

Amendment No. 902

Assembly Amendment to Senate Bill No. 245 First Reprint (BDR 22-585)

Proposed by: Assemblyman Atkinson

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

HAC



Date: 5/21/2009

S.B. No. 245—Makes various changes relating to regional transportation commissions. (BDR 22-585)



SENATE BILL NO. 245—SENATOR LEE

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to regional transportation commissions. (BDR 22-585)

FISCAL NOTE: Effect on Local Government: No.
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 regional transportation commissions; reorganizing provisions governing regional transportation commissions; providing that regional transportation commissions may authorize vending stands; authorizing certain governmental entities to collect fees for placing street banners within rights-of-way and public easements; authorizing certain regional transportation commissions to enter into certain hedge contracts for fuel; ~~providing tort immunity to regional transportation commissions under certain circumstances;~~ making various other changes to provisions relating to regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Nevada has enacted the County Motor Vehicle Fuel Tax Law which, in part, authorizes certain counties to create regional transportation commissions and impose certain taxes on fuel. (Chapter 373 of NRS) **Sections 2-41 and 64** of this bill reorganize the provisions relating to regional transportation commissions into chapter 277 of NRS to be known as the Regional Transportation Commission Act.

Sections 17 and 31 of this bill authorize the regional transportation commission in a county with a population of 400,000 or more (currently Clark County) to construct, install and maintain vending stands in a building, terminal or parking facility owned, operated or leased by the commission. Such vending stands may provide any approved articles, food or beverages to passengers of public mass transportation within the county.

Sections 15 and 28 of this bill authorize regional transportation commissions, under certain circumstances, to place street banners along public highways and within rights-of-way and public easements. Fees collected for placing street banners must be given to the governmental entities that own or control the public easements or rights-of-way where the street banners are placed, less an administrative fee given to the commissions to fund road repair and maintenance.

Section 34 of this bill authorizes a regional transportation commission to construct, modify, operate and maintain certain electrical and communications systems.

Section 38 of this bill authorizes a regional transportation commission that budgets \$1,000,000 or more in a fiscal year for the purchase of fuel to enter into a fuel hedge contract under certain circumstances.

Section 55 of this bill requires the governing body of each city that participates in a regional transportation commission to approve the dissolution of the commission, in addition to the governing body of the county. (NRS 373.120)

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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. *Sections 2 to 41, inclusive, of this act may be known and cited as the Regional Transportation Commission Act.*

Sec. 3. *As used in sections 2 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 17, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Acquire” or “acquisition” means the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the United States of America, any agency, instrumentality or corporation thereof, the State of Nevada, any body corporate and politic therein, any corporation, or any person, the endowment, bequest, devise, condemnation, transfer, assignment, option to purchase, other contract, or other acquirement, or any combination thereof, of any project, or an interest therein, authorized by sections 2 to 41, inclusive, of this act.*

Sec. 5. *“Board” means the board of county commissioners.*

Sec. 6. *“City” means an incorporated city.*

Sec. 7. *“Commission” means a regional transportation commission created pursuant to section 18 of this act.*

Sec. 8. *“Cost of the project,” or any phrase of similar import, means all or any part designated by the board of the cost of any project, or interest therein, being acquired, which cost, at the option of the board, may include all or any part of the incidental costs pertaining to the project, including, without limitation, preliminary expenses advanced by the county from money available for use therefor or any other source, or advanced by any city with the approval of the county from money available therefor or from any other source, or advanced by the State of Nevada or the Federal Government, or any corporation, agency or instrumentality thereof, with the approval of the county, or any combination thereof, in the making of surveys, preliminary plans, estimates of costs, other preliminaries, the costs of appraising, printing, estimates, advice, contracting for the services of engineers, architects, financial consultants, attorneys at law, clerical help, other agents or employees, the costs of making, publishing, posting, mailing and otherwise giving any notice in connection with the project, the taking of options, the issuance of bonds and other securities, contingencies, the capitalization with bond proceeds of any interest on the bonds for any period not exceeding 1 year and of any reserves for the payment of the principal of an interest on the bonds, the filing or recordation of instruments, the costs of medium-term obligations, construction loans and other temporary loans not exceeding 10 years appertaining to the project and of the incidental expenses incurred in connection with such financing or loans, and all other expenses necessary or desirable and appertaining to any project, as estimated or otherwise ascertained by the board.*

Sec. 9. *“Department” means the Department of Motor Vehicles.*

1 **Sec. 10.** *“Fixed guideway” means a mass transportation facility which uses*
2 *and occupies a separate right-of-way or rails exclusively for public*
3 *transportation, including, without limitation, fixed rail, automated guideway*
4 *transit and exclusive facilities for buses.*

5 **Sec. 11.** *“Improve” or “improvement” means the extension, widening,*
6 *lengthening, betterment, alteration, reconstruction, surfacing, resurfacing or*
7 *other major improvement, or any combination thereof, of any project, or an*
8 *interest therein, authorized by sections 2 to 41, inclusive, of this act. The term*
9 *includes renovation, reconditioning, patching, general maintenance and other*
10 *minor repairs.*

11 **Sec. 12.** *“Project” means:*

12 1. *In a county whose population is 100,000 or more, street and highway*
13 *construction, including, without limitation, the acquisition and improvement of*
14 *any street, avenue, boulevard, alley, highway or other public right-of-way used*
15 *for any vehicular traffic, and including a sidewalk designed primarily for use by*
16 *pedestrians, and also including, without limitation, grades, regrades, gravel,*
17 *oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian*
18 *rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch*
19 *basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges,*
20 *overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial*
21 *lights and lighting equipment, parkways, grade separators, traffic separators and*
22 *traffic control equipment, and all appurtenances and incidentals, or any*
23 *combination thereof, including, without limitation, the acquisition and*
24 *improvement of all types of property therefor.*

25 2. *In a county whose population is less than 100,000, street and highway*
26 *construction, maintenance or repair, or any combination thereof, including,*
27 *without limitation, the acquisition, maintenance, repair and improvement of any*
28 *street, avenue, boulevard, alley, highway or other public right-of-way used for*
29 *any vehicular traffic, and including a sidewalk designed primarily for use by*
30 *pedestrians, and also including, without limitation, grades, regrades, gravel,*
31 *oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian*
32 *rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch*
33 *basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges,*
34 *overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial*
35 *lights and lighting equipment, parkways, grade separators, traffic separators and*
36 *traffic control equipment, and all appurtenances and incidentals, or any*
37 *combination thereof, including, without limitation, the acquisition, maintenance,*
38 *repair and improvement of all types of property therefor.*

39 **Sec. 13.** *“Public highway” means any street, road, alley, thoroughfare, way*
40 *or place of any kind used by the public or open to the use of the public as a*
41 *matter of right for the purpose of vehicular traffic.*

42 **Sec. 14.** *“Public transit system” means a system employing motor buses,*
43 *rails or any other means of conveyance, by whatever type of power, operated for*
44 *public use in the conveyance of persons.*

45 **Sec. 15.** *“Street banner” means a sign which a commission has authorized*
46 *pursuant to section 28 of this act to be hung:*

47 (a) *Along any street, avenue, boulevard, alley, public highway or other public*
48 *right-of-way used for any vehicular traffic, and including a sidewalk designed*
49 *primarily for use by pedestrians, within the jurisdiction of the commission.*

50 (b) *On any facility owned or leased by the commission, the county or any*
51 *participating city.*

52 **Sec. 16.** *“Town” means an unincorporated town.*

53 **Sec. 17.** *“Vending stand” means:*

1 1. Such buildings, counters, shelving, display and wall cases, refrigerating
2 apparatus and other appropriate auxiliary equipment as are necessary or
3 customarily used for the vending of such articles or the provision of such services
4 as may be approved by the commission and the governing body having care,
5 custody and control of the property on which the vending stand is located;

6 2. Manual or coin-operated vending machines or similar devices for
7 vending such articles, operated at buildings, terminals and parking facilities
8 owned or leased by the commission, even though no person is physically present
9 on the premises except to service the machines;

10 3. A snack bar for the dispensing of foodstuffs and beverages; or

11 4. Portable shelters which can be disassembled and reassembled, and the
12 equipment therein, used for the vending of approved articles, foodstuffs or
13 beverages or the provision of approved services.

14 Sec. 18. In any county for all or part of which a streets and highways plan
15 has been adopted as a part of the master plan by the county or regional planning
16 commission pursuant to NRS 278.150, the board may by ordinance create a
17 regional transportation commission.

18 Sec. 19. 1. In counties whose population is 100,000 or more, the
19 commission must be composed of representatives selected by the following entities
20 from among their members:

21 (a) Two by the board.

22 (b) Two by the governing body of the largest city in the county.

23 (c) One by the governing body of each additional city in the county.

24 2. In counties whose population is less than 100,000, the commission must
25 be composed of representatives selected as follows:

26 (a) If the county contains three or more cities:

27 (1) Two by the board.

28 (2) One by the governing body of the largest city.

29 (b) If the county contains only two cities:

30 (1) Three by the board, at least one of whom is a representative of the
31 public who is a resident of the county.

32 (2) One by the governing body of each city in the county.

33 (c) If the county contains only one city:

34 (1) Two by the board.

35 (2) One by the governing body of the city.

36 (d) If the county contains no city, the board shall select:

37 (1) Two members of the board; and

38 (2) One representative of the public, who is a resident of the largest town,
39 if any, in the county.

40 3. In Carson City, the commission must be composed of representatives
41 selected by the Board of Supervisors as follows:

42 (a) Two members of the Board of Supervisors, one of whom must be
43 designated by the commission to serve as chairman of the commission.

44 (b) Three representatives of the city at large.

45 4. The first representatives must be selected within 30 days after passage of
46 the ordinance creating the commission, and, except as otherwise provided in
47 subsections 5, 6 and 7, must serve until the next ensuing December 31 of an
48 even-numbered year. The representative of any city incorporated after passage of
49 the ordinance must be selected within 30 days after the first meeting of the
50 governing body, and, except as otherwise provided in subsection 7, must serve
51 until the next ensuing December 31 of an even-numbered year. Their successors
52 must serve for terms of 2 years, and vacancies must be filled for the unexpired
53 term.

1 5. *In Carson City:*

2 (a) *One representative of the commission who is a member of the Board of*
3 *Supervisors and one representative of the commission who is a representative of*
4 *the city at large must serve until the next ensuing December 31 of an even-*
5 *numbered year; and*

6 (b) *One representative of the commission who is a member of the Board of*
7 *Supervisors and two representatives of the commission who are representatives of*
8 *the city at large must serve until the next ensuing December 31 of an odd-*
9 *numbered year.*

10 6. *In counties whose population is 100,000 or more, but less than 400,000:*

11 (a) *One representative selected by the board and one representative selected*
12 *by the governing body of the largest city in the county must serve until the next*
13 *ensuing December 31 of an even-numbered year; and*

14 (b) *One representative selected by the board and one representative selected*
15 *by the governing body of the largest city in the county must serve until the next*
16 *ensuing December 31 of an odd-numbered year.*

17 7. *In counties whose population is 400,000 or more, the first representatives*
18 *and the representative of any city incorporated after passage of the ordinance*
19 *must serve until the next ensuing June 30 of an odd-numbered year.*

20 Sec. 20. *The commission shall provide for its organization and meetings.*

21 Sec. 21. 1. *A commission may be designated as a metropolitan planning*
22 *organization pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.*

23 2. *If a commission is designated as a metropolitan planning organization,*
24 *the commission shall carry out the duties prescribed by federal law for a*
25 *metropolitan planning organization in addition to any other duties required by*
26 *specific statute.*

27 Sec. 22. 1. *In any county in which a commission has been created by*
28 *ordinance, the commission may:*

29 (a) *Receive and disburse federal funds;*

30 (b) *Submit project applications and programs of projects to federal agencies;*

31 (c) *Enter into formal agreements concerning projects with federal agencies;*
32 *and*

33 (d) *Conduct public hearings and certify that such hearings were conducted.*

34 2. *If a commission receives federal funds for any project, the commission*
35 *shall comply with any applicable federal law in relation to providing goods or*
36 *services related to such project.*

37 Sec. 23. *The commission may establish a fund consisting of contributions*
38 *from private sources, the State or the county and cities and towns within the*
39 *jurisdiction of the commission for the purpose of matching federal money from*
40 *any federal source.*

41 Sec. 24. *A commission may:*

42 1. *Acquire and own both real and personal property.*

43 2. *Exercise the power of eminent domain, if the city or county which has*
44 *jurisdiction over the property approves, for the acquisition, construction, repair*
45 *or maintenance of public roads, or for any other purpose related to public mass*
46 *transportation.*

47 3. *Sell, lease or convey or otherwise dispose of rights, interests or*
48 *properties.*

49 4. *Adopt regulations for:*

50 (a) *Financing eligible activities; and*

51 (b) *The operation of systems or services provided by the commission.*

52 Sec. 25. *A commission may:*

53 1. *Sue and be sued.*

2. Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

3. Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.

4. Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

5. Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

(a) Damages resulting from fire, theft, accident or other casualty; or

(b) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

Sec. 26. A commission may:

1. Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

2. Employ professional, technical, clerical and other personnel necessary to carry out the provisions of sections 2 to 41, inclusive, of this act.

3. Establish a fine for a passenger who refuses to pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission. If the commission establishes such a fine, the commission may establish procedures that provide for the issuance and collection of the fine.

Sec. 27. 1. A commission may:

(a) Operate a system of public transportation to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) Use streets, roads, highways and other public rights-of-way for public transportation.

(c) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

(d) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

(e) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

2. The powers and duties of a commission set forth in sections 2 to 41, inclusive, of this act, do not apply to any monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695.

3. As used in this section, "bus turnout" means a fixed area that is:

(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

Sec. 28. 1. A commission may authorize street banners to be placed within the jurisdiction of the commission:

(a) Along any public highway.

(b) Except as otherwise provided in subsections 2 and 3, on a facility owned or leased by the commission, the county or any participating city, or within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(1) The facility, public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

1 (2) *The street banners may be located safely on the facility or within the*
2 *public easement or right-of-way without damaging the facilities of other persons*
3 *who are authorized to place their facilities within the public easement or right-of-*
4 *way.*

5 2. *If the commission and the governmental entity that owns or controls a*
6 *facility, public easement or right-of-way execute an interlocal or cooperative*
7 *agreement that authorizes the placement of street banners, the commission may*
8 *place street banners on the facility or within the public easement or right-of-way.*

9 3. *If the commission or any person authorized by the commission intends to*
10 *place any street banner within any public easement that is located within the*
11 *common area or common elements of a common-interest community governed by*
12 *an association, the commission shall:*

13 (a) *Provide the governing body of the association with written notice of the*
14 *intent to place the street banner within the public easement at least 30 days before*
15 *such placement; and*

16 (b) *Coordinate, to the extent practicable, with the governing body of the*
17 *association to determine an appropriate location for the street banner within the*
18 *public easement.*

19 4. *A commission may charge a fee to place a street banner. Any such fee*
20 *collected by the commission must be paid to the governmental entity that owns or*
21 *controls the facility, public easement or right-of-way where the street banner is*
22 *placed. The governmental entity shall pay to the commission an administrative*
23 *fee in an amount set forth in the agreement required pursuant to subsection 2.*
24 *Any administrative fee paid to the commission pursuant to this subsection must*
25 *be used by the commission to fund road improvement and maintenance.*

26 **Sec. 29.** 1. *A commission, a county whose population is less than 100,000*
27 *or a city within such a county may establish or operate a public transit system*
28 *consisting of:*

29 (a) *Regular routes and fixed schedules to serve the public;*

30 (b) *Nonemergency medical transportation of persons to facilitate their use of*
31 *a center as defined in NRS 435.170, if the transportation is available upon*
32 *request and without regard to regular routes or fixed schedules;*

33 (c) *Nonmedical transportation of persons with disabilities without regard to*
34 *regular routes or fixed schedules; or*

35 (d) *In a county whose population is less than 100,000 or a city within such a*
36 *county, nonmedical transportation of persons if the transportation is available by*
37 *reservation 1 day in advance of the transportation and without regard to regular*
38 *routes or fixed schedules.*

39 2. *A commission may lease vehicles to or from or enter into other contracts*
40 *with a private operator for the provision of such a system.*

41 3. *In a county whose population is less than 400,000, such a system may*
42 *also provide service which includes:*

43 (a) *Minor deviations from the regular routes and fixed schedules required by*
44 *paragraph (a) of subsection 1 on a recurring basis to serve the public*
45 *transportation needs of passengers. The deviations must not exceed one-half mile*
46 *from the regular routes.*

47 (b) *The transporting of persons other than those specified in paragraph (b),*
48 *(c) or (d) of subsection 1 upon request without regard to regular routes or fixed*
49 *schedules, if the service is provided by a common motor carrier which has a*
50 *certificate of public convenience and necessity issued by the Nevada*
51 *Transportation Authority pursuant to NRS 706.386 to 706.411, inclusive, and the*
52 *service is subject to the rules and regulations adopted by the Nevada*
53 *Transportation Authority for a fully regulated carrier.*

1 4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a
2 commission may utilize a turnkey procurement process to select a person to
3 design, build, operate and maintain, or any combination thereof, a fixed
4 guideway system, including, without limitation, any minimum operable segment
5 thereof. The commission shall determine whether to utilize turnkey procurement
6 for a fixed guideway project before the completion of the preliminary engineering
7 phase of the project. In making that determination, the commission shall evaluate
8 whether turnkey procurement is the most cost-effective method of constructing
9 the project on schedule and in satisfaction of its transportation objectives.

10 5. Notwithstanding the provisions of chapter 332 of NRS, a commission
11 may utilize a competitive negotiation procurement process to procure rolling
12 stock for a fixed guideway project, rolling stock for a public transit system,
13 facilities and any other equipment that is related to public transportation. The
14 award of a contract under such a process must be made to the person whose
15 proposal is determined to be the most advantageous to the commission, based on
16 price and other factors specified in the procurement documents.

17 6. If a commission develops a fixed guideway project, the Department of
18 Transportation is hereby designated to serve as the oversight agency to ensure
19 compliance with the federal safety regulations for rail fixed guideway systems set
20 forth in 49 C.F.R. Part 659.

21 7. As used in this section:

22 (a) "Fully regulated carrier" means a common carrier or contract carrier of
23 passengers or household goods who is required to obtain from the Nevada
24 Transportation Authority a certificate of public convenience and necessity or a
25 contract carrier's permit and whose rates, routes and services are subject to
26 regulation by the Nevada Transportation Authority.

27 (b) "Minimum operable segment" means the shortest portion of a fixed
28 guideway system that is technically capable of providing viable public
29 transportation between two end points.

30 (c) "Turnkey procurement" means a competitive procurement process by
31 which a person is selected by a commission, based on evaluation criteria
32 established by the commission, to design, build, operate and maintain, or any
33 combination thereof, a fixed guideway system, or a portion thereof, in accordance
34 with performance criteria and technical specifications established by the
35 commission.

36 **Sec. 30. 1.** A commission may construct, convert, improve, equip and
37 maintain parking facilities or parking spaces for use by the general public and
38 public employees. Such facilities or spaces must be owned and operated by the
39 commission or its agents.

40 2. The commission may fix and charge reasonable fees for the use of any
41 such parking facilities or spaces.

42 3. The commission may enter into a contract, lease or other arrangement to
43 provide exclusive parking in designated spaces at any parking facility owned,
44 leased or operated by the commission.

45 **Sec. 31. 1.** In a county whose population is 400,000 or more, the
46 commission may provide for the construction, installation and maintenance of
47 vending stands for passengers of public mass transportation in any building,
48 terminal or parking facility owned, operated or leased by the commission.

49 2. The provisions of NRS 426.630 to 426.720, inclusive, do not apply to a
50 vending stand constructed, installed or maintained pursuant to this section.

51 **Sec. 32.** In a county whose population is 400,000 or more:

1 1. The commission shall provide for the construction, installation and
2 maintenance of benches, shelters and transit stops for passengers of public mass
3 transportation.

4 2. In carrying out its duties pursuant to subsection 1, the commission may
5 displace or limit competition in the construction, installation and maintenance of
6 such benches, shelters and transit stops. The commission may:

7 (a) Provide those services on an exclusive basis or adopt a regulatory scheme
8 for controlling the provision of those services; or

9 (b) Grant an exclusive franchise to any person to provide those services.

10 3. Subject to the provisions of subsections 4 and 5, the commission or any
11 person who is authorized by the commission to provide for the construction,
12 installation and maintenance of benches, shelters and transit stops for passengers
13 of public mass transportation may locate such benches, shelters and transit stops
14 within any public easement or right-of-way, including, without limitation, a
15 public easement or right-of-way dedicated or restricted for use by any utility, if:

16 (a) The public easement or right-of-way is adjacent or appurtenant to or
17 within a reasonable proximity of any public highway; and

18 (b) The benches, shelters and transit stops may be located safely within the
19 public easement or right-of-way without damaging the facilities of other persons
20 who are authorized to place their facilities within the public easement or right-of-
21 way.

22 4. Before the commission or any person authorized by the commission may
23 construct or install any benches, shelters and transit stops within any public
24 easement or right-of-way, the commission and the governmental entity that owns
25 or controls the public easement or right-of-way shall execute an interlocal or
26 cooperative agreement that authorizes the construction, installation, maintenance
27 and use of the benches, shelters and transit stops within the public easement or
28 right-of-way.

29 5. If the commission or any person authorized by the commission intends to
30 construct or install any benches, shelters or transit stops within any public
31 easement that is located within the common area or common elements of a
32 common-interest community governed by an association, the commission shall:

33 (a) Provide the governing body of the association with written notice of the
34 intent to construct or install the benches, shelters or transit stops within the
35 public easement at least 30 days before such construction or installation begins;
36 and

37 (b) Coordinate, to the extent practicable, with the governing body of the
38 association to determine an appropriate location for the benches, shelters or
39 transit stops within the public easement.

40 6. The commission shall post on each bench, within each shelter and near
41 each transit stop a notice that provides a telephone number that a person may use
42 to report damage to the benches, shelters or transit stops.

43 7. No board, governing body or town board may:

44 (a) Provide for the construction, installation or maintenance of benches,
45 shelters and transit stops for passengers of public mass transportation except with
46 the approval of or at the request of the commission; or

47 (b) Adopt any ordinance, regulation or plan, enter into or approve any
48 franchise, contract or agreement or take any other action that prohibits or
49 unreasonably restricts the commission from providing for the construction,
50 installation or maintenance of benches, shelters and transit stops for passengers
51 of public mass transportation.

52 Sec. 33. 1. In a county whose population is 400,000 or more, the
53 commission shall establish an advisory committee to provide information and

1 *advice to the commission concerning the construction, installation and*
2 *maintenance of benches, shelters and transit stops for passengers of public mass*
3 *transportation in the county. The membership of the advisory committee must*
4 *consist of:*

5 *(a) Two members of the general public from each city within the county who*
6 *are appointed by the governing body of that city; and*

7 *(b) Six members of the general public appointed by the commission.*

8 *2. Each member of the advisory committee serves a term of 1 year. A*
9 *member may be reappointed for additional terms of 1 year in the same manner as*
10 *the original appointment.*

11 *3. A vacancy occurring in the membership of the advisory committee must*
12 *be filled in the same manner as the original appointment.*

13 *4. The advisory committee shall meet at least six times annually.*

14 *5. At its first meeting and annually thereafter, the advisory committee shall*
15 *elect a chairman and vice chairman from among its members.*

16 *6. Each member of the advisory committee serves without compensation*
17 *and is not entitled to receive a per diem allowance or travel expenses.*

18 **Sec. 34.** *1. Subject to the provisions of subsections 2, 4 and 5, the*
19 *commission may construct, modify, operate and maintain electrical and*
20 *communication systems, including, without limitation, traffic signalization or*
21 *messaging systems, and related infrastructure that are necessary to carry out the*
22 *commission's duties set forth in sections 2 to 41, inclusive, of this act within any*
23 *public easement or right-of-way, including, without limitation, a public easement*
24 *or right-of-way dedicated or restricted for use by any utility, if:*

25 *(a) The public easement or right-of-way is adjacent or appurtenant to or*
26 *within a reasonable proximity of any public highway; and*

27 *(b) The electrical and communication systems and related infrastructure may*
28 *be located safely within the public easement or right-of-way without damaging*
29 *the facilities of other persons who are authorized to place their facilities within*
30 *the public easement or right-of-way.*

31 *2. If the commission and the governmental entity that owns or controls a*
32 *public easement or right-of-way execute an interlocal or cooperative agreement*
33 *that authorizes the construction, installation, maintenance and use of the*
34 *electrical and communication systems and related infrastructure within the*
35 *public easement or right-of-way, the commission or any person authorized by the*
36 *commission may construct or install any electrical and communication systems*
37 *and related infrastructure within the public easement or right-of-way.*

38 *3. If the commission or any person authorized by the commission intends to*
39 *construct or install any electrical or communication systems or related*
40 *infrastructure within any public easement that is located within the common area*
41 *or common elements of a common-interest community governed by an*
42 *association, the commission shall:*

43 *(a) Provide the governing body of the association with written notice of the*
44 *intent to construct or install the electrical or communication systems or related*
45 *infrastructure within the public easement at least 30 days before such*
46 *construction or installation begins; and*

47 *(b) Coordinate, to the extent practicable, with the governing body of the*
48 *association to determine an appropriate location for the electrical or*
49 *communication systems or related infrastructure within the public easement.*

50 *4. The commission may require any person who causes damage to an*
51 *electrical or communication system or related infrastructure to:*

52 *(a) Reimburse the commission for the cost of repairing the damage to the*
53 *electrical or communication system or related infrastructure; or*

1 *(b) Repair the damage to the electrical or communication system or related*
2 *infrastructure to the satisfaction of the commission.*

3 *5. A commission that modifies, operates and maintains electrical and*
4 *communication systems pursuant to this section is not a public utility and nothing*
5 *in this section authorizes a commission to construct or maintain any*
6 *telecommunications system, including, without limitation, a tower, pole or similar*
7 *structure used to provide telecommunications services.*

8 **Sec. 35. 1. Money for the payment of the cost of a project within the area**
9 **embraced by a regional plan for transportation established pursuant to section 25**
10 **of this act may be obtained by the issuance of revenue bonds and other revenue**
11 **securities as provided in subsection 2 or, subject to any pledges, liens and other**
12 **contractual limitations made pursuant to the provisions of sections 2 to 41,**
13 **inclusive, of this act, may be obtained by direct distribution from the regional**
14 **street and highway fund, except to the extent any such use is prevented by the**
15 **provisions of NRS 373.150, or may be obtained both by the issuance of such**
16 **securities and by such direct distribution, as the board may determine. Money for**
17 **street and highway construction outside the area embraced by the plan may be**
18 **distributed directly from the regional street and highway fund as provided in NRS**
19 **373.150.**

20 **2. The board may, after the enactment of an ordinance as authorized by**
21 **NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065, issue revenue**
22 **bonds and other revenue securities, on the behalf and in the name of the county:**

23 *(a) The total of all of which, issued and outstanding at any one time, must*
24 *not be in an amount requiring a total debt service in excess of the estimated*
25 *receipts to be derived from the taxes imposed pursuant to the provisions of NRS*
26 *373.030 and paragraph (d) of subsection 1 of NRS 373.065;*

27 *(b) Which must not be general obligations of the county or a charge on any*
28 *real estate therein; and*

29 *(c) Which may be secured as to principal and interest by a pledge authorized*
30 *by chapter 373 of NRS of the receipts from the motor vehicle fuel taxes*
31 *designated in chapter 373 of NRS, except such portion of the receipts as may be*
32 *required for the direct distributions authorized by NRS 373.150.*

33 **3. A county is authorized to issue bonds without the necessity of their being**
34 **authorized at any election in such manner and with such terms as provided in**
35 **sections 2 to 41, inclusive, of this act.**

36 **4. Subject to the provisions of sections 2 to 41, inclusive, of this act, for any**
37 **project authorized therein, the board of any county may, on the behalf and in the**
38 **name of the county, borrow money, otherwise become obligated, and evidence**
39 **obligations by the issuance of bonds and other county securities, and in**
40 **connection with the undertaking or project, the board may otherwise proceed as**
41 **provided in the Local Government Securities Law.**

42 **5. All such securities constitute special obligations payable from the net**
43 **receipts of the motor vehicle fuel taxes designated in chapter 373 of NRS except**
44 **as otherwise provided in NRS 373.150, and the pledge of revenues to secure the**
45 **payment of the securities must be limited to those net receipts.**

46 **6. Except for:**

47 *(a) Any notes or warrants which are funded with the proceeds of interim*
48 *debentures or bonds;*

49 *(b) Any interim debentures which are funded with the proceeds of bonds;*

50 *(c) Any temporary bonds which are exchanged for definitive bonds;*

51 *(d) Any bonds which are reissued or which are refunded; and*

1 (e) *The use of any profit from any investment and reinvestment for the*
2 *payment of any bonds or other securities issued pursuant to the provisions of*
3 *sections 2 to 41, inclusive, of this act,*

4 *↪ all bonds and other securities issued pursuant to the provisions of sections 2 to*
5 *41, inclusive, of this act must be payable solely from the proceeds of motor*
6 *vehicle fuel taxes collected by or remitted to the county pursuant to chapter 365*
7 *of NRS, as supplemented by chapter 373 of NRS. Receipts of the taxes levied in*
8 *NRS 365.180 and 365.190 and pursuant to paragraphs (a) and (b) of subsection 1*
9 *of NRS 373.065 may be used by the county for the payment of securities issued*
10 *pursuant to the provisions of sections 2 to 41, inclusive, of this act and may be*
11 *pledged therefor. If during any period any securities payable from these tax*
12 *proceeds are outstanding, the tax receipts must not be used directly for the*
13 *construction, maintenance and repair of any streets, roads or other highways nor*
14 *for any purchase of equipment therefor, and the receipts of the tax levied in NRS*
15 *365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560*
16 *unless, at any time the tax receipts are so apportioned, provision has been made*
17 *in a timely manner for the payment of such outstanding securities as to the*
18 *principal of, any prior redemption premiums due in connection with, and the*
19 *interest on the securities as they become due, as provided in the securities, the*
20 *ordinance authorizing their issuance and any other instrument appertaining to*
21 *the securities.*

22 7. *The ordinance authorizing the issuance of any bond or other revenue*
23 *security hereunder must describe the purpose for which it is issued at least in*
24 *general terms and may describe the purpose in detail. This section does not*
25 *require the purpose so stated to be set forth in the detail in which the project*
26 *approved by the commission pursuant to subsection 2 of NRS 373.140 is stated,*
27 *or prevent the modification by the board of details as to the purpose stated in the*
28 *ordinance authorizing the issuance of any bond or other security after its*
29 *issuance, subject to approval by the commission of the project as so modified.*

30 **Sec. 36.** *In counties having a population of less than 100,000, the*
31 *commission shall submit an annual report to the Department for the fiscal year*
32 *showing the amount of receipts from the county motor vehicle fuel tax imposed*
33 *pursuant to chapter 373 of NRS and the nature of the expenditures for each*
34 *project.*

35 **Sec. 37. 1.** *In a county whose population is 400,000 or more, the*
36 *commission shall cooperate with the local air pollution control board and the*
37 *regional planning coalition in the county in which it is located to:*

38 (a) *Ensure that the plans, policies and programs adopted by each of them are*
39 *consistent to the greatest extent practicable.*

40 (b) *Establish and carry out a program of integrated, long-range planning*
41 *that conserves the economic, financial and natural resources of the region and*
42 *supports a common vision of desired future conditions.*

43 2. *Before adopting or amending a plan, policy or program, the commission*
44 *must:*

45 (a) *Consult with the local air pollution control board and the regional*
46 *planning coalition; and*

47 (b) *Conduct hearings to solicit public comment on the consistency of the*
48 *plan, policy or program with:*

49 (1) *The plans, policies and programs adopted or proposed to be adopted*
50 *by the local air pollution control board and the regional planning coalition; and*

51 (2) *Plans for capital improvements that have been prepared pursuant to*
52 *NRS 278.0226.*

53 3. *As used in this section:*

1 (a) *“Local air pollution control board” means a board that establishes a*
2 *program for the control of air pollution pursuant to NRS 445B.500.*

3 (b) *“Regional planning coalition” has the meaning ascribed to it in NRS*
4 *278.0172.*

5 **Sec. 38. 1.** *A commission that budgets \$1,000,000 or more in any fiscal*
6 *year for the purchase of fuel may enter into an agreement for an exchange of*
7 *cash flow based on the price of fuel as provided in this section if it finds that such*
8 *an agreement would be in the best interest of the commission.*

9 2. *A commission may only enter into an agreement to exchange cash flows*
10 *payments based on the price of fuel only if:*

11 (a) *The long-term unsecured debt obligations of the person with whom the*
12 *commission enters the agreement are rated “A” or better by a nationally*
13 *recognized rating agency; or*

14 (b) *The obligations pursuant to the agreement of the person with whom the*
15 *Commission enters the agreement are guaranteed by a person whose long-term*
16 *debt obligations are rated “A” or better by a nationally recognized rating agency.*

17 3. *A commission may agree, with respect to a fuel that the commission has*
18 *budgeted to purchase in a fiscal year:*

19 (a) *To pay sums based on a fixed price or prices for that fuel, on an amount*
20 *of the fuel that does not exceed the amount of the fuel that the commission*
21 *expects to acquire over a period that is not more than 63 months from the date of*
22 *the agreement, in exchange for an agreement by the other party to pay sums*
23 *equal to a variable price for that fuel determined pursuant to a formula or price*
24 *reference set forth in the agreement on the same amount of the fuel as the*
25 *amount used in determining the sums payable by the commission;*

26 (b) *To pay sums based on a variable price or prices for that fuel determined*
27 *pursuant to a formula or price reference set forth in the agreement, on an*
28 *amount of fuel that does not exceed the amount of the fuel the commission*
29 *expects it will acquire over the period that is not more than 63 months from the*
30 *date of the agreement, in exchange for an agreement by the other party to pay*
31 *sums equal to a fixed price or prices for that fuel on the same amount of fuel as*
32 *the amount used in determining the sums payable by the commission; or*

33 (c) *To pay sums based on a variable price or prices for the fuel determined*
34 *pursuant to a formula or price reference set forth in the agreement, on an*
35 *amount of the fuel that does not exceed the amount of the fuel that the*
36 *commission expects it will acquire over the period that is not more than 63*
37 *months from the date of the agreement, in exchange for an agreement by the*
38 *other party to pay sums equal to a different variable price for that fuel determined*
39 *pursuant to a formula or price reference set forth in the agreement on the same*
40 *amount of the fuel as the amount used in determining the amount payable by the*
41 *commission.*

42 4. *The payments to be made for any fiscal year must be based on the*
43 *amounts of the fuel that the commission expects to buy or sell during that fiscal*
44 *year and must be scheduled to be paid within an 18-month period that begins 3*
45 *months before and ends 3 months after the fiscal year.*

46 5. *A certification by the commission or its chief financial officer as to any*
47 *determination made under this section or as to the amount of fuel that a*
48 *commission expects to buy or sell during the term of an agreement entered into*
49 *pursuant to this section, or during all or any part of any fiscal year that is wholly*
50 *or partially included in the term of an agreement entered into pursuant to this*
51 *section, is conclusive, absent fraud, for the purpose of determining whether the*
52 *commission is authorized to enter into an agreement under this section.*

6. *The term of an agreement entered into pursuant to this section may not exceed 63 months.*

7. *An agreement entered into pursuant to this section is not:*

(a) *A debt or indebtedness of the commission for the purposes of any limitation upon the indebtedness of the commission or any requirement for an election with regard to the issuance of securities that is applicable to the commission.*

(b) *Subject to the limitations of subsection 1 of NRS 354.626.*

8. *A commission which has entered into an agreement pursuant to this section may treat the price it pays or expects to pay for fuel after giving effect to the agreement for the purpose of calculating:*

(a) *Rates and charges of a revenue-producing enterprise whose revenues are pledged to or used to pay municipal securities;*

(b) *Statutory requirements concerning revenue coverage that are applicable to municipal securities; and*

(c) *Any other amounts which are based upon the amounts to be paid for fuel.*

9. *Subject to covenants applicable to municipal securities to which any revenues of the commission or county are pledged, any payments required to be made by the commission under an agreement may be made from money that could be used to pay for the fuel or from any other legally available source.*

10. *The powers granted by this section are in addition to all other powers of any commission, and nothing herein limits the exercise of a power a commission otherwise has.*

Sec. 39. (Deleted by amendment.)

Sec. 40. *In addition to the general and special powers conferred by sections 2 to 41, inclusive, of this act, a commission is authorized to exercise such powers as are necessary.*

Sec. 41. *Sections 2 to 41, inclusive, of this act shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation.*

Sec. 42. NRS 244.187 is hereby amended to read as follows:

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that county by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that county by an agency of the State.

6. Concessions on, over or under property owned or leased by the county.

7. Operation of landfills.

8. Except as otherwise provided in ~~NRS 373.1183~~ *section 32 of this act*, construction and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 43. NRS 268.081 is hereby amended to read as follows:

268.081 The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city and to

1 promote the general welfare of those inhabitants, displace or limit competition in
2 any of the following areas:

- 3 1. Ambulance service.
- 4 2. Taxicabs and other public transportation, unless regulated in that city by an
5 agency of the State.
- 6 3. Collection and disposal of garbage and other waste.
- 7 4. Operations at an airport, including, but not limited to, the leasing of motor
8 vehicles and the licensing of concession stands, but excluding police protection and
9 fire protection.
- 10 5. Water and sewage treatment, unless regulated in that city by an agency of
11 the State.
- 12 6. Concessions on, over or under property owned or leased by the city.
- 13 7. Operation of landfills.
- 14 8. Search and rescue.
- 15 9. Inspection required by any city ordinance otherwise authorized by law.
- 16 10. Except as otherwise provided in ~~NRS 373.1183,~~ **section 32 of this act,**
17 construction and maintenance of benches and shelters for passengers of public mass
18 transportation.

19 11. Any other service demanded by the inhabitants of the city which the city
20 itself is otherwise authorized by law to provide.

21 **Sec. 44.** NRS 269.128 is hereby amended to read as follows:

22 269.128 A town board or board of county commissioners may, to provide
23 adequate, economical and efficient services to the inhabitants of the town and to
24 promote the general welfare of those inhabitants, displace or limit competition in
25 any of the following areas:

- 26 1. Ambulance service.
- 27 2. Taxicabs and other public transportation, unless regulated in that town by
28 an agency of the State.
- 29 3. Collection and disposal of garbage and other waste.
- 30 4. Operations at an airport, including, but not limited to, the leasing of motor
31 vehicles and the licensing of concession stands, but excluding police protection and
32 fire protection.
- 33 5. Water and sewage treatment, unless regulated in that town by an agency of
34 the State.
- 35 6. Concessions on, over or under property owned or leased by the town.
- 36 7. Operation of landfills.
- 37 8. Except as otherwise provided in ~~NRS 373.1183,~~ **section 32 of this act,**
38 construction and maintenance of benches and shelters for passengers of public mass
39 transportation.

40 **Sec. 45.** NRS 278.02584 is hereby amended to read as follows:

41 278.02584 1. The regional planning coalition shall cooperate with the local
42 air pollution control board and the regional transportation commission in the county
43 in which it is located to:

44 (a) Ensure that the plans, policies and programs adopted by each of them are
45 consistent to the greatest extent practicable.

46 (b) In addition to the comprehensive regional policy plan required by NRS
47 278.02528, establish and carry out a program of integrated, long-range planning
48 that conserves the economic, financial and natural resources of the region and
49 supports a common vision of desired future conditions.

50 2. Before adopting or amending a plan, policy or program, the regional
51 planning coalition shall:

52 (a) Consult with the local air pollution control board and the regional
53 transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. If the program for control of air pollution established and administered by the local air pollution control board includes measures for the control of traffic or transportation, the regional planning coalition shall consider recommending the use of alternative land use designations, densities and design standards to meet local and regional needs with respect to transportation.

4. Not more than once every 2 years, the regional planning coalition shall:

(a) Prepare a report that summarizes the policies related to land use, transportation and air quality which it has adopted and which the local air pollution control board and the regional transportation commission have adopted; and

(b) Submit a copy of the report to the:

(1) County clerk of the appropriate county;

(2) Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(3) Division of State Lands of the State Department of Conservation and Natural Resources; and

(4) Department of Transportation.

5. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional transportation commission" means a regional transportation commission created and organized in accordance with ~~chapter 373 of NRS.~~ *sections 2 to 41, inclusive, of this act.*

Sec. 46. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor, and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such

contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to section 38 of this act.

Sec. 47. NRS 365.545 is hereby amended to read as follows:

365.545 1. The proceeds of all taxes on fuel for jet or turbine-powered aircraft imposed pursuant to the provisions of NRS 365.170 or 365.203 must be deposited in the Account for Taxes on Fuel for Jet or Turbine-Powered Aircraft in the State General Fund and must be allocated monthly by the Department to the:

(a) Governmental entity which operates the airport at which the tax was collected, if the airport is operated by a governmental entity;

(b) Governmental entity which owns the airport at which the tax was collected, if the airport is owned but not operated by a governmental entity; or

(c) County in which is located the airport at which the tax was collected, if the airport is neither owned nor operated by a governmental entity.

2. Except as otherwise provided in subsection 3, the money allocated pursuant to subsection 1:

(a) Must be used by the governmental entity receiving it to pay the cost of:

(1) Transportation projects related to airports, including access on the ground to airports;

(2) The payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1);

(3) Promoting the use of an airport located in a county whose population is less than 400,000, including, without limitation, increasing the number and availability of flights at the airport;

(4) Contributing money to the Trust Fund for Aviation created by NRS 494.048; or

(5) Any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

3. Any money allocated pursuant to subsection 1 to a county whose population is 400,000 or more and in which a regional transportation commission has been created pursuant to ~~chapter 373 of NRS,~~ *sections 2 to 41, inclusive, of this act*, from the proceeds of the tax imposed pursuant to paragraph (a) of subsection 2 of NRS 365.170 on fuel for jet or turbine-powered aircraft sold, distributed or used in that county, excluding the proceeds of any tax imposed pursuant to NRS 365.203, may, in addition to the uses authorized pursuant to subsection 2, be allocated by the county to that regional transportation commission. The money allocated pursuant to this subsection to a regional transportation commission:

(a) Must be used by the regional transportation commission:

(1) To pay the cost of transportation projects described in a regional plan for transportation established by that regional transportation commission pursuant to ~~NRS 373.1161,~~ *section 25 of this act;*

(2) For the payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in subparagraph (1); or

(3) For any combination of those purposes; and

(b) May also be pledged for the payment of general or special obligations issued by the county at the request of the regional transportation commission to fund projects described in paragraph (a). Any money pledged pursuant to this paragraph may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 48. NRS 365.550 is hereby amended to read as follows:

365.550 1. Except as otherwise provided in subsection 2, the receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the Fiscal Year ending on June 30, 2003, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003;

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the Fiscal Year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) Determine the total amount to be allocated to all counties pursuant to subsection 1 for the current fiscal year; and

(b) Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.

3. If the total amount to be allocated to all the counties determined pursuant to paragraph (a) of subsection 2:

(a) Does not exceed the total amount that was received by all the counties for the Fiscal Year ending on June 30, 2003, the Department shall adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003.

(b) Exceeds the total amount that was received by all counties for the Fiscal Year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the Fiscal Year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1, 2 and 3:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to ~~chapter 373 of NRS,~~ *section 35 of this act*, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration.

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or, if there is at least one incorporated city in the county, allocated monthly by the Department to the county and each incorporated city in the county using, except as otherwise provided in paragraph (c), the following formula:

(1) Determine the average monthly amount the county and each incorporated city in the county received in the fiscal year ending on June 30, 2005, and allocate to the county and each incorporated city in the county that amount, or if the total amount to be allocated is less than that amount, allocate to the county and each incorporated city in the county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) If the total amount to be allocated is greater than the average monthly amount the county and all incorporated cities within the county received in the fiscal year ending on June 30, 2005, determine for the county and each incorporated city in the county an amount from the total amount to be allocated using the following formula:

(I) One-fourth in proportion to total area.

(II) One-fourth in proportion to population.

(III) One-fourth in proportion to the total mileage of improved roads and streets maintained by the county or incorporated city in the county, as applicable.

(IV) One-fourth in proportion to vehicle miles of travel on improved roads and streets maintained by the county or incorporated city in the county, as applicable.

➤ For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

(3) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was greater than the amount allocated to the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (1) from the amount determined pursuant to subparagraph (2); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(4) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was less than or equal to the amount determined for the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (2) from the amount determined pursuant to subparagraph (1); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(5) Subtract the amount determined pursuant to sub-subparagraph (II) of subparagraph (4) from the amount determined pursuant to sub-subparagraph (II) of subparagraph (3).

(6) Divide the amount determined pursuant to sub-subparagraph (I) of subparagraph (3) for the county and each incorporated city in the county by the sum determined pursuant to sub-subparagraph (II) of subparagraph (3) for the county and all incorporated cities in the county to determine the county's and each incorporated city's percentage share of the sum determined pursuant to sub-subparagraph (II) of subparagraph (3).

(7) In addition to the allocation made pursuant to subparagraph (1), allocate to the county and each incorporated city in the county that is identified pursuant to subparagraph (3) a percentage of the total amount determined pursuant to subparagraph (5) that is equal to the percentage determined pursuant to subparagraph (6).

(c) At the end of each fiscal year, the Department shall:

(1) Determine the total amount to be allocated to a county and each incorporated city within the county pursuant to paragraph (b) for the current fiscal year; and

(2) Use the amount equal to that part of the allocation which represents 2.35 cents per gallon of the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to a county and each incorporated city in the county an amount determined pursuant to paragraph (d).

(d) If the total amount to be allocated to a county and all incorporated cities in the county determined pursuant to subparagraph (1) of paragraph (c):

(1) Does not exceed the total amount that was received by the county and all the incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall adjust the final monthly amount allocated to the county and each incorporated city in the county so that the county and each incorporated city is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) Exceeds the total amount that was received by the county and all incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall:

(I) Identify the total amount allocated to the county and each incorporated city in the county for the fiscal year ending on June 30, 2005, and the total amount for the current fiscal year determined pursuant to subparagraph (1) of paragraph (c);

(II) Apply the formula set forth in subparagraph (2) of paragraph (b) using the amounts in sub-subparagraph (I), instead of the monthly amounts, to determine the total allocations to be made to the county and the incorporated cities in the county for the current fiscal year; and

(III) Adjust the final monthly allocation to be made to the county and each incorporated city in the county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to sub-subparagraph (II).

5. The amount allocated to the counties and incorporated cities pursuant to subsections 1 to 4, inclusive, must be remitted monthly. The State Controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

6. The formula computations must be made as of July 1 of each year by the Department of Motor Vehicles, based on estimates which must be furnished by the

1 Department of Transportation and, if applicable, any adjustments to the estimates
2 determined to be appropriate by the Committee pursuant to subsection 10. Except
3 as otherwise provided in subsection 10, the determination made by the Department
4 of Motor Vehicles is conclusive.

5 7. The Department of Transportation shall complete:

6 (a) The estimates of the total mileage of improved roads or streets maintained
7 by each county and incorporated city on or before August 31 of each year.

8 (b) A physical audit of the information submitted by each county and
9 incorporated city pursuant to subsection 8 at least once every 10 years.

10 8. Each county and incorporated city shall, not later than March 1 of each
11 year, submit a list to the Department of Transportation setting forth:

12 (a) Each improved road or street that is maintained by the county or city; and

13 (b) The beginning and ending points and the total mileage of each of those
14 improved roads or streets.

15 Each county and incorporated city shall, at least 10 days before the list is
16 submitted to the Department of Transportation, hold a public hearing to identify
17 and determine the improved roads and streets maintained by the county or city.

18 9. If a county or incorporated city does not agree with the estimates prepared
19 by the Department of Transportation pursuant to subsection 7, the county or
20 incorporated city may request that the Committee examine the estimates and
21 recommend an adjustment to the estimates. Such a request must be submitted to the
22 Committee not later than October 15.

23 10. The Committee shall hold a public hearing and review any request it
24 receives pursuant to subsection 9 and determine whether an adjustment to the
25 estimates is appropriate on or before December 31 of the year it receives a request
26 pursuant to subsection 9. Any determination made by the Committee pursuant to
27 this subsection is conclusive.

28 11. The Committee shall monitor the fiscal impact of the formula set forth in
29 this section on counties and incorporated cities. Biennially, the Committee shall
30 prepare a report concerning its findings and recommendations regarding that fiscal
31 impact and submit the report on or before February 15 of each odd-numbered year
32 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and
33 Assembly Committees on Taxation of the Nevada Legislature for their review.

34 12. As used in this section:

35 (a) "Committee" means the Committee on Local Government Finance created
36 pursuant to NRS 354.105.

37 (b) "Construction, maintenance and repair" includes the acquisition, operation
38 or use of any material, equipment or facility that is used exclusively for the
39 construction, maintenance or repair of a county or city road and is necessary for the
40 safe and efficient use of that road, including, without limitation:

41 (1) Grades and regrades;

42 (2) Graveling, oiling, surfacing, macadamizing and paving;

43 (3) Sweeping, cleaning and sanding roads and removing snow from a road;

44 (4) Crosswalks and sidewalks;

45 (5) Culverts, catch basins, drains, sewers and manholes;

46 (6) Inlets and outlets;

47 (7) Retaining walls, bridges, overpasses, underpasses, tunnels and
48 approaches;

49 (8) Artificial lights and lighting equipment, parkways, control of
50 vegetation and sprinkling facilities;

51 (9) Rights-of-way;

52 (10) Grade and traffic separators;

(11) Fences, cattle guards and other devices to control access to a county or city road;

(12) Signs and devices for the control of traffic; and

(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d) "Total mileage of an improved road or street" means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes it has for vehicular traffic.

Sec. 49. NRS 373.023 is hereby amended to read as follows:

373.023 "Commission" means ~~the~~ **a** regional transportation commission ~~created pursuant to section 18 of this act.~~

Sec. 50. NRS 373.030 is hereby amended to read as follows:

373.030 1. In any county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board may by ordinance ~~—~~

~~(a) Create a regional transportation commission; and~~

~~(b) Impose~~ **impose** a tax on motor vehicle fuel, except aviation fuel and leaded racing fuel, sold in the county in an amount not to exceed 9 cents per gallon.

2. A tax imposed pursuant to this section is in addition to other motor vehicle fuel taxes imposed pursuant to the provisions of chapter 365 of NRS.

3. As used in this section:

(a) "Aviation fuel" has the meaning ascribed to it in NRS 365.015.

(b) "Leaded racing fuel" means motor vehicle fuel that contains lead and is produced for motor vehicles that are designed and built for racing and not for operation on a public highway.

Sec. 51. NRS 373.060 is hereby amended to read as follows:

373.060 Any ordinance enacted pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 must provide that the county motor vehicle fuel tax will be imposed on the first day of the second calendar month following the enactment of the ordinance.

Sec. 52. NRS 373.065 is hereby amended to read as follows:

373.065 1. Except as otherwise provided in this section, in a county whose population is less than 400,000:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying the amount of the tax imposed pursuant to NRS 365.180 by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years; and

(2) An annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in an amount equal to the sum of the tax imposed pursuant to NRS 365.180 and the tax imposed pursuant to subparagraph (1) during the preceding fiscal year, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying the amount of the tax imposed pursuant to NRS 365.190 by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years; and

(2) An annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in an amount equal to the sum of the tax imposed pursuant to NRS 365.190 and the tax imposed pursuant to subparagraph (1) during the preceding fiscal year, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying the amount of the tax imposed pursuant to NRS 365.192 by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years; and

(2) An annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in an amount equal to the sum of the tax imposed pursuant to NRS 365.192 and the tax imposed pursuant to subparagraph (1) during the preceding fiscal year, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years.

(d) If the board imposes a tax pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030, the board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel and leaded racing fuel, sold in the county in an amount equal to the product obtained by multiplying the amount of the tax imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years; and

(2) An annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in an amount equal to the sum of the tax imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 and the tax imposed pursuant to subparagraph (1) during the preceding fiscal year, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding 5 years.

2. A board may not adopt any ordinance authorized by this section unless:

(a) In a county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board first:

(1) Imposes a tax pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 at the maximum rate authorized pursuant to that paragraph; or

(2) Submits to the voters of the county at a general or special election the question of whether to impose a tax pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 at the maximum rate authorized pursuant to that paragraph; and

(b) A question concerning the imposition of the tax pursuant to this section is first approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general election. The Committee on Local Government Finance shall annually provide to each city clerk,

1 county clerk and district attorney in this State forms for submitting a question to the
2 registered voters of a county pursuant to this paragraph. Any question submitted to
3 the registered voters of a county pursuant to this paragraph must be in the form
4 most recently provided by the Committee on Local Government Finance.

5 3. An ordinance adopted pursuant to this section in a county whose
6 population is less than 100,000:

7 (a) Must be reapproved, in addition to the approval required by paragraph (b)
8 of subsection 2, at least once every 8 years by a majority of the registered voters of
9 the county voting on the question which the board may submit to the voters at any
10 general election; and

11 (b) Expires by limitation no later than the last day of the 8th calendar year
12 following the calendar year in which the ordinance was:

13 (1) Approved in accordance with paragraph (b) of subsection 2; or

14 (2) Most recently reapproved in accordance with this subsection,

15 ➤ whichever occurs later.

16 4. Any ordinance authorized by this section may be adopted in combination
17 with any other ordinance authorized by this section. Each tax imposed pursuant to
18 this section is in addition to any other motor vehicle fuel taxes imposed pursuant to
19 the provisions of this chapter and chapter 365 of NRS. Upon adoption of an
20 ordinance authorized by this section, no further action by the board is necessary to
21 effectuate the annual increases before the ordinance expires by limitation.

22 5. Any ordinance adopted pursuant to this section must:

23 (a) Become effective on the first day of the first calendar quarter beginning not
24 less than 90 days after the adoption of the ordinance; and

25 (b) If the board has created a ~~regional transportation~~ commission in the
26 county, require the commission:

27 (1) To review, at a public meeting conducted after the provision of public
28 notice and before the effective date of each annual increase imposed by the
29 ordinance:

30 (I) The amount of that increase and the accuracy of its calculation;

31 (II) The amounts of any annual increases imposed by the ordinance in
32 previous years and the revenue collected pursuant to those increases;

33 (III) Any improvements to the regional system of transportation
34 resulting from revenue collected pursuant to any annual increases imposed by the
35 ordinance in previous years; and

36 (IV) Any other information relevant to the effect of the annual
37 increases on the public; and

38 (2) To submit to the board any information the commission receives
39 suggesting that the annual increase should be adjusted.

40 6. Any ordinance adopted pursuant to:

41 (a) Paragraph (a) of subsection 1 must:

42 (1) Require the allocation, disbursement and use in the county of the
43 proceeds of the tax imposed pursuant to that ordinance in the same proportions and
44 manner as the allocation, disbursement and use in the county of the proceeds of the
45 tax imposed pursuant to NRS 365.180; and

46 (2) Expire by limitation no later than the effective date of any increase or
47 decrease in the amount of the tax imposed pursuant to NRS 365.180 which
48 becomes effective after the adoption of that ordinance.

49 (b) Paragraph (b) of subsection 1 must:

50 (1) Require the allocation, disbursement and use in the county of the
51 proceeds of the tax imposed pursuant to that ordinance in the same proportions and
52 manner as the allocation, disbursement and use in the county of the proceeds of the
53 tax imposed pursuant to NRS 365.190; and

(2) Expire by limitation no later than the effective date of any increase or decrease in the amount of the tax imposed pursuant to NRS 365.190 which becomes effective after the adoption of that ordinance.

(c) Paragraph (c) of subsection 1 must:

(1) Require the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to that ordinance in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192; and

(2) Expire by limitation no later than the effective date of any increase or decrease in the amount of the tax imposed pursuant to NRS 365.192 which becomes effective after the adoption of that ordinance.

(d) Paragraph (d) of subsection 1 must:

(1) Require the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to that ordinance in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030; and

(2) Expire by limitation no later than the effective date of any subsequent ordinance increasing or decreasing the amount of the tax imposed in that county pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030.

Sec. 53. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of the county motor vehicle fuel tax:

1. Imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter ~~and~~ *and sections 2 to 41, inclusive, of this act.* After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 54. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 55. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county motor vehicle fuel tax ordinance shall be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued hereunder or other obligations incurred hereunder, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues, pursuant to this chapter, have been discharged in full, but the board *, with the approval of the governing*

1 *body of each participating city*, may at any time dissolve the commission and
2 provide that no further obligations shall be incurred thereafter.

3 2. The faith of the State of Nevada is hereby pledged that this chapter, NRS
4 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto,
5 including without limitation, provisions for the distribution to any county
6 designated in NRS 373.030 of the proceeds of the motor vehicle fuel taxes collected
7 thereunder, shall not be repealed nor amended or otherwise directly or indirectly
8 modified in such a manner as to impair adversely any outstanding bonds issued
9 hereunder or other obligations incurred hereunder, until all obligations for which
10 any such tax proceeds have been pledged or otherwise made payable from such tax
11 proceeds, pursuant to this chapter, have been discharged in full, but the State of
12 Nevada may at any time provide by act that no further obligations shall be incurred
13 thereafter.

14 **Sec. 56.** NRS 373.140 is hereby amended to read as follows:

15 373.140 1. After the enactment of ~~an ordinance~~ *ordinances* as authorized
16 in NRS 373.030 ~~and section 18 of this act~~, all street and highway construction,
17 surfacing or resurfacing projects in the county which are proposed to be financed
18 from a county motor vehicle fuel tax imposed pursuant to ~~paragraph (b) of~~
19 ~~subsection 1 of~~ NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065
20 must first be submitted to the ~~regional transportation~~ commission.

21 2. If the project is within the area covered by a regional plan for
22 transportation established pursuant to ~~NRS 373.1161~~ *section 25 of this act*, the
23 commission shall evaluate it in terms of:

24 (a) The priorities established by the plan;

25 (b) The relation of the proposed work to other projects already constructed or
26 authorized;

27 (c) The relative need for the project in comparison with others proposed; and

28 (d) The money available.

29 ➤ If the commission approves the project, the board may authorize the project,
30 using all or any part of the proceeds of the county motor vehicle fuel tax authorized
31 pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 or paragraph (d) of
32 subsection 1 of NRS 373.065, except to the extent any such use is prevented by the
33 provisions for direct distribution required by NRS 373.150 or is prevented by any
34 pledge to secure the payment of outstanding bonds, other securities or other
35 obligations incurred hereunder, and other contractual limitations appertaining to
36 such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds
37 or other securities issued or to be issued as provided in ~~NRS 373.130~~ *section 35*
38 *of this act*. Except as otherwise provided in subsection 3, if the board authorizes the
39 project, the responsibilities for letting construction and other necessary contracts,
40 contract administration, supervision and inspection of work and the performance of
41 other duties related to the acquisition of the project must be specified in written
42 agreements executed by the board and the governing bodies of the cities and towns
43 within the area covered by a regional plan for transportation established pursuant to
44 ~~NRS 373.1161~~ *section 25 of this act*.

45 3. In a county in which two or more governmental entities are represented on
46 the commission, the governing bodies of those governmental entities may enter into
47 a written master agreement that allows a written agreement described in subsection
48 2 to be executed by only the commission and the governmental entity that receives
49 funding for the approved project. The provisions of a written master agreement
50 must not be used until the governing body of each governmental entity represented
51 on the commission ratifies the written master agreement.

52 4. If the project is outside the area covered by a plan, the commission shall
53 evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to ~~NRS 373.1161~~ **section 25 of this act**, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➤ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

Sec. 57. NRS 373.150 is hereby amended to read as follows:

373.150 1. Any city or town whose territory is not included wholly or in part in a regional plan for transportation established pursuant to ~~NRS 373.1161~~ **section 25 of this act** may receive a distribution in aid of an approved construction project from the regional street and highway fund, which must not exceed the amount allocated to such city or town pursuant to subsection 2.

2. The share of revenue from the county motor vehicle fuel tax allocated to a city or town pursuant to subsection 1 must be in the proportion which its total assessed valuation bears to the total assessed valuation of the entire county. Any amount so allocated which is not distributed currently in aid of an approved project must remain in the fund to the credit of that city or town.

Sec. 58. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances providing for the issuance of any bonds or other securities issued hereunder payable from the receipts from the motor vehicle fuel excise taxes herein designated may at the discretion of the board, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 and paragraph (d) of subsection 1 of NRS 373.065, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued hereunder.

2. If the board determines in any ordinance authorizing the issuance of any bonds or other securities hereunder that the proceeds of the taxes levied and collected pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 373.030 and paragraph (d) of subsection 1 of NRS 373.065 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance hereunder by a pledge of and the creation of a lien upon not only the proceeds of any motor vehicle fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of ~~NRS 373.130,~~ **section 35 of this act**, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any motor vehicle fuel so

1 long as any bonds or other securities issued hereunder remain outstanding and are
2 not limited to any type or types of motor vehicle fuel in use when the bonds or
3 other securities are issued.

4 **Sec. 59.** NRS 377A.130 is hereby amended to read as follows:

5 377A.130 A public transit system may, in addition to providing local
6 transportation within a county, provide:

- 7 1. Services to assist commuters in communicating with others to share rides;
- 8 2. Transportation for elderly persons and persons with disabilities, including,
9 without limitation, nonemergency medical transportation of persons to facilitate
10 their use of a center as defined in NRS 435.170;
- 11 3. Parking for the convenience of passengers on the system;
- 12 4. Stations and other necessary facilities to ensure the comfort and safety of
13 passengers; and
- 14 5. Transportation that is available pursuant to ~~NRS 373.117~~ *section 29 of*
15 *this act*.

16 **Sec. 60.** NRS 405.030 is hereby amended to read as follows:

17 405.030 1. Except as otherwise provided in subsection 3 *and section 28 of*
18 *this act*, and except within the limits of any city or town through which the highway
19 may run, and on benches and shelters for passengers of public mass transportation
20 built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188,
21 268.081 and 268.083, 269.128 and 269.129, or ~~373.1183~~ *section 32 of this act*, or
22 on monorail stations, it is unlawful for any person, firm or corporation to paste,
23 paint, print or in any manner whatever place or attach to any building, fence, gate,
24 bridge, rock, tree, board, structure or anything whatever, any written, printed,
25 painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

26 (a) Within any right-of-way of any state highway or road which is owned or
27 controlled by the Department of Transportation.

28 (b) Within 20 feet of the main-traveled way of any unimproved highway.

29 (c) On the property of another within view of any such highway, without the
30 owner's written consent.

31 2. Nothing in this section prevents the posting or maintaining of any notices
32 required by law to be posted or maintained, or the placing or maintaining of
33 highway signs giving directions and distances for the information of the traveling
34 public if the signs are approved by the Department of Transportation.

35 3. A tenant of a mobile home park may exhibit a political sign within a right-
36 of-way of a state highway or road which is owned or controlled by the Department
37 of Transportation if the tenant exhibits the sign within the boundary of his lot and in
38 accordance with the requirements and limitations set forth in NRS 118B.145. As
39 used in this subsection, the term "political sign" has the meaning ascribed to it in
40 NRS 118B.145.

41 4. If a franchisee receives revenues from an advertisement, bill, notice, sign,
42 picture, card or poster authorized by subsection 1 and the franchisee is obligated to
43 repay a bond issued by the State of Nevada, the franchisee shall use all revenue
44 generated by the advertisement, bill, notice, sign, picture, card or poster authorized
45 by subsection 1 to meet its obligations to the State of Nevada as set forth in the
46 financing agreement and bond indenture, including, without limitation, the payment
47 of operations and maintenance obligations, the funding of reserves and the payment
48 of debt service. To the extent that any surplus revenue remains after the payment of
49 all such obligations, the surplus revenue must be used solely to repay the bond until
50 the bond is repaid.

51 5. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 61. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or ~~§§ 373.1183, 373.1184 and 373.1185~~ **sections 28 and 32 of this act**, or on monorail stations, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

8. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 62. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, ~~or~~ marking *or street banner* bearing thereon any commercial advertising except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, ~~or 373.1183~~ *or sections 28 and 32 of this act*, or on monorail stations.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

6. As used in this section ~~["monorail"]~~:

(a) *"Monorail station"* means:

~~[(a)]~~ (1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

~~[(b)]~~ (2) Any facilities or appurtenances within such a structure.

(b) *"Street banner" has the meaning ascribed to it in section 15 of this act.*

Sec. 63. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as otherwise provided in NRS ~~[373.117]~~ 706.446, 706.453 and 706.745, *and section 29 of this act*, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce and any operator of a tow car to perform towing services within this State without first obtaining a certificate of public convenience and necessity from the Authority.

Sec. 64. NRS 373.025, 373.026, 373.040, 373.050, 373.055, 373.113, 373.115, 373.116, 373.1161, 373.1163, 373.117, 373.118, 373.1183, 373.1185, 373.130, 373.143 and 373.146 are hereby repealed.

Sec. 65. This act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

373.025 "Federal securities" defined.

373.026 "Fixed guideway" defined.

373.040 Regional transportation commission: Number, selection and terms of representatives.

373.050 Regional transportation commission: Organization; meetings.

373.055 Regional transportation commission: Designation as metropolitan planning organization; duties.

373.113 Powers of commission: Federal money and projects; conduct of hearings.

373.115 Powers of commission: Creation of fund to match federal money.

373.116 Powers of commission: Real and personal property; eminent domain; adoption of regulations.

373.1161 Powers of commission: Capacity to sue and be sued; preparation and approval of budgets; plans for transportation; insurance.

373.1163 Powers of commission: Security; employment of personnel.

373.117 Authority of commission and certain counties and cities to establish or operate public transit system; special procedures for procurement and requirements for development of fixed guideway system.

373.118 Powers of commission: Parking facilities or parking spaces for general public and public employees.

373.1183 Counties whose population is 400,000 or more: Construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation.

373.1185 Counties whose population is 400,000 or more: Advisory committee concerning construction, installation and maintenance of benches, shelters and transit stops.

373.130 Payment of cost of project by issuance of revenue bonds and other securities and direct distribution from regional street and highway fund.

373.143 Annual report to Department by commission in county which has population of less than 100,000.

373.146 Commission in county whose population is 400,000 or more to cooperate with local air pollution control board and regional planning coalition; prerequisites to adoption or amendment by commission of plan, policy or program.