

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.

~

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; 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.



* S B 2 4 5 R 2 *

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*



1 *instrumentality thereof, with the approval of the county, or any*
2 *combination thereof, in the making of surveys, preliminary plans,*
3 *estimates of costs, other preliminaries, the costs of appraising,*
4 *printing, estimates, advice, contracting for the services of*
5 *engineers, architects, financial consultants, attorneys at law,*
6 *clerical help, other agents or employees, the costs of making,*
7 *publishing, posting, mailing and otherwise giving any notice in*
8 *connection with the project, the taking of options, the issuance of*
9 *bonds and other securities, contingencies, the capitalization with*
10 *bond proceeds of any interest on the bonds for any period not*
11 *exceeding 1 year and of any reserves for the payment of the*
12 *principal of an interest on the bonds, the filing or recordation of*
13 *instruments, the costs of medium-term obligations, construction*
14 *loans and other temporary loans not exceeding 10 years*
15 *appertaining to the project and of the incidental expenses incurred*
16 *in connection with such financing or loans, and all other expenses*
17 *necessary or desirable and appertaining to any project, as*
18 *estimated or otherwise ascertained by the board.*

19 **Sec. 9.** *"Department" means the Department of Motor*
20 *Vehicles.*

21 **Sec. 10.** *"Fixed guideway" means a mass transportation*
22 *facility which uses and occupies a separate right-of-way or rails*
23 *exclusively for public transportation, including, without limitation,*
24 *fixed rail, automated guideway transit and exclusive facilities for*
25 *buses.*

26 **Sec. 11.** *"Improve" or "improvement" means the extension,*
27 *widening, lengthening, betterment, alteration, reconstruction,*
28 *surfacing, resurfacing or other major improvement, or any*
29 *combination thereof, of any project, or an interest therein,*
30 *authorized by sections 2 to 41, inclusive, of this act. The term*
31 *includes renovation, reconditioning, patching, general*
32 *maintenance and other minor repairs.*

33 **Sec. 12.** *"Project" means:*

34 *1. In a county whose population is 100,000 or more, street*
35 *and highway construction, including, without limitation, the*
36 *acquisition and improvement of any street, avenue, boulevard,*
37 *alley, highway or other public right-of-way used for any vehicular*
38 *traffic, and including a sidewalk designed primarily for use by*
39 *pedestrians, and also including, without limitation, grades,*
40 *regrades, gravel, oiling, surfacing, macadamizing, paving,*
41 *crosswalks, sidewalks, pedestrian rights-of-way, driveway*
42 *approaches, curb cuts, curbs, gutters, culverts, catch basins,*
43 *drains, sewers, manholes, inlets, outlets, retaining walls, bridges,*
44 *overpasses, tunnels, underpasses, approaches, sprinkling facilities,*
45 *artificial lights and lighting equipment, parkways, grade*



1 *separators, traffic separators and traffic control equipment, and*
2 *all appurtenances and incidentals, or any combination thereof,*
3 *including, without limitation, the acquisition and improvement of*
4 *all types of property therefor.*

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

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

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

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

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

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

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

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

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



* S B 2 4 5 R 2 *

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

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

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

Sec. 18. *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 create a regional transportation commission.*

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

(a) Two by the board.

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

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

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

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

(1) Two by the board.

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

(b) If the county contains only two cities:

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

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

(c) If the county contains only one city:

(1) Two by the board.

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

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

(1) Two members of the board; and

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

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

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



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

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

5. *In Carson City:*

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

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

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

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

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

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

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

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

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



* S B 2 4 5 R 2 *

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

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

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

6 (c) *Enter into formal agreements concerning projects with*
7 *federal agencies; and*

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

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

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

17 **Sec. 24. A commission may:**

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

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

23 3. *Sell, lease or convey or otherwise dispose of rights,*
24 *interests or properties.*

25 4. *Adopt regulations for:*

26 (a) *Financing eligible activities; and*

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

29 **Sec. 25. A commission may:**

30 1. *Sue and be sued.*

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

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

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

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

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



* S B 2 4 5 R 2 *

(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.*



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

3 (a) *Along any public highway.*

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

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

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

16 2. *If the commission and the governmental entity that owns*
17 *or controls a facility, public easement or right-of-way execute an*
18 *interlocal or cooperative agreement that authorizes the placement*
19 *of street banners, the commission may place street banners on the*
20 *facility or within the public easement or right-of-way.*

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

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

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

32 4. *A commission may charge a fee to place a street banner.*
33 *Any such fee collected by the commission must be paid to the*
34 *governmental entity that owns or controls the facility, public*
35 *easement or right-of-way where the street banner is placed. The*
36 *governmental entity shall pay to the commission an administrative*
37 *fee in an amount set forth in the agreement required pursuant to*
38 *subsection 2. Any administrative fee paid to the commission*
39 *pursuant to this subsection must be used by the commission to*
40 *fund road improvement and maintenance.*

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

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



* S B 2 4 5 R 2 *

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

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

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

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

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

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

22 (b) *The transporting of persons other than those specified in*
23 *paragraph (b), (c) or (d) of subsection 1 upon request without*
24 *regard to regular routes or fixed schedules, if the service is*
25 *provided by a common motor carrier which has a certificate of*
26 *public convenience and necessity issued by the Nevada*
27 *Transportation Authority pursuant to NRS 706.386 to 706.411,*
28 *inclusive, and the service is subject to the rules and regulations*
29 *adopted by the Nevada Transportation Authority for a fully*
30 *regulated carrier.*

31 4. *Notwithstanding the provisions of chapter 332 of NRS or*
32 *NRS 625.530, a commission may utilize a turnkey procurement*
33 *process to select a person to design, build, operate and maintain,*
34 *or any combination thereof, a fixed guideway system, including,*
35 *without limitation, any minimum operable segment thereof. The*
36 *commission shall determine whether to utilize turnkey*
37 *procurement for a fixed guideway project before the completion of*
38 *the preliminary engineering phase of the project. In making that*
39 *determination, the commission shall evaluate whether turnkey*
40 *procurement is the most cost-effective method of constructing the*
41 *project on schedule and in satisfaction of its transportation*
42 *objectives.*

43 5. *Notwithstanding the provisions of chapter 332 of NRS, a*
44 *commission may utilize a competitive negotiation procurement*
45 *process to procure rolling stock for a fixed guideway project,*



1 *rolling stock for a public transit system, facilities and any other*
2 *equipment that is related to public transportation. The award of a*
3 *contract under such a process must be made to the person whose*
4 *proposal is determined to be the most advantageous to the*
5 *commission, based on price and other factors specified in the*
6 *procurement documents.*

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

12 *7. As used in this section:*

13 *(a) "Fully regulated carrier" means a common carrier or*
14 *contract carrier of passengers or household goods who is required*
15 *to obtain from the Nevada Transportation Authority a certificate*
16 *of public convenience and necessity or a contract carrier's permit*
17 *and whose rates, routes and services are subject to regulation by*
18 *the Nevada Transportation Authority.*

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

22 *(c) "Turnkey procurement" means a competitive procurement*
23 *process by which a person is selected by a commission, based on*
24 *evaluation criteria established by the commission, to design, build,*
25 *operate and maintain, or any combination thereof, a fixed*
26 *guideway system, or a portion thereof, in accordance with*
27 *performance criteria and technical specifications established by*
28 *the commission.*

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

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

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

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

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



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

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

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

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

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

3. Subject to the provisions of subsections 4 and 5, the commission or any person who is authorized by the commission to provide for the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation may locate such benches, shelters and transit stops 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:

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

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

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

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

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



* S B 2 4 5 R 2 *

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

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

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

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

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

Sec. 33. *1. In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:*

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

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

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

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

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

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

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



* S B 2 4 5 R 2 *

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

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

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

18 **2.** *If the commission and the governmental entity that owns*
19 *or controls a public easement or right-of-way execute an interlocal*
20 *or cooperative agreement that authorizes the construction,*
21 *installation, maintenance and use of the electrical and*
22 *communication systems and related infrastructure within the*
23 *public easement or right-of-way, the commission or any person*
24 *authorized by the commission may construct or install any*
25 *electrical and communication systems and related infrastructure*
26 *within the public easement or right-of-way.*

27 **3.** *If the commission or any person authorized by the*
28 *commission intends to construct or install any electrical or*
29 *communication systems or related infrastructure within any public*
30 *easement that is located within the common area or common*
31 *elements of a common-interest community governed by an*
32 *association, the commission shall:*

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

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

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



1 (a) Reimburse the commission for the cost of repairing the
2 damage to the electrical or communication system or related
3 infrastructure; or

4 (b) Repair the damage to the electrical or communication
5 system or related infrastructure to the satisfaction of the
6 commission.

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

13 **Sec. 35.** 1. Money for the payment of the cost of a project
14 within the area embraced by a regional plan for transportation
15 established pursuant to section 25 of this act may be obtained by
16 the issuance of revenue bonds and other revenue securities as
17 provided in subsection 2 or, subject to any pledges, liens and other
18 contractual limitations made pursuant to the provisions of sections
19 2 to 41, inclusive, of this act, may be obtained by direct
20 distribution from the regional street and highway fund, except to
21 the extent any such use is prevented by the provisions of NRS
22 373.150, or may be obtained both by the issuance of such
23 securities and by such direct distribution, as the board may
24 determine. Money for street and highway construction outside the
25 area embraced by the plan may be distributed directly from the
26 regional street and highway fund as provided in NRS 373.150.

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

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

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

38 (c) Which may be secured as to principal and interest by a
39 pledge authorized by chapter 373 of NRS of the receipts from the
40 motor vehicle fuel taxes designated in chapter 373 of NRS, except
41 such portion of the receipts as may be required for the direct
42 distributions authorized by NRS 373.150.

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



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

9 5. All such securities constitute special obligations payable
10 from the net receipts of the motor vehicle fuel taxes designated in
11 chapter 373 of NRS except as otherwise provided in NRS 373.150,
12 and the pledge of revenues to secure the payment of the securities
13 must be limited to those net receipts.

14 6. Except for:

15 (a) Any notes or warrants which are funded with the proceeds
16 of interim debentures or bonds;

17 (b) Any interim debentures which are funded with the
18 proceeds of bonds;

19 (c) Any temporary bonds which are exchanged for definitive
20 bonds;

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

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

26 ↪ all bonds and other securities issued pursuant to the provisions
27 of sections 2 to 41, inclusive, of this act must be payable solely
28 from the proceeds of motor vehicle fuel taxes collected by or
29 remitted to the county pursuant to chapter 365 of NRS, as
30 supplemented by chapter 373 of NRS. Receipts of the taxes levied
31 in NRS 365.180 and 365.190 and pursuant to paragraphs (a) and
32 (b) of subsection 1 of NRS 373.065 may be used by the county for
33 the payment of securities issued pursuant to the provisions of
34 sections 2 to 41, inclusive, of this act and may be pledged therefor.
35 If during any period any securities payable from these tax
36 proceeds are outstanding, the tax receipts must not be used
37 directly for the construction, maintenance and repair of any
38 streets, roads or other highways nor for any purchase of
39 equipment therefor, and the receipts of the tax levied in NRS
40 365.190 must not be apportioned pursuant to subsection 2 of NRS
41 365.560 unless, at any time the tax receipts are so apportioned,
42 provision has been made in a timely manner for the payment of
43 such outstanding securities as to the principal of, any prior
44 redemption premiums due in connection with, and the interest on
45 the securities as they become due, as provided in the securities, the



* S B 2 4 5 R 2 *

1 ordinance authorizing their issuance and any other instrument
2 appertaining to the securities.

3 7. The ordinance authorizing the issuance of any bond or
4 other revenue security hereunder must describe the purpose for
5 which it is issued at least in general terms and may describe the
6 purpose in detail. This section does not require the purpose so
7 stated to be set forth in the detail in which the project approved by
8 the commission pursuant to subsection 2 of NRS 373.140 is stated,
9 or prevent the modification by the board of details as to the
10 purpose stated in the ordinance authorizing the issuance of any
11 bond or other security after its issuance, subject to approval by the
12 commission of the project as so modified.

13 **Sec. 36.** In counties having a population of less than
14 100,000, the commission shall submit an annual report to the
15 Department for the fiscal year showing the amount of receipts
16 from the county motor vehicle fuel tax imposed pursuant to
17 chapter 373 of NRS and the nature of the expenditures for each
18 project.

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

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

25 (b) Establish and carry out a program of integrated, long-
26 range planning that conserves the economic, financial and
27 natural resources of the region and supports a common vision of
28 desired future conditions.

29 2. Before adopting or amending a plan, policy or program,
30 the commission must:

31 (a) Consult with the local air pollution control board and the
32 regional planning coalition; and

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

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

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

40 3. As used in this section:

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

44 (b) "Regional planning coalition" has the meaning ascribed to
45 it in NRS 278.0172.



* S B 2 4 5 R 2 *

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

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

8 (a) *The long-term unsecured debt obligations of the person*
9 *with whom the commission enters the agreement are rated "A" or*
10 *better by a nationally recognized rating agency; or*

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

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

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

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

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



* S B 2 4 5 R 2 *

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

6 5. *A certification by the commission or its chief financial*
7 *officer as to any determination made under this section or as to*
8 *the amount of fuel that a commission expects to buy or sell during*
9 *the term of an agreement entered into pursuant to this section, or*
10 *during all or any part of any fiscal year that is wholly or partially*
11 *included in the term of an agreement entered into pursuant to this*
12 *section, is conclusive, absent fraud, for the purpose of determining*
13 *whether the commission is authorized to enter into an agreement*
14 *under this section.*

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

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

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

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

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

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

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

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

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

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

41 Sec. 39. (Deleted by amendment.)

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



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

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

7 244.187 A board of county commissioners may, to provide
8 adequate, economical and efficient services to the inhabitants of the
9 county and to promote the general welfare of those inhabitants,
10 displace or limit competition in any of the following areas:

11 1. Ambulance service.

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

14 3. Collection and disposal of garbage and other waste.

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

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

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

22 7. Operation of landfills.

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

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

27 268.081 The governing body of an incorporated city may, to
28 provide adequate, economical and efficient services to the
29 inhabitants of the city and to promote the general welfare of those
30 inhabitants, displace or limit competition in any of the following
31 areas:

32 1. Ambulance service.

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

35 3. Collection and disposal of garbage and other waste.

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

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

41 6. Concessions on, over or under property owned or leased by
42 the city.

43 7. Operation of landfills.

44 8. Search and rescue.



* S B 2 4 5 R 2 *

9. Inspection required by any city ordinance otherwise authorized by law.

10. 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.

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

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

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town 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 town 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 town by an agency of the State.

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

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

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

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

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

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

(a) Consult with the local air pollution control board and the regional 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



* S B 2 4 5 R 2 *

1 the Attorney General or, in the case of incorporated cities, school
2 districts or special districts, by the district attorney.

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

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

9 (b) Long-term cooperative agreements as authorized by chapter
10 277 of NRS.

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

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

16 (e) Contracts between a local government and an employee
17 covering professional services to be performed within 24 months
18 following the date of such contract or contracts entered into between
19 local government employers and employee organizations.

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

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

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

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

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

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



* S B 2 4 5 R 2 *

(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



* S B 2 4 5 R 2 *

(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



* S B 2 4 5 R 2 *

1 be allocated that is equal to the percentage of the total amount
2 allocated to that county or incorporated city, as applicable, in the
3 fiscal year ending on June 30, 2005.

4 (2) If the total amount to be allocated is greater than the
5 average monthly amount the county and all incorporated cities
6 within the county received in the fiscal year ending on June 30,
7 2005, determine for the county and each incorporated city in the
8 county an amount from the total amount to be allocated using the
9 following formula:

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

11 (II) One-fourth in proportion to population.

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

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

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

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

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

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

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

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

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

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



(6) Divide the amount determined pursuant to 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



* S B 2 4 5 R 2 *

1 to the county and the incorporated cities in the county for the current
2 fiscal year; and

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

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

14 6. The formula computations must be made as of July 1 of each
15 year by the Department of Motor Vehicles, based on estimates
16 which must be furnished by the Department of Transportation and,
17 if applicable, any adjustments to the estimates determined to be
18 appropriate by the Committee pursuant to subsection 10. Except as
19 otherwise provided in subsection 10, the determination made by the
20 Department of Motor Vehicles is conclusive.

21 7. The Department of Transportation shall complete:

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

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

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

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

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

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

39 9. If a county or incorporated city does not agree with the
40 estimates prepared by the Department of Transportation pursuant to
41 subsection 7, the county or incorporated city may request that the
42 Committee examine the estimates and recommend an adjustment to
43 the estimates. Such a request must be submitted to the Committee
44 not later than October 15.



* S B 2 4 5 R 2 *

1 10. The Committee shall hold a public hearing and review
2 any request it receives pursuant to subsection 9 and determine
3 whether an adjustment to the estimates is appropriate on or before
4 December 31 of the year it receives a request pursuant to subsection
5 9. Any determination made by the Committee pursuant to this
6 subsection is conclusive.

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

15 12. As used in this section:

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

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

23 (1) Grades and regrades;

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

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

27 (4) Crosswalks and sidewalks;

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

29 (6) Inlets and outlets;

30 (7) Retaining walls, bridges, overpasses, underpasses,
31 tunnels and approaches;

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

34 (9) Rights-of-way;

35 (10) Grade and traffic separators;

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

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

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

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

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



* S B 2 4 5 R 2 *

(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



* S B 2 4 5 R 2 *

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

7 (b) The board may by ordinance impose:

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

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

22 (c) The board may by ordinance impose:

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

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

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

39 (1) An excise tax on each gallon of motor vehicle fuel,
40 except aviation fuel and leaded racing fuel, sold in the county in an
41 amount equal to the product obtained by multiplying the amount of
42 the tax imposed pursuant to ~~paragraph (b) of subsection 1 of~~ NRS
43 373.030 by the lesser of 4.5 percent or the average percentage of
44 increase in the Consumer Price Index for West Urban Consumers
45 for the preceding 5 years; and



* S B 2 4 5 R 2 *

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

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

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

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

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



* S B 2 4 5 R 2 *

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

↳ whichever occurs later.

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

5. Any ordinance adopted pursuant to this section must:

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

(b) If the board has created a ~~[regional—transportation]~~ commission in the county, require the commission:

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

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

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

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

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

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

6. Any ordinance adopted pursuant to:

(a) Paragraph (a) 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 365.180; 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 365.180 which becomes effective after the adoption of that ordinance.

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



* S B 2 4 5 R 2 *

(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 365.190; 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



* S B 2 4 5 R 2 *

1 NRS 373.080 must be allocated, disbursed and used as provided in
2 the ordinance imposing the tax.

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

4 373.119 1. Except to the extent pledged before July 1, 1985,
5 the board may use that portion of the revenue collected pursuant to
6 the provisions of this chapter from any taxes imposed pursuant to
7 ~~[paragraph (b) of subsection 1 of]~~ NRS 373.030 or paragraph (d) of
8 subsection 1 of NRS 373.065 that represents collections from the
9 sale of fuel for use in boats at marinas in the county to make capital
10 improvements or to conduct programs to encourage safety in
11 boating. If the county does not control a body of water, where an
12 improvement or program is appropriate, the board may contract with
13 an appropriate person or governmental organization for the
14 improvement or program.

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

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

20 373.120 1. No county motor vehicle fuel tax ordinance shall
21 be repealed or amended or otherwise directly or indirectly modified
22 in such a manner as to impair adversely any outstanding bonds
23 issued hereunder or other obligations incurred hereunder, until all
24 obligations for which revenues from such ordinance have been
25 pledged or otherwise made payable from such revenues, pursuant to
26 this chapter, have been discharged in full, but the board, *with the*
27 *approval of the governing body of each participating city*, may at
28 any time dissolve the commission and provide that no further
29 obligations shall be incurred thereafter.

30 2. The faith of the State of Nevada is hereby pledged that this
31 chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any
32 law supplemental thereto, including without limitation, provisions
33 for the distribution to any county designated in NRS 373.030 of the
34 proceeds of the motor vehicle fuel taxes collected thereunder, shall
35 not be repealed nor amended or otherwise directly or indirectly
36 modified in such a manner as to impair adversely any outstanding
37 bonds issued hereunder or other obligations incurred hereunder,
38 until all obligations for which any such tax proceeds have been
39 pledged or otherwise made payable from such tax proceeds,
40 pursuant to this chapter, have been discharged in full, but the State
41 of Nevada may at any time provide by act that no further obligations
42 shall be incurred thereafter.

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

44 373.140 1. After the enactment of ~~[an ordinance]~~ *ordinances*
45 as authorized in NRS 373.030 ~~[]~~ *and section 18 of this act*, all



1 street and highway construction, surfacing or resurfacing projects in
2 the county which are proposed to be financed from a county motor
3 vehicle fuel tax imposed pursuant to ~~[paragraph (b) of subsection 1~~
4 ~~of]~~ NRS 373.030 or paragraph (d) of subsection 1 of NRS 373.065
5 must first be submitted to the ~~[regional transportation]~~ commission.

6 2. If the project is within the area covered by a regional plan
7 for transportation established pursuant to ~~[NRS 373.1161.]~~ *section*
8 *25 of this act*, the commission shall evaluate it in terms of:

9 (a) The priorities established by the plan;

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

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

14 (d) The money available.

15 ➔ If the commission approves the project, the board may authorize
16 the project, using all or any part of the proceeds of the county motor
17 vehicle fuel tax authorized pursuant to ~~[paragraph (b) of subsection~~
18 ~~1-of]~~ NRS 373.030 or paragraph (d) of subsection 1 of NRS
19 373.065, except to the extent any such use is prevented by the
20 provisions for direct distribution required by NRS 373.150 or is
21 prevented by any pledge to secure the payment of outstanding
22 bonds, other securities or other obligations incurred hereunder, and
23 other contractual limitations appertaining to such obligations as
24 authorized by NRS 373.160, and the proceeds of revenue bonds or
25 other securities issued or to be issued as provided in ~~[NRS 373.130.]~~
26 *section 35 of this act*. Except as otherwise provided in subsection 3,
27 if the board authorizes the project, the responsibilities for letting
28 construction and other necessary contracts, contract administration,
29 supervision and inspection of work and the performance of other
30 duties related to the acquisition of the project must be specified in
31 written agreements executed by the board and the governing bodies
32 of the cities and towns within the area covered by a regional plan for
33 transportation established pursuant to ~~[NRS 373.1161.]~~ *section 25*
34 *of this act*.

35 3. In a county in which two or more governmental entities are
36 represented on the commission, the governing bodies of those
37 governmental entities may enter into a written master agreement that
38 allows a written agreement described in subsection 2 to be executed
39 by only the commission and the governmental entity that receives
40 funding for the approved project. The provisions of a written master
41 agreement must not be used until the governing body of each
42 governmental entity represented on the commission ratifies the
43 written master agreement.

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



* S B 2 4 5 R 2 *

(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



* S B 2 4 5 R 2 *

1 NRS 373.065 are sufficient to pay all bonds and securities,
2 including the proposed issue, from the proceeds thereof, the board
3 may additionally secure the payment of any bonds or other
4 securities issued pursuant to the ordinance hereunder by a pledge of
5 and the creation of a lien upon not only the proceeds of any motor
6 vehicle fuel tax authorized at the time of the issuance of such
7 securities to be used for such payment in subsection 6 of ~~NRS~~
8 ~~373.130,~~ *section 35 of this act*, but also the proceeds of any such
9 tax thereafter authorized to be used or pledged, or used and pledged,
10 for the payment of such securities, whether such tax be levied or
11 collected by the county, the State of Nevada, or otherwise, or be
12 levied in at least an equivalent value in lieu of any such tax existing
13 at the time of the issuance of such securities or be levied in
14 supplementation thereof.

15 3. The pledges and liens authorized by subsections 1 and 2
16 extend to the proceeds of any tax collected for use by the county on
17 any motor vehicle fuel so long as any bonds or other securities
18 issued hereunder remain outstanding and are not limited to any type
19 or types of motor vehicle fuel in use when the bonds or other
20 securities are issued.

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

22 377A.130 A public transit system may, in addition to providing
23 local transportation within a county, provide:

24 1. Services to assist commuters in communicating with others
25 to share rides;

26 2. Transportation for elderly persons and persons with
27 disabilities, including, without limitation, nonemergency medical
28 transportation of persons to facilitate their use of a center as defined
29 in NRS 435.170;

30 3. Parking for the convenience of passengers on the system;

31 4. Stations and other necessary facilities to ensure the comfort
32 and safety of passengers; and

33 5. Transportation that is available pursuant to ~~NRS 373.117,~~
34 *section 29 of this act*.

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

36 405.030 1. Except as otherwise provided in subsection 3 *and*
37 *section 28 of this act*, and except within the limits of any city or
38 town through which the highway may run, and on benches and
39 shelters for passengers of public mass transportation built pursuant
40 to a franchise granted pursuant to NRS 244.187 and 244.188,
41 268.081 and 268.083, 269.128 and 269.129, or ~~373.1183,~~ *section*
42 *32 of this act*, or on monorail stations, it is unlawful for any person,
43 firm or corporation to paste, paint, print or in any manner whatever
44 place or attach to any building, fence, gate, bridge, rock, tree, board,



* S B 2 4 5 R 2 *

1 structure or anything whatever, any written, printed, painted or other
2 outdoor advertisement, bill, notice, sign, picture, card or poster:

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

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

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

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

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

21 4. If a franchisee receives revenues from an advertisement, bill,
22 notice, sign, picture, card or poster authorized by subsection 1 and
23 the franchisee is obligated to repay a bond issued by the State of
24 Nevada, the franchisee shall use all revenue generated by the
25 advertisement, bill, notice, sign, picture, card or poster authorized
26 by subsection 1 to meet its obligations to the State of Nevada as set
27 forth in the financing agreement and bond indenture, including,
28 without limitation, the payment of operations and maintenance
29 obligations, the funding of reserves and the payment of debt service.
30 To the extent that any surplus revenue remains after the payment of
31 all such obligations, the surplus revenue must be used solely to
32 repay the bond until the bond is repaid.

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

34 (a) A structure for the loading and unloading of passengers from
35 a monorail for which a franchise has been granted pursuant to NRS
36 705.695 or an agreement has been entered into pursuant to NRS
37 705.695; and

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

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

40 405.110 1. Except on benches and shelters for passengers of
41 public mass transportation for which a franchise has been granted
42 pursuant to NRS 244.187 and 244.188, 268.081 and 268.083,
43 269.128 and 269.129, or ~~{373.1183.}~~ *sections 28 and 32 of this act,*
44 or on monorail stations, no advertising signs, signboards, boards or
45 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



* S B 2 4 5 R 2 *

(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



* S B 2 4 5 R 2 *

1 device, sign or signal, and except as otherwise provided in
2 subsection 4, a person shall not place or maintain nor may any
3 public authority permit upon any highway any sign, signal, ~~for~~
4 marking *or street banner* bearing thereon any commercial
5 advertising except on benches and shelters for passengers of public
6 mass transportation for which a franchise has been granted pursuant
7 to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and
8 269.129, ~~for 373.1183,~~ *or sections 28 and 32 of this act*, or on
9 monorail stations.

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

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

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

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

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

35 (a) *"Monorail station"* means:

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

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

41 (b) *"Street banner" has the meaning ascribed to it in section*
42 *15 of this act.*

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

44 706.386 It is unlawful, except as otherwise provided in NRS
45 ~~[373.117,~~ 706.446, 706.453 and 706.745, *and section 29 of this*



1 **act**, for any fully regulated common motor carrier to operate as a
2 carrier of intrastate commerce and any operator of a tow car to
3 perform towing services within this State without first obtaining a
4 certificate of public convenience and necessity from the Authority.

5 **Sec. 64.** NRS 373.025, 373.026, 373.040, 373.050, 373.055,
6 373.113, 373.115, 373.116, 373.1161, 373.1163, 373.117, 373.118,
7 373.1183, 373.1185, 373.130, 373.143 and 373.146 are hereby
8 repealed.

9 **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.



* S B 2 4 5 R 2 *

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.

③⑩



* S B 2 4 5 R 2 *