

ASSEMBLY BILL NO. 335—ASSEMBLYWOMAN KIRKPATRICK

MARCH 18, 2013

Referred to Concurrent Committees on
Taxation and Ways and Means

SUMMARY—Creates the University of Nevada, Las Vegas,
Campus Improvement Authority. (BDR S-866)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to 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:

1 This bill sets forth the University of Nevada, Las Vegas, Campus Improvement
2 Authority Law. **Section 16** of this bill creates the Authority as a political
3 subdivision of this State whose boundaries are the same as the boundaries of the
4 Authority area described in **section 4.5** of this bill, which consists essentially of
5 property that is owned or leased by the Nevada System of Higher Education and
6 that is a part of or in the vicinity of the University of Nevada, Las Vegas, campus.
7 **Sections 17 and 18** of this bill set forth the qualifications and the procedure for the
8 appointment of the members of the Board of Directors of the Authority.
9 **Section 23** of this bill prescribes the general powers of the Board of Directors
10 of the Authority. Those powers include the authority to enter into contracts and
11 other agreements necessary to conduct the business of the Authority, except that
12 such contracts and agreements may not include contracts or agreements relating to
13 the construction, acquisition, lease, lease-purchase, gift, equipment, maintenance,
14 insurance, operation, management, promotion or advertising of any undertaking or
15 any part thereof. **Section 24.5** of this bill prescribes the duties of the Board of
16 Directors of the Authority. Those duties include studying the need for, feasibility of
17 and financing alternatives for a large events center and other required infrastructure
18 and supporting improvements in the Authority area. The Board of Directors must



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19 also prepare a report of the results of the study of the Board, including any
20 recommendations for legislation, for transmittal to the 78th Session of the Nevada
21 Legislature. **Section 24.7** of this bill authorizes the University of Nevada, Las
22 Vegas to use not more than 2 percent of any money received from the issuance of
23 certain bonds by the Board of Regents of the University of Nevada to provide
24 money to the Authority to carry out the provisions of the University of Nevada, Las
25 Vegas, Campus Improvement Authority Law.

26 **Section 40** of this bill will cause this bill to expire by limitation on August 31,
27 2013, if the Board of Regents of the University of Nevada does not make its
28 appointments to the membership of the Board of Directors of the Authority on or
29 before that date. Otherwise, this bill will expire by limitation on October 1, 2015.

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

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

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

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

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

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

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

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

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

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

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

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

27 2. A general law cannot be made applicable to the purposes,
28 objects, powers, rights, privileges, immunities, liabilities, duties and



1 disabilities set forth in this act because of the great variety of
2 atypical factors and special conditions relating thereto.

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

7 **Sec. 3.** Except as otherwise provided in this act or unless the
8 context otherwise requires, the terms used or referred to in this act
9 have the meanings ascribed to them in the Local Government
10 Securities Law, but the definitions set forth in sections 4 to 15,
11 inclusive, of this act, unless the context otherwise requires, govern
12 the construction of this act.

13 **Sec. 4.** "Authority" means the University of Nevada, Las
14 Vegas, Campus Improvement Authority.

15 **Sec. 4.5.** "Authority area" means the area that consists of:

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

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

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

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

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

29 (b) Either:

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

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

35 3. Any public or utility rights-of-way located within or
36 immediately adjacent to any of the property described in subsections
37 1 and 2.

38 **Sec. 5.** "Board of Directors" means the Board of Directors of
39 the Authority.

40 **Sec. 6.** "Board of Regents" means the Board of Regents of the
41 University of Nevada.

42 **Sec. 7.** "County" means Clark County, Nevada.

43 **Sec. 8.** (Deleted by amendment.)

44 **Sec. 9.** (Deleted by amendment.)

45 **Sec. 10.** "Related entity" means:



- 1 1. The Board of Regents;
- 2 2. The University;
- 3 3. Any university foundation, as defined in NRS 396.405,
- 4 which is organized and operated primarily for the purpose of
- 5 fundraising in support of the University; and
- 6 4. Any nonprofit corporation formed pursuant to NRS 396.801.
- 7 **Sec. 11.** "System" means the Nevada System of Higher
- 8 Education.
- 9 **Sec. 12.** (Deleted by amendment.)
- 10 **Sec. 13.** (Deleted by amendment.)
- 11 **Sec. 14.** "Undertaking" means any enterprise to acquire,
- 12 construct, improve, equip, operate or maintain, or any combination
- 13 thereof, a large events center that serves to carry out the purposes
- 14 described in paragraph (b) of subsection 1 of section 2 of this act
- 15 and such other projects, improvements or facilities deemed by the
- 16 Authority to be necessary or desirable to the development or
- 17 redevelopment of the Authority area, and which are located in or
- 18 serve property in the Authority area, and all necessary or desirable
- 19 appurtenances or incidentals thereof, which enterprise is authorized
- 20 under the terms of any lease, ground lease or management
- 21 agreement between the Authority and the System that relates to all
- 22 or any portion of the location of the enterprise.
- 23 **Sec. 15.** "University" means the University of Nevada, Las
- 24 Vegas.
- 25 **Sec. 16.** 1. The University of Nevada, Las Vegas, Campus
- 26 Improvement Authority is hereby created.
- 27 2. The Authority constitutes:
- 28 (a) A body corporate and politic; and
- 29 (b) A political subdivision of this State, the boundaries of which
- 30 are coterminous with the boundaries of the Authority area.
- 31 **Sec. 17.** 1. The Authority must be governed by a Board of
- 32 Directors consisting of 11 members to be appointed as follows:
- 33 (a) Four members must be appointed by the Board of Regents.
- 34 One of these members must be either a member of the Board of
- 35 Regents or an officer of the University and the remainder must be
- 36 members of the Board of Regents.
- 37 (b) One member must be appointed by the Governor.
- 38 (c) One member must be appointed by the Majority Leader of
- 39 the Senate.
- 40 (d) One member must be appointed by the Speaker of the
- 41 Assembly.
- 42 (e) One member must be appointed by the Board of County
- 43 Commissioners of the County and must be either a member of the
- 44 Board of County Commissioners or an officer of the County.



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

5 (g) Two members must be appointed by the members appointed
6 pursuant to paragraphs (a) to (f), inclusive, from a list of nominees
7 prepared by the County Fair and Recreation Board of the County.
8 Each of these members must be employed in an executive position
9 in the County by a business in the tourism, hotel and gaming
10 industry. If the members appointed pursuant to paragraphs (a) to (f),
11 inclusive, find the nominees on a list submitted pursuant to this
12 paragraph unacceptable, they shall request a new list of nominees
13 from the County Fair and Recreation Board, and the Board shall
14 prepare such a list.

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

16 (a) Dies or resigns;

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

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

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

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

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

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



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

3 (a) The Governor shall, on or before September 30, 2013,
4 appoint the member of the Board of Directors pursuant to paragraph
5 (b) of subsection 1 of section 17 of this act to a term that
6 commences on October 1, 2013, and expires on September 30,
7 2015;

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

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

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

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

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

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

34 3. The members of the Board of Directors appointed pursuant
35 to subsection 1 and paragraphs (a) to (e), inclusive, of subsection 2
36 shall, on or before October 31, 2013, appoint two of the members of
37 the Board of Directors pursuant to paragraph (g) of subsection 1 of
38 section 17 of this act to an initial term that expires on September 30,
39 2015.

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

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



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

- 3 (1) One of its members as Chair;
4 (2) One of its members as Vice Chair; and
5 (3) A Secretary and a Treasurer, who may be members of the
6 Board and may be one person.

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

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

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

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

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

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

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

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

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

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

37 **Sec. 21.** (Deleted by amendment.)

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

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



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

4 (b) Sue and be sued.

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

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

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

13 3. Except as otherwise provided in paragraph (b) of subsection
14 2, the Authority is not subject to the provisions of NRS 354.470 to
15 354.626, inclusive, the Local Government Budget and Finance Act.

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

18 **Sec. 24.5.** The Board of Directors:

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

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

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

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

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

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



1 (b) Before the dissolution of the Authority.

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

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

17 **Sec. 25.** (Deleted by amendment.)

18 **Sec. 26.** (Deleted by amendment.)

19 **Sec. 27.** (Deleted by amendment.)

20 **Sec. 28.** (Deleted by amendment.)

21 **Sec. 29.** (Deleted by amendment.)

22 **Sec. 30.** (Deleted by amendment.)

23 **Sec. 31.** (Deleted by amendment.)

24 **Sec. 32.** (Deleted by amendment.)

25 **Sec. 33.** (Deleted by amendment.)

26 **Sec. 34.** (Deleted by amendment.)

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

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

34 3. Upon the dissolution of the Authority:

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

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

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

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



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

4 **Sec. 37.** (Deleted by amendment.)

5 **Sec. 38.** (Deleted by amendment.)

6 **Sec. 39.** If any provision of this act or the application thereof
7 to any person, thing or circumstance is held invalid, such invalidity
8 does not affect the provisions or application of this act that can be
9 given effect without the invalid provision or application, and to this
10 end the provisions of this act are hereby declared to be severable.

11 **Sec. 40.** 1. This act becomes effective upon passage and
12 approval.

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

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

