

Amendment No. 639

Senate Amendment to Assembly Bill No. 503 First Reprint (BDR S-954)

Proposed by: Senate Committee on Energy, Infrastructure and Transportation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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 dashed underlining** is newly added transitory language.

MSN/BJE



Date: 5/10/2009

A.B. No. 503—Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-954)



ASSEMBLY BILL NO. 503—COMMITTEE ON TRANSPORTATION

MARCH 23, 2009

Referred to Committee on Transportation

SUMMARY—Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-954)

FISCAL NOTE: Effect on Local Government: No.
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 transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding its recommendations on the ballot for the general election to be held in 2010; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates an advisory committee to develop recommendations for increasing funding for highways in this State. The committee consists of ~~eight~~ ***one*** members, three appointed by the Majority Leader of the Senate, ~~and~~ three appointed by the Speaker of the Assembly, ***one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the Assembly.*** Not more than one member of the committee may be a member of the Senate, ~~who must be appointed by the Majority Leader of the Senate,~~ and not more than one member may be a member of the Assembly, ~~who must be appointed by the Speaker of the Assembly.~~ ***To the extent practicable, the members of the advisory committee must reflect the geographic diversity of this State.*** The advisory committee: (1) is charged with developing recommendations relating to the funding of the construction and maintenance of highways in this State; and (2) is authorized to ask the voters of the State for their advice on those recommendations by placing advisory questions on the ballot for the general election to be held in 2010. If the advisory committee places an advisory question on the ballot, the Secretary of State must appoint committees to prepare arguments for and against approval of the recommendation proposed in the advisory question.

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

1 **Section 1.** As used in this act, "advisory committee" means the advisory
2 committee created by subsection 1 of section 2 of this act.

3 **Sec. 2.** 1. There is hereby created an advisory committee to develop
4 recommendations for increasing the funding of highways in this State.

5 2. The advisory committee consists of ~~four~~ **eight** members appointed as
6 follows:

7 (a) Three members appointed by the Majority Leader of the Senate; ~~and~~

8 (b) Three members appointed by the Speaker of the Assembly; ~~and~~;

9 ~~--- (c) One member appointed by the Minority Leader of the Senate; and~~

10 ~~--- (d) One member appointed by the Minority Leader of the Assembly.~~

11 3. Not more than one member of the advisory committee may be a member of
12 the Senate, **who must be appointed by the Majority Leader of the Senate,** and
13 not more than one member of the advisory committee may be a member of the
14 Assembly, **who must be appointed by the Speaker of the Assembly.**

15 4. **The Majority and Minority Leaders of the Senate and the Speaker and**
16 **Minority Leader of the Assembly shall, to the extent practicable, ensure that**
17 **the members appointed to the advisory committee reflect the geographic**
18 **diversity of this State.**

19 ~~5.~~ The term of each member of the advisory committee commences on July 1,
20 2009, and expires on June 30, 2011.

21 ~~6.~~ Members of the advisory committee serve without compensation,
22 except that while engaged in the business of the advisory committee, each member
23 is entitled to the per diem allowance and travel expenses provided for state officers
24 and employees generally, to be paid from the Legislative Fund.

25 ~~7.~~ The advisory committee shall ~~meet~~ :

26 ~~--- (a) Meet~~ at least once every 3 months; ~~and~~

27 ~~--- (b) To the extent practicable, conduct its meetings via video conference.~~

28 ~~8.~~ At its first meeting, the advisory committee shall elect a Chairman and
29 a Vice Chairman from among its members.

30 ~~9.~~ A vacancy in the membership of the advisory committee must be filled
31 in the same manner as the original appointment.

32 **Sec. 3.** 1. The advisory committee shall develop recommendations relating
33 to increasing the funding of the construction and maintenance of highways in this
34 State.

35 2. When developing recommendations pursuant to the provisions of
36 subsection 1, the advisory committee shall consider, without limitation, the most
37 recent, if any, transportation project lists developed by the Department of
38 Transportation and the regional transportation commission of any county whose
39 population is 100,000 or more.

40 **Sec. 4.** 1. The advisory committee may, at the general election held in
41 2010, ask the advice of the registered voters of the State on any question regarding
42 the recommendations developed by the committee pursuant to section 3 of this act.

43 2. To place an advisory question on the ballot at the general election held in
44 2010, the advisory committee shall, not less than 120 days before the general
45 election, submit to the Secretary of State a resolution that:

46 (a) Sets forth:

47 (1) Each question, in language indicating clearly that the question is
48 advisory only;

49 (2) An explanation of the question; and

(3) A description of the anticipated financial effect on the State; and
(b) Provides that the result of the voting on the question does not impose any legal requirement on the Legislature, any member of the Legislature or any other officer of the State.

3. If the advisory committee places an advisory question on the ballot pursuant to this section, on the sample ballot for the election, the advisory question must appear:

(a) With a title in substantially the following form: "Advisory Ballot Question No..."; and

(b) With its explanation, arguments and description of the anticipated financial effect.

Sec. 5. 1. For each advisory question to be placed on the ballot pursuant to the provisions of section 4 of this act, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the recommendation proposed in the advisory question and the other committee must be composed of three persons who oppose approval by the voters of the recommendation proposed in the advisory question.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, he may appoint fewer than three persons to that committee, but he must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of the recommendation proposed in the advisory question and the committee that opposes approval by the voters of the recommendation proposed in the advisory question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the advisory question.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the recommendation proposed in the advisory question, prepare an argument either advocating or opposing approval by the voters of the recommendation proposed in the advisory question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the recommendation proposed in the advisory question;

(2) The environmental impact of the recommendation proposed in the advisory question; and

1 (3) The impact of the recommendation proposed in the advisory question
2 on the public health, safety and welfare; and

3 (g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d),
4 (e) and (f) to the Secretary of State not later than the date prescribed by the
5 Secretary of State pursuant to subsection 6.

6 6. The Secretary of State shall provide, by rule or regulation:

7 (a) The maximum permissible length of an argument and rebuttal prepared
8 pursuant to this section; and

9 (b) The date by which an argument and rebuttal prepared pursuant to this
10 section must be submitted by a committee to the Secretary of State.

11 7. Upon receipt of an argument or rebuttal prepared pursuant to this section,
12 the Secretary of State:

13 (a) May consult with persons who are generally recognized by a national or
14 statewide organization as having expertise regarding transportation and
15 transportation-related issues; and

16 (b) Shall reject each statement in the argument or rebuttal that he believes is
17 libelous or factually inaccurate.

18 ➤ The decision of the Secretary of State to reject a statement pursuant to this
19 subsection is a final decision for the purposes of judicial review. Not later than 5
20 days after the Secretary of State rejects a statement pursuant to this subsection, the
21 committee that prepared the statement may appeal that rejection by filing a
22 complaint in the First Judicial District Court. The Court shall set the matter for
23 hearing not later than 3 working days after the complaint is filed and shall give
24 priority to such a complaint over all other matters pending before the court, except
25 for criminal proceedings.

26 8. The Secretary of State may revise the language submitted by a committee
27 pursuant to this section so that it is clear, concise and suitable for incorporation in
28 the sample ballot, but shall not alter the meaning or effect of the language without
29 the consent of the committee.

30 **Sec. 6.** This act becomes effective upon passage and approval.