

SENATE BILL NO. 415—COMMITTEE ON JUDICIARY

MARCH 25, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to gaming employees.
(BDR 41-188)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to gaming; revising provisions governing proceedings relating to the registration of gaming employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Gaming Control Board to make investigations and to initiate a hearing by filing a complaint with the Nevada Gaming Commission for certain violations relating to the licensing and control of gaming. (NRS 463.310) This bill provides that before any investigative hearing relating to the registration of a gaming employee is conducted by or on behalf of the Board, a prehearing conference must be held before an impartial fact finder who must determine whether or not the Board may proceed with an investigative hearing on the matter.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, before any investigative hearing concerning the registration of a gaming employee may be conducted by or on behalf of the Board, a prehearing conference, conducted by an impartial fact finder, must be held. A gaming employee may waive, in writing, the right to a prehearing conference pursuant to this section.



* S B 4 1 5 *

2. The gaming employee and the Board shall make a good faith effort to agree on an impartial fact finder to conduct the prehearing conference. If the gaming employee and the Board are unable to agree on an impartial fact finder, either party may request from the American Arbitration Association a list of seven potential fact finders. Within 5 days after receiving the list from the American Arbitration Association, the parties shall select their fact finder from the list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to conduct the prehearing conference. The gaming employee shall strike the first name.

3. At the prehearing conference, the gaming employee and the Board:

(a) Are entitled to be heard, to be represented by counsel and to call witnesses on their behalf.

(b) May offer any evidence that is relevant and material to the matter.

(c) Shall produce such additional evidence as the fact finder may require.

4. The prehearing conference must be recorded on audiotape or any other means of sound reproduction. If requested by the fact finder, the gaming employee or the Board, an official transcript must be made. If a transcript is requested by the gaming employee or the Board, the party requesting the transcript shall ensure that the transcript is prepared and pay the cost of preparing the transcript. Any other party is entitled to a copy of the transcript upon the payment of a fee which is not more than the cost of preparing the transcript. The fact finder is entitled to receive a copy of the transcript at no charge. If the transcript is requested by the fact finder, the gaming employee and the Board are equally responsible for the cost of preparing the transcript.

5. Upon the conclusion of the prehearing conference, the fact finder shall, within 30 days after the date of the prehearing conference:

(a) Prepare a written report containing findings of fact and conclusions of law; and

(b) Provide a copy of the written report to the gaming employee and the Board.

6. If the report of the fact finder determines that:

(a) No cause exists for fining the gaming employee or for limiting, conditioning, suspending or revoking the registration of the gaming employee, then the Board may not proceed with an investigative hearing on the matter.

(b) Cause exists for fining the gaming employee or for limiting, conditioning, suspending or revoking the registration of



- 1 *the gaming employee, then the Board may proceed with an*
- 2 *investigative hearing on the matter.*
- 3 **Sec. 2.** This act becomes effective on July 1, 2013.

