

Amendment No. 134

Senate Amendment to Senate Bill No. 240	(BDR 41-939)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐		Adopted	☐	Lost	☐	
Concurred In	☐	Not	☐		Concurred In	☐	Not	☐	
Receded	☐	Not	☐		Receded	☐	Not	☐	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VG/NCA



Date: 4/9/2017

S.B. No. 240—Revises provisions relating to gaming. (BDR 41-939)



SENATE BILL NO. 240—SENATOR HARRIS

MARCH 7, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to gaming. (BDR 41-939)

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

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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; ~~{defining the term “other event” for certain purposes relating to gaming;}~~ providing that certain laws governing pari-mutuel wagering on a race or sporting event apply to pari-mutuel wagering on ~~{certain}~~ other events; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person who operates a sports pool to obtain all required gaming licenses before operating the sports pool. (NRS 463.160, 464.010) Existing law defines a “sports pool” as the business of accepting wagers on sporting events or other events by any system or method of wagering, including, without limitation, the pari-mutuel system of wagering. (NRS 463.0193) The regulations of the Nevada Gaming Commission provide that “other events” are events other than horse races, animal races or athletic sports events. (Nev. Gaming Comm’n Regs. §§ 22.010, 22.120) ~~{Section 1 of this bill defines the term “other event” in a manner consistent with the regulations.}~~ Sections 3-7 of this bill provide that existing laws governing pari-mutuel wagering on a race or sporting event apply to pari-mutuel wagering on other events. ~~{as defined in section 1.}~~

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:~~

~~“Other event” means any event other than a horse race, dog race or sporting event.}~~ **(Deleted by amendment.)**

Sec. 2. ~~{NRS 463.013 is hereby amended to read as follows:~~

~~463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.}~~ **(Deleted by amendment.)**

Sec. 3. NRS 464.005 is hereby amended to read as follows:

464.005 As used in this chapter, unless the context otherwise requires:

1 1. "Gross revenue" means the amount of the commission received by a
2 licensee that is deducted from off-track pari-mutuel wagering, plus breakage and
3 the face amount of unpaid winning tickets that remain unpaid for a period specified
4 by the Nevada Gaming Commission.

5 2. "Off-track pari-mutuel system" means a computerized system, or
6 component of such a system, that is used with regard to a pari-mutuel pool to
7 transmit information such as amounts wagered, odds and payoffs on races ~~H~~ ,
8 *sporting events or other events*.

9 3. "Off-track pari-mutuel wagering" means any pari-mutuel system of
10 wagering approved by the Nevada Gaming Commission for the acceptance of
11 wagers on:

12 (a) Horse or dog races which take place outside of this state; ~~for~~

13 (b) Sporting events ~~H~~ ; or

14 (c) *Other events*.

15 4. "Operator of a system" means a person engaged in providing an off-track
16 pari-mutuel system.

17 5. ~~"Other event" has the meaning ascribed to it in section 1 of this act.~~

18 ~~6.~~ "Pari-mutuel system of wagering" means any system whereby wagers
19 with respect to the outcome of a race , ~~for~~ *sporting event or other* event are placed
20 in a wagering pool conducted by a person licensed or otherwise permitted to do so
21 under state law, and in which the participants are wagering with each other and not
22 against that person. The term includes off-track pari-mutuel wagering.

23 **Sec. 4.** NRS 464.010 is hereby amended to read as follows:

24 464.010 1. It is unlawful for any person, either as owner, lessee or
25 employee, whether for hire or not, to operate, carry on, conduct or maintain in this
26 state, any form of wagering under the pari-mutuel system on any racing , ~~for~~
27 sporting *event or other* event without having first procured and maintained all
28 required federal, state, county and municipal licenses.

29 2. It is unlawful for any person to function as an operator of a system without
30 having first obtained a state gaming license.

31 3. Where any other state license is required to conduct a racing , ~~for~~ sporting
32 *event or other* event, that license must first be procured before the pari-mutuel
33 system of wagering may be licensed in connection therewith.

34 **Sec. 5.** NRS 464.020 is hereby amended to read as follows:

35 464.020 1. The Nevada Gaming Commission is charged with the
36 administration of this chapter for the protection of the public and in the public
37 interest.

38 2. The Nevada Gaming Commission may issue licenses permitting the
39 conduct of the pari-mutuel system of wagering, including off-track pari-mutuel
40 wagering, and may adopt, amend and repeal regulations relating to the conduct of
41 such wagering.

42 3. The wagering must be conducted only by the licensee at the times
43 determined by the Nevada Gaming Commission and only:

44 (a) Within the enclosure wherein the race , ~~for other~~ sporting *event or other*
45 event which is the subject of the wagering occurs; or

46 (b) Within a licensed gaming establishment which has been approved to
47 conduct off-track pari-mutuel wagering.

48 ➤ This subsection does not prohibit a person licensed to accept, pursuant to
49 regulations adopted by the Nevada Gaming Commission, off-track pari-mutuel
50 wagers from accepting wagers made by wire communication from patrons within
51 the State of Nevada, from other states in which such wagering is legal or from
52 places outside the United States in which such wagering is legal.

1 4. The regulations of the Nevada Gaming Commission may include, without
2 limitation:

3 (a) Requiring fingerprinting of an applicant or licensee, or other method of
4 identification.

5 (b) Requiring information concerning an applicant's antecedents, habits and
6 character.

7 (c) Prescribing the method and form of application which any applicant for a
8 license issued pursuant to this chapter must follow and complete before
9 consideration of the applicant's application by the Nevada Gaming Commission.

10 (d) Prescribing the permissible communications technology and requiring the
11 implementation of border control technology that will ensure that a person cannot
12 place a wager with a ~~race book~~ *licensee* in this State from another state or another
13 location where placing such a wager is illegal.

14 5. The Nevada Gaming Commission may appoint an Off-Track Pari-Mutuel
15 Wagering Committee consisting of 11 persons who are licensed to engage in off-
16 track pari-mutuel wagering. If the Commission appoints such a Committee, it shall
17 appoint to the Committee:

18 (a) Five members from a list of nominees provided by the State Association of
19 Gaming Establishments whose members collectively paid the most gross revenue
20 fees to the State pursuant to NRS 463.370 in the preceding year;

21 (b) Three members who, in the preceding year, paid gross revenue fees
22 pursuant to NRS 463.370 in an amount that was less than the average amount of
23 gross revenue fees paid by licensees engaged in off-track pari-mutuel wagering in
24 the preceding year; and

25 (c) Three other members.

26 ➤ If a vacancy occurs in a position on the Committee for any reason, including, but
27 not limited to, termination of a member, the Commission shall appoint a successor
28 member who satisfies the same criteria in paragraph (a), (b) or (c) that applied to
29 the member whose position has been vacated.

30 6. If the Nevada Gaming Commission appoints an Off-Track Pari-Mutuel
31 Wagering Committee pursuant to subsection 5, the Commission shall:

32 (a) Grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive
33 right to negotiate an agreement relating to off-track pari-mutuel wagering with:

34 (1) A person who is licensed or otherwise permitted to operate a wagering
35 pool in another state; and

36 (2) A person who is licensed pursuant to this chapter as an operator of a
37 system.

38 (b) Require that any agreement negotiated by the Off-Track Pari-Mutuel
39 Wagering Committee with a track relating to off-track pari-mutuel wagering must
40 not set a different rate for intrastate wagers placed on the licensed premises of a
41 race book and wagers placed through the use of communications technology.

42 (c) Require the Off-Track Pari-Mutuel Wagering Committee to grant to each
43 person licensed pursuant to this chapter to operate an off-track pari-mutuel race
44 pool the right to receive, on a fair and equitable basis, all services concerning
45 wagering in such a race pool that the Committee has negotiated to bring into or
46 provide within this State.

47 7. The Nevada Gaming Commission shall, and it is granted the power to,
48 demand access to and inspect all books and records of any person licensed pursuant
49 to this chapter pertaining to and affecting the subject of the license.

50 **Sec. 6.** NRS 464.025 is hereby amended to read as follows:

51 464.025 1. The Nevada Gaming Commission, upon the recommendation of
52 the Nevada Gaming Control Board, may adopt regulations for:

1 (a) The conduct by a licensee of off-track pari-mutuel wagering on a race, ~~for~~
2 sporting *event or other* event; and

3 (b) The approval of the terms and conditions of any agreement between a
4 licensee and an agency of the state in which the race, ~~for~~ sporting *event or other*
5 event takes place or a person licensed or approved by that state to participate in the
6 conduct of the race, ~~for~~ sporting *event or other* event or the pari-mutuel system of
7 wagering thereon.

8 2. A person or governmental agency must not receive any commission or
9 otherwise share in the revenue from the conduct of off-track pari-mutuel wagering
10 in this state without the approval of the Nevada Gaming Commission. The
11 Commission may approve any person or governmental agency after such
12 investigation as the Nevada Gaming Control Board deems proper.

13 **Sec. 7.** NRS 464.040 is hereby amended to read as follows:

14 464.040 1. The total commission deducted from pari-mutuel wagering other
15 than off-track pari-mutuel wagering by any licensee licensed pursuant to the
16 provisions of this chapter must not exceed 18 percent of the gross amount of money
17 handled in each pari-mutuel pool operated by the licensee during the period of the
18 license.

19 2. The total commission deducted from off-track pari-mutuel wagering must
20 be determined by the Nevada Gaming Commission and may be divided between the
21 persons licensed or approved to participate in the conduct of the race or event or the
22 pari-mutuel system of wagering thereon. Such licensure or approval must be
23 obtained pursuant to this chapter or chapter 463 of NRS and pursuant to regulations
24 which may be adopted by the Nevada Gaming Commission.

25 3. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel
26 wagering, each licensee shall pay to the Nevada Gaming Commission quarterly on
27 or before the last day of the first month of the following quarter of operation for the
28 use of the State of Nevada a tax at the rate of 3 percent on the total amount of
29 money wagered on any race, ~~for~~ sporting *event or other* event.

30 4. The licensee may deduct odd cents less than 10 cents per dollar in paying
31 bets.

32 5. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel
33 wagering, the amount paid to the Nevada Gaming Commission must be, after
34 deducting costs of administration which must not exceed 5 percent of the amount
35 collected, paid over by the Nevada Gaming Commission to the State Treasurer for
36 deposit in the State General Fund.

37 **Sec. 8.** This act becomes effective on July 1, 2017.