

**Amendment No. 12**

Assembly Amendment to Senate Bill No. 1 First Reprint	(BDR S-9)
<b>Proposed by:</b> Assembly Committee of the Whole	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 1 R1 (§§ 33, 50, 57, 58).
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ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

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.

BJF/MSN



Date: 10/14/2016

S.B. No. 1—Enacts the Southern Nevada Tourism Improvements Act. (BDR S-9)



SENATE BILL NO. 1—COMMITTEE OF THE WHOLE

PREFILED OCTOBER 9, 2016

Referred to Committee of the Whole

SUMMARY—Enacts the Southern Nevada Tourism Improvements Act.  
(BDR S-9)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to tourism infrastructure projects; enacting the Southern Nevada Tourism Improvements Act; establishing in Clark County a stadium district for the financing of a National Football League stadium project or a college football stadium project; creating a public body to carry out the provisions of law governing the National Football League stadium project or the college football stadium project, as applicable; providing for a Board of Directors to govern each such public body; prescribing the powers and duties of such a public body and its Board of Directors; requiring the imposition of taxes on the gross receipts from the rental of transient lodging in the stadium district; providing for the administration, collection, distribution and use of such taxes; requiring the issuance of general obligations of Clark County for the financing of a National Football League stadium project or a college football stadium project under certain circumstances; establishing and prescribing the powers and duties of an Oversight Panel for Convention Facilities in Clark County; requiring the imposition of a tax on the gross receipts from the rental of transient lodging in Clark County and in each incorporated city in the County; requiring the proceeds of this tax to be used to pay the cost of the renovation or expansion of the Las Vegas Convention Center or the principal and interest on bonds or other securities issued to defray the costs of such a project; establishing a maximum amount of the collection fees for the collection of the tax on the gross receipts from the rental of transient lodging in Clark County and incorporated cities in the County; providing that collection fees in excess of the maximum amount must be used for the purpose of renovating or expanding certain convention facilities in Clark County; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill enacts the Southern Nevada Tourism Improvements Act to establish a method to finance projects that are intended to assist the Las Vegas area in remaining a premier center for entertainment, conventions and trade shows in the world. Specifically, this bill establishes a method to finance: (1) a National Football League stadium project or, if certain conditions for a National Football League stadium project are not satisfied, a college football stadium project for the University of Nevada, Las Vegas; and (2) a renovation and expansion of the Las Vegas Convention Center. **Sections 21-37** of this bill establish a method to finance the acquisition, construction, lease, improvement, equipping, operation and maintenance of a National Football League stadium project. To finance the project, **section 33** imposes a duty on the Board of County Commissioners of Clark County to adopt an ordinance imposing a tax on persons in the business of providing lodging in the stadium district created by **section 21** of this bill. Under **section 38** of this bill, if certain conditions for the undertaking of the National Football League stadium project are not satisfied, the President of the University of Nevada, Las Vegas, may elect to pursue a college football stadium project. If, after the President of the University makes such an election, certain conditions are satisfied, the proceeds of the tax imposed pursuant to **section 33** of this bill must be transferred to a Campus Improvement Authority created by **section 39** of this bill to carry out the college football stadium project under **sections 39-52** of this bill. If the President of the University does not elect to pursue a college football stadium project or makes such an election but fails to satisfy certain conditions, the proceeds of the tax imposed pursuant to **section 33** of this bill must be transferred to the Las Vegas Convention and Visitors Authority and used to pay the costs to renovate or expand the Las Vegas Convention Center pursuant to **sections ~~53-61.5~~ 53-61.7** of this bill or the principal and interest on bonds or other securities issued for that project.

**Section 21** of this bill creates a stadium district in Clark County to finance a National Football League stadium project and provides that the district consists of all property located in the County that is within a radius of 25 miles from the location at which the Board of County Commissioners holds its regular meetings. **Section 21** also creates the Clark County Stadium Authority as a public body to carry out the provisions of this bill governing the National Football League stadium project. **Sections 22 and 23** of this bill set forth the qualifications and the procedure for the appointment of the members of the Board of Directors of the Stadium Authority. **Sections 24-28** of this bill prescribe the general powers of the Stadium Authority and its Board.

**Section 29** of this bill requires the Stadium Authority to negotiate and enter into a development agreement for the development and construction of the National Football League stadium project and a lease agreement for the operation of the project if the Board of Directors makes certain determinations relating to the location or relocation of a National Football League team within the stadium district and the selection of partners for the development, construction and operation of the project. **Section 29** requires certain provisions relating to the construction, financing and operation of the National Football League stadium project to be included in the development agreement and the lease agreement. **Section 35** of this bill sets forth additional provisions which must be included in the development agreement and lease agreement, including, without limitation, the maximum financial contribution of the Stadium Authority to the development and construction of the National Football League stadium project. **Section 29.5** of this bill requires, as part of the development and operation of the National Football League stadium project, the development of a community benefits plan and the creation of a stadium community oversight committee to carry out the community benefits plan. **Section 30** of this bill provides for the confidentiality of certain information provided to the Stadium Authority under certain circumstances. **Section 31** of this bill generally exempts the National Football League stadium project from laws requiring competitive bidding or specifying procedures for the procurement of goods or services, and from the statutory provisions governing public works projects, except that the pertinent construction contracts must comply with the statutory prevailing wage provisions and, if the Stadium Authority determines a subcontract can be competitively bid without affecting the quality of the project, must be competitively bid. Additionally, **section 31.5** of this bill requires that any contract or agreement entered into by a ~~general~~ prime contractor for the construction of the National Football League stadium project must include provisions requiring that at least 15 percent of the subcontracts for the project must be with small local businesses.

**Section 32** of this bill requires the Stadium Authority to retain the sole and exclusive right to enter into agreements for the sale, license or transfer of personal seat licenses, stadium builder's licenses or other similar instruments for any and all seats in the National Football League stadium project. Under **section 32**, the proceeds from the sale, license or transfer of such licenses or instruments must be used to pay a portion of the costs of the construction of the National Football League stadium project.

**Section 33** of this bill requires the Board of County Commissioners of Clark County to impose a tax on persons in the business of providing lodging in the stadium district at the rate of: (1) eighty-eight one-hundredths of one percent of the gross receipts from the rental of transient lodging located in the primary gaming corridor in the stadium district; and (2) one-half of one percent of the gross receipts from the rental of transient lodging in all other areas of the stadium district. **Section 34** of this bill sets forth the purposes for which the County and the Stadium Authority must use the proceeds of the tax. **Section 36** of this bill requires the Board of County Commissioners of Clark County to issue general obligations of the County in an amount not to exceed \$750,000,000 if certain conditions are satisfied and prescribes the procedure for the issuance of those general obligations. **Section 36** also requires the proceeds from the issuance of the general obligations to be distributed to the Stadium Authority and used for certain purposes related to the National Football League stadium project.

If a National Football League team does not commit to locate or relocate to the stadium district within a certain period of time or if certain other conditions are not satisfied, **section 38** of this bill authorizes the President of the University of Nevada, Las Vegas, to pursue a college football stadium project. If such an election is made, **sections 39-52** of this bill establish a method to finance the acquisition, construction, lease, improvement, equipping, operation and maintenance of the college football stadium project. **Section 39** of this bill creates a stadium district and a Campus Improvement Authority to carry out the provisions of **sections 39-52** of this bill governing such a college football stadium project. **Sections 40 and 41** of this bill set forth the qualifications and the procedure for the appointment of the members of the Board of Directors of the Campus Improvement Authority. **Sections 42-46** of this bill prescribe the general powers of the Board of Directors of the Campus Improvement Authority, which include, without limitation, the authority to construct and operate a college football stadium project in the stadium district. Additionally, **section 48.5** of this bill requires that any contract or agreement entered into by a ~~generally~~ prime contractor, construction manager or project manager for the construction of the college football stadium project must include provisions requiring that at least 15 percent of the subcontracts for the project must be with small local businesses. **Section 50** of this bill provides that if a college football stadium project is pursued, the Board of County Commissioners of Clark County must reduce the tax on persons engaged in the business of providing lodging in the stadium district imposed for the National Football League stadium project to a rate of: (1) three-eighths of one percent in the primary gaming corridor in the stadium district; and (2) one-quarter of one percent in all other areas of the stadium district. **Section 51** of this bill sets forth the purposes for which the Campus Improvement Authority may use the proceeds of the tax. **Section 52** of this bill requires the Board of County Commissioners of Clark County to issue general obligations of the County in an amount not to exceed \$300,000,000 if certain conditions are satisfied, including, without limitation, a condition requiring the University to raise \$200,000,000 for the cost of construction of a college football stadium. **Section 52** also requires the proceeds of these general obligations to be distributed to the Campus Improvement Authority and used for certain purposes related to the college football stadium project.

**Sections ~~53-61.5~~ 53-61.7** of this bill establish a method to finance the renovation or expansion of the Las Vegas Convention Center. **Section 53** creates in Clark County an Oversight Panel for Convention Facilities and prescribes the composition of the Oversight Panel. **Section 54** requires the Las Vegas Convention and Visitors Authority to provide certain information to the Oversight Panel and to request the Oversight Panel's approval of the plan for the renovation and expansion of the Convention Center and the issuance of bonds to finance that project. **Section 55** sets forth the procedures for the Oversight Panel's review and approval or disapproval of these requests. **Section 56** revises provisions governing the collection fee retained from the proceeds of the transient lodging tax by Clark County and each incorporated city in the County to provide that: (1) the sum of the collection fees retained by the county and the cities must not exceed a total of 10 percent of the proceeds of the tax or

\$25,000,000, whichever is less; and (2) any collection fee in excess of a total of \$25,000,000 must be used solely for the renovation or expansion of the Convention Center and to pay the principal and interest on securities issued to defray the costs of such a project. Under **sections 57 and 58**, the Board of County Commissioners of Clark County and the city council or other governing body of each incorporated city in the County must impose a tax upon persons engaged in the business of providing lodging at a rate of one-half of one percent on the gross receipts from the rental of transient lodging in the county or city, as applicable. **Sections 59 and 60** require the proceeds of these taxes to be distributed to the Las Vegas Convention and Visitors Authority to be used solely for the expansion of the Convention Center and to pay the principal and interest on securities issued to fund the costs of such a project. **Section 61** prescribes the procedure for the issuance of general obligations, in the name of and on behalf of Clark County, to defray the costs of the renovation or expansion of the Convention Center. Additionally, **section 61.5** of this bill requires that any contract or agreement entered into by a ~~general~~ prime contractor, construction manager or project manager for the construction of the renovation and expansion of the Convention Center must include provisions requiring that at least 15 percent of the subcontracts for the project must be with small local businesses. Under **section 38** of this bill, if certain conditions for the construction of the National Football League stadium project and certain conditions for the college football stadium project are not satisfied, the proceeds of the tax imposed to finance those projects must be transferred to the Convention Authority and used to pay the costs to renovate or expand the Las Vegas Convention Center pursuant to **sections** ~~53-61.5~~ 53-61.7 of this bill or the principal and interest on bonds or other securities issued for that project.

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

**Section 1.** This act may be cited as the Southern Nevada Tourism Improvements Act.

**Sec. 2.** 1. The Legislature hereby finds that:

(a) For more than three decades, the State of Nevada has been one of the fastest-growing states in the United States in terms of population, with the overwhelming majority of this population growth occurring in Clark County, Nevada, a region that is projected to add over 3,000 new residents each month for at least the next 10 years.

(b) Clark County is positioned to continue as one of the fastest-growing areas in the nation, and it is both the home to and the social, cultural and recreational arena and marketplace for a booming population of over 2.14 million residents, with over 2.08 million of those residents living and recreating within the Las Vegas Valley urban area.

(c) The Las Vegas area is also a getaway to over 42 million tourists annually who visit for the world-class entertainment, hospitality, gaming, fine dining and shopping and who want to experience and enjoy the world-famous, unique and incomparably distinctive Las Vegas Strip, known as the heart of the Entertainment Capital of the World.

(d) The number of tourists visiting the Las Vegas area is expected to increase annually, with some projections estimating nearly 1 million additional visits each year.

2. The Legislature hereby finds that:

(a) Because the Las Vegas area is the most visited and economically significant tourism market within this State, the tourism industry within the Las Vegas area is critically important to the economy of that local area and this State, and the continued growth and success of the tourism industry within the Las Vegas area is

1 particularly vital to the general welfare and prosperity of that local area and this  
2 State.

3 (b) A significant part of the continued growth and success of the tourism  
4 industry within the Las Vegas area depends upon the unique attractiveness,  
5 excitement, atmosphere and vitality of the Las Vegas Strip and the development of  
6 new, innovative and diversified facilities, venues and forms of entertainment within  
7 the Las Vegas area to ensure that the area may:

8 (1) Continue to be the preferred and premier destination for tourists from  
9 all walks of life in the ever-advancing technological age of the 21st century;

10 (2) Remain competitive with other national and international tourism  
11 destinations that are continually evolving and seeking to draw more tourists to their  
12 facilities, venues and forms of entertainment; and

13 (3) Retain its world-famous, unique and incomparably distinctive status as  
14 the Entertainment Capital of the World.

15 3. The Legislature hereby finds that:

16 (a) The gaming industry has been an essential component of the economic  
17 success of the tourism industry within the Las Vegas area, and the continued  
18 growth and success of the gaming industry within the Las Vegas area is particularly  
19 vital to the general welfare and prosperity of that local area and this State.

20 (b) Although the continued growth and success of the gaming industry is  
21 essential to the welfare of the Las Vegas area and this State, it is also essential to  
22 diversify the tourism industry within the Las Vegas area by developing new,  
23 innovative and diversified facilities, venues and forms of entertainment, which will  
24 increase overall tourism and economic activity within the Las Vegas area and  
25 thereby inure to the benefit of not only the gaming industry and its employees but  
26 other local businesses and their employees and the residents of the area as well.

27 (c) The diversification of the tourism industry within the Las Vegas area  
28 promotes the Legislature's economic goals of reducing Nevada's unemployment  
29 rate, stabilizing and improving Nevada's economy, and developing high-value job  
30 opportunities by diversifying Nevada's industries, creating and fostering new  
31 businesses, retaining and expanding existing businesses and attracting and  
32 relocating businesses from outside this State.

33 4. The Legislature hereby finds that:

34 (a) It is in the public interest and beneficial to the public welfare to diversify,  
35 enhance and grow the largest tourism market in this State through the development  
36 of large-scale and one-of-a-kind convention, entertainment and sports venues and  
37 facilities within the Las Vegas area, including the Las Vegas Strip, by constructing  
38 and operating:

39 (1) A state-of-the-art stadium capable of attracting professional sports  
40 franchises, such as teams from the National Football League or Major League  
41 Soccer, hosting national sporting events, such as the Super Bowl and collegiate  
42 bowl, playoff, tournament and championship games, and holding other large-scale  
43 entertainment and sports events, such as concerts, festivals, motor sports,  
44 prizefighting and rodeos; and

45 (2) An improved, expanded and updated Las Vegas Convention Center so  
46 that it is a premier facility for attracting and retaining conventions and trade shows.

47 (b) Because the Las Vegas area, including the Las Vegas Strip, is the largest  
48 tourism market in this State and because the Las Vegas area, including the Las  
49 Vegas Strip, is world famous, unique and incomparably distinctive, the Las Vegas  
50 area is the only area in this State that:

51 (1) Is appropriate and suitable for the development of such large-scale and  
52 one-of-a-kind convention, entertainment and sports venues and facilities; and

(2) Has all the necessary local and special attributes, conditions and resources that are essential to support such large-scale and one-of-a-kind convention, entertainment and sports venues and facilities, including, without limitation, the necessary economic conditions, capital investment, infrastructure, support industries and businesses, workforce, population and visitors.

5. The Legislature hereby declares that:

(a) Because the Las Vegas area is the only area in this State that is appropriate and suitable for the development of such large-scale and one-of-a-kind convention, entertainment and sports venues and facilities and has all the necessary local and special attributes, conditions and resources that are essential to support such venues and facilities, it is necessary to enact a law of local and special application to promote, develop and secure the advantages of the local and special characteristics and circumstances within the Las Vegas area, which are found nowhere else within this State, and to benefit the residents of that local and special area.

(b) Therefore, given that a law of local and special application is necessary to promote, develop and secure the advantages of the local and special characteristics and circumstances within the Las Vegas area, which are found nowhere else within this State, and given that such a law is necessary to benefit the residents of that local and special area, a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this act.

**Sec. 3.** Except as otherwise provided in this act or unless the context otherwise requires, the terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions set forth in sections 4 to 20, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.

**Sec. 4.** "Board of County Commissioners" means the Board of County Commissioners of Clark County.

**Sec. 5.** "Board of Directors":

1. As used in sections 21 to 38, inclusive, of this act, means the Board of Directors of the Stadium Authority appointed pursuant to subsection 1 of section 22 of this act.

2. As used in sections 39 to 52, inclusive, of this act, means the Board of Directors of the Campus Improvement Authority appointed pursuant to subsection 1 of section 40 of this act.

**Sec. 6.** "Board of Regents" means the Board of Regents of the University of Nevada.

**Sec. 7.** "Campus Improvement Authority" means the Campus Improvement Authority created by section 39 of this act.

**Sec. 8.** "College football stadium project" means any enterprise to acquire, construct, lease, improve, equip, operate or maintain, or any combination thereof, within the boundaries of the stadium district a football stadium capable of hosting the home games of the University's football team and that complies with the requirements of section 46 of this act and all necessary or desirable appurtenances or incidentals thereof.

**Sec. 9.** "Convention Authority" means the fair and recreation board of the County, designated by resolution pursuant to NRS 244.654 as the Las Vegas Convention and Visitors Authority.

**Sec. 10.** "County" means Clark County, Nevada.

**Sec. 11.** "Developer partner" means a person who provides money to pay the costs of the acquisition, construction, leasing, improvement, equipping, operation or maintenance, or any combination thereof, of the National Football League stadium

project or the cost of any capital improvements to the National Football League stadium project.

**Sec. 12.** “National Football League stadium project” means any enterprise to acquire, construct, lease, improve, equip, operate or maintain, or any combination thereof, within the boundaries of the stadium district a football stadium capable of hosting the home games of the National Football League team and that complies with section 29 of this act and all necessary or desirable appurtenances or incidentals thereof.

**Sec. 13.** “National Football League team” means the National Football League team that is locating or relocating within the stadium district.

**Sec. 14.** “Oversight Panel” means the Oversight Panel for Convention Facilities created by section 53 of this act.

**Sec. 15.** “Person” means a natural person, any form of business or social organization and any other nongovernmental legal entity, including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

**Sec. 16.** “Stadium Authority” means the Clark County Stadium Authority created by section 21 of this act.

**Sec. 17.** “Stadium district”:

1. As used in sections 21 to 38, inclusive, of this act, means the district created by section 21 of this act to finance the National Football League stadium project.

2. As used in sections 39 to 52, inclusive, of this act, means the district created by section 39 of this act to finance the college football stadium project.

**Sec. 18.** “Stadium Events Company” means a person whose business is organized under the laws of this State for the purpose of leasing the National Football League stadium project from the Stadium Authority and owned by:

1. The National Football League team or its affiliate;

2. A developer partner or its affiliate; or

3. The National Football League team or its affiliate and a developer partner or an affiliate of a developer partner.

**Sec. 19.** “System” means the Nevada System of Higher Education.

**Sec. 20.** “University” means the University of Nevada, Las Vegas.

**Sec. 21.** 1. There is hereby created in the County a stadium district to finance the National Football League stadium project. The stadium district consists of all property located within:

(a) The County, including, without limitation, all property within an incorporated city in the County; and

(b) A radius of 25 miles from the location at which the Board of County Commissioners holds its regular meetings as of the effective date of sections 21 to 37, inclusive, of this act.

2. The Clark County Stadium Authority is hereby created.

3. The Stadium Authority constitutes:

(a) A body corporate and politic; and

(b) A political subdivision of the County, the boundaries of which are coterminous with the boundaries of the stadium district.

4. The County Treasurer is ex officio Treasurer of the Stadium Authority.

5. Except as otherwise provided in this act, the Stadium Authority and its officers and employees are subject to, must comply with and are entitled to all rights, privileges and immunities recognized by the laws of this State applicable to political subdivisions and their officers and employees, including, without limitation, NRS 41.0305 to 41.039, inclusive, and chapters 239, 241, 281 and 281A



of NRS, but if there is a conflict between other laws of this State and the specific provisions of this act, the specific provisions of this act control.

**Sec. 22.** 1. The Stadium Authority must be governed by a Board of Directors consisting of the County Treasurer, who is a nonvoting, ex officio member of the Board, and ~~seven~~ nine members to be appointed as follows:

(a) Three members appointed by the Governor, at least one of which must be appointed in the manner set forth in subsection 2.

(b) ~~Two~~ Three members appointed by the Board of County Commissioners, at least one of which must be appointed in the manner set forth in subsection 2.

(c) One member appointed by the President of the University who must be the executive director in charge of managing events for the University or, if that position ceases to exist, another officer or employee of the University who has experience in the management of events.

(d) Two members representing the public elected by the members appointed pursuant to paragraphs (a) ~~and~~ (b) ~~and~~ (c). In electing members pursuant to this paragraph, the members appointed pursuant to paragraphs (a) ~~and~~ (b) and (c) shall consider the recommendations of:

(1) A National Football League team that has:

(I) Demonstrated to those members that it is interested in locating or relocating within the stadium district; or

(II) Committed to locate or relocate within the stadium district; and

(2) The person or persons who have:

(I) Demonstrated to those members that the person or persons are interested in and capable of entering into a lease with the Stadium Authority to operate the National Football League stadium project; or

(II) Entered into such a lease.

2. One member appointed pursuant to paragraph (a) of subsection 1 and one member appointed pursuant to paragraph (b) of subsection 1 must be selected from a list of nominees submitted to the appointing authority by the two companies who, either directly or through subsidiaries, affiliates or any related entity under common control with the companies, own or manage the businesses within the County, which in the aggregate generate the greatest amount of taxes on the rental of transient lodging in the County. If the appointing authority reasonably determines that the nominees on any such list of nominees submitted by a nominating company are unacceptable, the companies must submit a new list of nominees. If the appointing authority has determined that no nominee on the first four lists of nominees offered by a nominating company is acceptable, all additional nominations for appointment to the Board must be made by the association of resort hotels whose membership collectively paid the greatest amount of taxes on the rental of transient lodging to the Fund for the Promotion of Tourism pursuant to paragraph (a) of subsection 1 of NRS 244.3354 and paragraph (a) of subsection 1 of NRS 268.0962 in the fiscal year immediately preceding the fiscal year in which the appointment is made and whose members include the two nominating companies or could include those companies if those companies chose to be members of that association. For purposes of this subsection, "affiliate" includes any company in which a nominating company owns fifty percent or more of the ownership interests.

3. Each member of the Board of Directors must reside within the stadium district and must:

(a) Have experience in the design, engineering and construction of major commercial projects and estimating the costs of the construction of major commercial projects;

(b) Have experience in the financing of capital projects in this State;

(c) Have experience in the field of stadium, arena or event management;

(d) Have experience in workforce development, training, diversity or supplier engagement; or

(e) Be representatives of the private sector and have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Board of Directors.

4. A member of the Board of Directors may not be employed by the same person as another member of the Board or by an affiliate of such a person.

5. A vacancy on the Board of Directors occurs when a member:

(a) Dies or resigns; or

(b) Is removed, with or without cause, by the appointing authority.

6. A vacancy on the Board of Directors must be filled for the remainder of the unexpired term in the same manner as the original appointment pursuant to subsection 1.

7. A member of the Board of Directors is not entitled to receive any compensation for serving as a member of the Board or as an officer or employee of the Stadium Authority.

8. The members of the Board of Directors are public officers for the purposes of chapter 281A of NRS.

**Sec. 23.** 1. Not later than 30 days after the effective date of sections 21 to 37, inclusive, of this act:

(a) The Governor shall appoint:

(1) One member of the Board of Directors pursuant to paragraph (a) of subsection 1 of section 22 of this act to an initial term that commences on the date of the appointment and expires on December 31, 2018; and

(2) Two members of the Board of Directors pursuant to paragraph (a) of subsection 1 of section 22 of this act to an initial term that commences on the date of the appointment and expires on December 31, 2019.

(b) The Board of County Commissioners shall appoint:

(1) One member of the Board of Directors pursuant to paragraph (b) of subsection 1 of section 22 of this act to an initial term that commences on the date of the appointment, and expires on December 31, 2018; and

(2) ~~One member~~ Two members of the Board of Directors pursuant to paragraph (b) of subsection 1 of section 22 of this act to an initial term that commences on the date of the appointment, and expires on December 31, 2019.

**(c) The President of the University shall appoint the member of the Board of Directors appointed pursuant to paragraph (c) of subsection 1 of section 22 of this act.**

2. Not later than 90 days after the organizational meeting held pursuant to subsection 2 of section 24 of this act, the members of the Board of Directors appointed pursuant to paragraphs (a), ~~(b)~~ (b) and (c) of subsection 1 shall elect:

(a) One member of the Board pursuant to paragraph ~~(b)~~ (d) of subsection 1 of section 22 of this act to an initial term that commences on the date of his or her election, and expires on December 31, 2018; and

(b) One member of the Board pursuant to paragraph ~~(b)~~ (d) of subsection 1 of section 22 of this act to an initial term that commences on the date of his or her election, and expires on December 31, 2019.

3. After the initial terms, each member of the Board of Directors must be appointed for a 4-year term that begins on the day following the day on which the immediately preceding term expires. A member of the Board of Directors may be reappointed.

**Sec. 24.** 1. The Governor shall appoint one member of the Board of Directors as Chair of the Board.

2. Not later than 75 days after the effective date of sections 21 to 37, inclusive, of this act, the Board of Directors shall hold an organizational meeting. At the meeting of the Board of Directors held pursuant to this subsection, the Board shall elect:

(a) One of its members as Vice Chair; and

(b) A Secretary, who may be a member of the Board.

3. The Vice Chair of the Board of Directors shall serve as Chair when the position of Chair is vacant or when the Chair is absent from any meeting.

4. The Board of Directors shall meet regularly in the stadium district at such times and places as it designates. Special meetings of the Board of Directors may be held at the call of the Chair, upon notice to each member of the Board, as often as the needs of the Board require.

5. Except as otherwise provided in subsection 5 of NRS 281A.420:

(a) ~~Four~~ **Five** members of the Board of Directors constitute a quorum at any meeting of the Board.

(b) The Board of Directors may take action only by a motion or resolution adopted with the approval of at least ~~four~~ **five** members of the Board.

6. The Board of Directors constitutes a public body for the purposes of chapter 241 of NRS.

**Sec. 25.** 1. The Secretary of the Board of Directors shall keep:

(a) Audio recordings or transcripts of all meetings of the Board;

(b) Minutes of all the meetings of the Board;

(c) A record of all the proceedings and actions of the Board;

(d) A copy of any certificates issued or received by the Board;

(e) A copy of any contracts made by the Board; and

(f) Any bonds required by the Board from its employees.

2. The Treasurer of the Stadium Authority shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board of Directors.

3. The Secretary of the Board of Directors does not constitute a part of the staff of the Stadium Authority for the purposes of section 26 of this act.

4. The Board of Directors may direct the staff of the Stadium Authority to provide the services necessary for the Secretary of the Board and the Treasurer of the Stadium Authority to perform the duties set forth in this section.

**Sec. 26.** 1. The Stadium Authority may retain such staff as the Board of Directors determines to be necessary to conduct the activities of the Authority. The Stadium Authority may:

(a) Hire the members of the staff of the Authority as employees;

(b) Contract with any governmental entity or person to provide the persons to serve as the staff of the Authority; or

(c) Retain the members of the staff of the Authority using any combination of the methods described in paragraphs (a) and (b).

2. The Board of Directors shall determine:

(a) The powers and duties of the members of the staff of the Authority; and

(b) The amount and basis of compensation for the members of the staff of the Authority.

**Sec. 27.** The Board of Directors:

1. May adopt a seal;

2. May adopt, and from time to time amend or repeal, as it determines to be necessary or desirable, appropriate bylaws, rules and regulations, not inconsistent with the provisions of sections 21 to 37, inclusive, of this act for carrying out the business and affairs of the Stadium Authority; and

3. Shall create a stadium tax account, a stadium capital projects fund and a stadium authority operating account to carry out the provisions of sections 21 to 37, inclusive, of this act.

**Sec. 28.** In furtherance of the duties and responsibilities set forth in section 29 of this act, the Stadium Authority may:

1. Proceed with any undertaking and enter into any contracts and other agreements with any person as the Stadium Authority determines to be necessary or desirable.

2. Sue and be sued.

3. Acquire by purchase, lease, gift, devise, condemnation or other legal means, own in its own name, or sell, lease or otherwise dispose of any right, title or interest in land, improvements or any associated air rights or personal property.

4. Enter into any lease, ground lease, sublease or management agreement.

5. Apply for and accept any gift, donation, bequest, grant or other source of money to finance or develop the National Football League stadium project.

6. Require and receive such audits and other measurements of the performance of a developer partner or the Stadium Events Company as it deems necessary to ensure that the operation of the National Football League stadium project complies with sections 21 to 37, inclusive, of this act, except that the Stadium Authority may not require an audit of the general business of the National Football League team or any developer partner.

7. Consider and approve or disapprove:

(a) An annual capital improvement budget for the National Football League stadium project submitted by the Stadium Events Company.

(b) Any specific requests for capital improvements proposed by the Stadium Events Company or National Football League team.

8. Perform any other act that may be necessary, convenient, desirable or appropriate to carry out the powers and duties of the Stadium Authority.

**Sec. 29.** 1. The Stadium Authority shall negotiate and may enter into a development agreement and a lease agreement that comply with subsections 2 and 3, as applicable, if the Board of Directors:

(a) Within 12 months after the effective date of sections 21 to 37, inclusive, of this act or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after that effective date, finds that the National Football League has authorized the National Football League team to locate or relocate within the stadium district;

(b) Within 12 months after the effective date of sections 21 to 37, inclusive, of this act or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after that effective date, finds that the National Football League team has committed to locate or relocate within the stadium district;

(c) Selects as a developer partner one or more persons who have:

(1) Disclosed to the Board as a matter of public record the identity of the person or persons;

(2) Provided documentation satisfactory to the Board to indicate that the person or persons selected to be a developer partner have an affiliation with the National Football League team;

(3) Demonstrated to the satisfaction of the Board that the developer partner is able to successfully develop and construct the National Football League stadium project; and

(4) Provided to the Board adequate financial security for the performance of the financial obligations of a developer partner for the development and construction of the National Football League stadium project; and

(d) Selects a Stadium Events Company which has disclosed to the Board the identity of each of its owners and managers.

2. A development agreement for the National Football League stadium project entered into by the Stadium Authority with a developer partner selected by the Board of Directors pursuant to paragraph (c) of subsection 1 must require the location, design, fit and finish of the National Football League stadium project to be consistent with first-class, premier National Football League facilities currently in operation or approved for construction by the National Football League and:

(a) Identify the site of the project;

(b) Set forth the overall design, scope and specifications of the project, which must include, without limitation, an enclosed football stadium with a seating capacity of approximately 65,000 persons;

(c) Set forth the sources of financing to pay the costs of the development and construction of the project in a manner consistent with the provisions of sections 21 to 37, inclusive, of this act;

(d) Require the developer partner to provide periodic progress reports to the Board of Directors on the status of the development and construction of the project;

(e) Set forth the procedures for the provision of the periodic progress reports described in paragraph (d) and the information required to be included in such reports;

(f) State that any and all development and construction cost overruns for the development and construction of the project must be the sole responsibility of the developer partner, except that any cost overrun must not be the responsibility of the developer partner if the cost overrun is caused by a change in development or construction mandated by the Stadium Authority after the execution of the development agreement, other than a change in development or construction after the execution of the development agreement that is required to comply with a building code, including, without limitation, a change relating to building safety;

(g) Contain provisions that are consistent with sections 31, 31.5 and 35 of this act;

(h) Provide for an adequate contribution by the developer partner for the construction or improvement of any infrastructure off the site of the project that is determined to be necessary for the project by the Department of Transportation, the County or any municipality in which the project is located, and that is specified in the regional infrastructure and service evaluation required for a high impact project before a special use permit is issued for the project;

(i) Require that the developer partner ensure that no action or inaction by the developer partner, or any person hired or retained by the developer partner to act on behalf of the developer partner, in the development or construction of the project results in a lien against the project that is not cured by the developer partner within a customary amount of time using commercially reasonable efforts, which must be determined in accordance with the laws of this State and must be such time and efforts as are approved by the Board of Directors;

(j) Take into consideration the use of multimodal facilities that use alternative modes of transportation and do not have detrimental impacts on other permitted transportation projects; and

(k) Contain such other terms as deemed necessary and appropriate by the Stadium Authority.

3. A lease agreement entered into by the Stadium Authority with the Stadium Events Company described in paragraph (d) of subsection 1 must set forth the requirements and responsibilities of the Stadium Events Company with respect to the operation of the National Football League stadium project and must:

(a) Grant the Stadium Events Company full operational control of the project;

(b) Not contain any provision that interferes with the discretion of the Stadium Events Company to operate the project, including, without limitation, a provision restricting in any manner the programs or events that may be held at the project;

(c) Authorize the Stadium Events Company to enter into an agreement with another person to operate the project on a day-to-day basis, as deemed necessary or appropriate by the Stadium Events Company;

(d) Establish a minimum standard for the maintenance of, and capital reinvestment in, the project to ensure that the design and development standards set forth in sections 21 to 37, inclusive, of this act are maintained or enhanced throughout the term of the lease agreement;

(e) Provide for the annual allocation of the revenue from, and expenses of, the operation of the project in a manner consistent with sections 21 to 37, inclusive, of this act;

(f) State that the Stadium Events Company and the developer partner are liable jointly and severally for the operating losses of the project or the Stadium Events Company;

(g) Provide for the accommodation of a sufficient number of dates to host at the project the regular and postseason home games of the University football team, subject to the following conditions and restrictions:

(1) Any National Football League event has priority of use of the project and the National Football League team has priority to use the project for its home games and priority over dates, stadium assets and the playing surface;

(2) Any date for a regular or postseason home game of the University football team at the project must:

(I) Not conflict with the use of the project by the National Football League team for a home game of the National Football League team;

(II) Not conflict with major events that are not National Football League events that were scheduled to be hosted at the project before the University finalized the schedule of home games for its football team for the applicable season;

(III) Be mutually agreed upon by the University and the Stadium Events Company; and

(IV) Be approved by the Stadium Authority;

(3) After the University has finalized the schedule of home games for its football team for the applicable season and the dates of those home games have been approved by the Stadium Authority, the date of a home game may not be changed to accommodate an event that is not a National Football League event without the approval of the University; and

(4) If a change to the schedule of home games for the University football team is proposed for the purpose of allowing a home game of the team to be televised, the Stadium Events Company or the National Football League team must use reasonable commercial efforts to assess the feasibility of the change and allow the change to be made if it is commercially reasonable, except that such change must not interfere with or impair the ability of the National Football League team to play a home game at the project;

(h) Establish a reasonable rent to be paid by the University for the use of the project for the regular and postseason home games of its football team, that for each regular season home game of the football team, and not more than three other events selected by the University, the reasonable rent must not exceed the actual operational or pass-through costs, excluding any fixed costs, to host the game or event at the project;

(i) Provide that on the date of a regular or postseason home game of the University football team:

(1) The University must be given such access to the project and its facilities and amenities as is reasonably necessary to create an environment reasonably consistent with a home game for a college football team in Division I Football Bowl Subdivision, or its successor division, of the National Collegiate Athletics Association or its successor organization; and

(2) The National Football League team must have simultaneous access to such areas of the project as are needed by the team to prepare for a home game of the team that occurs on the day following the date of the home game of the University football team, provided that such access must not impede or interfere with the use of, or access to, the project by the University;

(j) Provide that the Stadium Authority has the discretion to resolve any disputes relating to the provisions of the lease agreement described in paragraphs (g), (h) and (i) and that the resolution of such a dispute by the Stadium Authority is final;

(k) Require an annual audit of the Stadium Events Company by an independent certified public accountant in this State who does not provide any similar or related services to a developer partner or the National Football League team, or any affiliate, subsidiary, principal or related party of a developer partner or the National Football League team, and who is selected by the mutual agreement of the Stadium Authority and the Stadium Events Company;

(l) Require the cost of the audit described in paragraph (k) to be divided equally between the Stadium Authority and the Stadium Events Company;

(m) Require that the term of any lease or sublease entered into by the Stadium Events Company with the National Football League team must be at least 30 years;

(n) State that a person owning an ownership interest in the Stadium Events Company may sell or otherwise transfer the person's ownership interest to a related or unrelated third party only upon the approval of the Stadium Authority and that the Stadium Authority must not unreasonably withhold such approval;

(o) Provide that the Stadium Authority must comply with the confidentiality provisions of section 30 of this act; and

(p) Such other terms and conditions as deemed necessary and appropriate by the Board of Directors.

4. The Stadium Authority may enter into a combined development and lease agreement that complies with the provisions of subsections 2 and 3.

**Sec. 29.5.** 1. The developer partner and the Stadium Events Company shall develop a community benefits plan to ensure the greatest possible participation by all segments of the local community in the economic opportunities available in connection with the design, construction and operation of the National Football League stadium project developed by the developer partner and operated by the Stadium Events Company.

2. A stadium community oversight committee must be created to carry out the community benefits plan developed pursuant to subsection 1. The stadium community oversight committee is hereby authorized to enforce the provisions of the community benefits plan which it was created to carry out.

**Sec. 30.** 1. Except as otherwise provided in subsection 3 and NRS 239.0115, the Stadium Authority shall keep confidential any record or other document provided to the Stadium Authority by a developer partner, the National Football League team or the Stadium Events Company, which is in the possession of the Stadium Authority, if the person providing the information:

(a) Submits a request in writing that the record or other document be kept confidential by the Stadium Authority; and

(b) Demonstrates to the satisfaction of the Stadium Authority that the record or other document contains proprietary or confidential information.

2. If the Stadium Authority determines that a record or other document contains proprietary or confidential information, the Chair of the Board of Directors shall attach to the file containing the record or document:

(a) A certificate signed by him or her stating that a request for confidentiality was made by the requesting entity and the date of the request;

(b) A copy of the written request submitted by the requesting entity;

(c) The documentation to support the request submitted by the requesting entity; and

(d) A copy of the decision of the Stadium Authority determining that the record or other document contains proprietary or confidential information.

3. Records and documents that are confidential pursuant to this section:

(a) Are proprietary or confidential information of the requesting entity;

(b) Are not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Stadium Authority unless the requesting entity consents to the disclosure.

4. As used in this section, "proprietary or confidential information" has the meaning ascribed to it in NRS 360.247.

**Sec. 31.** 1. Except as otherwise provided in sections 21 to 37, inclusive, of this act and notwithstanding any other provision of law to the contrary:

(a) Any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement entered into pursuant to sections 21 to 37, inclusive, of this act by the Stadium Authority, a developer partner or any related entity relating to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act, and any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement that provides for the design, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation or maintenance, or any combination thereof, of the National Football League stadium project or any portion thereof, or the provision of materials or services for the project are exempt from any law:

(1) Requiring competitive bidding or otherwise specifying procedures for the award of agreements of a type described in this paragraph;

(2) Specifying procedures for the procurement of goods or services; or

(3) Limiting the term of any agreement of a type described in this paragraph.

(b) The provisions of chapter 341 of NRS do not apply to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act or to any agreement of a type described in paragraph (a).

(c) The provisions of chapter 338 of NRS do not apply to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act or to any agreement of a type described in paragraph (a), except that:

(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to the project even if the estimated cost of the construction work is not greater than \$250,000 or the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010;

(2) Any person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the project shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive; and



(3) The Stadium Authority, any contractor who is awarded a contract or enters into an agreement to perform the construction, alteration, repair or remodeling of such an undertaking and any subcontractor on the undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the County had undertaken the project or had awarded the contract.

2. The Stadium Authority and any prime contractor, construction manager or project manager selected by the Stadium Authority or a developer partner shall competitively bid all subcontracts involving construction which the Stadium Authority determines can be competitively bid without affecting the quality of the National Football League stadium project. Any determination by the Stadium Authority that such a subcontract can or cannot be competitively bid without affecting the quality of the National Football League stadium project is conclusive in the absence of fraud or a gross abuse of discretion. The Stadium Authority shall establish one or more procedures for competitive bidding which:

(a) Must prohibit bidders from engaging in bid-shopping;

(b) Must not permit subcontractors to avoid or circumvent the provisions of paragraph (c) of subsection 1; and

(c) Must, in addition to the requirements of section 31.5 of this act, provide a preference for Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389.

3. Any determination by the Stadium Authority regarding the establishment of one or more procedures for competitive bidding, and any determination by a developer partner or its prime contractor, construction manager or project manager regarding the award of a contract to any bidder, is conclusive in the absence of fraud or a gross abuse of discretion.

**Sec. 31.5.** 1. In addition to any other requirements set forth in sections 21 to 37, inclusive, of this act, and except as otherwise provided in subsection 8, a development agreement entered into pursuant to section 29 of this act, a lease agreement entered into pursuant to that section, or a combined development agreement and lease agreement entered into pursuant to that section and any other agreement of any kind entered into by the Stadium Authority with a developer partner, must include provisions which require that any contract or other agreement entered into by a ~~general~~ **prime** contractor selected by the Stadium Authority or a developer partner for the construction of the National Football League stadium project must include a provision requiring ~~the general contractor to subcontract~~ **that at least 15 percent of the National Football League stadium project must be subcontracted** to small local businesses.

2. A business shall be deemed to be a small local business for the purposes of this section if:

(a) The business is financially and operationally independent from any other business;

(b) The business is not temporary and has operated for at least 4 years before entering into the contract or agreement;

(c) The business maintains its principal place of business in a fixed location within this State;

(d) The business has obtained all necessary licenses and registration within this State; and

(e) The ~~gross earnings~~ **annual revenues** of the business for each of the immediately preceding 3 fiscal years has not exceeded:

(1) For public works projects, \$20,000,000;

(2) For any other construction projects, \$10,000,000;

(3) For any goods, materials, equipment and general services contracts, \$10,000,000;

(4) For professional services including, without limitation, architectural and engineering services, \$2,500,000; and

(5) For trucking services, \$3,500,000.

3. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow ~~such a~~ the small local business to be covered by any bond or insurance of the ~~general~~ contractor and may require the subcontractor to pay a proportionate share of the cost for such coverage by the bond or insurance.

4. A small local business to which work is subcontracted by a ~~general~~ contractor pursuant to ~~this section~~ a contract or other agreement described in subsection 1 must ensure that its employees are hired in a manner that does not discriminate against any person on any basis prohibited by law. Such a contractor that subcontracts such work shall not impose any requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work.

5. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or agreement described in subsection 1 shall provide a mentorship program to assist the small local business to develop the skills necessary to carry out the work that is subcontracted.

6. A ~~general~~ prime contractor and each contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall submit information to the Stadium Authority verifying that the ~~general~~ contractor has complied with the provisions of this section, and shall maintain all records, including, without limitation, any information required by the Stadium Authority, to ensure compliance with this section for not less than 5 years after the expiration of the subcontract. Such records must be made available for inspection to the Stadium Authority upon request.

7. Unless the requirements of subsection 1 are waived by the Stadium Authority pursuant to subsection 8, the failure of a ~~general~~ prime contractor to ~~subcontract the amount of work required pursuant to~~ comply with the requirements of subsection 1 shall be deemed a material breach of contract.

8. The Stadium Authority may waive the requirements of subsection 1 if a ~~general~~ prime contractor presents proof satisfactory to the Stadium Authority that there is an insufficient number of small local businesses available and qualified to subcontract for the work to be performed. Such proof must include, without limitation, evidence that:

(a) Reasonable efforts were made to notify small local businesses of the availability of work to be performed under a contract or other agreement described in subsection 1, which must include evidence of public advertisement calling for bids for a period of not less than 20 days before the date on which such bids must be submitted; and

(b) In considering the availability and qualifications of a small local business to perform work under a contract or other agreement described in subsection 1, a contractor reasonably considered the work experience, safety history and financial stability of the small local business.

Sec. 32. 1. The Stadium Authority shall retain the sole and exclusive right to enter into agreements to provide for the sale, license or transfer of personal seat licenses, stadium builder's licenses or other similar instruments for any and all seats in the National Football League stadium project to generate revenues used for construction of the National Football League stadium project.

2. The Stadium Authority may not grant any other person the right to enter into such agreements, but it may in the development agreement entered into pursuant to subsection 2 of section 29 of this act or a combined development and

1 lease agreement entered into pursuant to subsection 4 of section 29 of this act, agree  
2 that any agreements regarding personal seat licenses or similar instruments will be  
3 made only in consultation with the developer partner or, if applicable, the Stadium  
4 Events Company and the National Football League team. Such personal seat  
5 licenses or similar instruments may contain priority purchase rights to ticketed  
6 events in the National Football League stadium project, including the home games  
7 of the National Football League team.

8 3. Proceeds from the sale of personal seat licenses or similar instruments must  
9 be collected by or on behalf of the Stadium Authority for the benefit of the National  
10 Football League stadium project and are a payment by purchasers to the owner of  
11 the National Football League stadium project for special rights of access to events  
12 at the National Football League stadium project.

13 4. Personal seat licenses or similar instruments representing rights to seats,  
14 which are not in an enclosed suite, must not include rights for use of the seat at any  
15 event that is a college football game involving the University, unless the System  
16 has entered into an agreement with the Stadium Authority allowing those licenses  
17 or similar instruments to include those home games. Notwithstanding the above  
18 provisions of this section, the System is entitled to the revenue from the sale,  
19 license or transfer of personal seat licenses or similar instruments, which are not for  
20 seats in an enclosed suite, in an amount that represents the right to seats at football  
21 games involving the University.

22 5. With the consent of the Stadium Events Company and the National  
23 Football League team, the Stadium Authority shall have the power to enter into one  
24 or more agreements with third parties pursuant to which it sells to each such third  
25 party, the right to receive and own the proceeds from the sale, license or transfer of  
26 personal seat licenses, stadium builder's licenses or other similar instruments as  
27 described in subsection 1, for cash and such other consideration as it deems  
28 appropriate to be paid upon sale or over time. Any financing or similar transaction  
29 by any such third party to affect such sale:

30 (a) Shall not be deemed a debt of the Stadium Authority for any purpose;

31 (b) Must not provide for recourse for monetary damages against the Stadium  
32 Authority for any reason, including any actual or alleged nonperformance by any  
33 person;

34 (c) Shall not give rise to any obligation or liability for monetary damages of the  
35 Stadium Authority to any person, including the third party or anyone purchasing a  
36 personal seat license or providing financing based on personal seat licenses through  
37 such third party or otherwise, but may, with the approval of the Stadium Events  
38 Company, provide remedies against the Stadium Events Company; and

39 (d) May allow for an action for specific performance against the Stadium  
40 Authority.

41 **Sec. 33. 1. ~~That~~ In addition to all other taxes imposed on the revenue**  
42 **from the rental of transient lodging and notwithstanding any other law, the**  
43 **Board of County Commissioners shall by ordinance impose upon all persons in the**  
44 **business of providing lodging in the stadium district a tax at the rate of:**

45 (a) Eighty-eight one-hundredths of one percent of the gross receipts from the  
46 rental of transient lodging within the primary gaming corridor.

47 (b) One-half of one percent of the gross receipts from the rental of transient  
48 lodging in an area within the stadium district but outside the primary gaming  
49 corridor.

50 2. The tax imposed pursuant to subsection 1 may be collected from paying  
51 guests and may be shown as an addition to the charge for the rental of transient  
52 lodging. The person providing the transient lodging is liable to the County for the  
53 tax whether or not the tax is actually collected from a paying guest.

1        3. The tax imposed pursuant to subsection 1:

2        (a) Must be imposed in each incorporated city within the stadium district, in  
3 addition to being imposed in the portion of the stadium district which is not in an  
4 incorporated city;

5        (b) Must be in addition to all other taxes imposed on the revenue from the  
6 rental of transient lodging in the County or city;

7        (c) Must be collected and enforced in the same manner as any other tax  
8 imposed in the County or city on the gross receipts from the rental of transient  
9 lodging, except that the tax must be remitted to the County by each person in the  
10 business of providing lodging in the stadium district; and

11        (d) May be pledged to the payment of the bonds or other securities issued  
12 pursuant to section 36 of this act.

13        4. The ordinance enacted pursuant to this section must:

14        (a) Specify the date on which the tax must first be imposed, which must be the  
15 first day of the month that is not less than 3 months or more than 4 months after the  
16 adoption of the ordinance.

17        (b) Provide that any parcel of land, building or other structure located partially  
18 within the stadium district is deemed to be wholly within the stadium district.

19        5. Not later than 30 days after the adoption of the ordinance enacted pursuant  
20 to this section, the Board of County Commissioners shall amend the ordinance to  
21 include a provision establishing the geographic boundaries of the primary gaming  
22 corridor within the stadium district. The geographic boundaries of the primary  
23 gaming corridor must be a single, contiguous area. The initial amendment  
24 establishing the geographic boundaries of the primary gaming corridor must base  
25 those boundaries on the geographic area comprising the submarket within the  
26 stadium district with the greatest amount of gaming revenue as reported in the most  
27 recent edition of the Nevada Gaming Abstract produced by the Nevada Gaming  
28 Control Board. The Board of County Commissioners may from time to time amend  
29 or modify the geographic boundaries of the primary gaming corridor to include  
30 areas which would have been included within the geographic boundaries of the  
31 primary gaming corridor if the Board of County Commissioners were establishing  
32 those boundaries at the time of the amendment or modification, but any such  
33 amendment or modification of the geographic boundaries of the primary gaming  
34 corridor must not impair any outstanding bonds or any revenues pledged to their  
35 payment. The rate of the tax set forth in paragraph (a) of subsection 1 applies to all  
36 persons in the business of providing lodging in the primary gaming corridor  
37 established pursuant to this subsection, regardless of whether that person is licensed  
38 to conduct gaming on the premises of the business and regardless of whether the  
39 business of that person is specifically included in the Nevada Gaming Abstract  
40 produced by the Nevada Gaming Control Board. Any amendment adopted pursuant  
41 to this subsection must provide that any parcel of land, building or other structure  
42 located partially within the primary gaming corridor is deemed to be wholly within  
43 the primary gaming corridor. The decision of the Board of County Commissioners  
44 establishing the boundaries, and any amendment thereof, is conclusive, absent  
45 fraud.

46        6. Upon repayment of the bonds or other securities to which the proceeds of  
47 the tax imposed pursuant to subsection 1 may be pledged, the Board of County  
48 Commissioners shall amend the ordinance imposing the tax to reduce the rate of the  
49 tax to an amount deemed sufficient by the Board to pay the amounts set forth in  
50 subsection 5 of section 34 of this act, except that the rate of the tax imposed on  
51 persons described in paragraph (a) of subsection 1 and persons described in  
52 paragraph (b) of subsection 1 must be the same rate, and that rate must not exceed  
53 one-eighth of one percent.

7. The provisions of NRS 237.030 to 237.150, inclusive, do not apply to the adoption of the ordinance enacted pursuant to this section, or any amendment thereof, or to any other action of the Board of County Commissioners relating to the adoption or amendment of the ordinance.

8. As used in this section:

(a) "Gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests pursuant to this section.

(b) "Primary gaming corridor" means the primary gaming corridor in the stadium district, the geographic boundaries of which are established by the Board of County Commissioners pursuant to subsection 5.

**Sec. 34.** 1. After paying any amounts needed to pay any principal, interest or other costs due in connection with any bonds or securities issued to finance or refinance the National Football League stadium project and to establish a reserve fund to secure the payment of such bonds or other securities, the County Treasurer shall distribute the proceeds of the tax imposed pursuant to section 33 of this act to the Stadium Authority. The Stadium Authority shall deposit such proceeds into the stadium tax account created pursuant to subsection 3 of section 27 of this act.

2. Except as otherwise provided in subsection 3, before the issuance of bonds or other securities pursuant to section 36 of this act, the Stadium Authority shall use the ~~proceeds of the tax imposed pursuant to section 33 of this act and any applicable penalty or interest~~ money in the stadium tax account created pursuant to subsection 3 of section 27 of this act only for one or more of the following purposes:

(a) To pay all or part of the cost to acquire, construct, lease, improve, equip, operate or maintain, or any combination thereof, within the boundaries of the stadium district the National Football League stadium project.

(b) To establish a bond reserve fund and other reserves for the payment of the principal of bonds issued pursuant to section 36 of this act or of the sinking fund payments with respect to such bonds, the purchase or redemption of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when the bonds are redeemed before maturity.

(c) To pay the costs incurred by the Stadium Authority to carry out the provisions of sections 21 to 37, inclusive, of this act in an amount not to exceed \$1,000,000.

3. The Stadium Authority shall not expend any proceeds of the tax imposed pursuant to section 33 of this act to pay any costs to acquire, construct, lease, improve, equip, operate or maintain, or any combination thereof, the National Football League stadium project unless:

(a) The costs are costs described in paragraph (c) of subsection 2; or

(b) The conditions set forth in paragraphs (a) to (d), inclusive, of subsection 1 of section 29 of this act have been satisfied.

4. Except as otherwise provided in subsection 5, after the issuance of bonds or other securities pursuant to section 36 of this act, the Stadium Authority shall use money in the stadium tax account created pursuant to subsection 3 of section 27 of this act only for the following uses:

(a) To pay the administrative costs of the Stadium Authority in an amount not to exceed \$2,000,000 each fiscal year, as adjusted annually pursuant to subsection 6.

(b) From the proceeds remaining after the payments required by paragraph (a), to supplement the cost of operating and maintaining the National Football League stadium project if the Board of Directors determines such payments are necessary because the Stadium Events Company has failed to perform or breached the lease agreement entered into pursuant to subsection 3 of section 29 of this act or a

combined development and lease agreement entered into pursuant to subsection 4 of section 29 of this act.

(c) From the proceeds remaining after the payments required by paragraphs (a) and (b), to create and make contributions to a debt service reserve fund in an amount not to exceed \$9,000,000 each fiscal year until the maximum debt service reserve level on bonds or other securities issued pursuant to section 36 of this act is two times the average annual debt service.

(d) From the proceeds remaining after the payments required by paragraphs (a), (b) and (c), to make payments to the University each fiscal year for a period of not more than 10 fiscal years commencing in the first fiscal year in which the National Football League stadium project is open to the public and Sam Boyd Stadium ceases operations, in an amount that the Board of Directors determines is necessary to compensate the University for the loss of net income as a result of the operation of the National Football League stadium project, as demonstrated by the University, but not to exceed \$3,500,000 each fiscal year. In determining the amount of the loss of net income pursuant to this paragraph, the Board of Directors shall:

(1) Consider the loss of net income from football and other events hosted at Sam Boyd Stadium and any increase in net income for the University generated by the use of the National Football League stadium project by the University.

(2) Use a base year for calculating changes in net income that is:

(I) Not earlier than Fiscal Year 2015-2016; and

(II) Determined by mutual agreement between the Board of Directors and the University to be the fiscal year that is most representative of the net income of the University from the operation of Sam Boyd Stadium before the National Football League stadium project is open to the public.

➤ If the proceeds remaining after the payments required by paragraphs (a), (b) and (c) are insufficient to make a payment due to the University in any given year as set forth in this paragraph, the amount remaining due to the University must be carried forward and made payable in subsequent future years when sufficient money is available. Interest is not due on a payment carried forward pursuant to this paragraph. If an amount carried forward pursuant to this paragraph remains unpaid at the end of the 10-year period described in this paragraph, the remaining amount must be carried forward beyond the 10-year period until such time as all amounts carried forward are paid in full.

(e) From the proceeds remaining after the payments required by paragraphs (a) to (d), inclusive, and upon completion of the National Football League stadium project, to make contributions to the stadium capital projects fund created pursuant to subsection 3 of section 27 of this act in an amount equal to at least \$5,000,000 per fiscal year, as adjusted annually pursuant to subsection 6.

(f) From the proceeds remaining after the payments required by paragraphs (a) to (e), inclusive, to make payments to a fund to provide early debt retirement, a fund to make capital improvements to the National Football League stadium project in an amount determined by the Stadium Authority and to a fund to pay for any infrastructure required on or around the project, except that no payment pursuant to this paragraph may violate any covenant made in connection with bonds or other securities issued pursuant to section 36 of this act and, if any payment would violate such a covenant, the amount of the payment must be used for such purpose as specified in the ordinance or other instrument under which the bond or other security is issued.

5. After the bonds and other securities issued pursuant to section 36 of this act have been fully repaid and retired, the Stadium Authority may use the proceeds of the tax imposed pursuant to subsection 1 of section 33 of this act:

(a) To pay the operating expenses of the Authority;  
(b) To pay for capital improvements to the National Football League stadium project.

6. The monetary amounts specified in paragraphs (a) and (e) of subsection 4 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index between the calendar year ending on December 31, 2015, and the calendar year immediately preceding the fiscal year for which the adjustment is made.

7. Any reserve fund described in this section to secure the payment of bonds or other securities issued pursuant to section 36 of this act must be held by the County or a trustee for the bonds. The reserve fund must be funded with cash and investments permitted by the bond ordinance and NRS 355.170. Interest on money in the reserve fund must remain in the fund and be used for the purposes for which the fund was created. Money in the reserve fund may be:

(a) Used to pay the final years' debt service on the bonds or other securities secured by the reserve funds if the money in the fund is fully sufficient to retire all outstanding bonds secured thereby;

(b) At the option of the Stadium Authority, when all bonds or other securities issued pursuant to section 36 of this act and any bonds or securities refunding those bonds or securities are no longer outstanding, transferred to the stadium capital projects fund created pursuant to subsection 3 of section 27 of this act;

(c) A combination of the purposes set forth in paragraphs (a) and (b).

8. As used in this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, U.S. City Average, West Urban (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Stadium Authority.

**Sec. 35.** 1. In addition to the requirements set forth in section 29 of this act, a development agreement entered into pursuant to that section, a lease agreement entered into pursuant to that section, or a combined development agreement and lease agreement entered into pursuant to subsection 4 of section 29 of this act and any other agreement of any kind entered into by the Stadium Authority with a developer partner, the Stadium Events Company or the National Football League team, or any affiliate, subsidiary or entity related to such a person, must provide that:

(a) The contribution of the Stadium Authority to the costs of construction of the National Football League stadium project, excluding debt service on the bonds or other securities issued pursuant to section 36 of this act and the proceeds from the sale, transfer or license of personal seat licenses, stadium builder's licenses or other similar instruments pursuant to section 32 of this act and the sale of other assets of the project which must be used to pay the costs of the project and capital improvements thereto, must not exceed the lesser of:

(1) The amount of \$750,000,000; or

(2) The amount of money generated by the tax imposed pursuant to subsection 1 of section 33 of this act before the issuance of bonds or other securities pursuant to section 36 of this act, plus the maximum amount that may be raised from the issuance of bonds and other securities pursuant to section 36 of this act that are secured by the proceeds of the tax imposed pursuant to subsection 1 of section 33 of this act, as reasonably determined by the chief financial officer of the County, after payment of issuance costs and the cost of funding the reserve fund.

(b) The total debt undertaken by the Board of County Commissioners at the request of the Stadium Authority must not at any time exceed the amount set forth

1 in paragraph (a), minus the amount generated by the tax imposed pursuant to  
2 subsection 1 of section 33 of this act before the issuance of bonds or other securities  
3 pursuant to section 36 of this act. Any bonds issued to refund bonds issued pursuant  
4 to section 36 of this act must not be taken into account in calculating compliance  
5 with the debt limit set forth in this paragraph.

6 (c) Except as otherwise provided in this paragraph, all land, improvements and  
7 other property of any kind included in the total cost of the National Football League  
8 stadium project pursuant to paragraph (g) of subsection 1 of section 36 of this act  
9 shall be the sole and exclusive property of the Stadium Authority and shall be  
10 exempt from ad valorem property taxes in this State. The provisions of this  
11 paragraph do not apply to any leasehold improvements that the Stadium Authority  
12 and the Stadium Events Company or the National Football League team agree are  
13 made solely by the Stadium Events Company or the National Football League  
14 team. If any such property remains in existence at the expiration of the lease, that  
15 property must be transferred to the Stadium Authority at the expiration of the lease  
16 agreement and, at that time, becomes the sole and exclusive property of the  
17 Stadium Authority, unless otherwise provided in an agreement between the  
18 Stadium Authority and the Stadium Events Company or the National Football  
19 League team.

20 (d) A developer partner and the National Football League team must ensure  
21 that any required transfer of land, improvements or property occurs before the  
22 issuance of bonds or other securities pursuant to section 36 of this act or  
23 simultaneously with the issuance of those bonds or other securities.

24 (e) The land on which the National Football League stadium project is to be  
25 located must be dedicated to the Stadium Authority at no cost to the Stadium  
26 Authority before the issuance of bonds or other securities pursuant to section 36 of  
27 this act or simultaneously with the issuance of those bonds or other securities.

28 2. Except as otherwise provided in this act, the contribution of the Stadium  
29 Authority to the cost of the development and construction of the National Football  
30 League stadium project must be proportional in terms of amount, contemporaneous  
31 in terms of timing and similar in terms of risk profile to the contribution to the cost  
32 of the development and construction of the project by the developer partner and:

33 (a) The developer partner shall pay the initial \$100,000,000 of the costs of the  
34 National Football League stadium project, excluding the value of any land  
35 purchased by the developer partner or contributed to the project.

36 (b) Payments after the initial payment described in paragraph (a) will be pro-  
37 rata based on the percentage of the total cost of the project described in paragraph  
38 (g) of subsection 1 of section 36 of this act to be paid from money derived from the  
39 proceeds of the bonds or other securities issued pursuant to section 36 of this act  
40 and the tax imposed pursuant to subsection 1 of section 33 of this act, excluding the  
41 proceeds of the tax used to pay principal and interest on the bonds or other  
42 securities issued pursuant to section 36 of this act, compared to the costs to be paid  
43 from other sources, as adjusted to reflect that money derived from the proceeds of  
44 the bonds or other securities issued pursuant to section 36 of this act and the tax  
45 imposed pursuant to subsection 1 of section 33 of this act, excluding the proceeds  
46 of the tax used to pay principal and interest on the bonds or other securities issued  
47 pursuant to section 36 of this act, will be used to pay the last \$50,000,000 of the  
48 cost of the project.

49 (c) The procedures for making monthly draws for the cost of the project will be  
50 delineated in a trust agreement which will ensure that no money derived from the  
51 proceeds of the bonds or other securities issued pursuant to section 36 of this act  
52 and the tax imposed pursuant to subsection 1 of section 33 of this act is expended  
53 unless money of the developer partner is simultaneously expended and that no



1 funds of the developer partner are expended unless money derived from the  
2 proceeds of the bonds or other securities issued pursuant to section 36 of this act  
3 and the tax imposed pursuant to subsection 1 of section 33 of this act is  
4 simultaneously expended, except for the initial payment described in paragraph (a)  
5 and the last payment described in paragraph (b).

6 (d) A trust agreement governing the draw of money for the costs of the project  
7 will detail the evidence required to be provided before a draw can be made and the  
8 requirements for an independent engineer to review all work before the draw of  
9 money.

10 (e) The independent engineer described in paragraph (d) will review the project  
11 sources and uses of money each month and, if the independent engineer determines  
12 that there is a need for additional money for the project because of a cost overrun,  
13 no payment may be made from money derived from the proceeds of the bonds or  
14 other securities issued pursuant to section 36 of this act or the tax imposed pursuant  
15 to subsection 1 of section 33 of this act until the cost overrun is paid from a source  
16 or combination of sources described in subparagraphs (1) to (4), inclusive, of  
17 paragraph (e) of subsection 1 of section 36 of this act.

18 **Sec. 36.** 1. The Board of Directors shall request that the Board of County  
19 Commissioners issue general obligations of the County pursuant to subsection 2 if  
20 the Board of Directors determines that:

21 (a) The Stadium Authority has entered into a development agreement and a  
22 lease agreement pursuant to subsections 2 and 3 of section 29 of this act or a  
23 combined development and lease agreement pursuant to subsection 4 of section 29  
24 of this act.

25 (b) The proceeds of the tax imposed pursuant to subsection 1 of section 33 of  
26 this act that will be pledged to the payment of the general obligations will generate  
27 sufficient revenue to meet or exceed the debt service coverage ratio of 1.5 times the  
28 anticipated annual debt service for each year of the term of the obligations.

29 (c) The contract for the construction of the National Football League stadium  
30 project is a guaranteed maximum price contract with a contingency amount of 10  
31 percent of the estimated hard costs of the National Football League stadium project  
32 or such lesser percentage as is determined to be adequate by the Board of Directors  
33 but not less than 5 percent of the estimated hard costs of the project.

34 (d) The prime contractor for the construction of the National Football League  
35 stadium project has provided adequate security to guarantee timely performance of  
36 the construction of the project and liquidated damages related thereto.

37 (e) A developer partner has provided a financing commitment that the Board of  
38 Directors finds is sufficient to pay the portion of the estimated cost of the National  
39 Football League stadium project that is to be paid from sources other than money  
40 derived from the proceeds of the bonds or other securities issued pursuant to this  
41 section and the tax imposed pursuant to subsection 1 of section 33 of this act, plus  
42 the contingency amount approved by the Board pursuant to paragraph (c), and is  
43 secured by any combination of the following:

44 (1) An irrevocable deposit of cash into a stadium project construction fund  
45 held in trust by a commercial bank with trust powers, which is established by a  
46 developer partner and the Stadium Authority and which cannot be used for any  
47 purpose other than payment of the cost of the project until those costs have been  
48 paid in full.

49 (2) Closed construction debt financing, from a lender or lenders rated "A-"  
50 or better by Standard and Poor's Rating Services or "A3" or better by Moody's  
51 Investor Services, Inc., or their equivalent as determined by the Board of Directors,  
52 which allows draws for the costs of construction of the project, interest during  
53 construction and any costs of issuance. A draw under the closed construction debt

1 financing may be subject to conditions precedent, including, without limitation, a  
2 condition that there has been delivery of proof of the availability of County money,  
3 a condition that there has been delivery of satisfactory reports from an independent  
4 engineer that certifies work being paid for under the closed construction debt  
5 financing has been completed and that stored materials have been verified, any  
6 condition required by state or federal regulations or regulators governing banks and  
7 any condition that relates to confirmation of insurance for the project. Such  
8 conditions precedent may also be required by the Board of County Commissioners  
9 or the Stadium Authority to allow a draw on the proceeds of the bonds or other  
10 securities issued pursuant to this section which are held in trust by a commercial  
11 bank with trust powers.

12 (3) Approved National Football League financing through the G-4 loan  
13 program of the National Football League, or its successor program, which allows  
14 draws for the costs of construction of the project and no other purpose until those  
15 costs have been paid in full, if the lender is rated "A-" or better by Standard and  
16 Poor's Rating Services or "A3" or better by Moody's Investor Services, Inc., or  
17 their equivalent as determined by the Board of Directors. A draw under the  
18 National Football League financing may be subject to the conditions precedent set  
19 forth in subparagraph (2).

20 (4) Irrevocable letters of credit or commitments to pay the costs of  
21 construction of the project, which irrevocably and unconditionally allow draws for  
22 the costs of construction of the project and no other purpose until those costs have  
23 been paid in full, which is provided by a bank with at least \$1 billion in assets that  
24 is rated "A" or better by Standard and Poor's Rating Services or "A2" or better by  
25 Moody's Investor Services, Inc., or their equivalent as determined by the Board of  
26 Directors.

27 (f) A developer partner has any development agreements required by state or  
28 local governments relative to providing adequate offsite infrastructure  
29 improvements for the National Football League stadium project.

30 (g) The Stadium Authority and a developer partner have agreed on an estimate  
31 of the total cost of the National Football League stadium project.

32 2. Except as otherwise provided in subsection 3, upon the request of the  
33 Board of Directors pursuant to subsection 1, the Board of County Commissioners  
34 shall issue general obligations of the County in an amount not to exceed  
35 \$750,000,000. After payment of the costs of issuing the bonds and making  
36 provisions for any required reserves, the proceeds of any bonds issued pursuant to  
37 this subsection must be allocated to the Stadium Authority to be used for the  
38 National Football League stadium project.

39 3. The Board of County Commissioners shall not issue general obligation  
40 bonds pursuant to subsection 2 unless the Board finds that:

41 (a) The requirements of subsection 1 have been satisfied; and

42 (b) Payment of the costs of construction of the National Football League  
43 stadium project will be made over time by both the Stadium Authority and a  
44 developer partner in accordance with subsection 2 of section 35 of this act.

45 4. The securities required to be issued pursuant to this section must be issued  
46 pursuant to the Local Government Securities Law, and any bonds issued pursuant  
47 to this section may be refunded by the County as provided in the Local Government  
48 Securities Law.

49 5. If the Board of County Commissioners issues general obligations of the  
50 County pursuant to subsection 2 after the Board of Directors has made the  
51 determination set forth in paragraph (b) of subsection 1:

52 (a) The bonds may be issued without complying with the requirements of NRS  
53 350.011 to 350.0165, inclusive, and 350.020, pursuant to an ordinance of the Board

of County Commissioners as provided in the Local Government Securities Law, and no other approval by a governmental entity or otherwise is required for the issuance of the bonds under the laws of this State.

(b) The bonds are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for the purposes set forth in sections 21 to 37, inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

(c) The bonds must be treated as if the finding described in subparagraph (1) of paragraph (b) of subsection 3 of NRS 361.4727 had been made by the Board of County Commissioners and approved by the debt management commission of the County under subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

6. Any determination or finding by the Board of Directors or the Board of County Commissioners pursuant to this section is conclusive, absent fraud.

**Sec. 37.** 1. The Board of Directors shall dissolve the Stadium Authority and wind up its affairs if the Board makes any of the following determinations:

(a) Within 12 months after the effective date of sections 21 to 37, inclusive, of this act or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after the effective date of those sections, the National Football League has not authorized the National Football League team to locate or relocate within the stadium district.

(b) Within 12 months after the effective date of sections 21 to 37, inclusive, of this act or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after the effective date of those sections, the National Football League team has not committed to locate or relocate within the stadium district.

(c) Within 18 months after the adoption of the ordinance imposing the tax required by subsection 1 of section 33 of this act, the Stadium Authority has not approved and entered into a development agreement pursuant to subsection 2 of section 29 of this act.

(d) Within 18 months after the adoption of an ordinance imposing the tax required by subsection 1 of section 33 of this act, the Stadium Authority has not approved and entered into a lease agreement pursuant to subsection 3 of section 29 of this act.

(e) Within 18 months after the adoption of an ordinance imposing the tax required by subsection 1 of section 33 of this act, the Stadium Authority has not approved and entered into a combined development and lease agreement pursuant to subsection 4 of section 29 of this act.

(f) The Stadium Authority has no outstanding financial obligations and seven members of the Board vote to dissolve the Stadium Authority.

2. If the Board of Directors makes a determination described in subsection 1 and is required to dissolve and wind up the affairs of the Stadium Authority pursuant to that subsection:

(a) Not later than 90 calendar days after the Board makes the determination, the Stadium Authority must be dissolved and its affairs wound up.

(b) The Chair of the Board must provide notice of the determination and the intent of the Board to dissolve the Stadium Authority and wind up its affairs to the:

(1) Governor; and

(2) President of the University.

**Sec. 38.** 1. Within 90 days after receipt of notice that the Board of Directors has voted to dissolve the Stadium Authority and wind up its affairs for any reason set forth in paragraphs (a) to (f), inclusive, of subsection 1 of section 37

1 of this act, the President of the University may elect to pursue a college football  
2 stadium project. If the President of the University elects to pursue a college football  
3 stadium project, he or she must provide written notice to the Governor, the Director  
4 of the Legislative Counsel Bureau and the Board of County Commissioners that he  
5 or she intends to pursue a college football stadium project.

6 2. If, within 90 calendar days after receipt of notice of the vote of the Board  
7 of Directors to dissolve the Stadium Authority and wind up its affairs pursuant to  
8 subsection 2 of section 37 of this act, the President of the University has provided  
9 notice to the Governor, the Director of the Legislative Counsel Bureau and the  
10 Board of County Commissioners that he or she intends to pursue a college football  
11 stadium project, the Board of Directors of the Stadium Authority must cause the  
12 money remaining in the stadium tax account created pursuant to subsection 3 of  
13 section 27 of this act, after provision is made for the payment of any outstanding  
14 financial obligations or liabilities of the Stadium Authority, to be transferred to the  
15 college football stadium tax account created pursuant to subsection 3 of section 45  
16 of this act.

17 3. If, within 90 calendar days after receipt of notice of the vote of the Board  
18 of Directors to dissolve the Stadium Authority and wind up its affairs pursuant to  
19 subsection 2 of section 37 of this act, the President of the University has not  
20 provided notice to the Governor, the Director of the Legislative Counsel Bureau  
21 and the Board of County Commissioners that he or she intends to pursue a college  
22 football stadium project, the Board of Directors must cause the money remaining in  
23 the stadium tax account created pursuant to subsection 3 of section 27 of this act,  
24 after provision is made for the payment of any outstanding financial obligations or  
25 liabilities of the Stadium Authority, to be transferred to the Convention Authority.  
26 The Convention Authority must use such money to pay the costs of the project  
27 described in paragraph (a) of subsection 3 of section 59 of this act or the principal  
28 and interest on bonds or other securities issued to defray the costs of that project.

29 4. If, within 90 calendar days after receipt of notice of the vote of the Board  
30 of Directors to dissolve the Stadium Authority and wind up its affairs pursuant to  
31 subsection 2 of section 37 of this act, the President of the University provides  
32 notice to the Governor, the Director of the Legislative Counsel Bureau and the  
33 Board of County Commissioners that he or she intends to pursue a college football  
34 stadium project but, within 24 months after the date on which he or she provides  
35 that notice, has not secured a commitment of private money for the college football  
36 stadium project that, when combined with the revenue of the University projected  
37 to be generated from the college football stadium project, results in a commitment  
38 of at least \$200,000,000 for the college football stadium project, the money  
39 remaining in the college football stadium tax account created pursuant to subsection  
40 3 of section 45 of this act must be transferred to the Convention Authority. The  
41 Convention Authority must use such money to pay the costs of the project  
42 described in paragraph (a) of subsection 3 of section 59 of this act or the principal  
43 and interest on bonds or other securities issued to defray the costs of that project.

44 **Sec. 39.** 1. A stadium district to finance a college football stadium project  
45 is hereby created. The stadium district consists of all property located within:

46 (a) The County, including, without limitation, all property that is within an  
47 incorporated city in the County; and

48 (b) A radius of 25 miles from the location at which the Board of County  
49 Commissioners holds its regular meetings as of the effective date of sections 39 to  
50 52, inclusive, of this act.

51 2. There is hereby created a Campus Improvement Authority.

52 3. The Campus Improvement Authority constitutes:

53 (a) A body corporate and politic; and

(b) A political subdivision of this State, the boundaries of which are coterminous with the boundaries of the stadium district.

4. The County Treasurer is ex officio Treasurer of the Campus Improvement Authority.

5. Except as otherwise provided in this act, the Campus Improvement Authority and its officers and employees are subject to, must comply with and are entitled to all rights, privileges and immunities recognized by the laws of this State applicable to political subdivisions and their officers and employees, including, without limitation, NRS 41.0305 to 41.039, inclusive, and chapters 239, 241, 281 and 281A of NRS, but if there is a conflict between other laws of this State and the specific provisions of this act, the specific provisions of this act control.

**Sec. 40.** 1. The Campus Improvement Authority must be governed by a Board of Directors consisting of the County Treasurer, who is a nonvoting, ex officio member of the Board and nine members to be appointed as follows:

(a) One member appointed by the Governor.

(b) Four members appointed by the Board of Regents, three of whom must be members of the Board of Regents and one of whom must be a member of the Board of Regents or an officer of the University.

(c) One member appointed by the Board of County Commissioners, who must be a member of the Board of County Commissioners or an officer of the County.

(d) One member appointed by the Convention Authority, who must be a member of the Board of Directors of that Authority who is not a member of the Board of County Commissioners.

(e) Two members elected by the members appointed pursuant to paragraphs (a) to (d), inclusive, who must be employed in an executive position in the stadium district by a business in the tourism, hotel and gaming industry.

2. A vacancy on the Board of Directors occurs when a member:

(a) Dies or resigns;

(b) Is removed, with or without cause, by the person or entity who appointed that member; or

(c) Ceases to be qualified for appointment as a member pursuant to the provisions of subsection 1.

3. A vacancy on the Board of Directors must be filled for the remainder of the unexpired term in the same manner as the original appointment pursuant to subsection 1, except that, notwithstanding any provision of this section to the contrary, a member appointed pursuant to paragraph (e) of subsection 1 whose position becomes vacant as a result of his or her cessation of employment in an executive position in the stadium district by a business in the tourism, hotel and gaming industry may be reappointed to serve the remainder of his or her unexpired term.

4. A member of the Board of Directors is not entitled to receive any compensation for serving as a member of the Board of Directors or as an officer employee of the Board or the Campus Improvement Authority.

5. The members of the Board of Directors are public officers for the purposes of chapter 281A of NRS.

**Sec. 41.** 1. Not later than 30 days after the effective date of sections 39 to 52, inclusive, of this act:

(a) The Governor shall appoint the member of the Board of Directors appointed pursuant to paragraph (a) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the second year following the year in which the appointment was made.

(b) The Board of Regents shall appoint:

(1) Two members of the Board of Directors pursuant to paragraph (b) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the year following the year in which the appointment was made; and

(2) Two members of the Board of Directors pursuant to paragraph (b) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the second year following the year in which the appointment was made.

(c) The Board of County Commissioners shall appoint the member of the Board of Directors pursuant to paragraph (c) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the year following the year in which the appointment was made.

(d) The Convention Authority shall appoint the member of the Board of Directors pursuant to paragraph (d) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the second year following the year in which the appointment was made.

2. Not later than 90 days after the organizational meeting held pursuant to subsection 1 of section 42 of this act, the members of the Board of Directors appointed pursuant to subsection 1 shall elect two members of the Board pursuant to paragraph (e) of subsection 1 of section 40 of this act to an initial term that commences on the date of the appointment and expires on September 30 of the year following the year in which the appointment was made.

3. After the initial terms, each member of the Board of Directors must be appointed for a 4-year term that begins on the day following the day on which the immediately preceding term expires. A member of the Board of Directors may be reappointed.

**Sec. 42.** 1. Not later than 75 days after the effective date of sections 39 to 52, inclusive, of this act, the Board of Directors shall hold an organizational meeting. At the meeting of the Board of Directors held pursuant to this section, the Board shall elect:

- (a) One of its members as Chair;
- (b) One of its members as Vice Chair; and
- (c) A Secretary, who may be a member of the Board.

2. The Vice Chair of the Board of Directors shall serve as Chair when the position of Chair is vacant or when the Chair is absent from any meeting of the Board.

3. The Board of Directors shall meet regularly in the stadium district at such times and places as it designates. Special meetings of the Board of Directors may be held at the call of the Chair, upon notice to each member of the Board, as often as the needs of the Board require.

4. Except as otherwise provided in subsection 5 of NRS 281A.420:

(a) Six of the members of the Board of Directors constitute a quorum at any meeting of the Board.

(b) The Board of Directors may take action only by a motion or resolution adopted with the approval of at least six members of the Board.

5. The Board of Directors constitutes a public body for the purposes of chapter 241 of NRS.

**Sec. 43.** 1. The Secretary of the Board of Directors shall keep:

- (a) Audio recordings or transcripts of all meetings of the Board;
- (b) Minutes of all the meetings of the Board;
- (c) A record of all the proceedings and actions of the Board;
- (d) A copy of any certificates issued or received by the Board;

1 (e) A copy of any contracts made by the Board; and

2 (f) Any bonds required by the Board from its employees.

3 2. The Treasurer of the Campus Improvement Authority shall keep, in  
4 permanent records, strict and accurate accounts of all money received by and  
5 disbursed for and on behalf of the Board of Directors.

6 3. The Secretary of the Board of Directors does not constitute a part of the  
7 staff of the Campus Improvement Authority for the purposes of section 44 of this  
8 act.

9 **Sec. 44.** 1. The Campus Improvement Authority may retain such staff as  
10 the Board of Directors determines to be necessary to conduct the activities of the  
11 Authority. The Campus Improvement Authority may:

12 (a) Hire the members of the staff of the Authority as employees;

13 (b) Contract with any governmental entity or person to provide the persons to  
14 serve as the staff of the Authority; or

15 (c) Retain the members of the staff of the Authority using any combination of  
16 the methods described in paragraphs (a) and (b).

17 2. The Board of Directors:

18 (a) Shall determine:

19 (1) The powers and duties of the members of the staff of the Campus  
20 Improvement Authority; and

21 (2) The amount and basis of compensation for the members of the staff of  
22 the Campus Improvement Authority.

23 (b) May delegate any of its powers and duties to any member of the staff of the  
24 Campus Improvement Authority as the Board determines to be appropriate, except  
25 that the Board shall not delegate:

26 (1) Any of the specific obligations or responsibilities of the Board imposed  
27 by sections 39 to 52, inclusive, of this act; or

28 (2) Any ability to bind the Campus Improvement Authority to a contract  
29 that would require an expenditure by the Authority in excess of such an amount as  
30 the Authority determines to be appropriate, which amount must not exceed the sum  
31 of \$500,000. The monetary amount specified in this subparagraph must be adjusted  
32 for each fiscal year by adding to the amount the product of the amount multiplied  
33 by the percentage increase in the consumer price inflation index between the  
34 calendar year ending on December 31, 2015, and the calendar year immediately  
35 preceding the fiscal year for which the adjustment is made.

36 3. As used in this section, "consumer price inflation index" means the  
37 Consumer Price Index for All Urban Consumers, U.S. City Average, West Urban  
38 (All Items), as published by the Bureau of Labor Statistics of the United States  
39 Department of Labor or, if that index ceases to be published by the United States  
40 Department of Labor, the published index that most closely resembles that index, as  
41 determined by the Campus Improvement Authority.

42 **Sec. 45.** The Board of Directors:

43 1. May adopt a seal;

44 2. May adopt, and from time to time amend or repeal, as it determines  
45 necessary or desirable, appropriate bylaws, rules and regulations, not inconsistent  
46 with the provisions of sections 39 to 52, inclusive, of this act, for carrying on the  
47 business and affairs of the Campus Improvement Authority; and

48 3. Shall create a college football stadium tax account, a college football  
49 stadium capital projects fund and a campus improvement authority operating  
50 account to carry out the provisions of sections 39 to 52, inclusive, of this act.

51 **Sec. 46.** 1. Except as otherwise provided in section 47 of this act, the  
52 Campus Improvement Authority may:

1 (a) Enter into any contracts and other agreements with any person or other  
2 entity that the Board of Directors determines to be necessary or desirable to conduct  
3 the business of the Authority.

4 (b) Sue and be sued.

5 (c) Proceed with the college football stadium project and enter into any  
6 contracts or other agreements that the Board of Directors determines to be  
7 necessary or desirable therefor. The contracts and other agreements authorized by  
8 this paragraph:

9 (1) May include, without limitation, contracts or other agreements relating  
10 to the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance,  
11 insurance, operation, management, promotion or advertising of the college football  
12 stadium project or any part thereof;

13 (2) Must provide for the construction of a football stadium that has a  
14 seating capacity of not less than 40,000 persons and a location, design, fit and finish  
15 that is consistent with similar facilities for university football teams in the premier  
16 conferences in the Division I Football Bowl Subdivision, or its successor division,  
17 of the National Collegiate Athletic Association or its successor organization; and

18 (3) Are not subject to the limitations of subsections 1 and 2 of NRS  
19 353.260.

20 (d) Enter into a lease, ground lease or management agreement with the System  
21 authorizing the Campus Improvement Authority to lease from the System any land,  
22 or any portion thereof, owned by the System and any improvements thereon, or to  
23 manage any such land or improvements for the System, on such terms as may be  
24 acceptable to the Board of Directors and the Board of Regents and which do not  
25 violate any covenants concerning any securities issued by the Board of Regents, if:

26 (1) The property subject to the lease, ground lease or management  
27 agreement is limited to:

28 (I) Land and improvements that will be developed and used for the  
29 college football stadium project; and

30 (II) Any other land, improvements and appurtenances that the Board of  
31 Regents determines to be necessary or desirable to carry out such a purpose;

32 (2) The Board of Regents is entitled to limit any uses, rates, charges or  
33 other factors pertaining to the property subject to the lease, ground lease or  
34 management agreement by including the limitations in the agreement; and

35 (3) After any indebtedness incurred to improve the property subject to the  
36 lease, ground lease or management agreement has been retired or defeased and any  
37 other contracts and obligations of the Campus Improvement Authority pertaining to  
38 that property have been satisfied and terminated, the improvements will become the  
39 property of the System and will no longer be subject to the lease, ground lease or  
40 management agreement.

41 (e) Enter into, with any person or other entity:

42 (1) One or more subleases of all or any portion of any land or improvement  
43 leased to the Campus Improvement Authority;

44 (2) One or more management agreements to provide for the management  
45 by that person or other entity of any land or improvement that the Campus  
46 Improvement Authority is authorized to manage, control or occupy;

47 (3) One or more leases or management agreements pertaining to the  
48 college football stadium project or any facility owned by the Campus Improvement  
49 Authority; or

50 (4) Any combination of the agreements described in subparagraphs (1), (2)  
51 and (3),

52 ➤ on such terms as may be acceptable to the Board of Directors and which are not  
53 inconsistent with the terms of the lease, ground lease or management agreement



1 with the System pursuant to which the Campus Improvement Authority has  
2 possession or control of the property. The leases, ground leases, subleases and  
3 management agreements authorized by this paragraph are not subject to the  
4 limitations of subsections 1 and 2 of NRS 353.260.

5 (f) Fix, and from time to time increase or decrease, fees, rates, tolls, rents or  
6 charges for services or facilities furnished in connection with a college football  
7 stadium project and take such action as may be necessary or desirable to effect their  
8 collection or, by contract or other agreement described in paragraph (d) or (e),  
9 authorize another person or entity to fix, from time to time increase or decrease, and  
10 collect all or any designated portion of such fees, rates, tolls, rents or charges. Such  
11 fees, rates, tolls, rents or charges must be consistent with or allowed by the lease,  
12 ground lease or management agreement with the System pursuant to which the  
13 Campus Improvement Authority has possession or control of the land or  
14 improvements upon which the college football stadium project is located.

15 (g) Receive, control, invest and order the expenditure of the proceeds of the  
16 taxes imposed pursuant to subsection 1 of section 50 of this act and any other  
17 money pertaining to or derived from the college football stadium project, including,  
18 without limitation, any grants from the Federal Government, the State, the County  
19 or any incorporated city in the County, or from any other person or entity, for the  
20 purposes of the college football stadium project.

21 (h) Perform any other acts that may be necessary, convenient, desirable or  
22 appropriate to carry out the purposes of sections 39 to 52, inclusive, of this act.

23 2. If the Campus Improvement Authority has no indebtedness or other  
24 financial obligations, the Board of Directors, by an affirmative vote of at least six of  
25 its members, may dissolve the Authority.

26 **Sec. 47.** 1. Except as otherwise provided in section 51 of this act, the Board  
27 of Directors and any person to whom the Board delegates any of its powers or  
28 duties shall not:

29 (a) Expend or authorize the expenditure of any money in the college football  
30 stadium tax account created pursuant to subsection 3 of section 45 of this act unless  
31 the Campus Improvement Authority has entered into a lease, ground lease or  
32 management agreement with the System pursuant to paragraph (d) of subsection 1  
33 of section 46 of this act which authorizes the college football stadium project.

34 (b) Proceed with the college football stadium project or issue any securities to  
35 defray in whole or in part any cost of the college football stadium project unless the  
36 Campus Improvement Authority has entered into a lease, ground lease or  
37 management agreement with the System pursuant to paragraph (d) of subsection 1  
38 of section 46 of this act which authorizes the college football stadium project.

39 2. The campus improvement authority shall not own any land, but may own  
40 improvements on land located in the stadium district if the Board of Regents, in its  
41 sole discretion, allows that ownership.

42 **Sec. 48.** 1. Except as otherwise provided in sections 39 to 52, inclusive, of  
43 this act and notwithstanding any other provision of law to the contrary:

44 (a) Any contract, lease, sublease, lease-purchase agreement, management  
45 agreement or other agreement entered into pursuant to sections 39 to 52, inclusive,  
46 of this act by the Campus Improvement Authority, the System or any related entity  
47 relating to the college football stadium project financed in whole or in part pursuant  
48 to sections 39 to 52, inclusive, of this act, and any contract, lease, sublease, lease-  
49 purchase agreement, management agreement or other agreement that provides for  
50 the design, acquisition, construction, improvement, repair, demolition,  
51 reconstruction, equipment, financing, promotion, leasing, subleasing, management,  
52 operation or maintenance, or any combination thereof, of the college football

1 stadium project or any portion thereof, or the provision of materials or services for  
2 the college football stadium project are exempt from any law:

3 (1) Requiring competitive bidding or otherwise specifying procedures for  
4 the award of agreements of a type described in this paragraph;

5 (2) Specifying procedures for the procurement of goods or services; or

6 (3) Limiting the term of any agreement of a type described in this  
7 paragraph.

8 (b) The provisions of chapter 341 of NRS do not apply to the college football  
9 stadium project financed in whole or in part pursuant to sections 39 to 52, inclusive,  
10 of this act or to any agreement of a type described in paragraph (a).

11 (c) The provisions of chapter 338 of NRS do not apply to the college football  
12 stadium project financed in whole or in part pursuant to sections 39 to 52, inclusive,  
13 of this act or to any agreement of a type described in paragraph (a), except that:

14 (1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any  
15 construction work to be performed under any contract or other agreement  
16 pertaining to the project even if the estimated cost of the construction work is not  
17 greater than \$250,000 or the construction work does not qualify as a public work, as  
18 defined in subsection 17 of NRS 338.010;

19 (2) Any person or entity that executes one or more contracts or agreements  
20 for the actual construction, alteration, repair or remodeling of the project shall  
21 include in such a contract or agreement the contractual provisions and stipulations  
22 that are required to be included in a contract for a public work pursuant to the  
23 provisions of NRS 338.013 to 338.090, inclusive; and

24 (3) The Campus Improvement Authority, any contractor who is awarded a  
25 contract or enters into an agreement to perform the construction, alteration, repair  
26 or remodeling of the college football stadium project and any subcontractor on the  
27 college football stadium project shall comply with the provisions of NRS 338.013  
28 to 338.090, inclusive, in the same manner as if the State had undertaken the project  
29 or had awarded the contract.

30 2. The Campus Improvement Authority and any prime contractor,  
31 construction manager or project manager selected by the Campus Improvement  
32 Authority shall competitively bid all subcontracts involving construction which the  
33 Campus Improvement Authority determines can be competitively bid without  
34 affecting the quality of the college football stadium project. Any determination by  
35 the Campus Improvement Authority that such a subcontract can or cannot be  
36 competitively bid without affecting the quality of the project is conclusive in the  
37 absence of fraud or a gross abuse of discretion. The Campus Improvement  
38 Authority shall establish one or more procedures for competitive bidding which:

39 (a) Must prohibit bidders from engaging in bid-shopping;

40 (b) Must not permit subcontractors to avoid or circumvent the provisions of  
41 paragraph (c) of subsection 1; and

42 (c) Must, in addition to the requirements of section 48.5 of this act, provide a  
43 preference for Nevada subcontractors in a manner that is similar to, and with a  
44 preference that is equivalent to, the preference provided in NRS 338.1389.

45 3. Any determination by the Campus Improvement Authority regarding the  
46 establishment of one or more procedures for competitive bidding, and any  
47 determination by the Authority or its prime contractor, construction manager or  
48 project manager regarding the award of a contract to any bidder is conclusive in the  
49 absence of fraud or a gross abuse of discretion.

50 **Sec. 48.5.** 1. In addition to any other requirements set forth in sections 39  
51 to 52, inclusive, of this act, and except as otherwise provided in subsection 8, any  
52 contract entered into by ~~the general contractor selected by the Campus Improvement~~  
53 ~~Authority or by~~ any prime contractor, construction manager or project manager

selected by the Campus Improvement Authority for the construction, alteration, repair or remodeling of the college football stadium project must include a provision requiring ~~the general contractor to subcontract~~ that at least 15 percent of the college football stadium project must be subcontracted to small local businesses.

2. A business shall be deemed to be a small local business for the purposes of this section if:

(a) The business is financially and operationally independent from any other business;

(b) The business is not temporary and has operated for at least 4 years before entering into the contract or agreement;

(c) The business maintains its principal place of business in a fixed location within this State;

(d) The business has obtained all necessary licenses and registration within this State; and

(e) The ~~gross earnings~~ annual revenues of the business for each of the immediately preceding 3 fiscal years has not exceeded:

(1) For public works projects, \$20,000,000;

(2) For any other construction projects, \$10,000,000;

(3) For any goods, materials, equipment and general services contracts, \$10,000,000;

(4) For professional services including, without limitation, architectural and engineering services, \$2,500,000; and

(5) For trucking services, \$3,500,000.

3. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow ~~such a~~ the small local business to be covered by any bond or insurance of the ~~general~~ contractor and may require the subcontractor to pay a proportionate share of the cost for such coverage by the bond or insurance.

4. A small local business to which work is subcontracted by a ~~general~~ contractor pursuant to ~~this section~~ a contract or other agreement described in subsection 1 must ensure that its employees are hired in a manner that does not discriminate against any person on any basis prohibited by law. Such a contractor that subcontracts such work shall not impose any requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work.

5. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall provide a mentorship program to assist the small local business to develop the skills necessary to carry out the work that is subcontracted.

6. A ~~general~~ prime contractor, construction manager or project manager, and each contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall submit information to the Campus Improvement Authority verifying that the ~~general~~ prime contractor, construction manager, project manager or contractor has complied with the provisions of this section, and shall maintain all records, including, without limitation, any information required by the Campus Improvement Authority, to ensure compliance with this section for not less than 5 years after the expiration of the subcontract. Such records must be made available for inspection to the Campus Improvement Authority upon request.

7. Unless the requirements of subsection 1 are waived by the Campus Improvement Authority pursuant to subsection 8 the failure of a ~~general~~ prime contractor, construction manager or project manager to ~~subcontract the amount~~

1 ~~of work required pursuant to~~ comply with the requirements of subsection 1 shall  
2 be deemed a material breach of contract.

3 8. The Campus Improvement Authority may waive the requirements of  
4 subsection 1 if a ~~generally~~ prime contractor, construction manager or project  
5 manager presents proof satisfactory to the Campus Improvement Authority that  
6 there is an insufficient number of small local businesses available and qualified to  
7 subcontract for the work to be performed. Such proof must include, without  
8 limitation, evidence that:

9 (a) Reasonable efforts were made to notify small local businesses of the  
10 availability of work to be performed under a contract or other agreement  
11 described in subsection 1, which must include evidence of public advertisement  
12 calling for bids for a period of not less than 20 days before the date on which  
13 such bids must be submitted; and

14 (b) In considering the availability and qualifications of a small local  
15 business to perform work under a contract or other agreement described in  
16 subsection 1, a contractor reasonably considered the work experience, safety  
17 history and financial stability of the small local business.

18 Sec. 49. The provisions of sections 39 to 52, inclusive, of this act do not  
19 require the University or the Board of Regents to enter into any lease, ground lease,  
20 management agreement or any other contract or agreement.

21 Sec. 50. 1. ~~That~~ In addition to all other taxes imposed on the revenue  
22 from the rental of transient lodging and notwithstanding any other law, the  
23 Board of County Commissioners shall by ordinance impose upon all persons in the  
24 business of providing lodging in the stadium district a tax at the rate of:

25 (a) Three-eighths of one percent of the gross receipts from the rental of  
26 transient lodging within the primary gaming corridor.

27 (b) One-quarter of one percent of the gross receipts from the rental of transient  
28 lodging in an area within the stadium district but outside the primary gaming  
29 corridor.

30 2. The tax imposed pursuant to subsection 1 may be collected from paying  
31 guests and may be shown as an addition to the charge for the rental of transient  
32 lodging. The person providing the transient lodging is liable to the County for the  
33 tax whether or not the tax is actually collected from a paying guest.

34 3. The tax imposed pursuant to subsection 1:

35 (a) Must be imposed in each incorporated city within the stadium district, in  
36 addition to being imposed in the portion of the stadium district which is not in an  
37 incorporated city.

38 (b) Must be in addition to all other taxes imposed on the revenue from the  
39 rental of transient lodging in the County or city;

40 (c) Must be collected and enforced in the same manner as any other tax  
41 imposed in the County or city on the gross receipts from the rental of transient  
42 lodging;

43 (d) Must be distributed to the Campus Improvement Authority, which shall use  
44 the proceeds of the taxes in the manner set forth in section 51 of this act; and

45 (e) May be pledged to the payment of the bonds or other securities issued  
46 pursuant to section 52 of this act.

47 4. The ordinance enacted pursuant to this section must:

48 (a) Specify the date on which the tax must first be imposed, which must be the  
49 first day of the month that is not less than 3 months or more than 4 months after the  
50 adoption of the ordinance.

51 (b) Provide that any parcel of land, building or other structure located partially  
52 within the stadium district is deemed to be wholly within the stadium district.

5. Not later than 30 days after the adoption of the ordinance enacted pursuant to this section, the Board of County Commissioners shall amend the ordinance to include a provision establishing the geographic boundaries of the primary gaming corridor within the stadium district. The geographic boundaries of the primary gaming corridor must be a single, contiguous area. The initial amendment establishing the geographic boundaries of the primary gaming corridor must base those boundaries on the geographic area comprising the submarket within the stadium district with the greatest amount of gaming revenue as reported in the most recent edition of the Nevada Gaming Abstract produced by the Nevada Gaming Control Board. The Board of County Commissioners may from time to time amend or modify the geographic boundaries of the primary gaming corridor to include areas which would have been included within the geographic boundaries of the primary gaming corridor if the Board of County Commissioners were establishing those boundaries at the time of the amendment or modification, but any such amendment or modification of the geographic boundaries of the primary gaming corridor must not impair any outstanding bonds or any revenues pledged to their payment. The rate of the tax set forth in paragraph (a) of subsection 1 applies to all persons in the business of providing lodging in the primary gaming corridor established pursuant to this subsection, regardless of whether that person is licensed to conduct gaming on the premises of the business and regardless of whether the business of that person is specifically included in the Nevada Gaming Abstract produced by the Nevada Gaming Control Board. Any amendment adopted pursuant to this subsection must provide that any parcel of land, building or other structure located partially within the primary gaming corridor is deemed to be wholly within the primary gaming corridor. The decision of the Board of County Commissioners establishing the boundaries, and any amendment thereof, is conclusive, absent fraud.

6. Upon repayment of the bonds or other securities to which the proceeds of the tax imposed pursuant to subsection 1 may be pledged, the Board of County Commissioners shall amend the ordinance imposing the tax to reduce the rate of the tax to an amount deemed sufficient by the Board to pay the normal operating expenses of the Campus Improvement Authority and the obligation of the Authority for capital improvements to the college football stadium project, except that the rate of the tax imposed on persons described in paragraph (a) of subsection 1 and persons described in paragraph (b) of subsection 1 must be the same rate, and that rate must not exceed one-tenth of one percent.

7. The provisions of NRS 237.030 to 237.150, inclusive, do not apply to the adoption of the ordinance enacted pursuant to this section, or any amendment thereof, or to any other action of the Board of County Commissioners relating to the adoption or amendment of the ordinance.

8. As used in this section:

(a) "Gross receipts from the rental of transient lodging" does not include the tax imposed or collected from paying guests pursuant to this section.

(b) "Primary gaming corridor" means the primary gaming corridor in the stadium district, the geographic boundaries of which are established by the Board of County Commissioners pursuant to subsection 5.

**Sec. 51.** 1. After paying any amounts needed to pay any principal, interest or other costs due in connection with any bonds or securities issued to finance or refinance the college football stadium project and to establish a reserve fund to secure the payment of such bonds or other securities, the County Treasurer shall distribute the remaining proceeds of the tax imposed pursuant to section 49 of this act to the Campus Improvement Authority. The Campus Improvement Authority

1 shall deposit such proceeds into the college football stadium tax account created  
2 pursuant to subsection 3 of section 45 of this act.

3 2. Except as otherwise provided in subsection 3, before the issuance of bonds  
4 or other securities pursuant to section 52 of this act, the proceeds of the tax imposed  
5 pursuant to section 50 of this act and any applicable penalty or interest, and any  
6 other money in the college football stadium tax account, must be used by the  
7 Campus Improvement Authority:

8 (a) To pay all or part of the cost to acquire, construct, lease, improve, equip,  
9 operate or maintain, or any combination thereof, within the boundaries of the  
10 stadium district the college football stadium project;

11 (b) To establish a bond reserve fund and other reserves to secure any bonds or  
12 other securities issued pursuant to section 52 of this act;

13 (c) To pay the costs incurred by the Campus Improvement Authority to carry  
14 out the provisions of sections 39 to 52, inclusive, of this act in an amount not to  
15 exceed \$1,000,000; or

16 (d) For any combination of the uses set forth in paragraphs (a), (b) and (c).

17 3. After the issuance of bonds or other securities pursuant to section 52 of this  
18 act, the Campus Improvement Authority shall use the proceeds of the tax imposed  
19 pursuant to section 50 of this act and any other money in the college football  
20 stadium tax account only for the following uses and in the following order of  
21 priority:

22 (a) To pay any amounts needed to pay any principal, interest or other costs due  
23 in that fiscal year in connection with any bonds or other securities issued pursuant  
24 to section 52 of this act to finance or refinance the construction of the college  
25 football stadium project, including, without limitation, any reserve funds created to  
26 secure the payment of such bonds or other securities and any past due amounts  
27 from any prior fiscal year.

28 (b) To pay the costs of capital improvements to the college football stadium  
29 project and for the maintenance of the college football stadium capital projects fund  
30 created pursuant to subsection 3 of section 45 of this act in an amount determined  
31 by the Board of Directors.

32 **Sec. 52.** 1. The Board of Directors shall request that the Board of County  
33 Commissioners issue general obligations of the County pursuant to subsection 2 if  
34 the Board of Directors determines that:

35 (a) Within 24 months after the effective date of sections 39 to 52, inclusive, of  
36 this act, the University has secured a commitment of private money for the college  
37 football stadium project that, when combined with the revenue of the University  
38 projected to be generated from the college football stadium project, results in a  
39 commitment of at least \$200,000,000 for the college football stadium project;

40 (b) The proceeds of the tax imposed pursuant to subsection 1 of section 50 of  
41 this act that will be pledged to the payment of the general obligations will generate  
42 sufficient revenue to meet or exceed the debt service coverage ratio of 1.5 times the  
43 anticipated annual debt service for each year of the term of the obligations;

44 (c) The contract for the construction of the college football stadium project is a  
45 guaranteed maximum price contract with a contingency amount of 10 percent of the  
46 estimated hard costs of the college football stadium project or such lesser  
47 percentage as is determined to be adequate by the Board of Directors but not less  
48 than 5 percent of the estimated hard costs of the project;

49 (d) The prime contractor for the construction of the college football stadium  
50 project has provided adequate security to guarantee timely performance of the  
51 construction of the project and liquidated damages related thereto; and

(e) The University has provided a financing commitment that the Board of Directors finds is sufficient to pay \$200,000,000 of the estimated cost of the college football stadium project and is secured by any combination of the following:

(1) An irrevocable deposit of cash into an escrow account in a commercial bank with trust powers which cannot be used for any purpose other than payment of the costs of the college football stadium project until those costs have been paid in full.

(2) Closed construction debt financing which irrevocably and unconditionally allows draws for the costs of construction of the college football stadium project and no other purpose until those costs have been paid in full.

(3) Irrevocable letters of credit, surety bonds or commitments to fund costs of construction of the college football stadium project, which irrevocably and unconditionally allows draws for the costs of construction of the college football stadium project and no other purpose until those costs have been paid in full.

➤ The obligor on any security for payment of the costs of construction described in subparagraph (2) or (3) must be rated "A" or better by Standard and Poor's Rating Services or "A2" or better by Moody's Investor Services, Inc., or their equivalent as determined by the Board of Directors.

2. Except as otherwise provided in subsection 3, upon the request of the Board of Directors pursuant to subsection 1, the Board of County Commissioners shall issue general obligations of the County in an amount not to exceed \$300,000,000. After payment of the costs of issuing the bonds and making provisions for any required reserves, the proceeds of any bonds issued pursuant to this subsection must be allocated to the Campus Improvement Authority to be used for the college football stadium project.

3. The Board of County Commissioners shall not issue general obligation bonds pursuant to subsection 2 unless it finds that the requirements of subsection 1 have been satisfied.

4. The securities required to be issued pursuant to this section must be issued pursuant to the Local Government Securities Law, and any bonds issued pursuant to this section may be refunded by the County as provided in the Local Government Securities Law.

5. If the Board of County Commissioners issues general obligations of the County pursuant to subsection 2 after the Board of Directors has made the determination set forth in paragraph (b) of subsection 1:

(a) The bonds may be issued without complying with the requirements of NRS 350.011 to 350.0165, inclusive, and 350.020, pursuant to an ordinance of the Board of County Commissioners as provided in the Local Government Securities Law, and no other approval by a governmental entity or otherwise is required for the issuance of the bonds under the laws of this State.

(b) The bonds are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for the purposes set forth in sections 39 to 52, inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

(c) The bonds must be treated as if the finding described in subparagraph (1) of paragraph (b) of subsection 3 of NRS 361.4727 had been made by the Board of County Commissioners and approved by the debt management commission of the County under subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

6. Any determination or finding by the Board of Directors or the Board of County Commissioners pursuant to this section is conclusive, absent fraud.

1       **Sec. 53.** 1. There is hereby created in the County the Oversight Panel for  
2 Convention Facilities. The Oversight Panel must be comprised of seven members  
3 nominated pursuant to subsection 2 and appointed by the Governor pursuant to  
4 subsection 3.

5       2. The Board of County Commissioners, the city council or other governing  
6 body of each incorporated city in the County, the Majority Leader of the Senate, the  
7 Speaker of the Assembly and the Nevada Resort Association shall each nominate  
8 persons who reside in the County to be a member of the Oversight Panel and  
9 submit those nominees to the Governor.

10       3. From the nominees submitted to the Governor pursuant to subsection 2, the  
11 Governor shall appoint the seven members of the Oversight Panel as follows:

12       (a) Five members who are executives or directors of construction for a resort  
13 hotel in the County and who have experience in managing the design, engineering,  
14 cost-estimating and construction of commercial conference or convention facilities;  
15 and

16       (b) Two members who have experience in the financing of capital projects in  
17 this State.

18       4. Each member of the Oversight Panel must be a resident of the County, and  
19 no two members of the Oversight Panel may be representatives of the same  
20 company or its affiliate.

21       5. The initial term for members appointed to the Oversight Panel pursuant to  
22 paragraph (a) of subsection 3 commences upon appointment and expires on June  
23 30, 2018, and the initial term for members appointed to the Oversight Panel  
24 pursuant to paragraph (b) of subsection 3 commences upon appointment and  
25 expires on June 30, 2019. After the initial terms, the term of each member of the  
26 Oversight Panel is 2 years. Members of the Oversight Panel may be reappointed.

27       6. The Governor shall appoint the Chair and Vice Chair of the Oversight  
28 Panel.

29       7. The Oversight Panel shall meet at the call of the Chair as frequently as  
30 necessary to perform its duties. Upon request of the Legislature, the Governor or  
31 the Board of Directors of the Convention Authority, the Chair shall call a meeting  
32 of the Oversight Panel.

33       8. Except as otherwise provided in this act, the Oversight Panel and its  
34 officers and employees are subject to, must comply with and are entitled to all  
35 rights, privileges and immunities recognized by the laws of this State applicable to  
36 political subdivisions and their officers and employees, including, without  
37 limitation, NRS 41.0305 to 41.039, inclusive, and chapters 239, 241, 281 and 281A  
38 of NRS, but if there is a conflict between other laws of this State and the specific  
39 provisions of this act, the specific provisions of this act control.

40       9. The Oversight Panel shall dissolve itself not later than the earlier of:

41       (a) Ten years after the effective date of this section; or

42       (b) The date on which the Oversight Panel determines that the project  
43 described in paragraph (a) of subsection 3 of section 59 of this act is completed.

44       **Sec. 54.** The Convention Authority shall:

45       1. Provide administrative support to the Oversight Panel to ensure its ability  
46 to fulfill the duties and responsibilities set forth in section 55 of this act.

47       2. Provide to the Oversight Panel all information requested by the Oversight  
48 Panel.

49       3. On or before June 30 of each fiscal year ending in an even-numbered year,  
50 prepare a 3-year plan for the renovation and expansion of the convention facilities  
51 of the Convention Authority and a 5-year plan for the construction of such  
52 convention facilities, which are being financed by the revenue described in section  
53 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58



of this act, and submit such plans to the Oversight Panel for its review and recommendations.

4. Provide to the Oversight Panel an annual progress report on the project described in paragraph (a) of subsection 3 of section 59 of this act after such a report has been accepted by the Board of Directors of the Convention Authority.

5. Request the approval of the Oversight Panel of the plan for the project described in paragraph (a) of subsection 3 of section 59 of this act.

6. Request the approval of the Oversight Panel for the issuance of such bonds.

7. On or before August 31 of each fiscal year, submit to the Oversight Panel for review an annual third-party audit of the use of the revenues described in section 56 of this act and the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act.

**Sec. 55.** 1. Not later than 30 days after the Convention Authority requests approval of a plan for the project described in paragraph (a) of subsection 3 of section 59 of this act and the issuance of bonds for the project, the Oversight Panel shall review and approve or disapprove the plan.

2. Not later than 30 days after the Convention Authority requests, pursuant to subsection 6 of section 54 of this act, the approval of the Oversight Panel for the issuance of bonds to defray in whole or in part the cost of the project described in paragraph (a) of subsection 3 of section 59 of this act, the Oversight Panel shall review and approve or disapprove the issuance of such bonds.

3. If the Oversight Panel disapproves a request submitted pursuant to subsection 1 or 2, the Board of Directors of the Convention Authority may override that decision and proceed with the plan or issuance of bonds by an affirmative vote of two-thirds of the voting members of the Board. If the Board does not override the decision of the Oversight Panel pursuant to this subsection, the Convention Authority must revise its request and resubmit the request to the Oversight Panel.

**Sec. 56.** 1. Pursuant to subsection 2 of NRS 244A.645, the city council or other governing body of each incorporated city in the County and the Board of County Commissioners shall enter into an agreement with the Convention Authority which provides for the payment of a collection fee to each city and the County each fiscal year and which must be consistent with any existing agreement among the cities and the County. The agreement must provide for a collection fee in an amount not to exceed the lesser of:

(a) Ten percent of the gross revenues of the license taxes which are assigned or appropriated for use in connection with NRS 244A.597 to 244A.655, inclusive, and collected by each city and the County; or

(b) A total of \$25,000,000.

2. Any collection fee which exceeds the amount set forth in subsection 1 and which would have been paid to the collecting entity:

(a) Must be pledged to the payment of principal and interest on the general obligation bonds or revenue bonds issued pursuant to section 61 of this act to defray the cost of project described in paragraph (a) of subsection 3 of section 59 of this act;

(b) Must be accounted for separately and used only for the purposes described in paragraph (a) of subsection 3 of section 59 of this act; and

(c) Must not be used for any purpose set forth in section 60 of this act.

**Sec. 57.** 1. In addition to all other taxes imposed on the revenue from the rental of transient lodging and notwithstanding any other law, the Board of County Commissioners shall impose a tax of one-half of one percent of the gross receipts from the rental of transient lodging in the County upon all persons in the business of providing lodging. The ordinance imposing the tax must include a schedule for the payment of the tax and all the matters required by NRS 244.3352

for the tax imposed pursuant to that section. The tax must first be imposed 90 days after the effective date of this section.

2. Except as otherwise provided in this subsection, the tax imposed pursuant to subsection 1 must be collected with and administered in the same manner as any other tax imposed by the County on the gross receipts from the rental of transient lodging. The tax is not subject to the collection fee set forth in subsection 2 of NRS 244A.645.

3. The tax imposed pursuant to subsection 1 must be imposed for a period that ends on the earlier of:

(a) The date on which the notes, bonds or other securities issued pursuant to section 61 of this act are fully repaid; or

(b) The date which is 33 years after the date on which this section becomes effective.

4. The provisions of NRS 237.030 to 237.150, inclusive, do not apply to the adoption of any ordinance enacted pursuant to this section, or any amendment thereof, or to any other action of the Board of County Commissioners to implement or carry out of the provisions of this section.

~~4.4~~ 5. As used in this section, "gross receipts from the rental of transient lodging" does not include the tax imposed and collected from paying guests pursuant to this section.

Sec. 58. 1. In addition to all other taxes imposed on the revenue from the rental of transient lodging ~~4.4~~ and notwithstanding any other law, the city council or other governing body of each incorporated city in the County shall impose a tax of one-half of one percent of the gross receipts from the rental of transient lodging in the city upon all persons in the business of providing lodging. The ordinance imposing the tax must include a schedule for the payment of the tax and all the matters required by NRS 268.096 for the tax imposed pursuant to that section. The tax must first be imposed 90 days after the effective date of this section.

2. Except as otherwise provided in this subsection, the tax imposed pursuant to subsection 1 must be collected with and administered in the same manner as any other tax imposed by the incorporated city on the gross receipts from the rental of transient lodging. The tax is not subject to the collection fee set forth in subsection 2 of NRS 244A.645.

3. The tax imposed pursuant to subsection 1 must be imposed for a period that ends on the earlier of:

(a) The date on which the notes, bonds or other securities issued pursuant to section 61 of this act are fully repaid; or

(b) The date which is 33 years after the date on which this section becomes effective.

4. The provisions of NRS 237.030 to 237.150, inclusive, do not apply to the adoption of any ordinance enacted pursuant to this section, or any amendment thereof, or to any other action of a city council or other governing body of an incorporated city to implement or carry out of the provisions of this section.

~~4.4~~ 5. As used in this section, "gross receipts from the rental of transient lodging" does not include the tax imposed and collected from paying guests pursuant to this section.

Sec. 59. The proceeds of the taxes imposed pursuant to sections 57 and 58 of this act must be:

1. Distributed to the Convention Authority;

2. Pledged to the payment of general obligation bonds or revenue bonds issued pursuant to section 61 of this act to defray the cost of the project described in paragraph (a) of subsection 3; and

3. Accounted for separately and used only to pay:

(a) The costs of a project to expand the Las Vegas Convention Center with the addition of not less than 600,000 square feet of leasable exhibition space, plus associated support space, and to further expand, construct, improve, maintain and renovate the facilities of the Convention Authority; and

(b) The principal and interest on notes, bonds or other securities issued pursuant to section 61 of this act to defray the cost of the project described in paragraph (a).

**Sec. 60.** The proceeds of the taxes imposed pursuant to sections 57 and 58 of this act may not be used:

1. As additional security for the payment of, or to redeem, any general obligations bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive, before the effective date of sections 53 to ~~61.5~~ **61.7**, inclusive, of this act;

2. To defray the costs of collecting or administering the tax incurred by the Convention Authority;

3. To pay the costs of operating the Convention Authority or any facilities of the Authority;

4. To pay the costs of any general repair and maintenance on recreational facilities that would otherwise be paid from the general fund of the Convention Authority;

5. To improve and expand recreational facilities other than those authorized by paragraph (a) of subsection 3 of section 59 of this act;

6. To construct, purchase or acquire recreational facilities other than those authorized in paragraph (a) of subsection 3 of section 59 of this act; or

7. For any other purpose inconsistent with the provisions of section 59 of this act.

**Sec. 61.** 1. In addition to the purposes set forth in subsection 1 of NRS 244A.637, to pay the cost to expand, construct, improve, maintain and renovate the Las Vegas Convention Center and other facilities of the Convention Authority, or for any combination thereof, the Convention Authority, at any time or from time to time may, in the name of and on behalf of the County, issue general obligations bonds or revenue bonds as described in paragraphs (a) and (b) of subsection 1 of NRS 244A.637.

2. If the Convention Authority, in the name of and on behalf of the County, issues general obligations after the Board of Directors of the Convention Authority has determined that the proceeds of the taxes imposed pursuant to sections 57 and 58 of this act that will be pledged to the payment of the general obligations will generate sufficient revenue to meet or exceed a debt service coverage ratio of 1.5 times the anticipated annual debt service for each of the terms of the obligations, the general obligations:

(a) Must be issued pursuant to an ordinance of the Board of County Commissioners as provided in the Local Government Securities Law, and no other approval by a governmental entity or otherwise is required for the issuance of the general obligations under the laws of this State. The issuance of the general obligations is not subject to the requirements of NRS 350.011 to 350.0165, inclusive, and 350.020.

(b) Are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for the purposes set forth in sections 53 to ~~61.5~~ **61.7**, inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

(c) Must be treated as if the finding described in subparagraph (1) of paragraph (b) of subsection 3 of NRS 361.4727 has been made by the Board of County

Commissioners and approved by the debt management commission of the County pursuant to subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

3. Any determination or finding by the Board of Directors of the Convention Authority or the Board of County Commissioners pursuant to this section is conclusive, absent fraud.

**Sec. 61.5.** 1. Except as otherwise provided in subsection 8, any contract or other agreement entered into by ~~the general contractor selected by the Convention Authority or by~~ any prime contractor, construction manager or project manager selected by the Convention Authority for the project described in paragraph (a) of subsection 3 of section 59 of this act must include a provision requiring ~~the general contractor to subcontract~~ that at least 15 percent of the project must be subcontracted to small local businesses.

2. A business shall be deemed to be a small local business for the purposes of this section if:

(a) The business is financially and operationally independent from any other business;

(b) The business is not temporary and has operated for at least 4 years before entering into the contract or agreement;

(c) The business maintains its principal place of business in a fixed location within this State;

(d) The business has obtained all necessary licenses and registrations within the State of Nevada; and

(e) The ~~gross earnings~~ annual revenues of the business for each of the immediately preceding 3 fiscal years has not exceeded:

(1) For public works projects, \$20,000,000;

(2) For any other construction projects, \$10,000,000;

(3) For any goods, materials, equipment and general services contracts, \$10,000,000;

(4) For professional services including, without limitation, architectural and engineering services, \$2,500,000; and

(5) For trucking services, \$3,500,000.

3. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow ~~such a~~ the small local business to be covered by any bond or insurance of the ~~general~~ contractor and may require the subcontractor to pay a proportionate share of the cost for such coverage by the bond or insurance.

4. A small local business to which work is subcontracted by a ~~general~~ contractor pursuant to a contract or other agreement described in subsection 1 must ensure that its employees are hired in a manner that does not discriminate against any person on any basis prohibited by law. Such a contractor that subcontracts such work shall not impose any requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work.

5. A ~~general~~ contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall provide a mentorship program to assist the small local business to develop skills necessary to carry out the work that is subcontracted.

6. A ~~general~~ prime contractor, construction manager or project manager and each contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall submit information to the Oversight Panel verifying that the ~~general~~ prime contractor, construction manager, project manager or contractor has complied with the provisions of this section, and shall maintain all records, including, without

1 limitation, any information required by the Oversight Panel, to ensure compliance  
2 with this section for not less than 5 years after the expiration of the subcontract.  
3 Such records must be made available for inspection to the Oversight Panel upon  
4 request.

5 7. Unless the requirements of subsection 1 are waived by the Convention  
6 Authority pursuant to subsection 8, the failure of a ~~general~~ prime contractor,  
7 construction manager or project manager to ~~subcontract the amount of work~~  
8 ~~required pursuant to~~ comply with the requirements of subsection 1 shall be  
9 deemed a material breach of contract.

10 8. The Convention Authority may waive the requirements of subsection 1 if a  
11 ~~general~~ prime contractor, construction manager or project manager presents  
12 proof satisfactory to the Convention Authority that there is an insufficient number  
13 of small local businesses available and qualified to subcontract for the work to be  
14 performed. Such proof must include, without limitation, evidence that:

15 (a) Reasonable efforts were made to notify small local businesses of the  
16 availability of work to be performed under a contract or other agreement  
17 described in subsection 1, which must include evidence of public advertisement  
18 calling for bids for a period of not less than 20 days before the date on which  
19 such bids must be submitted; and

20 (b) In considering the availability and qualifications of a small local  
21 business to perform work under a contract or other agreement described in  
22 subsection 1, a contractor reasonably considered the work experience, safety  
23 history and financial stability of the small local business.

24 Sec. 61.7. 1. On the earlier of the date that is 4 years before the date on  
25 which the notes, bonds or other securities issued pursuant to section 61 of this  
26 act will be fully repaid or the date that is 30 years after the passage and  
27 approval of this act, the Governor shall create and appoint the members of an  
28 advisory committee to study whether it is necessary, appropriate or desirable  
29 for the promotion of tourism or for the construction, renovation or operation  
30 of tourism facilities in the County that the taxes imposed pursuant to sections  
31 57 and 58 of this act be imposed after the dates described in subsection 3 of  
32 section 57 of this act and subsection 3 of section 58 of this act, respectively.

33 2. The advisory committee created by the Governor pursuant to  
34 subsection 1 shall report its findings and recommendations to the next regular  
35 session of the Legislature that commences at least 18 months after the date on  
36 which the advisory committee is created.

37 Sec. 62. 1. This section and sections 1 to 38, inclusive, and 53 to ~~61.5,~~  
38 61.7, inclusive, of this act become effective upon passage and approval.

39 2. Sections 21 to 37, inclusive, of this act expire by limitation on the date on  
40 which the tax imposed pursuant to subsection 1 of section 50 of this act is first  
41 imposed, as specified in the ordinance adopted by the Board of County  
42 Commissioners of Clark County pursuant to section 50 of this act.

43 3. Sections 39 to 52, inclusive, of this act ~~become~~ :

44 (a) Become effective on the date on which the President of the University of  
45 Nevada, Las Vegas, provides notice to the Governor, the Director of the Legislative  
46 Counsel Bureau and the Board of County Commissioners of Clark County pursuant  
47 to subsection 1 of section 38 of this act that he or she intends to undertake a college  
48 football stadium project, as defined in section 8 of this act, only if the President of  
49 the University provides such notice within 90 calendar days after receipt of notice  
50 of the vote of the Board of Directors of the Stadium Authority created by section 21  
51 of this act to dissolve the Stadium Authority and wind down its affairs pursuant to  
52 subsection 2 of section 37 of this act.

1 (b) Expire by limitation on the date on which the County Treasurer of  
2 Clark County certifies to the Board of County Commissioners of Clark  
3 County that the President of the University of Nevada, Las Vegas, has not  
4 secured the commitment of money for the college football stadium project  
5 described in subsection 4 of section 38 of this act within the 24-month period  
6 prescribed by that subsection.