

Three COVID-19 Questions With Administrative Law Answers That Will Impact How Las Vegas Recovers

By Maren Parry, Esq.

Administrative law has implications on everyday life that are not often found in the court setting and that many do not envision when they think of the traditional practice of law. The answers to three questions that have surfaced for residents and businesses in Las Vegas during the COVID-19 pandemic have administrative law implications that provide important context when watching the news and contributing to the conversation about how Las Vegas and Nevada can recover from the economic and social devastation felt as a result of COVID-19.

1-The “Strip” is Not in Las Vegas? / Jurisdictional Boundaries are Complicated

Few will fault the efforts of the current and former Mayors Goodman as enthusiastic supporters of Southern Nevada, but Mayor Carolyn Goodman’s April 23rd CNN interview with Anderson Cooper drew the national spotlight as business leaders and politicians weighed how to safely reopen tourist destinations. “*The public skewering of Las Vegas Mayor Carolyn Goodman, champion of reopening casinos,*” <https://www.washingtonpost.com/nation/2020/04/23/las-vegas-mayor-coronavirus/> (Last accessed Oct 5, 2020). With it also came an opportunity for local and state leaders to advertise that

the Las Vegas Strip is outside the municipal boundaries of the City of Las Vegas and actually under the jurisdiction of unincorporated Clark County where Mayor Goodman’s policies would not apply. Although cities and counties work together, they also compete for resources and revenue, and their elected officials are not always coordinated with respect to the implementation of procedures and policies.

2-Why Can’t Our Bars Open? / Nevada’s Laws are Not the Same in Every County

Nevada is home to 17 counties (including Carson City) with populations ranging between Clark at over two million residents and Esmerelda at under 1,000. “*Annual Estimates of the Resident Population for Counties in Nevada: April 1, 2010 to July 1, 2019 (CO-EST2019-ANNRES-32),*” <https://www.census.gov/data/tables/time-series/demo/popest/2010s-counties-total.html> (last accessed Oct. 5, 2020). Counties with such vastly different populations have vastly different needs, and many laws in Nevada apply only if a county reaches a certain population threshold. Businesses and residents questioned the precedent for different treatment in different counties as they worked to comply with Governor Sisolak’s emergency directives. This type of differentiation at the state level is well established, and local governments regularly enact reg-



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ulations in addition to those found in state law. What qualifies as a bar or a restaurant in Ely may not be the same as what is required for an outwardly identical business in North Las Vegas, and this impacts how the emergency directives are ultimately enforced, and how recovery policies may need to be put into place.

3-Why Not Raise Taxes on Mining? / Nevada's Constitution is Uniquely Specific

Nevada's Legislature was tasked with filling the hole left by the complete cessation of gaming activity in the entire state for over two months. <https://thenevadaindependent.com/article/sisolak-targeting-june-4-re-opening-date-for-casinos> (Las accessed Oct. 5, 2020). The Nevada Constitution required members of the Legislature to report personally to Carson City (Nev. Const. Art. 15, § 1 and Art. 4, § 1) at a time when travel was curtailed in order cut spending when spending was desperately needed, and find revenue from a dwindling list of options. With a state income tax constitutionally off limits (Art. 10 § 1(9)) and most big businesses at a standstill, eyes naturally turned to mining, an industry that appeared to have room to contribute after a major-

ity of the Nevada economy was dormant. <https://www.rgj.com/story/news/politics/2020/07/16/nevada-assembly-debuts-bill-raise-mining-taxes/5456657002/> (Last accessed Oct. 4, 2020). Legislators faced the same roadblock to this possibility that they have faced in regular sessions—the Nevada Constitution specifically caps taxes on mining at five percent of net proceeds. Nev. Const. Art. 10, §5(1).

Understanding Administrative Law Will Help Create Better Solutions

Las Vegas has a long road to recovery. As Las Vegans (lawyers and non-lawyers alike) seek to contribute to the solution, we have to consider the administrative law nuances of jurisdictional boundaries, various layers of regulation, and sometimes the functional legal barriers that confound what appear to be swift and simple solutions. With this base administrative knowledge, we can better understand the political and economic considerations that must be addressed in order to have a productive conversation and reach an ultimate solution. **C**



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