

Amendment No. 1106

Senate Amendment to Assembly Bill No. 485 Second Reprint	(BDR 41-1376)
Proposed by: Senator Heck	
Amendment Box: Consistent with Amendments Nos. 1095, 1098 and 1099. Conflicts with Amendment No. 1096.	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering section 1 of the bill as sec. 1.7 and adding new sections designated sections 1 through 1.5, following the enacting clause, to read as follows:

“**Section 1.** Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. 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 arbitrator if the petition is denied; or

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

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

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

BAW

Date: 5/27/2005

A.B. No. 485—Revises provisions governing gaming establishments.

4. The arbitrator 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 arbitrator shall consolidate the appeals of all persons who the arbitrator 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 arbitrator.

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 arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if:

(a) The county, city or town failed to comply with the requirements pertaining to notice and hearing of the petition in accordance with the provisions of subsections 3, 4 and 5 of NRS 463.3086;

(b) The county, city or town granted the petition without complying with the provisions of subsection 7, 8 or 9 of NRS 463.3086; or

(c) There is no evidence in the record to support the decision of the county, city or town.

8. The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall

affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with the affirmance or reversal.

9. Any party to the appeal before the arbitrator may appeal the decision of the arbitrator 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 arbitrator.

10. The arbitrator may take any action that is necessary to carry out the provisions of this section.

11. As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules.

Sec. 1.5. 1. If a county, city or town decides to authorize an increase in the height or size of a proposed establishment, an aggrieved party may appeal the decision to the arbitrator.

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

3. The arbitrator may hear only one appeal from the decision.

4. The arbitrator 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 arbitrator shall consolidate the appeals of all persons who the arbitrator determines are aggrieved parties.

5. If an aggrieved party files a notice of appeal, the proposed establishment and the county, city or town that authorized the increase in the height or size of the proposed establishment shall be deemed to be the opposing parties, and the proposed establishment and the county, city or town may elect to defend the decision before the arbitrator.

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

7. The arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if there is not substantial evidence in the record to support the decision of the county, city or town.

8. The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall affirm or reverse the decision of the county, city or town.

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

10. The arbitrator may take any action that is necessary to carry out the provisions of this section.

11. As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules."

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. NRS 463.3074 is hereby amended to read as follows:

463.3074 The provisions of NRS 463.3072 to 463.3094, inclusive, *and sections 1.3 and 1.5 of this act* apply to establishments and gaming enterprise districts that are located in a county whose population is 400,000 or more.”.

Amend sec. 7, pages 7 and 8, by deleting lines 35 through 44 on page 7 and lines 1 through 36 on page 8, and inserting:

“(a) If the petition is denied, the petitioner may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act; or

(b) If the petition is granted, an aggrieved party may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act.”.