

Amendment No. 691

Senate Amendment to Assembly Bill No. 214 First Reprint	(BDR 22-90)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 214 R1 (§§ 2, 3).
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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.

HAC



Date: 5/20/2023

A.B. No. 214—Revises provisions governing certain regional transportation commissions. (BDR 22-90)





ASSEMBLY BILL NO. 214—ASSEMBLYWOMAN ANDERSON

FEBRUARY 22, 2023

JOINT ~~SPONSOR: SENATOR~~ SPONSORS: SENATORS DALY ; AND GOICOECHEA

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing certain regional transportation commissions. (BDR 22-90)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE ~~(§ 2)~~ (§§ 2, 3)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 regional transportation commissions; requiring a regional transportation commission in certain counties to establish an advisory committee; revising certain requirements relating to the security in operations of a regional transportation commission; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission in certain counties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highways plan has been adopted as part of the master plan by the county or regional planning commission. (NRS 277A.170) Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property. (NRS 277A.260) **Section 2** of this bill authorizes a regional transportation commission to establish a fine for a passenger who refuses to comply with a regional or statewide health and safety standard or mandate. **Section 2** further requires a regional transportation commission or any person who contracts with a regional transportation commission to operate a public transit system to: (1) maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that results in an injury to an employee; and (2) upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the regional transportation commission, to provide such audio or video recordings to the employee organization.

Existing law requires the regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to establish an advisory committee to provide certain information and advice to the commission relating to public mass transportation in the county. The advisory committee consists of: (1) two members of the general public from each city within the county who are appointed by the governing body

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of that city; and (2) six members of the general public appointed by the regional transportation commission. (NRS 277A.340) **Section 3** of this bill instead requires the regional transportation commission **in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** to ~~appoint members to the~~ **establish an** advisory committee. **Section 3** further provides that the membership of the committee must include: (1) at least two members who are ~~representatives of the~~ employees ~~who work on a~~ **of the person who contracts with the commission to operate the** public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees; (2) at least one member of the general public; and (3) any other additional members appointed at the discretion of the regional transportation commission. **Section 3** also authorizes a regional transportation commission to assign certain duties of the advisory committee to another committee established by the regional transportation commission, provided that the membership of the other committee meets the membership requirements for an advisory committee.

~~[Section 1.5 of this bill requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to establish an advisory committee to provide certain information and advice to the regional transportation commission relating to public mass transportation in the county. Section 1.5 provides that the advisory committee consist of: (1) one member of the general public from each city within the county who is appointed by the governing body of that city; and (2) three members of the general public appointed by the regional transportation commission. Section 1.5 also requires the appointing authorities to coordinate to ensure that at least two of the members on the advisory committee are representatives of the employees who work for the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees.]~~

**Section 6** of this bill revises a reference to federal law.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.5.** ~~[Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. In a county whose population is 100,000 or more but less than 700,000, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county and any other related subject as requested by the commission. The membership of the advisory committee must consist of:~~

~~(a) One member of the general public from each city within the county who is appointed by the governing body of that city; and~~

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

~~2. The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:~~

~~(a) Are representatives of the employees who work for the public transit system in the county;~~

~~(b) Are not in a supervisory position; and~~

~~(c) Are recommended by the principal officers of the employee organization that represents such employees.~~

~~3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.~~

~~4. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.~~

~~5. The advisory committee shall meet at least four times annually.~~  
~~6. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.~~  
~~7. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.~~ **(Deleted by amendment.)**

**Sec. 2.** NRS 277A.260 is hereby amended to read as follows:

277A.260 1. A commission may:

~~1. (a)~~ Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

~~2. (b)~~ Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

~~3. (c)~~ Establish ~~fine~~ fines for a passenger who refuses to ~~pay~~:

(1) Pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission ~~and~~; or

(2) Comply with a regional or statewide health and safety standard or mandate.

➤ If the commission establishes such ~~fine~~ fines, the commission may establish procedures that provide for the issuance and collection of the ~~fine~~ fines.

2. The commission or any person who contracts with the commission to operate the public transit system shall:

(a) Maintain, in accordance with all applicable provisions of state and federal law, any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system.

(b) Upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the commission to operate the public transit system, provide the employee organization with any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system, provided that the commission and the person who contracts with the commission to operate the public transit system receive a written request by the employee organization for the audio or video recording within 10 calendar days of the incident.

**Sec. 3.** NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~Except as otherwise provided in subsection 8, in~~ a county whose population is ~~700,000~~ 100,000 or more, the commission shall establish an advisory committee to ~~provide~~:

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~and~~; and

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

1 (a) ~~Two~~ *At least two* members ~~of the general public from each city within~~  
2 ~~the county who are appointed by the governing body of that city; and~~ *who:*

3 (1) ~~Are representatives of the~~ *employees* ~~who work on~~ *of the person*  
4 *who contracts with the commission to operate the public transit system in the*  
5 *county;*

6 (2) *Are not in a supervisory position; and*

7 (3) *Are recommended by the principal officers of the employee*  
8 *organization that represents such employees.*

9 (b) ~~Six members~~ *At least one member* of the general public . ~~appointed by~~  
10 ~~the commission.~~

11 ~~— 2.~~ (c) *Any other additional members appointed at the discretion of the*  
12 *commission.*

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

16 ~~3.~~ 4. A vacancy occurring in the membership of the advisory committee  
17 must be filled in the same manner as the original appointment.

18 ~~4.~~ 5. The advisory committee shall meet at least ~~six~~ *four* times annually.

19 ~~5.~~ 6. At its first meeting and annually thereafter, the advisory committee  
20 shall elect a chair and vice chair from among its members.

21 ~~6.~~ 7. Each member of the advisory committee serves without compensation  
22 and is not entitled to receive a per diem allowance or travel expenses.

23 8. *If a commission has established other committees, the commission may*  
24 *assign the duty of an advisory committee to provide information and advice to the*  
25 *commission concerning the construction, installation and maintenance of*  
26 *benches, shelters and transit stops for passengers of public mass transportation in*  
27 *the county to another committee, provided that the membership of the other*  
28 *committee meets the requirements of paragraphs (a) and (b) of subsection 2.*

29 **Sec. 4.** (Deleted by amendment.)

30 **Sec. 5.** (Deleted by amendment.)

31 **Sec. 6.** NRS 277A.450 is hereby amended to read as follows:

32 277A.450 1. Notwithstanding the provisions of chapter 332 of NRS or NRS  
33 625.530, a commission may utilize a turnkey procurement process to select a  
34 person to design, build, finance, operate and maintain, or any combination thereof,  
35 a high-capacity transit system, including, without limitation, any minimum operable  
36 segment thereof. The commission shall determine whether to utilize turnkey  
37 procurement for a high-capacity transit project before the completion of the  
38 preliminary engineering phase of the project. In making that determination, the  
39 commission shall evaluate whether turnkey procurement is the most cost-effective  
40 method of constructing the project on schedule and in satisfaction of its  
41 transportation objectives.

42 2. Notwithstanding the provisions of chapter 332 of NRS, a commission may  
43 utilize a competitive negotiation procurement process to procure rolling stock for a  
44 high-capacity transit project and any other equipment that is related to the project.  
45 The award of a contract under such a process must be made to the person whose  
46 proposal is determined to be the most advantageous to the commission, based on  
47 price and other factors specified in the procurement documents.

48 3. If a commission develops a high-capacity transit project, the Department of  
49 Transportation is hereby designated to serve as the oversight agency to ensure  
50 compliance with the federal safety regulations for rail fixed guideway *public*  
51 *transportation* systems set forth in 49 C.F.R. Part ~~659.~~ *674.*

52 4. As used in this section:

1 (a) "Minimum operable segment" means the shortest portion of a high-capacity  
2 transit system that is technically capable of providing viable public transportation  
3 between two end points.

4 (b) "Turnkey procurement" means a competitive procurement process by  
5 which a person is selected by a commission, based on evaluation criteria  
6 established by the commission, to design, build, operate and maintain, or any  
7 combination thereof, a high-capacity transit system, or a portion thereof, in  
8 accordance with performance criteria and technical specifications established by the  
9 commission.

10 **Sec. 7.** (Deleted by amendment.)

11 **Sec. 8.** The provisions of NRS 354.599 do not apply to any additional  
12 expenses of a local government that are related to the provisions of this act.