

1 CHAIR JAMES: Now, I will remind Commissioners again  
2 what they have in front of them. Based on the staff's review of  
3 the documents from our April 7th through 8th meeting, they have  
4 identified 1 through 5 as potential consensus recommendations.  
5 And then we have recommendations from individual Commissioners  
6 that have come in at various times.

7 With that, I will start with 4.1.

8 COMMISSIONER BIBLE: That would seem to be part of the  
9 research agenda.

10 CHAIR JAMES: Can we table that one until we do the  
11 research? That would be fine?

12 COMMISSIONER BIBLE: It looks to me, Madam Chair, 1, 2,  
13 3, 4, and 5, that only 2 is the one that we would need to  
14 discuss. The rest we've handled otherwise or are in the research  
15 calendar.

16 CHAIR JAMES: I think that's a good suggestion. That  
17 takes us to 4.6, if there is no objection.

18 COMMISSIONER WILHELM: 4.3 can be dumped because it's  
19 one of the things we passed earlier from Leo, right?

20 CHAIR JAMES: Yes. 4.3 goes. We've already addressed  
21 that. Follow this carefully. 4.3 has already been addressed, so  
22 that leaves 1, 2, 4, and 5 that will be addressed during the  
23 research portion.

24 COMMISSIONER WILHELM: Actually, 4.4 is dealt with,  
25 too.

26 COMMISSIONER MCCARTHY: 4.4 and 4.5 are also part of  
27 what we adopted earlier.

28 CHAIR JAMES: That sounds good to me.

29 COMMISSIONER LANNI: So 4.1 and 4.2 are the only open  
30 ones.

1 COMMISSIONER McCARTHY: 4.6 we have talked about.

2 CHAIR JAMES: The Commission recommends that gambling  
3 -- yes, that has been done. 4.7, I'm not sure that one has been  
4 appropriately dealt with. I will read it and see if there is a  
5 motion. 4.7, the Commission recommends to the National Council  
6 on Problem Gambling that they should collect information annually  
7 on each state's pathological gambling treatment programs,  
8 including funding sources and levels, manner in which funds are  
9 allocated, numbers of people treated, and their outcomes.

10 COMMISSIONER McCARTHY: May I just mention that one of  
11 the research recommendations that is coming up gives that  
12 responsibility to an appropriate federal agency that already is  
13 in this area. SAMHSA, which annually surveys all mental health  
14 providers in the country -- and there are a series of questions  
15 asked, trying to define the kinds of treatment, the number of  
16 gambling slots, and so on, so --

17 CHAIR JAMES: Right. With that, and not hearing a  
18 motion, we'll go to 4.8. The Commission recommends that gambling  
19 establishments should be required to issue annual reports  
20 regarding the number and nature of the interventions undertaken  
21 to address problem pathological gambling issues with patrons.

22 COMMISSIONER DOBSON: I move the passage of that item.

23 CHAIR JAMES: Is there a second? The motion fails.

24 9, the Commission recommends that the American Gaming  
25 Association should be commended for its efforts.

26 COMMISSIONER LANNI: I think that -- didn't we do that  
27 this morning?

28 CHAIR JAMES: Yeah, we did do that one this morning.

29 COMMISSIONER WILHELM: This is, in fact, a different  
30 one.

1 CHAIR JAMES: This is a different one. You will see it  
2 again.

3 Hearing no motion, the Commission recommends that  
4 family members should be able to request that a fellow family  
5 member be excluded from gambling facility solicitations and  
6 marketing promotions. Is there a motion?

7 Hearing none, the Commission recommends that each state  
8 should commission a study to determine what percentage of  
9 gambling patrons at the different venues -- land-based casinos,  
10 riverboat casinos, video poker outlets, pari-mutuel lottery  
11 outlets, etcetera -- legal in that state meet the criteria for  
12 problem -- pathological problem gambling. Such research should  
13 also determine what percentage of revenues from each form of  
14 gambling is derived from problem pathological gamblers --  
15 patrons.

16 COMMISSIONER BIBLE: Did you pick that up in any of the  
17 research recommendations?

18 COMMISSIONER McCARTHY: No. Although I do think, at  
19 least on the first -- there are two suggestions there. I am  
20 inclined to agree with the first and not the second. But I do  
21 think given the past discussion we had on patron surveys, and I'm  
22 thinking particularly of the life sample on the horse racing  
23 industry, which, of course, was damning but had to be doubted  
24 because of the size of the sample, that there is a lot of merit  
25 on trying to conduct patron surveys as they apply to all forms of  
26 gambling, government owned and run or private sector owned and  
27 run.

28 But to tell you the truth, I had so much in the  
29 research -- Mr. Lanni suggested the federal income tax would go

1 up to 50 percent if we did all of the research that I'm  
2 proposing. I hadn't -- I didn't include this one.

3 COMMISSIONER BIBLE: Well, it seems to me at least the  
4 first part of this you have made some suggestions that states  
5 develop programs, and as part of the program development --

6 COMMISSIONER McCARTHY: Yes.

7 COMMISSIONER BIBLE: -- it would seem reasonable that  
8 they conduct some incidence and prevalence surveys to determine  
9 the need for the program.

10 COMMISSIONER McCARTHY: This could be a part of the  
11 prevalence survey.

12 COMMISSIONER BIBLE: That would seem to me to be --

13 COMMISSIONER McCARTHY: This is recommendation number 1  
14 to the states.

15 COMMISSIONER BIBLE: That would seemingly be where it  
16 should be included.

17 COMMISSIONER WILHELM: Yeah. 4.19, number 1, says  
18 exactly that, as we passed it earlier.

19 CHAIR JAMES: Yeah.

20 COMMISSIONER McCARTHY: And in the research, in Chapter  
21 8 in the research proposals coming up, there is a specific -- the  
22 very first of three recommendations to states is on prevalence,  
23 or it could go in the section John just cited.

24 COMMISSIONER LANNI: It's already there.

25 CHAIR JAMES: It's already there.

26 COMMISSIONER McCARTHY: No, I don't think it is. I  
27 mean, it is, but it needs to be enlarged to include the different  
28 forms of gambling. I don't think that's there.

29 COMMISSIONER LANNI: Just looking at the revised one  
30 that Leo just sent us --

1 CHAIR JAMES: In 4.9, 4.19.

2 COMMISSIONER LANNI: 4.19.1.

3 COMMISSIONER WILHELM: 4.19 was rewritten to refer to  
4 all kinds of gambling operations. And one is just one of the  
5 things that is supposed to be done with the funding.

6 COMMISSIONER LANNI: Now I see what you mean. All of  
7 the gambling -- maybe we could change it to all forms of gambling  
8 operations, makes it clearer.

9 COMMISSIONER WILHELM: Well, 4.19 says on all gambling  
10 operations within its boundaries.

11 COMMISSIONER LANNI: All right. I'll buy that.

12 CHAIR JAMES: So I've not heard a motion. Are we --

13 COMMISSIONER McCARTHY: Why don't you give us a chance  
14 to work on the language, Madam Chair, and just table it  
15 momentarily and let's --

16 CHAIR JAMES: It seems to me that we have come to the  
17 conclusion at least the first half of that is taken care of. And  
18 so what we may need to do is to work on the second half of that.

19 COMMISSIONER McCARTHY: I didn't get that. I think  
20 there was some difference in whether the language --

21 COMMISSIONER LANNI: No.

22 CHAIR JAMES: No.

23 COMMISSIONER LANNI: I've agreed that John is correct.

24 CHAIR JAMES: He agreed to that.

25 COMMISSIONER McCARTHY: Oh. That it -- okay.

26 CHAIR JAMES: So that only leaves the second half of  
27 that.

28 COMMISSIONER WILHELM: Which Leo said he didn't  
29 support.

30 CHAIR JAMES: Which you do not support, Leo?

1 COMMISSIONER McCARTHY: Well, I'd like to hear an  
2 explanation of it. Who is this from? Is it from -- I think we  
3 tried to wrestle with that in the Research Subcommittee a few  
4 times and had some difficulty getting our arms around it. I  
5 don't know how --

6 CHAIR JAMES: Well, let me tell you where I think we  
7 are on this. If we can agree that the first half of that is  
8 taken care of, and I don't hear a motion for the second half of  
9 that, then it would die.

10 COMMISSIONER McCARTHY: Okay.

11 CHAIR JAMES: 4.12, the Commission recommends that each  
12 gambling facility must implement procedures to allow for  
13 voluntary self-exclusion, enabling gamblers to ban themselves  
14 from a gambling establishment for a specified period of time.

15 COMMISSIONER DOBSON: So moved.

16 COMMISSIONER LANNI: Second.

17 CHAIR JAMES: It has been moved and seconded. Any  
18 discussion?

19 COMMISSIONER LOESCHER: Question.

20 CHAIR JAMES: Call for the question.

21 COMMISSIONER LANNI: Before you do, I do have one  
22 question about the limitation for a specified period of time.

23 CHAIR JAMES: I think, Terry, that came up as a result  
24 of some discussion about the fact that someone may have a problem  
25 dealing with it. And is it for life? Is it for 20 years? Is it  
26 for five years? Ten years?

27 COMMISSIONER LANNI: Right.

28 CHAIR JAMES: And we couldn't come to any conclusion in  
29 our discussion about what that time period should be, so we left  
30 it with a specified period of time.

1 COMMISSIONER LANNI: I'd prefer there not be a  
2 limitation, but I will support it if that's --

3 COMMISSIONER DOBSON: That statement comes from the  
4 individual himself, though, doesn't it? I mean, he is the one  
5 that --

6 COMMISSIONER LANNI: Right.

7 COMMISSIONER DOBSON: -- establishes what that period  
8 is.

9 COMMISSIONER BIBLE: Well, where we talked about this,  
10 put it in context, you suggested that the Missouri plan be  
11 adopted by the Commission. And that's irrevocable. I believe  
12 it's a lifetime prohibition. It works well because it's a  
13 riverboat state and you -- and access is controlled. It's done  
14 and maintained by the state.

15 The way this reads, it would have to be every gambling  
16 facility. So in the State of Nevada, if somebody wanted to ban  
17 themselves, they'd have to send 2,500 letters, I guess.

18 CHAIR JAMES: We had called for the question. All in  
19 favor?

20 (Ayes.)

21 Any opposed?

22 (No response.)

23 Any abstentions?

24 (No response.)

25 4.13, the Commission recommends that every gambling  
26 facility employee should be required to receive training from a  
27 credentialed outside entity to recognize and address pathological  
28 problem gambling. I think that was taken care of. Yeah, both 13  
29 and 14 have been dealt with.

1 COMMISSIONER BIBLE: And 15 was coupled with 14, so  
2 that gets --

3 CHAIR JAMES: What were you saying about 15, Bill?

4 COMMISSIONER BIBLE: 15 was coupled with 14.

5 COMMISSIONER LANNI: It's in, I think, the new 16.

6 COMMISSIONER BIBLE: And elements will get picked up in  
7 the research calendar.

8 CHAIR JAMES: I just want to look at 4.16 to make sure.

9 COMMISSIONER McCARTHY: Madam Chair?

10 CHAIR JAMES: Commissioner McCarthy?

11 COMMISSIONER McCARTHY: I just looked back at the  
12 language of 4.19 as to whether or not the first part of 4.11 is  
13 included. I don't think it is. 4.11 asks for a determination of  
14 the percentage of gambling patrons at the different kinds -- the  
15 different forms of gambling. That language is not included in  
16 4.19.

17 COMMISSIONER BIBLE: Could you amend that?

18 COMMISSIONER McCARTHY: I'm perfectly amenable to  
19 putting it in 4.19.

20 COMMISSIONER BIBLE: That seemed to be the logical  
21 place to do it. But you have --

22 COMMISSIONER McCARTHY: Yes, I think it is.

23 COMMISSIONER BIBLE: But you also ought to write it in  
24 such a manner that it's not seen as a limitation. So if people  
25 want to collect other forms of data -- for instance, for  
26 stratification for income, for ethnic origin, for geographic  
27 locations, or something of that nature -- they could do it.

28 COMMISSIONER McCARTHY: Let us have a crack at working  
29 up the language, if I may.

30 CHAIR JAMES: Well, let's --

1 COMMISSIONER McCARTHY: I have the sense of the  
2 Commission.

3 CHAIR JAMES: Let's see if we can go ahead and do that  
4 and put that one to rest.

5 COMMISSIONER McCARTHY: We could do it now.

6 CHAIR JAMES: You can do it right this --

7 COMMISSIONER McCARTHY: Well, I want to avoid doing  
8 what Bill Bible just raised.

9 CHAIR JAMES: Where are you suggesting that language go  
10 specifically in 4.19? In the preamble?

11 COMMISSIONER BIBLE: Well, 4.19.1 is where we're  
12 talking about research.

13 CHAIR JAMES: Right.

14 COMMISSIONER McCARTHY: Will you give me just a couple  
15 of minutes?

16 CHAIR JAMES: I will give you a couple of minutes.  
17 And, Leo, in case we get to rolling here, if you raise your hand  
18 and --

19 COMMISSIONER McCARTHY: Okay. Thanks.

20 CHAIR JAMES: -- remind me.

21 I am looking at 4.15 to see where that is incorporated.  
22 I'm told that it is, but help me find it. Bill, I think you said  
23 it's --

24 COMMISSIONER LEONE: I think Bill meant that it was  
25 related to 4.14.

26 COMMISSIONER BIBLE: It had mentioned 4.14.

27 CHAIR JAMES: Oh, that it was related.

28 COMMISSIONER LEONE: A portion of that recommendation  
29 is different, and that's not -- I don't know where we want to go  
30 with it, but that's not in the McCarthy package.

1 COMMISSIONER BIBLE: Yeah. Well, that's not included  
2 in there.

3 COMMISSIONER LEONE: No. There is nothing about  
4 essentially defaulting to the Federal Government, which is the  
5 really novel part of it.

6 COMMISSIONER BIBLE: Well, what 4.15 would do is 4.15  
7 would create a -- essentially, a quasi- federal oversight so that  
8 if the programs that are operated are not operated efficiently  
9 that the Federal Government would have the ability to come in and  
10 operate the program.

11 CHAIR JAMES: For the purposes of those who are trying  
12 to follow this discussion along with us, let me read 4.15. The  
13 Department of Health and Human Services should periodically  
14 evaluate and report to Congress on all state programs provided  
15 for under recommendation 4.14, and should be required, if they  
16 find the programs are not adequate, to recommend the  
17 establishment of an adequate program, operated by the Federal  
18 Government and funded from either federal general revenues or all  
19 sectors of the gambling industry.

20 All standards used to determine program adequacy should  
21 be objective, scientific, and clinically based, and clearly  
22 articulated. HHS should have the ability to exempt any state  
23 which is operating an adequate program from the federal program  
24 and any funding requirements. The state should have the ability  
25 to contest any decision by HHS.

26 That's the recommendation that's before us. Is there  
27 --

28 COMMISSIONER LEONE: Who did this? Who put it forward?  
29 Bill?

30 CHAIR JAMES: Can you --

1 COMMISSIONER BIBLE: Yeah, I submitted this  
2 recommendation, coupled with 4.14. And what it does is it would  
3 provide kind of a standby federal oversight in the event the  
4 states refused to act. And I just recently read an article, and  
5 I sent it around to a number of people, where the State of  
6 Montana considered programs for problem gamers and rejected that  
7 particular program.

8 COMMISSIONER LEONE: I think -- I like the way this is  
9 structured, in that I think all of the incentive is for the  
10 states to do it themselves. Except for one thing. That if they  
11 don't, it'll be paid for by the Federal Government.

12 And so I just wonder if there isn't a way to think --  
13 if you wanted to do this, and you wanted to have the default  
14 mechanism, I wouldn't want the incentive to be, well, heck, let's  
15 default, and then the feds have to worry about paying for this  
16 program. We won't have to worry about paying for it anymore.

17 And it may be just a language -- it may be a way of  
18 changing it.

19 COMMISSIONER BIBLE: That sounds like a new tax.

20 COMMISSIONER LEONE: No.

21 CHAIR JAMES: Don't even try it.

22 COMMISSIONER WILHELM: But this also says, "Or all  
23 sectors of the gambling industry," as the source of money which  
24 --

25 COMMISSIONER LEONE: Oh, I know, but it's still -- you  
26 know, the default ought to be a threat. We shouldn't want the  
27 feds to come in. You should see that as unattractive, to have  
28 them messing -- I mean, I'm just going with -- I mean, I'm not --  
29 this isn't my recommendation.

1 But I think if you're going to go in this direction,  
2 you want -- usually, the way federal programs work, as you know,  
3 is if the feds have to come in, the state isn't off the hook  
4 financially. Quite the contrary.

5 CHAIR JAMES: Bill, do you want to work on that or --

6 COMMISSIONER BIBLE: What I was thinking as a model is  
7 that in the Bank Secrecy Act there is a provision that the  
8 Federal Government implement and manage those programs, and those  
9 are programs that are designed to prevent and detect money  
10 laundering. States have the ability to operate their own  
11 programs if they are substantially similar, in which case there  
12 is no federal precedent.

13 CHAIR JAMES: Bill, would you like to work on that  
14 language just a little bit?

15 COMMISSIONER BIBLE: Okay. I'll take a look at it.

16 CHAIR JAMES: To see if you can get the sense of what  
17 the Commission is saying.

18 COMMISSIONER WILHELM: Bill, 4.15 is just as compatible  
19 with the McCarthy package as it is --

20 COMMISSIONER BIBLE: It would be. It would be, yes.

21 CHAIR JAMES: And it may be that your recommendation  
22 will be that we add it there.

23 COMMISSIONER BIBLE: The McCarthy package is -- it's an  
24 expansion, to a large extent, of 4.14.

25 COMMISSIONER WILHELM: Yes.

26 CHAIR JAMES: With that, we're over to 4.16, which we  
27 now have done.

28 COMMISSIONER LEONE: No, I think he's working on the  
29 language.

1 CHAIR JAMES: Yeah. He's working on that. But I meant  
2 we've discussed it this morning.

3 COMMISSIONER LEONE: Right.

4 CHAIR JAMES: 4.17. So we're done with that section.