

**MINUTES OF THE  
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Eighth Session  
February 16, 2015**

The Senate Committee on Government Affairs was called to order by Chair Pete Goicoechea at 1:31 p.m. on Monday, February 16, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Pete Goicoechea, Chair  
Senator Joe P. Hardy, Vice Chair  
Senator Mark Lipparelli  
Senator David R. Parks  
Senator Kelvin Atkinson

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Darlene Velicki, Committee Secretary

**OTHERS PRESENT:**

Beverlee McGrath, Nevada Humane Society; Society for the Prevention of Cruelty to Animals of Northern Nevada; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; Fallon Animal Welfare Group; Hidden Valley Horse Rescue; Compassion Charity for Animals, Las Vegas  
Margaret Flint, Canine Rehabilitation Center and Sanctuary; Nevadans for Responsible Wildlife Management

Bob Sack, Division Director, Environmental Health Services, Washoe County Health District

Dan Musgrove, Southern Nevada Health District

Joe Pollock, Program Manager, Environmental Health Section, Rural and Community Health Services, Division of Public and Behavioral Health, Department of Health and Human Services

Jim Maniaci, President, Laughlin Economic Development Corporation

John Fudenberg, Clark County

Jennifer Lazovich, Olympia Development Corporation; Focus Urban Development Corporation; Pardee Homes of Nevada

**Chair Goicoechea:**

I will open the hearing with Senate Bill (S.B.) 105.

**SENATE BILL 105:** Authorizes the owners or operators of certain establishments to allow dogs to enter such establishments. (BDR 40-88)

**Senator James A. Settelmeyer (Senatorial District No. 17):**

I represent Virginia City, Storey County. The issue to allow dogs in bars and stand-alone taverns was brought to me by a constituent. It is common practice to bring animals into establishments in Virginia City. If a disagreement occurs about the practice, the health department is called. In Virginia City, it may be extremely hot and or cold outside. Patrons prefer to bring animals in from their vehicles rather than tie them up outside the establishment. Service animals are allowed inside all establishments. Patrons abuse this permission. They are able to purchase dog vests on eBay or obtain a doctor's note to make it appear as though their pets are service animals. Fundamentally, it is a question of a property right. There are businesses that want to create a niche market by allowing this. Why not allow them to do so?

This would apply only to stand-alone bars. I have a proposed amendment ([Exhibit C](#)) which guarantees that the animals must have their own entrances. There still is a concern regarding the health issue. Since dogs are already in these establishments, more dogs would be no difference. I refer you to a Website called BringFido.com. Establishments in New York, California, Washington State and North Carolina advertise that patrons may bring "man's best friend" with them. I am amenable to amendments or suggestions to allow the bill to pass more easily.

**Chair Goicoechea:**

One of your constituents in Virginia City suggested making an area available to keep dogs. Open-air patios could be considered. The major issue would be health, and I expect there will be testimony to that effect.

**Beverlee McGrath (Nevada Humane Society; Society for the Prevention of Cruelty to Animals of Northern Nevada; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; Fallon Animal Welfare Group; Hidden Valley Horse Rescue; Compassion Charity for Animals, Las Vegas):**

We strongly support this bill given the groups I represent.

**Margaret Flint (Canine Rehabilitation Center and Sanctuary; Nevadans for Responsible Wildlife Management):**

We strongly support this bill. The Wild River Grille in Reno does allow dogs in their outdoor area. When weather allows, patrons are allowed to bring their dogs on specified nights as well.

**Bob Sack (Division Director, Environmental Health Services, Health District, Washoe County):**

We are opposed to the bill. Allowing dogs in any food establishment, including bars, is not good public health policy. There is too much of a chance for hair and bodily fluids to crosscontaminate food preparation areas. As the bill reads, dogs would be allowed in bars that have food service. From a sanitation standpoint, this is not a good practice. Washoe County has a policy to allow dogs in outdoor seating areas of food establishments. Only a couple of establishments are allowing this practice. We control how they access that outdoor area. We do not want dogs inside to risk contamination of clean dishes and all else. Federal law does allow service dogs in food establishments. Service dogs, however, are extremely well-behaved. A true service animal knows his or her job, stays with the owner and does not run around the establishment. The risk of crosscontamination is much lower with a service dog than with an untrained animal.

**Senator Hardy:**

Speaking as a former meter reader, one of the only dogs that bit me was one that "didn't bite." Since other people come into the bar who the dog does not

know, what are the public health issues regarding dogs that bite? Have there been any studies regarding this issue?

**Mr. Sack:**

Since we do not allow dogs in bars and eating establishments, we have not done any studies about the issue, but this would certainly be a concern.

**Chair Goicoechea:**

In Washoe County, dogs are permitted in outdoor areas. Perhaps there could be a room inside for dogs to get out of the cold. Regarding hair and bodily fluids, the owner of the dog had the dog with him in the car, and then he himself comes into the bar. Would a room that segregated dogs be permissible?

**Mr. Sack:**

It would have to be an area clearly defined outside the food establishment. We would have to evaluate its isolation.

**Senator Hardy:**

I am concerned about the amendment that specifies its "own entryway." Entries are at a premium in Virginia City. Many places do not have two entryways that would qualify for this.

**Mr. Sack:**

From our perspective, the entryway is not the issue but rather that dogs are there in the first place. We would not support that type of amendment.

**Senator Hardy:**

You would like to close the entryways?

**Mr. Sack:**

The present entryways need to remain.

**Dan Musgrove (Southern Nevada Health District):**

In southern Nevada, we have freestanding bars, for instance, in Planet Hollywood. A patron must transit other businesses enroute to that bar. Therefore, the entry is immaterial. The point being the dog is located inside the food establishment. The bar may not even serve food, but the same health requirements apply. Bars must have clean preparatory surfaces in order to serve the public. Our concern is for the health and safety of all customers. It would be

difficult to address a separate room in statute. We would have to address each situation individually. An outdoor area would have to be specified, and wait staff would have to be trained to eliminate the possibility of crosscontamination. We stand firm. We should not allow dogs inside.

**Joe Pollock (Program Manager, Environmental Health Section, Rural and Community Health Services, Division of Public and Behavioral Health, Department of Health and Human Services):**

We agree with the comments made by Mr. Sack and Mr. Musgrove. We recognize that some states allow dogs in outdoor dining areas, but this is allowed with restrictions. Our staff would be happy to work with the bill sponsor to define outdoor areas where dogs would be welcomed.

**Senator Settlemeyer:**

Several amendments have been proposed. I will look at whatever makes sense. It was suggested that the bill be limited to communities on the Nevada State Register of Historic Places. That would greatly limit the bill's effect. I would like to see the studies concerning the number of dogs in outdoor patios that have bitten people.

**Chair Goicoechea:**

We received email testimony from Karen Woodmansee in Virginia City supporting this bill ([Exhibit D](#)). We will now consider S.B. 115.

**SENATE BILL 115:** Revises provisions relating to certain town advisory boards.  
(BDR 21-241)

**Senator Joe P. Hardy (Senatorial District No. 12):**

This bill applies to a board of county commissioners of a county over 700,000 and beyond a city of 500,000. This narrows it to Clark County and the City of Las Vegas. It would allow the registered voters of incorporated towns to elect their own town advisory boards. Heretofore it has been under the purview of the County Commission to appoint members to the board seats. Under this bill, if there were not enough people who would run in an election, then the County Commissioners would be able to appoint them. It would be a simple process. This seat would be added to the ballot of a regular election, so it would not cost more. Our feeling in Nevada is that representation closest to the people, chosen by the people and answerable to the people is a wise thing. With that in mind,

we will report on the petition circulated in Las Vegas, which reinforces that feeling.

**Senator Lipparelli:**

Explain the 25-mile distance noted in section 1, subsection 7 of S.B. 115.

**Senator Hardy:**

My district is, and has been, the home of most of the town advisory boards. For example, Bunkerville, Moapa and Glendale are affected. I do not presently represent these towns, but I have in the past. Laughlin is 90 miles or 120 minutes away; Mesquite is 90 minutes away; Logandale/Overton is 80 minutes away from Las Vegas. Those towns qualify, as opposed to the ones in the downtown area of Las Vegas.

**Senator Atkinson:**

Explain section 1, subsection 7, lines 13 through 15: "... members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners." Do I understand that the Board has nothing to do with them?

**Senator Hardy:**

You are correct.

**Chair Goicoechea:**

To summarize, if you are beyond 25 miles of an incorporated city, you may hold an election. If you do not have enough people to stand for your election, then the Board of County Commissioners shall appoint the new members. Even though the Commissioners appointed those new members, they would serve for unexpired terms and do not serve at the pleasure of the Commissioners. Once a person was appointed, even though he or she was not elected, he or she may not be removed.

**Senator Hardy:**

That is the way the bill reads; however, I would accept a friendly amendment if you so suggest.

**Chair Goicoechea:**

I think it is fine as technically written. It says that once you are appointed, you are there for the term. In a number of town advisory board elections, no one

chooses to stand. In this case, the elected Commissioners would appoint board members. Then the members are there for the term.

**Senator Parks:**

I worked in the Clark County Manager's Office for several years and dealt with both advisory boards and unincorporated town boards. In the rural communities, I noted their interest was in more self-determination. This is always good.

**Jim Maniaci (President, Laughlin Economic Development Corporation):**

I would like to offer reasons why the town boards in rural Clark County should be elected by the residents. First, I have a short letter from Cheryl Crow, a long-time Laughlin resident and former Laughlin Town Advisory Board member. She is also on the Board of Directors of the Laughlin Economic Development Corporation (LEDC). She states:

We started the straw poll elections here in Laughlin because there was no other option for local representation. It was totally supported by Bruce Woodbury, who served as a County Commissioner in office longer than any other elected official in Nevada. As a result, we had several years of great communication between the community, the town manager's office and the Advisory Board. Now we have the opportunity to have a state law protecting this right again. We certainly hope, and would expect, that you would understand the need for the passage of this bill.  
Thank you.  
Cheryl Crow

While this law would affect many townships in Clark County, I would like to speak about the largest rural township in the County, Laughlin, where I have lived since 2007. The underlying reason that townships should elect their town boards is that local representation in local governments is a basic American right, guaranteed in the U.S. and Nevada Constitutions. Granting us that right in law will lay the foundation for future growth and improve the quality of life in Laughlin. This is the mission of the LEDC. This bill will not change the fact that we are governed by the Clark County Board of Commissioners. Town boards are established to advise Commissioners about local community issues, needs and attitudes. The Clark County Commission is located nearly 100 miles away in Laughlin's case. A town board, appointed by Commissioners, may well not represent the sentiment of the local community, while a town board elected by

the residents is much more likely to convey information to the Commissioners that is truly representative of the community.

In defense of the existing procedure, some have said that town boards are the eyes and ears of the commissioners and, therefore, should be appointed by the Commissioners. The eyes-and-ears premise is valid, but the means is not. How can the County keep its finger on the pulse of the community, almost 100 miles away in our case, when eyes and ears are not representing the residents by local election? The Board members were appointed by the Clark County Commissioners based on some other criteria. Appointees are beholden to their appointers; elected officials are beholden to the voters who put them in place. Those officials will better represent the interests of the resident voters. Elected Laughlin Town Advisory Board members will give us the voice in local affairs that we lack.

The boards of Laughlin, Searchlight, Bunkerville and Moapa Valley and those in the western area of the County, about 50,000 residents, are all appointed by the County Commissioners. These seats are filled by a body located in urban Las Vegas with 2 million people. Laughlin is famous for its high turnout of registered voters in elections. This is one proof that Laughlin residents want to be involved deeply in decision-making regarding their future when given a choice. This is underlined by the fact that a petition I carried was signed by 24 of the 25 persons to whom it was offered, a 96 percent approval rate. The only reasonable conclusion is to give the township residents of rural Clark County the right to elect their own town boards. This is the right thing to do. The 78th Legislative Session is the right time to do it. This is the only clear way the Commissioners can truly understand issues, needs and attitudes of local residents. Town boards will be their local eyes and ears. The LEDC asks you to pass this bill.

**Chair Goicoechea:**

I would ask our Legal Counsel whether there are technically two entities: a town board and a town advisory board. Though this only applies to Clark County, I am concerned that some towns like Jean or Primm, which may or may not have town advisory boards, would be required to have town members stand for election. Perhaps many communities in Clark County may not function today with a town advisory board.



**Senator Hardy:**

The towns in my district have town advisory boards, but I am not sure if other towns qualify for them. The key word is “advisory.” The boards do not have the power to tell the County Commission what to do or what not to do. They only may give advice, which may be accepted or not. This is aimed at listening to those who are close to—and answer to—the people.

**Chair Goicoechea:**

I agree with you. You could end up with 10 or 15 town advisory boards on the ballot. What determines the right to have a town advisory board?

**Senator Hardy:**

Section 1, subsection 7, states that:

If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more: The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If there are fewer qualified electors who are residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

It is still up to the County as to the composition of the town advisory board.

**Chair Goicoechea:**

I want to determine what qualifies you to be an unincorporated town in Clark County.

**Heidi Chlarson (Counsel):**

There is a specific set of provisions of law referred to as the Unincorporated Town Government Law. The provisions apply to each unincorporated town in a county having a population of 100,000 or more. It also would apply to each unincorporated town in any other county that does not have a population of 100,000 or more, upon the passage of an ordinance by the county

commissioners adopting this law. Towns in Washoe County, for instance, could also have what is referred to as town advisory board.

It is also possible that other counties may have passed an ordinance adopting the Unincorporated Town Government Law. Staff would have to research what, if any, other counties have adopted this law. The provisions of this bill only apply to Clark County, but in any other county to which the Unincorporated Town Government Law applies, there would also be town advisory boards. All other towns have what is referred to as town boards or citizens advisory councils. There are names for the different governing bodies depending on the type of town. Staff would be happy to determine what, if any, towns in or outside of Clark County have town advisory boards.

**Chair Goicoechea:**

This pertains clearly to only Clark County; however, the mechanism would be in place. My concern is that any, even a small community, may have an elected town advisory board.

**Senator Hardy:**

My understanding of the bill is that the county must pass an ordinance creating the town advisory board. The county has the keys, not the State. The County may do as it wishes with respect to the Town Advisory Board.

**Senator Atkinson:**

Does this affect towns that already have these boards in place?

**Senator Hardy:**

It does not affect them at all.

**Chair Goicoechea:**

Some small communities more than 25 miles out do not have a town advisory board now. They would be affected by this bill. Are you saying that the county would have to create an ordinance specifically for each municipality?

**Senator Hardy:**

That is correct.

**Chair Goicoechea:**

If that is how it works, I am satisfied.

**Senator Parks:**

Clark County is only affected by provisions above NRS 269.500. Communities such as Pahrump, which has a town board, are governed by provisions below NRS 269.500. Many years ago when taxing districts were created within the counties, a provision was added that required the establishment of town advisory boards for unincorporated towns to provide input to the board of county commissioners. There are not many of these taxing districts, roughly 17, which include Winchester, Paradise, Whitney, Sunrise Manor and Spring Valley. Many parts of Clark County are not in unincorporated towns. In that case, the County has created citizen advisory councils that function in the same way as an unincorporated town advisory board. Communities like Primm and Sandy Valley, while they have advisory boards, do not have town tax rates. Without tax rates, they fall under the advisory council provision as opposed to an unincorporated town board.

**John Fudenberg (Clark County):**

Clark County opposes this bill. For decades the Clark County Commission, has had the ability to make the decision whether these boards should be appointed or elected. The Commissioners appoint representatives to act as a direct conduit between the Commission and the community. These boards are advisory in nature. They have no authority to make decisions.

The new process may reduce the already limited number of candidates to serve on these boards. Some have been concerned that board members may not live in these communities. We have historically conducted straw polls to enlist members from the respective communities to serve on these boards, so we believe that this concern is not well-founded.

We are worried that candidates for town advisory boards would have to pay filing fees and campaign expenses to be elected. Candidates would have to comply with all campaign contribution and expenditure requirements like other elected officials. We are not sure that members of the communities would be willing to do these things. This would limit our ability to fill these positions. Clark County does not believe that the provisions of S.B. 115 are in the best interests of the citizens of our County. The County Commission and the appointed town advisory boards have worked well together on behalf of the

citizens of the unincorporated portions of Clark County. We see no reason to change the system.

**Senator Atkinson:**

Has anyone brought forward problems with the appointment selection process before the County Commissioners? There could be unintended consequences when you make the process stricter and are unable to fill these positions.

**Mr. Fudenberg:**

I am not aware that community members have brought any issues before the County Commissioners. I will certainly confirm this.

**Senator Lipparelli:**

Section 1, subsection 7 preserves the appointing authority of the Commission. Does that satisfy your concerns regarding persons who may not be willing to run?

**Mr. Fudenberg:**

Does that section only reference the condition whereby they are not able to elect the number of board members? If so, it may alleviate the concern of being unable to fill the positions. The concern remains with the elections themselves as the required mechanism. We would much rather appoint members, because they would speak to the issues of the specific Commissioner of that area.

**Chair Goicoechea:**

I know of a rural jurisdiction with an ordinance that provided for an elected town advisory board. Typically, no one filed. I expect that the commissioners will repeal the ordinance that created the town advisory board and the tax rate. The board of county commissioners was tired of appointing the members; no one wanted to run, so there was no reason to have the town advisory board. I support giving small communities the power to elect their representatives. I also understand that the commissioners are still having to appoint the members. The real downside is the fact that people in these jurisdictions do not want to be involved and do not want to pay the \$100 to be elected to a seat that may not even pay a stipend. On the flip side, they would have to do all the reporting.

First and foremost, communities should be able to elect their representatives, although I understand the Commissioners would prefer to appoint. In most cases in the north, counties under 100,000 population would like to have

people stand for election. The Commissioners tire of appointing the same person who does not show up.

**Jennifer Lazovich (Olympia Development Corporation, Focus Urban Development Corporation, Pardee Homes of Nevada):**

I represent Olympia Development Corporation, the developer of Southern Highlands in southern Nevada, and Pardee Homes, the developer of multiple residential communities, also in southern Nevada. I originally signed in as opposed. I would like to explain. During the testimony, it was indicated that this bill would not apply to the urban town boards: Paradise Town Board, Enterprise Town Board and Spring Valley Town Board. Since this bill does not apply to those towns, then I withdraw my opposition.

**Chair Goicoechea:**

Do those communities have appointed board members who do not stand for election?

**Ms. Lazovich:**

Yes, they are completely appointed. Many of those board members have been appointed many times and bring a depth of experience with them to the table. I do not appear before any town boards with any vacancies. They always have good participation. Board members listen to both sides and make recommendations to move forward. We would support the current system as it stands in the urban areas.

**Chair Goicoechea:**

Since the board members are appointed, they are not affected by term limits.

**Ms. Lazovich:**

Correct.

**Senator Hardy:**

When I was on the City Council, it took me 2 hours to go shopping at the grocery store. People appreciate access. They want to speak to someone close to home. They do not want top-down communication. My rural constituents have the best voting record; they participate in the community. This bill is about the opportunity to have the right to vote. This bill gives the people the right to vote for the people who will represent them. They want to speak directly to them so their issues will be brought forward.

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**Chair Goicoechea:**

We will close the discussion on S.B. 115.

SENATOR LIPPARELLI MOVED TO INITIATE NINE COMMITTEE BILL  
DRAFT REQUESTS.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Goicoechea:**

The meeting is adjourned at 2:31 p.m.

RESPECTFULLY SUBMITTED:

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Darlene Velicki,  
Committee Secretary

APPROVED BY:

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Senator Pete Goicoechea, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 105	C	7	Senator James A. Settlemeyer	Proposed Amendment
S.B. 105	D	2	Karen Woodmansee	Letter of support