
ASSEMBLY BILL NO. 390—ASSEMBLYMAN PERKINS

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Increases distance required under certain circumstances between proposed gaming establishment and public school, private school or structure used primarily for religious services or worship. (BDR 41-811)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to gaming; revising the provisions governing the designation of gaming enterprise districts in certain counties; increasing the required minimum distance between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship that must be proven before certain petitions for such a designation may be granted; increasing, as between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship, the distance within which the absence of adverse effects must be proven before certain petitions for such a designation may be granted; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 463.3086 is hereby amended to read as
2 follows:
3 463.3086 1. If the location of a proposed establishment:



1 (a) Is not within the Las Vegas Boulevard gaming corridor or
2 the rural Clark County gaming zone; and

3 (b) Is not within a gaming enterprise district,
4 ↪ the Commission shall not approve a nonrestricted license for the
5 establishment unless the location of the establishment is designated
6 a gaming enterprise district pursuant to this section.

7 2. If a person is proposing to operate an establishment with a
8 nonrestricted license and the location of the proposed establishment:

9 (a) Is not within the Las Vegas Boulevard gaming corridor or
10 the rural Clark County gaming zone; and

11 (b) Is not within a gaming enterprise district,
12 ↪ the person may petition the county, city or town having
13 jurisdiction over the location of the proposed establishment to
14 designate the location of the proposed establishment a gaming
15 enterprise district pursuant to this section.

16 3. If a person files a petition pursuant to subsection 2, the
17 county, city or town shall, at least 10 days before the date of the
18 hearing on the petition, mail a notice of the hearing to:

19 (a) Each owner of real property whose property line is less than
20 ~~{2,500}~~ 5,000 feet from the property line of the proposed
21 establishment;

22 (b) The owner, as listed on the county assessor's records, of
23 each of the 30 separately owned parcels nearest the proposed
24 establishment, to the extent this notice does not duplicate the notice
25 given pursuant to paragraph (a);

26 (c) Each tenant of a mobile home park whose property line is
27 less than ~~{2,500}~~ 5,000 feet from the property line of the proposed
28 establishment; and

29 (d) Any advisory board that represents one or more owners of
30 real property or tenants of a mobile home park whose property line
31 is less than ~~{2,500}~~ 5,000 feet from the property line of the proposed
32 establishment.

33 ↪ The notice must be written in language that is easy to understand
34 and must set forth the date, time, place and purpose of the hearing
35 and contain a physical description or map of the location of the
36 proposed establishment. The petitioner shall pay the costs of
37 providing the notice that is required by this subsection.

38 4. Any interested person is entitled to be heard at the hearing
39 on the petition.

40 5. The county, city or town shall cause the hearing on the
41 petition to be reported by a court reporter who is certified pursuant
42 to chapter 656 of NRS. The petitioner shall pay the costs of having
43 the hearing reported.

44 6. At the hearing, the petitioner must prove by clear and
45 convincing evidence that:



1 (a) The roads, water, sanitation, utilities and related services to
2 the location are adequate;

3 (b) The proposed establishment will not unduly impact public
4 services, consumption of natural resources and the quality of life
5 enjoyed by residents of the surrounding neighborhoods;

6 (c) The proposed establishment will enhance, expand and
7 stabilize employment and the local economy;

8 (d) The proposed establishment will be located in an area
9 planned or zoned for that purpose pursuant to NRS 278.010 to
10 278.630, inclusive;

11 (e) The proposed establishment will not be detrimental to the
12 health, safety or general welfare of the community or be
13 incompatible with the surrounding area;

14 (f) On the date that the petition was filed, the property line of the
15 proposed establishment was not less than ~~f~~:

16 ~~— (1) Five hundred~~ 5,000 feet from the property line of a
17 developed residential district, ~~f~~; and

18 ~~— (2) Fifteen hundred feet from the property line of a~~ public
19 school, private school or structure used primarily for religious
20 services or worship; and

21 (g) The proposed establishment will not adversely affect ~~f~~:

22 ~~— (1) A~~ a developed residential district, ~~f~~; or

23 ~~— (2) A~~ public school, private school or structure used
24 primarily for religious services ~~f~~;

25 ~~→~~ whose property line is within ~~[2,500]~~ 7,500 feet from the
26 property line of the proposed establishment.

27 7. A ~~[three-fourths]~~ vote *of one greater than the majority* of
28 the governing body of the county, city or town is required to grant
29 the petition to designate the location of the proposed establishment a
30 gaming enterprise district pursuant to this section. *The provisions of*
31 *subsection 5 of NRS 281.501 do not apply to a governing body*
32 *voting pursuant to this subsection.*

33 8. A county, city or town that denies a petition submitted
34 pursuant to this section shall not consider another petition
35 concerning the same location or any portion thereof for 1 year after
36 the date of the denial.

37 9. As used in this section:

38 (a) “Developed residential district” means a parcel of land zoned
39 primarily for residential use in which at least one completed
40 residential unit has been constructed on the date that the petitioner
41 files a petition pursuant to this section.

42 (b) “Private school” has the meaning ascribed to it in
43 NRS 394.103.

44 (c) “Public school” has the meaning ascribed to it in
45 NRS 385.007.



1 **Sec. 2.** NRS 281.501 is hereby amended to read as follows:

2 281.501 1. Except as otherwise provided in subsection 2, 3 or
3 4, a public officer may vote upon a matter if the benefit or detriment
4 accruing to him as a result of the decision either individually or in a
5 representative capacity as a member of a general business,
6 profession, occupation or group is not greater than that accruing to
7 any other member of the general business, profession, occupation or
8 group.

9 2. Except as otherwise provided in subsection 3, in addition to
10 the requirements of the code of ethical standards, a public officer
11 shall not vote upon or advocate the passage or failure of, but may
12 otherwise participate in the consideration of, a matter with respect to
13 which the independence of judgment of a reasonable person in his
14 situation would be materially affected by:

- 15 (a) His acceptance of a gift or loan;
16 (b) His pecuniary interest; or
17 (c) His commitment in a private capacity to the interests of
18 others.

19 ➤ It must be presumed that the independence of judgment of a
20 reasonable person would not be materially affected by his pecuniary
21 interest or his commitment in a private capacity to the interests of
22 others where the resulting benefit or detriment accruing to him or to
23 the other persons whose interests to which the member is committed
24 in a private capacity is not greater than that accruing to any other
25 member of the general business, profession, occupation or group.
26 The presumption set forth in this subsection does not affect the
27 applicability of the requirements set forth in subsection 4 relating to
28 the disclosure of the pecuniary interest or commitment in a private
29 capacity to the interests of others.

30 3. In a county whose population is 400,000 or more, a member
31 of a county or city planning commission shall not vote upon or
32 advocate the passage or failure of, but may otherwise participate in
33 the consideration of, a matter with respect to which the
34 independence of judgment of a reasonable person in his situation
35 would be materially affected by:

- 36 (a) His acceptance of a gift or loan;
37 (b) His direct pecuniary interest; or
38 (c) His commitment to a member of his household or a person
39 who is related to him by blood, adoption or marriage within the third
40 degree of consanguinity or affinity.

41 ➤ It must be presumed that the independence of judgment of a
42 reasonable person would not be materially affected by his direct
43 pecuniary interest or his commitment described in paragraph (c)
44 where the resulting benefit or detriment accruing to him or to the
45 other persons whose interests to which the member is committed is



1 not greater than that accruing to any other member of the general
2 business, profession, occupation or group. The presumption set forth
3 in this subsection does not affect the applicability of the
4 requirements set forth in subsection 4 relating to the disclosure of
5 the direct pecuniary interest or commitment.

6 4. A public officer or employee shall not approve, disapprove,
7 vote, abstain from voting or otherwise act upon any matter:

8 (a) Regarding which he has accepted a gift or loan;

9 (b) Which would reasonably be affected by his commitment in a
10 private capacity to the interest of others; or

11 (c) In which he has a pecuniary interest,

12 ➤ without disclosing sufficient information concerning the gift,
13 loan, commitment or interest to inform the public of the potential
14 effect of the action or abstention upon the person who provided the
15 gift or loan, upon the person to whom he has a commitment, or upon
16 his interest. Except as otherwise provided in subsection 6, such a
17 disclosure must be made at the time the matter is considered. If the
18 officer or employee is a member of a body which makes decisions,
19 he shall make the disclosure in public to the Chairman and other
20 members of the body. If the officer or employee is not a member of
21 such a body and holds an appointive office, he shall make the
22 disclosure to the supervisory head of his organization or, if he holds
23 an elective office, to the general public in the area from which he is
24 elected. This subsection does not require a public officer to disclose
25 any campaign contributions that the public officer reported pursuant
26 to NRS 294A.120 or 294A.125 in a timely manner.

27 5. Except as otherwise provided in NRS 241.0355 ~~§~~ and
28 **463.3086**, if a public officer declares to the body or committee in
29 which the vote is to be taken that he will abstain from voting
30 because of the requirements of this section, the necessary quorum to
31 act upon and the number of votes necessary to act upon the matter,
32 as fixed by any statute, ordinance or rule, is reduced as though the
33 member abstaining were not a member of the body or committee.

34 6. After a member of the Legislature makes a disclosure
35 pursuant to subsection 4, he may file with the Director of the
36 Legislative Counsel Bureau a written statement of his disclosure.
37 The written statement must designate the matter to which the
38 disclosure applies. After a Legislator files a written statement
39 pursuant to this subsection, he is not required to disclose orally his
40 interest when the matter is further considered by the Legislature or
41 any committee thereof. A written statement of disclosure is a public
42 record and must be made available for inspection by the public
43 during the regular office hours of the Legislative Counsel Bureau.

44 7. The provisions of this section do not, under any
45 circumstances:



- 1 (a) Prohibit a member of the Legislative Branch from requesting
2 or introducing a legislative measure; or
3 (b) Require a member of the Legislative Branch to take any
4 particular action before or while requesting or introducing a
5 legislative measure.
- 6 8. As used in this section, "commitment in a private capacity to
7 the interests of others" means a commitment to a person:
- 8 (a) Who is a member of his household;
9 (b) Who is related to him by blood, adoption or marriage within
10 the third degree of consanguinity or affinity;
11 (c) Who employs him or a member of his household;
12 (d) With whom he has a substantial and continuing business
13 relationship; or
14 (e) Any other commitment or relationship that is substantially
15 similar to a commitment or relationship described in this subsection.



