

CHAPTER.....

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:

Section 1. Section 1 of chapter 566, Statutes of Nevada 1993, at page 2326, is hereby amended to read as follows:

Section 1. As used in this act, unless the context otherwise requires:

1. “Commission” means the ~~{Tricounty—Railway}~~ *Nevada Commission for the reconstruction of the V & T Railway* created pursuant to section 2 of this act.

2. “Commissioner” means a person appointed to serve on the commission pursuant to section 3 of this act.

3. “County” includes Carson City.

4. “Governing bodies” means the board of supervisors of Carson City and the boards of county commissioners of ~~{Lyon and Storey}~~ *Douglas, Lyon, Storey and Washoe* counties.

Sec. 2. Section 2 of chapter 566, Statutes of Nevada 1993, at page 2326, is hereby amended to read as follows:

Sec. 2. 1. The ~~{Tricounty—Railway}~~ *Nevada Commission for the reconstruction of the V & T Railway* of Carson City and *Douglas, Lyon, and Storey and Washoe* counties is hereby created.

2. The property and revenues of the commission, and any interest therein, are exempt from all state and local taxation.

3. The commission is a body corporate and politic, the geographical jurisdiction of which is Carson City and *Douglas, Lyon, and Storey and Washoe* counties.

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

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

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

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

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

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

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

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

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

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

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

(i) One member appointed by the governor.

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

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

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

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

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

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

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

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

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

5. The treasurer shall keep an accurate account of all money received by and disbursed on behalf of the commission. He shall file

with the clerk of Carson City, at the expense of the commission, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his duties.

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

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

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

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

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

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

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

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

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

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

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

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