

SENATE BILL NO. 105—SENATOR SETTELMAYER

PREFILED FEBRUARY 1, 2015

Referred to Committee on Government Affairs

SUMMARY—Authorizes the owners or operators of certain establishments to allow dogs to enter such establishments. (BDR 40-88)

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 public health; authorizing the owner or operator of certain establishments to allow dogs to enter such establishments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Health and local boards of health to adopt regulations concerning establishments where food is prepared or sold and requires certain state officers and agents and officers and agents of local boards of health to inspect such establishments to ensure compliance with those regulations and certain provisions of law concerning food safety. (NRS 446.885, 446.940) Existing law also authorizes a board of county commissioners, city council or town board to regulate businesses, including bars, taverns and saloons, within its jurisdiction. (NRS 244.335, 266.355, 268.090, 269.170, 269.175) This bill authorizes the owner or operator of a stand-alone bar, tavern or saloon to allow dogs to enter his or her establishment. This bill also prohibits any agency of this State, local government or other political subdivision or agency thereof from adopting any conflicting law, regulation or ordinance.

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner or operator of a stand-alone bar, tavern or saloon may allow dogs to enter the stand-alone bar, tavern or saloon.



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2. *An agency or political subdivision of this State, including, without limitation, the health authority or any county, city, local government or other political subdivision or agency thereof, shall not adopt any law, regulation or ordinance that is inconsistent or conflicts with the provisions of subsection 1.*

3. *As used in this section:*

(a) *"Incidental food service or sales" means the service of prepackaged food items, including, without limitation, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.*

(b) *"Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.*

(c) *"Stand-alone bar, tavern or saloon" means an establishment:*

(1) *Devoted primarily to the sale of alcoholic beverages to be consumed on the premises of the establishment;*

(2) *In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment; and*

(3) *That:*

(I) *Is housed in a physically independent building or an enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport; and*

(II) *Does not share a common entryway or indoor area with a restaurant.*

Sec. 2. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, *and section 1 of this act*, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

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

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or



1 gambling game or device permitted by law, outside of an
2 incorporated city. The county license boards may fix, impose and
3 collect license taxes for revenue or for regulation, or for both
4 revenue and regulation, on such employment and businesses.

5 3. A board of county commissioners shall not require that a
6 person who is licensed as a contractor pursuant to chapter 624 of
7 NRS obtain more than one license to engage in the business of
8 contracting or pay more than one license tax related to engaging in
9 the business of contracting, regardless of the number of
10 classifications or subclassifications of licensing for which the person
11 is licensed pursuant to chapter 624 of NRS.

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

16 (a) Holds a license, certificate, registration, permit or similar
17 type of authorization issued by a regulatory body as defined in NRS
18 622.060 or who is regulated pursuant to the Nevada Supreme Court
19 Rules; and

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

22 5. The county license board shall provide upon request an
23 application for a state business license pursuant to chapter 76 of
24 NRS. No license to engage in any type of business may be granted
25 unless the applicant for the license:

26 (a) Signs an affidavit affirming that the business has complied
27 with the provisions of chapter 76 of NRS; or

28 (b) Provides to the county license board the entity number of the
29 applicant assigned by the Secretary of State which the county may
30 use to validate that the applicant is currently in good standing with
31 the State and has complied with the provisions of chapter 76 of
32 NRS.

33 6. No license to engage in business as a seller of tangible
34 personal property may be granted unless the applicant for the
35 license:

36 (a) Presents written evidence that:

37 (1) The Department of Taxation has issued or will issue a
38 permit for this activity, and this evidence clearly identifies the
39 business by name; or

40 (2) Another regulatory agency of the State has issued or will
41 issue a license required for this activity; or

42 (b) Provides to the county license board the entity number of the
43 applicant assigned by the Secretary of State which the county may
44 use to validate that the applicant is currently in good standing with
45 the State and has complied with the provisions of paragraph (a).



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7. Any license tax levied for the purposes of NRS 244.3358 or 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 has the same priority as a lien for general taxes. The lien must be enforced:

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

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification;

and

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

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

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 3. NRS 244.350 is hereby amended to read as follows:

244.350 1. The board of county commissioners and, in a county whose population is less than 700,000, the sheriff of that



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1 county, constitute a liquor board. The liquor board may, without
2 further compensation, grant or refuse liquor licenses, and revoke
3 those licenses whenever there is, in the judgment of a majority of
4 the board, sufficient reason for revocation. The board shall elect a
5 chair from among its members.

6 2. Except as otherwise provided in this section **H** *and section*
7 *1 of this act*, the liquor board in each of the several counties shall
8 enact ordinances:

9 (a) Regulating the sale of intoxicating liquors in their respective
10 counties.

11 (b) Fixing the hours of each day during which liquor may be
12 sold or disposed of.

13 (c) Prescribing the conditions under which liquor may be sold or
14 disposed of.

15 (d) Prohibiting the employment or service of minors in the sale
16 or disposition of liquor.

17 (e) Prohibiting the sale or disposition of liquor in places where,
18 in the judgment of the board, the sale or disposition may tend to
19 create or constitute a public nuisance, or where by the sale or
20 disposition of liquor a disorderly house or place is maintained.

21 3. In a county whose population is 700,000 or more, the liquor
22 board shall refer any petition for a liquor license to the metropolitan
23 police department. The department shall conduct an investigation
24 relating to the petition and report its findings to the liquor board at
25 the next regular meeting of the board.

26 4. All liquor dealers within any incorporated city are exempt
27 from the effect of this section, and are to be regulated only by the
28 government of that city.

29 5. The liquor board may deny or refuse to renew the license of
30 a person who has willfully violated the provisions of NRS 369.630
31 more than three times in any 24-month period.

32 6. The liquor board shall not deny a license to a person solely
33 because the person is not a citizen of the United States.

34 7. The Legislative Counsel Bureau is exempt from the
35 provisions of this section with respect to the purchase and sale of
36 souvenir wine pursuant to NRS 218F.430.

37 **Sec. 4.** NRS 266.355 is hereby amended to read as follows:

38 266.355 1. Except as otherwise provided in subsections 3, 4
39 and 5, the city council may:

40 (a) Except as otherwise provided in NRS 268.0881 to 268.0888,
41 inclusive, 598D.150 and 640C.100, *and section 1 of this act*,
42 regulate all businesses, trades and professions.

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



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

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

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

Sec. 5. NRS 268.090 is hereby amended to read as follows:

268.090 1. In addition to any authority or power now provided by the charter of any incorporated city in this State, whether incorporated by general or special act, or otherwise, except as otherwise provided in this section ~~H~~ *and section 1 of this act*, there is hereby granted to each of the cities incorporated under any law of this State the power and authority to fix, impose and collect a license tax on, and regulate the sale of, beer, wines or other beverages now or hereafter authorized to be sold by act of Congress.

2. An incorporated city may deny or refuse to renew the license of a person who has willfully violated the provisions of NRS 369.630 more than three times in any 24-month period.

3. An incorporated city shall not deny a license to a person solely because the person is not a citizen of the United States.

4. The Legislative Counsel Bureau is exempt from the provisions of this section with respect to the purchase and sale of souvenir wine pursuant to NRS 218F.430.

Sec. 6. 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, *and section 1 of this act*, 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



1 valorem taxes on real and personal property. The town board or
2 other governing body of the unincorporated town may delegate the
3 power to enforce such liens to the county fair and recreation board.

4 4. The governing body or the county fair and recreation board
5 may agree with the Department of Taxation for the continuing
6 exchange of information concerning taxpayers.

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

11 (a) Holds a license, certificate, registration, permit or similar
12 type of authorization issued by a regulatory body as defined in NRS
13 622.060, or who is regulated pursuant to the Nevada Supreme Court
14 Rules; and

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

17 **Sec. 7.** NRS 269.175 is hereby amended to read as follows:

18 269.175 Except as otherwise provided in NRS 576.128, *and*
19 *section 1 of this act*, the boards of county commissioners may in
20 any unincorporated town in their respective counties license, tax,
21 regulate, prohibit and suppress all tippling houses, dramshops,
22 public card tables, raffles, hawkers, peddlers, pawnbrokers,
23 gambling houses, disorderly houses and houses of ill fame.

