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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; 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.

**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 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.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

**Section 1.** Sections 2 to 35, inclusive, of this act may be cited as the Southern Nevada Tourism Innovation Act.

**Sec. 2.** 1. 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 Sports and Entertainment Capital of the World.

(c) 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 a state-of-the-art stadium capable of attracting professional sports franchises, such as teams from Major League Baseball, hosting national sporting events, such as the World Series and World Baseball Classic, playoff, tournament and championship games, and holding other large-scale entertainment and sports events, such as concerts, festivals, motor sports, prizefighting and rodeos.

(d) 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 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 entertainment and sports venues and facilities, including, without limitation, the necessary economic conditions, capital investment, and infrastructure that could support the development and operation of such venues and facilities, support industries and businesses, workforce, population and visitors.

(e) The Clark County Stadium Authority is positioned to play a significant role in the continued growth and success of the tourism industry within the Las Vegas area by facilitating the development and operation of such new, innovative and diversified facilities, venues and forms of entertainment within the Las Vegas area.

2. 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 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 17, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.

**Sec. 4.** “Baseball Stadium Events Company” means a person whose business is organized under the laws of this State for the purpose of leasing the Major League Baseball stadium project from the Stadium Authority and whose business is owned by:

1. The Major League Baseball team or its affiliate;
2. A developer partner or its affiliate; or
3. The Major League Baseball team or its affiliate and a developer partner or an affiliate of a developer partner.

**Sec. 5.** “Board of County Commissioners” means the Board of County Commissioners of Clark County.

**Sec. 6.** “Board of Directors” means the Board of Directors of the Stadium Authority appointed pursuant to subsection 1 of section 22 of the Southern Nevada Tourism Improvements Act, as amended by section 36 of this act.

**Sec. 7.** “Bonds” means one or more series of:

1. General obligation bonds or other securities that are additionally secured by pledged revenues to the extent authorized by the provisions of this act and issued by the County pursuant to



subsection 2 of section 34 of this act and the Local Government Securities Law; and

2. General obligation bonds or other securities that are additionally secured by pledged revenues to the extent authorized by the provisions of this act and issued by the County to refund all or a portion of any outstanding bonds or other securities issued pursuant to subsection 2 of section 34 of this act and the Local Government Securities Law.

**Sec. 8.** “Capital investment” means all costs and expenses incurred by a developer partner or Baseball Stadium Events Company in a qualified project in connection with the acquisition, construction, installation and equipping of the qualified project.

**Sec. 8.5.** (Deleted by amendment.)

**Sec. 9.** “County” means Clark County, Nevada.

**Sec. 10.** “Developer partner” means a person who provides money to pay the costs of the design, acquisition, construction, entitlement, leasing, improvement, financing, equipping, operation or maintenance, or any combination thereof, of the Major League Baseball stadium project or the cost of any capital improvements to the Major League Baseball stadium project.

**Sec. 11.** “Major League Baseball stadium project” means any enterprise to design, acquire, construct, entitle, lease, improve, equip, finance, operate or maintain, or any combination thereof, within the boundaries of the sports and entertainment improvement district a baseball stadium that is capable of hosting the home games of the Major League Baseball team and that complies with the provisions of section 22 of this act and all necessary or desirable appurtenances or incidentals thereof for the operation of the Major League Baseball stadium project.

**Sec. 12.** “Major League Baseball team” means the Major League Baseball team that is locating or relocating within the sports and entertainment improvement district.

**Sec. 13.** “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. 14.** “Qualified project” means a project that meets the definition and applicable requirements of a Major League Baseball stadium project, as set forth in this act.

**Sec. 15.** (Deleted by amendment.)



**Sec. 16.** “Sports and entertainment improvement district” means the district created by section 28 of this act.

**Sec. 17.** “Stadium Authority” means the Clark County Stadium Authority created by section 21 of the Southern Nevada Tourism Improvements Act.

**Sec. 18.** In addition to the powers and authority vested in the Stadium Authority pursuant to the Southern Nevada Tourism Improvements Act, the Stadium Authority is hereby authorized and empowered to undertake the development of the Major League Baseball stadium project pursuant to the terms of this act.

**Sec. 19.** The Board of Directors shall create a baseball stadium tax account and a baseball stadium capital projects fund to carry out the provisions of this act.

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** In furtherance of the duties and responsibilities set forth in this act, the Stadium Authority may:

1. Apply for and accept any gift, donation, bequest, grant or other source of money to finance or develop the Major League Baseball stadium project.

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

3. Consider and approve or disapprove:

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

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

4. Perform any other act that may be necessary, convenient, desirable or appropriate to carry out the powers and duties of the Stadium Authority with respect to the Major League Baseball stadium project.

**Sec. 22.** 1. The Stadium Authority shall negotiate and may enter into a development agreement, a lease agreement and a non-relocation agreement with respect to the Major League Baseball stadium project that complies with subsections 2, 3 and 5, as applicable, if the Board of Directors:





(a) Within 12 months after the effective date of this section or, if the Board determines that an extension of this period is necessary or desirable, within 18 months after that effective date, finds that Major League Baseball has authorized the Major League Baseball team to locate or relocate within the sports and entertainment improvement district;

(b) Within 12 months after the effective date of this section 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 Major League Baseball team has committed to locate or relocate within the sports and entertainment improvement 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 Major League Baseball team;

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

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

2. A development agreement for the Major League Baseball 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 Major League Baseball stadium project to be consistent with first-class, premier Major League Baseball facilities currently in operation or approved for construction by Major League Baseball and:

(a) Identify the site of the project, the general location of which must be in the County at the southeast corner of Las Vegas Boulevard and Tropicana Avenue;

(b) Set forth the overall design, scope and specifications of the project, which must include, without limitation, an enclosed baseball stadium with an attendance capacity of approximately 30,000 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 18 to 35, inclusive, of this act;

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

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

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

(g) Contain provisions that are consistent with sections 25, 26 and 33 of this act;

(h) Provide for an adequate contribution by the developer partner for the construction or improvement of any infrastructure, including, without limitation, infrastructure relating to transportation, parking, pedestrian traffic, public safety, utilities and safe and efficient airport operations, off the site of the project that is determined to be necessary for the project by the Department of Transportation, the County or any municipality in which the project is located and that is specified in the regional infrastructure and service evaluation required for a high impact project before a special use permit is issued for the project;

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

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



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

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

(a) Be for a term of not less than 30 years and may include rights for the Baseball Stadium Events Company to renew the lease agreement with the approval of the Stadium Authority;

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

(c) Not contain any provision that interferes with the discretion of the Baseball 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;

(d) Authorize the Baseball 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 Baseball Stadium Events Company;

(e) 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 18 to 35, inclusive, of this act are maintained or enhanced throughout the term of the lease agreement;

(f) Provide for the annual allocation of the revenue from, and expenses of, the operation of the project in a manner consistent with sections 18 to 35, inclusive, of this act;

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

(h) Require an annual audit of the Baseball 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 Major League Baseball team, or any affiliate, subsidiary, principal or related party of a developer partner or the Major League Baseball team, and who is selected by the mutual agreement of the Stadium Authority and the Baseball Stadium Events Company;

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



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

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

(l) Provide that the Stadium Authority must comply with the confidentiality provisions of section 24 of this act;

(m) Provide that the Baseball Stadium Events Company must fund annually a capital reserve in an amount sufficient to ensure the facility standard is maintained throughout the life of the Major League Baseball stadium project, as determined jointly by the Baseball Stadium Events Company and the Stadium Authority; and

(n) 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.

5. A non-relocation agreement entered into by the Stadium Authority with the Baseball Stadium Events Company described in subsection 1 must:

(a) Set forth the requirements and responsibilities of the Baseball Stadium Events Company with respect to the conditions under which the Major League Baseball team may relocate from the sports and entertainment improvement district;

(b) Be for a term of not less than 30 years;

(c) Provide for damages in the event the Major League Baseball team relocates in violation of the agreement in an amount not less than:

(1) The amount required for the repayment of the principal and interest then outstanding on the bonds issued to finance or refinance the Major League Baseball stadium project;

(2) An amount equal to the then outstanding tax credits subject to repayment pursuant to paragraph (g) of subsection 4 of section 32 of this act; and

(3) Any costs resulting from early termination of such bonds; and

(d) Require the Baseball Stadium Events Company to provide evidence satisfactory to the Stadium Authority of the ability to



satisfy the terms of the non-relocation agreement in the event the Major League Baseball team relocates in violation of the agreement.

6. The Stadium Authority shall be considered a third-party beneficiary of all agreements entered into by the developer partner, the Baseball Stadium Events Company and the Major League Baseball team with respect to the development, design, construction or operation of the Major League Baseball stadium project.

**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 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 \$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 the 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 goods 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 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.

**Sec. 24.** 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 Major League Baseball team or the Baseball 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. 25.** 1. Except as otherwise provided in sections 18 to 35, 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 18 to 35, inclusive, of this act by the Stadium Authority, a developer partner or any related entity relating to the Major League Baseball stadium project financed in whole or in part pursuant to sections 18 to 35, inclusive, of this act, and any contract, lease, sublease, lease-purchase agreement, management agreement or



other agreement that provides for the design, entitlement, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation or maintenance, or any combination thereof, of the Major League Baseball 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 Major League Baseball stadium project financed in whole or in part pursuant to sections 18 to 35, 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 Major League Baseball stadium project financed in whole or in part pursuant to sections 18 to 35, inclusive, of this act or to any agreement of a type described in paragraph (a), except that:

(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to the project even if the estimated cost of the construction work is not greater than \$250,000 or the construction work does not qualify as a public work, as defined in 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 Major League Baseball stadium project. Any determination by the Stadium Authority that such a subcontract can or cannot be competitively bid without affecting the quality of the Major League Baseball 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 26 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. 26.** 1. In addition to any other requirements set forth in sections 18 to 35, inclusive, of this act, and except as otherwise provided in subsection 8, a development agreement entered into pursuant to section 22 of this act, a lease agreement entered into pursuant to that section, a combined development agreement and lease agreement entered into pursuant to that section and any other agreement of any kind entered into by the Stadium Authority with a developer partner, must include provisions which require that any contract or other agreement entered into by a prime contractor selected by the Stadium Authority or a developer partner for the construction of the Major League Baseball stadium project must include a provision requiring that at least 15 percent of the Major League Baseball stadium project must be subcontracted to small local businesses.

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

- (a) The business is financially and operationally independent from any other business;
- (b) The business is not temporary and has operated for at least 4 years before entering into the contract or agreement;
- (c) The business maintains its principal place of business in a fixed location within this State;



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

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

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

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

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

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

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

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

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

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

6. A prime contractor and each contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall submit information to the Stadium Authority verifying that the 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 prime



contractor to comply with the requirements of subsection 1 shall be deemed a material breach of contract.

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

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

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

**Sec. 27.** 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 Major League Baseball stadium project to generate revenues used for construction of the Major League Baseball 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 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, 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 Baseball Stadium Events Company and the Major League Baseball team. Such personal seat licenses or similar instruments may contain priority purchase rights to ticketed events in the Major League Baseball stadium project, including the home games of the Major League Baseball 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 Major League Baseball stadium project and are a payment by purchasers to the owner of the Major League Baseball stadium project for special rights of access to events at the Major League Baseball stadium project.



4. With the consent of the Baseball Stadium Events Company and the Major League Baseball 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 effect such sale:

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

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

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

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

**Sec. 28.** 1. The Board of Directors shall notify the Board of County Commissioners if the Board of Directors has:

(a) Made the findings set forth in paragraphs (a) and (b) of subsection 1 of section 22 of this act;

(b) Selected as a developer partner one or more persons who have met the criteria set forth in subparagraphs (1), (2) and (3) of paragraph (c) of subsection 1 of section 22 of this act; and

(c) Selected a Baseball Stadium Events Company pursuant to paragraph (d) of subsection 1 of section 22 of this act which has disclosed to the Board the identity of each of its owners and managers.

2. Upon receiving the notification pursuant to subsection 1, the Board of County Commissioners shall create a sports and entertainment improvement district for the purpose of assisting in the financing or refinancing of the Major League Baseball stadium project. The sports and entertainment improvement district must:

(a) Be located entirely within the County and outside the boundaries of any incorporated city;



(b) Include only parcels of land, or portions thereof, on which the Major League Baseball stadium project is or will be located and any surrounding or adjacent properties necessary for the operation of the Major League Baseball stadium project; and

(c) Not include any operating public accommodation facility, as defined in NRS 447.320, or any business which is operating and is required to hold a license issued pursuant to chapter 463 of NRS.

3. The Board of County Commissioners may from time to time amend or modify the geographic boundaries of the sports and entertainment improvement district by ordinance, but any such amendment or modification must not:

(a) Impair any outstanding bonds or any revenues pledged to their payment;

(b) Exclude 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 the Major League Baseball stadium project; or

(c) Include within the sports and entertainment improvement district any operating public accommodation facility, as defined in NRS 447.320, or any business which is operating and is required to hold a license issued pursuant to chapter 463 of NRS.

4. With respect to any parcel of land that is split by the boundary of the sports and entertainment improvement district established pursuant to this section, the County Treasurer or County Assessor shall determine the apportionment of the proceeds of taxes collected within such a parcel for the purposes of section 29 of this act. All determinations of the County Treasurer or County Assessor pursuant to this section shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

**Sec. 29.** 1. Subject to the provisions of subsection 8, to pay the principal of and interest on bonds issued by the County, whether funded, refunded or otherwise, and incurred by the County to finance or refinance, in whole or in part, the Major League Baseball stadium project, and to pay for other amounts described in subsection 4 of section 32 of this act, the Board of County Commissioners shall pledge the proceeds of:

(a) The following taxes, fees or charges imposed by the state government, but excluding any rate levied by a governmental entity other than the state government, pursuant to:

(1) NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise



consumed, in the sports and entertainment improvement district during a fiscal year.

(2) NRS 374.110, 374.111, 374.190 and 374.191 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the sports and entertainment improvement district during a fiscal year.

(3) NRS 363A.130 and 363B.110 with regard to wages earned by employees located within the sports and entertainment improvement district during a fiscal year.

(4) NRS 680B.027 and 680B.030 with regard to insurance premiums earned from policies on businesses or assets within the sports and entertainment improvement district during a fiscal year.

(5) NRS 694C.450 with regard to insurance premiums earned from policies on businesses or assets within the sports and entertainment improvement district during a fiscal year.

(6) NRS 363C.200 with regard to gross revenues generated within the sports and entertainment improvement district during a fiscal year.

(7) NRS 368A.200 with regard to admission to any facility where live entertainment is provided within the sports and entertainment improvement district during a fiscal year.

(8) NRS 369.330 with regard to any liquor purchased or otherwise consumed within the sports and entertainment improvement district during a fiscal year.

(9) NRS 372B.140 with regard to fares charged for transportation services for which the point of origin or the destination is in the sports and entertainment improvement district.

(10) Chapter 361 of NRS with regard to personal property, as defined in NRS 361.030, located in the sports and entertainment improvement district during a fiscal year.

(11) NRS 360.787 with regard to the licensing fee for operating a facility at which exhibitions are held within the sports and entertainment improvement district during a fiscal year.

(b) The following taxes, fees or charges imposed by the County, but excluding any rate levied by a governmental entity other than the County, pursuant to:

(1) The Clark County Sales and Use Tax Act of 2005 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the sports and entertainment improvement district during a fiscal year.

(2) The Clark County Crime Prevention Act of 2016 with regard to tangible personal property sold at retail, or stored, used or





otherwise consumed, in the sports and entertainment improvement district during a fiscal year.

(3) Chapter 377 of NRS with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the sports and entertainment improvement district during a fiscal year.

(4) Chapter 377D of NRS with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the sports and entertainment improvement district during a fiscal year.

(5) Chapter 361 of NRS with regard to personal property, as defined in NRS 361.030, located in the sports and entertainment improvement district during a fiscal year.

(6) Chapters 354, 709 and 711 of NRS for a franchise fee for the provision of electricity, gas, telecommunications or video services in the sports and entertainment improvement district.

(7) Chapter 354 of NRS for a business license fee for a business located in the sports and entertainment improvement district.

(c) With the approval of the Stadium Authority and the County, any other taxes, fees and charges which are imposed by the County at the time the sports and entertainment improvement district is created or which are later imposed by the County during the term of the development agreement, lease agreement or non-relocation agreement entered into pursuant to section 22 of this act, but excluding any rate levied by a governmental entity other than the County and also excluding:

(1) Any tax, fee or charge that, if transferred to the baseball stadium tax account, would violate the United States Constitution or the Nevada Constitution;

(2) Any tax, fee or charge that is irrevocably pledged to the repayment of a bond issued before the effective date of this section and is not otherwise available to satisfy obligations of the County pursuant to this section following the release of such tax, fee or charge from such prior pledge;

(3) Any tax, fee or charge for services provided by any publicly owned and operated utility; and

(4) Any ad valorem tax on real property exempted pursuant to paragraph (c) of subsection 1 of section 33 of this act.

2. Subject to the provisions of subsection 8, the provisions of this act must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any local government or the State, including, without limitation, bonds, notes, medium-term financing, letters of credit and any other financial obligation, until



all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

3. Subject to the provisions of subsection 8, the Department of Taxation and the Division of Insurance of the Department of Business and Industry may each adopt regulations regarding procedures for the identification and segmentation with respect to the sports and entertainment improvement district of the taxes, fees and charges described in subsection 1 which the Department of Taxation or the Division of Insurance is responsible for administering.

4. Subject to the provisions of subsection 8, any state agency, local government or other public body to which the taxes, fees and charges described in subsection 1 are paid shall provide commercially reasonable procedures by which such taxes, fees and charges paid by any business or other person operating in the sports and entertainment improvement district are to be identified and segmented such that they can be directed to the baseball stadium tax account and allocated in a manner consistent with subsection 1 of section 32 of this act. All such businesses or other persons operating in the sports and entertainment improvement district shall be obligated to follow the established commercially reasonable procedures.

5. Subject to the provisions of subsection 8, for the purposes of the taxes, fees and charges described in subsection 1, the Major League Baseball team shall be considered an employer within the sports and entertainment improvement district and any tax, fee or charge imposed upon or passed-through to the Major League Baseball team, the Major League Baseball stadium project or any affiliated or unaffiliated business operating within the sports and entertainment improvement district shall be deemed to occur within the sports and entertainment improvement district and therefore inure to the benefit of the sports and entertainment improvement district.

6. Subject to the provisions of subsection 8, the pledge of all or a portion of the taxes, fees and charges described in subsection 1 shall be deemed "pledged revenues" as that term is defined in NRS 350.550 and as that term is used in NRS 350.580.

7. Subject to the provisions of subsection 8, after the adoption of an ordinance creating a sports and entertainment improvement district pursuant to section 28 of this act, the Board of County Commissioners, the Department of Taxation and the Division of Insurance of the Department of Business and Industry shall enter into an agreement establishing the procedures, including any



deadlines, for the distribution to the County of any money pledged pursuant to this section. Such distributions:

(a) Must be made not less frequently than once each calendar month; and

(b) Must:

(1) Cease with respect to 90 percent of the taxes, fees and charges collected in a fiscal year commencing in the fiscal year immediately following the later of:

(I) The end of the fiscal year in which the 30th anniversary of the County's issuance of any bonds occurs;

(II) The date on which any bonds are fully repaid; or

(III) The date on which all refundable transferable tax credits have been repaid to the State pursuant to paragraph (d) of subsection 8 of section 31 of this act.

(2) Continue after the dates set forth in subparagraph (1) with respect to the remaining 10 percent of the taxes, fees and charges collected in a fiscal year so long as the Major League Baseball stadium project is owned by the Stadium Authority.

8. Notwithstanding any other provisions of this act, with respect to the taxes, fees and charges imposed by the state government and described in paragraph (a) of subsection 1, the provisions of this section do not, under any circumstances, create, cause or constitute for the State:

(a) Any form of contract, obligation or pledge granting, providing or otherwise securing the full faith and credit of the State for any payment, assumption, liability, surety, guarantee, assurance, compromise, settlement, discharge or other relief, in whole or in part, of any public or private debts of any kind or nature whatsoever; or

(b) Any surrender by the Legislature of any sovereign power of the state government to enact, amend or repeal any law, resolution or other legislative measure.

**Sec. 30.** 1. Subject to the provisions of subsections 7 and 10:

(a) The State Treasurer shall provide a credit enhancement of not less than 0.5 times the anticipated average annual debt service for each fiscal year of the term of bonds issued to finance the construction of the Major League Baseball stadium project from funds appropriated for the initial deposit or other funds available for that purpose.

(b) The credit enhancement may take the form of any insurance, letter of credit or other financial instrument or structure, as reasonably determined by the State Treasurer, including, without limitation, the form of other financial assistance from the Nevada



State Infrastructure Bank to the extent authorized by NRS 408.55061, except that the form of the credit enhancement utilized shall be subject to approval by the Board of Directors and the chief financial officer of the County, neither of whom shall unreasonably withhold their approval of the form of credit enhancement proposed by the State Treasurer.

2. Subject to the provisions of subsections 7 and 10, the term of any credit enhancement provided pursuant to subsection 1 must be for a period equal to that of the term of any bonds issued to finance the construction of the Major League Baseball stadium project, including any refunding of those bonds.

3. Subject to the provisions of subsections 7 and 10, to the extent the debt service coverage ratio on any bonds issued to finance the construction of the Major League Baseball stadium project:

(a) Exceeds 3.0 times the anticipated annual debt service for any year of the term of such bonds, the State Treasurer may submit a written request to the Board of Directors and the chief financial officer of the County to cease the provision of the credit enhancement provided pursuant to subsection 1 by 50 percent.

(b) Exceeds 4.0 times the anticipated annual debt service for any year of the term of such bonds, the State Treasurer may submit a written request to the Board of Directors and the chief financial officer of the County to cease the provision of the credit enhancement provided pursuant to subsection 1.

(c) Falls below 2.0 times the anticipated annual debt service for any year of the term of such bonds, the State Treasurer shall reinstate the credit enhancement provided pursuant to subsection 1, using one or more of the sources of funding specified in paragraph (b) of subsection 5, in an amount not less than 50 percent of the debt service due on the bonds in each of the next two successive fiscal years. Such reinstatement of the credit enhancement shall not prohibit the State Treasurer from subsequently making a written request to the Stadium Authority and chief financial officer of the County for a reduction or cessation of the credit enhancement pursuant to paragraph (a) or (b), as applicable.

↳ If the State Treasurer submits a written request for approval pursuant to any provision of this subsection, such approval shall not be unreasonably withheld by either the Board of Directors or the chief financial officer of the County.

4. Subject to the provisions of subsections 7 and 10, the terms of any credit enhancement provided pursuant to subsection 1 must be set forth in an agreement entered into by the Stadium Authority, the County and the State relating to the financing of the Major



League Baseball stadium project. Such an agreement must contain notice and administrative terms with respect to the credit enhancement as agreed to by the Stadium Authority, the County and the State.

5. Subject to the provisions of subsections 7 and 10, any credit enhancement provided pursuant to subsection 1 may be pledged as additional security for the bonds and must provide that:

(a) The State Treasurer shall deposit into a designated fund for the credit enhancement an amount of money sufficient to carry out the provisions of this section, with the minimum amount being equal to 50 percent of the debt service due on the bonds in each of the next two successive fiscal years; and

(b) If the amount on deposit in the designated fund for the credit enhancement is drawn upon to pay debt service on the bonds, or if such amount is less than the minimum amount described in paragraph (a), the State Treasurer shall gather, transfer and deposit, as applicable, unencumbered money not already committed for expenditure, in an amount sufficient to replenish the designated fund for the credit enhancement to the minimum amount described in paragraph (a), from one or more of the following sources in the following order of priority:

(1) The amount of any appropriations made by law to replenish, in whole or in part, the designated fund for the credit enhancement.

(2) Legally available funds in the Nevada State Infrastructure Bank Fund created by NRS 408.55073, including, without limitation, from the proceeds of bonds, notes or other obligations and appropriations made to the Nevada State Infrastructure Bank.

(3) Interest earned on amounts on deposit in the designated fund for the credit enhancement.

(4) Funds on deposit in the Consolidated Bond Interest and Redemption Fund pursuant to NRS 349.100.

(5) Funds on deposit in the Account to Stabilize the Operation of the State Government in the State General Fund pursuant to NRS 353.288. The provisions of subsections 5, 6 and 7 of NRS 353.288 do not apply to an allocation from the Account to Stabilize the Operation of the State Government pursuant to this subparagraph.

(6) The unreserved fund balance in the State General Fund.

6. At the end of the fiscal year in which the bonds are fully repaid, any amount remaining in the designated fund for the credit enhancement created pursuant to subsection 5 reverts to the State General Fund.



7. Subject to the provisions of this subsection and subsection 10, to the extent that the proceeds of the taxes, fees and charges pledged pursuant to section 29 of this act are insufficient to make the scheduled payment on debt service on bonds, money held in the designated fund for the credit enhancement pursuant to subsection 5 may be drawn upon and transferred to the County Treasurer to enable the County Treasurer to make the scheduled payment. To draw upon and transfer any amount of money held in the designated fund for the credit enhancement pursuant to subsection 5 to enable the County Treasurer to make a scheduled payment on debt service on bonds, the following procedure must be followed:

(a) The County Treasurer must submit a written request to the Interim Finance Committee to approve the transfer of money held in the designated fund for the credit enhancement to the County Treasurer. The written request must:

(1) State that the proceeds of the taxes, charges and fees pledged pursuant to section 29 of this act are insufficient to make a scheduled payment on debt service on bonds;

(2) State the amount of money held in the designated fund for the credit enhancement that the County Treasurer has calculated is necessary to make the scheduled payment on debt service on the bonds; and

(3) Be submitted to the Interim Finance Committee not less than 60 days before such scheduled payment is required to be made under the terms of the bonds.

(b) Not later than 30 days after receiving a written request pursuant to paragraph (a), the Interim Finance Committee shall:

(1) Consider the request; and

(2) Upon finding that the proceeds of the taxes, charges and fees pledged pursuant to section 29 of this act are insufficient to make a scheduled payment on debt service on the bonds, approve a transfer of money held in the designated fund for the credit enhancement to the County Treasurer in an amount of money that the Interim Finance Committee finds is necessary to make the scheduled payment.

(c) Not later than 10 days after the Interim Finance Committee approves a transfer of money pursuant to subparagraph (2) of paragraph (b), the State Treasurer shall transfer the approved amount of money from the designated fund for the credit enhancement to the County Treasurer, and the County Treasurer shall use the transferred amount of money solely to make the scheduled payment on debt service on the bonds.

8. Subject to the provisions of subsections 7 and 10:



(a) Any draw upon the designated fund for the credit enhancement pursuant to this section shall be deemed a loan from the designated fund for the credit enhancement to the County, and any such loan shall be deemed a special obligation of the County payable solely from money deposited in the baseball stadium tax account and available to reimburse the State pursuant to paragraph (d) of subsection 4 of section 32 of this act.

(b) Any failure to make payments of any amounts due under the special obligation of the County because of any insufficiency in the amount of money in the baseball stadium tax account that is available to reimburse the State pursuant to paragraph (d) of subsection 4 of section 32 of this act in order to make those payments shall be deemed not to constitute a default on the special obligation of the County.

(c) Any such loan from the designated fund for the credit enhancement to the County shall not be considered as a general obligation of the County for any purpose, including, without limitation, when determining any limit on the debt of the County, and if there are insufficient funds pursuant to section 32 of this act to repay the State, the State Treasurer shall not withhold the payments of any other money that would otherwise be distributed to the County from any source.

9. Subject to the provisions of subsections 7 and 10, any money gathered, transferred and deposited by the State Treasurer into the designated fund for the credit enhancement pursuant to any provision of this section must be used solely for the purposes set forth in this section and is hereby authorized for expenditure as a continuing appropriation solely for the purposes set forth in this section.

10. Notwithstanding any other provisions of this act, with respect to any credit enhancement provided pursuant to subsection 1, the provisions of this section do not, under any circumstances, create, cause or constitute for the State:

(a) Any form of contract, obligation or pledge granting, providing or otherwise securing the full faith and credit of the State for any payment, assumption, liability, surety, guarantee, assurance, compromise, settlement, discharge or other relief, in whole or in part, of any public or private debts of any kind or nature whatsoever; or

(b) Any surrender by the Legislature of any sovereign power of the state government to enact, amend or repeal any law, resolution or other legislative measure.



**Sec. 31.** 1. On or after July 1, 2025, on behalf of a qualified project, the developer partner in such qualified project may apply to the Stadium Authority for a certificate of eligibility for transferable tax credits which may be applied to:

(a) Any tax imposed by chapters 363A and 363B of NRS, other than taxes imposed pursuant to NRS 363A.130 and 363B.110 with regard to the wages earned by employees located within the sports and entertainment improvement district;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed by chapter 680B of NRS, other than taxes imposed pursuant to NRS 680B.027 and 680B.030 with regard to insurance premiums earned from policies on business or assets within the sports and entertainment improvement district; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. For a project to be eligible for the transferable tax credits described in paragraph (a), (b) or (c) of subsection 1:

(a) The project must be a qualified project;

(b) The Board of County Commissioners must have issued bonds to fund construction of the project; and

(c) The developer partner must, on behalf of the project, submit an application to the Stadium Authority demonstrating that the requirements set forth in paragraphs (a) and (b) have been satisfied.

3. If the Stadium Authority receives an application pursuant to subsection 2, the Stadium Authority shall approve such application if the Stadium Authority finds that the project is a qualified project and the requirements set forth in subsection 2 are otherwise satisfied. The Stadium Authority shall issue a decision on the application not later than 30 days after the Stadium Authority's receipt of such application that the Stadium Authority deems complete.

4. If the Stadium Authority approves an application for a certificate of eligibility for transferable tax credits submitted pursuant to subsection 2, the Stadium Authority shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:

(a) The developer partner;

(b) The Department of Taxation; and

(c) The Nevada Gaming Control Board.

5. A qualified project may be approved for a certificate of eligibility for transferable tax credits up to an aggregate maximum





amount equal to the difference between \$380,000,000 and the amount of the bonds issued by the County, subject to the aggregate maximum limit on transferable tax credits set forth in paragraph (b) of subsection 8.

6. For the purpose of computing the amount of transferable tax credits for which a qualified project is eligible pursuant to subsection 5, and subject to paragraph (f) of subsection 8, a qualified project shall be entitled to transferable tax credits in an amount equal to 20 percent of the total amount of transferable tax credits approved pursuant to subsection 5 per milestone upon the achievement of each of the milestones listed below:

(a) The Board of County Commissioner must have issued bonds to fund construction of the qualified project;

(b) Monthly draws have been made in the aggregate amount of not less than 33 percent of total project costs pursuant to the trust agreement described in paragraph (c) of subsection 2 of section 33 of this act;

(c) Monthly draws have been made in the aggregate amount of not less than 66 percent of total project costs pursuant to the trust agreement described in paragraph (c) of subsection 2 of section 33 of this act;

(d) A certificate of occupancy or other governmental authorization required in order to operate the qualified project has been obtained within 36 months after the issuance by the Board of County Commissioners of the bonds to fund construction of the qualified project, except that such 36-month period may be extended:

(1) By the Board of Directors if the Board of Directors determines that an extension of such period is necessary or desirable; or

(2) As a result of force majeure as determined pursuant to the development agreement; and

(e) The Major League Baseball team's completion of its first full season of home Major League Baseball games held at the qualifying project.

7. Within 30 days of achieving any of the milestones described in subsection 6, the developer partner shall provide written notice to the Stadium Authority describing the milestone that has been achieved and setting forth the developer partner's irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, thereby accounting for all of the credits which will be issued with respect to the relevant milestone. Upon receipt of such



written notice and accompanying declaration and the Stadium Authority's confirmation that the relevant milestone has been achieved, the Stadium Authority shall issue to the developer partner a certificate of transferable tax credits in the amount approved by the Stadium Authority for the fees or taxes included in the declaration. The Stadium Authority shall notify the Department of Taxation and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, and the amount of any transferable tax credits transferred.

8. Except as otherwise provided in this section:

(a) The Stadium Authority shall not approve an application for transferable tax credits if approval of the application would cause the total amount of transferable tax credits approved pursuant to this section in any fiscal year to exceed \$36,000,000.

(b) The total amount of transferable tax credits issued pursuant to this section to all qualified projects in this State must not exceed \$180,000,000.

(c) If in any fiscal year the developer partner is entitled to an amount of transferable tax credits in excess of the per-fiscal year limitation set forth in paragraph (a), the amount of transferable tax credits in excess of such per-fiscal year limitation to which the developer partner is entitled must be carried forward and made available for approval by the Stadium Authority during subsequent fiscal years, subject to the aggregate cap on transferable tax credits set forth in paragraph (b).

(d) If and to the extent that the total amount of transferable tax credits approved pursuant to subsection 5 exceeds \$60,000,000, the amount of transferable tax credits in excess of \$60,000,000 will be refunded to the State by the Stadium Authority using money in the baseball stadium tax account pursuant to subsection 4 of section 32 of this act.

(e) Each transferable tax credit issued pursuant to this section expires 5 years after the date on which the transferable tax credit is issued to the developer partner. A transferable tax credit issued pursuant to this section may be transferred only once.

(f) The developer partner shall be required to pay to the State an amount equal to the total amount of transferable tax credits issued to the developer partner pursuant to this section if a certificate of occupancy or other governmental authorization required in order to operate the qualified project has not been obtained within 60 months after the issuance by the Board of County Commissioners of the



bonds to fund construction of the qualified project, or a longer period if the 60-month period is extended:

(1) By the Board of Directors upon a determination by the Board of Directors that an extension of such period is necessary or desirable; or

(2) As a result of force majeure as determined pursuant to the development agreement.

**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 County 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 County 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 County 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 County 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 County 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:

(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.

**Sec. 33.** 1. In addition to the requirements set forth in section 22 of this act, a development agreement, a lease agreement or a combined development agreement and lease agreement entered into pursuant to section 22 of this act and any other agreement of any kind entered into by the Stadium Authority with a developer partner,





the Baseball Stadium Events Company or the Major League Baseball 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 Major League Baseball stadium project, excluding debt service on the bonds and the proceeds from the sale, transfer or license of personal seat licenses, stadium builder's licenses or other similar instruments pursuant to section 27 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 and including the transferable tax credits described in section 31 of this act, must not exceed the lesser of:

(1) The amount of \$380,000,000; or

(2) The amount of money generated and contributed to the construction fund by the taxes, fees and charges described in section 29 of this act before the issuance of the bonds, plus the amount of \$25,000,000 as provided in subsection 3 and the maximum amount that may be raised and contributed to the construction fund from the issuance of the bonds that are secured to the extent authorized by the provisions of this act by the proceeds of the taxes, fees and charges described in section 29 of this act, as reasonably determined by the chief financial officer of the County and the State Treasurer, after payment of issuance costs, including capitalized interest, if applicable, and the cost of funding the debt service reserve fund, plus the amount of transferable tax credits described in section 31 of this act.

(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 required to satisfy the amount set forth in paragraph (a), minus:

(1) The amount generated by the taxes, fees and charges described in section 29 of this act before the issuance of the bonds; and

(2) The amount of any transferable tax credits described in section 31 of this act.

↳ Any bonds issued to refund the outstanding bonds 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 Major League Baseball stadium project pursuant to paragraph (h) of subsection 1 of section 34 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:

(1) Any leasehold improvements that the Stadium Authority and the Baseball Stadium Events Company or the Major League Baseball team agree are made solely by the Baseball Stadium Events Company or the Major League Baseball team; or

(2) Any personal property owned by the Major League Baseball team.

➔ If any such leasehold improvements remain in existence at the expiration of the lease, such leasehold improvements 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 Baseball Stadium Events Company or the Major League Baseball team. The ad valorem property tax exemption provided in this paragraph shall be terminated if the Stadium Authority, or any successor governmental entity, ceases to be the owner of the Major League Baseball stadium project.

(d) A developer partner and the Major League Baseball team must ensure that any required transfer of land, improvements or property occurs before the issuance of the bonds or simultaneously with the issuance of the bonds, provided that the Major League Baseball team may have the option to repurchase the Major League Baseball stadium project at the end of the lease period, including any extensions, at a cost reasonably determined through a third-party appraisal obtained by the Board of Directors.

(e) The land on which the Major League Baseball stadium project is to be located must be dedicated to the Stadium Authority at no cost to the Stadium Authority before the issuance of the bonds or simultaneously with the issuance of the bonds, provided that the Major League Baseball team may have the option to repurchase the Major League Baseball stadium project at the end of the lease period, including any extensions, at a cost reasonably determined through a third-party appraisal obtained by the Board of Directors.

2. Except as otherwise provided in this act, the contribution of the Stadium Authority to the cost of the development and construction of the Major League Baseball 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 Major League Baseball stadium 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 (h) of subsection 1 of section 34 of this act to be paid from money derived from the proceeds of the bonds and the taxes, fees and charges described in section 29 of this act, excluding the proceeds of the taxes, fees and charges used to pay principal and interest on the bonds, and the proceeds generated from the transfer of the transferable tax credits described in section 31 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 and the taxes, fees and charges described in section 29 of this act, excluding the proceeds of the taxes, fees and charges used to pay principal and interest on the bonds, together with the proceeds generated from the transfer of the transferable tax credits described in section 31 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, the taxes, fees and charges described in section 29 of this act and the proceeds generated from the transfer of the transferable tax credits described in section 31 of this act are 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, the taxes, fees and charges described in section 29 of this act and the proceeds generated from the transfer of the transferable tax credits described in section 31 of this act are 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 the taxes, fees and charges described in section 29 of this act until the cost overrun is paid from a source or combination of sources



described in subparagraphs (1), (2) and (3) of paragraph (f) of subsection 1 of section 34 of this act.

3. Any development agreement entered into between the developer partner and the County or any municipality in which the project is located, including, without limitation, any agreement required to be entered into with a local government pursuant to paragraph (h) of subsection 2 of section 22 of this act, shall provide that the County or any other municipality in which the project is located shall provide a credit in an amount not less than \$25,000,000 for any costs, expenses or charges imposed upon, assessed to or otherwise required to be incurred by the developer partner as part of such agreement.

**Sec. 34.** 1. The Board of Directors shall request that the Board of County Commissioners issue bonds of the County pursuant to subsection 2 if the Board of Directors determines that:

(a) The Stadium Authority has:

(1) Entered into a development agreement, a lease agreement and a non-relocation agreement pursuant to subsections 2, 3 and 5 of section 22 of this act or a combined development and lease agreement pursuant to subsection 4 of section 22 of this act and a non-relocation agreement pursuant to subsection 5 of section 22 of this act; and

(2) Approved a community benefits agreement pursuant to section 23 of this act.

(b) The proceeds of the taxes, fees and charges described in section 29 of this act that will be pledged to the payment of the bonds issued by the County pursuant to this section and the Local Government Securities Law, when combined with any credit enhancement provided pursuant to section 30 of this act, will reasonably generate sufficient revenue to meet or exceed the debt service coverage ratio of 2.0 times the anticipated annual debt service for each year of the term of the bonds.

(c) The Board of County Commissioners has enacted the ordinance creating the sports and entertainment improvement district and pledging the taxes, fees and charges described in section 29 of this act.

(d) The contract for the construction of the Major League Baseball stadium project is a guaranteed maximum price contract with a contingency amount of 10 percent of the estimated hard costs of the Major League Baseball 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 Major League Baseball stadium project.



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

(f) 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 Major League Baseball stadium project that is to be paid from sources other than money derived from the proceeds of the bonds issued pursuant to this section, plus the contingency amount approved by the Board pursuant to paragraph (d), 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 “BBB+” or better by Standard and Poor’s Rating Services or “Baa1” 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 issued pursuant to this section which are held in trust by a commercial bank with trust powers.

(3) 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 “BBB+” or better by Standard and Poor’s Rating Services or



“Baal” or better by Moody’s Investor Services, Inc., or their equivalent as determined by the Board of Directors.

(g) A developer partner and the required state or local government counterparty have executed any development agreements required by state or local governments relative to providing adequate offsite infrastructure improvements for the Major League Baseball stadium project.

(h) The Stadium Authority and a developer partner have agreed on an estimate of the total cost of the Major League Baseball 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 bonds of the County in an amount that can be supported by the proceeds of the taxes, fees and charges described in section 29 of this act, together, if necessary, with the credit enhancement described in section 30 of this act, while also meeting the debt service coverage ratio required pursuant to subsection 1. After payment of the costs of issuing the bonds and making provisions for any required debt service reserve fund, the proceeds of any bonds issued pursuant to this subsection must be allocated to the Stadium Authority to be used for the Major League Baseball stadium project.

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

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

(b) Payment of the costs of construction of the Major League Baseball stadium project will be made over time by both the Stadium Authority and a developer partner in accordance with subsection 2 of section 33 of this act.

4. The bonds 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 bonds of the County pursuant to subsection 2 and the Board of County Commissioners has made the findings set forth in subsection 3:

(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 the bonds for the purposes set forth in sections 18 to 35, 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.

7. The Board of County Commissioners shall notify the Department of Taxation following the repayment in full of bonds issued by the County pursuant to this section.

**Sec. 35.** 1. The authority of the Board of Directors to undertake the Major League Baseball stadium project shall expire if the Board makes any of the following determinations:

(a) Within 12 months after the effective date of sections 18 to 35, 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, Major League Baseball has not authorized the Major League Baseball team to locate or relocate within the sports and entertainment improvement district.

(b) Within 12 months after the effective date of sections 18 to 35, 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 Major League Baseball team has not committed to locate or relocate within the sports and entertainment improvement district.

(c) Within 18 months after the effective date of sections 18 to 35, inclusive, of this act, the Stadium Authority has not approved and entered into a development agreement pursuant to subsection 2 of section 22 of this act.

(d) Within 18 months after Major League Baseball has authorized the Major League Baseball team to locate or relocate within the sports and entertainment improvement district, the Stadium Authority has not approved and entered into a lease agreement pursuant to subsection 3 of section 22 of this act.



(e) In lieu of the agreements described in paragraphs (c) and (d), within 18 months after Major League Baseball has authorized the Major League Baseball team to locate or relocate within the sports and entertainment improvement district, the Stadium Authority has not approved and entered into a combined development and lease agreement pursuant to subsection 4 of section 22 of this act.

(f) Within 18 months after Major League Baseball has authorized the Major League Baseball team to locate or relocate within the sports and entertainment improvement district, the Stadium Authority has not:

(1) Approved and entered into a non-relocation agreement pursuant to subsection 5 of section 22 of this act.

(2) Approved a community benefits agreement pursuant to section 23 of this act.

2. Upon the expiration of the Board of Directors' authority to undertake the Major League Baseball stadium project pursuant to this section, the proceeds of the taxes, fees and charges described in section 29 of this act 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.

**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~~ *and State Treasurer*, who ~~is a~~ *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 (c)]~~ to (e), *inclusive*. In electing members pursuant to this paragraph, the members appointed pursuant to paragraphs (a) ~~[(b) and (c)]~~ 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.



**Sec. 36.5.** 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 are nonvoting, ex officio members of the Board, and 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.

(f) Two members representing the public elected by the members appointed pursuant to paragraphs (a) to (e), inclusive ~~[. In electing members pursuant to this paragraph, the members appointed pursuant to paragraphs (a) 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.] , and appointed in the manner set forth in subsection 4.~~



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.

***4. Except as otherwise provided in subsection 4 of section 23 of this act, in electing members pursuant to paragraph (f) of subsection 1, the members appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 shall:***

***(a) For one of the two members, 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.*

*(b) For the other of the two members, consider the recommendation of:*

*(1) A Major League Baseball team that has:*

*(I) Demonstrated to those members that it is interested in locating or relocating within the sports and entertainment improvement district created pursuant to section 28 of the Southern Nevada Tourism Innovation Act; or*

*(II) Committed to locate or relocate within that 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 Major League Baseball stadium project; or*

*(II) Entered into such a lease.*

**5.** 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.]~~ 6. 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.]~~ 7. 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.]~~ 8. 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.]~~ 9. 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.]~~ 10. The members of the Board of Directors are public officers for the purposes of chapter 281A of NRS.

**Sec. 37.** Section 23 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 21, is hereby amended to read as follows:

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

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



2. *On or before October 1, 2023, the Majority Leader of the Senate shall appoint one member of the Board of Directors pursuant to paragraph (c) 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, 2025.*

3. *On or before October 1, 2023, the Speaker of the Assembly shall appoint one member of the Board of Directors pursuant to paragraph (d) 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, 2026.*

4. Not later than 90 days after the organizational meeting held pursuant to subsection 2 of section 24 of this act, the members of the Board of Directors appointed pursuant to paragraphs (a) ~~[(b) and (c)]~~ **to (e), inclusive**, of subsection 1 of *section 22 of this act* shall elect:

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

(b) One member of the Board pursuant to paragraph ~~[(d)]~~ **(f)** 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)]~~ **5.** 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. 37.5.** Section 23 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 21, is hereby amended to read as follows:

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

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

2. On or before October 1, 2023, the Majority Leader of the Senate shall appoint one member of the Board of Directors pursuant to paragraph (c) 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, 2025.

3. On or before October 1, 2023, the Speaker of the Assembly shall appoint one member of the Board of Directors pursuant to paragraph (d) 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, 2026.

4. 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) to (e), inclusive, of subsection 1 of section 22 of this act shall elect:

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

5. ~~After~~ *Except as otherwise provided in this section, 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.





*6. If the County issues bonds pursuant to section 34 of the Southern Nevada Tourism Innovation Act, within 30 days after the date following the issuance of such bonds on which a vacancy occurs in the membership of the Board of Directors with respect to one of the two members described in paragraph (f) of subsection 1 of section 22 of this act or the term of one of the two members described in paragraph (f) of subsection 1 of section 22 of this act expires, the members of the Board of Directors appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 of section 22 of this act shall elect a member of the Board pursuant to paragraph (f) of subsection 1 of section 22 of this act to an initial 4-year term that commences on the date of his or her election. In electing a member pursuant to this subsection, the members of the Board of Directors appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 of section 22 of this act shall comply with the provisions of paragraph (b) of subsection 4 of section 22 of this act.*

**Sec. 38.** NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. ~~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, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2.]~~ Apprentices recorded under the provisions of chapter 610 of NRS.

~~[3.]~~ 2. Any contract for a public work whose estimated cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below \$100,000.

**Sec. 39.** NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the:

(a) New business pursuant to chapter 361, 363B or 374 of NRS.

(b) Expanded business pursuant to chapter 361 or 363B of NRS or a partial abatement of the local sales and use taxes imposed on the expanded business. As used in this paragraph, "local sales and



use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.



(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least



\$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes



effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

*(j) Except as otherwise provided in subsection 3, if the business 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, the business, 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 full-time employees on the payroll of the business, has a policy for paid family and medical leave and agrees 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. The business will agree in writing that if the Office approves the application, the business will not:*

*(1) Prohibit, interfere with or otherwise discourage an employee from taking paid family and medical leave:*

*(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.*

*(II) To care for any adult child, sibling or domestic partner of the employee.*

*(2) Discriminate, discipline or discharge an employee for taking paid family and medical leave:*

*(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.*

*(II) To care for any adult child, sibling or domestic partner of the employee.*

*(3) Prohibit, interfere with or otherwise discourage an employee or other person from bringing a proceeding or testifying in a proceeding against the business for a violation of the policy for paid family and medical leave that is required pursuant to this paragraph.*



3. *For purposes of paragraph (j) of subsection 2, the Office of Economic Development shall determine that a business meets the requirements of that paragraph if the 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 for paid family and medical leave pursuant to that paragraph and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under such policy.*

4. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, *the policy of paid family and medical leave provided by the business to its employees*, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

~~[4.]~~ 5. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average



statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

~~§~~ 6. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.



~~16.1~~ 7. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

~~17.1~~ 8. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

~~18.1~~ 9. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

~~19.1~~ 10. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↳ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~110.1~~ 11. A county treasurer:

- (a) Shall deposit any money that he or she receives pursuant to subsection ~~19.1~~ 10 in one or more of the funds established by a local





government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

~~{11.}~~ **12.** The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~{12.}~~ **13.** The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

~~{13.}~~ **14.** An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~{14.}~~ **15.** For the purposes of this section, an employee is a “full-time employee” if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

**Sec. 40.** NRS 705.690 is hereby amended to read as follows:

705.690 1. ~~{The work of or incident to the installation and operation of a monorail is not a public work within the meaning of chapter 338 of NRS.~~

~~—2.}~~ A monorail is not a public utility within the meaning of chapter 704 of NRS.

~~{3.}~~ **2.** The Department of Transportation, the county in which a monorail is located or proposed to be located and a city within that county may exercise a power it holds related to transportation to facilitate the installation and operation of a monorail, and may contribute to or assist in the financing of the monorail.

**Sec. 41.** There is hereby appropriated from the State General Fund to the Nevada State Infrastructure Bank Fund the sum of \$14,000,000 for the credit enhancement described in section 30 of this act.



**Sec. 42.** The amendatory provisions of sections 38 and 40 of this act do not apply to any contract entered into before October 1, 2023.

**Sec. 43.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 44.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 7, 2023.

**Sec. 45.** If any provision of this act, or the application thereof to any person, thing or circumstance, is held invalid, such invalidity must not affect the provisions of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are hereby declared to be severable.

**Sec. 46.** 1. This section and sections 1 to 36, inclusive, 37, 41, 43, 44 and 45 of this act become effective upon passage and approval.

2. Sections 36.5 and 37.5 of this act become effective on the date that the Board of Directors of the Clark County Stadium Authority determines that Major League Baseball has authorized a Major League Baseball team to locate or relocate within the sports and entertainment improvement district created pursuant to section 28 of this act and that a Major League Baseball team has committed to locate or relocate within the sports and entertainment improvement district.

3. Sections 38, 39, 40 and 42 of this act become effective on October 1, 2023.

4. Sections 36 to 37.5, inclusive, of this act expire by limitation on the date on which the tax imposed pursuant to subsection 1 of section 50 of chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 50, is first imposed, as specified in the ordinance adopted by the Board of County Commissioners of Clark County pursuant to section 50 of chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 50.

