

The meeting was called to order at 12:10 p.m. Senator Neal in the Chair.

PRESENT: Senator Joe Neal, Chairman
Senator Norman Glaser, Vice-Chairman
Senator Wilbur Faiss
Senator Lawrence Jacobsen
Senator Floyd Lamb
Senator Mike Sloan

OTHERS

PRESENT: Senator Thomas R.C. Wilson, Washoe District #1

Senator Neal announced that this would be a special meeting for the purpose of discussing S.B. 323 and the amendments proposed by Senator Wilson.

Senator Sloan explained that he had a question regarding what was specifically precluded by the language contained in line 14, Page 2 of the bill. That language states that the agency "may permit any alteration, reconstruction or change of location..." He was concerned that the language could be interpreted to mean that prior to any internal alteration of existing public area, the gaming establishment would have to receive a building permit as well as a permit from the TRPA. Senator Sloan communicated his concerns to Senator Wilson who said it was not his intention to have that language apply so restrictively. Senator Sloan suggested amending the bill to resolve the ambiguity by adding the word "external" immediately preceding the word "alteration", thereby making it clear this section applies only to exterior and external alterations and reconstruction and that the reference to the change of the location is the change of the structure itself and not of anything inside the structure.

Senator Sloan moved the adoption of the amendment.

Seconded by Senator Lamb.

Motion carried.

Senator Sloan stated that his second area of concern was the language on line 27 of Page 2 which says "gaming must not be conducted on any story of the structure not so used or approved for use on that date." He explained that he believed that the idea of dividing hotels into 2 portions, public area and non-public area, is so that the gaming industry would agree not to extend the public area. Then line 27 introduces a narrower area by referring specifically to gaming. He felt it would be a double limitation which would be inconsistent with the previous provisions for the State of Nevada to say there may be showrooms, restaurants or other types of

public area activities on a particular floor but there can be no gaming, which is also defined as a public area activity.

Senator Neal responded by saying that he felt the intention there was for gaming to be controlled where it is presently located. This would preclude the gaming establishments from wiping out the rooms and putting gaming in their place. Senator Sloan felt that situation would be prevented by the definition of public area in the bill beginning on line 25, which distinguishes public area from the area devoted to the private use of guests and parking area.

Senators Glaser, Lamb and Faiss felt that the industry should have the flexibility to move restaurants, showrooms and gaming areas around as long as it is still within the public area as it existed on the date of passage and approval of this bill. Senator Wilson stated that limiting gaming to one floor or not is a matter of conception. He stated that there was some concern that California would not understand unless there was a floor limitation. He emphasized that the importance of the bill was the bottom line -- that gaming will not expand.

Senators Sloan and Lamb felt that the gaming industry should have the opportunity to approach the legislature in the future to amend this provision if facts and situations change. Senator Wilson felt they could come back and amend this provision, but this same language may be found in the compact ratified by Congress.

Senator Sloan suggested amending the bill by deleting the language on lines 27, 28 and 29 stating "Gaming must not be conducted on any story of the structure not soused or approved for use on that date."

Senator Sloan moved the adoption of the amendment.

Seconded by Senator Glaser.

Yeas - 5

Nays - Neal (1)

Motion carried.

There was further discussion regarding the amendments proposed by Senator Wilson and the jurisdiction of the agency to limit the modification of the structure.

Senator Sloan moved that the committee adopt the amendments proposed by Senator Wilson.

Seconded by Senator Glaser.

Yeas - 4

Nays - Jacobsen and Lamb (2)

Motion carried.

Senator Neal called for final action on the bill.

Senator Lamb moved the committee hold the bill.

Seconded by Senator Jacobsen.

There was discussion on whether there has been enough opportunity for those affected by the bill to testify. Senator Jacobsen and Senator Lamb felt that because substantial amendments have just been adopted, final action should be deferred to a subsequent meeting. Senator Neal argued that there have been several public hearings and felt the committee must take a position relative to limiting gaming at Tahoe.

Senator Lamb stated that with the concurrence of Senator Jacobsen, he would withdraw his previous motion.

Senator Sloan moved that S.B. 323 be passed out of committee with the recommendation: Amend, and do pass as amended.

Seconded by Senator Glaser.

Yeas - 3

Nays - Jacobsen, Lamb and Faiss (3)

Motion lost.

The committee agreed to consider the bill further at the next regularly scheduled meeting.

There being no further business, the meeting was adjourned at 12:40 p.m.

Respectfully submitted,


Eileen Wynkoop
Committee Secretary

APPROVED:


Joe Neal, Chairman

(Committee Minutes)