

Amendment No. 383

Senate Amendment to Senate Bill No. 392	(BDR 35-815)
Proposed by: Senate Committee on Transportation and Homeland Security	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 392.

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date		
Adopted	☐	Lost ☐	_____	Adopted	☐	Lost ☐	_____
Concurred In	☐	Not ☐	_____	Concurred In	☐	Not ☐	_____
Receded	☐	Not ☐	_____	Receded	☐	Not ☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

CAF/SGW



Date: 4/16/2007

S.B. No. 392—Authorizes certain governmental entities to establish, construct and operate toll roads and toll bridges. (BDR 35-815)



SENATE BILL NO. 392—SENATOR NOLAN

MARCH 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—~~[Authorizes certain governmental entities to establish, construct and operate toll roads and toll bridges.]~~ **Directs the Legislative Commission to appoint a legislative committee to conduct an interim study on tolling projects.** (BDR ~~[35]~~ S-815)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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 transportation; ~~[authorizing certain governmental entities to establish, construct and operate toll projects which include toll roads and toll bridges; authorizing the issuance of revenue bonds or other securities constituting special obligations to fund a toll project; authorizing the assessment and collection of tolls; prohibiting certain actions relating to the collection of tolls; providing penalties;]~~ **directing the Legislative Commission to appoint a legislative committee to conduct an interim study on tolling projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law does not specifically authorize municipalities or the Department of Transportation to establish, construct and operate toll roads and toll bridges. Section 10 of this bill authorizes certain governmental entities, namely the Department, certain municipalities and toll districts, to establish, construct and operate toll projects which include toll roads and toll bridges, and to assess tolls for the use of the toll roads and toll bridges. The municipalities with such authorization are described in section 8 of this bill as cities whose population is 10,000 or more (currently the cities of Las Vegas, Reno, Henderson, North Las Vegas, Sparks, Carson City, Elko and Boulder City) and counties whose population is 100,000 or more (currently Clark and Washoe Counties). A toll district with such authorization is described in section 11 of this bill as a political subdivision created by one or more such municipalities for the purpose of planning, designing, financing, constructing, operating and maintaining a toll project within the geographical boundaries of the toll district. Sections 45 and 46 of this bill authorize such governmental entities to issue revenue bonds or other securities constituting special obligations under state law to fund a toll project. Section 24 of this bill provides that tolls may be collected by any method that identifies the correct toll and collects the payment, including manual toll collection, electronic toll collection or use of a photo monitoring system. Section 26 of this bill authorizes such governmental entities to enter into agreements authorizing other public or private entities to design, develop, finance construct, maintain, repair or operate a toll project. Sections 41 and 42 of this bill provide criminal penalties for~~

~~failure to pay tolls and for submitting false information to such a governmental entity concerning ownership of a motor vehicle to evade the payment of a toll.]~~

This bill authorizes the creation of a legislative committee to conduct an interim study on the implementation of toll roads, toll lands and high-occupancy lanes in this State.

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

Delete existing sections 1 through 62 of this bill and replace with the following new section 1:

Section 1. 1. The Legislative Commission is hereby directed to appoint an interim committee to conduct a study on the feasibility of implementing toll roads, toll lanes and high-occupancy lanes in this State.

2. The interim committee must be composed of six Legislators, one of whom must be appointed as chairman of the committee, as follows:

(a) The Chairman of the Senate Committee on Transportation and Homeland Security;

(b) The Chairman of the Assembly Committee on Transportation;

(c) One member of the Senate Committee on Finance appointed by the Majority Leader of the Senate;

(d) One member of the Assembly Committee on Ways and Means appointed by the Speaker of the Assembly;

(e) One member of the Senate Committee on Taxation appointed by the Majority Leader of the Senate; and

(f) One member of the Assembly Committee on Taxation appointed by the Speaker of the Assembly.

3. The study must include, without limitation:

(a) The proposal of definitions for “governmental entity,” “municipality,” “toll project,” “toll system,” “tolling facility” and “toll district” as these terms apply to tolling endeavors.

(b) A determination of the basis for creating a toll district and how it will be governed.

(c) An examination of how a governmental entity may exercise tolling authority as a function of government instead of in a proprietary manner.

(d) A determination of who shall approve a toll project and the establishment of the procedures for approving the project.

(e) The establishment of the criteria which must be considered before a toll project is approved, including, without limitation, the feasibility of integrating the project into the existing highway system and other existing roads and streets or existing plans for a new highway, road or street.

(f) The establishment of guidelines for the conversion of a tolling facility into a nontolling facility and for connecting a private toll road to the state highway system.

(g) A determination of the authority to be granted to a governmental entity participating in a toll project, including, without limitation, the authority to enter into a contract with other governmental entities and with public or private entities, and the authority to develop rules and regulations concerning safety and procurement issues regarding the toll project.

(h) The establishment of guidelines for transferring a toll project from one governmental entity to another governmental entity.

1 (i) An examination of the reasonableness of giving public or private
2 entities the ability to fund feasibility studies relating to a toll project or toll
3 system.

4 (j) A determination of when audits should be performed.

5 (k) A determination of how tolls may be set.

6 (l) A determination of how to use toll project revenues and any surplus
7 revenues.

8 (m) A determination of appropriate penalties for toll violations,
9 exemptions from paying tolls and the administrative hearing process relating
10 to violations and exemptions.

11 (n) A determination of what costs should be included in the construction,
12 maintenance and improvement of a toll facility.

13 (o) The establishment of guidelines for the issuance of bonds to fund a toll
14 project, to retire debt relating to a toll project and any tax exemptions which
15 may apply.

16 4. In conducting the study, the committee shall receive periodic reports
17 from the Director of the Department of Transportation concerning innovative
18 financing and project delivery of tolling endeavors.

19 5. Any recommended legislation proposed by the interim committee must
20 be approved by a majority of the members of the Senate and a majority of the
21 members of the Assembly appointed to the committee.

22 6. The Legislative Commission shall submit a report of the results of the
23 study and recommended legislation to the 75th Session of the Nevada
24 Legislature.