

CHAPTER.....

AN ACT relating to public improvements; creating and providing for the dissolution of the University of Nevada, Las Vegas, Campus Improvement Authority; providing for the appointment of a Board of Directors thereof and prescribing the powers and duties of the Authority and the Board; providing for the Board to study the feasibility of and the financing alternatives for a large events center and certain other public improvements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill sets forth the University of Nevada, Las Vegas, Campus Improvement Authority Law. **Section 16** of this bill creates the Authority as a political subdivision of this State whose boundaries are the same as the boundaries of the Authority area described in **section 4.5** of this bill, which consists essentially of property that is owned or leased by the Nevada System of Higher Education and that is a part of or in the vicinity of the University of Nevada, Las Vegas, campus. **Sections 17 and 18** of this bill set forth the qualifications and the procedure for the appointment of the members of the Board of Directors of the Authority.

Section 23 of this bill prescribes the general powers of the Board of Directors of the Authority. Those powers include the authority to enter into contracts and other agreements necessary to conduct the business of the Authority, except that such contracts and agreements may not include contracts or agreements relating to the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance, insurance, operation, management, promotion or advertising of any undertaking or any part thereof. **Section 24.5** of this bill prescribes the duties of the Board of Directors of the Authority. Those duties include studying the need for, feasibility of and financing alternatives for a large events center and other required infrastructure and supporting improvements in the Authority area. The Board of Directors must also prepare a report of the results of the study of the Board, including any recommendations for legislation, for transmittal to the 78th Session of the Nevada Legislature. **Section 24.7** of this bill authorizes the University of Nevada, Las Vegas to use not more than 2 percent of any money received from the issuance of certain bonds by the Board of Regents of the University of Nevada to provide money to the Authority to carry out the provisions of the University of Nevada, Las Vegas, Campus Improvement Authority Law.

Section 40 of this bill will cause this bill to expire by limitation on August 31, 2013, if the Board of Regents of the University of Nevada does not make its appointments to the membership of the Board of Directors of the Authority on or before that date. Otherwise, this bill will expire by limitation on October 1, 2015.

Pursuant to **section 35** of this bill, the assets of the Authority, to the extent that such assets are not needed to satisfy any outstanding obligations of the Authority, become the property of the Nevada System of Higher Education upon the dissolution of the Authority.



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

Section 1. This act may be known and cited as the University of Nevada, Las Vegas, Campus Improvement Authority Law.

Sec. 2. The Legislature hereby finds and declares that:

1. The provisions of this act are necessary to carry out the following public purposes:

(a) Considering facilities located in the Authority area that may assist in alleviating the effect of the recent economic downturn on the largest tourism market in this State.

(b) Studying the need for and feasibility of a large events center in the Authority area to:

(1) Attract and retain large sports and entertainment events in the largest tourism market in this State;

(2) Assist the Las Vegas area in its continuing competition to remain a premier center for entertainment in the world; and

(3) Benefit the University of Nevada, Las Vegas, and the University community by providing a large events center for use by the University and others at a location that is convenient for the University community.

(c) Studying the need for and feasibility of new development of space on the campus of the University of Nevada, Las Vegas, to enhance campus living, increase the quantity and quality of residences available on the campus, and to further develop other nonclassroom improvements and activities on the campus.

(d) Providing synergy and cost savings to carry out the purposes described in paragraphs (a), (b) and (c) by taking action on those purposes through a single, coordinated approach.

2. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this act because of the great variety of atypical factors and special conditions relating thereto.

3. The powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provision.

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 15,



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

Sec. 4. “Authority” means the University of Nevada, Las Vegas, Campus Improvement Authority.

Sec. 4.5. “Authority area” means the area that consists of:

1. All of the property within the area bounded by Maryland Parkway, Tropicana Avenue, Swenson Street and Flamingo Avenue in Clark County which is either:

(a) Owned by the System or a related entity on the effective date of this act; or

(b) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act;

2. All other parcels of property that are administered by the University or constitute a part of the campus of the University which are:

(a) Contiguous, except for any public or utility rights-of-way, to the property described in subsection 1; and

(b) Either:

(1) Owned by the System or a related entity on the effective date of this act; or

(2) Being leased to the System or a related entity on the effective date of this act under a lease with a term of at least 20 years remaining after the effective date of this act; and

3. Any public or utility rights-of-way located within or immediately adjacent to any of the property described in subsections 1 and 2.

Sec. 5. “Board of Directors” means the Board of Directors of the Authority.

Sec. 6. “Board of Regents” means the Board of Regents of the University of Nevada.

Sec. 7. “County” means Clark County, Nevada.

Secs. 8 and 9. (Deleted by amendment.)

Sec. 10. “Related entity” means:

1. The Board of Regents;

2. The University;

3. Any university foundation, as defined in NRS 396.405, which is organized and operated primarily for the purpose of fundraising in support of the University; and

4. Any nonprofit corporation formed pursuant to NRS 396.801.

Sec. 11. “System” means the Nevada System of Higher Education.

Secs. 12 and 13. (Deleted by amendment.)



Sec. 14. “Undertaking” means any enterprise to acquire, construct, improve, equip, operate or maintain, or any combination thereof, a large events center that serves to carry out the purposes described in paragraph (b) of subsection 1 of section 2 of this act and such other projects, improvements or facilities deemed by the Authority to be necessary or desirable to the development or redevelopment of the Authority area, and which are located in or serve property in the Authority area, and all necessary or desirable appurtenances or incidentals thereof, which enterprise is authorized under the terms of any lease, ground lease or management agreement between the Authority and the System that relates to all or any portion of the location of the enterprise.

Sec. 15. “University” means the University of Nevada, Las Vegas.

Sec. 16. 1. The University of Nevada, Las Vegas, Campus Improvement Authority is hereby created.

2. The Authority constitutes:

(a) A body corporate and politic; and

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

Sec. 17. 1. The Authority must be governed by a Board of Directors consisting of 11 members to be appointed as follows:

(a) Four members must be appointed by the Board of Regents. One of these members must be either a member of the Board of Regents or an officer of the University and the remainder must be members of the Board of Regents.

(b) One member must be appointed by the Governor.

(c) One member must be appointed by the Majority Leader of the Senate.

(d) One member must be appointed by the Speaker of the Assembly.

(e) One member must be appointed by the Board of County Commissioners of the County and must be either a member of the Board of County Commissioners or an officer of the County.

(f) One member must be appointed by the County Fair and Recreation Board of the County and must be a member of the County Fair and Recreation Board who is not also a member of the Board of County Commissioners of the County.

(g) Two members must be appointed by the members appointed pursuant to paragraphs (a) to (f), inclusive, from a list of nominees prepared by the County Fair and Recreation Board of the County. Each of these members must be employed in an executive position in the County by a business in the tourism, hotel and gaming



industry. If the members appointed pursuant to paragraphs (a) to (f), inclusive, find the nominees on a list submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees from the County Fair and Recreation Board, and the Board shall prepare such a list.

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

(a) Dies or resigns;

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

(c) Except as otherwise provided in subsection 3, ceases to be qualified for appointment as a member pursuant to the pertinent provisions of paragraph (a), (e), (f) or (g) of subsection 1.

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

4. No member of the Board of Directors may receive any compensation for serving as a member or officer of the Board or as an employee of the Board or the Authority.

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

Sec. 18. 1. On or before August 31, 2013, the Board of Regents may appoint four of the members of the Board of Directors pursuant to paragraph (a) of subsection 1 of section 17 of this act to terms that commence on October 1, 2013, and expire on September 30, 2015. The provisions of this subsection do not require the Board of Regents to make the appointments authorized by this subsection. Any determination by the Board of Regents to make those appointments is in the sole discretion of the Board of Regents.

2. If the Board of Regents makes the appointments authorized by subsection 1:

(a) The Governor shall, on or before September 30, 2013,

appoint the member of the Board of Directors pursuant to paragraph

(b) of subsection 1 of section 17 of this act to a term that commences on October 1, 2013, and expires on September 30, 2015;



(b) The Majority Leader of the Senate shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (c) of subsection 1 of section 17 of this act to a term that commences on October 1, 2013, and expires on September 30, 2015;

(c) The Speaker of the Assembly shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (d) of subsection 1 of section 17 of this act to a term that commences on October 1, 2013, and expires on September 30, 2015;

(d) The Board of County Commissioners of the County shall, on or before September 30, 2013, appoint the member of the Board of Directors pursuant to paragraph (e) of subsection 1 of section 17 of this act to an initial term that commences on October 1, 2013, and expires on September 30, 2015; and

(e) The County Fair and Recreation Board of the County shall, on or before September 30, 2013:

(1) Appoint the member of the Board of Directors pursuant to paragraph (f) of subsection 1 of section 17 of this act to an initial term that commences on October 1, 2013, and expires on September 30, 2015; and

(2) Prepare a list of not less than two nominees to be appointed pursuant to paragraph (g) of subsection 1 of section 17 of this act and submit the list to the members of the Board of Directors appointed pursuant to subsection 1 and paragraphs (a) to (d), inclusive, of subsection 2.

3. The members of the Board of Directors appointed pursuant to subsection 1 and paragraphs (a) to (e), inclusive, of subsection 2 shall, on or before October 31, 2013, appoint two of the members of the Board of Directors pursuant to paragraph (g) of subsection 1 of section 17 of this act to an initial term that expires on September 30, 2015.

Sec. 19. 1. The Board of Directors shall hold an organizational meeting during October of 2013. At that meeting:

(a) The members of the Board appointed pursuant to paragraphs (a) to (f), inclusive, of subsection 1 of section 17 of this act shall appoint any other members required to be appointed by those members; and

(b) After the provisions of paragraph (a) have been carried out, the Board shall appoint:

(1) One of its members as Chair;

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



(3) A Secretary and a Treasurer, who may be members of the Board and may be one person.

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

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

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

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

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

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

Sec. 20. 1. The Secretary of the Board of Directors shall keep:

- (a) Audio recordings or transcripts of all meetings of the Board;
- (b) Minutes of all the meetings of the Board;
- (c) A record of all the proceedings and actions of the Board;
- (d) Any certificates issued or received by the Board;
- (e) Any contracts made by the Board; and
- (f) Any bonds required by the Board from its employees.

↳ Except as otherwise provided in NRS 241.035, the records and information required by this subsection must be open to inspection by any interested person at any reasonable time and place.

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

Sec. 21. (Deleted by amendment.)

Sec. 22. The Board of Directors may adopt, and from time to time amend or repeal, as it determines to be necessary or desirable, appropriate bylaws, rules and regulations, not inconsistent with the provisions of this act, for carrying on the business and affairs of the Board of Directors and the Authority.

Sec. 23. 1. The Board of Directors, on behalf of the Authority, may:

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



(b) Sue and be sued.

2. The contracts and other agreements authorized by subsection 1:

(a) May not include contracts or other agreements relating to the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance, insurance, operation, management, promotion or advertising of any undertaking or any part thereof; and

(b) Are subject to the limitations of subsection 1 of NRS 354.626.

3. Except as otherwise provided in paragraph (b) of subsection 2, the Authority is not subject to the provisions of NRS 354.470 to 354.626, inclusive, the Local Government Budget and Finance Act.

Sec. 24. The Authority shall not own any land or improvements to any land.

Sec. 24.5. The Board of Directors:

1. Shall study the need for, feasibility of and financing alternatives for a large events center and other required infrastructure and supporting improvements in the Authority area.

2. Upon determination pursuant to subsection 1 that a large events center is needed and feasible, the Board may develop recommendations for such a large events center including, without limitation, the type and general design of the center and the approximate seats to be included in the center. To the extent money is available for this purpose, the Board may also calculate a preliminary cost for construction of such a center and other required infrastructure and supporting improvements, basing such a calculation on the use of the State Public Works Board as the building official having jurisdiction over the project.

3. May study the need for, feasibility of and financing alternatives for any other undertaking.

4. Shall prepare a report which provides the results, conclusions and recommendations of its study or studies conducted pursuant to subsections 1 and 2. The report must be submitted to the Director of the Legislative Counsel Bureau by September 30, 2014, for transmittal to and consideration by the 78th Session of the Nevada Legislature. The report may include recommendations for legislation to carry out the recommendations of the Board.

5. May, if so provided in an agreement with the System, assist the System in planning and designing any improvements to the Thomas and Mack Center that are financed:

(a) Wholly or in part with state general obligation bonds payable from the tax on slot machines imposed by NRS 463.385; and

(b) Before the dissolution of the Authority.



6. May accept gifts, grants and other contributions from any source, including, without limitation, the Federal Government, the State and any local government for the purposes of carrying out the provisions of this section and defraying the expenses of the Board. If so provided in an agreement between the Authority and the System, contributions pursuant to this subsection may be made through a university foundation which is organized to support the University pursuant to NRS 396.405.

Sec. 24.7. Notwithstanding the provisions of section 2 of Assembly Bill No. 501 of this session, the University of Nevada, Las Vegas is authorized to us not more than 2 percent of any money received by the University from bonds issued by the Board of Regents of the University of Nevada pursuant to section 2 of Assembly Bill No. 501 of this session to provide money to the Authority for the purpose of carrying out the provisions of this act.

Secs. 25-34. (Deleted by amendment.)

Sec. 35. 1. Except as otherwise provided in subsection 2, the Board of Directors shall wind up the affairs of the Authority and dissolve the Authority on September 30, 2015.

2. The Board of Directors may, by an affirmative vote of at least eight members, wind up the affairs of the Authority and dissolve the Authority before September 30, 2015, if the Authority has no outstanding obligations as of the date of dissolution.

3. Upon the dissolution of the Authority:

(a) All money and other assets of the Authority, to the extent such money and other assets are not needed to satisfy outstanding obligations of the Authority, become the property of the System.

(b) All obligations of the Authority that cannot be satisfied with the money and other assets of the Authority on the date of its dissolution are void as of the date of dissolution and are not liabilities of the System or this State.

Sec. 36. The provisions of this act do not:

1. Require the Board of Regents of the University of Nevada to enter into any agreement with the Authority or take any other action.

2. Limit the conditions or other provisions which the Board of Regents of the University of Nevada may, in its sole discretion, determine to include in any agreement with the Authority.

Secs. 37 and 38. (Deleted by amendment.)

Sec. 39. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, such invalidity does not affect the provisions or application of this act that 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. 40. 1. This act becomes effective upon passage and approval.

2. Except as otherwise provided in subsection 3, this act expires by limitation on October 1, 2015.

3. This act expires by limitation on August 31, 2013, unless, on or before that date, the Board of Regents of the University of Nevada makes the appointments authorized by subsection 1 of section 18 of this act.

