

THE SECOND DAY

CARSON CITY (Tuesday) October 11, 2016

Senate called to order at 8:06 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by Senator Harris.

Our dear Heavenly Father, we are grateful to be gathered here, today, in the Senate Chamber to discuss the critical business of this State. We ask as we go through these very difficult issues that we will have a spirit of unity, that we will be able to ask the questions appropriately and be satisfied as we weigh the decisions, as we contemplate the things that we need to do to help our State advance and to ultimately improve the lives of the people of the State of Nevada. We ask Thee to be with the families of the State of Nevada, that their circumstances can improve, that we can have the kinds of communities that are beneficial and that have some harmony. We say these things in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Senate Resolution No. 4—Expressing and explaining the public policy governing the legislative ethics provisions of the Rules of the Senate.

Senator Roberson moved the adoption of the resolution.

Remarks by Senator Roberson.

Senate Resolution No. 4 explains how the Legislative Ethics provisions of the Senate Rules apply to the bills we are considering for this Special Session. Because those bills are Legislative measures of immense public importance, which has significant impacts on the welfare and prosperity of this State, the resolution explains that the very nature of the bills presumptively makes the interests of every member of the Senate no greater than the interests of every other citizen. As a result, the resolution explains that the Senate's Ethics Rules do not require any member to make disclosures or abstain from voting on the bills because each member's interests are not greater than the interests of the entire class of persons affected by the bills. Thus, the resolution explains that the members of the Senate must perform the duties for which we were elected and we must vote or otherwise act upon such matters of immense public importance on behalf of our constituents.

Resolution adopted.

Senator Roberson moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 1, with Senator Roberson as Chair and Senator Kieckhefer as Vice Chair.

Motion carried.

IN COMMITTEE OF THE WHOLE

At 8:11 a.m.

Senator Roberson presiding.

Senate Bill No. 1 considered.

The Committee of the Whole was addressed by Senator Roberson; Howard Watts III; Marla Turner; Paul Hansen; Christina Ortiz, Veterans in Politics; Chris Giunchigliani, Clark County Commissioner; Arthur Gafke, Reverend; Bob Fulkerson, PLAN Action; Laura Fitzsimmons; Walter Spargo; Lucy Flores, former Assemblywoman; Katherine Duncan, Ward 5, Chamber of Commerce; Richard Dietrich; Robert Magdeleno; Joseph Balderamma; Rudy Estevez; Derick Stowell; Mike Kelly, Chair, Nevada Democratic Veterans and Military Families Caucus; Erika Washington; William Stanley, Southern Nevada Building and Construction Trades Council; Matthew Capalby; Shelley Seeberg, United Food and Commercial Workers International Union; Dr. Marta Poling Schmitt, Reverend; Susie Lee; Dr. Kathleen Lauckner; Fernando Romero, Hispanics in Politics; Marco Rouda; Steven Horner; Jason Henslee, Don't Raid Nevada Coalition; Peter Frigeri; Holly Wellborn, American Civil Liberties Union of Nevada; Eric Schoen, Community Chest Nevada; Drew Knight, Independent Candidate for Congress; Ed Uehling; Brett H. Pojunis, Chair, Libertarian Party of Nevada; Ken Lange; Carol Steffan, Nevadans for the Common Good; MiAnn Bennett; Kenneth Evans, President, Urban Chamber of Commerce; Carolina Chacon; Carole Kilburn, International Brotherhood of Electrical Workers, Local 357; Courtney Kravitz; Byron Harvey, Sheet Metal Workers, Local 88; Chris Wile, International Brotherhood of Electrical Workers, Local 357; Eddie Ramirez, Southern Nevada LECET; Ryan Beaman, Clark County Firefighters, Local 1908; David Pruitt; Jeremy Aguero, Principal Analyst, Applied Analysis; Senator Gustavson; Steve Hill, Director, Governor's Office of Economic Development; Senator Denis; Senator Parks; Senator Atkinson; Senator Farley, and Senator Hammond.

SENATOR ROBERSON:

We will begin by hearing public testimony. Testimony will be limited to three minutes per testifier.

HOWARD WATTS III:

When I went to the Legislative website to watch yesterday's meetings, I was reminded that this is the People's branch of government. This is where people from different parts of the State and those having different backgrounds come together to make law. I truly believe that despite how much I may disagree with a particular decision, the fundamental idea of democracy is that better results come when different perspectives are heard. Never has that belief been more shaken when it comes to the Nevada Legislature than it is as I sit before you right now. I am not new to this nor am I naïve. I have been coming to the Legislature and testifying for several Sessions. I know that deals get cut behind the scenes. Apparently, the Legislature does not have to play by the State's rules on openness, transparency or ethics, but I have also seen thoughtful questions and comments raised by everyday people that have changed the outcome of legislation.

Today, I sit at yet another 8 a.m. meeting, which seems to be the only time that the issue of this stadium is opened up for public participation. Yesterday, people came and left the Sawyer

Building all day. I arrived yesterday at 9 a.m. I looked in this room, and the door was closed. I went to the Assembly, and the chairs were empty. I came back again at 2 p.m. only to hear that the next couple of hours would be dedicated to a scheduled and choreographed set of speakers. Even I do not have all day to sit and wait. I then tweeted and tried to find out when the public would have the opportunity to speak. More concerning was the fact that, yesterday, after the proponents finished speaking, there was clapping. I have spoken many times before the Legislature, and that was not allowed. It is disrespectful to those holding differing views, and it is not a hallmark of a deliberative process. I think anyone who clapped while keeping the public out of the process should be ashamed.

A special session is to be used for an emergency. Previously, it seemed our Special Sessions were being called every few months because of the recession. The issues addressed included cutting classes, raising tuition, laying off State employees, deferring infrastructure and maintenance, and raising taxes and fees on struggling people in order to keep the State's budget afloat. Where was the magic room tax then?

I want to ask why, after having a whole day, essentially, dedicated to support of the stadium, those in opposition now only have 30 minutes to speak? That is not a fair or deliberative process. I would like to ask those here in opposition to stand since many of you probably will not be able to speak today. Please take note of these people. These are the people who showed up at 8 a.m. on a weekday.

I will let other people speak to the problems with the proposal, I am speaking to the problems with this process. This is the Peoples' branch of Government, yet 8 percent of the Legislature is unelected right now. If you are appointed to a seat in this Legislature, I believe you have the responsibility to vote "no" on this entire package so the elected Legislature can give it the time it needs. If you are progressive, you should vote "no" on this package because the process is flawed and has been rushed and not every voice has been heard. This is a bad deal. The private sector can and should carry the risk and reap the rewards. If you are conservative, you should vote "no" on this because stadiums are not a core function of the government. We should not be picking winners and losers by handing out tax dollars to the chosen few. If you are somewhere in between, you should vote "no" on this package and take it up during our normal Session. You should have special meetings to gather public comment that are not limited to an hour in between the special guest speakers you have lined up. There should be a rigorous, deliberative process. All of the economists and all of the people who have critiques have not been heard. The people here now are barely being heard.

MARLA TURNER:

I am a native Nevadan. I am a flummoxed by the resolution that was just passed. The lack of transparency in this process is stunning to me. The language in the original bill and the resolution allows for no real deliberative public input. It allows the people in power to have the final say without any input from the public. I strongly object to that. If we are going to raise the room tax, the funding needs to go where we need it. Please give it to education and to the Las Vegas Convention and Visitors Authority (LVCVA). Shame on you for ramming a package through that gives money to billionaires, and for tying this to LVCVA where our bread and butter lies. Shame on you for holding this hostage. I urge all Legislators to vote "no" on this issue.

PAUL HANSEN:

I have been a resident of Las Vegas for 22 years. I love sports and football. I am not opposed to a stadium, per say, but I am urging you to demand a better deal for the citizens of Clark County than what is proposed to help fund the new stadium. In the event we enter a recession, the extremely wealthy individuals who want this stadium should be assuming the risks not the taxpayers of Clark County. Why has the 39-percent cap on public money been removed? Why not use revenue bonds rather than general-obligation bonds? If we have to approve this deal, more tangible benefits should be coming to our citizens than those that have been proposed. Perhaps we could have more money for education, Medicaid care providers or Meals on Wheels. We have many citizens who desperately need our help. A taxpayer-funded stadium for tax-exempt millionaires and billionaires should come only with tangible benefits for the people

of our State. Yes, our economy thrives on tourism, but we know we need to diversify our economy. Many companies refuse to come to southern Nevada because of our poorly performing public education system which is funded at or near the bottom of national rankings. The same is true for our Medicare provider rates and our participation with Meals on Wheels. Please vote for what is best for those who have the greatest needs, not for billionaires. An election is coming up in less than a month, and we voters will be watching this Special Session carefully.

CHRISTINA ORTIZ (Veterans in Politics):

I am a native Nevadan and a United States Army veteran. I represent Congressional Candidate Reuben D'Silva, and I urge you to vote "no" on this bill. When the Special Session was called, I was hoping it would be for our Educational Savings Accounts (ESA). Instead, we are trying to ram through a stadium and sports team. There is no guarantee the Raiders will come to Las Vegas. Why are we doing this when we could be talking about education or the millions of homeless veterans and others here in the valley? We rank 49th in education in the Country. Until those things are addressed, I think sports should be the lowest of our priorities. If we thrive on gaming and tourism, why not diversify? Why not build up UNLV and make education our priority? I urge all Legislators to please vote "no" on this bill.

CHRIS GIUNCHIGLIANI (Clark County Commissioner):

Mr. Watts shared our concerns about making sure you hear both sides of this agenda. The opposition, here, are everyday people. They include Nevadans for Common Good, the Nevada Taxpayers Association, PLAN Action, Battle Born, the Culinary Union and others. We are your constituents, and we expect you will do your due diligence today.

I want to share a little history. The stadium funding for LVCVA, which was a prevailing and union job creator, was supposed to have passed last Session. Mr. Sheldon Adelson and his lobbyists killed it. You then created this Southern Nevada Tourism Infrastructure Committee (SNTIC) to look at its needs, how to finance the project and ensure they did not improperly compete with the private sector. That was the position the Committee was working on until the last three months. Unlike what Mr. Hill said, I wrote and testified in opposition. There was at least one Commissioner who was for it and one against it, but no one else was polled regarding their position.

The history involves the sadness of comingling these two bills. Everyone finally came together to make sure we had prevailing-wage jobs for LVCVA so we stay competitive—that is our tourism base. That was hijacked. The stadium now gets first billing, followed by LVCVA, then UNLV. It got hijacked and, now, is bundled together. You have put people at risk because the one known job goes away if you vote "no." I am calling on our colleagues because this is not a good deal.

The Stadium Authority will not be elected so there will be no accountability. They will own the stadium for 33 years, not the public. I am tired of hearing that kind of garbage. They will appoint the Stadium Event Committee which negotiates a development agreement. When you do this kind of package deals and guarantee in *Nevada Revised Statute* (NRS) 338, you do not guarantee anything until the cut is in writing. This puts men and women at risk.

We do not know who the developer partner is. Majestic pulled out. We do not know what site has been selected. What does the infrastructure cost in Clark County? Our men and women have to get to work, but do we know where the congestion is located? Where is the light rail? Where is the highway? We have no idea, but we are going to be on the hook for that. This takes \$25 million out of our Parks and Recreation money. I have been unable to finish the parks in my district in the last ten years. We have not added a single fire fighter since 2008, but you want to allocate money just for police? Where is the infrastructure support for this?

Section 30 contains a confidentiality clause you should all be concerned about. This is the worst deal I have ever seen for a city. Roger Noll, an economist at Stanford University who studied publicly funded stadiums for two decades, said this planned increase will be the largest tax increase in the history of the State of Nevada. It will put the 300 percent to bed as far as that is concerned. Do not talk about a risk, if that is the case. We are going back to the polls in about two more weeks, and people are on notice.

How do you explain corporate welfare? If someone wants to build the stadium, let the people with the money build it. I believe a stadium can be built, but do not put us on the hook using general-obligation bonds. Do not say we will be on the hook for \$750 million because it will actually more than \$2 billion. Neil deMause, editor of the fieldofschemes.com, a stadium watchdog site, said this stadium deal, with taxpayers picking up 39 percent of the total bill, is a bad job of negotiating. You have people with no skin in the game making the contract, but the public will be on the hook for it.

I urge you to take a step back. I was disappointed that the emergency Special Session was not called to fund public education. This is what it should be used to do. Today, we have a \$400 million budget shortfall. That means we are going to have more substitute teachers in our classrooms instead of the high quality, highly trained teachers we need. We have mental health issues to address. We have so much on our plate, and you are debating whether or not to give a \$2-billion tax giveaway to a corporate structure. If they want to build it, let them build it. I urge you to vote this down because it is bundled. The Convention Authority does not need to go for bonding until the end of next year. You can take that issue up again in February, or if you vote it down, today, you can bring back a bill separately with LVCVA and let the stadium stand on its own. That is what we are asking you to do. None of this needs to be a rush. You are better off waiting until people can be more thoughtful and spend more time on the project during the regular Session. We will not know if the NFL is coming here until late January or early February. What is the rush? If nothing else, vote it down and bring back LVCVA. You know it has guarantees for union jobs and is good for the public. Otherwise, this quasi-Stadium Authority will be exempt from property taxes, and it may be exempt from the Live Entertainment Tax or any of the sales tax. They are taking it out of town, but it is going to be bonded by the County? There is something flawed with this project. Please do the right thing. Have the courage to stand up and vote "no", then; take the time to do this the right way.

ARTHUR GAFKE (Reverend):

I have served at the local, regional, national and international level of the church, and I can assure you that hardball politics are as practiced at those levels as they are in this Chamber; money is always in the room at church meetings. Revenue streams and budget expenditures are high-stress and high-tension subjects. When I saw the two different projects bundled together—the Convention Center and the stadium—I knew it was a political move. I am sad about that because, as Commissioner Giunchigliani testified, they are separate projects.

I would like to discuss three risk factors. The first is the capital improvement fund; the very bottom bucket of the so-called waterfall. This fund allots less than 1 percent for stadium improvements and upkeep. What apps did you have for your cell phones five years ago? How are those different today? A stadium ages in terms of its capabilities at the same fast rate as technological innovation. A less than 1 percent capital improvement fund, at the bottom of the waterfall bucket, is not enough to keep pace with technological development.

The other two risk factors are water and brain health. Only one speaker in the Assembly Chamber mentioned water. He said that 80 percent to 90 percent of the Las Vegas area water comes from Lake Mead, which is at an historic low. It has not been this low since Lake Mead was filling after the dam was built. There is no reasonable expectation that the drought will end soon. We hope for a plentiful snowfall on the western slope of the Rockies to replenish the Colorado River, but there are climatologists who say we are at the beginning of a mega-drought. Have stadium supporters, in their push for growth and expansion, considered an alternative plan for water? The Southern Nevada Water District has done a gold star exercise in water conservation, yet Lake Mead diminishes year after year. What about the risk of a possible mega-drought? What happens then?

The third risk relates to brain health. Brain science has moved light years ahead, yet the NFL has been trying to dance around the issue of brain damage. The current NFL business model calls for the yearly sacrifice of young lives as though we are some ancient society throwing a few young people off the cliff to appease the gods. We approve of a game that puts young lives at risk as an acceptable risk to keep this business model active. This is a storm cloud. It will begin with lawsuits for known damage to athletes at the NFL level, and it will continue at the high school and college levels. Liability insurance will go up. I do not know if we can predict

that the NFL, in its current business model, will exist 30 years from now. We cannot project out 30 years for a current business model that has a storm cloud hanging over it. We are all enthusiastic about professional football, but it is at its zenith today.

I encourage you to take these risk factors into consideration and vote against this current package. The risks have not been accurately assessed.

BOB FULKERSON (PLAN Action):

Former State Archivist, Guy Rocha, used to talk about when the mining industry of the Nevada Territory was so opposed to the level of the mining tax in the draft Constitution of 1864, that it compelled the Constitutional Delegates to draft new language more favorable to the mining industry. The Legislature of 150 years ago, essentially, allowed the mining barons of the Comstock to export those riches from Nevada. This built the wealth of San Francisco and the Pacific Stock Exchange. It was the worst example of Legislators kowtowing to corporate bullying in Nevada history—until now. What some of you are trying to do pales in comparison to that. This so-called "New Nevada" looks just like the old Nevada.

Stanford economist, Roger Noll, has examined this proposal and said it is the worst deal ever in the history of public-financed sports stadiums. It is not like we have money to burn in this State. We have a \$400 million State budget deficit. Yesterday, it came out that half of our kids are not proficient in reading. We all know that our mental health system and our social safety net, like our education system, are the worst in the Nation. Our community colleges have been slashed to the bone, and there are no plans to restore those cuts. It would make more sense to use this money to invest in our kids and build a first-class educational system. The infrastructure around Las Vegas is falling apart. This could be used for down payment on our infrastructure, things like a light rail system that would create thousands of better jobs and fight gridlock, pollution and climate change. There are numerable investments we could make, other than a stadium, that would generate jobs and create the long-term economic vitality that would benefit our communities and also provide a stronger return on investment.

The scam of the stadium might benefit a couple billionaires, but it is a high-risk investment for our State. Attendance at NFL games has been in decline for the last decade as is NFL viewing on television. This stadium would need at least three decades of useful life. What will the interest be 30 years from now? Seattle did not pay off the debt from the Kingdome until 15 years after it was demolished. The Rams left behind a \$144 million debt when the team left St. Louis for Los Angeles earlier this year. Sports economists and analysts with Forbes, Moody's, Bloomberg and the Wall Street Journal agree that these schemes do not work for the public. Why would Las Vegas be any different from failing enterprises in other cities where public funding was much more favorable than the deal that is on the table right now? Is this the legacy you want to leave behind—a crumbling stadium and a mountain of debt taxpayers have to fund like in other cities? This flawed and rushed Legislative process is sure to yield a flawed result. Please stand against corporate greed and for Nevada.

LAURA FITZSIMMONS:

I have worked as an attorney with public-private partnerships beginning with the Fremont Street experience. The lawyer that was hired by the City of Las Vegas to do the work in that public-private partnership had done work nationally. He was hired privately by the public side and said these things always turn into a "dance with the gorilla." The public sector will only do what the more powerful, sophisticated and better-funded interests do, and those interests are not subject to the same transparency and open meeting laws as the public. Mr. Adelson and I were on the same side in opposing the Las Vegas monorail. Powerful interests were expressed to the Clark County Commission. We saw that the revenue projections were intrinsically fair and were based on projections. They are only as good as the most flawed of those projections.

I did not oppose this project when it was before SNTIC. One reason was because Edward Roski, President and Chair of the Board of Majestic Realty Co., was involved in with it. Majestic built the STAPLES Center in Los Angeles and has extensive development experience. When Mr. Roski started building the STAPLES Center, he wanted a contribution of public money. The elected officials refused. He built the Center for \$533 million using private money, and it has been a success.

According to an October 6, 2016, article in the *Las Vegas Review-Journal*, Mr. Craig Cavileer, Vice President of Majestic Realty Co., said the company walked away from our project because the project, "...is really personalized, and it is something Sheldon wants to do as a legacy for his family." With the withdrawal of Majestic, no company is currently associated with this project that has experience undertaking a public project of this magnitude. I do not understand why we are rushing to make this decision now that Majestic has withdrawn. An article in Mr. Adelson's own newspaper, the *Las Vegas Review-Journal*, says this will be a legacy to his family. That brings into play what we know about Mr. Adelson. He is probably the wealthiest and most powerful person in this State. The fact that he owns the largest newspaper in our State may explain why there has been such little public discourse about this.

When I moved from Carson City to Las Vegas, I had a family-owned business. People helping me with home improvement projects who had worked on the Venetian, tile setters for example, lost their businesses because of what happened when Mr. Adelson built that hotel. They lost their businesses, and it became a protracted nightmare for them. We have all read about Mr. Adelson's relentless litigation strategy. I understand he has agreed to pay for cost overruns on this project, but he has not agreed and cannot agree to indemnify the public from litigation expenses we may, and probably will, incur as this project progresses. If you look at the history of business litigation between the public, Clark County and Mr. Adelson, it is possible, and more likely probable, this will happen. We do not see what that cost is to the public. We have seen what Mr. Adelson does in recent litigation; he never settles. He is relentless. He will lose; then, he will keep fighting. As the public, we cannot afford that. We recall some of this from the litigation on the Clark County Court House construction. The public could not afford the risk of protracted fighting and paid a substantial amount of money that was never in any budget.

This is a personal legacy to Sheldon Adelson. Also, the sophisticated private partner has walked away. I would like to leave a legacy for my family, but I believe it would be right if I paid for and took the risk for that legacy. I join every other person who speaks in opposition to this bill.

WALTER SPARGO:

I am a veteran, and I have been a resident of Nevada since 1985. Before I moved to Reno in 2005 to finish my military career with the Nevada Air Guard, I was a resident of Las Vegas and Clark County. I am here to testify regarding the public funding proposed for this stadium as recommended by SNTIC. This issue affects the entire State, despite the fact Clark County is going to be on the hook if public funds are used. If it goes bad in Clark County, it goes bad for all of us because Clark County is the heartbeat of this State. I have to applaud their prowess, and, at the same time, condemn the way this stadium proposal was bundled in with projects we need in Nevada, such as the Convention Center and more cops. This has been deemed the worst stadium deal in history by every expert in the business. I searched Google, and I could not find one case where a publically funded stadium fulfilled the promises that were made.

I am a Raiders season-ticket holder. We have already shown how unreliable the Raiders are at staying put. In the early 1980s, when they could not get public funding the addition of luxury boxes, they ditched Oakland and moved to Los Angeles. When they could not get the same thing in Los Angeles, the Joint Powers Authority in Oakland and Alameda County approved the funding they needed for the luxury box seats, and they moved back. Oakland is still paying upwards of \$90 million to \$100 million left on that debt.

Now, the Raiders, again, want a new stadium and are trying to get the same thing from us. Oakland is refusing because they learned their lesson about giving public money to a billionaire sports league. This is a prime example of what you would call a parasitic organization; constant demands being placed on the public for public money. We cannot allow that. How long will it be before this stadium is deemed obsolete and they want expensive renovations, improvements or maybe even a new stadium? In St. Louis, the Dome is just over 20 years old and was deemed inadequate by the Rams. They used a clause about modernization of the stadium to get out of their lease. I am sure the Raiders could do the same thing here. I believe spending a record \$750 million in public funding on a stadium for a multi-billionaire is an inappropriate and irresponsible use of tax dollars.

This is a bad deal. There are 20 years of research to support this. You have heard the name Roger Noll, and you are going to hear it again because his is the foremost data, but it is not the only data that supports this. Other data comes from reputable sources such as *Forbes*, *The Wall Street Journal*, *Reuters*, The Brookings Institute and others.

I applaud Commissioner Giunchigliani. She was correct when she said room taxes are public and, "...if someone wishes to build a stadium they should use their private dollars to build it. No tax dollars should be used in any format." We are not a bank. If someone needs to build a business in this State, do we give them tax money to do it? Why should we make an exception for a multi-billion dollar business like the NFL? We are hearing claims of a bolstered economy, more jobs and development of healthy public-private partnerships. That has happened in every case where public money has been used for a stadium. What makes Las Vegas exempt? Jobs created by stadiums are part-time, low-wage jobs such as concession-stand workers and security officers. Construction jobs are temporary unless you keep building and building. Most of the cities engaged with sports stadiums and teams have found that public-private partnership are extremely one-sided in favor of the private sector while the public bears the risk. In Cincinnati, Ohio, 16.4 percent of their budget is now tied up in public funding for their stadium costs. The Bengals have a favorable lease, and they get most of the revenue. That is what is going to happen here. Clark County Commissioner Steve Sisolak said it in his interview with John Ralston—the Raiders will get all of the money for concessions, parking and luxury boxes. They will get all of it—there is no profit sharing. If we pass this bill, we will be paying 40 percent of the cost, but we will not receive any of the revenue. That is inappropriate. The facts that show how bad this deal is have been pointed out at every level and were heard many times during SNTIC testimony. I do not have a problem with the Raiders moving here. I just have a problem with us paying the bill. We cannot be in the business of funding billionaires. If they can afford to build it themselves, let them build it.

SENATOR ROBERSON:

We will go to Las Vegas and hear public comment from individuals who are in support of this legislation.

LUCY FLORES (former Assemblywoman):

I am former Assemblywoman Lucy Flores.

SENATOR ROBERSON:

Are you here to speak in support of the project?

MS. FLORES:

I am not in support of the project.

SENATOR ROBERSON:

We are hearing testimony in support of the project now.

MS. FLORES:

But, Senator, I respectfully request that when I was a Legislator, it was customary to give equal time to both proponents and opponents of the bill.

SENATOR ROBERSON:

That is what we are trying to do here.

MS. FLORES:

It was fair; it was reasonable, and it was something we all did. As a former colleague, I respectfully request that you please consider giving these opponents their fair time. You have an entire room of people here in Las Vegas. You spent an entire afternoon, yesterday, focused on folks who were supporting this bill. Be fair; be reasonable. Give people their opportunity to speak. Give these voters their opportunity to speak against a public policy issue.

SENATOR ROBERSON:

Ms. Flores, I am going to have to ask you to refrain from continuing comment.

MS. FLORES:

I just urge you to consider doing this Senator.

SENATOR ROBERSON:

The Committee of the Whole will be in recess until the call of the Chair.

The Committee of the Whole has reconvened. We are now going to hear individuals who want to speak in support of the project. We will go back to Las Vegas.

Last night, I committed to an hour of public testimony today. We are close to an hour, but in talking this through with my colleagues, we will continue until 11 a.m. I ask individuals to keep your comments brief, especially, if they are repetitive, so we can get to as many people as possible.

KATHERINE DUNCAN (Ward 5, Chamber of Commerce):

I want to commend SNTIC for their hard work. I was engaged with the Committee at different levels during their deliberations. The Chamber thinks LVCVA expansion is a great opportunity to increase our tourism infrastructure. However, the Committee may not have been diverse enough to understand that tourism in southern Nevada cannot benefit just those in Clark County and the downtown area, it also has to benefit the people in the uptown area of Las Vegas. This is why we support the proposal by Mayor Carolyn Goodman to, at least, consider the Cashman area as an ideal location for a sports stadium. While we are not opposed to stadiums in general, we do believe there should be more investigation to find the location that will have the proper transportation infrastructure. Las Vegas needs to become a world-class city. We need to build the best stadium in the world, and we have to determine the best place in the world to build it. We believe Cashman Field may be that location.

I would like to talk about the Sheriff and how we fund the Sheriff's Department. I represent the Universal Peace Federation, and I know we cannot create the type of peaceful tourism city we need by simply fighting violence. We need to engage in activities that support interfaith peacebuilding, strengthen marriage and families, and develop work in our community. While there is a need to support the Sheriff and fight violence, we need to put an equal amount of resources toward building our community that faces so many challenges. I encourage you to take Mayor Carolyn Goodman's lead because she has been the foremost leader in taking care of our City.

RICHARD DIETRICH:

I moved Las Vegas in 1975 and worked here and paid my taxes since then. This is a no brainer for me. Las Vegas is a tourist destination and conventions are the lifeblood of this economy. A football stadium has been talked about for years. I watched this town grow to 1 million people. I am not sure where we are now, but we are ready for a stadium. It is time. We are going to get back the money tenfold in tourism across this valley. I am a construction worker. I only worked three days in this jurisdiction during the last four years. I have been working in Oregon, Utah and wherever I can get a job. This project is not only good for my brothers and me so we secure work locally building this stadium, it is great for the whole economy. It is good for big business, small business and everybody.

ROBERT MAGDELENO:

I am a United States Army veteran, a Local 525 plumber and pipefitter and a Raider fan. We have 700 plumbers and pipefitters out of work who want to come home, whether it be to jobs at the stadium or the Convention Center. I travel to New Orleans and New England, and I see 20,000 Raider's fans giving these cities thousands of dollars in profits. We need to get our act together. I am a taxpayer. We elect you, and we pay our Legislators to come up with good bills. I feel that this is the best plan of action. We cannot just rely on the casinos; we need to venture out. Faraday is going to be coming, and we are going to have a lot of new sources of revenue. We need to keep it going and become part of the mainstream. We need to have other things going on besides gambling. We can have an NFL team here and events like the U.S. World Cup. The stadium is not going to be used just for football. It can be used during the off-season too. We could have concerts, or we can do anything we want. We are Nevada. We are Las Vegas.

JOSEPH BALDERAMMA:

I am a Local 525 plumber and pipefitter. This stadium will benefit Las Vegas. I have been out of work for five years. I cannot hit the road because of family circumstances, but this stadium will help us out. It will benefit us greatly, yet we also need money for schools. I would like to see schools get more money. I would like to have a stadium built that will give us a lot of work, at least, for a few years. The people of Las Vegas will benefit. Everybody will. But, we also need money for the schools.

RUDY ESTEVEZ:

I represent Laborers Local 872. Yesterday, Tommy White talked about my son, Rudy Jr., and he spoke about the stadium and how it would benefit our union. We are just trying to put ourselves back to work. This project will benefit us and the future of the Las Vegas area.

DERICK STOWELL:

I am a member of Local 525 Plumbers, Pipefitters and Refrigeration. I have lived here for more than 50 years and have watched tourism help this town grow. We need other things to diversify our economy and bring in more tourists. This is a great idea to bring in more tourists. Once upon a time, we thought about a racetrack. I was not in favor of it. Then, we saw NASCAR come here, and it has become a fabulous event that brings in a lot of money every single year. I have been a UNLV supporter for many years. UNLV needs this. We are playing in a stadium that is more than 40 years old. It is time to get something new.

Tourism used to help the number one industry, which is gaming. For a long time, the number two industry was construction. Construction has been devastated since the Great Recession. My local has had an unemployment rate ranging from 45 percent to 85 percent. Our union members have been on the road. They have lost their homes, their wives, their cars—they have lost everything—because times have been rough. This is something that is going to start changing Las Vegas. We have APEX starting to develop and, hopefully, more Fortune 500 companies will come to this valley. There is a now a chance to live my dream. I have been telling people for more than 15 years—LV in LV. What that means, in Roman numerals, is Super Bowl 55 in Las Vegas. I have been dreaming of that for many years, and I would love to see it happen. The people in this room had some great ideas.

I would like to see the expansion of the Convention Center. That has been stalled for at least five or six years. People coming to the Convention Center helped bring us out of the recession and without the expansion it is not going to grow. We need to grow.

MIKE KELLY (Chair, Nevada Democratic Veterans and Military Families Caucus):

I would like to discuss the stadium and the Convention Center expansion from a veteran's standpoint. If you approve the stadium, we ask that you take into account the needs of the more than 13 percent of Nevadans who have served in defense of our Nation. We are less than 1 percent of the total American population. We bring with us a myriad of experiences and talents that can benefit those involved in this project, and we can also improve the experience of current veterans in Nevada.

We constantly speak about the, approximately, 20 to 22 veterans who die each day as result of suicide. Many of these men and women tragically take their lives due to a lack of acceptance or employment opportunities. This project can serve as way to break that cycle. We hope to see veterans employed by building and trade unions not just during the construction phase of this project but permanently by the NFL stadium and the enhanced Convention Center in operations, management and law enforcement.

We are excited by the opportunities veterans will have to support the stadium project and the Convention Center expansion through entrepreneurship in the private sector. These two projects can serve as a testbed for traditional and innovative business opportunities from concessions ownership—where veterans own and operate restaurants, shops and tech businesses—to the transportation and common-carrier industry that includes taxi cabs, limousines and shuttle bus companies. We do not want veterans to just work for transportation and transportation network companies; we envision veterans owning these enterprises.

The veterans community in Nevada is fully committed to ending veteran suicides. We are committed to ensuring that Nevada—which is in the bottom percentile in relation to veteran

employment—rises to the top. If this project is approved, we expect you to care for veterans. We are standing tall, and we ready to work with all parties to make the NFL stadium, the Convention Center expansion and other projects a great success.

MS. WASHINGTON:

I am a voter. It is a little past 9 a.m., and thousands of parents and caregivers are dropping of their children. Your constituents who are concerned about the nuances of this bill are left out of this conversation. We, as a community, had to fight to get this time to voice our views, and that is disturbing. Each of the elected officials sitting before me has campaigned on the premise of family values—that their constituents matter:—their voice, their well-being, their livelihood. Where is that concern now? My questions and concerns include whether this stadium brings access to livable wages? Does it address our educational deficits? Is it a pathway to sustainable careers? Does it raise the childcare subsidies for folks wanting to work on any given Sunday? I am asking that you not be sluttly with your vote and give our collective power to billionaires.

SENATOR ROBERSON:

Are you in support of the legislation?

ERIKA WASHINGTON:

I have not had enough time to make that decision. I believe this process was rushed. The process and the lack of transparency does not give me the option to be in support of or against this bill. I want everyone to vote with a clear mind and a full heart.

WILLIAM STANLEY (Southern Nevada Building and Construction Trades Council):

I represent the Southern Nevada Building and Construction Trades Council and the 25,000 members who make a living in the construction trades in southern Nevada. I want to talk about the ability to generate substantial economic benefits from not only the stadium but also from the Convention Center and the other projects being discussed. Through workforce development, these two projects can reduce unemployment in the construction trades in southern Nevada.

Since I took office in my organization more than a year ago, I have visited New York, Boston, Dallas and Los Angeles with one mission in mind. We have capital in southern Nevada that is sitting on the sidelines. Money managers and people in control of private equity have repeatedly told me that the southern Nevada market is squishy. They say we need private equity in southern Nevada off the sidelines and more private investment in southern Nevada. We have not had a major construction project in southern Nevada in more than ten years. What does that mean? It means we have lost opportunities for workforce development. Our apprenticeship program across the building and construction trades is running at 14 percent of capacity. We do not have the opportunity to train the next generation of construction workers because we do not have a job site that is big enough to facilitate the education that is apprenticeship. We need help; we are asking you for help.

The Convention Center is a great project, and it is going to help, but it is currently being financed using tax dollars. Investors want to know who is going to put money on the table so others can look at Las Vegas and say we are ready to take the next step. Our own pension managers tell us that Nevada, as a secondary market, is too risky, and they are not sure an investment in southern Nevada would pay the dividend needed to make the "bogey" in the pension fund required to pay the benefits of the future. We need your help. Statistically, Ironworkers Local 433, the Structural Ironworkers, is in the worst shape, with 80 percent of its membership unemployed. They are not feeding their families. They are not worried about the other issues you heard about in this Chamber over the last two days. What they are most worried about is feeding their children and keeping a roof over their heads. In the electricians union, IBEW Local 357, 42 percent of the members are unemployed. Members of United Association 525, Plumbers, Pipefitters and Refrigeration testified today, and 56 percent of their members are unemployed. You wonder why we are not doing workforce development? You wonder why we cannot transition people into apprenticeship programs and why we are at 14 percent capacity in our apprenticeship programs? It is because we do not have an opportunity to put folks to work.

Many of these people are not coming back to the trades. A lot of them are older and are ready to get out. Where is the next generation of construction workers going to come from? This is a public policy issue. If you do not have a local construction workforce, ask the Gulf Coast; you have to import it. When you have to import labor, it costs you twice as much to build a building, because you now have to pay for things like subsistence. You have to pay over what the normal labor burden would be in your community to attract electricians, plumbers, pipefitters, laborers and carpenters to your area. They do not come for nothing. You have to attract them. It costs you more money to do that because you have not trained a workforce to build your buildings locally. When you want to talk about economic development, you need to make sure you have a good construction workforce, locally, to build the buildings that the companies like Switch, Faraday and Tesla will occupy. The workforce is getting aging.

In 2008, Congress passed the American Recovery and Reinvestment Act (ARRA). This began under a Republican and was finished under a Democrat. It was purely bipartisan. Many folks across this Country will tell you ARRA saved us from a depression. In Las Vegas, construction workers are hurting, and the construction trade is the third largest contributor to the economy in the State of Nevada. The first is gaming, and the second is mining, and the third is construction. You are never going to quit bumping along the bottom until you fix the construction industry. We need a construction industry that is vital and doing the things we need to do. A true reflection of economic development is when construction starts booming again. We need a Reinvestment Act of 2016 in southern Nevada, just like this Country needed ARRA in 2008. We are not going to get off the bottom until the construction industry in Nevada, specifically southern Nevada, finds a way off the bottom. Please consider the needs of the construction workers who should be going to work every day and are not. This is about them not me. This is about allowing someone to get up in the morning and go to work so they can feed their family and keep a roof over their head.

MATHEW CAPALBY:

I am here today as a citizen, a voter and a veteran. I have been a diehard Democrat for 25 years, but I want to talk to you about looking beyond parochial and partisan politics. To my friends on the left, we have to look beyond just the personalities and the people involved in this project. This is the ideal project for those who are familiar with Keynesian economics. No other state has seen their working families suffer more from the economic downturn than Nevada. We heard about concerns with mental health services, education and with providing the necessary social services for our citizens and those that are marginalized. If you want to marginalize someone, one way is to make sure they have a low-paying, minimum wage job, if they are fortunate enough to have a job at all. As a veteran, I have lost two friends to suicide. One to Post Traumatic Stress Disorder (PTSD) and the other to stress not related to PTSD but related to his family and his economic employment situation. If you want to talk about what is good for mental health, the stability of families and expand the tax base so we have the education and services necessary to serve our children, it is this type of project.

I used to work for an economic development authority in another state. If I could get a billionaire to provide \$500 million for a public-works project that was not solely on the taxpayer, that was wonderful. We often took on these public projects to expand our tax base, our employment base and our regional economy as a whole. It worked wonderfully. That was in the early 1990s and for almost 14 years we saw an outstanding economic boom in that area. We had the foresight to take the necessary steps and to provide the necessary infrastructure needed to expand our economy. The economy in Nevada is based on tourism. With both the Convention Center and the stadium, this is the ideal package to expand and reinforce the infrastructure needed for the future. This will keep Las Vegas and Nevada on top and allow the working families of Nevada to have a stable home life. Parents will be able send their kids to a soccer camp; they will be able to have the weekend off and not have to work a second part-time job or a few minimum wage jobs. They will be able to go to recitals or athletic events or be home with their kids to help with homework. A child should not have to try to build a life on the streets because their parents are working two low-wage jobs.

We heard there is concern that stadium employment, such as concession jobs, will be low-paying. Yes, they are service jobs, but, they will be far-and-above minimum wage. It is better to work at a stadium in a concession than it is as a bus boy or at a fast food restaurant.

I implore you, for the sake of the working families of Nevada, to support this legislation. It is key to the future well-being of our State. I know this is a difficult challenge.

SHELLEY SEEBERG (United Food and Commercial Workers International Union):

I work throughout the Country, and this example of a public-private funded stadium is happening from coast to coast. The most recent example happened in Minnesota with the Vikings Stadium. Minnesota also has one of the best educational systems so this does not have to be one or the other. We can be a state that protects our public goods, does the right thing in terms of livelihood for our workers and also has a good educational system.

My hope, today, is that we can figure out a way to bring those needs together. It has happened in other states. People got together and talked about funding, the public and private resources available and how to make a good thing. They discussed how to provide livable wages for workers and ensure benefits, a great educational system and expand economic development. This is about coalition partners getting together and having that discussion. I know it can happen because I have seen it happen in other places. I hope that before we leave here, this week, we can figure out solutions. I implore people to think about how we can do this together and make sure it is a project that benefits all of us. I hope we figure out how we can make sure we have done the things we need to do to support this legislation.

DR. MARTA POLING SCHMITT (Reverend):

I am opposed to the public funding of the stadium. Spending \$750 million dollars in general-obligation bonds is an outrageous amount of money to ask of the taxpayers of Clark County. Over the course of the next 33 years, there will surely be other pressing needs for our tax dollars, including public education, hospitals, roads and public transportation. Many of these areas need additional dollars now. When Nevada's public education system has one of the lowest per-pupil funding rates in the Nation, and companies are reluctant to relocate to Las Vegas because of this, we need to prioritize education over the building of a stadium.

If Sheldon Adelson wants to build a stadium as a family legacy, let him do so, but please, do not guarantee financing of the project on the backs of Clark County taxpayers. Mr. Adelson is a powerful man who has provided funding for important projects in Las Vegas, but that does not obligate us to capitulate on this particular proposal. Please remember you can say "no" to him. He puts on his pants the same way you do—one leg at a time. This proposal needs to be unbundled. Let the funding for the Las Vegas Convention Center move forward, but save the stadium project for the 2017 Legislative Session.

The plan needs to require front-end financing for projects that will benefit Clark County residents. The developers and investors need to invest in our community. We need more funding for things like: public education; the law enforcement that will surely be required because of the increase in sex trafficking that will occur; Meals on Wheels; job training programs; etc. Right now, no community benefits are attached to the plan. The risks have been socialized and the profits privatized. I want to urge you with the naïve, but immortal words of Nancy Reagan, "Just say, no."

SUSIE LEE:

The decision you are about to make in this Special Session requires an incredible amount of thought, due diligence and strength. I hope you have the time to make that decision. I am here, today, as a private citizen and an education advocate representing the tens of thousands of low-income families and students in our State. I decided to weigh in on this matter because far too often we have seen that our most vulnerable residents do not have the chance or the access to properly represent their needs. I would like to make two points in opposition to use of the public subsidy—a \$750 million tax increase—to build the stadium. First, I question if this is the most effective use of a public subsidy. Study after study has shown that NFL stadiums do not generate significant economic growth. The debacles in Oakland and St. Louis drive home the danger of cities being left holding the bag on such developments. As you make this decision, I ask you to consider what spurs economic growth, and what type of economic growth we want to produce.

A community's economy grows when its resources, people, capital investments and natural resources, like land, become more productive. A stadium that sits empty for a majority of the year and employs temporary, low-paid employees is not an example of making our resources more productive. Brookings Institute, among many other non-partisan think tanks, has completed comprehensive studies of show stadium subsidies and found that new sports facilities have an, extremely, small and, perhaps, negative effect on overall economic activity and employment. No recent facility has produced anything near a reasonable return on investment. If it did, do you not think our private partners would do it themselves?

This decision, like everything we do in life, is about choices and priorities. I look at the incredible needs we have in our community. We still rank at the bottom of every list when it comes to educating our children and our children's health. Our mental health safety net is literally nonexistent. Our medical school, which you so graciously supported, was created on a shoe-string budget. Our roads are becoming overcrowded, and our schools are crumbling. This list goes on and on. Every now and then a project is so compelling that you must make the tough decision to publically support it. You did this with Tesla and Faraday. But, they will produce the type of high-paying, permanent jobs the State needs and will spur the type of economic diversification we all desire.

This tax has a cost to taxpayers. It is called opportunity cost. It is frustrating to hear rhetoric that states Nevadans will not pay for this, tourists will. I understand that argument; however, it does not recognize the opportunity cost of imposing yet another tax increase. You know far better than I how difficult it is to impose a tax increase. We know our educational system has failed generations of students, especially low-income, minority students. We know that an additional \$1 billion dollars would be needed to adjust the Nevada Plan and put us on track to account for the funding inequities in this State. Going back to your colleagues and asking for any increase after you just approved two tax increases would be nearly impossible. Do we support a \$750-million tax increase that allows corporations to profit and produces low-paying, temporary jobs, or do we invest in the real future of economic development in our State—our children? I urge you to consider that and vote no on the stadium.

DR. KATHLEEN LAUCKNER:

I have been a member of the UNLV campus community for 31 years. I served as a representative for our campus constituents for many years and represented them on issues of equity. I polled students, faculty and staff on our campus about how they felt regarding the stadium proposal. I did not find one person in favor of this if the stadium was going to be on the backs of our faculty, whose salaries have not been raised in 10 years, or our students, who are facing an 8 percent tuition and fee increase. Although there is a peripheral understanding that the stadium would somehow benefit UNLV, no one is seeing that. I am a football fan, and I have coordinated the Corporate Challenge at UNLV for the last 30 years. But, I am not a fan of the stadium being put on the backs of our students and the backs of the faculty and our education system.

FERNANDO ROMERO (Hispanics in Politics):

I am here to express my dismay, my disappointment and my ire that you are gathered in Special Session to consider placing a \$750 million liability on the heads of your constituents—the people who put you in office, the people to whom you come every election cycle seeking support in being elected or re-elected. Would I like to see a football stadium in the City that I love and in which I have lived in for over 49 years? I can assure you I would. I would also love to have a Lamborghini parked in my garage, but honorable members of this State Legislature, I cannot afford either one. If the billionaires of our City want to buy a stadium or a Lambo or both, more power and respect to them. It seems you are here because a few people with a lot of money and political clout seek to build something of gigantic proportions on which they can attach their name—a football stadium. Some of you, and definitely they, want the Clark County taxpayers to foot a major portion of the financing. We cannot afford it. Each and every one of you knows we cannot afford it. Would I rather have a Special Session requesting that amount be spent on education so we can lift Nevada up from the bottom rung of the national educational cellar? Yes. Would I rather have you consider funding for the homeless, for mental healthcare facilities, for LVCVA concerns and for other things we need? Yes, and we should consider those

things. I respectfully remind you that in 29 days, we will be going to the polls. The voters will remember the Legislators who fought to burden their constituents with an extremely expensive, superfluous and extravagant financial brick.

MARCO ROUDA:

I am an activist in Las Vegas, and I am not a football fan. I will more than likely never go to a Raiders game unless one of you invites me to the box seat that Sheldon Adelson promised you, and I am sure that is not going to happen after what I am going to say. Today, we have Republicans who have vote against every tax increase because they do not think they should spend money on social welfare, yet they are going to vote for corporate welfare. We have Democrats who put anti-billionaire rhetoric on their campaign flyers, yet they are going to vote to give billionaires more money. This is hypocrisy at its best, and it is not okay with me.

Sheldon Adelson has probably written off the money he lost during the recession on his taxes, and, like Donald Trump, he is probably not paying any federal taxes, but we are going to give him \$750 million. Our students are still not graduating from high school, the roads in Las Vegas are still eroded, but we are giving Sheldon Adelson and other billionaires money. Today, I am embarrassed to call myself a Nevadan. I am embarrassed that some of my friends on the Floor are going to vote for this. I am embarrassed for the Republicans who are going to have to go back to your constituents and tell them you voted against taxes for corporations, but voted in favor of giving subsidies to billionaires. I hope you enjoy your box seats.

STEVEN HORNER:

I am a retired teacher, a United States Army veteran, and I have been a Nevada resident since 1957. Roger Noll, in an article written in 2015, stated that NFL stadiums do not generate significant local economic growth and that the incremental taxes do not match. He pointed out that Oakland and St. Louis are still making substantial annual payments on debts that remain on stadiums built to lure the Raiders and Rams out of Los Angeles in the 1990s. Those stadiums are, now, or will soon be, empty, and that money could be going to police forces, schools and hospitals. Upgrades on stadiums and the demands on them are Sisyphean and costly. In ten years, will the Raiders come back and demand upgrades and public financing again or threaten to move? Our educational system is in dire need of significant upgrades. We have many homeless veterans and veteran suicide is epidemic. Our infrastructure is in shambles, and our social services are woefully wanting. The \$750 million from any source would be better spent on our State's real needs, such as building hospitals, schools or new roads. We could put people back to work, and the people would profit, not the billionaires. If Mr. Adelson and Mr. Davis want a stadium, between them, they have more than enough money to fund this project. Like 55 percent of other Nevadans, I believe it is time we invest in our real needs—education, veterans, infrastructure and social services—not on a stadium that will not generate enough money.

JASON HENSLEE (Don't Raid Nevada Coalition):

I am a Libertarian. I have no problem with a stadium being built with private funds; however, I am not going to like the traffic that is going to be incurred on I-15 or wherever it may be built. The construction will take vast amounts of time. There will be car wrecks along the road from people going to and from work every day as huge construction trucks are going back and forth. That will be another added cost to the people in Las Vegas.

I would rather have any public funds used for upgrades, the most up-to-date medical equipment and to keep quality doctors and nurses at the University Medical Center at UNLV. I do not think a stadium will do that. Public funds should be used for education—we are ranked 49th in the Country when it comes to education.

You need to negotiate something where you actually get a revenue stream from the stadium. Sheldon Adelson said he is going to walk away if Clark County does not come up with the money for this project from hotel taxes. You should be able to negotiate something if this is going to pass. I do not understand why there is not a partial-revenue or partnership agreement that gives the people of Las Vegas some kind of skin in the game. I believe this Legislature should find out why you cannot negotiate some kind of a partial revenue.

It seems like this is being rushed through, and the deal is already made. I am not happy about that, and that is why I am here. You say this will only affect tourists. I do not believe that. Many people in this room have family members who visit Las Vegas to see grandchildren or family. Those people will have to pay the added room taxes every single night of their stay.

PETER FRIGERI:

I am a small business owner and have worked in the trade show and convention industry for 25 years. You have not yet heard from this side of the table. You find yourselves in the middle of a feud between Mr. Adelson and LVCVA. The idea of a stadium began to hamstring the expansion of the Convention Center because Mr. Adelson does not believe public dollars should be used to compete with a private entity. This started out as a small idea. As opposed to his previous technique of suing LVCVA over funding issues for the bonds for expansion, he went with the idea that the stadium would be a drain on LVCVA. This would decrease their ability to expand the existing building or make future upgrades. This would help his own enterprise, the Sands Expo and Convention Center, which is itself a world-class facility. You are playing right into his game. I do not think he ever thought it would get this far. It was designed to harm LVCVA.

As a small business owner who works in both buildings, I know we have a great infrastructure for trade shows and conventions in Las Vegas, but our Convention Center needs upgrades. When you compare us with other major cities like Chicago and Orlando, our building, which has the best people in the Country working in it, does not match up with the McCormick Place in Chicago or the Orange County Convention Center in Orlando. This should concern us as we move forward.

We need a facility that is attractive to show organizers who want to bring people to Las Vegas. Our biggest ace in the hole is always our number of rooms—nobody can compete with that. The appearance of the Convention Center building, the facilities and the technology have all been brought up as issues that need to be addressed. I did not find out until this morning that the two projects had been coupled together, and I keep myself fairly well informed. I hope you will vote against this bill. I believe this has been rammed through.

If you look at the MGM, you can see that a large, profitable project can be funded with public money. Look at City Center. Look what they did with T-Mobile Arena. It is a spectacular facility paid for by the MGM, and they should benefit from it. When I go to the Convention Center, today, to help break down the International Baking Industry Exposition, I will see people working in hundreds of high-paying jobs. You will not have hundreds of people setting up for an NFL game. These people will be working from today through Saturday taking that show down, working 8 to 12 hours a day. You will not have that at a stadium. I hope you vote against this bill.

HOLLY WELLBORN (American Civil Liberties Union of Nevada):

I am neutral as to the development of a stadium in the Las Vegas area, but I am specifically testifying in opposition to Section 30 of this bill. The American Civil Liberties Union of Nevada (ACLU) finds it problematic both legally and in terms of public policy. First, there are serious transparency issues with the way section 30 of the bill allows the newly-developed Stadium Authority to determine which documents are confidential and which are proprietary. It is further problematic because the definition of what is proprietary and what is confidential is taken from the *Nevada Taxation Statutes*, specifically from a provision that allows a taxpayer to ask the Nevada Tax Commission for a private hearing to determine personal tax liability. I am interested in knowing why that was the chosen definition under this proposed legislation? Most importantly, the language states the Authority can determine which documents provided to the Authority by a development partner are proprietary or confidential. This is a lot of power being delegated to this new Stadium Authority. These are issues that should be decided by either the Nevada Economic Development Commission or by the Nevada Department of Taxation, not by the Stadium Authority whose role is to determine appropriation of funds and how the stadium is developed. This section provides for arbitrary decision-making on what is confidential and what is not. It does not delineate what is confidential and what is not.

This is a taxpayer-funded stadium project. Transparency should be required at the beginning, middle and end of all of these processes. The ACLU calls on you to amend that language or

repeal section 30 altogether. This is too much power to give to the Stadium Authority. I am interested in working on an amendment to section 30. We find it problematic and would like to further explain what we see as the legal problems with it.

It came to our attention this morning that this Body, through S.C.R. No. 4, has decided not to disclose their conflicts. We find this to be problematic as well in the way this process has worked.

Many people waited a long time to speak in opposition to this issue. We owe it to the taxpayers; we owe it to the public—to allow people to state their opposition, to state their support and how they view the law on these matters.

ERIC SCHOEN (Community Chest of Nevada):

I am speaking as both a private citizen and the Director of the Human Services Network. Depending on which hat I am wearing, I am conflicted about his bill. I have been a Raiders fan since the 1970s and the possibility of the team ending up in Las Vegas is a dream come true. As a private citizen, however, I am appalled and bewildered that we are calling an emergency Session for this topic. To me, an emergency Session should be called to address things like the mental health crisis we have or the lack of funding we have for education, not to consider funding for a football stadium. The price tag you are looking at for public assistance does not make any sense. You have heard testimony about the needs we have in this State. The Human Services Network is composed of 50 health and human services organizations from throughout the State. We serve veterans, families who have children with disabilities, victims of domestic violence, those who care passionately about education and others. These basic health and human services are greatly underfunded. I am afraid this is the wrong project. This is going to set us further behind because we do not have funds to go toward to help to get us ahead or to even make a little more progress in those basic areas. I would love to see a Special Session to consider spending \$750 million to help us get ahead of the mental health crisis. That would be a proud day for me.

We do not have to give so much away to encourage people to come here. We have so many wonderful assets. We are a beautiful State. Las Vegas, too, has so many wonderful assets. The day we start taking that stand and that attitude, we will start getting a better return on the deals we make. I encourage you to vote against this particular version of this bill. If we can find another way that makes more sense, we should bring the Raiders to Las Vegas.

DREW KNIGHT (Independent Candidate for Congress):

I am on the ballot as an Independent Candidate for the United States House of Representatives in Nevada's 2nd Congressional District, and I am huge football fan. I am here on behalf of the tens of millions of Americans who are outraged that our government has been usurped by the monied elite. This attempt to extort \$750 million from a State that is ranked dead last in education is another glaring example of just how far off course we have become as a Nation. If George Soros was trying to pull this off in our State, and the State Legislature was run by Democrats, I would still be here and for the same reasons, but it is Sheldon Adelson who is requesting these funds. He is one of the largest contributors to the Republic Party in this Country, and this State Legislature is completely controlled by Republicans. In this desperate attempt to coddle mega-rich donors, we have left behind the average, ordinary taxpayers. It is unacceptable that, in one of the most corrupt states in the Union, we stand by and allow the oligarchy to dictate our tax policies. Our government should be one of the people, by the people and for the people. It should not be a government in which we support the rich getting richer at the expense of the people. If the NFL wants to pony up a billion dollars out of the \$12 billion they made in profits last year, then, let them build the stadium. If a man worth \$30 billion wants to build a stadium in this State, then, let him build the stadium. If they think it would be profitable to invest their own money, let them do it. We have a legal gambling system here in Nevada, and we know a bad bet when we see one. We need to vote against oligarchy. We need to vote against spending Nevada's future tax money and against the corruption of our government. We need to focus on issues that can positively affect and actually help Nevadans.

ED UEHLING:

I moved to Boulder City in 1943, and I have watched Las Vegas grow to what it is today—one of the most incredible cities in the world. I am totally in favor of this stadium. The day they gave the presentation in front of SNTIC, I planned to speak but was unable to because I was so emotional about the presentation that was made. There are huge benefits to this stadium. It is ironic to see the three people who came in, yesterday, and spoke to us about the fabulous benefits. Those statements were true. This project will produce a huge amount of revenue, but those people are not putting in one penny. MGM is not putting in one penny, and the stadium is going to be built right across the street from the MGM Hotels. Caesar's is not putting in a penny, and Wynn is not putting in a penny. They are not going to put their money into this project, but they want you and everyone in southern Nevada to put money into it. That was just amazing to me.

I am in favor this stadium because there are lots of benefits to it. There are four basic ideas I think are most important. The first is the way SNTIC has created a casino cartel with government assistance. The Legislature is now about to approve and protect this unwise and unAmerican economic structure. This cartel of six casinos got together on the Committee, agreed on the stadium project and decided the public was going to pay for it. How easy a decision was that to make? It is worrisome that this is being allowed. Casinos that were formerly competing with each other are now working together to find a way, using public funds and public institutions, to get money directly from the public. They have already started by preventing competition. At the meetings, Mr. Hornbuckle, the representative of MGM, complained about low-room occupancy rates. Rossi Ralenkotter of LVCVA stated he did them a favor by buying the Riviera Hotel and removing 2,900 rooms. They have made it clear they do not want competition. This is what cartels do. They are preventing the building of more rooms, more job creation and everything else. This is ironic because Las Vegas is now opening up to the world. People are dying to come to Las Vegas. I travel to China a lot, and I know there are at least 100 million people in China with the money and desire to come to Las Vegas.

SNTIC mentioned there are too many people on the Strip and that it is not orderly enough on the weekends. Room rates have gone up 6.7 percent in the last year. That represents an increase for an average room of over \$10 a night, yet out of this increase, they are unwilling to put 88 cents a night into this project, the amount the public is being asked provide. Something is wrong here. After that, the cartel will start lowering wages, and finally, because there is no competition or need to innovate, it will implode. Las Vegas will lose to a competitor that does not even exist today. That is my biggest worry about this process.

My second worry is that this continues the worst imaginable form of financing of government expansion—borrowing. When we borrow to expand government, the public loses in three ways. The public loses through removal of funds from the private sector. Where 20,000 or 30,000 people per billion dollars could be employed in the private sector, when funds are moved into the public sector, only 5,000 or 10,000, at the most, will be employed. The second form of loss is interest payment. The interest on \$750 million will be significant. The third loss is the permanent taxation that will result. They are talking about financing a stadium, but this will undoubtedly become a permanent tax and involve billions of dollars over 30 to 40 years and the endless payment of this tax. Orlando uses all of its room taxes to expand and promote tourism. As a result, it can afford to build this sort of thing. Las Vegas has allowed tourism taxes to be cannibalized and used for other things.

My third worry is that there is fundamental conflict of interest that should be rejected by this State. It is accepted in Clark County that Hobbs, Ong and Associates, the designers of the financing formula for this project, have one partner designing the borrowing for these types of projects and another partner receiving commissions on the borrowing. That is a fundamental conflict of interest, and it should not be tolerated by Clark County, but every public project involves this formula. Hopefully, the State has better conflict-of-interest rules than the County.

This bill creates a new public agency which is my fourth concern. The last thing we need in Las Vegas is another public agency. The Stadium Board will eventually cost taxpayers billions of dollars. This Board is being modeled after the Southern Nevada Water Authority. The Southern Nevada Water Authority pays its employees an average salary of \$140,000 per year. It is the highest paid utility in the United States and, possibly, the world. I ask you to take this

opportunity to do away with one public agency—the Convention Authority—and put this in the hands of a joint private agency or conglomerate. The Convention Center needs more renovation than is being contemplated by this project. It needs many more dollars spent on it, and it needs to be a much better facility. This is just a band-aid job if you listen to those who actually bring people to the trade shows.

BRETT H. POJUNIS (Chair, Libertarian Party of Nevada):

I am a retired United States Army veteran. The fact we are in Special Session demonstrates how broken our political system is in Nevada. The fact that a few wealthy people can create this fake sense of urgency and bribe lawmakers to have a Special Session is ridiculous. They say our system is broken, but they can try to fix it. If any other citizen wanted to do something like this, what would we have to do? We would have to go the ballot-initiative route, and how does that work? We would have to go out and get the required amount of signatures, and half of them would be removed for not being valid. In the unlikely event we got the signatures needed to be on the ballot, it would then be up to the voters. Why can ordinary citizens not do the same thing as billionaires? Why do billionaires have an advantage over this? Why are they able to buy their way into the system? It is absolutely ridiculous. I encourage all of you to vote "no" on this based on that one fact.

We are going to have new polling data tomorrow, but earlier polls said that 39 percent of the people polled would not vote for a Legislator this election cycle who voted "yes" on this issue—39 percent. The Libertarian Party of Nevada is holding back on printing our voter guide. If you are going to tax us, we are going to tax you right back. We are going to give a much worse recommendation to everyone who votes for this bill.

We are also going to identify this process as exactly what it is—we are going to call it bribes. The Sands Corporation made donations to people they never give donations to, and why is that? Many local businesses are concerned about the negative impact this is going to have on them. If you look at economic-impact reports from different stadiums, you will see businesses around these stadiums do not go up; they go down. As a resident of Las Vegas, I will stay far away from this area on weekends when there is a game at the stadium and so will a lot of other Las Vegans. I do not want to deal with the traffic. Most of the tourists who will go to the game will leave right after the game. Only Uber and Lyft will do well.

We are organizing the local businesses in Senator Ford's district to discuss the downside of this project. I am also going to march in dry cleaners, restaurateurs and others who want to expand their businesses by having the government be a partner with them at the same percentage rate as the stadium project without paying it back. What are we doing for the small businesses in Nevada? Absolutely, nothing. We are subsidizing billionaires. We are lacking transparency. If you invest in a company, you want to see the books and records. Why is this any different?

This is not a \$750-million deal. The new tax could generate an average of \$50 million per year, and it sunsets in 33 years to a lower amount. That does not equal \$750 million. It is \$1.65 billion. We are not factoring in the tax for additional law enforcement officers or infrastructure. It is the job of the media to ensure the real numbers are reported. I encourage you to vote "no" on this bill.

KEN LANGE:

I have lived in Clark County for 20 years. I am opposed to this bill and to public funding of the stadium. In 2000, I worked with a number of business interests to repeal Article 8, section 9, of the *Nevada Constitution*, titled "Gifts or loans of public money to certain corporations prohibited," which is known as the anti-donation clause. I will read it to you, as it reinforces the testimony you have heard today, "The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association or corporation except corporations formed for educational or charitable purposes." This is black-letter law. There are 55 pages in this bill, which may get around some the outstanding issues in the *Nevada Constitution*; however, I suggest it is a flimsy vessel at best and may not, ultimately, stand the test of a legal challenge. It would be nice if this section was gone, but it is not, it was voted down by 59.3 percent of Nevadans. I believe in the 1850s and 1860s, the railroads, ranchers and miners were coming to the Legislature and asking for money and handouts. Many

western states, such as Colorado and New Mexico also put this provision into their constitutions. Our situation today is analogous. We are being asked to take tax and bonding capacity and provide it so private individuals can benefit from the expenditure.

I have been before this Body before to ask for funds for education, mental health services, foster care and other services, and I have often left disappointed with the outcome. A part of me would like to see Mr. Adelson walk away from this deal with the same sense of disappointment.

CAROL STEFFAN (Nevadans for the Common Good):

I have been a resident of Las Vegas for 23 years. I have never spoken before the Legislature before but feel the common person needs to be heard. I budget my finances several months or even years in advance. As a retiree, I know the money I have coming in needs to pay for all of the things I need and require. I pay off my debts on time. When I think of the common person in Las Vegas having to pay this bill so a billionaire can leave a legacy to his family, it makes me mad. You are our elected representatives, and as such, you should speak for the will of the people—the common, ordinary person who does not have a billionaire in his or her pocket. This morning, I reviewed the Clark County, Department of Finance, Outstanding Debt Report, published in June 2015 that lists all of the debt obligations for the County. The Clark County outstanding debt, as of that date, was \$8.1 billion. Each one of those dollars was earmarked for something necessary. We do not have money to spend on frivolous things let alone the important things people here have been talking about. We desperately need money for education. We desperately need money for mental health and for the various things many people in this State care about. We do not care about Mr. Adelson's family thinking well of him. He will give them a lot of money.

I hope each you thinks about your constituents and the fact that they have to balance their own budgets and pay their bills. They look forward to the future and do not want to spend over \$3 billion on a stadium for someone else. The interest—and I looked at the report and reviewed the debt for LVCVA—almost equals the total amount of their debt, bringing it to nearly \$1 billion. That amount is just for LVCVA. The \$750-million debt you want us to incur, including interest, would bring this total to over \$1.3 billion. That amount does not include renovations or required upkeep. I do not want to put my money there. If you vote for this bill, I will not vote for you in the future.

MIANN BENNETT:

I will share a statement from Justin Howard who was unable to stay to testify. "As a student in the Clark County School District, I witnessed firsthand, the impact of budget cuts. There was no working air conditioning for a week, and desks were falling apart while I sat in them. It is socially immoral that we are willing to take money away from those who need it the most."

People on all sides feel strongly about this issue. It needs more consideration during the regular Session.

KENNETH EVANS (President, Urban Chamber of Commerce):

I support this bill. This bill represents business and procurement opportunities for the Urban Chamber. I understand there is a concern about the capital investment involved, but this is tourism-related revenue that will be part of a public-private partnership governed by a Stadium Authority. The Authority, in conjunction with elected officials, will ensure public oversight and benefit from this initiative. This represents economic development and procurement opportunities for our businesses.

We are concerned whether there be inclusion and equity for our businesses to participate should this move forward. This will be in four areas: professional services, construction, concession and facility operations, and maintenance. Within our Chamber, we have an architectural firm, KME Architects, that provided professional service work for the T-Mobile Arena; a general contractor, Thor Construction, that was part of the Minnesota stadium project; Love Engineering, that was part of the ongoing design and repair work for the Convention Center, and Paradise Coffee that has been a vendor at the Convention Center. We fully support the effort to expand the Convention Center and develop an NFL stadium. We have submitted language we hope will be considered for a successful inclusion program. We look forward to working with our other coalition partners including the Asian Chamber of Commerce, the Latin

Chamber of Commerce, the Western Regional Minority Supply Diversity Council and the National Association of Minority Contractors to ensure we can provide candidates and opportunities for our businesses to compete. We want to fulfill our Urban Chamber model—to build businesses to build our community.

CAROLINA CHACON:

I am a sports fan and would not mind seeing an NFL team make Las Vegas its home. As a world-class tourism destination, Las Vegas deserves a national sports team and a stadium to house the team, but I am opposed to a bill that would finance the stadium on the backs of taxpayers. If this is such a great investment, private investors should fully finance it and you should not ask the public for a \$750-million subsidy. With other event and entertainment venues, such as the T-Mobile Arena, we have seen that casinos are fully capable of building and financing these ventures on their own. When they do, Nevadans are not left holding the bill if they flounder.

I am dismayed at the way this bill was presented to the public without careful consideration. Meetings were scheduled at times when most Nevadans are working and applause given to executives who do not represent the interest of the public. This Special Session, paid for by the public, has been rushed through, but it would not have been if we needed funds for education, mental health services or other critical issues. I am disappointed in both parties for allowing this to occur. It does not take partisanship to see what a troublesome deal this is as it stands. I urge Legislators, such as my representatives, Assemblywoman Victoria Seaman and Senator Mark Lipparelli, to carefully consider whether this bill and this Special Session benefit the constituents you represent.

CAROLE KILBURN (International Brotherhood of Electrical Workers, Local 357):

There are over 1,000 unemployed electricians, including myself, in the Las Vegas area. Over 400 of these travel out of the State for work in order to make ends meet. These two projects would stimulate the local economy and help bring our local workforce home. For the last six years, my husband and I have had to travel outside the State for work in order to pay for our home in southern Nevada and provide for our health insurance. We spend our money here, but we cannot work here because the work is so scarce and the wages are so low. Please help the local economy and allow families to be together by providing local work for our local workforce.

COURTNEY KRAVITZ:

I am opposed to the stadium and feel there are better ways to use these funds. Countless cities have been taken advantaged of in similar situations using taxpayer dollars. St. Louis has a \$144-million debt and maintenance bill for a team that just left their city. Oakland has until 2026 to pay off the \$200 million that is left on the renovations that were made to the Coliseum, yet the Raiders are willing to leave. We have no guarantee renovations will not be needed during the 33 years we will be paying on this debt or that other costs will not be incurred. We know additional money will be needed, and the actual cost of this project will be closer to \$2 billion. Those are valuable dollars that could go to things like education or roads. You, as Legislators, represent us, and we are watching.

BYRON HARVEY (Sheet Metal Workers, Local 88):

I am the business manager for the Sheet Metal Workers in Las Vegas. We have 260 members out of work and 80 to 90 members traveling across the country to find work. This project is a good thing for our economy. It is a no-brainer. I am a Marine Corps veteran and feel it is important to put local residents back to work. What could we accomplish if we knew we would not fail?

CHRIS WILE (International Brotherhood of Electrical Workers, Local 357):

I have been the dispatcher for the International Brotherhood of Electrical Workers for the last five years and have seen many people face termination during that time due to lack of work. The economy in Las Vegas has been bad. We have 1,000 electrical workers out of work locally, and at this time, many of whom are traveling out of the State to find jobs. These workers are keeping

their families in the Las Vegas area for stability. I support these projects because they will bring many of these workers home to their families and community. These electrical workers buy houses, cars and other things that can infuse the economy of our valley with money. The Convention Center project will also provide work, both during and after the actual building project. This expansion will allow my members to go to work not only renovating the Convention Center but building and tearing down booths at trade shows.

EDDIE RAMIREZ (Southern Nevada LECET):

This last recession greatly affected my constituency. Construction workers had to move because they could not afford their homes or provide for their families. Members of my union called me at 2 a.m. in desperate situations. I do not want to have to explain to a young child that a parent has taken his life because he could not find work. I have a responsibility to my workers. This is about the lives that will be affected if this decision does not move forward. These construction jobs will mean workers can bring food to their families. It will mean they can hold their heads up high and tell their children they are able to provide for them and their success. This is not about presentations or talking points; it is about lives. I have seen the effect lack of employment has on my workers. This is not about party politics; it is about creating opportunities for everyone.

RYAN BEAMAN (Clark County Firefighters, Local 1908):

I am the president of the Clark County Firefighters Local 1908 and also an engineer for the Clark County Fire Department (CCFD). The CCFD is one of the busiest fire departments in the Country. We have just under 700 full-time firefighters and first responders who cover an area the size of New Jersey. Last year, we responded to over 183,000 calls for service, and this year we will respond to more. These included heart attacks, assaults, fires and other events. Our top priority is to ensure the safety of the public. In building a stadium of this size, we want to ensure public safety is part of the conversation. We have three areas of concern. First, in a project of this size, we feel additional staff is required by the CCFD. We do not know how many personnel we will receive or who will pay for them.

Second, because the stadium is within the Federal Aviation Administration's five-mile recommended distance from the airport, the risk level of the critical incidents will be significant with this project. With the building of the Cosmopolitan Hotel and McCarran Airport projects last year, we saw that our men and women will be up for that task, but best practice tells us, it is essential to have command presence on scene at a stadium of this size. A dedicated facility for first responders should be built into the stadium so in the event of an incident, local first responders have command control as opposed to a stadium management company or an outside interest.

Third, the CCFD has a station on the Bali Hai site, Station 11. It is one of the busiest stations we have. This means the South Central Area Command, which is the police station, will need significant renovation to accommodate the additional staff and workload. If the station needs to be relocated, there is a question about who will pay for this relocation. Would it come from the fire chief's budget or be paid for by the stadium budget? This needs to be defined in the proposal, and a safety plan must be in place.

Our first responsibility is to protect the public. We require more personnel and dedicated facilities to do this appropriately. Please keep public safety in the conversation.

DAVID PRUITT:

I am a veteran, a construction worker and a Gold Star recipient. My stepson died serving this Country. I was a homeless veteran. I love this country and this State. I was a recipient of one of the first Millennium Scholarships. When I was homeless, I had to sleep in my truck. I used the G.I. bill and worked two jobs. Until I got into the Laborers Local Union 872, I did not see a real change in my life. I slept in my truck. I did homework in my truck in a snowstorm. I took showers at the Las Vegas Athletic Club. I know hardship. I grew up in the inner city.

I know you have hard decisions to make here, but Kenny Guinn invested in me. You should invest money in schools and children, but what good does that do if we have no homes for our working-class citizens or veterans? I am all for scholastics. I participated in Helmets to Hardhats, and I earn a good wage. My father liked to say, "We reap what we sow." What does that mean?

It means if we sow good seed, we reap good harvest. Everyone here, today, has a chance to sow a good seed. This money will trickle back tenfold because that is what the workers will give you. Put money into the children, but put it into the working families more than anything. This is a good opportunity. I know what it can do. I have seen what something like this has done in my own life. I lived in a truck. I was taking showers in a gym and doing homework in a parking lot. Think of the veterans we can take out of those trucks. We will have money to use elsewhere, but we need to generate it. Please, sow that good seed so we can reap the big harvest that will come afterwards.

SENATOR ROBERSON:

The Committee of the Whole will be in recess until the call of the Chair.

The Committee of the Whole has reconvened. We will now have Jeremy Aguero and Steve Hill review Amendment No. 4 to Senate Bill No. 1.

JEREMY AGUERO (Principal Analyst, Applied Analysis):

Amendment No. 4 makes the first to this bill on page 8, lines 25 through 27. This is a technical adjustment that brings in the concept of an affiliate to the NFL team. Any business that enters into a complex business operation will sometimes have a subsidiary or an affiliate that is created. This was included in an original draft proposed by SNTIC and was inadvertently changed. This change ensures the bill is consistent to the original agreement.

Page 9, section 22, discusses the creation and makeup of the Stadium Authority. The State Fund for the Promotion of Tourism is referenced on line 34. The correct term for this is the Fund for the Promotion of Tourism. This change makes that adjustment. Another change is made on lines 49 through 50. This change relates to the experience required for membership on the Stadium Authority Board of Directors. An additional line has been added to include a statement that members of the Board shall also include people who have experience in workforce development, training, diversity or supplier engagement.

The next change is on page 13, line 16. This section relates to language regarding development-cost overruns. Any cost overruns are the sole responsibility of the developer in the agreement. The exception to this is that after the agreement has been entered into by the Stadium Authority and the developer, if the Stadium Authority comes back at a later date and asks for a change, that cost would be the responsibility of the Stadium Authority or a shared responsibility between those two groups. The language that referred to a governmental entity in this section has been removed because a change required by the FAA or another governmental agency would not be the responsibility of the Stadium Authority. There are additional references on this page to things that must be included in the development agreement. This section states those things. Lines 34 through 36, on this page, add language that say the project must take into consideration the use of multi-modal facilities that use alternative modes of transportation and do not have a detrimental impact on other permitted transportation projects. This must be included as part of the development project.

SENATOR GUSTAVSON:

Lines 34 through 36 discuss the use of multi-modal facilities that use alternative modes of transportation and do not have a detrimental impact on other permitted transportation projects. Does this mean the project could not put in a monorail or a light rail because they would have a detrimental effect on the taxicab or other transportation industries?

STEVE HILL (Director, Governor's Office of Economic Development):

That is not the case. A monorail or similar type of transportation would not have a detrimental effect on other permitted types of transportation. In fact, the stadium may be built in an area where a monorail or trams would have terminals or where Express West may have the terminal for the high-speed rail between Los Angeles and Las Vegas. This language is intended to ensure these things are considered as the Stadium project is built.

SENATOR GUSTAVSON:

It seems to me it would have a detrimental effect. We had the same thing with the bills we had last Session related to Uber. I do not want to put a cap on eliminating competition.

MR. HILL:

The intent of this amendment is not to indicate any of those modes of transportation would be detrimental.

SENATOR ROBERSON:

The Committee of the Whole will be in recess until the call of the Chair.

The Committee of the Whole has reconvened.

MR. AGUERO:

On page 14, lines 4 and 5, create a joint and several liability between the developer partners, the Stadium Events Company and the NFL team. To the extent the NFL team is part of the developer partners or the Stadium Events Company, they would be an owner in one of those companies, so specifying this is redundant. The new language states any agreement shall include the Stadium Events Company and the developer partners, and that they are liable jointly and severally—replacing the word severably—for the operating losses of the stadium project or the Stadium Events Company. A parallel provision is the developer agreement, and this also applies specifically to operating the facility. The developer is responsible for cost overruns on the project, and the operator is responsible for cost overruns on its operation.

On page 15, lines 11 through 15, make a technical adjustment in language related to the word "person's". Lines 22 through 31 add the community-benefits plan which is section 29.5. Subsection 1 of this new section states, "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." This is the creation of the plan itself. Subsection 2 of this section states: "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." Not only is the plan created in this section, but this subsection provides an enforcement arm as well.

Page 16, line 33, makes a change in the amount of the threshold. It was originally listed at \$100,000. The correct threshold should have been \$250,000, and this has been corrected. Neither of these apply as it is an exclusion but has been changed for accuracy.

Page 17, line 4, creates another reference to the added section 31.5 of the bill. This states the developer, "Must, in addition to the requirements of section 31.5 of this act, provide a preference of Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389." This was added to ensure these two sections were not in conflict.

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

A small local business is defined in subsection 2. It must be financially and operationally independent from any other business. It cannot be a business developed by someone as a small subsidiary solely to take advantage of this provision. The business must not be temporary. It must have operated for at least four years before entering into the contract. This prevents someone setting up a new small business to take advantage of this opportunity. It must maintain its principal place of business in a fixed location within the State. It must have all necessary licenses and registrations needed within the State, and its gross earnings must fall within the

prescribed limits set under subsection 2, paragraph (e), subparagraphs (1) through (5), for the type of business it provides.

Subsection 3 allows small local businesses to be covered by any bond or insurance of the general contractor when working under a subcontract pursuant to subsection 1. Section 4, specifies that nondiscrimination policies must be used when hiring by any small business working under a subcontract pursuant to subsection 1.

Page 18, subsection 5, states that a mentorship program to assist in skill development shall be provided by general contractors who subcontract with small local businesses. Subsection 6 provides information related to information to be provided to the Stadium Authority by the general contractor regarding compliance with provisions and required record keeping.

Subsection 7 states that unless the requirements of subsection 1 are waived pursuant to subsection 8, the general contractor shall be deemed materially in breach of contract.

Subsection 8 allows the Stadium Authority to waive the requirements of subsection 1 if the general contractor can supply satisfactory proof there are an insufficient number of small local businesses available and qualified to subcontract for a specific type of work to be performed. We do not want the project to be held up because there are a limited supply of small local businesses in a specific area of work expertise. This subsection allows contractors to show there is a need to go outside of the area for subcontracting.

Page 19 covers the provisions for personal seat licenses. Because the Stadium Authority owns these licenses and is given these to sell, there is always the potential for recourse. Lines 5 through 16 explain that any agreement the Stadium authority enters into to sell these licenses shall not be deemed a debt of the Stadium Authority for any purpose. It will not be our debt. It will be someone else's debt. If the Stadium Authority has not provided access to the seats, they would be required to do so under this section.

On page 22, corrections were made on lines 9 through 27 so the paragraphs match properly.

On pages 25 and 26, section 1 subsection 1 outlines the requirements that must be met prior to the Board of County Commissioners issuing the general obligation bonds. These were discussed by Mr. Hill yesterday. The G-4 loans from the NFL are discussed in subsection 1, paragraph (e), subparagraph (3). Once those loans are approved, there is a difference in the process relative to approval versus closure. This section was amended to ensure it matched how this process works and to address any successor-loan program of the NFL. Because this process has to do with approval, instead of the traditional closure of a loan, on page 26, line 4, the language relating to closing was struck.

On page 32, in section 46, language was added to address any future name changes that might occur in the collegiate division or association during the timeline of this process. Section 48 adds parallel language dealing with the 15 percent hiring requirement for local small businesses to address section 48.5 of this bill.

On page 40, the Oversight Panel is created in section 53, subsection 8. The Stadium Authority was incorrectly referenced on this page, and this corrects that error.

On page 41, section 56, makes a small change in language changing the word "and" to "or" in section 1, paragraph (a).

On page 42, section 60, subsection 1, a minor change in section numbers referred to is made changing the ending section number from 61 to 61.5.

SENATOR DENIS:

I did not hear you reference page 21, lines 35 through 44, where the language was struck.

MR. AGUERO:

This is section 34, and it is what we have referred to as the waterfall section. Subsection 1, paragraph (d), has been removed from this section. This section would have allocated money from the waterfall, in the order listed in the bill, to the Metropolitan Police Department. This language has been struck from this version of the bill.

SENATOR PARKS:

Section 14 references an Oversight Panel. Section 29.5, subsection 2, refers to a stadium community oversight committee. Does this need to be better defined and its duties better delineated to avoid confusion?

MR. AGUERO:

LCB states they feel the language in this bill is sufficient.

SENATOR ATKINSON:

Please explain the options that are available in sections 35 and 36. I want to ensure we have community protections. I am, specifically, referring to section 35, subsection 1, paragraph (d), regarding the transferring of land, improvements or property before the issuance of bonds or other securities pursuant to section 36. I am interested in having you address subsection 2, paragraph (a) which relates to the initial payment of \$100 million by the developer partner and paragraph (b) which relates to bonds or other securities issued pursuant to section 36 that will be used to pay the last \$50 million of the cost of the project. Would the last \$50 million be from the bond and the initial \$100 million from the developer, outside of the acquisition of the land? What else comes in after that? Is that where subsections 1 through 4 of this section apply?

MR. AGUERO:

You have explained this correctly. There will be a construction project, and that project will have costs associated with it. These costs will require the developer to do certain things. Those are listed in sections 35 and 36. General contractors and others will need to be paid. The first \$100 million that goes into this project must come from the developer, but it cannot include the value of the land that must be transferred to the Stadium Authority, as all assets are ultimately owned by the Stadium Authority and not the developer.

After the first \$100 million is spent, contributions are made based on pro-rata shares of the project until the last \$50 million is due. At that time, the public sector puts in the last \$50 million. This allows the public sector to be ahead of the game throughout the development and construction process.

SENATOR ATKINSON:

I am thinking about a situation where the project might start and not be completed, such as the Fontainebleau. I want to make sure we do not end up with an eyesore like we did with that project. I am not sure \$100 million is enough for a project of this magnitude to ensure they will not walk away. It should be significantly higher.

MR. AGUERO:

It would cost the developer much more to walk away from this project, and section 36 of this bill builds in protections. In subsection (a), the members of the Board of County Commissioners will only be able to issue the general-obligation bonds after the Stadium Authority has certified the team is coming and defined what is going to be built and how it is going to be built. In subsection (b), guarantee must be given that funding is available for payment of the principal and interest at 1.5 times the anticipated annual debt service for each year of the term of obligation. Testimony has been given, here, that the coverage will be better than that. Subsection (c) provides that the contract must have a 10-percent contingency to protect us in case the project comes in over estimate. Subsection (d) mandates that the prime contractor for construction guarantee timely performance of the construction.

An additional level of protection is provided in subsection (e) which requires the developer partner to provide a financing commitment that is sufficient to pay the portion of the estimated cost of the NFL stadium that is to be paid from sources other than money from bonds. This is their commitment: how they are going to pay all the cost of the project. They need to come up with the \$100 million, and they to put the value of the land into the project. They must also provide four other elements to demonstrate what they can do: an irrevocable deposit of cash; closed construction debt financing; approved NFL financing through the G-4 loan program, which allows for draws for the construction cost of the project, and irrevocable letters of credit or commitments to pay the cost of construction of the project which allows draws for the construction cost of the project and must be from a bank with at least \$1 billion in assets.

SENATOR ATKINSON:

You are saying all four of the subsections under section 36 must be met, is that correct?

MR. AGUERO:

That is not correct. These are options based on things Clark County was comfortable with and they felt would protect the interest of the County.

MR. HILL:

These sections require a budget to be put together for the entire stadium project. All the money for the project must be available prior the County issuing the bonds. It is an irrevocable commitment on the part of the developer partner. The developer partner can personally walk away, but their money cannot go with them.

SENATOR DENIS:

Were you able to get the budget we discussed yesterday related to page 19?

MR. HILL:

Yes, but I do not have it with me. I will get it to you promptly.

SENATOR FARLEY:

Please discuss the bonding and the sunset or evergreen provisions.

MR. HILL:

The security of each project must be in place prior to the bonding. For the stadium, the security must be there. For the Convention Center, the bonds will be issued by the County and will be the entirety of the new revenue required. For the Convention Center, when the bonds are paid off, they will sunset. The legislation requires the Legislature to review this at least three years prior to the date of the sunset, but if no action is taken, the revenue will not be there when the bonds are paid off. These same provisions apply to the stadium down to a smaller amount of 0.125 percent for the NFL stadium or 0.1 percent for the collegiate stadium. This will allow the Stadium Authority Board or the Collegiate Board to continue to operate and have some funding for continued capital investment into the stadiums.

SENATOR FARLEY:

The Economic Development Board has vetted this project. Why did they pick this strategy? How does this best help us solve our problems?

MR. HILL:

The tourism and hospitality industry is, and will remain, the foundational economy in our State with over 400,000 people working in the industry. If that industry is not healthy and vibrant, it is difficult for the economy of the State to be healthy. We have competitors across the Country and the globe who are heavily investing to knock us from our position as the global leader in tourism and hospitality. This puts the jobs that rely on the industry at risk, both directly and indirectly. We have a great need to improve the Convention Center. That has been well depicted, and I have heard no question as to whether this is a critical need for southern Nevada. We also have an exceptional need to fill a hole and redefine what the tourism and hospitality industry is in Las Vegas through the stadium project. We have a committee in place; we have an NFL team that is interested in moving to our City, and we have historically low interest rates. We now also have a development partner who is willing to make the investment it takes to make this work. The reason we are doing this is to protect and improve the 400,000 current jobs and to grow new ones. It provides security to those in the industry and will make a difference to those 14,000 people who are currently unemployed.

This amendment makes this project better. It makes both of these projects more inclusive. They will be able to reach out to small local businesses that struggle at times to break into projects of this size. This is an historic step for the State. It will provide jobs and job security for the future.

SENATOR HAMMOND:

You clarified that the four subsections in section 36 do not all have to be met. Subsection 1, paragraph (e), states "...and is secured by any combination of the following:..." then lists a

variety options. Does more than one of those subparagraphs have to be included to meet the requirements of that paragraph?

MR. AGUERO:

It is my understanding this means one or more than one. If the developer partner wanted to give us all cash, we would accept that. In reality, it is not going to be that way. The G-4 loans from the NFL will be an important part of this project causing this section to be addressed by a multiple of these to provide to full level of funding.

Senator Kieckhefer moved to amend and do pass Senate Bill No. 1.

Senator Hardy seconded the motion.

Motion carried. Senator Goicoechea voted no.

On the motion of Senator Settlemeyer, seconded by Senator Kieckhefer, the Committee did rise and report back to the Senate.

SENATE IN SESSION

At 5:02 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee of the Whole, to which was referred Senate Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

The following amendment was proposed by the Committee of the Whole:

Amendment No. 4.

SUMMARY—Enacts the Southern Nevada Tourism Improvements Act.
(BDR S9)

AN ACT relating to tourism infrastructure projects; enacting the Southern Nevada Tourism Improvements Act; establishing in Clark County a stadium district for the financing of a National Football League stadium project or a college football stadium project; creating a public body to carry out the provisions of law governing the National Football League stadium project or the college football stadium project, as applicable; providing for a Board of Directors to govern each such public body; prescribing the powers and duties of such a public body and its Board of Directors; requiring the imposition of taxes on the gross receipts from the rental of transient lodging in the stadium district; providing for the administration, collection, distribution and use of such taxes; requiring the issuance of general obligations of Clark County for the financing of a National Football League stadium project or a college football stadium project under certain circumstances; establishing and prescribing the powers and duties of an Oversight Panel for Convention Facilities in Clark County; requiring the imposition of a tax on the gross

receipts from the rental of transient lodging in Clark County and in each incorporated city in the County; requiring the proceeds of this tax to be used to pay the cost of the renovation or expansion of the Las Vegas Convention Center or the principal and interest on bonds or other securities issued to defray the costs of such a project; establishing a maximum amount of the collection fees for the collection of the tax on the gross receipts from the rental of transient lodging in Clark County and incorporated cities in the County; providing that collection fees in excess of the maximum amount must be used for the purpose of renovating or expanding certain convention facilities in Clark County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Southern Nevada Tourism Improvements Act to establish a method to finance projects that are intended to assist the Las Vegas area in remaining a premier center for entertainment, conventions and trade shows in the world. Specifically, this bill establishes a method to finance: (1) a National Football League stadium project or, if certain conditions for a National Football League stadium project are not satisfied, a college football stadium project for the University of Nevada, Las Vegas; and (2) a renovation and expansion of the Las Vegas Convention Center. Sections 21-37 of this bill establish a method to finance the acquisition, construction, lease, improvement, equipping, operation and maintenance of a National Football League stadium project. To finance the project, section 33 imposes a duty on the Board of County Commissioners of Clark County to adopt an ordinance imposing a tax on persons in the business of providing lodging in the stadium district created by section 21 of this bill. Under section 38 of this bill, if certain conditions for the undertaking of the National Football League stadium project are not satisfied, the President of the University of Nevada, Las Vegas, may elect to pursue a college football stadium project. If, after the President of the University makes such an election, certain conditions are satisfied, the proceeds of the tax imposed pursuant to section 33 of this bill must be transferred to a Campus Improvement Authority created by section 39 of this bill to carry out the college football stadium project under sections 39-52 of this bill. If the President of the University does not elect to pursue a college football stadium project or makes such an election but fails to satisfy certain conditions, the proceeds of the tax imposed pursuant to section 33 of this bill must be transferred to the Las Vegas Convention and Visitors Authority and used to pay the costs to renovate or expand the Las Vegas Convention Center pursuant to sections 53-~~61~~ 61.5 of this bill or the principal and interest on bonds or other securities issued for that project.

Section 21 of this bill creates a stadium district in Clark County to finance a National Football League stadium project and provides that the district consists of all property located in the County that is within a radius of

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

Section 29 of this bill requires the Stadium Authority to negotiate and enter into a development agreement for the development and construction of the National Football League stadium project and a lease agreement for the operation of the project if the Board of Directors makes certain determinations relating to the location or relocation of a National Football League team within the stadium district and the selection of partners for the development, construction and operation of the project. Section 29 requires certain provisions relating to the construction, financing and operation of the National Football League stadium project to be included in the development agreement and the lease agreement. Section 35 of this bill sets forth additional provisions which must be included in the development agreement and lease agreement, including, without limitation, the maximum financial contribution of the Stadium Authority to the development and construction of the National Football League stadium project. Section 29.5 of this bill requires, as part of the development and operation of the National Football League stadium project, the development of a community benefits plan and the creation of a stadium community oversight committee to carry out the community benefits plan. Section 30 of this bill provides for the confidentiality of certain information provided to the Stadium Authority under certain circumstances. Section 31 of this bill generally exempts the National Football League stadium project from laws requiring competitive bidding or specifying procedures for the procurement of goods or services, and from the statutory provisions governing public works projects, except that the pertinent construction contracts must comply with the statutory prevailing wage provisions and, if the Stadium Authority determines a subcontract can be competitively bid without affecting the quality of the project, must be competitively bid. Additionally, section 31.5 of this bill requires that any contract or agreement entered into by a general contractor for the construction of the National Football League stadium project must include provisions requiring that 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 general contractor for the construction of the college football stadium project must include provisions requiring that 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-~~64~~ 61.5 of this bill establish a method to finance the renovation or expansion of the Las Vegas Convention Center. Section 53 creates in Clark County an Oversight Panel for Convention Facilities and prescribes the composition of the Oversight Panel. Section 54 requires the Las Vegas Convention and Visitors Authority to provide certain information to the Oversight Panel and to request the Oversight Panel's approval of the plan for the renovation and expansion of the Convention Center and the issuance of bonds to finance that project. Section 55 sets forth the procedures for the Oversight Panel's review and approval or disapproval of these requests. Section 56 revises provisions governing the collection fee retained from the proceeds of the transient lodging tax by Clark County and each incorporated city in the County to provide that: (1) the sum of the collection fees retained by the county and the cities must not exceed a total of 10 percent of the proceeds of the tax or \$25,000,000, whichever is less; and (2) any collection fee in excess of a total of \$25,000,000 must be used solely for the renovation or expansion of the Convention Center and to pay the principal and interest on securities issued to defray the costs of such a project. Under sections 57 and 58, the Board of County Commissioners of Clark County and the city council or other governing body of each incorporated city in the County must impose a tax upon persons engaged in the business of providing lodging at a rate of one-half of one percent on the gross receipts from the rental of transient lodging in the county or city, as applicable. Sections 59 and 60 require the proceeds of these taxes to be distributed to the Las Vegas Convention and Visitors Authority to be used solely for the expansion of the Convention Center and to pay the principal and interest on securities issued to fund the costs of such a project. Section 61 prescribes the procedure for the issuance of general obligations, in the name of and on behalf of Clark County, to defray the costs of the renovation or expansion of the Convention Center. Additionally, section 61.5 of this bill requires that any contract or agreement entered into by a general contractor for the construction of the renovation and expansion of the Convention Center must include provisions requiring that 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~~ 61.5 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;

(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.

(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.

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

Sec. 19. "System" means the Nevada System of Higher Education.

Sec. 20. "University" means the University of Nevada, Las Vegas.

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

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

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

2. The Clark County Stadium Authority is hereby created.

3. The Stadium Authority constitutes:

(a) A body corporate and politic; and

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

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

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

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

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

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

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

(1) A National Football League team that has:

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

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

(2) The person or persons who have:

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

(II) Entered into such a lease.

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

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

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

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

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

~~for~~

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

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

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

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

(a) Dies or resigns; or

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

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

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

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

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

(a) The Governor shall appoint:

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

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

(b) The Board of County Commissioners shall appoint:

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

(2) One member 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.

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) and (b) of subsection 1 shall elect:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The Board of Directors shall determine:

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

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

Sec. 27. The Board of Directors:

1. May adopt a seal;

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

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

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

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

2. Sue and be sued.

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

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

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

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

7. Consider and approve or disapprove:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Identify the site of the project;

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

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

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

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

(f) State that any and all development and construction cost overruns for the development and construction of the project must be the sole responsibility of the developer partner, except that any cost overrun must not be the responsibility of the developer partner if the cost overrun is caused by a change in development or construction mandated by the Stadium Authority

~~for another governmental entity~~ 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, ~~and~~ 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;

(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; ~~and~~

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

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

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

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

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

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

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

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

(f) State that the Stadium Events Company, ~~[,] and the developer partner [and the National Football League team]~~ are liable jointly and ~~[severably]~~ severally for the operating losses of the project or the Stadium Events Company;

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

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

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

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

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

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

(IV) Be approved by the Stadium Authority;

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

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

(h) Establish a reasonable rent to paid by the University for the use of the project for the regular and postseason home games of its football team;

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

(1) The University must be given such access to the project and its facilities and amenities as is reasonably necessary to create an environment reasonably consistent with a home game for a college football team in

Division I Football Bowl Subdivision, or its successor division, of the National Collegiate Athletics Association or its successor organization; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Are not a public record; and

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

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

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

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

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

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

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

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

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

(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to the project even if the estimated cost of the construction work is not greater than ~~the \$100,000~~ \$250,000 or the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010;

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

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

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

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

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

(c) Must, in addition to the requirements of section 31.5 of this act, provide a preference for Nevada subcontractors in a manner that is similar to,

and with a preference that is equivalent to, the preference provided in NRS 338.1389.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A small local business to which work is subcontracted by a general contractor pursuant to this section must ensure that its employees are hired in

a manner that does not discriminate against any person on any basis prohibited by law. Such a contractor that subcontracts such work shall not impose any requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work.

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

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

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

8. The Stadium Authority may waive the requirements of subsection 1 if a general contractor presents proof satisfactory to the Stadium Authority that there is an insufficient number of small local businesses available and qualified to subcontract for the work to be performed.

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

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

(c) Shall not give rise to any obligation ~~for~~ 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, ~~it~~; and

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

Sec. 33. 1. 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.

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

the Nevada Gaming Control Board. Any amendment adopted pursuant to this subsection must provide that any parcel of land, building or other structure located partially within the primary gaming corridor is deemed to be wholly within the primary gaming corridor. The decision of the Board of County Commissioners establishing the boundaries, and any amendment thereof, is conclusive, absent fraud.

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

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

8. As used in this section:

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

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

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

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

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

(b) To establish a bond reserve fund and other reserves for the payment of the principal of bonds issued pursuant to section 36 of this act or of the sinking fund payments with respect to such bonds, the purchase or redemption of such bonds, the payment of interest on such bonds or the

payment of any redemption premium required to be paid when the bonds are redeemed before maturity.

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

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

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

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

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

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

(b) From the proceeds remaining after the payments required by paragraph (a), to supplement the cost of operating and maintaining the National Football League stadium project if the Board of Directors determines such payments are necessary because the Stadium Events Company has failed to perform or breached the lease agreement entered into pursuant to subsection 3 of section 29 of this act or a combined development and lease agreement entered into pursuant to subsection 4 of section 29 of this act.

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

~~(d) From the proceeds remaining after the payments required by paragraphs (a), (b) and (c), to make a payment in an amount not to exceed \$4,000,000 each fiscal year, as adjusted annually pursuant to subsection 6, to the Las Vegas Metropolitan Police Department to support enhanced police protective services within the primary gaming corridor, as defined in the ordinance adopted pursuant to section 33 of this act, within the stadium district. The money paid to the Las Vegas Metropolitan Police Department pursuant to this paragraph must not replace or supplant existing funding for the Police Department and must not be used for the payment of salary or any increase in salary for any person who is employed by the Police Department before October 1, 2016.~~

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

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

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

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

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

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

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

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

covenant, the amount of the payment must be used for such purpose as specified in the ordinance or other instrument under which the bond or other security is issued.

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

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

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

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

- (a) Used to pay the final years' debt service on the bonds or other securities secured by the reserve funds if the money in the fund is fully sufficient to retire all outstanding bonds secured thereby;
- (b) At the option of the Stadium Authority, when all bonds or other securities issued pursuant to section 36 of this act and any bonds or securities refunding those bonds or securities are no longer outstanding, transferred to the stadium capital projects fund created pursuant to subsection 3 of section 27 of this act;
- (c) A combination of the purposes set forth in paragraphs (a) and (b).

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

Sec. 35. 1. In addition to the requirements set forth in section 29 of this act, a development agreement entered into pursuant to that section, a lease agreement entered into pursuant to that section, or a combined development agreement and lease agreement entered into pursuant to subsection 4 of section 29 of this act and any other agreement of any kind entered into by the Stadium Authority with a developer partner, the Stadium

Events Company or the National Football League team, or any affiliate, subsidiary or entity related to such a person, must provide that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A developer partner has any development agreements required by state or local governments relative to providing adequate offsite infrastructure improvements for the National 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.

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

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

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

(b) Within 12 months after the effective date of sections 21 to 37, inclusive, of this act or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after the effective date of

those sections, the National Football League team has not committed to locate or relocate within the stadium district.

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

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

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

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

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

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

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

(1) Governor; and

(2) President of the University.

Sec. 38. 1. Within 90 days after receipt of notice that the Board of Directors has voted to dissolve the Stadium Authority and wind up its affairs for any reason set forth in paragraphs (a) to (f), inclusive, of subsection 1 of section 37 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 must be a member of the Board of Regents or an officer of the University.
- (c) One member appointed by the Board of County Commissioners, who must be a member of the Board of County Commissioners or an officer of the County.
- (d) One member appointed by the Convention Authority, who must be a member of the Board of Directors of that Authority who is not a member of the Board of County Commissioners.
- (e) Two members elected by the members appointed pursuant to paragraphs (a) to (d), inclusive, who must be employed in an executive position in the stadium district by a business in the tourism, hotel and gaming industry.

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

- (a) Dies or resigns;
- (b) Is removed, with or without cause, by the person or entity who appointed that member; or
- (c) Ceases to be qualified for appointment as a member pursuant to the provisions of subsection 1.

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

business in the tourism, hotel and gaming industry may be reappointed to serve the remainder of his or her unexpired term.

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

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

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

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

(b) The Board of Regents shall appoint:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Audio recordings or transcripts of all meetings of the Board;
- (b) Minutes of all the meetings of the Board;
- (c) A record of all the proceedings and actions of the Board;
- (d) A copy of any certificates issued or received by the Board;
- (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 location, design, fit and finish that is consistent with similar facilities for university football teams in the premier conferences in the Division I Football Bowl Subdivision or its successor division of the National Collegiate Athletic Association ~~or~~ or its successor organization; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Expend or authorize the expenditure of any money in the college football stadium tax account created pursuant to subsection 3 of section 45 of this act 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.

(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 ~~[\$100,000]~~ \$250,000 or the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010;

(2) Any person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the

project shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive; and

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

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

- (a) Must prohibit bidders from engaging in bid-shopping;
- (b) Must not permit subcontractors to avoid or circumvent the provisions of paragraph (c) of subsection 1; and
- (c) Must, in addition to the requirements of section 48.5 of this act, provide a preference for Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389.

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

Sec. 48.5. 1. In addition to any other requirements set forth in sections 39 to 52, inclusive, of this act, and except as otherwise provided in subsection 8, any contract entered into by a general contractor selected by the Campus Improvement Authority or by any prime contractor, construction manager or project manager selected by the Campus Improvement Authority for the construction, alteration, repair or remodeling of the college football stadium project must include a provision requiring the general contractor to subcontract at least 15 percent of the college football stadium project to small local businesses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Unless the requirements of subsection 1 are waived by the Campus Improvement Authority pursuant to subsection 8 the failure of a general contractor to subcontract the amount of work required pursuant to subsection 1 shall be deemed a material breach of contract.

8. The Campus Improvement Authority may waive the requirements of subsection 1 if a general contractor presents proof satisfactory to the Campus Improvement Authority that there is an insufficient number of small local businesses available and qualified to subcontract for the work to be performed.

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

Sec. 50. 1. 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) Three-eighths of one percent of the gross receipts from the rental of transient lodging within the primary gaming corridor.

(b) One-quarter 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;

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

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

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

8. As used in this section:

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

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

Sec. 51. 1. After paying any amounts needed to pay any principal, interest or other costs due in connection with any bonds or securities issued to finance or refinance the college football stadium project and to establish a reserve fund to secure the payment of such bonds or other securities, the County Treasurer shall distribute the remaining proceeds of the tax imposed pursuant to section 49 of this act to the Campus Improvement Authority. The Campus Improvement Authority shall deposit such proceeds into the college football stadium tax account created pursuant to subsection 3 of section 45 of this act.

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

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

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

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

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

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

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

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

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

(a) Within 24 months after the effective date of sections 39 to 52, inclusive, of this act, the University has 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;

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

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

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

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

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

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

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

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

2. Except as otherwise provided in subsection 3, upon the request of the Board of Directors pursuant to subsection 1, the Board of County

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Except as otherwise provided in this act, the ~~[Stadium Authority]~~ Oversight Panel 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.

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

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

(b) The date on which the Oversight Panel determines that the project described in paragraph (a) of subsection 3 of section 59 of 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 subsection, the Convention Authority must revise its request and resubmit the request to the Oversight Panel.

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

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

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

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

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

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

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

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

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

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

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

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

2. Except as otherwise provided in this subsection, the tax imposed pursuant to subsection 1 must be collected with and administered in the same

manner as any other tax imposed by the incorporated city on the gross receipts from the rental of transient lodging. The tax is not subject to the collection fee set forth in subsection 2 of NRS 244A.645.

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

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

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

1. Distributed to the Convention Authority;
2. Pledged to the payment of general obligation bonds or revenue bonds issued pursuant to section 61 of this act to defray the cost of the project described in paragraph (a) of subsection 3; and
3. Accounted for separately and used only to pay:
 - (a) The costs of a project to expand the Las Vegas Convention Center with the addition of not less than 600,000 square feet of leasable exhibition space, plus associated support space, and to further expand, construct, improve, maintain and renovate the facilities of the Convention Authority; and
 - (b) The principal and interest on notes, bonds or other securities issued pursuant to section 61 of this act to defray the cost of the project described in paragraph (a).

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

1. As additional security for the payment of, or to redeem, any general obligations bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive, before the effective date of sections 53 to ~~61~~ 61.5, inclusive, of this act;
2. To defray the costs of collecting or administering the tax incurred by the Convention Authority;
3. To pay the costs of operating the Convention Authority or any facilities of the Authority;
4. To pay the costs of any general repair and maintenance on recreational facilities that would otherwise be paid from the general fund of the Convention Authority;
5. To improve and expand recreational facilities other than those authorized by paragraph (a) of subsection 3 of section 59 of this act;
6. To construct, purchase or acquire recreational facilities other than those authorized in paragraph (a) of subsection 3 of section 59 of this act; or
7. For any other purpose inconsistent with the provisions of section 59 of this act.

Sec. 61. 1. In addition to the purposes set forth in subsection 1 of NRS 244A.637, to pay the cost to expand, construct, improve, maintain and

renovate the Las Vegas Convention Center and other facilities of the Convention Authority, or for any combination thereof, the Convention Authority, at any time or from time to time may, in the name of and on behalf of the County, issue general obligations bonds or revenue bonds as described in paragraphs (a) and (b) of subsection 1 of NRS 244A.637.

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

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

(b) Are exempt from the limitation on indebtedness set forth in NRS 244A.059, and must not be included in the calculation of the indebtedness of the County under that section, but the County shall not become indebted by the issuance of general obligation indebtedness for the purposes set forth in sections 53 to ~~61~~, 61.5, inclusive, of this act in an amount exceeding 5 percent of the total last assessed valuation of taxable property of the County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. A general contractor that subcontracts work to a small local business pursuant to subsection 1 shall submit information to the Oversight Panel verifying that the general contractor has complied with the provisions of this section, and shall maintain all records, including, without limitation, any information required by the 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 general contractor to subcontract the amount of work required pursuant to subsection 1 shall be deemed a material breach of contract.

8. The Convention Authority may waive the requirements of subsection 1 if a general contractor 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.

Sec. 62. 1. This section and sections 1 to 38, inclusive, and 53 to ~~61,~~ 61.5, 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 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 section 38 of this act that he or she intends to undertake a college football stadium project, as defined in section 8 of this act, only if the President of the University provides such notice within 90 calendar days after receipt of notice of the vote of the Board of Directors of the Stadium Authority created by section 21 of this act to dissolve the Stadium Authority and wind down its affairs pursuant to subsection 2 of section 37 of this act.

Senator Roberson moved the adoption of the amendment.

Amendment adopted.

Senator Roberson moved that all necessary rules be suspended, that the reprinting of Senate Bill No. 1 be dispensed with, that the Secretary be authorized to insert Amendment No. 4 adopted by the Senate, and that the bill be placed on the General File and considered next.

Bill read third time.

Remarks by Senators Hardy, Hammond, Goicoechea, Farley, Kihuen, Gustavson, Ratti, Woodhouse, Denis, Spearman, Atkinson, Segerblom, Ford, Roberson, Settlemeyer and Harris:

SENATOR HARDY:

About a month ago, in our home, my five-year-old granddaughter came for dinner. When it was her turn to say the prayer over the meal, she said "and please bless that the Educational Savings Account (ESA) will pass." This obviously took me by surprise. This was well before the Supreme Court made their unanimous decision that the ESA was constitutional, but the funding was not because it was taken out of the Distributive School Account. How does that relate to today? I have told people I would vote for the stadium; that I would be dismayed and disappointed because the ESA was left out; and that I could not vote for this. I have made a list of my pros and cons. The pros are outnumbering the cons.

I hope that the bipartisan coalition that came together to work on Senate Bill No. 1 will be there when we come into the next Session. We are committed to help the mentally ill, the sick, as well as the dedicated teachers with funding mechanisms in the 2017 Session. I hope and pray that I can be worthy of the trust placed in us by the 8,100 people we have committed to support through the ESA. I need to personally learn to trust the good and honorable people that work here and have helped me strive to be effective so I can, literally, be part of an answer to a 5-year-old granddaughter's prayer. Speaking of prayer, I believe that Miracle Max was correct when he used the words "mostly dead," and I look for that to come back to life. I will be voting for S.B. No. 1 as amended.

SENATOR HAMMOND:

My colleague Senator Hardy mentioned a program I was deeply involved in. When the court case was decided and the ruling came out, I thought there was a lot to cheer for. I am one who really believes we can make a change not only here in our State but throughout the Nation in how we educate our children. There was a lot to cheer for. I know there are going to be many out there, including the 8,139 families that are currently on the record, who might be disappointed that the ESA program was not included in this Special Session.

The Governor has made promises and is fulfilling those promises with his commitment to establishing the Blue Ribbon Committee. The Governor is also committed to making the changes necessary in the original bill to help us create a funding mechanism and move forward. I hope those who are worried about that know there are many here who are committed to making sure that comes to fruition.

As a Legislature, we have the ability to help infuse \$1.9 billion into our economic development. Of that amount, every two years, we will be turning around \$60 million into the education sector of our economy. I am thrilled to be able to do that. That is a huge commitment. Not only will we be putting that kind of money into our economy, but as most economists would agree, the multiplier effect also has an impact. What we are doing with this bill is giving a huge boost to our economy in southern Nevada.

We heard, eloquently, from many of our workers and laborers that the infusion of capital from this project will allow them to come back to our State, go to work on a daily basis and provide for their families. If there is anything that we can learn from the last couple days, is, when families are back to work, it takes care of a lot of things in their own homes such as education and healthcare. For those reasons, I will be voting in favor of Senate Bill No. 1 today.

SENATOR GOICOECHEA:

I rise in support of both the stadium and convention center projects and the \$750 million in bonding. My local government background, however, causes me to oppose a bill that mandates a local jurisdiction raise the tax and also tells them how they spend the tax. We are setting a dangerous precedent here so I have to oppose this legislation.

I could support the text in this legislation if it was enabling or if the Board of County Commissioners from Clark County had come forward and asked for the legislation. The way it is, we are mandating a local government to raise a tax, then, in turn, telling them how to spend it. I do not think that is right. We are a State that uses the Dillon Rule, but that is still unfair to local jurisdictions. I will be opposing this bill.

SENATOR FARLEY:

I want to echo my colleagues' message with regard to the ESA and the fact that this Body and our government need to keep their promise to educate the children of Nevada. I rise, today, with a divided heart, but I am going to cast my vote in favor of Senate Bill No. 1. I want the opposition to know that I understand their issues. We all stand with them and with the people of Nevada who need help, whether it be medical, mental health or school related. We are Nevadans. We feel that just as much as they do. I want to remind them that at the forefront of my mission next Session will be to continue to help these people do better.

The bill in front of us is an opportunity to put people back to work. I cannot ignore that. There are thousands of people in southern Nevada who are not working or not making salaries that allow them to feed their children or afford their homes, cars or education. To ignore that, in my mind, is morally not correct.

I have learned through this process that we can negotiate and we can do our best. What is in front of us, today, is the opportunity to bring thousands of jobs to Nevada and to put thousands of people back to work in good salaried jobs. I know people are going to be upset about this, but let us keep our eye on the prize. We are going to put people back to work immediately, or pretty close to immediately, here in the near future.

As Legislators, we have to commit to all those we heard today: those who talked about their plight, their issues and their needs. We have to make that a priority in the next Legislative Session.

SENATOR KIHUEN:

I rise in opposition to Senate Bill No. 1. I have said for a long time that I, more than anyone else in this Body, with the exception of my colleague to my right, want the Raiders to come to Las Vegas. I support a stadium coming to Las Vegas. I am even open to the idea of a public-private partnership, which I have supported in the past for a stadium. I am also in support of the Las Vegas Convention Center expansion and for more funding for law enforcement. However, I stand in strong opposition to nearly a \$1-billion handout to a multi-billionaire. That sets a bad precedent. It represents bad public policy and a misuse of taxpayer dollars. This magnitude of public money for a legacy project, for one of the wealthiest people in the world, is just plain unacceptable.

We have had a number of tough questions to ask over the last two days. My colleague, from District 13, has asked some difficult questions and fair questions about why we are using general-obligation bonds instead of revenue bonds. My colleague, from District 8, has tried to shed light on the kinds of jobs this stadium will likely bring, long term. However, there are some in this Chamber who walk out when colleagues are speaking, who are intending to ram this bill down our throats with little debate, making it impossible for the public to give testimony here.

At this time, I have heard no persuasive argument as to why the public will not get a share of the profit. The great recession showed us exactly how economic downturns in the rest of the Country are magnified multiple times in Nevada and the impact tourism plays on our economy.

In the 30-year life of these bonds, I can almost guarantee we will have another economic downturn. What happens then? If we do not generate revenue through the room tax to service these bonds, what vital social services are we going to cut to cover the deficit? Education for our children? Services for those who seek mental help? Repairs for our local roads, buildings and infrastructure? I still believe that the baseline of 46 events a year is unattainable.

The economic impact of the projection of \$620 million is absurd. I understand Las Vegas is not like any other city when it comes to tourism, but how often have other cities been pitched the same false bill of goods? The fact stands—the city of Oakland is still paying off the stadium they built to entice the Raiders to come there. Supporters of this handout are pointing to the fact the Raiders would have to agree to relocate to southern Nevada for 30 years. There are no assurances that we will not be paying for the necessary upkeep that will inevitably come up over the period of those 30 years.

If we want to spend \$750 million to bring jobs to Nevada, there are much better ways to do it. We can use this money to hire new teachers. We can increase teacher pay and build new schools to alleviate overcrowding. How many students are in portable classrooms? How many students start out the year sitting on the ground because we have overflow classes? It took years of poor economic performance and a lot of political will last Legislative Session to pass the largest investment in education in Nevada history, yet somehow, we are willing to rush through a package that is almost as big for a stadium with uncertain economic outcomes.

According to the *Las Vegas Sun*, if we took this money and invested it in education, we could hire 7,500 teachers with full benefits and keep them on the payroll for a decade. Or, we could give teachers \$500 a year to spend on classroom essentials instead of asking them to take that money out of their pockets. We could also create 250,000 more scholarships for students who want to become teachers. We could repair or replace every piece of equipment the Clark County School District said they need to replace and build six new elementary schools.

Alternatively, we could pay for the key reforms we made to improve the school system for three years, including all-day kindergarten. Or, we could implement a mixture of all of these things. We could also use this money to seed an infrastructure bank that would create more long-term good-paying union jobs than the current proposal that is in front of us.

I asked the Legislative Counsel Bureau to write an amendment that would have allocated \$750 million for education and infrastructure. Unfortunately, such an amendment would not have been germane to this so-called emergency Special Session, underscoring just how absurd it is that we are asking for a \$750-million taxpayer handout outside of the normal Legislative process, where no alternatives can be proposed. This is a bad deal for Nevada. It is not one we should just decide because it is being rammed through this Body.

This is an increase of taxes to give a multi-billionaire a handout. In a time of skyrocketing wealth inequality in America, is that the message that we want to send to our constituents?

SENATOR GUSTAVSON:

I also rise in opposition to Senate Bill No. 1. Although I honestly believe both of these projects have merit, I think they are needed for various reasons. The Convention Center is needed for all the events going on in Las Vegas. I was just down there recently. There is no question in my mind that the Las Vegas Convention Center needs improvement and expansion. I believe the stadium project could be another draw and boost to Las Vegas but not, necessarily, to the extent that we have been led to believe.

The proper role of government is to fund necessary functions for its day-to-day operations, not create partnerships with the private sector. If an individual or business does not have or cannot raise the funding on its own for a potential new business venture, it should not be asking the taxpayer to unwillingly become a partner.

During testimony, some of the public comments in opposition to this bill were about Nevada Constitutional issues, specifically Article 8: Section 9, "Gifts or loans of public money to certain corporations are prohibited. The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association or corporation except corporations formed for educational or charitable purposes" and, Section 10, "Loans of public money or ownership of stock in certain corporations by county or municipal corporations are prohibited. No county, city, town or other municipal corporation shall become a stockholder in any joint stock company, corporation or association whatever, or loan its credit in aid of any such company, corporation or association, except, rail-road corporations, companies or associations."

We are not loaning money or buying stock in a corporation. A simple reading of our State Constitution clearly insinuates we should not be getting involved financially or as a partner with a private corporation. Just because it was done in the past does not make it right to do so now. This bill has been written to get around this provision in our Constitution, but does that mean it is the right thing to do? I do not think so. We should not be asking the taxpayer to be on the hook for the possible failure of any corporation.

Many respectable professors and economists from Stanford, Hartford, Brookings Institution, etc., have researched this issue and have all concluded that publically-funded stadiums are a detriment to taxpayers. They also state that NFL stadiums do not generate significant local economic growth. They have found incremental tax revenue is not sufficient to cover any significant financial contributions by cities or counties. I have not been able to find evidence to the contrary.

We have no idea what is in store for Las Vegas or the State of Nevada for the next 30 years. They call this "the risk factor," and it includes the economy, the drought, etc. What are we going to do in 10 to 15 years when the stadium will need to be updated and remodeled to keep up with the competition? Where is that money going to come from? I know there is some money set aside for renovations and other things, but I do not think there is nearly enough to do a major renovation of the stadium which is going to have to come in the not-too-distant future.

I do not see the urgency to pass the convention bill during this Special Session. I believe that the Convention Center bill could and should be taken up during our regular Session in less than four months. I believe, these two issues should be two separate bills, but they are not. Therefore, I will be voting against this bill as presented. I do not believe that we, as Legislators, should be mandating a county or city government to raise taxes or telling them how to spend it, as my colleague from District 19 mentioned.

We should not be investing taxpayer public funds to partner with a private corporation or business.

SENATOR RATTI:

I, too, rise in opposition to Senate Bill No. 1. I am going to spare you all a deep dive into the details of bond financing and keep this at a handful of higher level points starting with my fifth reason for opposing Senate Bill No. 1. I am skeptical of the projections and believe that we all should be skeptical of the projections. There are groups of independent economists who say publically financed stadiums, in general, are a bad deal for the public. Several economists recently have come out and said this deal, in particular, is one of the worst.

I joined the Sparks City Council shortly after Star Bonds were issued; right before the recession hit. The projections that were put in place in advance of that project were woefully and

significantly wrong. The stress tests, the worst-case scenarios, did not even come close to what we actually experienced. My skepticism comes from that direct experience of serving a city government with projects that did not meet expectations and put us in some challenging positions.

My fourth reason for concern is about the risk to the taxpayers. Several of my colleagues have mentioned the general-obligation bonds that are backed by the good faith and credit of the county are probably not the appropriate way to fund this particular project. With regard to the public or private investment in capital maintenance and investment, the standard process is to set aside money so you can fund depreciation and have the money needed for maintenance and capital investment that is necessary. An asset of this size is woefully underfunded. I expect there will be pressure on some public body in the future to fund those expenses. Should the economy be in trouble, which I expect will happen sometime in the next 33 years, the waterfall collapses and the business partners will need to make a decision at that point, as to whether it is more expensive for them to stay or to default. We saw this in the recession. It was not that long ago. With bankruptcy, there are many options for them to get out of this deal. We have exempted this project from the debt-capacity limits for the local government of Clark County. Those debt-capacity limits are in place for a reason. This is another example of loosening the financial standards for this specific project.

My third reason is lack of oversight and accountability. I am on the record as saying that I do not believe that we should be here, today. I do not believe this topic warrants an emergency Session. I do not believe we should be doing this three weeks before an election when the voters should have a say in choosing their representatives to approve one of the largest tax increases in the history of this State.

The unelected board lacks transparency. There is a lack of transparency built into this bill. I am concerned because they will be appointed by a Governor who, although I am sure is well-intended, will be gone by the time the first football game is played in the new stadium. We are rushing through, what I believe to be, a problematic process, and I do not think we have properly vetted this bill. There has been a lack of oversight and accountability.

My second most-important reason for opposing this bill is who benefits from this legislation: billionaires. The bottom line is: it is the billionaires who benefit from this project. There have been several times when folks have said that they are going to make a contribution and their contribution was going to somehow save us and improve our standing in Clark County. The truth of the matter is they always get their investment back. The projections we have been given are somewhere between a 1.4 percent to 5.2 percent return on investment. That means that the investor will make somewhere between \$9.3 million and \$33 million per year. On the other side, the taxpayers will pay \$50 million in revenue in order to make \$35 million in taxes. We will lose \$15 million a year. That is a bad deal for taxpayers.

The most-important reason, and my number one reason for opposing this bill, is the opportunity costs. Room taxes in Clark County currently are allocated at 38.7 percent for schools, 13.8 percent for local government, 12.4 percent for transportation and only 32.1 percent for tourism. If we are raising the room-tax dollars knowing we are facing down a \$400-million deficit in the next Biennium, we should at least be raising them proportionately to fund schools, local government and transportation.

The agency cuts that will come from that \$400-million deficit will impact the lives of our most vulnerable Nevadans. We should be investing in education, the mental health crisis, our substance abuse epidemic, our growing State Medicaid commitment and our infrastructure. The opportunity costs of taking this money and committing it for 33 years when we do not know how we are going to fund the most basic services of government are irresponsible.

I am sympathetic to the testimony we heard from the workers, particularly in the trades in southern Nevada. That was compelling testimony. I would like to find a solution to that, but I do not believe that a bad deal that benefits billionaires is the way to get there.

SENATOR WOODHOUSE:

When I moved to Las Vegas 50 years ago, it was to take a position as a first grade teacher in the Clark County School District. I choose to come to Nevada because at that time Clark County was paying the highest teacher salaries west of the Mississippi. My Montana rancher mom and

dad were okay with me coming to Las Vegas because I had a job and a career they respected. They knew I would be able to pay off my student loans from college. Today, teacher's pay and working conditions have slipped to one of the lowest in the Nation. This is not acceptable. We do not have enough money in this State to pay for public education, school construction, mental health and other health and human services. We do not, adequately, take care of our most vulnerable citizens. I am worried about Nevada and all of the individuals who live here.

Recently, the Governor has told us we are facing at least a \$400-million budget deficit. We can only assume, that as with past deficits, next Session we will be pressured to balance the budget on the backs of our kids, our public employees, our lower income Nevadans, our seniors and those who rely on the State for their healthcare.

These last few days and several weeks, I spent a lot of time researching and deciding what is best for Nevada's families on this issue. When decisions are tough, like this one is, today, I make a list with two columns, similar to one of my colleagues who addressed this earlier. I have a column for the positives of this measure and another for my negatives regarding this measure. I would like to talk about my concerns. The \$750-million increase that would be coming to the stadium project, as an increase in room taxes, is concerning. It is way too big. I am concerned about the issues of transportation and infrastructure because I do not think we have touched on the issues.

Yesterday, several of us in this Body addressed the issue of the priority of UNLV being able to use this stadium and the cost to the University to use this facility. The big issue here is the cost they may have to come up with in order to participate. What they are going to be required to bear is not going to be easy to swallow. Many of us are going to have to help them with that. Those concerns are loud and clear in my mind.

At the top of my list of positives, as my colleague from District 13 has said, is the testimony about job creation from workers in our State, especially those in southern Nevada. The testimony this morning was especially compelling. The need for jobs for the men and women in our construction industry is paramount. Along with that are the jobs we need for our veterans. We have to address these two issues. Job creation is number one on my list.

I am open and have always been open to public-private partnerships. This is one of those partnerships, and I think it is the way to go. I have to believe that this will be a boost to the southern Nevada economy.

The other positive that is important, and you heard me say it yesterday, is, I want a place, a quality place, for UNLV to play football. I am not so enamored with NFL football; I am a long time college fan.

Another project that is important to me is the expansion of the Las Vegas Convention Center, and that exists in Senate Bill No. 1. This is a must. The other piece I did not hear anyone address, today, is that we are going to be able to put in place a Community Benefit Plan. I think that is critical as well.

Therefore, as difficult as this decision is for me, and I think for others in this Body, the positives do outweigh the negatives. I will be voting in favor of this bill. I am, however, calling upon colleagues in this Body, in the Assembly and in the Governor's Office, to work together in the 2017 Legislative Session to address the issues that face this State. First, to adequately fund our education programs for our students, and second, to restore the cuts we made during the recession in health and human services. We must join together and work on these issues.

SENATOR DENIS:

I, too, stand in support of this bill. I appreciate my colleague from District 5 who just outlined many of the concerns that we have here in Nevada. Earlier, I was pleased to hear our colleagues speak about keeping promises to children. When we came to this Special Session and swore our allegiance to the Constitution of Nevada and of the United States, we swore we would help all of our children. I hope that as we go into the 2017 Session, we, in a bipartisan manner, can do something about helping all of our children. When it comes to education, mental health and other issues in the State, we need to find solutions. We talk a lot about the different things we want to do, but when you have an educational system where we are at least \$1,000 per student short, we need to figure out a solution to improving it. I hope we can come to that solution.

I support the fact that we need to expand our Convention Center. I have had opportunities to visit some of the different convention centers across the Country, and they have done some real innovative things. Ours is getting old, and we need to do some things to keep up. The Las Vegas Convention Center is a lifeblood for us here so I support the expansion of the Convention Center.

As for the stadium, while I may watch a game or two, I am not a huge professional football fan. I follow college football more. The most compelling fact for me is job creation. When we heard earlier from the gentleman who talked about living in his truck, it reminded me of a good friend of mine who is working in Maryland while his family lives here. His children are growing up without a father. We need to get our people back. We need to get them working. I, too, have to believe that these projects will help us to provide jobs for many people and allow us to come to some more solutions. I hope we can work together, moving forward, as a Body, with those in the Assembly and with the Governor. We have made some good progress, but we have a long way to go to be able to keep our promise to educate our children.

SENATOR SPEARMAN:

I want to title my comments "No Name." There are several stories in scripture that talk about some profound changes that happen in people's lives. The woman with the issue of blood; there is "no name." The five thousand that were fed with a few fish and loaves of bread; there are "no names." People who were blind and received their sight; "no name." The importance of their experience is that regardless of the fact they did not have names, the events that took place in their lives made a difference.

You all know that I am a veteran, and I am passionate about doing whatever I can for veterans. The stories we heard yesterday and today, particularly the last man—a combat veteran who slept in his truck, did his homework in his truck and took showers at the gym. I do not remember his name so I will call him "no name."

We heard from Captain Mike Kelly, down in Las Vegas, talking about opportunities for veterans to be employed. We heard from Lt. Colonel Kenneth Evans what this would mean for the Urban Chamber and what it means for veterans who have small businesses. I do not know who they are, so I will call them "no name." Eighty percent of ironworkers are out of a job. I do not know them, so I will call them "no name." Forty-two percent of IBEW workers are out of a job. Fifty-six percent of plumbers and pipe fitters are out of a job. Again, I do not know their names.

This process has been emotionally taxing. It has been intellectually challenging. Those who are in favor are passionately for this bill, and those who oppose it are equally passionate in their opposition.

I began to feel a little bit like Solomon. In fact, before I came here some of the people at church prayed and asked God to give me the Wisdom of Solomon. Solomon, on one occasion, had two women come and claim one baby. Each one said it was her baby. Solomon decided what he would do was cut the baby in half and give it to them. When he said that, knowing full well that if he did so the baby would die, the real mother stood up and said "No" and asked him to give the baby to the other woman. Solomon decided because she valued the life of the child more than winning, it was her child.

I understand the passion and the angst we have heard whether it is about a particular person or persons. We have talked about nouns, pronouns and adjectives associated with this topic; however, there is another "no name." That is a gentleman who caught me coming out of church on Sunday. He grabbed my hand and held me there as I was walking down the aisle. He leaned over with tears in his eyes, and he said to me, "Senator, I need this job; I need this job; my family needs this job. Things have been rough for us. I need this job."

Anyone who has been in this Chamber more than five minutes knows that each piece of legislation is not 100 percent right, but we do the best we can. When we find ways to improve it, that is what we do. We do need to improve funding to education, for our roads and for other parts of our infrastructure. I want to read to you some figures that I requested from the Legislative Counsel Bureau. Last Session, I was passionate about eliminating the Modified Business Tax (MBT). I am glad we did not. I quote: "based on the assumption of 7 percent for the healthcare deduction, the amount of the MBT liability would be approximately

\$2.25 million per year." That only includes the MBT on players. It does not include coaches, trainers and front office staff, \$2.25 million per year. I heard my colleague from Senate District 4 talk about full-time versus part-time employment. For some people, part-time is what they want and need.

Do I wish we had more? Yes, I do. I am standing in support of this not because of the names that have been thrown out, I am standing in support of this bill for all of the "no names," all of the "no names" that occupy 80 percent, 42 percent, 56 percent and the other percentages that remain faceless and nameless. It may not be perfect, but we have to do what we have to do to put people back to work. Some people may be disappointed in this vote. I can live with that. When I ran for office, I told each person I asked for their vote that there will be times when I am going to vote and you will be ecstatic, you will be hilariously happy with how I vote. There will be other times when you will not be pleased at all, but I hope you will know that each time I take a vote, even though I wear the title Lt. Colonel retired, Doctor and Senator, I still have a pastor's heart. That heart tells me think about "no name."

SENATOR ATKINSON:

I want to rise and talk about facts and what this legislation does. If we talk about tourism dollars versus tax dollars, we can debate about what that means all day long. However, the folks who want to convolute the discussion will tell you that these are taxpayer dollars. We need our citizens to understand that not one average Nevada citizen is going to be paying this tourism tax unless they do "staycations" in these Strip hotels. We need to first be clear on that.

We can talk about raising taxes. I find myself looking around this Body, at times, and I see a lot of familiar faces. In 2009 and 2011, when Senator Horsford and I passed a bill to fund transportation and highway dollars in this State, we were told, literally, that our roads were in disrepair; we would not have money going forward, and we are going to be in trouble. We were given a figure, at that time, upwards of \$400 million to \$500 million that we were going to be short. We crafted a bill to take care of the Highway Fund and make sure our highways were safe. We sold that to our citizens, although they were not happy. They were not happy that we took the depreciation schedule and we changed it. Then, everyone started to get their registration bills from the DMV and we all got calls. I will just use a figure, \$525.00. Our constituents wanted to know why their fees had not gone down. We had to explain that we had to change the depreciation schedule. We had to change it to make sure our highways and roadways were solvent. The money did not go to education. That money was supposed to be in the Highway Fund. The next Session, the Governor took that money from that bill and plugged it into the General Fund. It did not go where it was intended to go.

We will get people that stand up and make passionate speeches about education, education, education. Let me tell you this. I support the Las Vegas Convention and Visitors Authority expansion. I heard one of my colleagues suggest we wait until the regular Session. We heard from LVCVA that they cannot wait four more months. We heard from them that every year we do not do it, it costs them \$50 million. This puts them behind the 8-ball. Look at the facts. We can cut that out. Now, 39 percent of the tourism dollars go to education and 35 percent, go to tourism. When they came up with the tourism tax that was not supposed to be the case. You know why this is the case? It is because of this Body—and I am taking blame too because I have been around for quite some time. The reason why it is that way is because this Body has not done what it was supposed to do to fund education.

Today, we want to consider something else that creates jobs and helps with economic development in our State. For the record, I am a Raiders fan, and I have never hidden that fact. But, even if the Buffalo Bills and the Cleveland Browns were moving here, I would make the same argument. Every time we discuss something that someone is not happy about, we throw out the cliché term of education. We should have been doing that all along. Education is important in this State.

My daughter attends school at UNR. She grew up and went through the Clark County School System. She spent her high school years in one school, did very well and is doing very well at UNR. Those are the measures that we use to show success. You cannot explain to me why 39 percent of the tourism tax is going to education. The reason is because we have not done what we were supposed to do.

I know for a fact, from looking at the numbers, that LVCVA would not be here, today, if we had not been diverting 39 percent of the funds from tourism into education. What direct nexus does education have to tourism? We have diverted all that money for almost 20 years. My daughter was born in 1996 and those funds started being diverted in 1997. You cannot tell me in those 20 years we would not have had enough to expand the Convention Center on its own. I think we would have a little more money to pay for the stadium because that is what the job of LVCVA is to do: to put heads in beds. We can argue about 46 events per year. We can argue if it is 35; we can argue if it is 45. Hopefully, it will be above that number. You cannot tell me this will not bring people here and put heads in beds. That is what the tourism dollars are for. I do not understand why every time we want to have a robust discussion about something that brings fees or increases taxes, we revert back to education because that is what we think our citizens want to hear. Do you know what my citizens want to hear? They want to hear that we are creating jobs, and we are putting them back to work.

In 2000, we created the Highway Fund bill that was supposed to put construction workers back to work. They did not have jobs then. They were the lowest of the lowest in the State when they lost jobs. They were the lowest industry, and we were supposed to be putting them back to work. No one said anything when we diverted those funds the next year. Everybody spoke up, but we did it. We told our citizens funds were going to the Highway Fund, but they went to the General Fund. We told our constituents that we are putting people back to work; that we were creating construction jobs, and we were doing this and that, but it did not happen.

We find ourselves, here, again, today, and the catchword is education. Let us stop playing games with education as my colleagues were saying. If you want to have a true discussion about education, then, we should have a discussion about education. Everybody in this room, especially on the left side, has tried hard to make sure that we increase funds, taxes, fees and everything else for education, including taking 39 percent out of the Tourism Fund. It is time to stop that kind of behavior. It is time to stop taking dollars from where they should not be taken and put them where they are needed. There is no guarantee that if we were to divert this \$750 million into education that it would end up going there. We have a pattern of saying we are going to do one thing and then putting the money somewhere else.

This past weekend, I was in Wisconsin attending a Counsel of State Governments National Officers' meeting. When I landed at the airport there, I saw many people wearing green shirts and jerseys; they were all Packer fans. Realizing there was no game, I wondered where they were going; they were on their way home. There were at least 20 or 30 people. I was not even in Green Bay, and there were Packer fans everywhere. This was just a normal day for them. The same thing happened on Saturday. On the plane coming home, the lady sitting next to me told me that that is normal for Packer fans. What that told me is that the community is connected to that team.

I was reminded of how I am a Raiders fan and how I became one. It was not about the team. It never was about the team when I was a kid. It was an opportunity to spend time with my dad. I would not say it was uninterrupted, as he paid a lot of attention to the game, but I was happy to be with my dad. The first time that I saw tears in my father's eyes—the first time, because he was hard—was in 1983. The Raiders were playing the Seattle Seahawks, and they won the championship game to go to the Super Bowl. I remember the game ending, and that is when fans would run out and tear down the goal post. I did not think twice; I was gone. I ran out there and remember my dad finding me an hour or so later. I remember him looking at me, and I remember looking at his eyes. I remember seeing the tears and the hurt in his eyes because he did not know what happened to me because a lot of people got trampled that day. All he did was smack me upside the back of my head. He said "one more time." Every child should have an opportunity to run on the field and get knocked upside the head by their father. It should not just be me.

I think about the opportunities I want to give our kids. I want to give our citizens jobs. I want to give kids, young boys and young girls, the opportunities that I had with my father. This is much bigger than trying to make political speeches. This is much bigger than all of this. Every child should have that opportunity. We should be the Body to give it to them.

SENATOR SEGERBLOM:

I rise in opposition for lots of reasons that have already been articulated. I want to mention one thing that is our role as Legislators in this government and in this State. Arguably, in the Constitution, there are three Branches of government. The Legislature is one of the co-equal Branches. However, in the past two years, we have been called up here and handed a package for Tesla, for Faraday and, now, for this stadium, and I do not believe we are performing our constitutional obligations.

We are told that committees and people have met. People come and sit before us and tell us, for this industry, it is perfect. But, at the end of the day, did we really deliberate on this bill? No. Did we really consider what the best way is to fund this stadium? No. We have been led by the nose by other people, and I believe we renounced our obligation as Legislators. We spend our time talking to people; we run for Office, and we have pride in what we do. However, we come up here on a whim, with short notice, and basically rubber stamp something that other people have done, and it has a cost of billions of dollars.

When we come back here in February, what are we going to do? We are going to be listening to this budget. We are going to have people testify about how those with State health insurance have high deductibles of thousands of dollars, and we will say we do not have money for that. We will talk about State employees—who are the poorest State employees in the Country—and we will say we do not have any money for that. We will talk about the 2,000 portable classrooms in Clark County that need to be replaced by real buildings, and we will say we cannot afford to fund buildings for schools or afford to pay our teachers. We are going to spend four months deliberating how much we pay for toilets or for garbage cans, whether it be \$5 dollars here, \$10 there or \$100 here. Yet, we come up here and, in two days, give away what is, ultimately, going to be \$3 billion. When this bond is paid off, it is going to be \$3 billion.

I want to remind you that next spring, when we come back here, please think about who we are. We are the third Branch of the government. We are as important as the Governor. We are as important as the seven Justices. We have an obligation in this form of democracy to perform our job. I do not believe that in this Special Session, and in the previous two Sessions, that we have performed our job.

SENATOR FORD:

With all due respect to Howie Long or Peter Guzman or whoever came up with the comment, I do not view this as a "no-brainer." This has not been a no-brainer at all. We have had to do what we typically do in this Chamber and in this caucus, and that is deliberate. We have had to consider the pros and cons of this issue, whether by using two different columns, by talking to people who oppose this idea or those who support this idea, or by dealing with our own schizophrenic beliefs on the issue. We have had to think about it. It has not been easy. The decisions that the people in this Chamber are having to make have not been made lightly.

You can show me a poll that says 55 percent of the people disagree with funds for the stadium. Someone else can show me a poll a minute later that says 55 percent of the people approve of the funding for this stadium. When you get information like that and when you are hearing from people on all sides, that is when you have to put your head down and look for the best decision possible.

My family is split; my caucus is split; my Democrats are split; my friends in the Republican Party are split; and their constituents are split. This is a decision we have to make, understanding that somebody is going to be mad. We do not come here to make everyone happy. What we come here to do is make informed, deliberate decisions, and I am doing that. I did not have to be here for six weeks to have researched the good, bad and the ugly about this. We did not get the language until a couple of days ago, but the concepts have been out there. The people opposing and supporting this plan have been contacting us for weeks.

How did I come to my decision? I heard a young man speak earlier; his name was Mr. David Pruitt, and he almost had me in tears. He told about living in a truck and being determined to do better for himself and his family so he studied and did homework in that truck. Mr. Pruitt works in the construction industry, and now, because these are construction jobs, you want to call them temporary? Every construction job is temporary. The industry, however, is the third largest or second largest depending upon when you are looking at it. To say that we are creating temporary

jobs is not a persuasive argument. What this man has said reminds me of my own life. I remember being a junior in college and becoming a single parent. I was living in Section 8 housing getting food stamps; Women, Infant and Children's assistance; Aid to Families with Dependent Children, and any form of governmental assistance that I could get to help me get to the next level. I was a junior in college with a baby by myself. Thank God for a government that attempts to help its citizens. That is what I view us doing right now.

I cannot leave this Chamber, look a laborer in the eye and say I had a chance to give you a job and I voted against this bill. I cannot walk down the street and see a sheet metal worker, of whom 30 percent or so are out of work, and look him in the eye and say I had a chance and I voted against it because it was not perfect.

There is nothing we do in this Chamber that is perfect, not one thing. We always come back and try to fix things when they are broken. That is what we need to do. There is nothing wrong with that; if you make a mistake, you try to fix it. In this Chamber, if we have to come back in February, 2017, and look at what we missed, we can try to address it.

Some of us in this Chamber and in this building have been fighting for decades to get funding for public education. Just last Session, the Democrats and Republicans were finally able to pass a tax increase to fund education. Some people are not coming back because they took the bold step of funding education, and, in my view, that is a travesty. Even though they are members of the other party, it is a travesty. It demonstrates the reason we are here. We are here to make the hard decisions that we believe in our heart of hearts are going to advance our society. How are we going to help the people who have elected us get to their next level? I am going to have some folks cussing me out when I get home. I have listened to the people who have testified and who have called me. I have read the emails of those who have contacted me. Notwithstanding what the pundits will say, it is not the lobbyists that persuaded me. It is the constituents who have told me, time and time again, I want a job. I rise in support of this bill. I am proud to support this bill. I am proud to hit the green button knowing I am giving thousands of jobs to a lot of southern Nevadans.

SENATOR ROBERSON:

I want to commend my colleague, the Senate Democratic Leader, on those remarks. I cannot top those, and I will not try.

SENATOR SETTELMAYER:

We are facing an interesting decision here. As Mark Twain, one of our constituents from long ago once said, "Many of my friends are for this; many of my friends are against this. I stand with my friends." This is a difficult vote. Be sure to look at the facts and the very compelling testimony of Mr. Pruitt who spoke of studying in his vehicle and living in his vehicle to make his life better. It is not about just a job. It is about an opportunity. When you look at the concept of providing 18,700 construction jobs and 6,000 ongoing jobs after that, it is beyond compelling.

Many people have asked me what would happen if the Raiders leave. I started doing some research. Why would they leave? They want to leave the situation they are in now so you begin by looking at the age of their current structure. The original portion of that stadium was built in 1966. It is a 50-year-old stadium. It will probably be good for another 30 years. The only stadiums that are older are The Coliseum the Rams built in 1923, the Bears' Soldier Field built in 1924 and Lambeau Field built for the Green Bay Packers in 1957. That means they are going to stay around. This only takes the room tax from the fourteenth to the tenth highest in the Country. I am confident the construction overruns and the opportunity overruns are going to be paid for by the private sector.

I am concerned about the comments made by my colleague from District 19. This is not the first time we have done this. We have passed taxes on the counties with automobile museums in northern Nevada, which is my final point. I have always said to my colleagues here, please defer to us on northern issues. If it is about agriculture, mining and things of that nature, I would hope you would listen to us. In the same respect, this is truly a southern issue, and a vast majority of southerners are saying vote for this so I stand with the southerners.

SENATOR HARRIS:

Like other Senators in this room who have come to difficult conclusions, this has been a complicated, difficult decision for me. We do not get to make a decision in a vacuum. We do not simply decide to vote "yay" or "nay" on the stadium. All of these Senators have eloquently expressed their concerns from healthcare challenges, to homelessness, to lack of jobs and mental healthcare concerns. We have great challenges before us. It is our responsibility to make the decisions that are going to move Nevada forward. We have had a lot of discussion in the last Session, and since then, about how Nevada needs to transform. Senate Bill No. 1 will help Nevada truly transform and begin on its journey to have a more diversified economy, to invest in itself. We need to have the self-confidence to invest in Nevada if we want to begin to lead the way.

We are a premiere destination. We owe it to the people who come to our City to show them how great we are. I am excited about the Convention Center expansion. The 16 to 18 percent of our visitors who come to our State for conventions will now have an opportunity to have first-class accommodations. When they return home, they can express to their family, friends and their neighbors, what a great time they had in Las Vegas. We are a tourism and hospitality economy. We need to make those investments. The fact that some of our Convention Center components are over 50 years old is a travesty. We need to be in competition with cities like Orlando, a city that is ready to invest \$1.3 billion dollars in its convention center; San Francisco, \$500 million; Houston, \$1.5 billion, and Chicago, \$1.1 billion. We are number one on the global market in terms of our convention experience. We need to stay there, and this bill allows us to continue to do that. I am going to support Senate Bill No. 1.

I also believe in the comments of my colleagues about education. I do not want to confuse the issues, but I want to have that conversation about education. I want to be committed to all of our children. That means public education and educational choice.

We are making a promise to our families, today, to put them to work and to give them hope. I have seen devastation. I have seen the challenges that come with a recession. I have represented clients who were losing their homes.

During the recent recession, Senate District 9 was one of the hardest hit sectors of southern Nevada. As I knocked on doors, while running for election, I talked to my constituents about housing, jobs and food insecurity. I believe that Senate Bill No. 1 allows families to have security and hope because that is what a job means to people and to their families. It is hope. It is a pathway forward. We need to do that for our people and for their children.

We need to have an honest and open conversation about education. We need to fund all of our education not just public education, which I believe in and support. My children participated in public education. However, for families that have challenges, who send their children to our overcrowded schools or who are having a less than stellar experience, we need to find a funding mechanism for school choice and for opportunities for all families to get a quality education. I look forward to having that discussion in the next Legislative Session.

Roll call on Senate Bill No. 1:

YEAS—16.

NAYS—Goicoechea, Gustavson, Kihuen, Ratti, Segerblom—5.

Senate Bill No. 1 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Resolution No. 4; Assembly Concurrent Resolution No. 1.

REMARKS FROM THE FLOOR

Senator Roberson requested that his remarks be entered into the Journal.

I want to thank all of my colleagues. You made this look easy, but we all know it was not. The last two days were difficult. There were a lot of late nights, and everyone did great work. I want to thank the staff for all the work you have done. We love you guys; we really appreciate it.

Senator Roberson moved that the Senate adjourn until Thursday, October 13, 2016, at 2:00 p.m.

Motion carried.

Senate adjourned at 6:17 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate