

ASSEMBLY BILL NO. 145—ASSEMBLYMEN CARRILLO
AND OHRENSCHALL

FEBRUARY 18, 2013

Referred to Committee on Transportation

SUMMARY—Provides for retrofitting of roads and streets in consideration of different types of users. (BDR 43-662)

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; authorizing certain officials in each county responsible for the maintenance and repair of certain roads to establish a Complete Streets program for retrofitting certain roads to improve access to those roads by all users; allowing a person who is registering or renewing the registration of a vehicle to make a voluntary contribution at that time to the Complete Streets program in his or her county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, in a county whose population is less than 100,000
2 (currently all counties other than Clark and Washoe Counties), the board of county
3 highway commissioners is authorized to construct, repair and maintain public
4 highways and roads within the county. (NRS 403.090) Existing law also provides
5 that a county may, by ordinance, create a regional transportation commission if a
6 streets and highways plan has been adopted by the county or regional planning
7 commission. (NRS 277A.170) **Section 5** of this bill allows a regional transportation
8 commission to adopt a policy for a Complete Streets program, which means a
9 program for the retrofitting of streets or highways under the jurisdiction of the
10 commission for the primary purpose of adding or significantly repairing facilities
11 that provide street or highway access considering all users, including, without
12 limitation, pedestrians, bicycle riders, persons with a disability, persons who use
13 public transportation and motorists. **Section 4.8** of this bill allows the board of
14 county commissioners, in a county whose population is 100,000 or more and in
15 which a regional transportation commission does not exist, to adopt a Complete
16 Streets program. **Section 9** of this bill allows the board of county highway



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commissioners, in a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to adopt a Complete Streets program.

Sections 2 and 3 of this bill require the Department of Motor Vehicles to include on each application for vehicle registration or renewal of registration notice of a voluntary \$2 contribution to be made to the Complete Streets program in the county where the vehicle is to be registered unless the person registering the vehicle or renewing the registration indicates on that application that he or she wishes to opt out of making the contribution. **Section 1** of this bill requires the Department of Motor Vehicles to distribute monthly the money collected from the voluntary contributions to the transportation officials in the respective counties.

Sections 4.8, 5 and 9 require that a board of county commissioners, regional transportation commission or a board of county highway commissioners which receives money from the Department of Motor Vehicles for a Complete Streets program use that money only for projects that are a part of such a program.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any voluntary contributions collected pursuant to subsection 11 of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in section 4.8, 5 or 9 of this act, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county in which a regional transportation commission exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection 11 of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.



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1 **3. As used in this section, “regional transportation**
2 **commission” means a regional transportation commission created**
3 **and organized in accordance with chapter 277A of NRS.**

4 **Sec. 2.** NRS 482.215 is hereby amended to read as follows:

5 482.215 1. All applications for registration, except
6 applications for renewal of registration, must be made as provided in
7 this section.

8 2. Except as otherwise provided in NRS 482.294, applications
9 for all registrations, except renewals of registration, must be made in
10 person, if practicable, to any office or agent of the Department or to
11 a registered dealer.

12 3. Each application must be made upon the appropriate form
13 furnished by the Department and contain:

14 (a) The signature of the owner, except as otherwise provided in
15 subsection 2 of NRS 482.294, if applicable.

16 (b) The owner’s residential address.

17 (c) The owner’s declaration of the county where he or she
18 intends the vehicle to be based, unless the vehicle is deemed to have
19 no base. The Department shall use this declaration to determine the
20 county to which the governmental services tax is to be paid.

21 (d) A brief description of the vehicle to be registered, including
22 the name of the maker, the engine, identification or serial number,
23 whether new or used, and the last license number, if known, and the
24 state in which it was issued, and upon the registration of a new
25 vehicle, the date of sale by the manufacturer or franchised and
26 licensed dealer in this State for the make to be registered to the
27 person first purchasing or operating the vehicle.

28 (e) Except as otherwise provided in this paragraph, if the
29 applicant is not an owner of a fleet of vehicles or a person described
30 in subsection 5:

31 (1) Proof satisfactory to the Department or registered dealer
32 that the applicant carries insurance on the vehicle provided by an
33 insurance company licensed by the Division of Insurance of the
34 Department of Business and Industry and approved to do business in
35 this State as required by NRS 485.185; and

36 (2) A declaration signed by the applicant that he or she will
37 maintain the insurance required by NRS 485.185 during the period
38 of registration. If the application is submitted by electronic means
39 pursuant to NRS 482.294, the applicant is not required to sign the
40 declaration required by this subparagraph.

41 (f) If the applicant is an owner of a fleet of vehicles or a person
42 described in subsection 5, evidence of insurance provided by an
43 insurance company licensed by the Division of Insurance of the
44 Department of Business and Industry and approved to do business in
45 this State as required by NRS 485.185:



(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle; or

(3) In another form satisfactory to the Department.

➔ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) A statement which informs the applicant that he or she may make a monetary contribution of \$2 for each vehicle registered for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.



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Sec. 3. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➔ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that he or she may make a monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets program, if any, created pursuant to section 4.8, 5 or 9 of this act, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a



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clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 4. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:



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(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↳ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

11. For each vehicle for which the registered owner has not indicated his or her intention to opt out of making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or paragraph (d) of subsection 3 of NRS 482.280, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to section 1 of this act.

Sec. 4.2. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.4, 4.6 and 4.8 of this act.

Sec. 4.4. *As used in this section and sections 4.6 and 4.8 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.*

Sec. 4.6. *1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

(a) Executing projects as a part of a Complete Streets program pursuant to section 4.8 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 4.8 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (b) of subsection 1 of section 1 of this act in the Complete Streets fund.



3. *The board of county commissioners shall administer the Complete Streets fund.*

Sec. 4.8. *1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets fund created pursuant to section 4.6 of this act to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. A commission must not cause or allow any portion of the Complete Streets fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a



Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 277A.240 is hereby amended to read as follows:
277A.240 The commission :

1. Except as otherwise provided in subsection 2, may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

2. Shall establish a fund consisting of distributions from the Department of Motor Vehicles pursuant to paragraph (a) of subsection 1 of section 1 of this act, to be known as the Complete Streets fund, for the purpose of:

(a) Executing projects as a part of a Complete Streets program pursuant to section 5 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 5 of this act.

Sec. 7. Chapter 403 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.5, 8 and 9 of this act.

Sec. 7.5. *As used in this section and sections 8 and 9 of this act, "regional transportation commission" has the meaning ascribed to it in section 1 of this act.*

Sec. 8. 1. *The board of county commissioners shall create in the county treasury a fund to be known as the Complete Streets fund, for the purpose of:*

(a) Executing projects as a part of a Complete Streets program pursuant to section 9 of this act; and

(b) Matching federal money from any federal source for the execution of projects as a part of a Complete Streets program pursuant to section 9 of this act.

2. The county treasurer shall deposit money that is collected pursuant to paragraph (c) of subsection 1 of section 1 of this act in the Complete Streets fund.

3. The board of county highway commissioners shall administer the Complete Streets fund.

Sec. 9. 1. *A board of county highway commissioners may adopt a policy for a Complete Streets program and may plan and carry out projects as a part of a Complete Streets program.*

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of section 1 of this act must be used solely for the execution of projects as a part of a Complete Streets program.

3. As used in this section, "Complete Streets program" means a program for the retrofitting of roads that are under the



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jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 10. NRS 403.160 is hereby amended to read as follows:

403.160 1. If the board of county highway commissioners shall decide not to appoint a county road supervisor for the county, the board may, at its option, create a board of road commissioners for each district. The board of road commissioners shall consist of one to three members.

2. The boundaries of the districts may be fixed by the board of county highway commissioners, and road commissioners may be elected in the same manner as in the case of township officers.

3. Road commissioners shall hold office until their successors are duly elected or appointed, and qualified, and shall take and subscribe to the constitutional oath of office before entering upon their duties.

4. A board of road commissioners shall:

(a) Exercise the duties of the county road supervisor.

(b) Have supervision over all road work within its district, and may appoint whomever the board may choose to do the work.

5. All vouchers shall be signed by at least a majority of the road commissioners and allowed as in the usual course of claims against the county, but *, except as otherwise provided in section 9 of this act,* no board of road commissioners shall contract for any amount of work in excess of the funds set aside for such district by the board of county commissioners unless in case of an emergency when, by order of the board of county commissioners, a larger amount may be expended.

6. The board of county commissioners shall set aside for each road district the sums of money apportioned for each road district at the first meeting of the board in January, or as soon thereafter as possible.

Sec. 11. NRS 403.180 is hereby amended to read as follows:

403.180 1. When any roads shall have been rebuilt or constructed and made to meet with such specifications as may be outlined by the board of county highway commissioners, which shall include grading, draining, macadamizing, ~~for~~ graveling ~~it~~ *or retrofitting pursuant to section 9 of this act,* and shall have been declared by the board of county highway commissioners to be



1 standard county roads, then they shall be termed and designated as
2 standard county roads.

3 2. When the board of county highway commissioners shall
4 have declared and designated any road to be a standard county road,
5 then , *except as otherwise provided in section 9 of this act*, the cost
6 of maintaining such road shall be paid out of the county general
7 fund in the same manner as provided in NRS 403.460.

8 **Sec. 12.** NRS 403.435 is hereby amended to read as follows:

9 403.435 The board of county commissioners of any county is
10 hereby authorized to enter into agreements with the appropriate
11 federal agency for the use of federal funds to construct, improve or
12 maintain roads, other than state highways. The share of any county
13 in the cost of such cooperative road project shall be paid :

14 1. *For a project that is a part of a Complete Streets program*
15 *pursuant to section 9 of this act, from the Complete Streets fund*
16 *created pursuant to section 8 of this act; or*

17 2. *For any other project*, from county road funds; but
18 donations may be accepted in lieu of appropriations from county
19 road funds.

20 **Sec. 13.** NRS 403.460 is hereby amended to read as follows:

21 403.460 1. If, at a primary, general or special election, a
22 majority of the voters of the county vote against the issuance of the
23 bonds for roads and bridges, and no special county road and bridge
24 fund is thereby created, or if for any other reason the fund is not
25 created, *except as otherwise provided in section 9 of this act*, the
26 cost of all county road and bridge work performed must be paid out
27 of the county general fund by order of the board, if that work was
28 performed by the order of and under the direction of the board of
29 county highway commissioners or the county road supervisor, and
30 according to the provisions of this chapter.

31 2. All claims presented to the board of county highway
32 commissioners must be sworn and subscribed to and attested by the
33 county road supervisor.

34 **Sec. 14.** NRS 403.470 is hereby amended to read as follows:

35 403.470 All money appropriated or expended by the board of
36 county highway commissioners, whether it be appropriated or
37 expended out of the county road and bridge fund which may be
38 created by this chapter, *the Complete Streets fund created pursuant*
39 *to section 8 of this act*, or out of the county general fund as provided
40 in NRS 403.460, must be expended by the board of county highway
41 commissioners for the purposes hereinafter named and for no other
42 purposes:

43 1. For laying out, grading, draining, graveling or
44 macadamizing, maintaining, and, when deemed necessary,
45 sprinkling or oiling roads.



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2. The purchase of road machinery necessary for the construction of such roads, and the maintenance of the same.

3. The purchase of property necessary in road construction.

4. The purchase of material and machinery for the construction of all superstructures necessary to the perfect drainage of a highway, and for all work performed by order of and under the direction of the board of county highway commissioners.

5. The execution of a project that is a part of a Complete Streets program pursuant to section 9 of this act.

Sec. 15. NRS 403.550 is hereby amended to read as follows:

403.550 1. All claims against the county in relation to the county roads and bridges shall be presented to the clerk of the board of county highway commissioners on a prepared form at least 1 day before the regular meeting of the board. There shall be printed on the form an oath that the amount claimed is just and correct, which must be subscribed to by the claimant. The claim shall also be certified by the county road supervisor.

2. Upon the approval of any claim by the board of county highway commissioners, the county auditor is authorized and required to draw a warrant for the amount named in the claim to the person or persons named therein as claimants, in the usual manner provided by law. Nothing in this subsection shall interfere with or prevent the county auditor from exercising his or her veto power provided by law.

3. The county treasurer shall keep the county road and bridge fund, provided for in this chapter, in a separate and distinct fund. ~~The~~ *Except as otherwise provided in section 8 of this act, the* county treasurer shall pay out of this fund all warrants drawn on him or her by the county auditor for road purposes, but under no condition shall the county treasurer pay out of this fund for other purposes.

Sec. 16. NRS 403.590 is hereby amended to read as follows:

403.590 1. Whenever it appears to the board of county commissioners that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, the board may:

~~1. Cause~~

(a) Except as otherwise provided in subsection 2, cause all or a portion of the aggregate cost or expense to be paid out of the county general fund, or a portion out of that fund or out of any other county fund in which there is a surplus; or

~~2.~~ *(b)* Levy a tax therefor, not to exceed one-fourth of 1 percent on the taxable property in the county, annually, until the amount appropriated is raised and paid.



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1 **2. A board of county commissioners must not cause or allow**
2 **any portion of the Complete Streets fund created pursuant to**
3 **section 8 of this act to be used for a purpose other than those set**
4 **forth in section 9 of this act.**

5 **Sec. 17.** This act becomes effective:

6 1. Upon passage and approval for the purposes of the adoption
7 of regulations and any other preparatory administrative tasks that are
8 necessary to carry out the provisions of this act; and

9 2. On January 1, 2014, for all other purposes.

