

ASSEMBLY BILL NO. 339—ASSEMBLYWOMAN GANSERT

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Requires certain counties to conduct study concerning neighborhood gaming. (BDR S-946)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring certain counties to conduct a study concerning neighborhood gaming; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits the location and approval of nonrestricted gaming operations in a county whose population is 400,000 or more (currently Clark County). (NRS 463.3072-463.3094) Nonrestricted gaming licensees include larger operations, those with at least 16 slot machines or with any number of slot machines along with any other game, device or sports book in one location. (NRS 463.0177) In enacting these limits the Legislature found that the growth of gaming in a planned and predictable manner is necessary for the safety, integrity and tranquility of the residential neighborhoods of Clark County. (NRS 463.3072)

This bill requires each county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to appoint an advisory committee to conduct a study to determine whether a similar law should be enacted in that county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. In 1989, the Nevada Legislature enacted chapter 616, Statutes of Nevada 1989, at page 1391, which required local jurisdictions in a county whose population is 400,000 or more to create gaming enterprise districts to determine the areas within their respective jurisdictions that are suitable for operating an



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1 establishment that has been issued a nonrestricted license. In
2 enacting this legislation, the Nevada Legislature found and declared
3 that:

4 (a) The gaming industry is vitally important to the economy of
5 Nevada and the general welfare of the residents of Nevada;

6 (b) The gaming industry, directly and indirectly, accounts for a
7 substantial portion of Nevada's employment and tax revenue;

8 (c) The continued growth and success of gaming is an important
9 force in the expansion and stability of the Nevada economy;

10 (d) The issuance of a nonrestricted license to an establishment
11 that is not equal in standards to existing establishments diminishes
12 the attraction of the gaming industry to visitors and investors;

13 (e) The issuance of a nonrestricted license to an establishment
14 that, because of its location, unduly impacts the neighborhood, flow
15 of traffic, public services and use of natural resources, diminishes
16 the quality of life of Nevada's residents; and

17 (f) Gaming enterprise districts were created to assist the gaming
18 industry in fostering the stability and success of gaming and to assist
19 the people of Nevada in achieving and protecting a high quality of
20 life.

21 2. In 1997, the Nevada Legislature reaffirmed its commitment
22 to assisting the gaming industry in fostering the stability and success
23 of gaming and assisting the people of Nevada in achieving and
24 protecting a high quality of life by enacting chapter 452, Statutes of
25 Nevada 1997, at page 1703, which revised the standards for
26 approval of gaming enterprise districts. In enacting this legislation,
27 the Nevada Legislature found and declared that:

28 (a) The growth of gaming in a planned and predictable manner
29 is necessary for the safety, integrity and tranquillity of residential
30 neighborhoods; and

31 (b) By concentrating the growth of gaming in those areas where
32 it is most appropriate, the gaming industry and residential
33 neighborhoods will both benefit enormously as those areas best
34 suited for gaming will continue to grow and flourish, and those
35 areas best suited for residential living, whether existing or planned
36 for the future, will continue to provide the scenic beauty and safe
37 environment that is essential for enhancing the quality of life of
38 families and children.

39 3. Today, according to the United States Bureau of the Census,
40 the State of Nevada is the fastest-growing state in the United States,
41 and in Northern Nevada, the population in Washoe County has
42 increased by over 33 percent from 1990 to 2000. Therefore, it is
43 necessary and appropriate to conduct a comprehensive study of
44 neighborhood gaming to consider:



(a) Whether the concerns underlying and reasons supporting the creation of gaming enterprise districts in a county whose population is 400,000 or more apply with equal force in a county whose population is 100,000 or more but less than 400,000; and

(b) Whether it would be beneficial to provide for the creation of gaming enterprise districts in a county whose population is 100,000 or more but less than 400,000.

Sec. 2. 1. In each county whose population is 100,000 or more but less than 400,000, a study concerning neighborhood gaming must be conducted in accordance with the provisions of this section.

2. The study must be conducted by a committee to be known as the Neighborhood Gaming Advisory Committee, consisting of the following nine members:

(a) Two members who are elected officials of the county, appointed by the Board of County Commissioners of that county.

(b) Two members who are elected officials of the largest city in the county, appointed by the governing body of that city.

(c) One member who is an elected official of the second largest city in the county, appointed by the governing body of that city.

(d) Four members of the general public, consisting of:

(1) One member appointed by the Board of County Commissioners, who resides in the unincorporated area of the county.

(2) Two members appointed by the Board of County Commissioners, who reside in the largest city in the county.

(3) One member appointed by the Board of County Commissioners, who resides in the second largest city in the county.

3. Not more than one member appointed by the Board of County Commissioners pursuant to paragraph (d) of subsection 2 may be employed by or affiliated with the gaming industry in this State.

4. At the first meeting of the Committee, the Committee shall select a Chairman and Vice Chairman from among its members.

5. Each appointing authority may designate an alternate for each member appointed by that authority, who may serve when the appointed member is temporarily not available.

6. The study conducted pursuant to this section must include, without limitation:

(a) A review of whether it would be beneficial to require local jurisdictions within the county to create gaming enterprise districts to determine which areas or locations of proposed establishments are suitable for operating establishments that have been issued nonrestricted licenses.



(b) A review of the appropriate standards for the designation of such gaming enterprise districts and whether the following factors or other additional or different factors should be considered or adopted in determining whether an area or the location of a proposed establishment should be designated as a gaming enterprise district, including, without limitation, whether:

(1) The roads, water, sanitation, utilities and related services to the location are adequate;

(2) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(3) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(4) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive; and

(5) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area.

(c) A review of the standards for hearings and appeals to consider whether an area or the location of a proposed establishment should be designated as a gaming enterprise district, including, without limitation, consideration of:

(1) Which persons should be entitled to be heard at hearings;

(2) What standard should be required for any vote for approval of the designation of an area or the location of a proposed establishment as a gaming enterprise district by the governing body of the local jurisdiction; and

(3) Whether there should be any period of delay during which the governing body of a local jurisdiction should not consider designating the same location or any portion thereof as a gaming enterprise district following a denial by the governing body.

7. Each member of the Committee who is an elected official and who is appointed to represent a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the Committee and while engaged in the business of the Committee, to be paid by the local political subdivision.

8. Each member of the Committee who is appointed as a member of the general public serves without compensation, except that each member is entitled, while engaged in the business of the Committee, to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid by the local political subdivision who appointed the member.



1 9. The Committee shall prepare and submit a report of its
2 findings and any recommendations for legislation to the Legislative
3 Commission on or before November 1, 2006.

4 **Sec. 3.** As soon as practicable after July 1, 2005, but not later
5 than October 1, 2005, the appointment of members of a
6 Neighborhood Gaming Advisory Committee must be made by the
7 appointing authorities designated pursuant to section 2 of this act.

8 **Sec. 4.** This act becomes effective on July 1, 2005, and expires
9 by limitation on January 1, 2007.



