

ASSEMBLY BILL NO. 593—COMMITTEE ON JUDICIARY

MARCH 17, 1999

Referred to Committee on Judiciary

SUMMARY—Provides that gaming employee who works for his employer in more than one location is not required to obtain more than one work permit. (BDR 41-1618)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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; providing that a gaming employee who works for his employer in more than one location is not required to obtain more than one work permit; 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 463.335 is hereby amended to read as follows:
2 463.335 1. The legislature finds that, to protect and promote the
3 health, safety, morals, good order and general welfare of the inhabitants of
4 the State of Nevada and to carry out the policy declared in NRS 463.0129,
5 it is necessary that the board:
6 (a) Ascertain and keep itself informed of the identity, prior activities
7 and present location of all gaming employees and independent agents in
8 the State of Nevada; and
9 (b) Maintain confidential records of such information.
10 2. ~~[A]~~ ***Except as otherwise provided in subsections 3 and 4, a*** person
11 may not be employed as a gaming employee or serve as an independent
12 agent unless he is the holder of:
13 (a) A valid work permit issued in accordance with the applicable
14 ordinances or regulations of the county or city in which his duties are
15 performed and the provisions of this chapter; or
16 (b) A ***valid*** work permit issued by the board, if a work permit is not
17 required by either the county or the city . ~~f~~
18 ~~except~~ ~~that~~ ~~an~~

1 **3.** An independent agent is not required to hold a work permit if he is
2 not a resident of this state and has registered with the board in accordance
3 with the provisions of the regulations adopted by the commission.

4 ~~[3.]~~ **4.** *A person may be employed as a gaming employee and perform*
5 *duties for his employer in more than one county or city without obtaining*
6 *a valid work permit for each county or city in which he performs those*
7 *duties if the person holds:*

8 *(a) A valid work permit issued in accordance with the applicable*
9 *ordinances or regulations of the county or city in which his duties are*
10 *primarily performed and the provisions of this chapter; or*

11 *(b) A valid work permit issued by the board, if a work permit is not*
12 *required by either the county or the city in which his duties are primarily*
13 *performed.*

14 **5.** A work permit issued to a gaming employee or an independent
15 agent must have clearly imprinted thereon a statement that it is valid for
16 gaming purposes only.

17 ~~[4.]~~ **6.** Whenever any person applies for the issuance or renewal of a
18 work permit, the county or city officer or employee to whom the
19 application is made shall within 24 hours mail or deliver a copy thereof to
20 the board, and may at the discretion of the county or city licensing
21 authority issue a temporary work permit. If within 90 days after receipt by
22 the board of the copy of the application, the board has not notified the
23 county or city licensing authority of any objection, the authority may issue,
24 renew or deny a work permit to the applicant. A gaming employee who is
25 issued a work permit must obtain renewal of the permit from the issuing
26 agency within 10 days following any change of his place of employment.
27 An independent agent who is issued a work permit must obtain renewal of
28 the permit from the issuing agency within 10 days after executing an
29 agreement to serve as an independent agent within the jurisdiction of the
30 issuing agency.

31 ~~[5.]~~ **7.** If the board, within the 90-day period, notifies:

32 (a) The county or city licensing authority; and

33 (b) The applicant,

34 that the board objects to the granting of a work permit to the applicant, the
35 authority shall deny the work permit and shall immediately revoke and
36 repossess any temporary work permit which it may have issued. The notice
37 of objection by the board which is sent to the applicant must include a
38 statement of the facts upon which the board relied in making its objection.

39 ~~[6.]~~ **8.** Application for a work permit ~~[, valid wherever a work permit~~
40 ~~is not required by any county or city licensing authority,]~~ may be made to
41 the board, and may be granted or denied for any cause deemed reasonable
42 by the board. Whenever the board denies such an application, it shall

1 include in its notice of the denial a statement of the facts upon which it
2 relied in denying the application.

3 ~~17-1~~ 9. Any person whose application for a work permit has been
4 denied because of an objection by the board or whose application has been
5 denied by the board may, not later than 60 days after receiving notice of
6 the denial or objection, apply to the board for a hearing. A failure of a
7 person whose application has been denied to apply for a hearing within 60
8 days or his failure to appear at a hearing of the board conducted pursuant
9 to this section shall be deemed to be an admission that the denial or
10 objection is well founded, and the failure precludes administrative or
11 judicial review. At the hearing, the board shall take any testimony deemed
12 necessary. After the hearing the board shall review the testimony taken and
13 any other evidence, and shall within 45 days after the date of the hearing
14 mail to the applicant its decision sustaining or reversing the denial of the
15 work permit or the objection to the issuance of a work permit.

16 ~~18-1~~ 10. The board may object to the issuance of a work permit or may
17 refuse to issue a work permit for any cause deemed reasonable by the
18 board. The board may object or refuse if the applicant has:

19 (a) Failed to disclose or misstated information or otherwise attempted to
20 mislead the board with respect to any material fact contained in the
21 application for the issuance or renewal of a work permit;

22 (b) Knowingly failed to comply with the provisions of this chapter or
23 chapter 463B, 464 or 465 of NRS or the regulations of the commission at a
24 place of previous employment;

25 (c) Committed, attempted or conspired to commit any crime of moral
26 turpitude, embezzlement or larceny or any violation of any law pertaining
27 to gaming, or any crime which is inimical to the declared policy of this
28 state concerning gaming;

29 (d) Committed, attempted or conspired to commit a crime which is a
30 felony or gross misdemeanor in this state or an offense in another state or
31 jurisdiction which would be a felony or gross misdemeanor if committed in
32 this state;

33 (e) Been identified in the published reports of any federal or state
34 legislative or executive body as being a member or associate of organized
35 crime, or as being of notorious and unsavory reputation;

36 (f) Been placed and remains in the constructive custody of any federal,
37 state or municipal law enforcement authority; or

38 (g) Had a work permit revoked or committed any act which is a ground
39 for the revocation of a work permit or would have been a ground for
40 revoking his work permit if he had then held a work permit.

41 If the board issues or does not object to the issuance of a work permit to an
42 applicant who has been convicted of a crime which is a felony, gross
43 misdemeanor or misdemeanor, it may specially limit the period for which

1 the permit is valid, limit the job classifications for which the holder of the
2 permit may be employed and establish such individual conditions for the
3 issuance, renewal and effectiveness of the permit as the board deems
4 appropriate, including required submission to unscheduled tests for the
5 presence of alcohol or controlled substances.

6 ~~[9.]~~ 11. Any applicant aggrieved by the decision of the board may,
7 within 15 days after the announcement of the decision, apply in writing to
8 the commission for review of the decision. Review is limited to the record
9 of the proceedings before the board. The commission may sustain, modify
10 or reverse the board's decision. The decision of the commission is subject
11 to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

12 ~~[10.]~~ 12. Except as otherwise provided in this subsection, all records
13 acquired or compiled by the board or commission relating to any
14 application made pursuant to this section and all lists of persons to whom
15 work permits have been issued or denied and all records of the names or
16 identity of persons engaged in the gaming industry in this state are
17 confidential and must not be disclosed except in the proper administration
18 of this chapter or to an authorized law enforcement agency. Upon receipt
19 of a request from the welfare division of the department of human
20 resources pursuant to NRS 425.400 for information relating to a specific
21 person who has applied for or holds a work permit, the board shall disclose
22 to the division his social security number, residential address and current
23 employer as that information is listed in the files and records of the board.
24 Any record of the board or commission which shows that the applicant has
25 been convicted of a crime in another state must show whether the crime
26 was a misdemeanor, gross misdemeanor, felony or other class of crime as
27 classified by the state in which the crime was committed. In a disclosure of
28 the conviction, reference to the classification of the crime must be based on
29 the classification in the state where it was committed.

30 ~~[11.]~~ 13. A work permit expires unless renewed in accordance with
31 subsection ~~[4.]~~ 6, or if the holder thereof is not employed as a gaming
32 employee or does not serve as an independent agent within the jurisdiction
33 of the issuing authority for more than 90 days.

34 ~~[12.]~~ 14. The chairman of the board may designate a member of the
35 board or the board may appoint a hearing examiner and authorize that
36 person to perform on behalf of the board any of the following functions
37 required of the board by this section concerning work permits:

- 38 (a) Conducting a hearing and taking testimony;
39 (b) Reviewing the testimony and evidence presented at the hearing;
40 (c) Making a recommendation to the board based upon the testimony
41 and evidence or rendering a decision on behalf of the board to sustain or
42 reverse the denial of a work permit or the objection to the issuance or
43 renewal of a work permit; and

1 (d) Notifying the applicant of the decision.
2 ~~13.~~ 15. Notice by the board as provided pursuant to this section is
3 sufficient if it is mailed to the applicant's last known address as indicated
4 on the application for a work permit, or the record of the hearing, as the
5 case may be. The date of mailing may be proven by a certificate signed by
6 an officer or employee of the board which specifies the time the notice was
7 mailed. The notice shall be deemed to have been received by the applicant
8 5 days after it is deposited with the United States Postal Service with the
9 postage thereon prepaid.
10 **Sec. 2.** This act becomes effective on July 1, 1999.

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