

## SENATE BILL NO. 334—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 13, 2001

## Referred to Committee on Government Affairs

SUMMARY—Expands and changes name of Tricounty Railway Commission. (BDR S-604)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

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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 the Tricounty Railway Commission; expanding the commission to include additional counties; changing the name of the commission; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Section 1 of chapter 566, Statutes of Nevada 1993, at page  
2     2326, is hereby amended to read as follows:  
3         Section 1. As used in this act, unless the context otherwise  
4         requires:  
5             1. “Commission” means the ~~{Tricounty—Railway}~~ *Nevada*  
6             Commission *for the reconstruction of the V & T Railway* created  
7             pursuant to section 2 of this act.  
8             2. “Commissioner” means a person appointed to serve on the  
9             commission pursuant to section 3 of this act.  
10            3. “County” includes Carson City.  
11            4. “Governing bodies” means the board of supervisors of Carson  
12            City and the boards of county commissioners of ~~{Lyon and Storey}~~  
13            *Douglas, Lyon, Storey and Washoe* counties.  
14     **Sec. 2.** Section 2 of chapter 566, Statutes of Nevada 1993, at page  
15     2326, is hereby amended to read as follows:  
16         Sec. 2. 1. The ~~{Tricounty—Railway}~~ *Nevada* Commission *for*  
17         *the reconstruction of the V & T Railway* of Carson City and  
18         *Douglas, Lyon, and* ~~{and}~~ *Storey and Washoe* counties is hereby created.  
19         2. The property and revenues of the commission, and any interest  
20         therein, are exempt from all state and local taxation.  
21         3. The commission is a body corporate and politic, the  
22         geographical jurisdiction of which is Carson City and *Douglas, Lyon,*  
23         ~~{and}~~ *Storey and Washoe* counties.



1 4. The provisions of this act must be broadly construed to  
2 accomplish its purposes.

3 **Sec. 3.** Section 3 of chapter 566, Statutes of Nevada 1993, at page  
4 2326, is hereby amended to read as follows:

5 Sec. 3. 1. The commission must be composed of ~~{five}~~ **nine**  
6 commissioners appointed as follows:

7 (a) ~~{Two members}~~ **One member who is a member of the board of**  
8 **supervisors of Carson City** appointed by the board of supervisors of  
9 Carson City ; ~~{at least one of whom must be a member of that~~  
10 ~~board.}~~

11 (b) **One member appointed by the board of county commissioners**  
12 **of Douglas County from among its members;**

13 (c) One member appointed by the board of county commissioners  
14 of Lyon County from among its members;

15 ~~{(e)}~~ (d) One member appointed by the board of county  
16 commissioners of Storey County from among its members; ~~{and~~

17 ~~—(d)}~~ (e) **One member appointed by the board of county**  
18 **commissioners of Washoe County from among its members;**

19 (f) One member appointed by the Virginia and Truckee Historical  
20 Railroad Society from among its members ~~{;}~~ ;

21 (g) **One member appointed by the speaker of the assembly;**

22 (h) **One member appointed by the senate majority leader; and**

23 (i) **One member appointed by the governor.**

24 2. If the Virginia and Truckee Historical Railroad Society ceases  
25 to exist but is replaced by an entity which is organized for the same  
26 purposes, that entity is entitled to appoint the member pursuant to  
27 paragraph ~~{(d)}~~ (f) of subsection 1. If the society ceases to exist and is  
28 not replaced, the number of commissioners is reduced to ~~{four}~~ **eight**  
29 and no member may be appointed pursuant to paragraph ~~{(d)}~~ (f) of  
30 subsection 1.

31 3. **The terms of the two members serving on the commission**  
32 **pursuant to paragraph (a) of subsection 1 on July 1, 2001, expire on**  
33 **that date.** As soon as practicable after July 1, ~~{1993}~~ **2001**, the  
34 appointing authorities shall make ~~{the}~~ **any** appointments required by  
35 subsection 1. ~~{One commissioner appointed pursuant to paragraph (a)~~  
36 ~~{of subsection 1, as determined by the board of supervisors of Carson~~  
37 ~~{City, and the member appointed pursuant to paragraph (d) of~~  
38 ~~{subsection 1 must be appointed to an initial term of 2 years.}~~ All of  
39 the ~~{other}~~ appointments must be for initial terms of ~~{4 years}~~ **1, 2 or**  
40 **3 years to ensure staggered terms.** After the initial terms, the term of  
41 office of each commissioner is 4 years. A member is eligible for  
42 reappointment.

43 4. The office of a member who is required as a qualification for  
44 appointment to be a member of the body appointing him becomes  
45 vacant on the date he ceases to be a member of that appointing body.

46 5. Each commissioner serves at the pleasure of his appointing  
47 authority and all vacancies must be filled for the unexpired term in the  
48 same manner as the original appointment.



1     **Sec. 4.** Section 4 of chapter 566, Statutes of Nevada 1993, at page  
2 2327, is hereby amended to read as follows:

3         Sec. 4. 1. Each commissioner appointed pursuant to paragraph  
4 (b) , ~~(c)~~ , (d) or (e) of subsection 1 of section 3 of this act shall  
5 file his oath of office with the clerk of the county from which he was  
6 appointed and all other commissioners shall file their oaths of office  
7 with the clerk of Carson City.

8         2. The commissioners must serve without compensation, but a  
9 commissioner may be reimbursed for expenses actually incurred by  
10 him for travel authorized by the commission.

11         3. The commission shall elect a chairman, vice chairman,  
12 secretary and treasurer from among its members. The secretary and  
13 the treasurer may be one person. The terms of the officers expire on  
14 July 1 of each odd-numbered year.

15         4. The secretary shall maintain a record of all of the proceedings  
16 of the commission, minutes of all meetings, certificates, contracts and  
17 other acts of the commission. The records must be open to the  
18 inspection of all interested persons at a reasonable time and place.

19         5. The treasurer shall keep an accurate account of all money  
20 received by and disbursed on behalf of the commission. He shall file  
21 with the clerk of Carson City, at the expense of the commission, a  
22 fidelity bond in an amount not less than \$10,000, conditioned for the  
23 faithful performance of his duties.

24     **Sec. 5.** Section 7 of chapter 566, Statutes of Nevada 1993, at page  
25 2328, is hereby amended to read as follows:

26         Sec. 7. 1. The commission may do all things necessary to  
27 establish and maintain a railway, including, without limitation:

28         (a) Purchasing, leasing or otherwise acquiring right of ways and  
29 constructing railways and any facilities or other appurtenances it  
30 deems appropriate in connection therewith; and

31         (b) Operating or granting franchises for the operation of a railroad  
32 that carries passengers to locations within the jurisdiction of the  
33 commission.

34         2. In addition to regulation by another agency related to public  
35 health and safety that is required by local ordinance or state or federal  
36 law, the commission shall regulate all franchises and concessionaires  
37 who operate on the right of way or property owned or leased by the  
38 commission.

39         3. A railway acquired, constructed or leased by the commission  
40 pursuant to this act is not a street railway for the purposes of chapter  
41 709 of NRS.

42         4. Notwithstanding any provision of Title 58 of NRS to the  
43 contrary, the rates charged by a railroad operated by the commission  
44 or pursuant to a franchise or other agreement with the commission,  
45 are subject to regulation by the public ~~service~~ utilities commission  
46 of Nevada.

47     **Sec. 6.** Section 8 of chapter 566, Statutes of Nevada 1993, at page  
48 2329, is hereby amended to read as follows:



1       Sec. 8. 1. The commission may enter into an agreement with  
2       the district attorney of Carson City or *Douglas*, Lyon , ~~for~~ Storey *or*  
3       *Washoe* County, or any combination thereof, to provide legal services  
4       to the commission. The commission may authorize payment to the  
5       district attorney for the costs to the district attorney for providing  
6       ~~such~~ *those* services.

7       2. The commission shall enter into an agreement with the  
8       treasurer of Carson City or *Douglas*, Lyon , ~~for~~ Storey *or* *Washoe*  
9       County to create a fund for the commission and pay all claims against  
10      the fund that are properly approved by the commission. The  
11      commission may authorize payment to the treasurer for the costs to  
12      the treasurer for providing ~~such~~ *those* services.

13      3. All money received by the commission must be deposited in  
14      the fund created pursuant to subsection 2. The money in the fund must  
15      be used only for the necessary expenses of the commission and the  
16      costs of the projects authorized by this act.

17      **Sec. 7.** This act becomes effective on July 1, 2001.

