater than a traffic violation
17 within 5 years of such pardon or completion of parole, probation or
18 sentence.

19 3. Is unfit or incompetent by reason of gross negligence in carrying
20 out usual nursing functions.

21 4. Is habitually intemperate or is addicted to the use of any con-
22 trolled substance as defined in chapter 453 of NRS.

23 5. Is mentally incompetent.

24 6. Is guilty of unprofessional conduct, which includes but is not
25 limited to the following:

26 (a) Conviction of practicing medicine without a license in violation
27 of chapter 630 of NRS, in which case the record of conviction shall be
28 conclusive evidence thereof.

29 (b) [Procuring, or aiding, abetting, attempting, agreeing, or offering
30 to procure or assist at, a criminal abortion.

31 (c)] Impersonating any applicant or acting as proxy for an applicant
32 in any examination required under this chapter for the issuance of a
33 license.

34 [(d)] (c) Impersonating another licensed practitioner.

35 [(e)] (d) Permitting or allowing another person to use his certifi-
36 cate for the purpose of nursing the sick or afflicted.

37 7. Has willfully or repeatedly violated the provisions of this chapter.

38 Sec. 10. NRS 633.120 is hereby amended to read as follows:

39 633.120 The board may either refuse to issue or may suspend or
40 revoke any license for any one or any combination of the following
41 causes:

42 1. Conviction of a felony, conviction of any offense involving moral
43 turpitude, [or] conviction of a violation of any state or federal law
44 regulating the possession, distribution or use of any controlled substance
45 as defined in chapter 453 of NRS, or conviction of performing an unlaw-
46 ful abortion or assisting or advising the performance of an unlawful
47 abortion, as shown by a certified copy of the record of the court [.] ,
48 unless the person convicted:

49 (a) Has served his sentence;

50 (b) Has completed his parole;

- 1 (c) Has received a general discharge from probation; or
2 (d) Has been pardoned,
3 and has not been convicted of any offense greater than a traffic violation
4 within 5 years of such pardon or completion of parole, probation or
5 sentence.
- 6 2. The obtaining of or any attempt to obtain a license, or practice
7 in the profession for money or any other thing of value, by fraudulent
8 misrepresentations.
- 9 3. Gross malpractice.
- 10 4. Advertising by means of knowingly false or deceptive statements.
- 11 5. Advertising, practicing or attempting to practice under a name
12 other than one's own.
- 13 6. Habitual drunkenness or habitual addiction to the use of a con-
14 trolled substance as defined in chapter 453 of NRS.
- 15 7. Using any false, fraudulent or forged statement or document, or
16 engaging in any fraudulent, deceitful, dishonest or immoral practice in
17 connection with the licensing requirements of this chapter.
- 18 8. [Performing an unlawful abortion or assisting or advising the
19 performance of an unlawful abortion.
- 20 9.] Sustaining a physical or mental disability which renders further
21 practice dangerous.
- 22 [10.] 9. Engaging in any dishonorable, unethical or unprofessional
23 conduct which may deceive, defraud or harm the public, or which is
24 unbecoming a person licensed to practice osteopathy.
- 25 [11.] 10. Using any false or fraudulent statement in connection
26 with the practice of osteopathy.
- 27 [12.] 11. Violating or attempting to violate, or assisting or abetting
28 the violation of, or conspiring to violate any provision of this chapter.
- 29 [13.] 12. Adjudication of incompetency or insanity.
- 30 [14.] 13. Advertising in an unethical or unprofessional manner.
- 31 [15.] 14. Obtaining a fee or financial benefit for any person by the
32 use of fraudulent diagnosis, therapy or treatment.
- 33 [16.] 15. Willful violation of a privileged communication.
- 34 [17.] 16. Failure of a licensee to designate his school of practice
35 in the professional use of his name by the term physician, surgeon, D.O.,
36 osteopathic physician and surgeon, osteopathic physician or doctor of
37 osteopathy, or by a similar term.
- 38 [18.] 17. Willful violation of the law or of the rules and regulations
39 of the state board of health.
- 40 [19.] 18. Administering, dispensing or prescribing any controlled
41 substance as defined in chapter 453 of NRS, except for the prevention,
42 alleviation or cure of disease or for relief from suffering.
- 43 SEC. 11. NRS 636.295 is hereby amended to read as follows:
44 636.295 The following acts, conduct, omissions, or mental or physi-
45 cal conditions, or any of them, committed, engaged in, omitted, or being
46 suffered by a licensee, shall constitute sufficient cause for revoking or
47 suspending his license:
- 48 1. Affliction of the licensee with any communicable disease likely to
49 be communicated to other persons.

1 2. Commission by the licensee of a felony or a gross misdemeanor
2 involving moral turpitude of which he has been convicted and from
3 which he has been sentenced by a final judgment of a federal or state
4 court in this or any other state, such judgment not having been reversed
5 or vacated by a competent appellate court and such offense not having
6 been pardoned by executive authority [·] , unless the person convicted:

- 7 (a) Has served his sentence;
8 (b) Has completed his parole; or
9 (c) Has received a general discharge from probation,
10 and has not been convicted of any offense greater than a traffic violation
11 within 5 years of such pardon or completion of parole, probation or sen-
12 tence.

13 3. Commission of fraud by or on behalf of the licensee in obtaining
14 his license or a renewal thereof, or in practicing optometry thereunder.

15 4. Habitual drunkenness or addiction to any controlled substance as
16 defined in chapter 453 of NRS on the part of the licensee.

17 5. Gross incompetency on the part of the licensee.

18 6. Affliction of the licensee with any mental or physical disorder or
19 disturbance seriously impairing his competency as an optometrist.

20 7. Making false or misleading representations, by or on behalf of
21 the licensee, with respect to optometric materials or services.

22 8. Practice by the licensee, or attempting or offering so to do, while
23 he is in an intoxicated condition.

24 9. Perpetration by the licensee of unethical or unprofessional con-
25 duct in the practice of optometry, within the provisions of NRS 636.300.

26 10. Willfully and repeatedly violating provisions of this chapter or
27 rules or regulations adopted and promulgated by the board.

28 SEC. 12. NRS 638.140 is hereby amended to read as follows:

29 638.140 After full and fair investigation of the charges preferred
30 against the accused, any license issued by the board may be revoked by
31 it upon satisfactory proof that the holder of the license:

- 32 1. Is guilty of unprofessional conduct; or
33 2. Is guilty of gross immorality; or
34 3. Is guilty of habitual drunkenness; or
35 4. Is addicted to the use of a controlled substance as defined in chap-
36 ter 453 of NRS; or

37 5. Is convicted of a felony [; or] , unless the person convicted:

- 38 (a) Has served his sentence;
39 (b) Has completed his parole;
40 (c) Has received a general discharge from probation; or
41 (d) Has been pardoned,
42 and has not been convicted of any offense greater than a traffic violation
43 within 5 years of such pardon or completion of parole, probation or sen-
44 tence; or

45 6. Is guilty of incompetence, gross negligence, or other malpractice
46 pertaining to veterinary medicine.

47 SEC. 13. NRS 639.210 is hereby amended to read as follows:

48 639.210 The board shall have the power to proceed administratively
49 to suspend or revoke:

- 1 1. Any certificate or current renewal thereof, or any permit or cur-
2 rent renewal thereof, to vend, sell, offer to sell, or furnish any hypodermic
3 device issued to any person or to deny the application of any person who
4 has applied for a certificate or permit who:
- 5 (a) Is not of good moral character; or
 - 6 (b) Is guilty of habitual intemperance; or
 - 7 (c) Becomes or is so intoxicated or under the influence of liquor or
8 a controlled substance as defined in chapter 453 of NRS, while on duty
9 in any establishment licensed by the board, that he is unable properly to
10 perform his duties; or
 - 11 (d) Is guilty of unprofessional conduct or conduct contrary to the
12 public interest; or
 - 13 (e) Is addicted to the use of any controlled substance as defined in
14 chapter 453 of NRS; or
 - 15 (f) **[(f)]** Has been convicted of a violation of any law related to controlled
16 substances as defined in chapter 453 of NRS, of the Federal Government
17 or of this or any other state; or
 - 18 (g) Has been convicted of a felony or other crime involving moral
19 turpitude, dishonesty or corruption; or
 - 20 (h) **[(h)]** Has willfully made to the board or its authorized representa-
21 tive any false written statement which is material to the administration or
22 enforcement of any of the provisions of this chapter; or
 - 23 **[(i)]** (g) Has obtained any certificate, certification, license or permit
24 by the filing of an application, or any record, affidavit or other informa-
25 tion in support thereof, which is false or fraudulent; or
 - 26 **[(j)]** Has violated any provision of the Federal Food, Drug, and Cos-
27 metic Act or any other federal law or regulation relating to prescription
28 drugs; or
 - 29 (k) **[(k)]** (h) Has violated, attempted to violate, assisted or abetted in
30 the violation of or conspired to violate any of the provisions or terms of
31 this chapter or any law or regulation relating to the practice of pharmacy,
32 or has permitted, allowed, condoned or failed to report a violation of any
33 of the provisions of this section committed by a registered pharmacist in
34 his employ; or
 - 35 **[(l)]** (i) Has failed to renew his certificate, license or permit by
36 failing to pay the annual renewal fee therefor.
- 37 2. *Any certificate or current renewal thereof, or any permit or cur-*
38 *rent renewal thereof, to vend, sell, offer to sell, or furnish any hypodermic*
39 *device issued to any person or to deny the application of any person who*
40 *has applied for a certificate or permit who has been convicted of a viola-*
41 *tion of any law related to controlled substances as defined in chapter 453*
42 *of NRS, of the Federal Government or of this or any other state, has*
43 *been convicted of a felony or other crime involving moral turpitude, dis-*
44 *honesty or corruption, or has violated any provision of the Federal Food,*
45 *Drug, and Cosmetic Act or any other federal law or regulation relating to*
46 *prescription drugs, unless the person convicted:*
- 47 (a) *Has served his sentence;*
 - 48 (b) *Has completed his parole;*
 - 49 (c) *Has received a general discharge from probation; or*
 - 50 (d) *Has been pardoned,*

1 *and has not been convicted of any offense greater than a traffic violation*
2 *within 5 years of such pardon or completion of parole, probation or*
3 *sentence.*

4 3. Any permit or current renewal thereof for the issuance of a
5 manufacturer's or wholesaler's permit, or for the issuance of a current
6 renewal of a permit to supply or operate vending machines or devices
7 for distribution of any prophylactic issued to any person, or to deny the
8 application of any person who has applied for a permit who:

9 (a) Has willfully made to the board or its authorized representative
10 any false written statement which is material to the administration or
11 enforcement of any of the provisions of this chapter; or

12 (b) Has obtained any permit by the filing of an application, or any
13 record, affidavit or other information in support thereof, which is false or
14 fraudulent; or

15 (c) Has violated, attempted to violate, assisted or abetted in the viola-
16 tion of or conspired to violate any of the provisions or terms of this
17 chapter applicable to such permit; or

18 (d) Has failed to renew his permit by failing to pay the annual renewal
19 fee therefor.

20 SEC. 14. NRS 643.160 is hereby amended to read as follows:

21 643.160 The board may either refuse to issue or renew, or may
22 suspend or revoke, any certificate of registration for any of the following
23 causes:

24 1. Conviction of a felony [], *unless the person convicted:*

25 (a) *Has served his sentence;*

26 (b) *Has completed his parole;*

27 (c) *Has received a general discharge from probation; or*

28 (d) *Has been pardoned,*

29 *and has not been convicted of any offense greater than a traffic violation*
30 *within 5 years of such pardon or completion of parole, probation or*
31 *sentence.*

32 2. Malpractice or incompetency.

33 3. Continued practice by a person knowingly having an infectious
34 or contagious or communicable disease.

35 4. Advertising, practicing or attempting to practice under another's
36 name or another's trade name.

37 5. Habitual drunkenness or habitual addiction to the use of a con-
38 trolled substance as defined in chapter 453 of NRS.

39 6. Violation of any of the provisions of NRS 643.200 or any of
40 the sanitary regulations of this chapter or those promulgated by the
41 board.

42 SEC. 15. NRS 645.440 is hereby amended to read as follows:

43 645.440 1. If the real estate division, after an application in proper
44 form has been filed with it, accompanied by the proper fee and the
45 applicant's certification of trustworthiness, competency and integrity,
46 shall deny an application to the applicant, the real estate division shall
47 give notice of the fact to the applicant within 15 days after its ruling,
48 order or decision.

49 2. Upon written request from the applicant, filed within 30 days after
50 receipt of such notice by the applicant, the commission shall set the

1 matter down for a hearing to be conducted within 90 days after receipt
2 of the applicant's request.

3 3. The hearing shall be at such time and place as the commission
4 shall prescribe. At least 15 days prior to the date set for the hearing,
5 the real estate division shall notify the applicant and other persons inter-
6 ested or protesting, and shall accompany such notification with an exact
7 copy of any protest filed, together with copies of any and all communi-
8 cations, reports, affidavits or depositions in possession of the real estate
9 division touching upon or relating to the matter in question. Such written
10 notice of hearing may be served by delivery personally to the applicant,
11 or by mailing the same by registered or certified mail to the last-known
12 business address of the applicant. If the application is for a real estate
13 salesman's license, the real estate division shall also notify the prospective
14 broker-employer by mailing such notice by registered or certified mail
15 to the broker's last-known business address.

16 4. At the hearing the applicant shall be entitled to examine, either
17 in person or by counsel, any and all persons protesting against him, as
18 well as all other witnesses whose testimony is relied upon to substantiate
19 any protest or denial of the application. He shall be entitled to present
20 such evidence, written and oral, as he may see fit and as may be pertinent
21 to the inquiry.

22 5. The hearing may be held by the commission or a majority thereof,
23 and a hearing shall be held, if the applicant so desires, within the county
24 where the applicant's principal place of business is situated.

25 6. At the hearing, all witnesses shall be duly sworn by the commis-
26 sion, or any member thereof, and stenographic notes of the proceedings
27 shall be taken and filed as part of the record in the case. Any party to
28 the proceedings desiring it shall be furnished with a copy of such steno-
29 graphic notes upon the payment to the real estate division of such fee
30 as the commission shall prescribe by general rule or regulation, not
31 exceeding 25 cents per folio.

32 7. The commission shall render a decision on any application within
33 60 days from the final hearing on such application, and shall immediately
34 notify the parties to the proceedings, in writing, of its ruling, order or
35 decision.

36 8. Where an applicant has been convicted of forgery, embezzlement,
37 obtaining money under false pretenses, larceny, extortion, conspiracy
38 to defraud, or other like offense or offenses, or has been convicted of a
39 felony or a crime involving moral turpitude, and has been convicted
40 thereof in a court of competent jurisdiction of this or any other state,
41 district or territory of the United States, or of a foreign country, such
42 untrustworthiness of the applicant, and the conviction, may in itself be
43 sufficient ground for refusal of a license [.] , unless the person convicted:

44 (a) Has served his sentence;

45 (b) Has completed his parole;

46 (c) Has received a general discharge from probation; or

47 (d) Has been pardoned,

48 and has not been convicted of any offense greater than a traffic violation
49 within 5 years of such pardon or completion of parole, probation or
50 sentence.

1 9. Where an applicant has made a false statement of material fact on
2 his application such false statement may in itself be sufficient ground for
3 refusal of a license.

4 SEC. 16. NRS 645.630 is hereby amended to read as follows:

5 645.630 The commission shall have the power to suspend, revoke or
6 reissue, subject to conditions, any license issued under the provisions
7 of this chapter at any time where the licensee has, by false or fraudulent
8 representation, obtained a license, or where the licensee, whether or not
9 acting as a licensee, is deemed to be guilty of:

10 1. Making any substantial misrepresentation.

11 2. Making any false promises of a character likely to influence, per-
12 suade or induce.

13 3. Pursuing a continued and flagrant course of misrepresentation,
14 or making of false promises through agents or salesmen or advertising or
15 otherwise.

16 4. Acting for more than one party in a transaction without the
17 knowledge of all parties for whom he acts.

18 5. Accepting a commission or valuable consideration as a real estate
19 salesman for the performance of any of the acts specified in this chapter
20 from any person except his employer, who must be a licensed real estate
21 broker.

22 6. Representing or attempting to represent a real estate broker other
23 than the employer, without the express knowledge and consent of the
24 employer.

25 7. Failing, within a reasonable time, to account for or to remit any
26 moneys coming into his possession which belong to others.

27 8. Willfully using the term "realtor" or any other trade name or
28 insignia of membership in any real estate organization of which the
29 licensee is not a member, without the legal right so to do.

30 9. Disregarding or violating any of the provisions of this chapter
31 or of any rule or regulation promulgated thereunder.

32 10. Paying or receiving any rebate, profit, compensation or com-
33 mission in violation of this chapter.

34 11. Inducing any party to a contract, sale or lease to break such
35 contract for the purpose of substituting in lieu thereof a new contract
36 with the same principal or a different principal, where such substitution
37 is motivated by the personal gain of the licensee.

38 12. Forgery, embezzlement, obtaining money under false pretenses,
39 larceny, extortion, theft, fraud, conspiracy, a crime involving moral
40 turpitude or other like offense, whether arising from a real estate trans-
41 action or not, and has been convicted thereof in a court of competent
42 jurisdiction [], unless the person convicted:

43 (a) Has served his sentence;

44 (b) Has completed his parole;

45 (c) Has received a general discharge from probation; or

46 (d) Has been pardoned,

47 and has not been convicted of any offense greater than a traffic violation
48 within 5 years of such pardon or completion of parole, probation or
49 sentence.

50 13. Guaranteeing, or having authorized or permitted any person to

1 guarantee, future profits which may result from the resale of real prop-
2 erty.

3 14. Negligence, or failure to disclose or to ascertain and disclose to
4 any person with whom such licensee is dealing, any material fact, data
5 or information concerning or relating to the property with which such
6 licensee is dealing, which such licensee knew.

7 15. The practice of claiming, demanding or receiving a fee, com-
8 pensation or commission under any exclusive agreement authorizing or
9 employing a license to sell, buy or exchange real estate for compensation
10 or commission where such agreement does not contain a definite, speci-
11 fied date of final and complete termination.

12 16. The claiming or taking by a licensee of any secret or undisclosed
13 amount of compensation, commission or profit or the failure of a licensee
14 to reveal to the employer of such licensee the full amount of such
15 licensee's compensation, commission or profit under any agreement
16 authorizing or employing such licensee to sell, buy or exchange real
17 estate for compensation or commission prior to or coincident with the
18 signing of such agreement evidencing the meeting of the minds of the
19 contracting parties, regardless of the form of such agreement, whether
20 evidenced by documents in an escrow or by any other or different pro-
21 cedure.

22 17. The use by a licensee of any provision allowing the licensee an
23 option to purchase in an agreement authorizing or employing such
24 licensee to sell, buy or exchange real estate for compensation or com-
25 mission, except when such licensee, prior to or coincident with election
26 to exercise such option to purchase, reveals in writing to the employer
27 the full amount of licensee's profit and obtains the written consent of the
28 employer approving the amount of such profit.

29 18. Being unworthy or incompetent to act as a real estate broker or
30 salesman in such manner as to safeguard the interests of the public.

31 19. Any other conduct, whether of the same or a different character
32 from that hereinbefore specified, which constitutes improper, fraudulent
33 or dishonest dealing.

34 SEC. 17. NRS 648.150 is hereby amended to read as follows:

35 648.150 The board may discipline any licensee by revoking or sus-
36 pending his license for any of the following causes:

37 1. Conviction of a felony [or] , of any offense involving moral
38 turpitude [.] , *assault or battery, unless the person convicted:*

39 *(a) Has served his sentence;*

40 *(b) Has completed his parole;*

41 *(c) Has received a general discharge from probation; or*

42 *(d) Has been pardoned,*

43 *and has not been convicted of any offense greater than a traffic violation*
44 *within 5 years of such pardon or completion of parole, probation or sen-*
45 *tence.*

46 2. Violation of any of the provisions of this chapter.

47 3. A false statement by the licensee that any person is or has been
48 in his employ.

1 4. Any unprofessional conduct or unfitness of the licensee or any
2 person in his employ.

3 5. Any false statement or the giving of any false information in con-
4 nection with an application for a license or a renewal or reinstatement of
5 a license.

6 6. Any act in the course of the licensee's business constituting dis-
7 honesty or fraud.

8 7. Impersonation or aiding and abetting an employee in the imper-
9 sonation of a law enforcement officer or employee of the United States
10 of America, or of any state or political subdivision thereof.

11 8. During the period between the expiration of a license for failure
12 to renew within the time fixed by this chapter and the reinstatement of
13 such license, the commission of any act which would be cause for the
14 suspension or revocation of a license, or grounds for the denial of an
15 application for a license.

16 9. Willful failure or refusal to render to a client services or a report
17 as agreed between the parties and for which compensation has been paid
18 or tendered in accordance with the agreement of the parties.

19 10. [Commission of assault, battery or kidnaping.

20 11.] Knowing violation of any court order or injunction in the
21 course of business as a licensee.

22 [12.] 11. Any act which is a ground for denial of an application for
23 a license under this chapter.

Ⓢ

S. B. 82

SENATE BILL NO. 82—SENATOR GIBSON

JANUARY 23, 1973

Referred to Committee on Ecology and Public Resources

SUMMARY—Provides for a 2-day fishing license for a fee of \$3.00. Fiscal Note: No. (BDR 45-561)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to amend NRS 502.240 to provide for a 2-day fishing license for a fee of \$3.00.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 502.240 is hereby amended to read as follows:
2 502.240 Annual licenses for the term of 1 year from July 1 to June
3 30 and limited permits shall be issued at the following prices:
4 1. To any citizen of the United States who has attained his 12th
5 birthday but who has not attained his 16th birthday and who has been
6 a bona fide resident of the State of Nevada for 6 months, upon the pay-
7 ment of \$2 for an annual fishing and hunting license.
8 2. To any citizen of the United States who has attained his 65th
9 birthday and who has been a bona fide resident of the State of Nevada
10 for 20 years, upon the payment of \$1 for an annual hunting or fishing
11 license. Any such person shall be exempt from the payment of the fee
12 for a resident deer tag for a regular season as required by the provisions
13 of NRS 502.250.
14 3. Except as provided in subsection 2, to any alien or to any citizen
15 of the United States who has attained his 16th birthday and who has
16 been a resident of the State of Nevada for 6 months, upon the payment of:
- | | | |
|----|--|--------|
| 17 | For a fishing license..... | \$7.50 |
| 18 | For a [five-day] 5-day permit to fish..... | 5.00 |
| 19 | For a 2-day permit to fish..... | 3.00 |
| 20 | For a hunting license..... | 5.00 |
| 21 | For a combination hunting and fishing license..... | 12.50 |
| 22 | For a trapping license..... | 5.00 |
| 23 | For a fur dealer's license..... | 1.00 |
| 24 | For an annual master guide's license..... | 50.00 |
| 25 | For an annual subguide's license..... | 10.00 |

1 4. To any alien or to any citizen of the United States who has
2 attained his 12th birthday but who has not attained his 16th birthday,
3 not a bona fide resident of the State of Nevada, upon the payment of \$5
4 for an annual fishing license (except for a fishing license to fish in the
5 reciprocal waters of the Colorado River and Lake Mead, which annual
6 license shall cost a sum agreed upon by the commission and the Arizona
7 Game and Fish Commission, but not to exceed \$10).

8 5. Except as provided in subsection 4, to any alien or to any citizen
9 of the United States, not a bona fide resident of the State of Nevada, upon
10 the payment of:

11	For a fishing license (except for a fishing license to fish in	
12	the reciprocal waters of the Colorado River and Lake	
13	Mead, which license shall cost a sum agreed upon by	
14	the commission and the Arizona Game and Fish	
15	Commission, but not to exceed \$10).....	\$15.00
16	For a 5-day permit to fish.....	5.00
17	For a 2-day permit to fish.....	3.00
18	For a special hunting license to hunt deer by bow and	
19	arrow (and no other license shall be required).....	10.00
20	For a special license to hunt upland game birds (and no	
21	other license or permit shall be required) a fee not	
22	to exceed.....	25.00
23	For a permit to hunt upland game birds in conjunction	
24	with a regular hunting license, a fee not to exceed.....	10.00
25	For a hunting license.....	50.00
26	For an annual trapper's license.....	10.00
27	For a special nonresident, 3-day migratory waterfowl	
28	hunting license (which shall be in lieu of all other	
29	licenses or permits, except for the migratory bird	
30	hunting stamp).....	10.00
31	For a fur dealer's license.....	25.00
32	For an annual master guide's license.....	100.00
33	For an annual subguide's license.....	20.00
34	6. To any person, without regard to residence, upon the payment of:	
35	For a noncommercial breeding ground.....	\$2.00
36	For a commercial or private shooting preserve.....	25.00
37	For a commercial breeding ground.....	25.00
38	For a commercial fish hatchery.....	10.00
39	For a private noncommercial fish hatchery.....	5.00
40	For a trained animal act license.....	10.00
41	For a fur dealer's agent's license.....	10.00
42	For a live bait dealer's permit.....	25.00
43	For a competitive field trials permit.....	1.00
44	For a falconry license.....	10.00

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A. B. 320

ASSEMBLY BILL NO. 320—COMMITTEE ON AGRICULTURE

FEBRUARY 16, 1973

Referred to Committee on Agriculture

SUMMARY—Removes imprisonment condition on payment of cattle theft rewards. Fiscal Note: No. (BDR 50-258)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to cattle theft; removing imprisonment as a condition of the state department of agriculture's payments of rewards.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 561.325 is hereby amended to read as follows:
2 561.325 1. The department may offer a standing reward, or a
3 reward for each class of livestock, not to exceed \$500, for information
4 leading to the arrest and conviction of each person engaged in stealing
5 livestock, the reward to be paid to the person or persons giving the
6 information leading to the arrest and conviction of such person or per-
7 sons immediately upon the conviction [of and imprisonment] of the
8 person or persons so arrested.
9 2. The executive director may promulgate such further conditions
10 and rules pertaining to the offering of such rewards and the payments
11 thereof as he may deem proper.

30