

SENATE BILL NO. 16—SENATOR WASHINGTON

PREFILED DECEMBER 5, 2008

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Revises the provisions concerning regional transportation commissions in larger counties. (BDR 32-36)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted-material~~ is material to be omitted.

AN ACT relating to regional transportation commissions; revising the composition of commissions in larger counties; requiring the recommendation of the commission before the termination of employment of its nonunion employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill requires a regional transportation commission in a county
- 2 whose population is 100,000 or more (currently Clark and Washoe Counties) to
- 3 include two members of the Legislature, respectively appointed by the Senate
- 4 Majority Leader and the Speaker of the Assembly from the standing committees
- 5 that considered measures affecting transportation during the immediately preceding
- 6 regular legislative session.
- 7 **Section 2** of this bill prohibits the firing of an employee of a regional
- 8 transportation commission who is not a member of a recognized labor organization
- 9 before the commission has made a recommendation regarding that termination of
- 10 employment.

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

- 1 **Section 1.** NRS 373.040 is hereby amended to read as follows:
- 2 373.040 1. In counties whose population is 100,000 or more,
- 3 the commission must be composed of ~~representatives~~ :
- 4 (a) *Representatives* selected by the following entities from
- 5 among their members:



- 1 ~~[(a)]~~ (1) Two by the board.
2 ~~[(b)]~~ (2) Two by the governing body of the largest city.
3 ~~[(c)]~~ (3) One by the governing body of each additional city in
4 the county.

5 *(b) One representative of the Senate appointed as provided in*
6 *subsection 8.*

7 *(c) One representative of the Assembly appointed as provided*
8 *in subsection 8.*

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

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

13 (1) Two by the board.

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

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

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

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

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

20 (1) Two by the board.

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

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

23 (1) Two members of the board; and

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

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

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

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

32 4. ~~[(The)]~~ *Except as otherwise provided in subsections 5 to 8,*
33 *inclusive, the* first representatives must be selected within 30 days
34 after passage of the ordinance creating the commission ~~[-and,~~
35 ~~except as otherwise provided in subsections 5, 6 and 7,]~~ *and* must
36 serve until the next ensuing December 31 of an even-numbered
37 year. The representative of any city incorporated after passage of the
38 ordinance must be selected within 30 days after the first meeting of
39 the governing body ~~[(and)]~~ and, except as otherwise provided in
40 subsection 7, must serve until the next ensuing December 31 of an
41 even-numbered year. Their successors must serve for terms of 2
42 years, and vacancies must be filled for the unexpired term.

43 5. In Carson City:

44 (a) One representative of the commission who is a member of
45 the Board of Supervisors and one representative of the commission



1 who is a representative of the city at large must serve until the next
2 ensuing December 31 of an even-numbered year; and

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

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

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

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

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

21 **8. As soon as practicable after each regular session of the**
22 **Legislature:**

23 (a) **The Majority Leader of the Senate shall appoint the**
24 **representative required by paragraph (b) of subsection 1 from the**
25 **membership of the Senate standing committee of the preceding**
26 **session with jurisdiction over measures affecting transportation;**
27 **and**

28 (b) **The Speaker of the Assembly shall appoint the**
29 **representative required by paragraph (c) of subsection 1 from the**
30 **membership of the Assembly standing committee of the preceding**
31 **session with jurisdiction over measures affecting transportation,**
32 **↪ to a term that expires on June 30 of the next ensuing odd-**
33 **numbered year.**

34 9. **For each day or portion of a day during which a**
35 **representative appointed pursuant to subsection 8 attends a**
36 **meeting of the commission or is otherwise engaged in the work of**
37 **the commission, except during a regular or special session of the**
38 **Legislature, he is entitled to receive the:**

39 (a) **Compensation provided for a majority of the members of**
40 **the Legislature during the first 60 days of the preceding session;**

41 (b) **Per diem allowance provided for state officers and**
42 **employees generally; and**

43 (c) **Travel expenses provided pursuant to NRS 218.2207,**
44 **↪ which must be paid from the Legislative Fund.**



Sec. 2. NRS 373.1163 is hereby amended to read as follows:

373.1163 1. A commission may:

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

~~1-2~~ (b) Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

2. *Before a supervisory employee of a commission may terminate the employment of any employee of the commission who is not a member of a labor organization which is recognized by the commission, the supervisory employee must obtain a recommendation from the commission regarding that termination. The supervisory employee shall consider, but is not required to follow, the recommendation of the commission when determining whether to terminate the employment of the other employee. For the purposes of this subsection:*

(a) *“Labor organization” means an organization of any kind which exists for the purpose, in whole or in part, of dealing with a commission concerning any grievances of an employee of the commission regarding the termination of employment.*

(b) *“Supervisory employee” means an employee whose scope of authority includes the termination of employment of any other employee.*

Sec. 3. NRS 373.140 is hereby amended to read as follows:

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

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 373.1161, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

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

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

(d) The money available.

➔ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of the county motor vehicle fuel tax authorized pursuant to paragraph (b) of subsection 1 of NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065, except to the extent any such use is prevented by the provisions for



1 direct distribution required by NRS 373.150 or is prevented by any
2 pledge to secure the payment of outstanding bonds, other securities
3 or other obligations incurred hereunder, and other contractual
4 limitations appertaining to such obligations as authorized by NRS
5 373.160, and the proceeds of revenue bonds or other securities
6 issued or to be issued as provided in NRS 373.130. Except as
7 otherwise provided in subsection 3, if the board authorizes the
8 project, the responsibilities for letting construction and other
9 necessary contracts, contract administration, supervision and
10 inspection of work and the performance of other duties related to the
11 acquisition of the project must be specified in written agreements
12 executed by the board and the governing bodies of the cities and
13 towns within the area covered by a regional plan for transportation
14 established pursuant to NRS 373.1161.

15 3. In a county in which two or more **local** governmental
16 entities are represented on the commission, the governing bodies of
17 those **local** governmental entities may enter into a written master
18 agreement that allows a written agreement described in subsection 2
19 to be executed by only the commission and the governmental entity
20 that receives funding for the approved project. The provisions of a
21 written master agreement must not be used until the governing body
22 of each **local** governmental entity represented on the commission
23 ratifies the written master agreement.

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

26 (a) Its relation to the regional plan for transportation established
27 pursuant to NRS 373.1161, if any;

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

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

32 (d) The availability of money.

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

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

39 **Sec. 4.** The terms of the first representatives appointed to a
40 regional transportation commission pursuant to subsection 8 of NRS
41 373.040, as amended by this act, commence on July 1, 2009.

42 **Sec. 5.** 1. This section and sections 1, 3 and 4 of this act
43 become effective upon passage and approval.



- 1 2. Section 2 of this act becomes effective on July 1, 2009.

