

PROPOSED AMENDMENT TO NAC 368A
NEVADA GAMING COMMISSION

EXPLANATION – Matter in *blue bolded italics* is new language contained in the GCB draft dated 8/31/2015 (Post GCB Workshop); matter between ~~*blue bolded italics with a double strikethrough*~~ is new language that is to be omitted by the GCB Proposed Amendment dated 9/16/2015; matter in green bolded and with single underlining is new language to be added by the GCB Proposed Amendment dated 9/16/2015.

AUTHORITY – §§ 1-23, NRS 368A.140.

1 **Sec. 10.** NAC 368A.400 is hereby amended to read as follows:

2 **NAC 368A.400 Interpretation of certain statutory terms *or phrases*.** (NRS
3 368A.140) For the purposes of chapter 368A of NRS, the Board will interpret the term
4 *or phrase*:

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6 **7. “Performance” to mean, as used in subparagraph (5) of paragraph (b) of**
7 ***subsection 2 of NRS 368A.090:***

8 ***(a) The presentation of ~~live entertainment~~ an activity set forth in***
9 **subparagraphs (1) through (8) of paragraph (a) of subsection 2 of NRS 368A.090,**
10 **inclusive, that is the primary reason for which a patron or patrons paid an**
11 ***admission charge to access the facility.***

12 ***(b) When determining if the presentation of ~~live entertainment~~ an activity***
13 ***is the primary reason a patron or patrons paid an admission charge to access a***
14 ***facility, the Board may consider some or all of the following factors:***

15 ***(1) Whether the ~~live entertainment~~ activity is advertised, promoted, or***
16 ***otherwise marketed;***

1 (2) Whether the ~~live entertainment~~ activity garners the predominant
2 attention of a patron or patrons of the facility; and

3 ~~[(3) Any other factor that would support a finding that the live~~
4 ~~entertainment activity constitutes a performance.]~~

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