

ASSEMBLY BILL NO. 466—ASSEMBLYMEN LESLIE, PARKS, PARNELL,
GIBBONS, ANDERSON, BROWER, CHOWNING, FREEMAN,
GIUNCHIGLIANI, HUMKE, SMITH AND TIFFANY

MARCH 19, 2001

JOINT SPONSOR: SENATOR MATHEWS

Referred to Committee on Judiciary

SUMMARY—Provides for issuance of statewide work permits for gaming employees and revises various provisions governing labor organizations for gaming employees. (BDR 41-244)

FISCAL NOTE: Effect on Local Government: Yes.
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 employees; providing for the issuance of statewide work permits for gaming employees; establishing a maximum fee for the issuance of such a work permit; revising various provisions governing the listing, investigation and disqualification of personnel of a labor organization for gaming employees; 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 463.0197 is hereby amended to read as follows:
2 463.0197 “Work permit” means any card, certificate or permit issued
3 by the board or by a county or city licensing authority, whether
4 denominated as a work permit, registration card or otherwise, authorizing
5 the holder to be employed as a gaming employee *in this state* or to serve as
6 an independent agent. A document issued by any governmental authority
7 for any employment other than gaming is not a valid work permit for the
8 purposes of this chapter.
9 **Sec. 2.** NRS 463.335 is hereby amended to read as follows:
10 463.335 1. The legislature finds that, to protect and promote the
11 health, safety, morals, good order and general welfare of the inhabitants of
12 the State of Nevada and to carry out the policy declared in NRS 463.0129,
13 it is necessary that the board:



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1 (a) Ascertain and keep itself informed of the identity, prior activities
2 and present location of all gaming employees and independent agents in
3 the State of Nevada; and

4 (b) Maintain confidential records of such information.

5 2. Except as otherwise provided in ~~subsection 3 and 4,~~ *subsection 3,*
6 a person may not be employed as a gaming employee or serve as an
7 independent agent unless he is the holder of ~~it~~:

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 ~~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.~~ *a valid work permit to work as a*
13 *gaming employee issued pursuant to this section. A work permit to work*
14 *as a gaming employee may be issued by the board or by a county or city*
15 *licensing authority. An applicant for a work permit shall file his*
16 *application for a work permit with the licensing authority of the city in*
17 *which he resides if that city requires a work permit. If the city in which*
18 *he resides does not require such a permit, the applicant shall file his*
19 *application with the licensing authority of the county in which he resides*
20 *if that county requires a work permit. If the county in which he resides*
21 *does not require such a permit, the applicant shall file his application*
22 *with the board. The board shall, by regulation, prescribe the form for an*
23 *application for a work permit to work as a gaming employee. The fee for*
24 *such a permit may be charged only to cover the actual investigative and*
25 *administrative costs related to processing an application for such a*
26 *permit and must not exceed \$75.*

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

30 4. ~~It~~ *A person may be employed as a gaming employee for an operator*
31 *of a slot machine route and perform duties for his employer in more than*
32 *one county or city without obtaining a valid work permit for each county or*
33 *city in which he performs those duties if the person holds:*

34 ~~—(a) A valid work permit issued in accordance with the applicable~~
35 ~~ordinances or regulations of the county or city in which his duties are~~
36 ~~primarily performed and the provisions of this chapter; or~~

37 ~~—(b) A valid work permit issued by the board, if a work permit is not~~
38 ~~required by either the county or the city in which his duties are primarily~~
39 ~~performed.~~

40 ~~—5. A gaming employee described in subsection 4 shall notify the~~
41 ~~licensing authority of each city and county in which he performs duties for~~
42 ~~his employer, other than the licensing authority that issued his valid work~~
43 ~~permit, that he has obtained a valid work permit pursuant to subsection 4.~~

44 ~~—6.~~ *Upon receipt of an application for a work permit to work as a*
45 *gaming employee, the board or licensing authority shall conduct an*
46 *investigation of the applicant to determine whether he is eligible for the*
47 *permit. In conducting the investigation, the board or licensing authority*
48 *shall forward a complete set of the applicant's fingerprints to the central*
49 *repository for Nevada records of criminal history for submission to the*



1 *Federal Bureau of Investigation for a report concerning the criminal*
2 *history of the applicant. The investigation need not be limited solely to*
3 *consideration of the results of the report concerning the criminal history*
4 *of the applicant.*

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

8 6. *Unless denied or objected to by the board at the time that the*
9 *permittee filed a notice of a change in his place of employment pursuant*
10 *to subsection 8 and unless suspended or revoked, such a permit expires*
11 *on the fifth anniversary of the permittee's birthday, measured from the*
12 *birthday nearest the date of issuance or renewal. If the date of birth of a*
13 *permittee is on February 29 in a leap year, for the purposes of this*
14 *section, his date of birth shall be deemed to be on February 28.*

15 7. Whenever any person applies *to a county or city licensing authority*
16 for the issuance or renewal of a work permit, the county or city officer or
17 employee to whom the application is made shall within 24 hours mail or
18 deliver a copy thereof to the board, and may at the discretion of the county
19 or city licensing authority issue a temporary work permit ~~that is valid~~
20 *for 120 days.* If within ~~90~~ 120 days after receipt by the board of the copy
21 of the application, the board has not notified the county or city licensing
22 authority of any objection, the authority may issue, renew or deny a
23 *permanent* work permit to the applicant.

24 8. A gaming employee who is issued a work permit ~~must obtain~~
25 ~~renewal of the permit from the issuing agency within 10 days following~~
26 ~~any change of his place of employment. An independent agent who is~~
27 ~~issued a work permit must obtain renewal of the permit from the issuing~~
28 ~~agency within 10 days after executing an agreement to serve as an~~
29 ~~independent agent within the jurisdiction of the issuing agency.~~

30 ~~8-~~ *is eligible for employment in any licensed gaming establishment in*
31 *this state until the work permit is denied or objected to by the board,*
32 *expires or is revoked. However, each such employee shall notify the*
33 *board within 10 days following any change of his place of employment at*
34 *a gaming establishment. Such a notification shall be deemed an*
35 *application for a work permit that the board may deny or object to after*
36 *conducting any investigations the board deems appropriate. The*
37 *provisions of subsections 9 to 16, inclusive, apply to any such objection*
38 *of the board. The commission shall adopt regulations to:*

39 (a) *Facilitate uniform procedures for the issuance of work permits by*
40 *counties and cities;*

41 (b) *Establish uniform criteria for denial by a county or city licensing*
42 *authority of an application for a work permit; and*

43 (c) *Provide for the creation and maintenance of a system of records*
44 *that contain information regarding the current place of employment of*
45 *each person who possesses a valid work permit.*

46 9. If the board, within the ~~90-day~~ 120-day period, notifies:

- 47 (a) The county or city licensing authority; and
48 (b) The applicant,



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

6 ~~9. Application for a work permit may be made to the board, and may~~
7 ~~be granted or denied for any cause deemed reasonable by the board.~~

8 ~~10.~~ Whenever *an application for a work permit is made to the board*
9 *and* the board denies such an application, it shall include in its notice of the
10 denial a statement of the facts upon which it relied in denying the
11 application. ~~Except for a permit issued to a person pursuant to subsection~~
12 ~~4, a permit issued by the board is valid only in a county or city that does~~
13 ~~not require a work permit.~~

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

27 ~~11.~~ *12.* The board may object to the issuance of a work permit or
28 may refuse to issue a work permit for any cause deemed reasonable by the
29 board. The board may object or refuse if the applicant has:

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

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

36 (c) Committed, attempted or conspired to commit any crime of moral
37 turpitude, embezzlement or larceny or any violation of any law pertaining
38 to gaming, or any crime which is inimical to the declared policy of this
39 state concerning gaming;

40 (d) Committed, attempted or conspired to commit a crime which is a
41 felony or gross misdemeanor in this state or an offense in another state or
42 jurisdiction which would be a felony or gross misdemeanor if committed in
43 this state;

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

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



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

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

13 ~~{12-}~~ 13. Any applicant aggrieved by the decision of the board may,
14 within 15 days after the announcement of the decision, apply in writing to
15 the commission for review of the decision. Review is limited to the record
16 of the proceedings before the board. The commission may sustain, modify
17 or reverse the board's decision. The decision of the commission is subject
18 to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

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

37 ~~{14-}~~ ~~A work permit expires unless renewed in accordance with~~
38 ~~subsection 7, or if the holder thereof is not employed as a gaming~~
39 ~~employee or does not serve as an independent agent within the jurisdiction~~
40 ~~of the issuing authority for more than 90 days.~~

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

- 45 (a) Conducting a hearing and taking testimony;
46 (b) Reviewing the testimony and evidence presented at the hearing;
47 (c) Making a recommendation to the board based upon the testimony
48 and evidence or rendering a decision on behalf of the board to sustain or



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1 reverse the denial of a work permit or the objection to the issuance or
2 renewal of a work permit; and

3 (d) Notifying the applicant of the decision.

4 16. Notice by the board as provided pursuant to this section is
5 sufficient if it is mailed to the applicant's last known address as indicated
6 on the application for a work permit, or the record of the hearing, as the
7 case may be. The date of mailing may be proven by a certificate signed by
8 an officer or employee of the board which specifies the time the notice was
9 mailed. The notice shall be deemed to have been received by the applicant
10 5 days after it is deposited with the United States Postal Service with the
11 postage thereon prepaid.

12 **Sec. 3.** NRS 463A.010 is hereby amended to read as follows:

13 463A.010 The legislature finds and declares that:

14 1. The relationship which exists between a labor organization and the
15 employees whom it represents *or seeks to represent* in collective
16 bargaining is such that it may significantly affect the conduct of a gaming
17 operation by an employer.

18 2. In the past, attempts have been made by persons whose background
19 is not suitable for association with licensed gaming to gain positions of
20 control in labor organizations representing *or seeking to represent* gaming
21 casino employees in this state.

22 3. In order to carry out the declared policy of this state that licensed
23 gaming be conducted freely and honestly, and in order to protect the
24 welfare of the employees of the gaming industry which is fundamental to
25 the economy of this state, it is necessary to determine the suitability of any
26 person who performs *or seeks to perform* certain significant functions in
27 the representation of gaming casino employees in this state.

28 **Sec. 4.** NRS 463A.020 is hereby amended to read as follows:

29 463A.020 As used in this chapter:

30 1. "Board" means the state gaming control board.

31 2. "Commission" means the Nevada gaming commission.

32 3. "Gaming casino employee" means any person employed directly or
33 indirectly in the operation of a gaming establishment under a nonrestricted
34 license, including:

35 (a) All personnel involved in the operation of a casino gaming pit, such
36 as dealers, shills, clerks, hosts, junket representatives and the supervisors of
37 such persons;

38 (b) All personnel involved in handling money, such as cashiers, change
39 persons, count teams, coin wrappers and the supervisors of such persons;

40 (c) All personnel involved in the operation of games, such as bingo and
41 keno;

42 (d) All personnel involved in operating and maintaining slot machines,
43 such as mechanics, floormen, change and payoff persons and the
44 supervisors of such persons;

45 (e) All personnel involved in security, such as guards, games observers
46 and the supervisors of such persons;

47 (f) All personnel involved in the operation of a race or sports book, such
48 as writers, boardmen, cashiers and the supervisors of such persons;



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1 (g) All personnel involved in the operation of a pari-mutuel operation
2 licensed under chapter 464 of NRS and any sporting event on which such
3 pari-mutuel wagering is conducted; and

4 (h) Such other persons whose duties are similar to the classifications set
5 forth in paragraphs (a) to (g), inclusive, as the commission may from time
6 to time designate by regulation,

7 but does not include personnel whose duties are related solely to such
8 nongaming activities as entertainment, hotel operation, maintenance and
9 the preparation and serving of food and beverages.

10 4. "Labor organization" means an organization of any kind, or any
11 agency or employee representation committee or plan, which exists for the
12 purpose, in whole or in part, of dealing *or seeking to deal* with employers
13 of gaming casino employees concerning grievances, labor disputes, wages,
14 rates of pay, hours of employment or conditions of work of gaming casino
15 employees.

16 **Sec. 5.** NRS 463A.030 is hereby amended to read as follows:

17 463A.030 1. ~~Every~~ *Not later than the date on which a* labor
18 organization which represents *or seeks to represent* gaming casino
19 employees in this state *begins an organizational activity directed at a*
20 *gaming casino employee, the labor organization* shall file with the board a
21 list of its personnel who:

22 (a) Adjust *or seek to adjust* grievances for, negotiate or administer the
23 wages, hours, working conditions or conditions of employment of any
24 gaming casino employee;

25 (b) Solicit, collect or receive *or seek to solicit, collect or receive* any
26 dues, assessments, levies, fines, contributions or other charges within this
27 state for or on behalf of the organization from gaming casino employees; or

28 (c) Act as officers, members of the governing body, business agents or
29 in any other policymaking or supervisory position in the organization.

30 2. Each person listed shall file with the board his fingerprints and
31 complete information in writing concerning his labor organization
32 activities, prior performance of the same or similar functions, previous
33 employment or occupational history, and criminal record if any, covering
34 at least a 10-year period unless the board determines that a shorter period is
35 appropriate.

36 3. The commission shall by regulation prescribe the frequency or
37 circumstances or both with or under which the list ~~shall~~ *must* be revised.

38 4. The commission may by regulation prescribe:

39 (a) Any further information to be required concerning each person listed
40 or each person performing a particular function.

41 (b) The addition of other personnel to the list whose duties significantly
42 affect the conduct of a gaming operation.

43 5. In adopting regulations pursuant to this section, the commission
44 shall proceed in the manner prescribed in chapter 463 of NRS.

45 *6. For the purposes of this section, "organizational activity"*
46 *includes, without limitation:*

47 *(a) Soliciting membership by direct personal contact;*

48 *(b) Distributing cards regarding interests or representation; and*

49 *(c) Distributing or posting a flyer, poster or advertisement.*



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1 **Sec. 6.** NRS 463A.050 is hereby amended to read as follows:
2 463A.050 1. To determine suitability under and compliance with the
3 provisions of this chapter, the board may investigate any person whose
4 name is listed by a labor organization or who it believes is performing *or*
5 *seeking to perform* a function which requires listing. For this purpose, the
6 board is vested with all of the powers which it possesses for the
7 investigation of an applicant for or holder of a state gaming license, and
8 may further make such examination as it reasonably deems necessary of
9 the financial records of any labor organization for whom such *a* person is
10 performing *or seeking to perform* such a function.

11 2. The cost of any investigation required by this section ~~{shall}~~ *must* be
12 paid by the board from ~~{moneys}~~ *money* appropriated or authorized to be
13 used for this purpose.

14 3. Whenever the board undertakes an investigation pursuant to this
15 section, ~~{the}~~ *the board* shall employ or consult with some person who has a
16 professional background in the field of labor relations. The same services
17 may be retained to assist the commission upon any subsequent hearing of
18 the matter.

19 4. The board shall, if appropriate, recommend to the commission that a
20 person investigated be disqualified.

21 **Sec. 7.** NRS 463A.060 is hereby amended to read as follows:

22 463A.060 1. If the board recommends that a person be disqualified,
23 the commission shall serve upon the person and the labor organization for
24 which the person is performing his function ~~{a notice, a}~~ *or seeking to*
25 *perform that function:*

26 (a) *A notice;*

27 (b) *A statement of the reasons for the recommendation ; and* ~~{three}~~

28 (c) *Three* copies of a form entitled "Notice of Defense."

29 2. The notice of defense must read substantially as follows:

30
31 NOTICE OF DEFENSE
32

33 Instructions to Respondents: Two copies of this form should be filed
34 with the Nevada gaming commission, Carson City, Nevada, within 15
35 days after service upon you of the enclosed complaint. The form must
36 be signed by you or on your behalf. You will note that blanks are
37 provided for any information you wish to supply.

	Yes	No
38		
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1. Do you request a hearing? ☐ ☐

2. Do you admit the facts stated in the complaint?..... ☐ ☐

If you admit some of the facts stated in the
complaint, but deny others, please specify:

(space for answer)



- 1 3. Are there any defenses or explanations which you
2 believe the commission should consider?..... ☐ ☐
3 If so, please specify:

4
5 (space for answer)

- 6
7 4. Do you wish to state any legal objections to the
8 complaint? ☐ ☐
9 If so, please specify:

10
11 (space for answer)

12
13 Note: If you fail to file two copies of this form as specified, the
14 commission may proceed upon the complaint without a
15 hearing.

16
17 **Sec. 8.** 1. The Nevada gaming commission shall, on or before
18 January 1, 2003, adopt regulations to carry out the amendatory provisions
19 of section 2 of this act and transmit a copy of those regulations to each
20 county and city licensing authority that issues work permits to work as a
21 gaming employee.

22 2. The amendatory provisions of sections 1 and 2 of this act apply to
23 any work permit to work as a gaming employee that is issued by the state
24 gaming control board or a county or city licensing authority on or after
25 January 1, 2003.

26 3. On or after January 1, 2003, a county or city licensing authority is
27 prohibited from issuing a work permit to work as a gaming employee that
28 does not comply with the provisions of this act and the regulations adopted
29 by the Nevada gaming commission.

30 4. A work permit to work as a gaming employee that was issued before
31 January 1, 2003, is valid until it expires or is revoked in accordance with
32 the provisions of NRS 463.335 that remain in effect until January 1, 2003.

33 **Sec. 9.** 1. This section and sections 3 to 7, inclusive, of this act
34 become effective upon passage and approval.

35 2. Sections 2 and 8 of this act become effective upon passage and
36 approval for purposes related to the adoption and dissemination of
37 regulations by the Nevada gaming commission and on January 1, 2003, for
38 all other purposes.

39 3. Section 1 of this act becomes effective on January 1, 2003.

