

ASSEMBLY BILL NO. 485—COMMITTEE ON JUDICIARY

MARCH 28, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing gaming establishments. (BDR 41-1376)

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 provisions governing the approval of a nonrestricted license for an establishment that is not a resort hotel in certain counties; revising provisions governing the moving of the location of an establishment and the transferring of its license to another location; revising provisions governing the designation of gaming enterprise districts; 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 463.021 is hereby amended to read as follows:
2 463.021 1. The Gaming Policy Committee, consisting of the
3 Governor as Chairman and 10 members, is hereby created.
4 2. The Committee must be composed of:
5 (a) One member of the Commission, designated by the
6 Chairman of the Commission;
7 (b) One member of the Board, designated by the Chairman of
8 the Board;
9 (c) One member of the Senate appointed by the Legislative
10 Commission;
11 (d) One member of the Assembly appointed by the Legislative
12 Commission;
13 (e) One enrolled member of a Nevada Indian tribe appointed by
14 the Inter-Tribal Council of Nevada, Inc.; and



1 (f) Five members appointed by the Governor for terms of 2
2 years as follows:

3 (1) Two representatives of the general public;

4 (2) Two representatives of nonrestricted gaming licensees;

5 and

6 (3) One representative of restricted gaming licensees.

7 3. Members who are appointed by the Governor serve at the
8 pleasure of the Governor.

9 4. Members who are Legislators serve terms beginning when
10 the Legislature convenes and continuing until the next regular
11 session of the Legislature is convened.

12 5. ~~[Except as otherwise provided in subsection 6, the]~~ *The*
13 Governor may call meetings of the Gaming Policy Committee for
14 the exclusive purpose of discussing matters of gaming policy. The
15 recommendations concerning gaming policy made by the
16 Committee pursuant to this subsection are advisory and not binding
17 on the Board or the Commission in the performance of their duties
18 and functions.

19 ~~[6. An appeal filed pursuant to NRS 463.3088 may be~~
20 ~~considered only by a Review Panel of the Committee. The Review~~
21 ~~Panel must consist of the members of the Committee who are~~
22 ~~identified in paragraphs (a), (b) and (c) of subsection 2 and~~
23 ~~subparagraph (1) of paragraph (f) of subsection 2.]~~

24 **Sec. 2.** NRS 463.1605 is hereby amended to read as follows:

25 463.1605 1. Except as otherwise provided in subsection 3,
26 the Commission shall not approve a nonrestricted license, other than
27 for the operation of a race book or sports pool at an establishment
28 which holds a nonrestricted license to operate both gaming devices
29 and a gambling game, for an establishment in a county whose
30 population is 100,000 or more unless the establishment is a resort
31 hotel.

32 2. A county, city or town may require resort hotels to meet
33 standards in addition to those required by this chapter as a condition
34 of issuance of a gaming license by the county, city or town.

35 3. The Commission may approve a nonrestricted license for an
36 establishment which is not a resort hotel at a new location if ~~[the]~~ :

37 (a) *The establishment was acquired or displaced pursuant to a*
38 *redevelopment project undertaken by an agency created pursuant to*
39 *NRS 279.382 to 279.685, inclusive [;], in accordance with a final*
40 *order of condemnation entered before the effective date of this act;*
41 *or*

42 (b) *The establishment was acquired or displaced pursuant to a*
43 *redevelopment project undertaken by an agency created pursuant*
44 *to NRS 279.382 to 279.685, inclusive, in accordance with a final*
45 *order of condemnation entered on or after the effective date of this*



1 *act, and the new location of the establishment is within the same*
2 *redevelopment area as the former location of the establishment.*

3 **Sec. 3.** NRS 463.302 is hereby amended to read as follows:

4 463.302 1. Notwithstanding any other provision of law and
5 except as otherwise provided in this section, the Board may, in its
6 sole and absolute discretion, allow a licensee to move the location of
7 its establishment and transfer its restricted or nonrestricted license
8 to:

9 (a) A location within a redevelopment ~~{zone,}~~ *area created*
10 *pursuant to chapter 279 of NRS,* if the redevelopment ~~{zone}~~ *area*
11 is located in the same local governmental jurisdiction as the existing
12 location of the establishment; ~~{or}~~

13 (b) Any other location, if the move and transfer are necessary
14 because the existing location of the establishment has been taken by
15 the State or a local government through condemnation or eminent
16 domain ~~{}~~ *in accordance with a final order of condemnation*
17 *entered before the effective date of this act; or*

18 (c) *In any county other than a county whose population is*
19 *100,000 or more but less than 400,000, any other location within*
20 *the same local governmental jurisdiction as the existing location*
21 *of the establishment, if the move and transfer are necessary*
22 *because the existing location of the establishment has been taken*
23 *by the State or a local government through condemnation or*
24 *eminent domain in accordance with a final order of condemnation*
25 *entered on or after the effective date of this act.*

26 2. The Board shall not approve a move and transfer pursuant to
27 subsection 1 unless, before the move and transfer, the licensee
28 receives all necessary approvals from the local government having
29 jurisdiction over the location to which the establishment wants to
30 move and transfer its license.

31 3. Before a move and transfer pursuant to subsection 1, the
32 Board may require the licensee to apply for a new license pursuant
33 to the provisions of this chapter.

34 4. The provisions of subsection 1 do not apply to an
35 establishment that is:

36 (a) A resort hotel; or

37 (b) Located in a *county, city or town* which has established one
38 or more gaming enterprise districts.

39 **Sec. 4.** NRS 463.3086 is hereby amended to read as follows:

40 463.3086 1. If the location of a proposed establishment:

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

43 (b) Is not within a gaming enterprise district,



1 ↳ the Commission shall not approve a nonrestricted license for the
2 establishment unless the location of the establishment is designated
3 a gaming enterprise district pursuant to this section.

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

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

8 (b) Is not within a gaming enterprise district,

9 ↳ the person may petition the county, city or town having
10 jurisdiction over the location of the proposed establishment to
11 designate the location of the proposed establishment a gaming
12 enterprise district pursuant to this section.

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

16 (a) Each owner of real property whose property line is less than
17 2,500 feet from the property line of the proposed establishment;

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

22 (c) Each tenant of a mobile home park whose property line is
23 less than 2,500 feet from the property line of the proposed
24 establishment; and

25 (d) Any advisory board that represents one or more owners of
26 real property or tenants of a mobile home park whose property line
27 is less than 2,500 feet from the property line of the proposed
28 establishment.

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

34 4. Any interested person is entitled to be heard at the hearing
35 on the petition.

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

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

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



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

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

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

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

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

14 (1) Five hundred feet from the property line of a developed
15 residential district; and

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

19 (g) The proposed establishment will not adversely affect:

20 (1) A developed residential district; or

21 (2) A public school, private school or structure used
22 primarily for religious services,

23 whose property line is within 2,500 feet from the property line of
24 the proposed establishment ~~and~~; and

25 *(h) The proposed establishment will be located within a
26 gaming enterprise district that will be located entirely within the
27 boundaries of a master planned community.*

28 7. A three-fourths vote of the governing body of the county,
29 city or town is required to grant the petition to designate the location
30 of the proposed establishment a gaming enterprise district pursuant
31 to this section.

32 8. *If the governing body of the county, city or town grants the
33 petition to designate the location of the proposed establishment a
34 gaming enterprise district, the governing body shall, at the hearing
35 held pursuant to this section, establish limitations on the height
36 and size of the proposed establishment.*

37 9. A county, city or town that denies a petition submitted
38 pursuant to this section shall not consider another petition
39 concerning the same location or any portion thereof for 1 year after
40 the date of the denial.

41 ~~9.~~ 10. As used in this section:

42 (a) "Developed residential district" means a parcel of land zoned
43 primarily for residential use in which at least one completed
44 residential unit has been constructed on the date that the petitioner
45 files a petition pursuant to this section.



1 (b) *“Master planned community” means a contiguous area of*
2 *land that:*

3 (1) *Contains at least 750 acres owned or controlled by a*
4 *single entity;*

5 (2) *Contains a mix of land uses that include residential,*
6 *commercial, employment and public uses;*

7 (3) *Contains not more than one gaming enterprise district*
8 *and not more than one establishment that holds a nonrestricted*
9 *license; and*

10 (4) *Has not more than 75 acres designated as a gaming*
11 *enterprise district.*

12 (c) “Private school” has the meaning ascribed to it in
13 NRS 394.103.

14 ~~(c)~~ (d) “Public school” has the meaning ascribed to it in
15 NRS 385.007.

16 **Sec. 5.** NRS 463.3088 is hereby repealed.

17 **Sec. 6.** 1. Notwithstanding the provisions of paragraph (b) of
18 subsection 4 of NRS 463.302, as amended by section 3 of this act,
19 the Nevada Gaming Control Board may, in its sole and absolute
20 discretion, allow a licensee to move the location of its establishment
21 and transfer its restricted or nonrestricted license pursuant to the
22 provisions of NRS 463.302, as amended by section 3 of this act, if:

23 (a) The establishment holds a nonrestricted license on the
24 effective date of this act but is not a resort hotel;

25 (b) The establishment is located in a county whose population is
26 400,000 or more and is located within a redevelopment area of the
27 county on the effective date of this act;

28 (c) The establishment is acquired, displaced or relocated
29 pursuant to a redevelopment project undertaken by an agency
30 created pursuant to NRS 279.382 to 279.685, inclusive;

31 (d) The establishment is to be relocated within the
32 redevelopment area of the county to a proposed location that is
33 within 200 feet of the existing location of the establishment;

34 (e) The establishment will have a casino area that is less than or
35 equal to the size of the casino area of the existing establishment; and

36 (f) The redevelopment agency and the board of county
37 commissioners approve the move of the location of the
38 establishment at a public hearing that is conducted in compliance
39 with the provisions of subsection 2.

40 2. A public hearing to consider the move of the location of an
41 establishment must comply with the following requirements:

42 (a) At least 10 days before the date of the public hearing, a
43 notice of the hearing must be mailed to:



1 (1) Each owner of real property whose property line is less
2 than 2,500 feet from the property line of the proposed location of the
3 establishment;

4 (2) The owner, as listed on the county assessor's records, of
5 each of the 30 separately owned parcels nearest the proposed
6 location of the establishment, to the extent this notice does not
7 duplicate the notice given pursuant to any other provision of this
8 paragraph;

9 (3) Each tenant of a mobile home park whose property line is
10 less than 2,500 feet from the property line of the proposed location
11 of the establishment; and

12 (4) Any advisory board that represents one or more owners
13 of real property or tenants of a mobile home park whose property
14 line is less than 2,500 feet from the property line of the proposed
15 location of the establishment.

16 (b) The notice mailed pursuant to paragraph (a) must be written
17 in language that is easy to understand and must set forth the date,
18 time, place and purpose of the public hearing and contain a physical
19 description or map of the proposed location of the establishment.

20 (c) The licensee shall pay the costs of providing the notice that
21 is required pursuant to paragraph (a).

22 (d) Any interested person is entitled to be heard at the public
23 hearing.

24 **Sec. 7.** 1. The amendatory provisions of section 4 of this act
25 do not apply to an establishment that holds a nonrestricted license
26 for a resort hotel on the effective date of this act and all parcels of
27 land that are adjacent to the property line of the establishment or
28 adjacent to a street or highway that is adjacent to the property line of
29 such an establishment, if such parcels are owned or leased by the
30 same person or entity, or any affiliate of the person or entity, which
31 owns or leases the property on which the establishment is located.

32 2. After a county, city or town makes a decision on a petition
33 filed pursuant to NRS 463.3086, as amended by section 4 of this act,
34 by an establishment described in subsection 1:

35 (a) The petitioner may appeal to the Committee if the petition is
36 denied; or

37 (b) An aggrieved party may appeal to the Committee if the
38 petition is granted.

39 3. A notice of appeal must be filed with the Committee not
40 later than 10 days after the date of the decision on the petition.

41 4. The Committee may hear only one appeal from the decision
42 on the petition.

43 5. The Committee shall determine whether a person who files a
44 notice of appeal is an aggrieved party. If more than one person files



1 a notice of appeal, the Committee shall consolidate the appeals of all
2 persons who the Committee determines are aggrieved parties.

3 6. If the petitioner files a notice of appeal, the county, city or
4 town that denied the petition shall be deemed to be the opposing
5 party, and the county, city or town may elect to defend its decision
6 before the Committee.

7 7. If a notice of appeal is filed by the petitioner or an aggrieved
8 party, the petitioner shall request the court reporter to prepare a
9 transcript of the report of the hearing on the petition, and the
10 petitioner shall pay the costs of preparing the transcript.

11 8. The Committee shall consider the appeal not later than 30
12 days after the date the notice of appeal is filed. The Committee may
13 accept written briefs or hear oral arguments, or both. The
14 Committee shall not receive additional evidence and shall confine
15 its review to the record. In reviewing the record, the Committee may
16 substitute its judgment for that of the county, city or town and may
17 make its own determinations as to the sufficiency and weight of the
18 evidence on all questions of fact or law.

19 9. The Committee shall issue its decision and written findings
20 not later than 30 days after the appeal is heard or is submitted for
21 consideration without oral argument. The Committee shall affirm or
22 reverse the decision of the county, city or town and shall grant or
23 deny the petition in accordance with its affirmance or reversal.

24 10. Any party to the appeal before the Committee may appeal
25 the decision of the Committee to grant or deny the petition to the
26 district court. A party must file such an appeal not later than 20 days
27 after the date of the decision of the Committee.

28 11. The Committee may take any action that is necessary to
29 carry out the provisions of this section. Any action that is taken by
30 the Committee pursuant to this section must be approved by a
31 majority vote of the membership of the Committee.

32 12. As used in this section, "Committee" means the Review
33 Panel of the Gaming Policy Committee which consists of the
34 members of the Gaming Policy Committee who are identified in
35 paragraphs (a), (b) and (e) of subsection 2 of NRS 463.021 and
36 subparagraph (1) of paragraph (f) of subsection 2 of NRS 463.021.

37 **Sec. 8.** This act becomes effective upon passage and approval.



TEXT OF REPEALED SECTION

463.3088 Gaming enterprise district: Procedure for appealing denial or grant of petition to designate location outside of Las Vegas Boulevard gaming corridor and rural Clark County gaming zone.

1. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086:

(a) The petitioner may appeal to the Committee if the petition is denied; or

(b) An aggrieved party may appeal to the Committee if the petition is granted.

2. A notice of appeal must be filed with the Committee not later than 10 days after the date of the decision on the petition.

3. The Committee may hear only one appeal from the decision on the petition.

4. The Committee shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the Committee shall consolidate the appeals of all persons who the Committee determines are aggrieved parties.

5. If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the Committee.

6. If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.

7. The Committee shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The Committee may accept written briefs or hear oral arguments, or both. The Committee shall not receive additional evidence and shall confine its review to the record. In reviewing the record, the Committee may substitute its judgment for that of the county, city or town and may make its own determinations as to the sufficiency and weight of the evidence on all questions of fact or law.

8. The Committee shall issue its decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The Committee shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with its affirmation or reversal.



9. Any party to the appeal before the Committee may appeal the decision of the Committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the Committee.

10. The Committee may take any action that is necessary to carry out the provisions of this section. Any action that is taken by the Committee pursuant to this section must be approved by a majority vote of the membership of the Committee.

11. As used in this section, "Committee" means the Review Panel of the Gaming Policy Committee as provided in subsection 6 of NRS 463.021.



