

Amendment No. 106

Senate Amendment to Senate Bill No. 149	(BDR 22-318)
Proposed by: Senate Committee on Transportation	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 4/9/2017

S.B. No. 149—Revises provisions governing regional transportation commissions.
(BDR 22-318)



SENATE BILL NO. 149—~~SENATOR~~ SENATORS MANENDO AND HAMMOND

PREFILED FEBRUARY 13, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing regional transportation commissions.
(BDR 22-318)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing a regional transportation commission to ~~participate in transit-oriented developments;~~ provide grants of money for the research, development or implementation of transportation projects that use new technologies; authorizing a regional transportation commission to enter into agreements with private entities for certain projects; authorizing a regional transportation commission to recommend the imposition of certain taxes to fund the transportation projects of the commission; authorizing the board of county commissioners to submit the recommendation for the imposition of such taxes to the voters of the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; revising provisions governing the composition of regional transportation commissions; authorizing a regional transportation commission to develop and maintain high-capacity transit systems; authorizing a regional transportation commission to adopt rules for the parking of unauthorized vehicles at facilities of the commission and the imposition of fees for the use of services or facilities of the commission; repealing provisions requiring certain regional transportation commissions to establish a regional rapid transit authority; revising various provisions relating to the powers and duties of regional transportation commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county may, by ordinance, create a regional transportation commission if a streets and highways plan has been adopted by the county or regional planning commission. (NRS 277A.170) Existing law also provides a regional transportation commission the exclusive right to operate a system of public transportation within its jurisdiction, as well as enter into contracts, leases and agreements with state agencies and local governments to perform its functions. (NRS 277A.270)

Section 3 of this bill authorizes a regional transportation commission to : (1) provide grants of money to conduct research for and otherwise develop and implement certain transportation projects; and (2) enter into joint development agreements, including, without limitation, agreements relating to transit oriented developments, with private entities for certain transportation projects in accordance with federal law. ~~Section 3 defines a transit oriented development as a mixed use residential or commercial area that is designed to promote access to public transit.~~

Section 13 of this bill authorizes a regional transportation commission to construct, develop and operate a high-capacity transit system ~~as well as~~ with the approval of the county or city which owns any public right-of-way. Section 3.5 of this bill requires a regional transportation commission to enter into ~~contracts~~ agreements with other local governments to coordinate and collaborate on the development of a project or high-capacity transit system and to share the costs related to ~~transportation~~ such projects. If a regional transportation commission enters into such ~~a cost sharing~~ an agreement, section 4 of this bill requires the commission to create and administer an account that will hold any money appropriated by the commission or a local government in accordance with the ~~cost sharing~~ agreement. Section 14 of this bill authorizes a regional transportation commission to use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project.

Sections 5 and 6 of this bill provide that a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) may recommend the imposition of ~~one or more of the following taxes: (1) an additional tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, and (2) an additional property tax in the county.~~ The recommendations of the commission must specify the rate ~~for rates for each~~ of the recommended ~~taxes~~ tax, the period during which the recommended ~~taxes~~ tax will be imposed and the transportation projects the recommended ~~taxes~~ tax would support, if the commission submits its recommendations to the board of county commissioners, the board of county commissioners ~~is required to~~ may submit a question to the voters at the next general election asking whether ~~any of~~ the ~~taxes~~ tax recommended by the commission should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~taxes~~ tax at the rate specified in the question submitted to the voters. ~~If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$2.64 on each \$100 of assessed valuation.~~ Section 7 of this bill provides that the proceeds resulting from the imposition of such taxes must be remitted to the commission for its use in accordance with the provisions of existing law governing regional transportation commissions.

Existing law generally sets forth the authority and powers of a regional transportation commission. (NRS 277A.160, 277A.210, 277A.250) Section 10 of this bill requires that the provisions of existing law governing regional transportation commissions be liberally construed as to allow a regional transportation commission to meet any of its objectives. ~~Section 11 of this bill designates a regional transportation commission as a political subdivision of the State, but does not authorize a commission to levy or collect taxes or special assessments. Section 12 of this bill authorizes a regional transportation commission to acquire and own easements, as well as grant such easements to other persons or entities.~~

Existing law requires a regional transportation commission in certain larger counties (currently Clark and Washoe Counties) to be composed of members of the board of county commissioners and the governing body of each city in the county. Section 10.5 of this bill provides that if a mayor of a city in such a county is not a member of the governing body of the city, the governing body may appoint the mayor to be a member of the regional transportation commission.

Section 12 of this bill authorizes a regional transportation commission to impose: (1) civil penalties for the unauthorized parking of a vehicle at a transportation facility; and (2) fees for the use of commission services or facilities.

Existing law requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. Section 18 of this bill repeals that provision.

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. "High-capacity transit" means a public transit system of transportation services which uses and occupies a separate right-of-way or rails exclusively for public transportation that may provide a substantially higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without limitation, bus rapid transit, fixed guideway, light rail transit, community commuter rail, streetcar and heavy rail.

Sec. 3. ~~1.~~ A commission may:

~~(a)~~ 1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative transportation and transit technology, including, without limitation, autonomous technology as defined in NRS 482A.025.

~~(b)~~ 2. Enter into joint development agreements, including, without limitation, agreements for transit-oriented developments, in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

~~3. As used in this section, "transit-oriented development" means a mixed-use residential or commercial area that is designed to maximize access to a public transit system.~~

Sec. 3.5. 1. Except as otherwise provided in subsection 2, before constructing a transportation project or high-capacity transit system, a commission shall enter into agreements with any county, city, town and other political subdivision to coordinate and collaborate on the development of the transportation project or high-capacity transit system, including, without limitation, the use of public rights-of-way and the sharing of costs related to such a project.

2. A commission may make changes to bus schedules and bus routes and relocate bus stops within the public right-of-way without executing an agreement pursuant to subsection 1.

Sec. 4. If a commission enters into an agreement with a county, city, town or other political subdivision to share costs relating to a transportation project pursuant to paragraph (g) of subsection 1, section 3.5 of [NRS 277A.270,] this act, the commission shall create an account administered by the commission and deposit into such account any money appropriated by each participating entity in accordance with the amounts established under the agreement. The money in the account, including any interest and income earned on the money in the account, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in the agreement entered into pursuant to paragraph (g) of subsection 1, section 3.5 of [NRS 277A.270,] this act.

Sec. 5. 1. In a county whose population is 100,000 or more, a commission may:

(a) Prepare recommendations for the imposition of one or more of the taxes, the tax described in section 6 of this act in the county to provide funding for the commission for the purposes set forth in this chapter. The recommendations must specify the proposed rate for rates for each of the recommended taxes, tax, the period during which one or more of the

recommended ~~taxes~~ tax will be imposed and the type of transportation project the recommended tax ~~for taxes~~ will support.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners ~~shall~~ may, at the next general election, submit a question to the voters of the county asking whether the recommended tax ~~for taxes~~ should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate ~~for rates~~ for ~~each of~~ the recommended ~~taxes~~ tax, the period during which the recommended tax ~~for taxes~~ will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1, and the type of transportation project the recommended tax ~~for taxes~~ will support.

3. ~~If the question submitted to the voters pursuant to subsection 2 asks the voters of the county whether to levy a tax on the assessed valuation of taxable property within the county, the question must contain the rate of the proposed additional property tax stated in dollars and cents per \$100 assessed valuation, the type of transportation project the proposed additional property tax will support, the duration of the proposed additional property tax, which may not exceed 20 years, and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The question must also state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.~~

~~4.~~ If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax ~~for taxes~~ in accordance with the provisions of section 6 of this act at the rate ~~for rates~~ specified in the question submitted to the voters pursuant to subsection 2.

(b) The tax ~~for taxes~~ must be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in this section and sections 6 and 7 of this act, such tax ~~for taxes are~~ is not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax ~~for taxes~~, including, without limitation, any limitations on the maximum rate ~~for rates~~ which may be imposed or the duration of the period during which such tax ~~for taxes~~ may be imposed.

Sec. 6. ~~1.~~ Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 5 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county, the board of county commissioners shall impose a tax by ordinance on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The tax must be imposed throughout the county, including all cities within the county, upon all retailers in the business of selling tangible personal property. Any ordinance enacted under this subsection must include provisions in substance as follows:

~~(a)~~ 1. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

~~(b)~~ 2. A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

~~(c)~~ 3. A provision that the county shall, before the effective date of the ordinance, contract with the Department to perform all functions incident to the administration or operation of the tax in the county.

~~(d)~~ 4. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property, entered into on or before the effective date of the tax or the increase in the tax, or for which a binding bid was submitted before the date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

~~2. Upon approval of the registered voters in a county voting on a question presented to the voters pursuant to section 5 of this act recommending the levy of a tax on the assessed valuation of taxable property within the county, the board of county commissioners shall levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 5 of this act. The ordinance levying such a tax shall provide for the imposition and collection of the tax in accordance with the provisions of chapter 361 of NRS, insofar as applicable. A tax levied pursuant to this subsection is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724, and the provisions of NRS 361.453 do not apply to any such tax.~~

Sec. 7. The proceeds of any tax ~~for taxes~~ imposed pursuant to sections 5 and 6 of this act must be remitted by the Department of Taxation ~~for county treasurer, as applicable,~~ to the commission for use in accordance with the provisions of this chapter.

Sec. 8. NRS 277A.020 is hereby amended to read as follows:

277A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277A.030 to 277A.150, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 277A.120 is hereby amended to read as follows:

277A.120 "Public transit system" means a system employing motor buses, rails, high-capacity transit or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

Sec. 10. NRS 277A.160 is hereby amended to read as follows:

277A.160 This chapter, being necessary to secure and preserve the public health, safety, convenience and welfare, shall be so interpreted and liberally construed as to ~~make~~:

1. Make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation ; and

2. Effect any other purpose and objective for which this chapter is intended.

Sec. 10.5. NRS 277A.180 is hereby amended to read as follows:

277A.180 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 ; from among its members.

(b) Two by the governing body of the largest city in the county ; from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.

(c) One by the governing body of each additional city in the county. H from among its members or, if the mayor of the city is not a member of the governing body, from among its members and the mayor of the city.

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 chair 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 700,000:

(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 700,000 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. 11. NRS 277A.210 is hereby amended to read as follows:

277A.210 1. A commission may:

- 1 ~~11~~ (a) Sue and be sued.
- 2 ~~12~~ (b) Prepare and approve budgets for the regional street and highway fund,
3 the public transit fund and money it receives from any source.
- 4 ~~13~~ (c) Adopt bylaws for the administration of its affairs and rules for the
5 administration and operation of facilities under its control.
- 6 ~~14~~ (d) Conduct studies, develop plans and conduct public hearings to
7 establish and approve short-range and regional plans for transportation.
- 8 ~~15~~ (e) Purchase insurance or establish a reserve or fund for self-insurance, or
9 adopt any combination of these, to insure against loss by reason of:
- 10 ~~16~~ (1) Damages resulting from fire, theft, accident or other casualty; or
- 11 ~~17~~ (2) The commission's liability for other damages to persons or property
12 which occur in the construction or operation of facilities or equipment under its
13 control or in the conduct of its activities.

14 **2. A commission shall ~~18~~**

15 ~~(a) Be deemed to be a public body corporate and politic, and an~~
16 ~~instrumentality, local government and political subdivision of the State,~~
17 ~~exercising public and essential governmental functions, and having all the~~
18 ~~powers necessary or convenient to carry out the purposes and provisions of this~~
19 ~~chapter, but not the power to levy or collect taxes or special assessments.~~

20 ~~(b) Have~~ have a perpetual succession, subject to termination in accordance
21 with statute.

22 **Sec. 12.** NRS 277A.250 is hereby amended to read as follows:

23 277A.250 A commission may:

- 24 1. Acquire and own both real and personal property ~~and easements~~
25 ~~therein.~~
- 26 2. Exercise the power of eminent domain, if the city or county which has
27 jurisdiction over the property approves, for the acquisition, construction, repair or
28 maintenance of public roads, or for any other purpose related to public mass
29 transportation.
- 30 3. Sell, lease or convey or otherwise dispose of rights, interests or properties ~~and~~
31 ~~or grant easements, licenses, or any other rights or privileges therein.~~
- 32 4. Adopt regulations for:
- 33 (a) Financing eligible activities; ~~and~~
- 34 (b) ~~Parking~~ Unauthorized parking of vehicles at a transportation facility
35 within the jurisdiction of the commission, including, without limitation, the
36 imposition of a civil penalty for a violation of such regulations; and
- 37 (c) The imposition of fees for the use of the facilities or services of the
38 commission and the use of such fees for the construction or operation of
39 transportation facilities; and
- 40 (d) The operation of systems or services provided by the commission.

41 **Sec. 13.** NRS 277A.270 is hereby amended to read as follows:

42 277A.270 1. A commission may:

- 43 (a) Operate , develop and maintain a system of public transportation ~~,~~
44 including, without limitation, a high-capacity transit system, to the exclusion of
45 any other publicly owned system of transportation within its area of jurisdiction.
- 46 (b) ~~Construct, develop, maintain and operate~~ high-capacity transit systems
47 in the county or a city within the county which owns a public right-of-way if
48 the county or city within the county approves of such construction.
- 49 (c) Use streets, roads, highways and other public rights-of-way for public
50 transportation.
- 51 ~~(e)~~ (d) Enter into agreements for the joint use of facilities, installations and
52 properties and the joint exercise of statutory powers.

~~(d)~~ (e) 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)~~ (f) 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.

~~(g) Enter into agreements with counties, cities, towns and other political subdivisions to coordinate and collaborate on the development of transportation projects, including, without limitation, the sharing of costs related to such a project.~~

2. The powers and duties of a commission set forth in this chapter 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.

Sec. 14. NRS 277A.280 is hereby amended to read as follows:

277A.280 1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

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

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176, if the transportation is available upon request and without regard to regular routes or fixed schedules;

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

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

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

3. In a county whose population is less than 700,000, such a system may also provide service which includes:

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

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

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, *finance*, operate and maintain, or any combination thereof, a *high-capacity transit* ~~for fixed guideway~~ system, including, without limitation, any minimum

operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a ~~high-capacity transit for fixed guideway~~ project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a ~~high-capacity transit for fixed guideway~~ project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a ~~fixed guideway~~ ~~high-capacity transit~~ project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

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

(b) "Minimum operable segment" means the shortest portion of a ~~high-capacity transit for fixed guideway~~ system that is technically capable of providing viable public transportation between two end points.

(c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a ~~high-capacity transit for fixed guideway~~ system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 15. ~~NRS 295.121 is hereby amended to read as follows:~~

~~295.121 1. For each initiative, referendum, advisory question or other question to be placed on the ballot by:~~

~~(a) The board, including, without limitation, pursuant to NRS 295.115, 295.160 or 295.230;~~

~~(b) The governing body of a school district, public library, regional transportation commission or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or~~

~~(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county;~~

~~the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.~~

~~2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.~~

~~2. 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 an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other 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 initiative, referendum or other question.~~
~~4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:~~
~~(a) Make recommendations pursuant to subsection 5; and~~
~~(b) Appoint members to a committee pursuant to subsection 6.~~
~~5. Before the board appoints a committee pursuant to this section, the county clerk shall:~~
~~(a) Recommend to the board persons to be appointed to the committee; and~~
~~(b) Consider recommending pursuant to paragraph (a):~~
~~(1) Any person who has expressed an interest in serving on the committee; and~~
~~(2) 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.~~
~~6. If the board fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.~~
~~7. A committee appointed pursuant to this section:~~
~~(a) Shall elect a chair 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 prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other 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 anticipated financial effect of the initiative, referendum or other question;~~
~~(2) The environmental impact of the initiative, referendum or other question; and~~

~~(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and~~

~~(e) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 9.~~

~~8. The county clerk shall provide, by rule or regulation:~~

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

~~(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.~~

~~9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:~~

~~(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and~~

~~(b) Shall reject each statement in the argument or rebuttal that the county clerk believes is libelous or factually inaccurate.~~

~~→ The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.~~

~~10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.~~

~~11. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 3 of NRS 293.481.~~

~~12. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 361.453 is hereby amended to read as follows:~~

~~361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, and section 6 of this act, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.~~

~~2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or~~

1 ~~unincorporated town, if, in a county whose population is less than 45,000, or in a~~
2 ~~city or unincorporated town located within that county;~~

3 ~~— (a) The combined tax rate certified by the Nevada Tax Commission was at~~
4 ~~least \$3.50 on each \$100 of assessed valuation on June 25, 1998;~~

5 ~~— (b) The governing body of that county, city or unincorporated town proposes to~~
6 ~~its registered voters an additional levy ad valorem above the total ad valorem tax~~
7 ~~levy for all public purposes set forth in subsection 1;~~

8 ~~— (c) The proposal specifies the amount of money to be derived, the purpose for~~
9 ~~which it is to be expended and the duration of the levy; and~~

10 ~~— (d) The proposal is approved by a majority of the voters voting on the question~~
11 ~~at a general election or a special election called for that purpose.~~

12 ~~3. The duration of the additional levy ad valorem levied pursuant to~~
13 ~~subsection 2 must not exceed 5 years. The governing body of the county, city or~~
14 ~~unincorporated town may discontinue the levy before it expires and may not~~
15 ~~thereafter reimpose it in whole or in part without following the procedure required~~
16 ~~for its original imposition set forth in subsection 2.~~

17 ~~4. A special election may be held pursuant to subsection 2 only if the~~
18 ~~governing body of the county, city or unincorporated town determines, by a~~
19 ~~unanimous vote, that an emergency exists. The determination made by the~~
20 ~~governing body is conclusive unless it is shown that the governing body acted with~~
21 ~~fraud or a gross abuse of discretion. An action to challenge the determination made~~
22 ~~by the governing body must be commenced within 15 days after the governing~~
23 ~~body's determination is final. As used in this subsection, "emergency" means any~~
24 ~~unexpected occurrence or combination of occurrences which requires immediate~~
25 ~~action by the governing body of the county, city or unincorporated town to prevent~~
26 ~~or mitigate a substantial financial loss to the county, city or unincorporated town or~~
27 ~~to enable the governing body to provide an essential service to the residents of the~~
28 ~~county, city or unincorporated town.] (Deleted by amendment.)~~

29 ~~Sec. 17. NRS 361.4726 is hereby amended to read as follows:~~

30 ~~361.4726 1. Except as otherwise provided by specific statute, if any~~
31 ~~legislative act which becomes effective after April 6, 2005, imposes a duty on a~~
32 ~~taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad~~
33 ~~valorem tax, the amount of the new tax or increase in the rate of the existing tax is~~
34 ~~exempt from each partial abatement from taxation provided pursuant to NRS~~
35 ~~361.4722, 361.4723 and 361.4724.~~

36 ~~2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288~~
37 ~~and section 6 of this act is exempt from each partial abatement from taxation~~
38 ~~provided pursuant to NRS 361.4722, 361.4723 and 361.4724.~~

39 ~~3. For the purposes of this section, "taxing entity" does not include the State.]~~
40 ~~(Deleted by amendment.)~~

41 ~~Sec. 18. NRS 277A.345 is hereby repealed.~~

42 ~~Sec. 19. This act becomes effective upon passage and approval.~~

TEXT OF REPEALED SECTION

277A.345 Counties whose population is 700,000 or more: Establishment of regional rapid transit authority; development of plan for establishment of regional rapid transit system by authority.

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

- (a) The activities and meetings of the authority;
- (b) Any findings made by the authority regarding the analysis required by subsection 3; and
- (c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.