

**THE EIGHTH DAY**

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CARSON CITY (Wednesday), June 14, 2023

Senate called to order at 5:22 p.m.

President pro Tempore Spearman presiding.

Roll called.

All present except Senators Buck, Goicoechea, Hansen, Seevers Gansert and Titus, who were excused.

Prayer by Sherry L. Rodriguez.

Father in heaven, thank You for yet another beautiful spring day. There are some here that are tired and some who might even be weak. We ask that You give back our energy and strength as we get ready to leave this place.

Thank You for getting us through these past several stressful days by allowing us to maintain our humor and our many friendships along the way. I ask that You guide each one safely back home until we come together once again.

Oh, PS, Lord, thank You for dropping off the Stanley Cup here in Nevada.

In Your loving Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

MOTIONS, RESOLUTIONS AND NOTICES

Pursuant to Rule No. 53.1(a) of the Senate Rules from the 35th Special Session, Senate Majority Leader Cannizzaro has authorized Senator Scheible to use remote technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

REMARKS FROM THE FLOOR

Remarks by Senator Nguyen, Madam President pro Tempore, Senators Cannizzaro and Hammond.

SENATOR NGUYEN:

It is my distinct privilege to rise this evening in honor of the life of Dr. Lonnie Hammargren, a fellow Nevadan who passed away just yesterday.

Lonnie served as Nevada's 31st Lieutenant Governor from 1995 to 1999 with Governor Bob Miller. Prior to his service presiding in this body, he represented his Las Vegas district on the Board of Regents for the Nevada System of Higher Education for six years.

However, it was not his political career that Lonnie wanted to be remembered for but his lengthy tenure as a licensed neurosurgeon. He moved to Nevada in 1971, was immediately licensed to practice medicine and revolutionized trauma care across the State. He spent time as a faculty member for the University of Nevada Medical School and as the Director of University Medical Center's rehabilitation unit. During his many decades as a licensed physician, he performed thousands of operations, including cases involving professional athletes and stuntmen and -women.

Despite his decades of private and public service to the State of Nevada, Lonnie is probably best known for his passion in collecting interesting artifacts. On Nevada Day, Lonnie would open his home to visitors to share his eclectic collection to the world. His collection grew so large that he purchased two neighboring homes to his house for his vast array of memorabilia and artifacts.

The "Hammargren House of Nevada History" would go down and be featured in several TV shows and magazine articles, cementing it as one of Las Vegas' most interesting attractions. He was quoted as saying his collection makes him "feel unique and," "nobody had done what I had done."

More than his collection, Lonnie will be remembered for his passion, enthusiasm and many decades of service spent to this great State of Nevada.

Thank you, Dr. Hammargren, for your tremendous service to our State.

MADAM PRESIDENT PRO TEMPORE:

Thank you, Senator Nguyen. And we honor the service of such a great man.

SENATOR CANNIZZARO:

I, too, have some remarks regarding a former Senator who has recently passed, on June 8, and that is Senator Melvin D. Close, Jr. And it is my honor to rise this afternoon to recognize the life of our former Senate colleague.

Senator Close was born in Provo, Utah, on April 24, 1934, but moved to Nevada and graduated from Las Vegas High School before finishing his undergraduate degree at Brigham Young University and graduating from the University of California Law School at Berkeley. He then honorably served our nation in the United States Army.

Before being elected to his first session, Senator Close brought the first lawsuit in federal court challenging Nevada's legislative representation plan, where at the time districts were largely based on county boundaries. He ultimately withdrew himself from the suit after his election for the 1965 session. However, his efforts led the Legislature to eventually begin a process of redistricting itself to comply with the U.S. Supreme Court's mandate for one person, one vote.

Senator Close served in the Assembly from 1964 to 1970 and then was elected to the State Senate in 1970. He admirably served in the Senate until 1982, where he served as President pro Tem for the 1977 and 1981 sessions.

Senator Close was a true Nevadan and public servant. And I want to recognize Senator Close for his service, and we humbly remember him in this body today. Thank you, Madam President pro Tempore.

SENATOR HAMMOND:

I wanted to add some additional words to the kind remembrance given by our majority leader. Senator Close, as we know, we walk by the wall often, is in the Senate Hall of Fame. He was not only a great Senator but he was a former Speaker of the Assembly.

And he is also related to one of our colleagues over in the Assembly, my good friend Assemblywoman Melissa Hardy. So she and I talked a little bit today, and she sent me a few things that I could say about him, but I just couldn't go with what was on a piece of paper because I'd listened to her. And I thought as she was talking to me that I hope my daughters have the same look in their eyes when they talk about me as she had in her eyes as she talked about her father.

Specifically, she talked about his service. And maybe she doesn't remember exactly the way it was, I don't know for sure, but when she talks about her father and his service here, his time in the Legislature, she mentioned a few things, and she had a smile and holding back a few tears at the same time.

She talked about how he was the Judiciary chair. And this is over in the old chamber over there across the way. And she said that the first time he served as the Chair of Judiciary, he noticed that there was no secretary to take the minutes, to put any of the words in there. He said, "We can't do that." So he was the first one to have a committee secretary. And she smiled and she said, "My dad did that."

He then asked one time—and I think my colleague to my right will appreciate this—he said, "Well, how much is this going to cost?" They said, "We don't know" because nobody did any fiscal notes back then. He started that. He started figuring out that we needed to know how much things cost. And she smiled and she said, "He did that." It wasn't the things that he did, but what I noticed was she said that "my dad did that." I think often about how we live our lives and what we do and the accomplishments we have or the people we meet. And I think that is what she was having at that moment as she was talking about her dad.

The last thing she said to me was, when he came up—and a lot of them came up from the South—they came up and they had, you know, Ds and Rs statement but, she said, they never talked

about who they were as a Democrat or a Republican. The first thing they did is they came up and they started talking to all the representatives up here. And the first thing they did was talk about their philosophy, what did they want to accomplish, how they wanted to accomplish it.

It was back then—I know sometimes we romanticize "back then"—but, she said, back then they talked to each other about what goals needed to be achieved and how they were going to achieve it together. I can't help but think that that's a great way to end not only tonight but, personally, I think I learned a lesson from her today. This is the lesson I learned is that we do need to stop worrying about partisanship and really start talking to people, finding out where people are from and the philosophies they have. That's what I have learned from my time here.

And so in honor of Senator Close, I hope that we can go forward and make strides in that area, try to find common ground and work towards goals that continue to move the State forward. And so I appreciate what she said to me, and I appreciate the way she said it as a daughter who loved her father and he just happened to serve. And so I end those remarks thanking her.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 14, 2023

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 1, Amendment No. 2, and respectfully requests your honorable body to concur in said amendment.

SUSAN FURLONG  
*Chief Clerk of the Assembly*

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1.

The following Assembly amendment was read:

Amendment No. 2.

AN ACT relating to economic infrastructure projects; enacting the Southern Nevada Tourism Innovation Act; amending the Southern Nevada Tourism Improvements Act; requiring under certain circumstances the establishment in Clark County of a sports and entertainment improvement district for the financing of a Major League Baseball stadium project; authorizing the Clark County Stadium Authority to carry out the provisions of law governing the Major League Baseball stadium project; ~~requiring the creation of a Clark County homelessness prevention and assistance fund;~~ authorizing the pledge of certain taxes, fees and charges for the payment of bonds and other purposes relating to the financing of the Major League Baseball stadium project; requiring the State Treasurer, under certain circumstances, to provide a credit enhancement on bonds issued to finance the construction of the Major League Baseball stadium project; requiring the issuance of general obligations of Clark County for the financing of a Major League Baseball stadium project under certain circumstances; authorizing the issuance of transferable tax credits to developer partners for qualified projects relating to the Major League Baseball stadium project; eliminating certain exemptions from prevailing wage requirements relating to railroad companies or monorails; requiring certain new or expanding businesses to provide certain paid family and medical leave to employees in order to qualify for a partial abatement of certain taxes; making an appropriation; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law creates the Clark County Stadium Authority as a public body to carry out the provisions of the Southern Nevada Tourism Improvements Act governing the National Football League stadium project, and existing law provides for the Stadium Authority to be governed by a Board of Directors. (Chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 19)

This bill enacts the Southern Nevada Tourism Innovation Act to establish a method to finance a Major League Baseball stadium project. Sections 4-17 of this bill define terms for the purposes of the Southern Nevada Tourism Innovation Act. Sections 18-35 of this bill establish a method to finance the design, entitlement, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation and maintenance of a Major League Baseball stadium project.

Section 21 of this bill authorizes the Stadium Authority to exercise certain powers which are in addition to the powers granted to the Stadium Authority under the Southern Nevada Tourism Improvements Act.

Section 28 of this bill requires that, upon receiving notification that the Stadium Authority has taken certain actions relating to the relocation of a Major League Baseball team, the Board of County Commissioners of Clark County must create a sports and entertainment improvement district, the general location of which is the southeast corner of Las Vegas Boulevard and Tropicana Avenue in Clark County, to assist in the financing of a Major League Baseball stadium project. Under section 28, the sports and entertainment improvement district is required to: (1) be located entirely within Clark County and outside the boundaries of any incorporated city; (2) include only parcels of land, or portions thereof, on which the Major League Baseball stadium project is located or will be located and any surrounding or adjacent properties necessary for the operation of that project; and (3) not include any operating hotel or other public accommodation facility or any operating licensed gaming establishment. Section 28 authorizes the Board of County Commissioners to amend or modify the boundaries of the sports and entertainment improvement district but prohibits such an amendment or modification from: (1) impairing any bonds issued to finance the construction of the Major League Baseball stadium project; (2) excluding from the sports and entertainment improvement district any parcel of land, or portion thereof, on which the Major League Baseball stadium project is or will be located or any surrounding or adjacent property necessary for the operation of that project; or (3) including within the district any operating hotel or other public accommodation facility or any operating licensed gaming establishment

Section 22 of this bill requires the Stadium Authority to negotiate and enter into a development agreement, lease agreement and non-relocation agreement with respect to the Major League Baseball stadium project if the Board of

Directors determines that a Major League Baseball team has committed to locate or relocate within the sports and entertainment improvement district. Section 22 also establishes requirements for the development agreement, lease agreement and non-relocation agreement. Section 33 of this bill sets forth additional provisions which must be included in the development agreement, lease agreement and non-relocation agreement, including, without limitation, the maximum financial contribution of the Stadium Authority to the development and construction of the Major League Baseball stadium project. Section 24 of this bill provides for the confidentiality of certain information provided to the Stadium Authority under certain circumstances. Section 25 of this bill generally exempts the Major League Baseball stadium project from laws requiring competitive bidding or specifying procedures for the procurement of goods or services, and from laws 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, the subcontract must be competitively bid. Additionally, section 26 of this bill requires that any contract or agreement entered into by a prime contractor for the construction of the Major League Baseball stadium project must include provisions requiring that at least 15 percent of the subcontracts for the project must be with small local businesses.

Section 27 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 Major League Baseball stadium project to generate revenues for the construction of the Major League Baseball stadium project.

Section 34 of this bill requires the Board of County Commissioners of Clark County to issue general obligation bonds of the County upon the request of the Board of Directors of the Stadium Authority if certain requirements have been met. Section 34 also requires the proceeds from the issuance of the general obligation bonds to be distributed to the Stadium Authority and used for certain purposes related to the Major League Baseball stadium project.

Sections 29 and 30 of this bill enact provisions governing the sources of revenue used to pay the debt service on bonds issued by the County pursuant to section 34. Section 29: (1) requires the Board of County Commissioners, in order to pay the principal and interest on bonds issued by the County pursuant to section 34 and to make certain other payments, to pledge the proceeds of certain taxes, fees and charges imposed by the State and the County; and (2) provides that, with respect to the taxes, fees and charges imposed by the State, such a pledge does not constitute a pledge of the full faith and credit of the State and does not prevent the Legislature from enacting, amending or repealing any law or other legislative measure relating to those taxes, fees or charges. Section 30 of this bill requires, under certain circumstances, the State Treasurer to provide a credit enhancement on bonds issued to finance the construction of the Major League Baseball stadium project. Section 41 of this

bill makes an appropriation of \$14,000,000 to the Nevada State Infrastructure Bank Fund for this credit enhancement, effective upon the passage and approval of this bill.

Section 32 of this bill requires the county treasurer of Clark County, after paying any principal, interest or other costs due in connection with any bonds and establishing a reserve fund, to transfer the proceeds of the taxes, fees and charges pledged to the financing or refinancing of the Major League Baseball stadium project to the Stadium Authority to be used for certain purposes.

Section 31 of this bill authorizes a developer partner of a qualified project to apply to the Stadium Authority for a certificate of eligibility for transferable tax credits. Section 31 prohibits the Stadium Authority from approving more than \$36,000,000 in transferable tax credits in a fiscal year or \$180,000,000 in total for all qualified projects in this State.

~~Section 20 of this bill requires the Board of County Commissioners to create a Clark County homelessness prevention and assistance fund to provide assistance to people who are at risk of becoming homeless or are currently experiencing homelessness by supporting certain programs.~~ Section 23 of this bill requires, as part of the development and operation of the Major League Baseball stadium project, the development of a community benefits agreement and the creation of a baseball stadium community oversight committee to oversee the implementation and administration of the community benefits agreement.

Section 35 of this bill provides that the authority of the Board of Directors to undertake the Major League Baseball stadium project expires under certain circumstances.

Sections 36-37.5 of this bill revise the membership of the Board of Directors of the Stadium Authority.

Existing law authorizes a person who intends to locate or expand a business in this State to apply to the Office of Economic Development for a partial abatement of certain taxes. The Office is required to approve an application for such a partial abatement if the Office makes certain determinations. (NRS 360.750) Section 39 of this bill revises the determinations the Office must make to approve an application for such a partial abatement to require that a business provide certain paid family and medical leave to employees of the business. Section 39 requires a business that will have at least 50 full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective to, by the earlier of the eighth calendar quarter following the calendar quarter in which the abatement becomes effective or the date on which the business has at least 50 employees on the payroll of the business: (1) have a policy for paid family and medical leave; and (2) agree that all employees who have been employed by the business for at least 1 year will be eligible for at least 12 weeks of paid family and medical leave at a rate of at least 55 percent of the regular wage of the employee. Further, the business must agree in writing that the business will not take certain actions in relation to an employee's use

of such paid family and medical leave. Section 39 also provides that if a business has a policy for paid family and medical leave for employees on the payroll of the business outside of this State that meets or exceeds the requirements for a policy of paid family and medical leave set forth in section 39 and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under the policy, the Office must determine that the business's policy meets the necessary requirements for obtaining the partial abatement.

Existing law requires that every contract to which a public body is a party that requires the employment of certain workers to perform the public work must require that such workers be paid at least the wages prevailing for the type of work that the worker performs in the region in which the public work is performed. (NRS 338.020) Existing law exempts from the requirements to pay the prevailing wage any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, regardless of whether a public body is party to the contract. (NRS 338.080) Section 38 of this bill removes this exemption, and as a result, any such activity or employment may be subject to the prevailing wage requirements.

Existing law also exempts the work of or incident to the installation and operation of a monorail from the prevailing wage requirements. (NRS 705.690) Section 40 of this bill removes this exemption, and as a result, the work of or incident to the installation and operation of a monorail may be subject to the prevailing wage requirements.

Section 8.5 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 8.5. ~~["Clark County homelessness prevention and assistance fund" means the fund created by the County pursuant to section 20 of this act.]~~  
(Deleted by amendment.)

Section 20 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 20. ~~1. The Board of County Commissioners shall create a Clark County homelessness prevention and assistance fund.~~

~~2. In managing the fund, the County shall coordinate with local governments in the County that provide the services described in subsection 3.~~

~~3. Money in the fund shall be used exclusively to provide assistance to people who are at risk of becoming homeless or are currently experiencing homelessness by supporting programs which are designed to:~~

~~(a) Prevent homelessness;~~

~~(b) Help individuals and families to regain stable housing; or~~

~~(c) Diminish the incidence of homelessness throughout the County.~~

~~4. To the extent practicable, money in the fund shall be invested in programs which provide a range of service, including, without limitation, emergency rental assistance, utility assistance, case management, job training, rehabilitation, respite and counseling services.]~~ (Deleted by amendment.)

Section 23 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 23. 1. The developer partner and the Baseball Stadium Events Company shall develop a community benefits agreement 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 Major League Baseball stadium project developed by the developer partner and operated by the Baseball Stadium Events Company. The community benefits agreement must be approved by the Board of Directors. The community benefits agreement must be reviewed and updated not less than once every 5 years and each such update must be approved by the Board of Directors.

2. The community benefits agreement must include, without limitation, provisions that:

(a) Establish requirements designed to ensure diversity among the workforce, subcontractors and vendors used to construct and operate the Major League Baseball stadium project;

(b) Require the payment of a living wage to employees of the Major League Baseball stadium project;

(c) Establish requirements for community engagement by the Baseball Stadium Events Company and the Major League Baseball team, including, without limitation:

(1) Participation by players of the Major League Baseball team in the community, including, without limitation, in education programs;

(2) The donation of tickets; and

(3) Programs to support youth baseball in underserved communities;

(d) Provide for the use of a community suite by charitable, community or economic development organizations;

(e) Require the developer partner and the Baseball Stadium Events Company to provide:

(1) Educational programming in the ~~community~~ State, including, without limitation, by working in partnership with local colleges and universities to provide programs of career development for the sports industry; and

(2) Scholarships, internships and mentorship programs; and

(f) Require the developer partner and the Baseball Stadium Events Company to make an adequate financial commitment in the community, including, without limitation, an annual commitment of cash and in-kind services which must not be less than:

(1) During the period beginning with the calendar year in which the County issues bonds and ending in the calendar year following the calendar year in which a certificate of occupancy or other governmental authorization in order to operate the Major League Baseball stadium project is issued, \$500,000 per calendar year.

(2) Beginning with the immediately succeeding calendar year after the end of the period set forth in subparagraph (1), an amount per calendar year



that is the greater of ~~(\$1,500,000)~~ \$2,000,000 or 1 percent of Major League Baseball team ticket revenue generated by the Major League Baseball stadium project for the calendar year.

3. A baseball stadium community oversight committee must be created to oversee the implementation and administration of the community benefits agreement developed pursuant to subsection 1. The baseball stadium community oversight committee is hereby authorized to enforce the provisions of the community benefits agreement which it was created to oversee.

4. The baseball stadium community oversight committee must consist of seven members to be appointed as follows:

- (a) Two members appointed by the Board of Directors, one of whom the Board of Directors shall designate to serve as the Chair;
- (b) One member appointed by the Governor;
- (c) One member appointed by the Majority Leader of the Senate;
- (d) One member appointed by the Speaker of the Assembly; and
- (e) Two members appointed by the Board of County Commissioners.

↪ In appointing members to the baseball stadium community oversight committee, the appointing authority shall consider whether the members appointed to the committee reflect the diversity of this State, including, without limitation, the age, gender, gender identity or expression, sexual orientation, ethnic and geographic diversity of this State.

5. A person must not be appointed to the baseball stadium community oversight committee if he or she is:

- (a) An elected official;
- (b) An employee of the Major League Baseball team or an affiliate or related entity of the Major League Baseball team;
- (c) A representative of a business that is engaged by a business providing goods or services to the Major League Baseball team or the Major League Baseball stadium project; or
- (d) A representative of a labor union representing employees, or seeking to represent employees, working at or for the Major League Baseball stadium project.

6. The baseball stadium community oversight committee constitutes a public body for the purposes of chapter 241 of NRS.

7. In addition to such other reports as the Board of Directors or the baseball stadium community oversight committee may require, on or before December 31 of each even-numbered year, the developer partner and the Baseball Stadium Events Company shall jointly prepare and submit a community benefits progress and accountability report to the:

- (a) Governor;
- (b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;
- (c) County manager of the County;
- (d) Chair of the Board of Directors; and
- (e) Chair of the baseball stadium community oversight committee.

8. The report required pursuant to subsection 7 must include, without limitation:

(a) The terms of the community benefits agreement that were in effect during the period of time covered by the report;

(b) An evaluation of the compliance of the developer partner and the Baseball Stadium Events Company with the terms of the community benefits agreement identified pursuant to paragraph (a); and

(c) An evaluation of the effect of the Major League Baseball stadium project on the community at large.

9. The Board of Directors shall appoint a community benefits director to advise the baseball stadium community oversight committee and monitor the compliance of the developer partner and the Baseball Stadium Events Company with the terms of the community benefits agreement. A person must not be appointed as the community benefits director:

(a) Unless the person resided in the County for at least 5 years immediately preceding the date of his or her appointment.

(b) If person is an employee of the Major League Baseball team or an affiliate or related entity of the Major League Baseball team or an employee of the Major League Baseball stadium project or an affiliate or related entity of the Major League Baseball stadium project.

(c) If the person directly provides good or services to a Major League Baseball team or the Major League Baseball stadium project or is an employee of a business that directly provides goods or services to a Major League Baseball team or the Major League Baseball stadium project.

10. If the baseball stadium community oversight committee determines that the developer partner or the Baseball Stadium Events Company has failed to comply with the terms of the community benefits agreement, the community benefits director shall notify the developer partner, the Baseball Stadium Events Company and the Major League Baseball team in writing that the baseball stadium community oversight committee has made such a determination of noncompliance. Upon receipt of such a notice, the developer partner and the Baseball Stadium Events Company, in coordination with the Major League Baseball team, shall submit in writing to the community benefits director:

(a) A response to the determination of noncompliance by the baseball stadium community oversight committee which includes, without limitation, any reasons that the developer partner or the Baseball Stadium Events Company has not complied with the terms of the community benefits agreement;

(b) A description of the actions that that the developer partner or the Baseball Stadium Events Company will take to cure any noncompliance with the terms of the community benefits agreement; and

(c) A projected timeline by which the developer partner and the Baseball Stadium Events Company will be in full compliance with the terms of the community benefits agreement.

11. If the baseball stadium community oversight committee determines that the response submitted by the developer partner and the Baseball Stadium Events Company pursuant to subsection 10 is insufficient or the baseball stadium community oversight committee determines that the developer partner and the Baseball Stadium Events Company are not taking the actions set forth pursuant to paragraph (b) of subsection 10 in a timely manner, the baseball stadium community oversight committee shall notify the Board of Directors of its findings and may request that the Board of Directors initiate legal proceedings to enforce the terms of the community benefits agreement.

Section 32 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 32. 1. After paying any amounts needed to pay any principal, interest or other costs due in connection with any bonds issued to finance or refinance the Major League Baseball stadium project and to establish a reserve fund to secure the payment of such bonds, the County Treasurer shall transfer the amounts pledged pursuant to section 29 of this act to the Stadium Authority. The Stadium Authority shall deposit such proceeds into the baseball stadium tax account created pursuant to section 19 of this act.

2. Except as otherwise provided in subsection 3, before the issuance of any bonds, the Stadium Authority shall use the money in the baseball stadium tax account created pursuant to section 19 of this act only for one or more of the following purposes:

(a) To pay all or part of the cost to acquire, construct, design, entitle, lease, improve, equip, operate or maintain, or any combination thereof, within the boundaries of the sports and entertainment improvement district, the Major League Baseball stadium project.

(b) To establish a bond reserve fund and other reserves for the payment of the principal of such bonds 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 18 to 35, inclusive, of this act in an amount not to exceed \$2,000,000.

3. The Stadium Authority shall not expend any proceeds of the taxes, fees and charges described in section 29 of this act to pay any costs to acquire, construct, design, entitle, lease, improve, equip, operate or maintain, or any combination thereof, the Major League Baseball 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 22 of this act have been satisfied.

4. Except as otherwise provided in subsection 5, after the issuance of any bonds, the Stadium Authority shall use money in the baseball stadium tax account created pursuant to section 19 of this act only for the following uses:

(a) To pay the administrative costs of the Stadium Authority in an amount not to exceed \$1,000,000 each fiscal year, as adjusted annually pursuant to subsection 7.

(b) From the proceeds remaining after the payments required by paragraph (a), to supplement the cost of operating and maintaining the Major League Baseball stadium project if the Board of Directors determines such payments are necessary because the Baseball Stadium Events Company has failed to perform or breached the lease agreement entered into pursuant to subsection 1 of section 22 of this act or a combined development and lease agreement entered into pursuant to subsection 4 of section 22 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:

(1) Until the start of the fiscal year immediately following the date on which a certificate of occupancy or other governmental authorization required in order to operate the Major League Baseball stadium project is issued or obtained, in an amount equal to such remaining proceeds until the debt service reserve level on the bonds is two times the average annual debt service on such bonds; and

(2) After such date, in an amount not to exceed \$5,000,000 each fiscal year until the maximum debt service reserve level on the bonds is two times the average annual debt service on such bonds.

(d) From the proceeds remaining after the payments required by paragraphs (a), (b) and (c), to repay any amounts drawn under a credit enhancement or repay the special obligation of the County provided pursuant to section 30 of this act.

(e) From the proceeds remaining after the payments required by paragraphs (a) to (d), inclusive, to replenish any draws on the debt service reserve funds for the bonds in an amount equal to the total aggregate amount of any such draws.

(f) From the proceeds remaining after the payments required by paragraph (a) to (e), inclusive, and upon completion of the Major League Baseball stadium project, to make contributions to the baseball stadium capital projects fund created pursuant to section 19 of this act in an amount equal to at least \$5,000,000 per fiscal year, as adjusted annually pursuant to subsection 7.

(g) From the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits made available to a developer partner pursuant to section 31 of this act in excess of \$60,000,000, up to a total aggregate refund of \$120,000,000 and transmit money to the ~~Clark County Homelessness prevention and assistance~~ for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households in the following amounts:

(1) Until a total of \$45,000,000 has been refunded to the State for any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000:

(I) An amount equal to 90 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000; and

(II) An amount equal to 10 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, for transmittal to the ~~{Clark} County Homelessness Prevention and Assistance~~ for deposit in the community housing fund ~~{}~~ of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households, except that the amount of proceeds transmitted pursuant to this sub-subparagraph must not exceed \$5,000,000 per fiscal year, as annually adjusted pursuant to subsection 7.

(2) Once \$45,000,000 or more has been refunded to the State for any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000:

(I) An amount equal to 80 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, to refund to the State any amount of transferable tax credits issued pursuant to section 31 of this act in excess of \$60,000,000 until a total aggregate refund of \$120,000,000 has been made; and

(II) An amount equal to 20 percent of the proceeds remaining after the payments required by paragraphs (a) to (f), inclusive, for transmittal to the ~~{Clark} County Homelessness Prevention and Assistance~~ for deposit in the community housing fund ~~{}~~ of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households, except that the amount of proceeds transmitted pursuant to this sub-subparagraph must not exceed \$5,000,000 per fiscal year, as annually adjusted pursuant to subsection 7.

(h) From the proceeds remaining after the payments required by paragraphs (a) to (g), inclusive, and upon completion of the Major League Baseball stadium project, to make contributions to the ~~{Clark} County Homelessness Prevention and Assistance fund~~ in an amount equal to at least \$5,000,000 per fiscal year, as adjusted annually pursuant to subsection 7 ~~{}~~ for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households.

(i) From the proceeds remaining after the payments required by paragraphs (a) to (h), inclusive, to make payments to a fund to provide early debt retirement in an amount determined by the Stadium Authority, a fund to make capital improvements to the Major League Baseball stadium project in an amount determined by the Stadium Authority and, subject to the provisions of subsection 10, a fund to pay for any infrastructure the Stadium Authority

determines is required on or around the project, except that no payment pursuant to this paragraph may violate any covenant made in connection with the bonds 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 bonds were issued.

5. Upon the later to occur of the dates set forth in subparagraph (1) of paragraph (b) of subsection 7 of section 29 of this act, the Stadium Authority may use an amount not to exceed 10 percent of the proceeds of the taxes, fees and charges described in section 29 of this act generated in a fiscal year:

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

(b) To pay for capital improvements to the Major League Baseball stadium project in an amount determined by the Stadium Authority and, subject to the provisions of subsection 10, any infrastructure the Stadium Authority determines is required on or around the Major League Baseball stadium project.

6. The proceeds of the taxes, fees and charges described in section 29 of this act, less the amount otherwise allocated to the Stadium Authority pursuant to subsection 5, shall be returned to the taxing entity or other entity that collected such taxes, fees and charges for use by such taxing entity or other entity in accordance with law once:

(a) The bonds have been fully repaid and retired; and

(b) All refundable transferable tax credits issued pursuant to section 31 of this act have been repaid to the State pursuant to paragraph (d) of subsection 8 of section 31 of this act.

7. The monetary amounts specified in paragraphs (a), (f), and (h) of subsection 4 and the monetary amounts required by paragraph (g) of subsection 4 to be transmitted to the ~~(Clark) County Homelessness prevention and assistance~~ for deposit in the community housing fund of the County to be used exclusively for the procurement and development of supportive housing and housing that serves low-income households 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, 2023, and the calendar year immediately preceding the fiscal year for which the adjustment is made.

8. Any debt service reserve fund described in this section to secure the payment of the bonds must be held by the County or a trustee for the bonds. The debt service reserve fund must be funded with cash and investments permitted by the bond ordinance and NRS 355.170. Interest on money in the debt service reserve fund must remain in the fund and be used for the purposes for which the fund was created. In addition to the uses of the debt service reserve fund in paragraph (b) of subsection 2, money in the debt service reserve fund may be:

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

(b) When all bonds and any special obligations of the County under section 30 of this act are no longer outstanding, transferred to the baseball stadium capital projects fund created pursuant to section 19 of this act, provided that following such a transfer:

(1) No subsequent payment of such money from the baseball stadium capital projects fund may violate any covenant made in connection with the bonds; and

(2) If any subsequent payment of money from the baseball stadium capital projects fund would violate any covenant made in connection with the bonds, the amount of any such subsequent payment may be used for such other purposes as required by the ordinance or other instrument under which the bonds were issued; or

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

9. Any allocation of money in the debt service reserve fund pursuant to paragraph (a), (b) or (c) of subsection 8 requires the approval of the Stadium Authority, except that the County may, in its sole discretion, allocate money in the debt service reserve fund to pay scheduled principal and interest payments on the bonds.

10. For purposes of determining the infrastructure required on or around the Major League Baseball stadium project to be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5, upon completion of the Major League Baseball stadium project and continuing each year thereafter, the County shall provide to the Stadium Authority a list of infrastructure on or around the Major League Baseball stadium project that the County proposes to be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5. The Stadium Authority shall consider such list when determining which infrastructure will be funded as provided in paragraph (i) of subsection 4 and paragraph (b) of subsection 5.

11. As used in this section: ~~1. "consumer"~~

(a) "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.

(b) "Low-income household" means a household, which may include one or more persons, with a median household income of not more than 30 percent of the area median household income, based on the guidelines published by the United States Department of Housing and Urban Development.

(c) "Supportive housing" means subsidized housing that reduces barriers to retaining housing that are caused by a person's rental history, criminal history and income through the provision of onsite and offsite supportive services that are designed to assist a person who has:

(1) A disabling behavioral or physical health condition; and

(2) Experienced:

(I) Homelessness or been at imminent risk of homelessness; or

(II) Unnecessary institutionalization.

(d) "Supportive services" includes, without limitation, social services, community support services, case management services, employment services, health care and behavioral health treatment.

Section 36 of Senate Bill No. 1 First Reprint is hereby amended as follows:

Sec. 36. Section 22 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 20, is hereby amended to read as follows:

Sec. 22. 1. The Stadium Authority must be governed by a Board of Directors consisting of the County Treasurer ~~+~~ and State Treasurer, who ~~is~~ ~~are~~ ~~are~~ nonvoting, ex officio ~~member~~ members of the Board, and ~~nine~~ 11 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) Three members appointed by the Board of County Commissioners, at least one of which must be appointed in the manner set forth in subsection 2.

(c) *One member appointed by the Majority Leader of the Senate, who must not be a person who is currently serving as a Legislator.*

(d) *One member appointed by the Speaker of the Assembly, who must not be a person who is currently serving as a Legislator.*

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

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

(1) A National Football League team that has:

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

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

(2) The person or persons who have:

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

(II) Entered into such a lease.

2. One member appointed pursuant to paragraph (a) of subsection 1 and one member appointed pursuant to paragraph (b) of subsection 1 must be selected from a list of nominees submitted to the appointing authority by the two companies who, either directly or through subsidiaries, affiliates or any related entity under common control with the companies, own or manage the



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

3. *In appointing members to the Board of Directors, the appointing authority shall consider whether the members appointed to the Board of Directors reflect the diversity of this State, including, without limitation, the age, gender, gender identity or expression, sexual orientation, ethnic and geographic diversity of this State.* Each member of the Board of Directors must reside within the stadium district and must:

- (a) Have experience in the design, engineering and construction of major commercial projects and estimating the costs of the construction of major commercial projects;
- (b) Have experience in the financing of capital projects in this State;
- (c) Have experience in the field of stadium, arena or event management;
- (d) Have experience in workforce development, training, diversity or supplier engagement; or
- (e) Be representatives of the private sector and have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Board of Directors.

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

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

- (a) Dies or resigns; or
- (b) Is removed, with or without cause, by the appointing authority.

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

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

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

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 2 to Senate Bill No. 1.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bill No. 1 and Assembly Concurrent Resolution No. 1.

#### REMARKS FROM THE FLOOR

Remarks by Senators Ohrenschall and Madam President pro Tempore.

##### SENATOR OHRENSCHALL:

I'm going to be very brief. I just know this might be the last time I get to serve with my colleagues from Senate Districts 19 and 18 and Senate District 1, and it's been so amazing serving with you. You have been an inspiration to me, a friend to me. Senator [from District] 1, I can't tell you how wonderful it's been—my colleague from Senate District 1, President pro Tem—sitting with you and the inspiration you've been to me.

My good friend from Senate District 18, we had lots of fun in the Assembly, and I appreciated getting to know you and getting to earn your friendship.

And then my colleague from Senate District 19, I was lucky enough to get to serve with some of the great champions for rural Nevada: John Marvel, John Carpenter, Dean Rhoades. And my colleague from Eureka I count, certainly, up there with Dean Rhoades, John Carpenter, John Marvel as one of the great champions for rural Nevada. And I know I will never get to serve with someone like him again. It's been truly an honor serving with you all. I hope I get to see you again, but if not, get to see you in our private lives. Thank you.

##### MADAM PRESIDENT PRO TEMPORE:

It's been my pleasure to serve as well. But I'll be back, not in this realm but at some other time.

#### MOTIONS, RESOLUTIONS AND NOTICES

Madam President pro Tempore appointed Senators Hammond and Harris as a committee to wait upon the Assembly and to inform that honorable body that the Senate is ready to adjourn *sine die*.

Madam President pro Tempore appointed Senators Lange and Nguyen as a committee to wait upon His Excellency, Joe Lombardo, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

A committee from the Assembly composed of Assemblymen Cohen, McArthur and Torres appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

Senator Hammond reported that his committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Lange reported that her committee had informed the Governor that the Senate is ready to adjourn *sine die*.

REMARKS FROM THE FLOOR

Remarks by Senator Cannizzaro:

I wanted to just say a brief thank you to everyone who works in the office of our Front Desk for doing an amazing job for the last 129 or however many days we have been here now. We appreciate you all very much. I just want to thank you, to our Secretary of the Senate, who has been remarkable and had a wonderful first session and two special sessions with all of us and hopefully many more; to the Sergeant at Arms' staff, who has kept us well-fed and taken care of and located and wrangled to the floor of the Senate when needed; our Legislative Police, who are always out here making sure that we are safe; and, of course, all of our other amazing folks who work with us, our Fiscal folks, who keep us on the money, and all of our technology support, who make sure we can do this job and have microphones that work and people joining us remotely and generally make sure that we have all the information available to us so we can do these jobs. We appreciate you so much more than we can even say on this floor. So thank you very much for everything.

Senator Cannizzaro moved that the 35th Special Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Senate adjourned at 6:07 p.m.

Approved:

PAT SPEARMAN

*President pro Tempore of the Senate*

Attest: BRENDAN BUCY

*Secretary of the Senate*