

ASSEMBLY BILL NO. 593—COMMITTEE ON JUDICIARY

MARCH 17, 1999

Referred to Committee on Judiciary

SUMMARY—Provides that certain gaming employees who work in more than one location are 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.

~

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

AN ACT relating to gaming; providing that certain gaming employees who work in more than one location are 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 and
7 present location of all gaming employees and independent agents in the
8 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 for an*
5 *operator of a slot machine route and perform duties for his employer in*
6 *more than one county or city without obtaining a valid work permit for*
7 *each county or city in which he performs those 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 gaming employee described in subsection 4 shall notify the*
15 *licensing authority of each city and county in which he performs duties*
16 *for his employer, other than the licensing authority that issued his valid*
17 *work permit, that he has obtained a valid work permit pursuant to*
18 *subsection 4.*

19 **6.** A work permit issued to a gaming employee or an independent agent
20 must have clearly imprinted thereon a statement that it is valid for gaming
21 purposes only.

22 ~~4.~~ **7.** Whenever any person applies for the issuance or renewal of a
23 work permit, the county or city officer or employee to whom the
24 application is made shall within 24 hours mail or deliver a copy thereof to
25 the board, and may at the discretion of the county or city licensing authority
26 issue a temporary work permit. If within 90 days after receipt by the board
27 of the copy of the application, the board has not notified the county or city
28 licensing authority of any objection, the authority may issue, renew or deny
29 a work permit to the applicant. A gaming employee who is issued a work
30 permit must obtain renewal of the permit from the issuing agency within 10
31 days following any change of his place of employment. An independent
32 agent who is issued a work permit must obtain renewal of the permit from
33 the issuing agency within 10 days after executing an agreement to serve as
34 an independent agent within the jurisdiction of the issuing agency.

35 ~~5.~~ **8.** If the board, within the 90-day period, notifies:

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

37 (b) The applicant,

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

1 ~~[6.]~~ 9. Application for a work permit ~~[, valid wherever a work permit~~
2 ~~is not required by any county or city licensing authority,]~~ may be made to
3 the board, and may be granted or denied for any cause deemed reasonable
4 by the board. Whenever the board denies such an application, it shall
5 include in its notice of the denial a statement of the facts upon which it
6 relied in denying the application. *Except for a permit issued to a person*
7 *pursuant to subsection 4, a permit issued by the board is valid only in a*
8 *county or city that does not require a work permit.*

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

22 ~~[8.]~~ 11. The board may object to the issuance of a work permit or may
23 refuse to issue a work permit for any cause deemed reasonable by the
24 board. The board may object or refuse if the applicant has:

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

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

31 (c) Committed, attempted or conspired to commit any crime of moral
32 turpitude, embezzlement or larceny or any violation of any law pertaining
33 to gaming, or any crime which is inimical to the declared policy of this state
34 concerning gaming;

35 (d) Committed, attempted or conspired to commit a crime which is a
36 felony or gross misdemeanor in this state or an offense in another state or
37 jurisdiction which would be a felony or gross misdemeanor if committed in
38 this state;

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

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

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

If the board issues or does not object to the issuance of a work permit to an applicant who has been convicted of a crime which is a felony, gross misdemeanor or misdemeanor, it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

~~19.1~~ 12. Any applicant aggrieved by the decision of the board may, within 15 days after the announcement of the decision, apply in writing to the commission for review of the decision. Review is limited to the record of the proceedings before the board. The commission may sustain, modify or reverse the board's decision. The decision of the commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

~~110.1~~ 13. Except as otherwise provided in this subsection, all records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

~~111.1~~ 14. A work permit expires unless renewed in accordance with subsection ~~4.1~~ 7, or if the holder thereof is not employed as a gaming employee or does not serve as an independent agent within the jurisdiction of the issuing authority for more than 90 days.

~~112.1~~ 15. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize that person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

- 1 (a) Conducting a hearing and taking testimony;
- 2 (b) Reviewing the testimony and evidence presented at the hearing;
- 3 (c) Making a recommendation to the board based upon the testimony
- 4 and evidence or rendering a decision on behalf of the board to sustain or
- 5 reverse the denial of a work permit or the objection to the issuance or
- 6 renewal of a work permit; and
- 7 (d) Notifying the applicant of the decision.
- 8 ~~13.~~ 16. Notice by the board as provided pursuant to this section is
- 9 sufficient if it is mailed to the applicant's last known address as indicated
- 10 on the application for a work permit, or the record of the hearing, as the
- 11 case may be. The date of mailing may be proven by a certificate signed by
- 12 an officer or employee of the board which specifies the time the notice was
- 13 mailed. The notice shall be deemed to have been received by the applicant
- 14 5 days after it is deposited with the United States Postal Service with the
- 15 postage thereon prepaid.
- 16 **Sec. 2.** This act becomes effective on July 1, 1999.