

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

**Eighty-second Session
March 1, 2023**

The Senate Committee on Government Affairs was called to order by Chair Edgar Flores at 3:31 p.m. on Wednesday, March 1, 2023, in Room 2149 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 Edgar Flores, Chair
Senator James Ohrenschall, Vice Chair
Senator Skip Daly
Senator Pete Goicoechea
Senator Lisa Krasner

GUEST LEGISLATORS PRESENT:

Senator Fabian Doñate (Senatorial District No. 10)

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Spencer Jones, Committee Secretary

OTHERS PRESENT:

Robert Purdy, Fellow, Nevada Latino Legislative Caucus
Jose Rivera, Make the Road Nevada
Antonio Ramirez, Make the Road Nevada
Ronald Najarro, Americans for Prosperity
Maggie Salas Crespo, Deputy Secretary for Southern Nevada, Office of the
Secretary of State
Derek Washington, Stonewall Democratic Club of Southern Nevada
Wiselet Rouzard, Americans for Prosperity Nevada
Rico Ocampo, Make the Road Nevada

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Omar Nemoga, Make the Road Nevada
Eddie Diaz, The LIBRE Initiative
Ariana Valenzuela, The LIBRE Initiative
Randal Jefferson, Americans for Prosperity
Marco Rauda, Green Our Planet
Carla Sanchez
William Graham Carter, American Truth Alliance
Mauricio Garcia Lopez, Make the Road Nevada
Randy Carodine, Americans for Prosperity
Montserrat Perdomo, The LIBRE Initiative
Victor Mucias, The LIBRE Initiative
Aaron Ibarra
Amari Deudmen-Ybarra, Americans for Prosperity
Gabriela Escudero, The LIBRE Initiative
PJ Belanger, Americans for Prosperity
Chris Ries, Las Vegas Metropolitan Police Department
Joanna Jacob, Clark County
Mike Cathcart, City of Henderson
Leonardo Benavides, City of North Las Vegas
Nic Ciccone, City of Reno
Kelly Crompton, City of Las Vegas
Warren Hardy, Urban Consortium
Paul Moradkhan, Vegas Chamber
Lindsay Knox, Nevada Restaurant Association
Bradley Mayer, Southern Nevada Health District
Cadence Matijevich, Washoe County
Joelle Gutman-Dodson, Washoe County Health District
Cyrus Hojjaty
Vinson Guthreau, Executive Director, Nevada Association of Counties
Stephen Wood, Carson City
Mary Walker, Douglas County; Lyon County; Storey County
David Cherry, City of Henderson
Daniel Rothberg, President, Nevada Press Association
Clayton Mitchell, Vice Chair, Storey County Board of Commissioners
Austin Osborne, County Manager, Storey County
Andrew Haskin, County Manager, Lyon County
Wes Henderson, Vice Chair, Lyon County Board of Commissioners
Helen Foley, Storey County
Will Adler, Storey County

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Danny Thompson, Tahoe-Reno Industrial Center
Ernest Adler, Pyramid Lake Paiute Tribe
Patrick Cates, County Manager, Douglas County
Shari Whalen, District Manager, TRI General Improvement District

CHAIR FLORES:

The Senate Committee on Government Affairs will come to order and open the hearing on Senate Bill (S.B.) 92.

SENATE BILL 92: Revises provisions relating to sidewalk vendors. (BDR 20-53)

SENATOR FABIAN DOÑATE (Senatorial District No. 10):

It is important to share my personal story that inspired S.B. 92. During the last primary election, my family members helped knock on doors for the campaign. While my mom and I were doing this, she shared with me she had a preexisting phobia of knocking on doors. The reasoning was that at an earlier age, my grandmother and my mom would go door to door selling tamales to make ends meet.

Stories like this showcase the spirit of entrepreneurship and the ethic of our hardworking immigrants. When we are not afforded the luxury of getting a job, we roll up our sleeves and find new means of generating an income to support our families. That is the story of the American dream. We will showcase some of the problems that have persisted for this population. These are the lessons learned from the current state of street vending, and my strategy to legitimize street vending is providing a regulatory framework, giving street vendors the opportunity to operate in compliance as a small business. We will discuss the limitations of our regulations and how my proposed amendment will fix many of the issues with the bill.

ROBERT PURDY (Fellow, Nevada Latino Legislative Caucus):

Senate Bill 92 is an act that relates to street food vending, referred to in this bill as sidewalk vending. It requires sidewalk vendors to obtain a vendor license and requires the local board of health to adopt certain regulations. Additionally, S.B. 92 requires the establishment of a task force on safe sidewalk vending. Street vendors in Nevada have increased across the State, and it is one of the fastest growing states in America. Street vendors are substantially made up of people from Latino and immigrant backgrounds, a trend common in many states.

Every county and city has different regulations and definitions for vendors, which can cause confusion for people who are simply trying to operate a business. The governing body of a county or city has all powers necessary and proper to address matters of local concern, including sidewalk vending, as laid out in *Nevada Revised Statutes* (NRS) 244.146. Local boards of health are authorized to adopt regulations relating to food establishments, including sidewalk vending. Since only the county or city govern sidewalk vending, street vendors have not been given proper support to comply with food and licensing regulations. For example, since every county and city has different regulations and definitions for vendors, it is difficult for vendors to comply with food and licensing regulations demanded by the State and various municipalities. To legitimize street vendors, we need to recognize that safe sidewalk vending is primarily an economic issue.

Several other states are regulating sidewalk vendors and allowing them to legally operate in growing metropolitan areas. California sidewalk vendors cannot legally obtain permits to operate, so the state passed Senate Bill 972 which decriminalizes the act of operating a mobile food cart without a license and creates more streamlined approaches to help sidewalk vendors obtain business licenses and health permits. New York City, known for its famous street food culture, had ongoing issues with licensing. So the New York City Council created the Street Vendor Advisory Board in 2021 with members from health regulatory agencies, law enforcement and business groups. This advisory board, similar to the one created by S.B. 92, provides recommendations on laws and regulations pertaining to sidewalk vendors. Arizona, Utah and Florida have all passed similar legislation that seeks to reform regulations for food vendors as well.

As Nevada becomes a more popular destination, it is important to maintain public safety near gaming properties while allowing vendors a legal and reasonable way to operate in a residential area and provide vendors easier access to licensure acquisition. We want to make sure these people are allowed to operate their businesses with minimal but reasonable regulations and have access to proper permitting requirements.

The other part of S.B. 92 is to create a task force on safe sidewalk vending in the Office of the Secretary of State to review and reform existing laws and regulations, address the needs of sidewalk vendors and mobile units, collaborate with local jurisdictions, businesses and law enforcement to ensure the safety of

vendors and preserve public health in the community. Regulations for vendors must be reformed. Street vendors are a net positive and support of the spirit of entrepreneurship that makes Nevada such a great state. Regulations for sidewalk vendors are necessary because consumers will have assurances that health, labor and safety standards are followed, whereas sidewalk vendors will have the opportunity to operate in compliance as a small business.

JOSE RIVERA (Make the Road Nevada):

I support S.B. 92 which seeks to make vendor license accessible and stop the criminalization of street vendors. Legalizing street vending through S.B. 92 would bring significant benefits to everyone involved: consumers will have regulations that protect their health and street vendors will have the opportunity to earn a decent living. Legalizing street vending also provides entrepreneurs with a low-cost way to enter the marketplace, creating economic opportunities for those who may not have the resources to start a brick-and-mortar business. California's Senate Bill 946, which established the Safe Sidewalk Vending Act, resulted in a significant increase in street vendors and created new businesses. By following their example, Nevada can realize similar benefits.

I met with 50 to 60 street vendors in the past few weeks. Many of them are afraid of being constantly harassed by authorities. I have spoken to vendors concerned about Southern Nevada Health District (SNHD) spying on them or trying to sock them. This could be prevented if we had a bill or law that would legalize street vending.

Our vendors are in support of licenses, the only issue is making them accessible for vendors so they can provide some type of income for their families. Additionally, S.B. 92 recognizes the fundamental rights of street vendors to earn a living and contribute to their communities. Many street vendors are immigrants or people from marginalized communities who rely on this form of income to support themselves and their families. Legalizing street vending not only protects their livelihoods, but also reduces the risk of fines, arrest and deportation.

Furthermore, street vendors often provide unique and culturally relevant products and services not found in traditional retail settings. By supporting S.B. 92, Nevada can promote entrepreneurship and cultural diversity, leading to positive social and economic outcomes. By legalizing street vending, we not only remove the unjust criminalization of a historic and vital practice in

immigrant communities, but also promote economic and cultural diversity that strengthens our neighborhoods. This bill is not just about street vending but about recognizing and affirming the importance of immigrant entrepreneurship, cultural expression and economic opportunity.

SENATOR DOÑATE:

At this time, I will refer the Committee members to the proposed amendment ([Exhibit C](#)) before we go into the questions. It is a work in progress, and we will continue negotiations with our community stakeholders and businesses throughout the State to reach an agreement.

We were asked to clarify what “unduly restrictive” versus “restrictive” regulations might entail under my interpretation. I believe that common sense can be used in section 6 of the proposed amendment. To me, unduly restrictive would be an ordinance passed by city council that would only allow street food vendors to operate in the park between the hours of 4 p.m. to 5 p.m. every other Tuesday. That is unreasonable and we can all agree on that.

There is broad community support for this proposal. Street food vendors are working class people. They do not have the opportunity to hire lobbyists or pay for their advocacy. They are everyday individuals who seek to provide for their families and earn an honest income, just like anyone else.

SENATOR GOICOECHEA:

I see a requirement that you at least have a Nevada business license, and local government can impose licensure. I do not see anything about collecting taxes. If you go to a fast-food joint, there is sales tax involved. Are we waiving sales tax? How are you going to address that?

SENATOR DOÑATE:

We are not changing any of the requirements to start or operate a business and pay taxes. Street food vendors often do not have the income to apply for a business license or there are other barriers to applying for a license. Right now, [S.B. 92](#) only focuses on Washoe and Clark Counties. There are parts of town in Las Vegas where street vendors could cross the street and find themselves in unincorporated Clark County, the City of North Las Vegas or the City of Las Vegas. That can become confusing as to which licenses apply to them. In northern Nevada, you might have someone who is in the City of Sparks, then goes to the City of Reno and maybe wants to come to Carson City because it is

all in close proximity. The goal of the task force the bill would create is establishing uniformity for the vendors that find themselves in these situations and reducing the barriers to apply for licenses, so that street vendors can be in compliance. It is an issue with food trucks as well.

SENATOR GOICOECHEA:

You mentioned food trucks, but they are highly regulated, or can be, even to the extent they must have a restroom. I am sure we do not want to get that deep.

SENATOR DOÑATE:

Correct, restroom regulations are not part of this bill. That is not something that is in this proposal right now. We are only making sure that street food vending regulation is uniform. We can look at restroom regulations in future years, but that is not part of the bill.

SENATOR OHRENSCHALL:

You talked about uniformity of regulations. Do you think that such uniformity could lead to more openness, in terms of the sidewalk vendors working with health officials and authorities, and greater protections for the public compared to the checkerboard of different ordinances we currently have?

SENATOR DOÑATE:

Absolutely. That is part of the sentiment that we have heard from street food vendors. After having that experience with my mother, I went on a tour to see things from the authorities' side. The Health District officers I was with would approach street food vendors particularly in hot spot areas, and circle around as soon as we identified them. Then we would stop and let the vendors know that they did not have the right permitting and the Health District officers would take the vendor's equipment. Afterward, the Health District officers would give vendors a pamphlet and explain that to get the equipment back, vendors must pay the Health District \$100.

Why do some of these folks keep falling into this circumstance, where they are not able to apply for business licenses or for food permits? We have not done a good job meeting folks where they are. These barriers exist to protect public health. We must educate and do appropriate outreach to make it as easy as possible for street vendors to comply, so we can protect public health.

CHAIR FLORES:

Could you walk the Committee through some of the conversations you have had to reach your proposed amendment to S.B. 92?

SENATOR DOÑATE:

I represent the Las Vegas Strip, where the street food vendors could pose a public safety issue for the ingress and egress of events and preserve and protect some of the businesses already there. We are a tourist destination, and we want to make sure that we are adhering to the high standards that we have. Many of these street food vendors are in residential areas. That is something that we have tried to balance. We want to protect brick-and-mortar restaurants and organizations.

We have worked diligently, not just with the Health District, but with local city jurisdictions and counties to address some of their concerns. We have made amendments to what the task force would entail because, while we have one goal for this bill, the work does not stop there. We must make changes to our food regulations. We must pass ordinances to help pave the way for these people to operate safely. That is the long-term goal for the task force, and we asked the Secretary of State's Office to take this on because it has the authority to look at business licenses.

ANTONIO RAMIREZ (Make the Road Nevada):

One of the areas where we found consensus was setting health standards. We added a three-tiered system and a couple carve-out areas, like the Strip, to protect vendors as well as pedestrians by excluding certain areas, like high-traffic areas and high-pedestrian areas.

SENATOR DOÑATE:

The bill as written includes merchandise, but we have limited the scope to help streamline it to only look at street food vending in the proposed amendment. That was a big ask for our community members because many of them sell flowers or other items. But we felt that the highest priority was street food vending. We were amenable to that, and we will continue to work with stakeholders.

SENATOR KRASNER:

I have some concerns. You mentioned that some of the roaming street vendors were concerned about the Board of Health following them around. But the Board

of Health is there to protect citizens who purchase food from getting foodborne illnesses. How would someone walking on the street who wants to stop and buy food from one of these roaming vendors know if they are certified or not? Are they going to have a tag like restaurants have that says A-rated?

SENATOR DOÑATE:

I believe that to protect public health, if we have limited resources, we should prioritize and create a level of tiers for low public health risk and high public health risk. We want to prioritize our efforts to the higher risk areas. For instance, a restaurant with commercial kitchens can serve more people in one hour than a guy who is selling food on a street corner. The latter is a low public health risk versus a restaurant that can serve more people. We have cases where street vendors' level of sophistication rises and it might not make sense, in terms of public safety, to allow these folks in certain parts of town.

The proposed amendment creates a certification process so the health district can work, collaborate and conduct outreach education with street vendors regarding what they can do to serve customers better. That is not happening; instead, the health district gives vendors a pamphlet and takes their product. It is unfair to everyone involved. Public health workers deserve the infrastructure to address and educate the community on public health, and the street food vendors deserve that education. There is no happy medium on street vendors. You either completely outlaw them or you regulate them. You will never completely outlaw them. We can pass regulations, we can give more funding for health district officers for law enforcement, but we are never going to be able to get rid of them because they are part of our culture. They are part of our community. We should create pathways to legitimize and respect their work and come to an agreement to better serve public health.

SENATOR KRASNER:

I am thinking what if it was me and I wanted to buy some of that food? If I go to a restaurant and see it has an A-rating, I know that they are clean and the kitchen is clean and safe for my family to buy food there. How would I know if food from these roaming street vendors is safe and clean or if it is what they say it is? How do I know it is the type of meat they say it is? I worry about the cleanliness and the health standards. Where do they wash their hands if they are roaming?

SENATOR DOÑATE:

In the proposed amendment, the Health Districts and departments have express authority to create a certificate program under preexisting permitting structures to assist in outreach and educational effort. The task force is going to create an idea of what a grading scale would look like. That will happen within the next few years. And in the meantime, we want to create a lower tier certificate program so that you can identify street vendors if you want to purchase from them. That does not exist right now, either they have the permit or they do not. That public health risk already exists. But in the proposed amendment, we want to create a lower tier that is more accessible to help us keep track of vendors for now, then in the long term we can help them get to the full license or permitting process.

RONALD NAJARRO (Americans for Prosperity):

I support S.B. 92 and have submitted written testimony ([Exhibit D](#)) explaining my reasoning.

MAGGIE SALAS CRESPO (Deputy Secretary for Southern Nevada, Office of the Secretary of State):

On behalf of Secretary of State Francisco V. Aguilar, we support S.B. 92 and the creation of the task force on sidewalk vending within the Office of the Secretary of State. The Secretary of State's Office is the first stop for business registration, and we are committed to that responsibility to the business community, especially for those coming from underserved populations. The Secretary of State understands the vital role that small businesses and entrepreneurs play in Nevada's economy, and the State should be a resource for those seeking to start or legitimize their businesses. This includes giving entrepreneurs access to resources and capital, as opposed to continuously punishing them for pursuing their business goals. Entrepreneurs must start somewhere, and this measure gives sidewalk vendors the opportunity to do so, while allowing the task force to address other issues facing this industry.

As prescribed by S.B. 92, the task force on sidewalk vending would bring interested parties to the table to review existing State and local law related to sidewalk vending and make recommendations to improve these laws, with a focus on removing unnecessary barriers for sidewalk vending while also protecting the public health safety of Nevadans. This bill falls in line with the Secretary's vision to improve processes for the business community and to ensure their success in Nevada. We welcome the decision to house the task

force within our office. We know that entrepreneurship leads to bigger businesses, but with little access to capital and other resources, it is difficult for these businesses to grow. If we want Nevada to be business-friendly, it should be friendly to businesses of all kinds no matter their size. We look forward to working with interested parties on these issues.

DEREK WASHINGTON (Stonewall Democratic Club of Southern Nevada):

I wholeheartedly support S.B. 92. I do have two concerns. Who will have liability if someone does get sick or dies from street vendor food? Will the State take care of that? My main concern is there are a lot of government regulations still in this bill and a lot of these street vendors are illegal immigrants. How will you make sure that applying for licenses will not lead to a direct pipeline to Immigration and Customs Enforcement (ICE) or something like that? These folks should not have their safety taken from them by law enforcement for trying to make a living.

WISELET ROUZARD (Americans for Prosperity Nevada):

I am proud to support this bill. I applaud the efforts of the sponsors for addressing a big problem but more importantly, creating an economic vehicle for Nevadans to access prosperity. In addressing this bill, we saw a lot of regulations. We advocate free market principles, but above all else, we advocate equal opportunity to economic freedom. Senate Bill 92 is one of those bills that takes us a step in the right direction.

The 1862 Homestead Act ensured that we not only expanded our territory but our economic opportunity throughout the State. Individuals that benefited from the Act were in the process of becoming citizens. Supporting this bill protects the American dream and ensures that every Nevadan has work and talent protected. This bill creates opportunities in the right direction, and we will be continuously supporting the bill throughout this endeavor.

RICO OCAMPO (Make the Road Nevada):

I am here today to support S.B. 92, which would legalize and decriminalize street vending in Nevada. I want to share with you the story of a street vendor that I met while doing outreach. This street vendor had been selling in the same spot in North Las Vegas for over three years. He confided that many street vendors were afraid to come out of the shadows for fear of being criminalized. That is the system that we have. It was only after our second meeting with him that he began to open up and share his story. As a Deferred Action for

Childhood Arrivals recipient myself, I understand the fear and uncertainty that comes with revealing one's immigration status. It is a life-changing decision that cannot be undone.

This street vendor and his network face similar challenges. Despite this, they still look out for one another. He mentioned that when one of them is trying to start up a business, others pitch in to help buy the equipment. The street vendor expressed a willingness to collaborate with the SNHD and obtain the necessary permits to operate legally. However, illegal immigrants are unable to obtain the necessary licenses to operate legally, which limits their ability to fully participate in the economy and provide for themselves and their families. It is important to recognize that street vendors are not only business owners, they are also cultural ambassadors who preserve and share their heritage through their cuisine and craft. I urge you to take the opportunity to create a more just and equitable Nevada. By supporting S.B. 92, we can ensure that street vendors have resources they need to thrive and succeed.

OMAR NEMOGA (Make the Road Nevada):

I am originally from Colombia. There is a cultural element to food that brings people together. Through food we are united and we get to know each other better. I want to continue to follow the rules. I want one clear set of rules across the State so that all street vendors understand and play by the same rules.

EDDIE DIAZ (The LIBRE Initiative):

I support of S.B. 92 and have submitted written testimony ([Exhibit E](#)) to explain why.

ARIANA VALENZUELA (The LIBRE Initiative):

My family has owned a restaurant for 26 years, and we are in support S.B. 92. Everybody deserves equal opportunity. Making licenses more accessible will stop criminalization as well as making it safer for others to eat there. We should be making it easier rather than harder for everyone to accomplish their dreams and goals with their small businesses. We are dealing with hard times. This will help our struggling economy. Some people cannot afford food trucks or a restaurant and must start somewhere. Everyone deserves the opportunity to go out and work hard.

RANDAL JEFFERSON (Americans for Prosperity):

As consumers, we want to find faster, cheaper options for food. As a college student, I cannot always afford going to a restaurant, nor will I have the time. Street vendors play a pivotal role in providing an alternative that is economically feasible for college students on a budget. At the same time, I would be able to support someone in my community, which makes me feel good. I am asking you to please support S.B. 92.

MARCO RAUDA (Green Our Planet):

This bill gives us an amazing opportunity to allow people who are coming from other countries, and those in this Country, to be able to continue to make a living for themselves. I do not often find myself in the same place as The LIBRE Initiative and Americans for Prosperity, yet here we are advocating for S.B. 92. I urge the Committee to pass this bill.

CARLA SANCHEZ:

I am in support of S.B. 92. My mother was a street vendor, and I have memories of my siblings and me knocking on doors every day after school. We had to stop due to the constant threats we received. Street vendors should be able to make a living without being criminalized.

WILLIAM GRAHAM CARTER (American Truth Alliance):

The only food poisoning I have heard of through the grapevine is from fancy restaurants. I have never heard of anybody getting food poisoning from a street vendor. I want to share some ideas about thinking outside the box. I lived in Mariposa County, California, for six years. They do not have business licenses, and businesses flourish. Another is perhaps rather than charge people for health classes, you can pay them \$10 to show up and take the health class on sanitation. The government has developed an adversarial attitude toward business, and I would like to see an end to that.

MAURICIO GARCIA LOPEZ (Make the Road Nevada):

I grew up in Las Vegas and have lived here for 20 years. I speak to hundreds of people every week about the issues they care about most. I get them involved in the legislative process. I express strong support for S.B. 92 which would legitimize street vendors. As the son of a former street vendor, I have seen the unfair treatment towards street vendors. When I was seven, the police threw away my parent's fruit. I was confused and scared that they were going to separate my family. My parents sold oranges because it was a means of

survival. Senate Bill 92 would give hardworking people, like my parents, opportunities to start their own businesses and earn their living safely, with the ability to obtain appropriate licenses and certifications. People deserve to live with dignity and respect, regardless of immigration status. I hope S.B. 92 passes so that street vendors are not treated like criminals, the way my parents were.

RANDY CARODINE (Americans for Prosperity):

I support S.B. 92 because I understand that a lot of families are struggling to put food on their tables, gas in their cars and even roofs over their heads. We do not know the financial challenges that these individuals are facing, but I am sure many of us have been through similar situations. These people have found opportunities by selling their product to their communities. If this is how they make ends meet, who are we to reject this economic opportunity? Making a living should not be a crime.

MONSERRAT PERDOMO (The LIBRE Initiative):

I support S.B. 92. When I was younger, my uncle used to be a street vendor. I would go out with him and my cousin to sell corn and remember him saying we cannot go to the park or outside of our streets because he was scared of encountering the authorities. He would come home stressed, worried he would not be able to get enough money to pay for food and rent. He was stressed about everything, and people should not be living like that. Senate Bill 92 would make a lot of people's lives easier.

VICTOR MUCIAS (The LIBRE Initiative):

I support S.B. 92 because I have family members who have migrated to the United States, and seeing how they had to work for us to get an education and have food on our table really made an impact. They feared going outside too much because they did not want encounter ICE or another authority if they went out.

AARON IBARRA:

In many ways, food vending is a cultural act. While food vending may be foreign in the eyes of the law, it has been a part of the culture here in Las Vegas for years. I was born and raised in Las Vegas, and some of my fondest memories have been getting cultural food after my dad's soccer game or helping my nieces at their corner stand. I do not think it is beneficial to continue to vilify something that so many of your constituents hold fondly. It is

important to make food vending legal so that we can continue to promote economic opportunity and the spirit of entrepreneurship, which is what the United States was based on.

AMARI DEUDMEN-YBARRA (Americans for Prosperity):

Due to the recent pandemic, Nevadans are struggling to make ends meet. Some see street vending as an opportunity to make a decent living. By providing affordable and accessible meals to their local community, they boost diversity in local economies, of which we should all be supportive. However, they are often harassed by local authorities and have barriers to their economic opportunities. Senate Bill 92 decriminalizing street vending is too important to overlook. Punishing people for trying to make ends meet must end. Please support S.B. 92.

GABRIELA ESCUDERO (The LIBRE Initiative):

I support S.B. 92. When I was younger, my family worked so hard, and it inspired me to pursue entrepreneurship. After I started, I realized how much of a struggle it was. This bill would help so many people, families, children and the City of Las Vegas.

PJ BELANGER (Americans for Prosperity):

I support S.B. 92. There is nothing virtuous about prioritizing health over economic freedom. They need to be equally important. We must help these people make a living for their families. We do not want to make everybody in town criminals. Every different category of life in this town has become so overregulated. You are criminalizing all these people, and we should stop doing that. Street vending is a way to make a living. Please support Nevadans by making it simpler for them to make a living.

CHRIS RIES (Las Vegas Metropolitan Police Department):

I come before you today in opposition of S.B. 92 as written. The presentation is focused on residential street vending; however, this is only half of the issue that we are seeing. Senate Bill 92 looks to decriminalize illegal street vending across the board. In doing so, officers would not be able to compel any person to identify themselves—making it nearly impossible to issue a citation and thus eliminating any incentive to stop unregulated vending in residential areas or in the resort corridor.

Illegal street vendors create chaos and uncontrollable crowds in the resort corridor and in high-traffic pedestrian areas. Often, 50 to 75 carts are in these areas. This creates a traffic safety hazard, with pedestrians having to traverse busy roadways because the vendor carts are taking up the entire sidewalk. In addition, many of these carts have propane tanks, and this obviously poses a Homeland Security issue. For this reason, it would be unsafe to not have distance restrictions between these vendors as well as not restrict the overall number of licenses or permits issued to vendors.

Additionally, vendors have been found by Las Vegas Metropolitan Police Department to sell illicit narcotics and counterfeit merchandise, illegally possess firearms and often are victims of human trafficking. Most of the vendors we encounter are from out of state, and it would be difficult for them to comply with the regulations or remedy a citation. This is not even mentioning the aggressiveness that we have seen vendors display toward pedestrians, other vendors and police officers. Several businesses have been vocal about their opposition to these vendors, citing that these vendors do not get licensed, pay taxes or adhere to food safety standards. Our primary goal is education, and the last resort would be to arrest the vendor.

JOANNA JACOB (Clark County):

Clark County is opposed to the bill as written. For the record, I have been working with the bill sponsor and Mr. Ramirez from Make the Road Nevada on an amendment. While the County is not opposed to regulation of this important type of business, it also has an obligation to equally protect for all businesses it regulates. This means it must treat businesses, to the extent possible, like other situated businesses. For example, section 9, subsection 1 says the County cannot prohibit operation within a specific neighborhood or area, and then section 9, subsection 2 says that it can restrict in certain neighborhoods and areas.

When the Legislature creates a program, the County must explain it to the community. The County hears the concerns about having a clear standard of rules. The County will work with Senator Doñate on enforcement measures as Detective Ries suggested. That is something the County needs to update. The bill is not clear about violations of the permitted ordinance versus an unpermitted activity, nor what enforcement abilities the County has. For example, there is a reference to suspension or violation only after a

fourth offense. The County would like to work on some of these inconsistencies.

MIKE CATHCART (City of Henderson):

The City of Henderson is opposed to S.B. 92 for several reasons. The City is not opposed to small businesses that vend but where and when decisions about regulations are made. First, the bill sets up specific rules and regulations for sidewalk vending that the City must implement. However, it also sets up a task force to look at the issue in the Interim. This process is backwards. The State should set up a robust task force to study this issue and then make recommendations on how this activity can be done safely and legally in our community. Better to get it right the first time rather than rush the process and make corrections after the fact.

Second, the bill and the proposed amendment prescribe local governments adopt ordinances to allow for sidewalk vending. The City has had a path for legal vending in our current municipal code for decades. The City's mobile vending ordinance addresses all conveyances of vending, not just food trucks. If a vendor is properly vetted by the Health District, there is already a path for licensure. Another conflict with the City's current code is in section 24 of the bill, which includes a schedule for issuing civil penalties. Henderson City ordinance chapter 4.07 provides that business license compliance use civil penalties in all areas of business license enforcement. Chapter 4.07 also details how a civil penalty can be appealed to a hearing officer if the business owners believe they have a case for appeal. The hearing officers are not City employees but attorneys from the community who have contacted us and wish to be put into our system as hearing officers. The City is opposed to having two sets of civil penalty standards. The City wants all businesses to be treated equally. Putting these rules in place should be done at the local level.

LEONARDO BENAVIDES (City of North Las Vegas):

The City of North Las Vegas opposes S.B. 92. While the City appreciates the proposed amendment, it still has concerns with the current language regarding preemption. In section 23, subsection 1, the bill prevents the City from limiting sidewalk vendor operation to specific parts of the public right-of-way or specific areas. The City is best positioned to understand the specific conditions and needs locally, including sidewalk space, local businesses, pedestrian traffic, safety issues, local events and other issues that need to be considered when regulating sidewalk vending. This may not necessarily include limiting operations

in certain areas and specific parts of the right of way. These are conversations that can be further hammered out in the task force. While the City supports the task force in concept, in order to bring best practice in Nevada to regulate sidewalk vendors, we are concerned that the current composition further limits local government's voice in that process with only one seat guaranteed for all cities and counties including the north and south.

NIC CICCONE (City of Reno):

I would like to echo my city colleagues' comments on local government preemption, the ability to regulate sidewalk vendors at the local level and the composition of the task force.

KELLY CROMPTON (City of Las Vegas):

I would also like to echo some of the concerns that the local jurisdictions have made. The City of Las Vegas has concerns with the ability for street vendors to be in parity with similar small businesses such as brick-and-mortar businesses, food trucks and mobile vendors. The City also shares some of the concerns on the local jurisdictions' representation within the task force. Southern Nevada is different from northern Nevada; cities are different from counties. The City hopes as the task force comes to fruition, some of these issues can be resolved and representation from multiple jurisdictions are part of the discussion and process.

WARREN HARDY (Urban Consortium):

I am here today in opposition because the rules require that we must oppose S.B. 92 if it is not written the way we agree with it. We understand what the bill is trying to do and have questions regarding process and procedure, where these things are best handled, and definitions.

PAUL MORADKHAN (Vegas Chamber):

The Vegas Chamber would like to thank the sponsor for this bill and the proposed amendment. There are numerous undertakings when you develop a new industry. There are multiple conversations as the State regulates it. That is balanced and fair. Representatives of the business community tourism, public safety, restaurants, health districts, entrepreneurs and, of course, government entities are all involved. The Chamber's goal is to ensure the policy adopted is safe, practical and balanced with this emerging industry in our State and existing industries and, of course, in compliance with local government

regulations and ordinances—specifically in the section 9, subsection 2 of the proposed amendment.

The Chamber appreciates the work that has been done with section 13 of the proposed amendment regarding the business representation of this task force with oversight by the Secretary of State's Office. We believe that is an important development. Striking merchandise and focusing on the food selling vendor components is another part of that conversation we appreciate. Creating businesses and establishments for nongaming licenses, food establishments, entertainment districts and convention centers as you see in the proposed amendment are also significant progress in this conversation. Our hope is to move our position to neutral in the coming days and weeks.

LINDSAY KNOX (Nevada Restaurant Association):

The Nevada Restaurant Association wants to thank Senator Doñate for working with us on this bill and the proposed amendment, including buffer zones for restaurants. Unfortunately, the Association is still opposed. Restaurants must follow stringent guidelines to food safety, and we believe food vendors should have similarly stringent guidelines. The Association looks forward to coming to a neutral position similar to that of the Vegas Chamber.

BRADLEY MAYER (Southern Nevada Health District):

The Southern Nevada Health District is neutral on S.B. 92. The bill has provisions regarding to licensing those without an identification or driver's license and creating a payment plan for vendors to get licensed functionally because of the SNHD's conversations with Senator Doñate. Functionally, SNHD does not criminalize the active street food vending. When SNHD encounters an unlicensed vendor, food regulations are enforced and information is given as to how the vendor can come into compliance. Nothing in this bill restricts us from enforcing existing food regulations designed to protect both tourists and residents. The Health District asks for that to remain the case as the bill progresses and would also like representation on the task force for both health districts.

CADENCE MATIJEVICH (Washoe County):

Washoe County is neutral on the bill. For the record, the County's understanding of the provisions in section 9, subsection 2 of the bill, beginning on page 4 at line 13 and continuing to page 5 through line 13, particularly as it relates to existing Washoe County code chapter 25.365 regulations, is as

follows: No street or alley shall be blocked by any merchandise offered for sale. A two-foot passageway for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street or alley. Such sales shall not be operated in any manner which would create a nuisance or create a fire hazard.

JOELLE GUTMAN-DODSON (Washoe County Health District):

The Washoe County Health District is neutral on S.B. 92 while we work out some of the concerns we have with the bill. I want to put on the record that as of September 2022, Washoe County Health District is no longer issuing monetary fines or criminal or civil penalties to street food vendors found operating without a health permit. The District's focus has always been on public health and the safety of our residents, and our food safety enforcement reflects the action needed to ensure safe food is served to patrons. While the District's priority is public health, it also aims to provide outreach and education whenever possible and strive to be a partner with every County resident. Addressing street vending and creating the relevant task force is a great step toward lowering some barriers while maintaining the public health of the community. The District would like to see both north and south health district representation on the task force.

CYRUS HOJJATY:

I am neutral on S.B. 92. I am excited to hear about much needed deregulation. I considered doing some street vending, and the rules should be fairer. Small businesses should be held to a similar standard. I would like more competition. But there are some issues I have with this bill. The groups who are pushing S.B. 92 are disproportionately noncitizens or organizations representing them. Why do we have such a high illegal immigrant population? I am concerned that Nevada may be a haven for the border crisis. I have been told many of these street vendors have connections to drug cartels. Many of these nongovernmental organizations that are testifying have been paid to come and do so. They mentioned the economic impacts of the pandemic. Will they bear some responsibility, since they supported the politicians and the policies that exacerbated the economic damage of the pandemic? I hope the bill will be revised and it will not interfere with traffic in right-of-way places.

SENATOR DOÑATE:

I will clarify some things to the Committee before we move to the next bill. We want to provide good opportunities for our street food vendors while also

respecting the brick-and-mortars. We will come to an agreement in the coming days and weeks. Regarding penalties and so forth in the criminalization of street food vending, nothing in this bill would exempt the sidewalk vendor from compliance with any other state laws or regulations, nor can the provisions of S.B. 92 be a defense against any other criminal act. To those concerned about street vendors trespassing, being involved with human trafficking or selling illicit merchandise, we already have laws against those acts. What this bill specifically looks at is the act of street food vending.

I refer you back to my family story, of my mom and my grandmother selling tamales door to door. Selling food to make ends meet should not be criminalized. If you do not allow street vending in commercial or residential areas, then what is the solution that you have going forward? Is it full criminalization? We will never have the resources to crack down on all street vendors. We should be proactive in finding solutions. There was some concern that we are acting too fast. I did not come to Carson City to pass task forces and studies. If there are solutions that we have seen in other states, let us take advantage of them now. Let us help the street food vendors that desperately need some support.

Earlier, I mentioned I had the opportunity to visit with our health district folks, and we interacted with some street food vendors. One experience stuck with me while the health district officers were taking away a vendor's products. They were trying to educate the vendor, I was translating, and he was crying and pleading with officers, asking them not to do this and that he promised that he would never sell without a license again. He looked at me asked that if I was a State Senator, why could I not do anything to help him then and there? Why did the system not allow folks like him to be protected? It was traumatizing and frustrating for both of us. That is why we are here today, to put an end to the brutal harassment that our street food vendors go through and restore the economic opportunity for small businesses.

CHAIR FLORES:

I will echo the sentiment of Senator Doñate that this sounds complicated, but street vending has been around for a long time. It is all over the world. It is not rocket science. It has always been readily available to me, and growing up, I saw it every day. Right now, street vending is unregulated. This is an opportunity for us to legitimize it and create real standards. With that said, the hearing on S.B. 92 will now close and the hearing on S.B. 22 will begin.

SENATE BILL 22: Revises provisions relating to the publication of legal notices.
(BDR 19-390)

VINSON GUTHREAU (Executive Director, Nevada Association of Counties):

I am presenting S.B. 22 on behalf of the Nevada Association of Counties (NACO) which includes all 17 counties in the State. I will be referencing a proposed amendment (Exhibit F) which reflects extensive stakeholder engagement, specifically with the Nevada Press Association (NPA). The proposed amendment adds a mandate to the local government entity if they choose to opt in. Senate Bill 22 is a modernization of the law that requires posting of ordinances and legal notices by local government in accordance with NRS 238.030. Our members believe in transparency, but the requirement to meet the posting of notices solely via the paper of circulation slows down local government business.

In Carson City, Nevada's only consolidated municipality, the local government only has one paper of circulation. As paper shift deadlines and rely more and more on online delivery of news, NACO believes this proposal will allow local governments to continue to publish notices in accordance with the law and to make sure that the public will have access to local government information. Carson City has one of the problematic deadlines which inspired this bill. Carson City notes that reserving ad space by the Monday following a Thursday Board of Supervisors meeting allows for a Wednesday publication, but that does not allow for the full ten-day notice period to pass before the Board may consider an ordinance on second reading. This pushes the second reading to the following meeting.

This timing causes an issue when the Board makes substantial changes during first reading of an ordinance. There is not enough time to bring a revised draft back to the Board within the required period to adopt an ordinance, while simultaneously complying with all noticing periods and adding space reservation deadlines set by the paper of circulation. This results in a proposed ordinance having to be resubmitted to the Board on first hearing, thereby restarting the process. This causes undue delays in adopting an ordinance and hampers the legislative powers of the Board of Supervisors.

Under the proposed amendment, local governments would still need to publish in a paper of circulation, but they could meet the deadlines imposed by NRS 238.030 by posting in an online source. This is the solution that NACO

proposes to modernize NRS 238.030, and we have incorporated some suggested changes by the NPA.

Our intent is not to have the online publication of a notice be the replacement of publication of a notice in the paper of circulation. We are also not intending to circumvent any noticing or government transparency laws. If anything, local government is increasing the posting of notices should they choose to utilize this option.

The proposed amendment changes NRS 238.030. In S.B. 22 section 1, subsection 1, it introduces the enabling language that allows for the posting of a legal or public notice and the requirements by the newspaper for posting. In section 1, subsection 2, it sets the parameters for a legal or public notice published via a website or online source; it must have the same information as a printed publication; and the notice include the State or local government's address and telephone number. This allows an individual to request a hard copy of the notice from the governmental agency or entity if they choose.

In section 1, subsection 3 of the bill, NACO provides a technical update to current law that as long as the entity seeking the notice submits this to the publisher, the governmental agency is not responsible for any technical deficiencies and should not be held liable for any issues or deficiencies that are out of its control. The changes in S.B. 22 section 1, subsection 5, provide the enabling language under this statute to allow for the publication of notices and a posting in either medium meets the current legal requirement for posting. The new language in section 3 of the bill makes a conforming change regarding disruptions or deficiencies outside an agency's control when posting a notice. Senate Bill 22 is a good faith effort to meet the noticing requirements that our communities have come to expect.

SENATOR DALY:

Your intent now with S.B. 22 is you will post your notices in the regular newspaper when possible, and the Internet option may also be published at the same time as a backup. But if there is a delay you can post to the Internet or the website and publish it in the newspaper when you can. So, you are going to have both postings. Is that what I am understanding?

MR. GUTHREAU:

That is a great summary of what our intent is with this bill.

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SENATOR DALY:

The bill seemed a little more confusing than that and I do not see that it is as clear as it might be. Hopefully, when we get an amendment back from Legislative Counsel Bureau, S.B. 22 is going to be clear that you are only going to use the Internet as a backup when the regular process of printing it in the paper is not available; or that the Internet would suffice in certain situations where the paper posting causes delays, but the paper version is still going to be published. I want to make sure the language is clear on that.

MR. GUTHREAU:

If you have a look at S.B. 22, section 1, subsection 5, the proposed amendment's deletion of the "or" implies that government agencies must do both, at least as I understand it. We will make sure it comes out that way.

STEPHEN WOOD (Carson City):

Carson City is in support of S.B. 22 and hope it passes.

MARY WALKER (Douglas County; Lyon County; Storey County):

We rise in support of S.B. 22 and appreciate NACO's work on this bill because it impacts rural counties where newspapers are periodic.

MS. MATIJEVICH:

Washoe County supports S.B. 22.

DAVID CHERRY (City of Henderson):

The City of Henderson supports S.B. 22.

DANIEL ROTHBERG (President, Nevada Press Association):

The Nevada Press Association opposes S.B. 22. The Press Association remains concerned about the language in S.B. 22 but are open to finding a solution. The counties told us their intent was narrow, to utilize digital posting on a newspaper website only in limited circumstances and to retain existing statute for the printed publication of notices. However, the current language makes sweeping changes to NRS 238.030 and creates a vague digital alternative to print notices. That could have major unintended consequences for our members.

Papers across the State provide a permanent unalterable record that proper notice has been given before a government action or terminating a person's property rights. Printing notices are easily accessible to the general public and

they provide passive information, which allows them to find a notice while reading a paper even if they are not searching for it. Without proper vetting and measures in place, digital-only publication does not always meet the same standard as print publication when it comes to establishing a permanent record for a local audience. The language in the bill should be changed to make it clear that digital publication on a newspaper website should be followed by a printed publication.

The Press Association remains concerned about the lack of specificity in the bill, particularly how the law would define an appropriate online news outlet for the publication of a local legal notice. The Press Association wants to ensure that legal notices continue to reach a local audience served by local news outlets, especially in rural areas where we have seen gaps in the local media ecosystem. We recognize the media landscape is changing and the way people consume news is changing. But NPA believes that the Interim would provide an opportunity to discuss policy solutions for making progress on this issue while also ensuring a viable future for local news.

MR. GUTHREAU:

I understand that the opposition is concerned about a slippery slope. Senate Bill 22 is not replacing the printed publication; it adds to the required posting. It enhances our ability to conduct local business, which is in the people's interest.

CHAIR FLORES:

We close the hearing on S.B. 22 and open the hearing on S.B. 81.

SENATE BILL 81: Revises provisions governing regional planning. (BDR S-536)

SENATOR SKIP DALY (Senatorial District No. 13):

Senate Bill 81 is a follow-up bill to A.B. No. 240 of the 80th Session which set up a program for five counties to meet, give individual reports and then a joint report. The counties did good work, but I was hoping for more from their recommendations. Senate Bill 81 requires Washoe, Storey, Douglas, Carson and Lyon Counties to meet twice a year, look at issues of regional concern, write an individual county report on those issues, then write a joint report with recommendations to the Legislature and send it to every Legislator that represents a portion of any of those counties.

I know some of the opposition has problems with the new language about adding Legislators to the votes on recommendations. I am willing to talk to all parties to resolve that. What I hope to do is foster cooperation. We can agree to make recommendations to the Legislature if the counties need some help or they agree among themselves on how to move forward and cooperate. The counties already have agreements to help each other with police and fire, water and other things. Little has been done to address transportation, housing and several other major issues.

I do not know if we can address those issues through S.B. 81, but I want to get more input from the counties on how they are being affected by regional growth and what solutions we can come to. The way it is written, S.B. 81 requires the five counties to work with two Legislators to improve relations and development or impacts from development regionwide rather than county by county. Before we get into some of the opposition, I want to make it clear the bill is not a mechanism for one county to try to take money from another county because abatements are about to expire. I would not support that. That is a foolish idea, even if it was something that should or could be done.

CHAIR FLORES:

I know concerns have been raised as to who should have voting power, but what are they voting for? Where is a recommendation that will obligate anybody to do anything? Can you walk us through the process? Is there anything other than recommendations happening in these conversations? Can anybody bind anybody else to do anything through this specific section of the NRS that we are addressing now?

SENATOR DALY:

Senate Bill 81 does not change anything in NRS, this is a Special Act. I do not know what went on in these deliberations because no Legislators were present. I got a report of what, for instance, Washoe County already does. On its own, this is not useful. The joint report had more information in it but did not make meaningful or substantial recommendations. If there is a solution a county can do it on its own, then hopefully it would. If there is a solution that would require some legislation or other actions, make that recommendation and get a Legislator to introduce a bill.

By having Legislators involved during the report-making process, whether they get a vote or not, we could steer the reports to make more substantive

recommendations. I want to build collaboration and eliminate confrontation. For example, on Interstate 80 between Reno and Fernley, a minor accident can cause massive delays. To go around, you must head all the way to Carson City or Silver Springs. Nevada Department of Transportation (NDOT) does not have the money to widen the road, nor do any of the individual counties. And while that portion of Interstate 80 is mostly in Washoe County, other counties would benefit from road improvements. If there was a recommendation to mirror Washoe and pool funds through increased fuel tax on a regional basis and a majority agreed on it, the State would have to enable it. That is just one issue. Housing costs have gone up all over the region.

MR. GUTHREAU:

Nevada Association of Counties is opposed to S.B. 81 because we are concerned about a couple things from a collective county perspective. The Association is opposed to having Legislators and cities added to the list of voting members that would be proposed under the bill. Regional planning is a local government responsibility, best managed at the local level. It is not a municipal responsibility. The addition of Legislators as voting members to a committee creating a report that they would be provided is also problematic. The Association will work with the sponsor if we can. Our members welcome and value city input and consultation to the committee. However, the voting members of the committee address regional planning which is a county service. It seems counterproductive and outside the scope of their responsibilities to add cities and Legislators as voting members of the committee.

CLAYTON MITCHELL (Vice Chair, Storey County Board of Commissioners):

The Storey County Board of Commissioners has unanimously decided to oppose S.B. 81. As written, it is unnecessary and a bit concerning. Area jurisdictions already work together daily to address regional issues. The bill introduces some troublesome separation of powers and efficiency of government issues. County managers, elected commissioners, statutory officers and their staffs are best positioned and qualified to address regional issues without undue interference. The structures and methods for proper and accountable local governments are already in place and up to the task.

AUSTIN OSBORNE (County Manager, Storey County):

Senate Bill 81 is described as a bill causing the coordination of certain counties in northern Nevada on matters pertaining to regional growth. However, S.B. 81 is unnecessary, as meaningful regional collaboration already occurs on a regular

basis. Along the Interstate 80 corridor between Sparks and Lyon County, Storey County Fire District provides all EMS and fire response through mutual aid and automatic agreements. Storey County is working on \$20 million worth of flood projects in the north and the south ends of our County, both abutting our neighboring counties. The County is working with those neighboring counties and regional organizations like the Carson Water Subconservancy District. The County deregulated our ordinances and master plan to address the regional housing issue. The County's housing population is already projected to go up 500 percent. The County has a regional landfill that brings in garbage and medical waste from Washoe and ten counties from California.

One of the biggest recent projects is our upstream jurisdictions. Unfortunately, we had to discharge nitrate-rich water that was not meeting Environmental Protection Agency standards into the Truckee River. It was going to cost ratepayers upstream \$150 million to fix the faulty plant. Reno, Sparks, Washoe County, NDOT, the TRI General Improvement District (TRIGID), the Truckee Meadows Water Reclamation Facility and Storey County all collaborated and fixed the problem. They contracted with each other to send effluent water to Storey County through the Tahoe-Reno Industrial Center to create advanced manufacturing and technology jobs, types of careers that normally would not supported in this area with the available water resources that existed before this project. It saved Reno, Sparks and Washoe County ratepayers \$150 million, and Storey County committed \$23 million into this project. Everybody benefited. The counties acted equally and independently, and they solved regional problems. They were autonomous in doing so; this is how you get cooperation. This cooperation is happening every day without intervention by the State, legislative bodies and mandates.

MS. WALKER:

I have submitted a spreadsheet ([Exhibit G](#)) detailing why Douglas, Lyon and Storey Counties are opposed to S.B. 81.

ANDREW HASKIN (County Manager, Lyon County):

I am here in opposition to S.B. 81. The Lyon County Board of Commissioners voted unanimously to oppose S.B. 81. The reporting requirements of S.B. 81 are time-consuming and unnecessary. The original time frame for the reporting requirements in A.B. No. 240 of the 80th Session should remain in place and be allowed to sunset as originally intended. Senate Bill 81 does not give the citizens of the counties involved equal voice on the committee that will be

preparing the annual report and making recommendations on regional planning issues.

Among the five counties listed in the bill, Washoe County and Lyon County are the only two counties included in the bill that have incorporated cities, each with two. By adding cities into the language created by A.B. No. 240 of the 80th Session, S.B. 81 gives two of the included counties additional say in any potential recommendations made to the Legislature. These recommendations will have an impact on the entire region. There is further potential for inequity by adding Legislators to the committee as a Legislator could be partial toward his or her home county. This would further disrupt the balance between counties and provide inaccurate representation of regional growth. Each of the counties that are covered by S.B. 81 are different. Each one has different strengths, challenges, growth and economic goals. What works for Lyon County does not always work elsewhere in the region. If these reporting requirements must continue, each county should have an identical seat at the table so their concerns can be heard equally and any potential recommendations are not skewed toward one county. Lyon County already works with all our neighboring counties on various issues.

WES HENDERSON (Vice Chair, Lyon County Board of Commissioners):

The Lyon County Board of Commissioners is opposed to S.B. 81. The regional counties already coordinate and collaborate. I did not think A.B. No. 240 of the 80th Session was necessary when it was passed. It worked, but I think it can sunset now. When I was the Director of the League of Cities and Municipalities, I do not remember any members pushing to be involved in regional planning. They were more worried about their individual cities. And Legislators steering the process of local planning is a scary idea.

HELEN FOLEY (Storey County):

One of the issues I want to bring to your attention is in section 1, subsection 2, paragraph (b) of the bill. The old language says, "Makes recommendations regarding those issues." Under S.B. 81, it says, "Set forth recommendations that are intended to resolve any negative impact on those issues that are identified in the report." It is much stronger and more restrictive language. Under S.B. 81, the cities can pile up against the counties, make the recommendations and set forth what they want to happen. If you recall, there is no regional planning in Clark County, even though it has many of the biggest cities in the State. Every city has its own planning, as does Clark County.

Years ago, they decided our regional planning committee was not for them. Cities and counties have the authority to make those decisions for themselves. We want to make sure that all these counties remain independent, and that they are not being forced to do things they do not want to do. Senate Bill 81 would violate that principle, so Storey County opposes it.

MS. MATIJEVICH:

Washoe County is in opposition to S.B. 81 as introduced based on our legislative principle of resolving local issues at the local level. Washoe County will work with the sponsor on potential amendments to address the myriad of concerns that you have heard. If this multijurisdictional committee moves forward in any fashion, the County would appreciate some structure as to who would be the lead entity for each of the reporting periods.

WILL ADLER (Storey County):

I echo the concerns presented by others who oppose S.B. 81 and join them in their position on this bill.

DANNY THOMPSON (Tahoe-Reno Industrial Center):

The Tahoe-Reno Industrial Center opposes S.B. 81. This bill is unnecessary. Cooperation between the counties already happens. The county manager mentioned the effluent water that, instead of being dumped into the Truckee River, is going to be piped to the Tahoe-Reno Industrial Center and treated and used there. That agreement alone saved ratepayers in Reno and Sparks \$150 million. In 2002, Reno was having trouble with its landfill and struck an agreement with Storey County to construct the landfill on 700 acres inside of Storey County. Today the trash, including biomedical waste, goes to Storey County and is disposed of there instead of in Washoe County. In 1998, when there was a need to increase the power capacity in northern Nevada, especially Reno and Sparks, the Frank A. Tracy Generating Station was built wholly in Storey County. Three other generating stations have been built there since. There has been cooperation on these tough issues. The parties involved have solved these issues without the need for a bill like S.B. 81.

ERNEST ADLER (Pyramid Lake Paiute Tribe):

The Pyramid Lake Paiute Tribe's objection is with section 1, subsection 3, where it discusses whom the regional committee would consult with, and toward the bottom, it says that it "may" consult with Indian colonies or tribes. That language should be changed to make such consultations mandatory

because Pyramid Lake has a large landmass within Washoe County. Regional planning should be done in consultation with the Indian tribes since several of the counties have large tribal reservations. Also rather than consulting with a "tribe," it makes more sense to consult with a colony or reservation, as multiple tribes live on the same reservation.

MR. HOJJATY:

I would like to ditto everybody's comments that have been made about this planning proposal and oppose S.B. 81. I recall that we had a Southern Nevada Regional Planning Coalition from 1999 to 2017. Former Councilwoman Michele Fiore found that it was quite useless, a lot of talk and not much action. There have been efforts to change the planning structure of the way things have been done in Las Vegas for the last several decades. But 30 years later, not much has changed. These kinds of regional agencies have been opposed across the Country, especially in California. I understand there are many planning issues, and in order to solve them, we must look at the codes, regulations, zoning and so forth. One of the reasons why we have housing issues is because of barriers to building, not to mention so much consolidation in the development and financial industry. I do not see S.B. 81 addressing arterials, the routes that are in between calm streets and freeways. They do not work; they are the heart of the problem.

PATRICK CATES (County Manager, Douglas County):

The Douglas County Board of Commissioners voted unanimously to oppose S.B. 81 at the last meeting. The bill is unnecessary and subordinates the authority of county commissions by adding incorporated cities and representatives of the Legislature to make annual reports on regional planning. Senate Bill 81 diminishes and dilutes the equal voice of all residents in the affected counties, by giving some counties multiple representatives for the same issues. Douglas County already cooperates with our neighboring jurisdictions on development issues of common concern on a regular basis. For instance, we participate with Carson City, Lyon County and the Carson Area Metropolitan Planning Organization for transportation issues. For water issues, the County cooperates with Carson City, transporting water from Carson Valley to Carson City, and shares wastewater resources for development bordering Carson City. Senate Bill 81 is misguided, bringing incorporated cities and Legislators into the process of regional planning already under the authority of counties.

SENATOR DALY:

We specifically went to county and city managers so that we would not have an Open Meeting Law issue. We are not inviting elected officials, and they are not making those types of deliberations. Separation of powers is between the three branches of government; I do not think the separation of powers is a relevant issue regarding intercounty planning. We are not trying to take anything away from any county, we are requiring counties to talk to each other. Frankly, the counties exist under the grace of the State, so I do not think separation of powers applies. There is good work being done on some of the issues brought up, like the water pipeline in Storey County.

The counties are already working together, but I would venture say that when one county is looking at a land use planning issue in the county, there is no cooperation. No discussion about how it impacts the schools, for instance. I want that to be a collaborative issue because there is no agreement when it comes to regional planning on those types of issues. If we build a new factory for the Tahoe Reno Industrial Center, what is that going to do to traffic? What is it going to do to housing? None of those things are considered within the county and I hope we have a discussion on that. There will be nothing binding from these discussions. But maybe there can be a recommendation. If there is no need, why are things not perfect?

CHAIR FLORES:

I will close the hearing on S.B. 81. We have three bill draft requests (BDR) to introduce before we move to public comment.

BILL DRAFT REQUEST 18-898: Revises provisions relating to governmental administration. (Later introduced as [Senate Bill 214](#).)

BILL DRAFT REQUEST 18-899: Revises provisions governing state boards and commissions. (Later introduced as [Senate Bill 210](#).)

BILL DRAFT REQUEST 20-856: Revises provisions relating to taxes on transient lodging. (Later introduced as [Senate Bill 213](#).)

CHAIR FLORES MOVED TO INTRODUCE BDR 18-898, BDR 18-899 AND BDR 20-856.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SHARI WHALEN (District Manager, TRI General Improvement District):

The TRI General Improvement District Board of Trustees has not had an opportunity to meet regarding S.B. 81. So I am providing public comment rather than taking a position on the bill today. The Improvement District is a local government created by Storey County pursuant to NRS 381, that operates the water and sewer utilities for the industrial commercial businesses in and around the Tahoe-Reno Industrial Center. The Improvement District is central to one of the most regionally significant intergovernmental collaborations in Nevada history. Over \$100 million in regional infrastructure is under construction, including a new 60-mile ductile iron pipeline, effectively interconnecting the wastewater and reuse systems of the Truckee Meadows Water Reclamation Facility and the TRIGID. This new system is expected to be brought online within the next nine months and is a result of years of intergovernmental problem-solving planning and cooperation between TRIGID, City of Reno, City of Sparks, Truckee Meadows Water Authority, Truckee Meadows Water Reclamation Facility and the State. All of this was done without the presence of a regional entity like the one S.B. 81 would create. We have included a presentation ([Exhibit H](#)) on the pipeline project for your convenience.

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CHAIR FLORES:

Having no further business, the Senate Committee on Government Affairs is adjourned at 6:07 p.m.

RESPECTFULLY SUBMITTED:

Spencer Jones,
Committee Secretary

APPROVED BY:

Senator Edgar Flores, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 92	C	6	Senator Doñate	Proposed Amendment
S.B. 92	D	10	Ronald Najarro / Americans for Prosperity	Street Vending Testimony
S.B. 92	E	12	Eddie Diaz / The LIBRE Initiative	Written Testimony
S.B. 22	F	22	Vincent Guthreau / Nevada Association of Counties	Proposed Amendment
S.B. 81	G	28	Mary Walker / Douglas, Lyon and Storey Counties	Regional Planning Issues Spreadsheet
S.B. 81	H	33	Shari Whalen / TRI General Improvement District	TRIGID Regional Cooperation Presentation