

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 33, 50, 57, 58)

(Reprinted with amendments adopted on October 14, 2016)

SECOND REPRINT

S.B. 1

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.

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.



* S B 1 R 2 *

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 53-61.7** 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



* S B 1 R 2 *

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 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 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 53-61.7 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 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 53-61.7** of this bill or the principal and interest on bonds or other securities issued for that project.



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

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

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



* S B 1 R 2 *

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

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

3. The Legislature hereby finds that:

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

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

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

4. The Legislature hereby finds that:

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

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

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



* S B 1 R 2 *

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

(1) Is appropriate and suitable for the development of such large-scale and 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.



* S B 1 R 2 *

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



* S B 1 R 2 *

1 nonvoting, ex officio member of the Board, and nine members to be
2 appointed as follows:

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

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

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

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

18 (1) A National Football League team that has:

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

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

23 (2) The person or persons who have:

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

28 (II) Entered into such a lease.

29 2. One member appointed pursuant to paragraph (a) of
30 subsection 1 and one member appointed pursuant to paragraph (b)
31 of subsection 1 must be selected from a list of nominees submitted
32 to the appointing authority by the two companies who, either
33 directly or through subsidiaries, affiliates or any related entity under
34 common control with the companies, own or manage the businesses
35 within the County, which in the aggregate generate the greatest
36 amount of taxes on the rental of transient lodging in the County. If
37 the appointing authority reasonably determines that the nominees on
38 any such list of nominees submitted by a nominating company are
39 unacceptable, the companies must submit a new list of nominees. If
40 the appointing authority has determined that no nominee on the first
41 four lists of nominees offered by a nominating company is
42 acceptable, all additional nominations for appointment to the Board
43 must be made by the association of resort hotels whose membership
44 collectively paid the greatest amount of taxes on the rental of
45 transient lodging to the Fund for the Promotion of Tourism pursuant



1 to paragraph (a) of subsection 1 of NRS 244.3354 and paragraph (a)
2 of subsection 1 of NRS 268.0962 in the fiscal year immediately
3 preceding the fiscal year in which the appointment is made and
4 whose members include the two nominating companies or could
5 include those companies if those companies chose to be members of
6 that association. For purposes of this subsection, "affiliate" includes
7 any company in which a nominating company owns fifty percent or
8 more of the ownership interests.

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

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

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

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

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

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

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

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

28 (a) Dies or resigns; or

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

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

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

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

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

41 (a) The Governor shall appoint:

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



* S B 1 R 2 *

(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) 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) and (c) of subsection 1 shall elect:

(a) One member of the Board pursuant to paragraph (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 (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



* S B 1 R 2 *

1 the Board of Directors may be held at the call of the Chair, upon
2 notice to each member of the Board, as often as the needs of the
3 Board require.

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

6 (a) Five members of the Board of Directors constitute a quorum
7 at any meeting of the Board.

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

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

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

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

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

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

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

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

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

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

25 3. The Secretary of the Board of Directors does not constitute a
26 part of the staff of the Stadium Authority for the purposes of section
27 26 of this act.

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

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

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

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

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

40 2. The Board of Directors shall determine:

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

43 (b) The amount and basis of compensation for the members of
44 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,



1 without limitation, a provision restricting in any manner the
2 programs or events that may be held at the project;

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

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

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

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

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

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

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

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

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

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

37 (IV) Be approved by the Stadium Authority;

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

44 (4) If a change to the schedule of home games for the
45 University football team is proposed for the purpose of allowing a



1 home game of the team to be televised, the Stadium Events
2 Company or the National Football League team must use reasonable
3 commercial efforts to assess the feasibility of the change and allow
4 the change to be made if it is commercially reasonable, except that
5 such change must not interfere with or impair the ability of the
6 National Football League team to play a home game at the project;

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

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

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

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

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

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

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

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



* S B 1 R 2 *

(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;



* S B 1 R 2 *

(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



* S B 1 R 2 *

1 part pursuant to sections 21 to 37, inclusive, of this act or to any
2 agreement of a type described in paragraph (a), except that:

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

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

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

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

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

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

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

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



* S B 1 R 2 *

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 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 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 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 contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow the small local business to be covered by any bond or insurance of the 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 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



* S B 1 R 2 *

1 relating to the employees selected by the small local business to
2 perform the subcontracted work.

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

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

18 7. Unless the requirements of subsection 1 are waived by the
19 Stadium Authority pursuant to subsection 8, the failure of a prime
20 contractor to comply with the requirements of subsection 1 shall be
21 deemed a material breach of contract.

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

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

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

39 **Sec. 32.** 1. The Stadium Authority shall retain the sole and
40 exclusive right to enter into agreements to provide for the sale,
41 license or transfer of personal seat licenses, stadium builder's
42 licenses or other similar instruments for any and all seats in the
43 National Football League stadium project to generate revenues used
44 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 lease agreement entered into pursuant to subsection 4 of section 29 of this act, agree that any agreements regarding personal seat licenses or similar instruments will be made only in consultation with the developer partner or, if applicable, the Stadium Events Company and the National Football League team. Such personal seat licenses or similar instruments may contain priority purchase rights to ticketed events in the National Football League stadium project, including the home games of the National Football League team.

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

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

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

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

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



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

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

Sec. 33. 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 by ordinance impose upon all persons in the business of providing lodging in the stadium district a tax at the rate of:

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

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

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

3. The tax imposed pursuant to subsection 1:

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

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

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

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

4. The ordinance enacted pursuant to this section must:

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

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



* S B 1 R 2 *

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

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

43 7. The provisions of NRS 237.030 to 237.150, inclusive, do not
44 apply to the adoption of the ordinance enacted pursuant to this
45 section, or any amendment thereof, or to any other action of the



* S B 1 R 2 *

1 Board of County Commissioners relating to the adoption or
2 amendment of the ordinance.

3 8. As used in this section:

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

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

11 **Sec. 34.** 1. After paying any amounts needed to pay any
12 principal, interest or other costs due in connection with any bonds or
13 securities issued to finance or refinance the National Football
14 League stadium project and to establish a reserve fund to secure the
15 payment of such bonds or other securities, the County Treasurer
16 shall distribute the proceeds of the tax imposed pursuant to section
17 33 of this act to the Stadium Authority. The Stadium Authority shall
18 deposit such proceeds into the stadium tax account created pursuant
19 to subsection 3 of section 27 of this act.

20 2. Except as otherwise provided in subsection 3, before the
21 issuance of bonds or other securities pursuant to section 36 of this
22 act, the Stadium Authority shall use the money in the stadium tax
23 account created pursuant to subsection 3 of section 27 of this act
24 only for one or more of the following purposes:

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

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

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

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

43 (a) The costs are costs described in paragraph (c) of subsection
44 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



* S B 1 R 2 *

1 representative of the net income of the University from the
2 operation of Sam Boyd Stadium before the National Football
3 League stadium project is open to the public.

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

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

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

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

37 (a) To pay the operating expenses of the Authority; and

38 (b) To pay for capital improvements to the National Football
39 League stadium project.

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



* S B 1 R 2 *

1 immediately preceding the fiscal year for which the adjustment is
2 made.

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

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

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

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

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

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

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



* S B 1 R 2 *

(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 in paragraph (a), minus the amount 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. Any bonds issued to refund bonds issued pursuant to section 36 of this act must not be taken into account in calculating compliance with the debt limit set forth in this paragraph.

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

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

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



* S B 1 R 2 *

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

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

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

(c) The procedures for making monthly draws for the cost of the project will be delineated in a trust agreement which will ensure that no money derived from the proceeds of the bonds or other securities issued pursuant to section 36 of this act and the tax imposed pursuant to subsection 1 of section 33 of this act is expended unless money of the developer partner is simultaneously expended and that no funds of the developer partner are expended unless money derived from the proceeds of the bonds or other securities issued pursuant to section 36 of this act and the tax imposed pursuant to subsection 1 of section 33 of this act is simultaneously expended, except for the initial payment described in paragraph (a) and the last payment described in paragraph (b).

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

(e) The independent engineer described in paragraph (d) will review the project sources and uses of money each month and, if the independent engineer determines that there is a need for additional



* S B 1 R 2 *

1 money for the project because of a cost overrun, no payment may be
2 made from money derived from the proceeds of the bonds or other
3 securities issued pursuant to section 36 of this act or the tax imposed
4 pursuant to subsection 1 of section 33 of this act until the cost
5 overrun is paid from a source or combination of sources described in
6 subparagraphs (1) to (4), inclusive, of paragraph (e) of subsection 1
7 of section 36 of this act.

8 **Sec. 36.** 1. The Board of Directors shall request that the
9 Board of County Commissioners issue general obligations of the
10 County pursuant to subsection 2 if the Board of Directors
11 determines that:

12 (a) The Stadium Authority has entered into a development
13 agreement and a lease agreement pursuant to subsections 2 and 3 of
14 section 29 of this act or a combined development and lease
15 agreement pursuant to subsection 4 of section 29 of this act.

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

21 (c) The contract for the construction of the National Football
22 League stadium project is a guaranteed maximum price contract
23 with a contingency amount of 10 percent of the estimated hard costs
24 of the National Football League stadium project or such lesser
25 percentage as is determined to be adequate by the Board of
26 Directors but not less than 5 percent of the estimated hard costs of
27 the project.

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

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

41 (1) An irrevocable deposit of cash into a stadium project
42 construction fund held in trust by a commercial bank with trust
43 powers, which is established by a developer partner and the Stadium
44 Authority and which cannot be used for any purpose other than



* S B 1 R 2 *

1 payment of the cost of the project until those costs have been paid in
2 full.

3 (2) Closed construction debt financing, from a lender or
4 lenders rated "A-" or better by Standard and Poor's Rating Services
5 or "A3" or better by Moody's Investor Services, Inc., or their
6 equivalent as determined by the Board of Directors, which allows
7 draws for the costs of construction of the project, interest during
8 construction and any costs of issuance. A draw under the closed
9 construction debt financing may be subject to conditions precedent,
10 including, without limitation, a condition that there has been
11 delivery of proof of the availability of County money, a condition
12 that there has been delivery of satisfactory reports from an
13 independent engineer that certifies work being paid for under the
14 closed construction debt financing has been completed and that
15 stored materials have been verified, any condition required by state
16 or federal regulations or regulators governing banks and any
17 condition that relates to confirmation of insurance for the project.
18 Such conditions precedent may also be required by the Board of
19 County Commissioners or the Stadium Authority to allow a draw on
20 the proceeds of the bonds or other securities issued pursuant to this
21 section which are held in trust by a commercial bank with trust
22 powers.

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

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

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



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

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 \$750,000,000. 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 Stadium Authority to be used for the National Football League stadium project.

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

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

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

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 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.



* S B 1 R 2 *

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:



* S B 1 R 2 *

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

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

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

4. If, within 90 calendar days after receipt of notice of the vote of the Board of Directors to dissolve the Stadium Authority and wind up its affairs pursuant to subsection 2 of section 37 of this act, the President of the University provides notice to the Governor, the Director of the Legislative Counsel Bureau and the Board of County



Commissioners that he or she intends to pursue a college football stadium project but, within 24 months after the date on which he or she provides that notice, has not secured a commitment of private money for the college football stadium project that, when combined with the revenue of the University projected to be generated from the college football stadium project, results in a commitment of at least \$200,000,000 for the college football stadium project, the money remaining in the college football stadium tax account created pursuant to subsection 3 of section 45 of this act must be transferred to the Convention Authority. The Convention Authority must use such money to pay the costs of the project described in paragraph (a) of subsection 3 of section 59 of this act or the principal and interest on bonds or other securities issued to defray the costs of that project.

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

(a) The County, including, without limitation, all property that is 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 39 to 52, inclusive, of this act.

2. There is hereby created a Campus Improvement Authority.

3. The Campus Improvement Authority constitutes:

(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



* S B 1 R 2 *

1 must be a member of the Board of Regents or an officer of the
2 University.

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

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

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

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

15 (a) Dies or resigns;

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

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

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

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

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

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

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

42 (b) The Board of Regents shall appoint:

43 (1) Two members of the Board of Directors pursuant to
44 paragraph (b) of subsection 1 of section 40 of this act to an initial
45 term that commences on the date of the appointment and expires on



1 September 30 of the year following the year in which the
2 appointment was made; and

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

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

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

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

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

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

34 (a) One of its members as Chair;

35 (b) One of its members as Vice Chair; and

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

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

40 3. The Board of Directors shall meet regularly in the stadium
41 district at such times and places as it designates. Special meetings of
42 the Board of Directors may be held at the call of the Chair, upon
43 notice to each member of the Board, as often as the needs of the
44 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;

(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 Campus Improvement 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 Campus Improvement Authority for the purposes of section 44 of this act.

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

(a) Shall determine:

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

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

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

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



(2) Any ability to bind the Campus Improvement Authority to a contract that would require an expenditure by the Authority in excess of such an amount as the Authority determines to be appropriate, which amount must not exceed the sum of \$500,000. The monetary amount specified in this subparagraph 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.

3. 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 Campus Improvement Authority.

Sec. 45. The Board of Directors:

1. May adopt a seal;

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

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

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

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

(b) Sue and be sued.

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

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

(2) Must provide for the construction of a football stadium that has a seating capacity of not less than 40,000 persons and a



1 location, design, fit and finish that is consistent with similar
2 facilities for university football teams in the premier conferences in
3 the Division I Football Bowl Subdivision, or its successor division,
4 of the National Collegiate Athletic Association or its successor
5 organization; and

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

8 (d) Enter into a lease, ground lease or management agreement
9 with the System authorizing the Campus Improvement Authority to
10 lease from the System any land, or any portion thereof, owned by
11 the System and any improvements thereon, or to manage any such
12 land or improvements for the System, on such terms as may be
13 acceptable to the Board of Directors and the Board of Regents and
14 which do not violate any covenants concerning any securities issued
15 by the Board of Regents, if:

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

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

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

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

27 (3) After any indebtedness incurred to improve the property
28 subject to the lease, ground lease or management agreement has
29 been retired or defeased and any other contracts and obligations of
30 the Campus Improvement Authority pertaining to that property have
31 been satisfied and terminated, the improvements will become the
32 property of the System and will no longer be subject to the lease,
33 ground lease or management agreement.

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

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

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

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

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



1 ➔ on such terms as may be acceptable to the Board of Directors and
2 which are not inconsistent with the terms of the lease, ground lease
3 or management agreement with the System pursuant to which the
4 Campus Improvement Authority has possession or control of the
5 property. The leases, ground leases, subleases and management
6 agreements authorized by this paragraph are not subject to the
7 limitations of subsections 1 and 2 of NRS 353.260.

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

21 (g) Receive, control, invest and order the expenditure of the
22 proceeds of the taxes imposed pursuant to subsection 1 of section 50
23 of this act and any other money pertaining to or derived from the
24 college football stadium project, including, without limitation, any
25 grants from the Federal Government, the State, the County or any
26 incorporated city in the County, or from any other person or entity,
27 for the purposes of the college football stadium project.

28 (h) Perform any other acts that may be necessary, convenient,
29 desirable or appropriate to carry out the purposes of sections 39 to
30 52, inclusive, of this act.

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

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

38 (a) Expend or authorize the expenditure of any money in the
39 college football stadium tax account created pursuant to subsection
40 3 of section 45 of this act unless the Campus Improvement
41 Authority has entered into a lease, ground lease or management
42 agreement with the System pursuant to paragraph (d) of subsection
43 1 of section 46 of this act which authorizes the college football
44 stadium project.



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

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

Sec. 48. 1. Except as otherwise provided in sections 39 to 52, 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 39 to 52, inclusive, of this act by the Campus Improvement Authority, the System or any related entity relating to the college football stadium project financed in whole or in part pursuant to sections 39 to 52, 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 college football stadium project or any portion thereof, or the provision of materials or services for the college football stadium 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 college football stadium project financed in whole or in part pursuant to sections 39 to 52, 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 college football stadium project financed in whole or in part pursuant to sections 39 to 52, 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



* S B 1 R 2 *

1 construction work does not qualify as a public work, as defined in
2 subsection 17 of NRS 338.010;

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

9 (3) The Campus Improvement Authority, any contractor who
10 is awarded a contract or enters into an agreement to perform the
11 construction, alteration, repair or remodeling of the college football
12 stadium project and any subcontractor on the college football
13 stadium project shall comply with the provisions of NRS 338.013 to
14 338.090, inclusive, in the same manner as if the State had
15 undertaken the project or had awarded the contract.

16 2. The Campus Improvement Authority and any prime
17 contractor, construction manager or project manager selected by the
18 Campus Improvement Authority shall competitively bid all
19 subcontracts involving construction which the Campus
20 Improvement Authority determines can be competitively bid
21 without affecting the quality of the college football stadium project.
22 Any determination by the Campus Improvement Authority that such
23 a subcontract can or cannot be competitively bid without affecting
24 the quality of the project is conclusive in the absence of fraud or a
25 gross abuse of discretion. The Campus Improvement Authority shall
26 establish one or more procedures for competitive bidding which:

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

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

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

34 3. Any determination by the Campus Improvement Authority
35 regarding the establishment of one or more procedures for
36 competitive bidding, and any determination by the Authority or its
37 prime contractor, construction manager or project manager
38 regarding the award of a contract to any bidder is conclusive in the
39 absence of fraud or a gross abuse of discretion.

40 **Sec. 48.5.** 1. In addition to any other requirements set forth
41 in sections 39 to 52, inclusive, of this act, and except as otherwise
42 provided in subsection 8, any contract entered into by any prime
43 contractor, construction manager or project manager selected by the
44 Campus Improvement Authority for the construction, alteration,
45 repair or remodeling of the college football stadium project must



1 include a provision requiring that at least 15 percent of the college
2 football stadium project must be subcontracted to small local
3 businesses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 6. A prime contractor, construction manager or project
43 manager, and each contractor that subcontracts work to a small local
44 business pursuant to a contract or other agreement described in
45 subsection 1 shall submit information to the Campus Improvement



* S B 1 R 2 *

1 Authority verifying that the prime contractor, construction manager,
2 project manager or contractor has complied with the provisions of
3 this section, and shall maintain all records, including, without
4 limitation, any information required by the Campus Improvement
5 Authority, to ensure compliance with this section for not less than 5
6 years after the expiration of the subcontract. Such records must be
7 made available for inspection to the Campus Improvement
8 Authority upon request.

9 7. Unless the requirements of subsection 1 are waived by the
10 Campus Improvement Authority pursuant to subsection 8 the failure
11 of a prime contractor, construction manager or project manager to
12 comply with the requirements of subsection 1 shall be deemed a
13 material breach of contract.

14 8. The Campus Improvement Authority may waive the
15 requirements of subsection 1 if a prime contractor, construction
16 manager or project manager presents proof satisfactory to the
17 Campus Improvement Authority that there is an insufficient number
18 of small local businesses available and qualified to subcontract for
19 the work to be performed. Such proof must include, without
20 limitation, evidence that:

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

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

32 **Sec. 49.** The provisions of sections 39 to 52, inclusive, of this
33 act do not require the University or the Board of Regents to enter
34 into any lease, ground lease, management agreement or any other
35 contract or agreement.

36 **Sec. 50.** 1. In addition to all other taxes imposed on the
37 revenue from the rental of transient lodging and notwithstanding any
38 other law, the Board of County Commissioners shall by ordinance
39 impose upon all persons in the business of providing lodging in the
40 stadium district a tax at the rate of:

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

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



* S B 1 R 2 *

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

3. The tax imposed pursuant to subsection 1:

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

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

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

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

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

4. The ordinance enacted pursuant to this section must:

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

(b) Provide that any parcel of land, building or other structure located partially 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



* S B 1 R 2 *

1 corridor must not impair any outstanding bonds or any revenues
2 pledged to their payment. The rate of the tax set forth in paragraph
3 (a) of subsection 1 applies to all persons in the business of providing
4 lodging in the primary gaming corridor established pursuant to this
5 subsection, regardless of whether that person is licensed to conduct
6 gaming on the premises of the business and regardless of whether
7 the business of that person is specifically included in the Nevada
8 Gaming Abstract produced by the Nevada Gaming Control Board.
9 Any amendment adopted pursuant to this subsection must provide
10 that any parcel of land, building or other structure located partially
11 within the primary gaming corridor is deemed to be wholly within
12 the primary gaming corridor. The decision of the Board of County
13 Commissioners establishing the boundaries, and any amendment
14 thereof, is conclusive, absent fraud.

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

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

31 8. As used in this section:

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

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

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



* S B 1 R 2 *

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

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

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

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

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

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

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

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

34 (b) To pay the costs of capital improvements to the college
35 football stadium project and for the maintenance of the college
36 football stadium capital projects fund created pursuant to subsection
37 3 of section 45 of this act in an amount determined by the Board of
38 Directors.

39 **Sec. 52.** 1. The Board of Directors shall request that the
40 Board of County Commissioners issue general obligations of the
41 County pursuant to subsection 2 if the Board of Directors
42 determines that:

43 (a) Within 24 months after the effective date of sections 39 to
44 52, inclusive, of this act, the University has secured a commitment
45 of private money for the college football stadium project that, when



* S B 1 R 2 *

1 combined with the revenue of the University projected to be
2 generated from the college football stadium project, results in a
3 commitment of at least \$200,000,000 for the college football
4 stadium project;

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

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

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

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

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

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

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

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

42 2. Except as otherwise provided in subsection 3, upon the
43 request of the Board of Directors pursuant to subsection 1, the
44 Board of County Commissioners shall issue general obligations of
45 the County in an amount not to exceed \$300,000,000. After payment



1 of the costs of issuing the bonds and making provisions for any
2 required reserves, the proceeds of any bonds issued pursuant to this
3 subsection must be allocated to the Campus Improvement Authority
4 to be used for the college football stadium project.

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

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

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

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

22 (b) The bonds are exempt from the limitation on indebtedness
23 set forth in NRS 244A.059, and must not be included in the
24 calculation of the indebtedness of the County under that section, but
25 the County shall not become indebted by the issuance of general
26 obligation indebtedness for the purposes set forth in sections 39 to
27 52, inclusive, of this act in an amount exceeding 5 percent of the
28 total last assessed valuation of taxable property of the County.

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

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

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

42 2. The Board of County Commissioners, the city council or
43 other governing body of each incorporated city in the County, the
44 Majority Leader of the Senate, the Speaker of the Assembly and the
45 Nevada Resort Association shall each nominate persons who reside



* S B 1 R 2 *

1 in the County to be a member of the Oversight Panel and submit
2 those nominees to the Governor.

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

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

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

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

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

23 6. The Governor shall appoint the Chair and Vice Chair of the
24 Oversight Panel.

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

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

39 9. The Oversight Panel shall dissolve itself not later than the
40 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
43 project described in paragraph (a) of subsection 3 of section 59 of
44 this act is completed.



Sec. 54. The Convention Authority shall:

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

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

3. On or before June 30 of each fiscal year ending in an even-numbered year, prepare a 3-year plan for the renovation and expansion of the convention facilities of the Convention Authority and a 5-year plan for the construction of such convention facilities, which are being financed by the revenue described in section 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



1 subsection, the Convention Authority must revise its request and
2 resubmit the request to the Oversight Panel.

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

11 (a) Ten percent of the gross revenues of the license taxes which
12 are assigned or appropriated for use in connection with NRS
13 244A.597 to 244A.655, inclusive, and collected by each city and the
14 County; or

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

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

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

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

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

28 **Sec. 57.** 1. In addition to all other taxes imposed on the
29 revenue from the rental of transient lodging and notwithstanding any
30 other law, the Board of County Commissioners shall impose a tax of
31 one-half of one percent of the gross receipts from the rental of
32 transient lodging in the County upon all persons in the business
33 of providing lodging. The ordinance imposing the tax must include a
34 schedule for the payment of the tax and all the matters required by
35 NRS 244.3352 for the tax imposed pursuant to that section. The tax
36 must first be imposed 90 days after the effective date of this section.

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

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



* S B 1 R 2 *

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

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

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

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

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

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

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

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

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

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

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

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



* S B 1 R 2 *

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

5 3. Accounted for separately and used only to pay:

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

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

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

16 1. As additional security for the payment of, or to redeem, any
17 general obligations bonds issued pursuant to NRS 244A.597 to
18 244A.655, inclusive, before the effective date of sections 53 to 61.7,
19 inclusive, of this act;

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

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

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

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

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

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

35 **Sec. 61.** 1. In addition to the purposes set forth in subsection
36 1 of NRS 244A.637, to pay the cost to expand, construct, improve,
37 maintain and renovate the Las Vegas Convention Center and other
38 facilities of the Convention Authority, or for any combination
39 thereof, the Convention Authority, at any time or from time to time
40 may, in the name of and on behalf of the County, issue general
41 obligations bonds or revenue bonds as described in paragraphs (a)
42 and (b) of subsection 1 of NRS 244A.637.

43 2. If the Convention Authority, in the name of and on behalf of
44 the County, issues general obligations after the Board of Directors
45 of the Convention Authority has determined that the proceeds of the



* S B 1 R 2 *

1 taxes imposed pursuant to sections 57 and 58 of this act that will be
2 pledged to the payment of the general obligations will generate
3 sufficient revenue to meet or exceed a debt service coverage ratio of
4 1.5 times the anticipated annual debt service for each of the terms of
5 the obligations, the general obligations:

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

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

20 (c) Must be treated as if the finding described in subparagraph
21 (1) of paragraph (b) of subsection 3 of NRS 361.4727 has been
22 made by the Board of County Commissioners and approved by the
23 debt management commission of the County pursuant to
24 subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.

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

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

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

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

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

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

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



(e) The 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 contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow the small local business to be covered by any bond or insurance of the 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 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 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 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 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 Oversight Panel, 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 Oversight Panel upon request.

7. Unless the requirements of subsection 1 are waived by the Convention Authority pursuant to subsection 8, the failure of a prime contractor, construction manager or project manager to comply with the requirements of subsection 1 shall be deemed a material breach of contract.



* S B 1 R 2 *

8. The Convention Authority may waive the requirements of subsection 1 if a prime contractor, construction manager or project manager presents proof satisfactory to the Convention 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. 61.7. 1. On the earlier of the date that is 4 years before the date on which the notes, bonds or other securities issued pursuant to section 61 of this act will be fully repaid or the date that is 30 years after the passage and approval of this act, the Governor shall create and appoint the members of an advisory committee to study whether it is necessary, appropriate or desirable for the promotion of tourism or for the construction, renovation or operation of tourism facilities in the County that the taxes imposed pursuant to sections 57 and 58 of this act be imposed after the dates described in subsection 3 of section 57 of this act and subsection 3 of section 58 of this act, respectively.

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

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

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

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

(a) Become effective on the date on which the President of the University of Nevada, Las Vegas, provides notice to the Governor, the Director of the Legislative Counsel Bureau and the Board of County Commissioners of Clark County pursuant to subsection 1 of



* S B 1 R 2 *

1 section 38 of this act that he or she intends to undertake a college
2 football stadium project, as defined in section 8 of this act, only if
3 the President of the University provides such notice within 90
4 calendar days after receipt of notice of the vote of the Board of
5 Directors of the Stadium Authority created by section 21 of this act
6 to dissolve the Stadium Authority and wind down its affairs
7 pursuant to subsection 2 of section 37 of this act.

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

