

SUMMARY—Revises provisions relating to county fair and recreation boards. (BDR xx-xxxx)

FISCAL NOTE: Effect on Local Government: To Be Determined

Effect on the State: To Be Determined

AN ACT relating to county fair and recreation boards; authorizing the county fair and recreation board of certain larger counties to form advisory boards ~~and~~ nonprofit corporations to provide certain assistance regarding major entertainment and sporting events in the county; providing for the confidentiality of certain records and documents in the possession of ~~authorizing~~ the county fair and recreation board of certain larger counties ~~or an~~ ~~and the~~ advisory board ~~and~~ nonprofit corporations ~~corporations~~ created by such ~~at~~ the county fair and recreation board ~~to keep confidential certain information~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Section 1. Chapter 244A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and 3~~ and 4 of this act.

Sec. 2. 1. *In a county whose population is 700,000 or more, the county fair and recreation board, in addition to the other powers conferred upon a county fair and recreation board by NRS 244A.597 to 244A.655, inclusive, and this section and ~~sections~~section 3 and 4 of this act, may create or cause to be created one or more:*

(a) Advisory boards~~An advisory board~~ *to assist the county fair and recreation board in promoting, aiding, attracting, retaining, sponsoring, supporting, hosting or otherwise facilitating major entertainment or sporting events in the county; ~~and~~*

(b) Nonprofit corporations~~A nonprofit corporation~~, *the purpose of which is to assist the county fair and recreation board in promoting, aiding, attracting, retaining, sponsoring, supporting, hosting or otherwise facilitating major entertainment or sporting events in the county.*

2. *If the county fair and recreation board creates an advisory board or nonprofit corporation pursuant to subsection 1, the county fair and recreation board ~~may~~must provide staff, if needed, and administrative support for the advisory board or nonprofit corporation and be the fiscal agent of the advisory committee or nonprofit corporation. If an advisory board or nonprofit corporation needs the assistance of technical experts, the county fair and*

recreation board may, within the limits of the money available to the board, contract with such technical experts.

3. Upon the creation of an advisory board or nonprofit corporation pursuant to subsection 1, the chief executive officer of the county fair and recreation board shall provide notice of the creation of the advisory board or nonprofit corporation to:

(a) The Governor;

(b) If there exists in the county a nonprofit organization located in the county which has the primary purpose of attracting, hosting and producing special events in the county, the nonprofit organization with that primary purpose and which has the largest impact in the county, as determined by the chief executive officer of the county fair and recreation board within his or her reasonable judgment;

(c) The association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year; and

(d) ~~The owners of the three~~ major league professional sports teams or organizations that are based in the county and that had the largest attendance or economic impact in preceding year, as determined by the chief executive officer of the county fair and recreation board within his or her reasonable judgment.

4. Not later than 30 calendar days after notice is sent pursuant to subsection 3:

(a) The Governor may appoint one member to the advisory board or the board of directors of the nonprofit corporation;

(b) The nonprofit organization to which the notice was sent may appoint two members to the advisory board or the board of directors of the nonprofit corporation;

(c) The association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year may appoint one member to the advisory board or the board of directors of the nonprofit corporation; and

(d) The ~~owner of a~~ major league professional sports teams or organizations to whom the notice was sent may each appoint one member to the advisory board or the board of directors of the nonprofit corporation.

↪ If, within 30 calendar days after the notice required by this subsection is sent to an appointing authority, the appointing authority has not made an appointment pursuant to this subsection, the appointing authority shall be deemed to have forfeited the right to appoint a member of the advisory board or the board of directors of the nonprofit corporation.

5. Each advisory board created pursuant to subsection 1 and the board of directors of each nonprofit corporation created pursuant to subsection 1 must consist of:

(a) Two members appointed by the county fair and recreation board;

(b) Each member appointed pursuant to subsection ~~43~~; and

(c) To the extent deemed necessary by the chair of the advisory board or the board of directors of the nonprofit corporation to address the specific needs of the advisory board or nonprofit corporation, any other members appointed by the members of the advisory board or the board of directors of the nonprofit corporation. An appointment of members pursuant to

this paragraph must not cause the advisory board or the board of directors of the nonprofit corporation to have more than 11 members.

6. Members of an advisory board or a board of directors of a nonprofit corporation created pursuant to subsection 1 must have the education, experience, background and ability to perform as many of the following functions as practicable:

(a) The evaluation and development of a successful bid package for a major entertainment or sporting event;

(b) The effective representative of the community served by the county fair and recreation board;

(c) The performance of the requirements imposed on the host committee of a major entertainment or sporting event;

(d) The management and oversight of a major entertainment or sporting event; and

(e) The raising of money necessary to host a major entertainment or sporting event.

7. The county fair and recreation board shall select a chair for an—7.—An advisory board created pursuant to subsection 1 or the board of directors of a nonprofit corporation created pursuant to subsection 1 shall elect a chair from among the members appointed to the advisory board or board of directors by the county fair and recreation board pursuant to paragraph (a) of subsection 5.

8. Each member of an advisory board or the board of directors of a nonprofit corporation created pursuant to subsection 1 serves a term of 4 years, until the member is removed by the

person or entity appointing the member, or until the advisory board or nonprofit corporation is dissolved and the winding up of its affairs is complete, whichever occurs soonest.

9. Each member of an advisory board or the board of directors of a nonprofit corporation formed pursuant to subsection 1 continues in office until a successor is appointed. Members of an advisory board or the board of directors of a nonprofit corporation created pursuant to subsection 1 may be reappointed to consecutive terms and may serve on more than one advisory board or board of directors of a nonprofit corporation created pursuant to subsection 1. Vacancies in an advisory board or the board of directors of a nonprofit corporation created pursuant to subsection 1 must be filled for the unexpired term by the person or entity that appointed the member whose position has become vacant.

10. The members of an advisory board or the board of directors of a nonprofit corporation created pursuant to subsection serve without compensation but are entitled to be reimbursed by the county fair and recreation board for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.

11. An advisory board or nonprofit corporation created pursuant to subsection 1 may be dissolved and its affairs wound up if the purpose for which the advisory board or nonprofit corporation was created has been completed and no further action is required to taken by the advisory board or nonprofit corporation.

12. An advisory board or nonprofit corporation created pursuant to subsection 1 shall keep confidential any record or other document of a person or entity which is in its possession to the same extent that the record or other document would be required to be kept confidential

pursuant to ~~sections~~ section 3 and 4 of this act. The provisions of chapter 241 of NRS do not apply to an advisory board or nonprofit corporation created pursuant to subsection 1.

Sec. 3. 1. *Except as otherwise provided in subsection 3 and NRS 239.0115, a county fair and recreation board in a county whose population is 700,000 or more ~~may keep confidential~~ any record or other document of any person or entity which has:*

(a) Solicited the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act regarding a major entertainment or sporting event;

(b) Been solicited by the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act regarding a major entertainment or sporting event;

(c) Entered into discussions with the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act regarding a major entertainment or sporting event;

(d) Negotiated a contract or other agreement with the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act;

(e) Received a bid, request for proposals or request for qualification regarding a major entertainment or sporting event from the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act; or

(f) Submitted a bid, request for proposals or request for qualification regarding a major entertainment or sporting event to the county fair and recreation board or an advisory board or nonprofit corporation created pursuant to section 2 of this act,

↳ Is confidential if such person or entity– submits to the chief executive officer a request in writing that the record or other document be kept confidential and demonstrates to the satisfaction of the chief executive officer that the record or other document contains proprietary or confidential information.

2. If the chief executive officer determines that a record or other document described in subsection 1 contains proprietary or confidential information, the chief executive officer 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 and the date of the request;

(b) A copy of the written request submitted pursuant to subsection 1;

(c) The documentation to support the request; and

(d) A copy of the decision of the chief executive officer determining that the record or other document contains proprietary or confidential information. The decision must include, without limitation, the following information:

(1) The period of time for which the records or other documents are confidential. Upon the expiration of that period of time, the county fair and recreation board may:

(I) Continue to keep confidential the records and other documents if the chief executive officer determines that the records and other documents continue to contain proprietary or confidential information; or

(II) No longer keep confidential the records and other documents if the chief executive officer determines that the records and other documents no longer contain proprietary or confidential information.

(2) Any conditions or limitations on the confidentiality of the records and other documents.

3. The county fair and recreation board may share the records and other documents that are confidential pursuant to this section with an advisory board or nonprofit corporation created pursuant to section 2 of this act, as deemed necessary by the chief executive officer to accomplish the purposes for which the advisory board or the nonprofit corporation was created.

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

(a) Are proprietary or confidential information of the person or entity submitting the request pursuant to subsection 1;

(b) Are not a public record; and

(c) Except as otherwise provided in subsection 3, must not be disclosed to any person who is not an officer or employee of the county fair or recreation board unless the person or entity submitted the request pursuant to subsection 1 consents to the disclosure or the disclosure is

authorized in accordance with the decision of the chief executive officer described in paragraph (d) of subsection 2.

5. As used in this section:

(a) “Chief executive officer” means the chief executive officer of the county fair and recreation board.

(b) “Proprietary or confidential information” has the meaning ascribed to it in NRS 360.247.

Sec. 4. 1. To the extent the county fair and recreation board enters into a contract or other agreement, before the contract or other agreement is made public, the person or entity with whom the county fair and recreation board may enter into a contract or other agreement, may submit a request to the chief executive officer of the county fair and recreation board to protect from disclosure any information or documentation related to the negotiations for the contract or agreement which, under generally accepted business practices, would be considered a trade secret or other proprietary or confidential information. After consulting with the person or entity, the chief executive officer of the county fair and recreation board shall determine whether to protect the information from disclosure. The decision of chief executive officer is final and is not subject to judicial review. If the chief executive officer determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information;

(b) Is not a public record;

(c) Must be redacted to the extent deemed necessary by the chief executive officer of the county fair and recreation board before any copy of the information or documentation is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of county fair and recreation board or an advisory committee or nonprofit corporation formed by the county fair and recreation board pursuant to NRS 244A.6212, unless the person or entity consents to the disclosure.

2 As used in this section, “proprietary or confidential information” has the meaning ascribed to it in NRS 360.247.

Sec. 5. NRS 244A.621 is hereby amended to read as follows:

244A.621 The county fair and recreation board, in addition to the other powers conferred upon a county fair and recreation board by NRS 244A.597 to 244A.655, inclusive, *and sections 2, 3 and 443 of this act* may:

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the board to promote or attract conventions, meetings and like gatherings that will utilize the recreational facilities authorized by NRS 244A.597. The expenditure is hereby declared to be an expenditure made for a public purpose.

2. Solicit and promote tourism and gaming generally, both individually and through annual grants in cash or in kind including lease of its facilities to the chambers of commerce of the incorporated cities within the county which respectively represent all of the residents of those cities, or other nonprofit groups or associations, and further promote generally the use of its

facilities, pursuant to lease agreements, by organized groups or by the general public for the holding of conventions, expositions, trade shows, entertainment, sporting events, cultural activities or similar uses reasonably calculated to produce revenue for the board and to enhance the general economy. The promotion of tourism, gaming or the use of facilities may include advertising the facilities under control of the board and the resources of the community or area, including tourist accommodations, transportation, entertainment, gaming and climate. The advertising may be done jointly with a private enterprise.

3. Enter into contracts for advertising pursuant to this section and pay the cost of the advertising, including a reasonable commission.