

ASSEMBLY BILL NO. 152—ASSEMBLYMEN ATKINSON, HORNE, BOBZIEN; BENITEZ-THOMPSON, CONKLIN, DONDERO LOOP, FLORES, KIRKPATRICK, MASTROLUCA, MUNFORD, NEAL, OCEGUERA, PIERCE AND SMITH

FEBRUARY 16, 2011

Referred to Committee on Transportation

SUMMARY—Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-180)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill creates an advisory committee to develop recommendations for
- 2 increasing funding for highways in this State. The committee consists of eight
- 3 members, three appointed by the Majority Leader of the Senate, three appointed by
- 4 the Speaker of the Assembly, one appointed by the Minority Leader of the Senate
- 5 and one appointed by the Minority Leader of the Assembly. Not more than one
- 6 member of the committee may be a member of the Senate, who must be appointed
- 7 by the Majority Leader of the Senate, and not more than one member of the
- 8 committee may be a member of the Assembly, who must be appointed by the
- 9 Speaker of the Assembly. To the extent practicable, the members of the advisory



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committee must reflect the geographic diversity of this State. The advisory committee is: (1) charged with developing recommendations relating to the funding of the construction and maintenance of highways in this State; and (2) authorized to ask the voters of the State for their advice on those recommendations by placing advisory questions on the ballot for the general election to be held in 2012. If the advisory committee places an advisory question on the ballot, the Secretary of State must appoint committees to prepare arguments for and against approval of the recommendation proposed in the advisory question.

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

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

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

2. The advisory committee consists of eight members appointed as follows:

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

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

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

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

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

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

5. The term of each member of the advisory committee commences on July 1, 2011, and expires on June 30, 2013.

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

7. The advisory committee shall:

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



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(b) To the extent practicable, conduct the meetings of the committee via videoconference.

8. The advisory committee shall elect a Chair and a Vice Chair from among the members of the committee at the first meeting of the committee.

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

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

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

Sec. 4. 1. The advisory committee may, at the general election held in 2012, ask the advice of the registered voters of the State on any question regarding the recommendations developed by the committee pursuant to section 3 of this act.

2. To place an advisory question on the ballot at the general election held in 2012, the advisory committee shall, not less than 120 days before the general election, submit to the Secretary of State a resolution that:

(a) Sets forth:

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

(2) An explanation of the question; and

(3) A description of the anticipated financial effect on the State; and

(b) Provides that the result of the voting on the question does not impose any legal requirement on the Legislature, any member of the Legislature or any other officer of the State.

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

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

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

Sec. 5. 1. For each advisory question to be placed on the ballot pursuant to the provisions of section 4 of this act, the Secretary of State shall, in accordance with the provisions of subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons



1 who favor approval by the voters of the recommendation proposed
2 in the advisory question and the other committee must be composed
3 of three persons who oppose approval by the voters of the
4 recommendation proposed in the advisory question.

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

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

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

16 (b) Members of the committee serve without compensation.

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

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

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

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

27 5. A committee appointed pursuant to this section:

28 (a) Shall elect a chair for the committee;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

8. The decision of the Secretary of State to reject a statement pursuant to subsection 7 is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to subsection 7, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

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

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

