

ASSEMBLY BILL NO. 646—COMMITTEE ON JUDICIARY

(ON BEHALF OF GAMING CONTROL BOARD)

MARCH 22, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to gaming. (BDR 41-416)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to gaming; revising the definition of “sports pool”; changing the deadline for collection of the annual excise tax on slot machines; clarifying a provision governing the issuance and expiration of a manufacturer’s, seller’s or distributor’s license; providing that personal property which is used as an instrumentality in certain crimes related to gaming is subject to forfeiture; 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 463.0193 is hereby amended to read as follows:
2 463.0193 “Sports pool” means the business of accepting ~~{wagers}~~,
3 *transferring, brokering, facilitating or moving to or for another person a*
4 *wager* on *a* sporting ~~{events}~~ *event* by any system or method of wagering.
5 **Sec. 2.** NRS 463.385 is hereby amended to read as follows:
6 463.385 1. In addition to any other license fees and taxes imposed by
7 this chapter, there is hereby imposed upon each slot machine operated in
8 this state an annual excise tax of \$250. If a slot machine is replaced by
9 another, the replacement is not considered a different slot machine for the
10 purpose of imposing this tax.
11 2. The commission shall:
12 (a) Collect the tax annually on or before June ~~{20,}~~ *30*, as a condition
13 precedent to the issuance of a state gaming license to operate any slot
14 machine for the ensuing fiscal year beginning July 1, from a licensee whose
15 operation is continuing.

1 (b) Collect the tax in advance from a licensee who begins operation or
2 puts additional slot machines into play during the fiscal year, prorated
3 monthly after July 31.

4 (c) Include the proceeds of the tax in its reports of state gaming taxes
5 collected.

6 3. The commission shall pay over the tax as collected to the state
7 treasurer to be deposited to the credit of the state distributive school
8 account in the state general fund, and the capital construction fund for
9 higher education and the special capital construction fund for higher
10 education, which are hereby created in the state treasury as special revenue
11 funds, in the amounts and to be expended only for the purposes specified in
12 this section.

13 4. During each fiscal year , the state treasurer shall deposit the tax paid
14 over to him by the commission as follows:

15 (a) The first \$5,000,000 of the tax in the capital construction fund for
16 higher education;

17 (b) Twenty percent of the tax in the special capital construction fund for
18 higher education; and

19 (c) The remainder of the tax in the state distributive school account in
20 the state general fund.

21 5. There is hereby appropriated from the balance in the special capital
22 construction fund for higher education on July 31 of each year the amount
23 necessary to pay the principal and interest due in that fiscal year on the
24 bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979,
25 as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the
26 bonds authorized to be issued by section 2 of chapter 643, Statutes of
27 Nevada 1987, the bonds authorized to be issued by section 2 of chapter
28 614, Statutes of Nevada 1989, the bonds authorized to be issued by section
29 2 of chapter 718, Statutes of Nevada 1991 , and the bonds authorized to be
30 issued by section 2 of chapter 629, Statutes of Nevada 1997. If in any year
31 the balance in that fund is not sufficient for this purpose, the remainder
32 necessary is hereby appropriated on July 31 from the capital construction
33 fund for higher education. The balance remaining unappropriated in the
34 capital construction fund for higher education on August 1 of each year and
35 all amounts received thereafter during the fiscal year must be transferred to
36 the state general fund for the support of higher education. If bonds
37 described in this subsection are refunded and if the amount required to pay
38 the principal of and interest on the refunding bonds in any fiscal year
39 during the term of the bonds is less than the amount that would have been
40 required in the same fiscal year to pay the principal of and the interest on
41 the original bonds if they had not been refunded, there is appropriated to
42 the University and Community College System of Nevada an amount
43 sufficient to pay the principal of and interest on the original bonds, as if

1 they had not been refunded. The amount required to pay the principal of
2 and interest on the refunding bonds must be used for that purpose from the
3 amount appropriated. The amount equal to the saving realized in that fiscal
4 year from the refunding must be used by the University and Community
5 College System of Nevada to defray, in whole or in part, the expenses of
6 operation and maintenance of the facilities acquired in part with the
7 proceeds of the original bonds.

8 6. After the requirements of subsection 5 have been met for each fiscal
9 year, when specific projects are authorized by the legislature, money in the
10 capital construction fund for higher education and the special capital
11 construction fund for higher education must be transferred by the state
12 controller and the state treasurer to the state public works board for the
13 construction of capital improvement projects for the University and
14 Community College System of Nevada, including, but not limited to,
15 capital improvement projects for the community colleges of the University
16 and Community College System of Nevada. As used in this subsection,
17 "construction" includes, but is not limited to, planning, designing, acquiring
18 and developing a site, construction, reconstruction, furnishing, equipping,
19 replacing, repairing, rehabilitating, expanding and remodeling. Any money
20 remaining in either fund at the end of a fiscal year does not revert to the
21 state general fund but remains in those funds for authorized expenditure.

22 7. The money deposited in the state distributive school account in the
23 state general fund under this section must be apportioned as provided in
24 NRS 387.030 among the several school districts of the state at the times
25 and in the manner provided by law.

26 8. The board of regents of the University of Nevada may use any
27 money in the capital construction fund for higher education and the special
28 capital construction fund for higher education for the payment of interest
29 and amortization of principal on bonds and other securities, whether issued
30 before, on or after July 1, 1979, to defray in whole or in part the costs of
31 any capital project authorized by the legislature.

32 **Sec. 3.** NRS 463.660 is hereby amended to read as follows:

33 463.660 1. The commission shall charge and collect from each
34 applicant a fee of:

35 (a) For the issuance or renewal of a manufacturer's license, \$1,000.

36 (b) For the issuance or renewal of a seller's or distributor's license,
37 \$500.

38 2. All licenses must be issued for the calendar year *beginning on*
39 *January 1* and ~~expire~~ *expiring* on December 31. *If the operation is*
40 *continuing, the commission shall charge and collect the fee prescribed by*
41 *subsection 1 on or before December 31 for the ensuing calendar year.*
42 Regardless of the date of application or issuance of the license, the fee to be
43 charged and collected under this section is the full annual fee.

1 3. All license fees collected pursuant to this section must be paid over
2 immediately to the state treasurer to be deposited to the credit of the state
3 general fund.

4 **Sec. 4.** NRS 179.118 is hereby amended to read as follows:

5 179.118 1. The proceeds from any sale or retention of property
6 declared to be forfeited must be applied, first, to the satisfaction of any
7 protected interest established by a claimant in the proceeding, then to the
8 proper expenses of the proceeding for forfeiture and resulting sale,
9 including the expense of effecting the seizure, the expense of maintaining
10 custody, the expense of advertising and the costs of the suit.

11 2. Any balance remaining after the distribution required by subsection
12 1 must be deposited as follows:

13 (a) Except as otherwise provided in this subsection, if the plaintiff
14 seized the property, in the special account established pursuant to NRS
15 179.1187 by the governing body that controls the plaintiff.

16 (b) Except as otherwise provided in this subsection, if the plaintiff is a
17 metropolitan police department, in the special account established by the
18 metropolitan police committee on fiscal affairs pursuant to NRS 179.1187.

19 (c) Except as otherwise provided in this subsection, if more than one
20 agency was substantially involved in the seizure, in an equitable manner to
21 be directed by the court hearing the proceeding for forfeiture.

22 (d) If the property was seized pursuant to NRS 200.760, in the state
23 treasury for credit to the fund for the compensation of victims of crime to
24 be used for the counseling and the medical treatment of victims of crimes
25 committed in violation of NRS 200.366, 200.710 to 200.730, inclusive, or
26 201.230.

27 (e) If the property was seized as the result of a violation of NRS
28 202.300, in the general fund of the county in which the complaint for
29 forfeiture was filed, to be used to support programs of counseling of
30 persons ordered by the court to attend counseling pursuant to paragraph (e)
31 of subsection 1 of NRS 62.211.

32 *(f) If the property was seized as the result of a violation of NRS*
33 *207.195 that was related to gaming, NRS 463.160 or 465.093, 75 percent*
34 *in the state general fund to be accounted for separately for use by agents*
35 *of the state gaming control board for enforcement and 25 percent in the*
36 *state general fund to be accounted for separately to be used for programs*
37 *to assist persons who are addicted to gambling pursuant to the direction*
38 *of the Nevada gaming commission.*

39 **Sec. 5.** NRS 179.121 is hereby amended to read as follows:

40 179.121 1. All personal property, including any tool, substance,
41 weapon, machine, money or security, which is used as an instrumentality in:

1 (a) The commission of or attempted commission of the crime of murder,
2 robbery, kidnaping, burglary, invasion of the home, grand larceny or
3 pandering;

4 (b) The commission of any crime by a criminal gang, as defined in NRS
5 213.1263; ~~or~~

6 (c) A violation of NRS 200.465, 202.265, 202.287 ~~or~~, 463.160,
7 465.070 to 465.085, inclusive, *or 465.093; or*

8 *(d) A violation of NRS 207.195 that is related to gaming,*
9 is subject to forfeiture.

10 2. Except as otherwise provided for conveyances forfeitable pursuant
11 to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles
12 or vessels, which are used or intended for use during the commission of a
13 felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085,
14 inclusive, are subject to forfeiture except that:

15 (a) A conveyance used by any person as a common carrier in the
16 transaction of business as a common carrier is not subject to forfeiture
17 under this section unless it appears that the owner or other person in charge
18 of the conveyance is a consenting party or privy to the felony or violation;

19 (b) A conveyance is not subject to forfeiture under this section by reason
20 of any act or omission established by the owner thereof to have been
21 committed or omitted without his knowledge, consent or willful blindness;

22 (c) A conveyance is not subject to forfeiture for a violation of NRS
23 202.300 if the firearm used in the violation of that section was not loaded at
24 the time of the violation; and

25 (d) A forfeiture of a conveyance encumbered by a bona fide security
26 interest is subject to the interest of the secured party if he neither had
27 knowledge of nor consented to the felony. If a conveyance is forfeited the
28 appropriate law enforcement agency may pay the existing balance and
29 retain the conveyance for official use.

30 3. For the purposes of this section, a firearm is loaded if:

31 (a) There is a cartridge in the chamber of the firearm;

32 (b) There is a cartridge in the cylinder of the firearm, if the firearm is a
33 revolver; or

34 (c) There is a cartridge in the magazine and the magazine is in the
35 firearm or there is a cartridge in the chamber, if the firearm is a
36 semiautomatic firearm.

37 **Sec. 6.** This act becomes effective upon passage and approval.