

SENATE BILL NO. 299—SENATOR SCHNEIDER

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Provides that State Gaming Control Board and Nevada Gaming Commission may not take disciplinary action against any person for engaging in lawful advertising that is not false, deceptive or misleading. (BDR 41-624)

FISCAL NOTE: Effect on Local Government: No.
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; providing that the State Gaming Control Board and the Nevada Gaming Commission may not take disciplinary action against any person for engaging in lawful advertising that is not false, deceptive or misleading; and providing other matters properly relating thereto.

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

Section 1. NRS 463.1405 is hereby amended to read as follows:

463.1405 1. The Board shall investigate the qualifications of each applicant under this chapter before any license is issued or any registration, finding of suitability or approval of acts or transactions for which Commission approval is required or permission is granted, and shall continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with a licensed gaming operation or registered holding company to ensure that licenses are not issued or held by, nor is there any material involvement directly or indirectly with a licensed gaming operation or registered holding company by unqualified, disqualified or unsuitable persons, or persons whose operations are



1 conducted in an unsuitable manner or in unsuitable or prohibited
2 places or locations.

3 2. To request and receive information from the Federal Bureau
4 of Investigation concerning an investigation of an applicant pursuant
5 to this section, the Board must receive a complete set of fingerprints
6 of the applicant which the Board must forward to the Central
7 Repository for Nevada Records of Criminal History for submission
8 to the Federal Bureau of Investigation for its report.

9 3. ~~{The}~~ *Except as otherwise provided in subsection 5, the*
10 Board has full and absolute power and authority to recommend the
11 denial of any application, the limitation, conditioning or restriction
12 of any license, registration, finding of suitability or approval, the
13 suspension or revocation of any license, registration, finding of
14 suitability or approval or the imposition of a fine upon any person
15 licensed, registered, found suitable or approved for any cause
16 deemed reasonable by the Board.

17 4. ~~{The}~~ *Except as otherwise provided in subsection 5, the*
18 Commission has full and absolute power and authority to deny
19 any application or limit, condition, restrict, revoke or suspend any
20 license, registration, finding of suitability or approval, or fine
21 any person licensed, registered, found suitable or approved, for any
22 cause deemed reasonable by the Commission.

23 5. *Notwithstanding the provisions of this section, the*
24 *provisions of any regulation adopted by the Board or the*
25 *Commission or the provisions of any settlement, stipulation or*
26 *consent agreement entered into by the Board or the Commission,*
27 *the Board or the Commission may not:*

28 (a) *Limit, condition, suspend or revoke any license,*
29 *registration, finding of suitability or approval;*

30 (b) *Fine any person licensed, registered, found suitable or*
31 *approved, or an agent or employee of the person; or*

32 (c) *Take any other disciplinary action against any person*
33 *licensed, registered, found suitable or approved, or an agent or*
34 *employee of the person,*

35 *↪ because the person licensed, registered, found suitable or*
36 *approved, or an agent or employee acting on behalf of the person,*
37 *engaged in advertising pertaining to an establishment or its*
38 *services unless the Board and the Commission find that the*
39 *advertising is false, deceptive or misleading or is otherwise*
40 *specifically prohibited by statute. As used in this subsection,*
41 *“advertising” includes, without limitation, any written, electronic*
42 *or printed communication or any communication by recorded*
43 *telephone message, radio, television, the Internet or a similar*
44 *medium of communication that is published, communicated or*
45 *otherwise placed before the public.*



1 **Sec. 2.** This act becomes effective on July 1, 2005.



