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Gaming; Licensing and Control

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GAMING; LICENSING AND CONTROL

Amends NRS 463.011, 463.075, 463.085, 463.110, 463.120, 463.144, 463.154, 463.160, 463.312, 463.330, 463.335, 463.337, 463.343, 463.350

Repeals NRS 463.01094

SB 236 (Committee on Judiciary); STATS 1979, Ch 430

Chapter 430 makes several administrative and regulatory changes in gaming laws. The most significant changes concern determination of a person's suitability to be associated with a gaming establishment.

Prior to Chapter 430, a determination of suitability to be associated with a gaming establishment could only be required of a person or business doing business on the premises of the gaming establishment.¹ Chapter 430 specifies that if a person or business a) does business on the premises of a gaming establishment, b) does business as a ticket purveyor or junket representative, or c) provides goods or services for a compensation grossly disproportionate to their value, then the Nevada gaming commission (hereinafter "commission") may order a determination of suitability.² Any agreement between a gaming establishment and a business or person found unsuitable is subject to termination.³

In hearing actions brought for declaratory relief, district courts may not grant injunctive relief based on any other extraordinary common law writ to an applicant for licensing, finding of suitability or registration, or a person seeking review of an action of the commission which is subject to the provisions of NRS 463.315.⁴ Chapter 430 adds to these restrictions by prohibiting district courts from granting injunctive relief (or other extraordinary relief) to any person ordered to submit an application for licensing, suitability, or registration.⁵

An emergency order to suspend, limit or condition a license was previously allowed, if the commission believed that the establishment had been cheating, or that the order was necessary to prevent cheating or to preserve public welfare.⁶ Chapter 430 provides that an emergency order may also be issued if an establishment evades or attempts to evade any license fee or tax, or violates the licensing requirement.⁷

Chapter 430 expands the definition of "game," or "gambling game," to include any game or device approved by the commission.⁸ "Gaming employee" now includes every person directly connected with a horse race book, sports pool, or pari-mutual

wagering.⁹

Temporary work permits, which authorize the holder as a gaming employee, are now valid for up to ninety days, instead of the thirty days allowed by prior law.¹⁰ Additionally, any person whose application for a work permit has been denied must appeal to the gaming control board (hereinafter "board") within sixty days, or be precluded from judicial review of the decision.¹¹

Chapter 430 prohibits anyone under the age of twenty-one from placing horse race, sports pool, or pari-mutual bets, or loitering in or about places where these activities occur.¹² Gaming employees must be at least twenty-one years old.¹³ As under prior law, a licensee who allows a minor to engage in any of these activities is guilty of a misdemeanor, and may not defend by contending that he believed the person was twenty-one or over.¹⁴

Records of finances, earnings, or revenues of an applicant or licensee may now be revealed to an authorized agent of any agency of the United States or of any state;¹⁵ such information was previously revealed only to agents of the F.B.I., I.R.S., or United States Treasury Department.¹⁶ Chapter 430 further provides that any records compiled by the board or commission which show that an applicant has been convicted of a crime in another state must specify the degree of the crime in the state in which the crime was committed.¹⁷

Prior law required that one regular public meeting of the board to be held each month in Carson City;¹⁸ Chapter 430 deleted this provision.¹⁹ Regular meetings may now be held in such place as the board deems convenient.²⁰ Finally, Chapter 430 deletes the provision that require seven days public notice of special meetings of the board.²¹

Lorne Malkiewich

FOOTNOTES

1. 1977 Nev. Stats. ch. 570 §3, at 1424 (NRS 463.160(9), amended by 1979 Nev. Stats. ch. 430 (hereinafter "Ch. 430") §8 and 1979 Nev. stats. ch. 662 §14).
2. Ch. 430 §8 (amending NRS 463.160(9)) (renumbered to NRS 463.160(8); see 1979

Nev. Stats. chs. 524 §2 and 662 §14 for amended form).

3. Id.
4. 1977 Nev. Stats. ch. 568 §2, at 1417 (NRS 463.343(5), amended by Ch. 430 §13).
5. Ch. 430 §13 (amending NRS 463.343(5)). See State Gaming Control Board v. Eighth District Court, 82 Nev. 38, 40, 409 P.2d 974 (1966).
6. 1975 Nev. Stats. ch. 452 §12, at 683 (NRS 463.312(9)), (amended by Ch. 430 §9).
7. Ch. 430 §9 (amending NRS 463.312(9)).
8. Id. §1 (amending NRS 463.011).
9. Id. §11 (amending NRS 463.335(1)(a)).
10. Compare Ch. 430 §11 (amending NRS 463.355(4)) with 1977 Nev. Stats. ch. 571 §16, at 1435 (NRS 463.355(4)).
11. Ch. 430 §11 (amending NRS 463.355(7)).
12. Id. §14 (amending NRS 463.350(1)).
13. Id.
14. NRS 463.350(3) (as amended by Ch. 430 §14).
15. Ch. 430 §5 (amending NRS 463.120(4)(c)).
16. 1971 Nev. Stats. ch. 379 §4, at 672 (NRS 463.120 (4)(c), amended by Ch. 430 §5).
17. Ch. 430 §11 (amending NRS 463.335(9)).
18. 1977 Nev. Stats. ch. 571 §7, at 1428 (NRS 463.110(1), amended by Ch. 430 §4).
19. Ch. 430 §4 (amending NRS 463.110(1)).
20. Id.
21. Id.

GAMING; LICENSING OF LIMITED PARTNERSHIPS

Adds to NRS Chapter 463

Amends NRS 463.160, 463.165, 463.170, 463.386,
463.482, 463.615, 463.635, 463.637, 463.639, 463.641
SB 420 (Dodge, Close, Sloan); STATS 1979, Ch 662

Chapter 662 provides for the licensing of limited partnerships¹ for gaming.² Under prior law, each person having a direct or indirect interest in the partnership was required to obtain a license.³ Chapter 662 should broaden opportunities for investment while maintaining control over the gaming enterprise.⁴ In order to be eligible for a gaming license, a limited partnership must a) be formed under the laws