

ASSEMBLY BILL NO. 503—COMMITTEE ON TRANSPORTATION

MARCH 23, 2009

Referred to Committee on Transportation

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

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

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

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding its recommendations on the ballot for the general election to be held in 2010; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 may be a
8 member of the Assembly, who must be appointed by the Speaker of the Assembly.
9 To the extent practicable, the members of the advisory committee must reflect the
10 geographic diversity of this State. The advisory committee: (1) is charged with
11 developing recommendations relating to the funding of the construction and
12 maintenance of highways in this State; and (2) is authorized to ask the voters of the
13 State for their advice on those recommendations by placing advisory questions on
14 the ballot for the general election to be held in 2010. If the advisory committee



15 places an advisory question on the ballot, the Secretary of State must appoint
16 committees to prepare arguments for and against approval of the recommendation
17 proposed in the advisory question.

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

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

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

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

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

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

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

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

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

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

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

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

32 7. The advisory committee shall:

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

34 (b) To the extent practicable, conduct its meetings via video
35 conference.

36 8. At its first meeting, the advisory committee shall elect a
37 Chairman and a Vice Chairman from among its members.



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

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

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

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

16 2. To place an advisory question on the ballot at the general
17 election held in 2010, the advisory committee shall, not less than
18 120 days before the general election, submit to the Secretary of
19 State a resolution that:

20 (a) Sets forth:

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

23 (2) An explanation of the question; and

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

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

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

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

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

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



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

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

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

(b) Members of the committee serve without compensation.

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

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

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

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

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

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

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

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

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

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

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

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

(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:



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

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

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

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

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

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

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

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

