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ASSEMBLY BILL NO. 61—COMMITTEE  
ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE CITY OF SPARKS)

PREFILED NOVEMBER 20, 2024

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Referred to Committee on Growth and Infrastructure

**SUMMARY**—Authorizes the Regional Transportation Commission of Washoe County or any local government within Washoe County to establish a demonstration project for a certain toll road. (BDR 43-468)

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

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

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**AN ACT** relating to transportation; prohibiting the Department of Motor Vehicles from renewing the registration of a motor vehicle under certain circumstances; exempting certain property rights relating to a demonstration project for a certain toll road from the imposition of property tax; authorizing the Regional Transportation Commission of Washoe County or any local government within Washoe County to establish a demonstration project for a certain toll road; authorizing the Commission or a local government within Washoe County to enter into public-private partnerships to plan, design, finance, construct, improve, maintain, operate or acquire rights-of-way for the demonstration project; authorizing the issuance of certain bonds or notes of the Commission or a local government within Washoe County to finance the project; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1     **Sections 3-33** of this bill enact the La Posada Drive to USA Parkway  
2 Connection Toll Road Demonstration Project Act which: (1) authorizes the  
3 Regional Transportation Commission of Washoe County or any local government  
4 within Washoe County to establish a demonstration project for a toll road  
5 connecting the eastern terminus of La Posada Drive within the City of Sparks to the



6 area in the vicinity of the intersection of State Route 439 and U.S. Interstate  
7 Highway 80; and (2) establishes various requirements for the demonstration  
8 project. **Section 17:** (1) authorizes the Commission or a local government within  
9 Washoe County to take certain actions with respect to the demonstration project;  
10 and (2) provides that the demonstration project must be and remain a public  
11 highway owned by the Commission or a local government within Washoe County.

12 **Section 17** deems State Route 445 and U.S. Interstate Highway 80 alternate  
13 routes to the toll road which do not require a user fee and which accommodate all  
14 classes of vehicles. **Section 18** prohibits the Commission and the Department of  
15 Transportation from prohibiting or seeking a federal prohibition on the use of any  
16 classes of vehicles which are authorized to use State Route 445 and U.S. Interstate  
17 Highway 80.

18 **Section 19** authorizes the Commission or a local government within Washoe  
19 County to enter into a public-private partnership with one or more private partners  
20 for planning, designing, financing, constructing, improving, maintaining, operating  
21 or acquiring rights-of-way for the demonstration project. **Section 12** designates the  
22 Commission or a local government within Washoe County a "public partner" if  
23 the entity has entered into such a public-private partnership. **Section 20** sets forth  
24 the requirements which must be satisfied to be eligible as a private partner in a  
25 public-private partnership to undertake work for the demonstration project. **Section**  
26 **21** provides for the confidentiality of certain information obtained by or disclosed  
27 to the Commission or local government during the procurement or negotiation of a  
28 public-private partnership.

29 **Section 22** establishes limits on the term of a public-private partnership and  
30 provides circumstances under which the term may be extended. **Section 23** sets  
31 forth certain mandatory and optional provisions for inclusion in a public-private  
32 partnership.

33 **Section 24** requires a public partner to establish or include in the public-private  
34 partnership: (1) a schedule of user fees for the use of the demonstration project or a  
35 methodology for establishing such a schedule; and (2) administrative fines and  
36 other penalties for nonpayment of user fees. **Section 24** sets forth certain  
37 exemptions from such user fees and authorizes a public partner to establish  
38 additional exemptions. **Section 25** provides that registered owners are subject to  
39 administrative fines and penalties for failure to pay a required user fee. **Sections 1**  
40 **and 25** of this bill require the Department of Motor Vehicles to place a hold on the  
41 renewal of the registration of a motor vehicle if a public partner or a private partner  
42 files a notice with the Department of Motor Vehicles that the registered owner of  
43 the motor vehicle has failed to pay a required fee. **Section 1** authorizes the  
44 Department to require a public partner or private partner to pay a fee for the  
45 creation, maintenance or revision of a record concerning such a notice. **Section 25**  
46 authorizes the Department to impose an additional fee upon any person who applies  
47 for the renewal of the registration of a motor vehicle subject to a hold for  
48 nonpayment of a required fee.

49 **Section 26** requires that all money that is received and that is to be retained by  
50 a public partner pursuant to a public-private partnership in connection with the  
51 demonstration project that is derived from the imposition of any charge with  
52 respect to the operation of any motor vehicle upon any public highway in this State  
53 must be deposited in the State Highway Fund and, except for cost of administration,  
54 must be used exclusively for the construction, maintenance and repair of the public  
55 highways of this State. **Section 26** also provides that the money must first be used  
56 to defray the obligation of a public partner under a public-private partnership,  
57 including, without limitation, the costs of administration, design, construction,  
58 operation, maintenance, financing and repair of the demonstration project.



59 **Section 27** sets forth the manner in which the demonstration project and any  
60 property improvement determined by a public partner to be necessary or desirable  
61 therefor may be financed.

62 **Section 28** grants a public partner the power to acquire, condemn or hold  
63 certain real property and appurtenances for the demonstration project and grant to a  
64 private partner a lease, easement, operating agreement, license, permit or right of  
65 entry for such real property and appurtenances. **Sections 2 and 28** of this bill  
66 exempt such real property and appurtenances, or the use thereof, from all real  
67 property and ad valorem taxes.

68 **Section 29** provides that a private partner is exempt from any assessment on  
69 property which a public partner provides to the private partner pursuant to a public-  
70 private partnership and on which the demonstration project is located. **Section 30**  
71 requires a private partner to use competitive bidding to award contracts for  
72 construction work on the demonstration project and to pay prevailing wages to  
73 workers engaged in construction on the demonstration project. **Section 31** imposes  
74 on a private partner, the Commission and certain local governments in Washoe  
75 County certain duties relating to advertisements for requests by a private partner for  
76 bids for the performance of construction work for a public-private partnership.

77 **Section 32:** (1) provides for the authorization of a private partner to remove  
78 encroachments or relocate a utility from the right-of-way of the demonstration  
79 project; (2) authorizes a public partner to incorporate resulting costs into a public-  
80 private partnership; and (3) prohibits the requirement that a utility pay any costs  
81 related thereto.

82 **Section 33** provides that, in the event of conflict with other statutory provisions  
83 governing the administration of highways in this State, the provisions of the Act  
84 control.

85 **Sections 5-16** define certain words and terms for the purposes of the Act.

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

1 **Section 1.** NRS 482.2805 is hereby amended to read as  
2 follows:

3 482.2805 1. Except as otherwise provided in subsection 3,  
4 the Department of Motor Vehicles shall not renew the registration of  
5 a motor vehicle if ~~fa~~:

6 (a) A local authority has filed with the Department of Motor  
7 Vehicles a notice of nonpayment pursuant to NRS 484B.527, ~~for if~~  
8 ~~the~~ *unless, at the time for renewal of the registration, the*  
9 *registered owner of the motor vehicle provides to the Department*  
10 *of Motor Vehicles a receipt issued by the local authority pursuant*  
11 *to NRS 482.2807;*

12 (b) *The* Department of Transportation or a private partner under  
13 a public-private partnership has filed a notice of nonpayment  
14 pursuant to section 42 of the Boulder City Bypass Toll Road  
15 Demonstration Project Act, unless, at the time for renewal of the  
16 registration, the registered owner of the motor vehicle provides to  
17 the Department of Motor Vehicles ~~fa receipt issued by the local~~  
18 ~~authority pursuant to NRS 482.2807, or~~ a receipt issued by the



1 Department of Transportation or a private partner under a public-  
2 private partnership ~~[ ]~~ *entered into pursuant to that Act; or*

3 *(c) A public partner or a private partner under a public-private*  
4 *partnership has filed a notice of nonpayment pursuant to section*  
5 *25 of this act, unless, at the time for renewal of the registration,*  
6 *the registered owner of the motor vehicle provides to the*  
7 *Department of Motor Vehicles a receipt issued by a public partner*  
8 *or a private partner under a public-private partnership entered*  
9 *into pursuant to that Act.*

10 2. If the registered owner provides a receipt to the Department  
11 of Motor Vehicles pursuant to subsection 1 and complies with the  
12 other requirements of this chapter, the Department of Motor  
13 Vehicles shall renew the registration of the motor vehicle.

14 3. The Department of Motor Vehicles shall renew the  
15 registration of a motor vehicle owned by a short-term lessor for  
16 which the Department of Motor Vehicles has received a notice of  
17 nonpayment pursuant to NRS 484B.527 , ~~[or]~~ section 42 of the  
18 Boulder City Bypass Toll Road Demonstration Project Act *or*  
19 *section 25 of this act* without requiring the short-term lessor to  
20 provide a receipt pursuant to subsection 1 if the short-term lessor  
21 submits to the Department of Motor Vehicles a certificate issued by  
22 a local authority, the Department of Transportation or a *public*  
23 *partner or* private partner under a public-private partnership  
24 pursuant to subsection 4.

25 4. A local authority, the Department of Transportation or a  
26 *public partner or* private partner under a public-private partnership  
27 shall, upon request, issue to a short-term lessor a certificate which  
28 requires the Department of Motor Vehicles to renew the registration  
29 of a motor vehicle owned by the short-term lessor without requiring  
30 the short-term lessor to provide a receipt pursuant to subsection 1 if  
31 the short-term lessor provides the local authority, the Department of  
32 Transportation or a *public partner or* private partner under a public-  
33 private partnership with the name, address and number of the  
34 driver's license of the short-term lessee who was leasing the vehicle  
35 at the time of the violation.

36 5. Upon the request of the registered owner of a motor vehicle,  
37 the Department of Motor Vehicles shall provide a copy of the notice  
38 of nonpayment filed with the Department of Motor Vehicles by  
39 ~~[the]~~ :

40 *(a) The* local authority pursuant to NRS 484B.527 ~~[or the]~~ ;

41 *(b) The* Department of Transportation or a private partner under  
42 a public-private partnership pursuant to section 42 of the Boulder  
43 City Bypass Toll Road Demonstration Project Act ~~[ ]~~ ; *or*

44 *(c) A public partner or private partner under a public-private*  
45 *partnership pursuant to section 25 of this act.*



1 6. If the registration of a motor vehicle that is identified in a  
2 notice of nonpayment filed with the Department of Motor Vehicles  
3 by a local authority pursuant to NRS 484B.527, ~~for~~ the Department  
4 of Transportation or a private partner under a public-private  
5 partnership pursuant to section 42 of the Boulder City Bypass Toll  
6 Road Demonstration Project Act *or a public partner or private*  
7 *partner under a public-private partnership pursuant to section 25*  
8 *of this act* is not renewed for two consecutive periods of  
9 registration, the Department of Motor Vehicles shall delete any  
10 records maintained by the Department of Motor Vehicles  
11 concerning that notice.

12 7. The Department of Motor Vehicles may require ~~it~~ :

13 (a) A local authority to pay a fee for the creation, maintenance  
14 or revision of a record of the Department of Motor Vehicles  
15 concerning a notice of nonpayment filed with the Department of  
16 Motor Vehicles by the local authority pursuant to NRS 484B.527.  
17 ~~[The Department of Motor Vehicles may require the]~~

18 (b) The Department of Transportation or a private partner under  
19 a public-private partnership to pay a fee for the creation,  
20 maintenance or revision of a record of the Department of Motor  
21 Vehicles concerning a notice of nonpayment filed with the  
22 Department of Motor Vehicles by the Department of Transportation  
23 or a private partner under a public-private partnership pursuant to  
24 section 42 of the Boulder City Bypass Toll Road Demonstration  
25 Project Act.

26 (c) *A public partner or private partner under a public-private*  
27 *partnership to pay a fee for the creation, maintenance or revision*  
28 *of a record of the Department of Motor Vehicles concerning a*  
29 *notice of nonpayment filed with the Department of Motor Vehicles*  
30 *by a public partner or private partner under a public-private*  
31 *partnership pursuant to section 25 of this act.*

32 8. The Department of Motor Vehicles shall, by regulation,  
33 establish any fee required by ~~this~~ subsection ~~7~~ 7. Any fees  
34 collected by the Department pursuant to ~~this~~ subsection 7 must be:

35 (a) Deposited with the State Treasurer for credit to the Motor  
36 Vehicle Fund; and

37 (b) Allocated to the Department to defray the cost of carrying  
38 out the provisions of this section.

39 **Sec. 2.** NRS 361.157 is hereby amended to read as follows:

40 361.157 1. When any real estate or portion of real estate  
41 which for any reason is exempt from taxation is leased, loaned or  
42 otherwise made available to and used by a natural person,  
43 association, partnership or corporation in connection with a business  
44 conducted for profit or as a residence, or both, the leasehold interest,



1 possessory interest, beneficial interest or beneficial use of the lessee  
2 or user of the property is subject to taxation to the extent the:

3 (a) Portion of the property leased or used; and

4 (b) Percentage of time during the fiscal year that the property is  
5 leased by the lessee or used by the user, in accordance with  
6 NRS 361.2275,

7 ↪ can be segregated and identified. The taxable value of the interest  
8 or use must be determined in the manner provided in subsection 3 of  
9 NRS 361.227 and in accordance with NRS 361.2275.

10 2. Subsection 1 does not apply to:

11 (a) Property located upon a public airport, park, market or  
12 fairground, or any property owned by a public airport, unless the  
13 property owned by the public airport is not located upon the public  
14 airport and the property is leased, loaned or otherwise made  
15 available for purposes other than for the purposes of a public airport,  
16 including, without limitation, residential, commercial or industrial  
17 purposes;

18 (b) Federal property for which payments are made in lieu of  
19 taxes in amounts equivalent to taxes which might otherwise be  
20 lawfully assessed;

21 (c) Property of any state-supported educational institution,  
22 except any part of such property located within a tax increment area  
23 created pursuant to NRS 278C.155;

24 (d) Property leased or otherwise made available to and used by a  
25 natural person, private association, private corporation, municipal  
26 corporation, quasi-municipal corporation or a political subdivision  
27 under the provisions of the Taylor Grazing Act or by the United  
28 States Forest Service or the Bureau of Reclamation of the United  
29 States Department of the Interior;

30 (e) Property of any Indian or of any Indian tribe, band or  
31 community which is held in trust by the United States or subject to a  
32 restriction against alienation by the United States;

33 (f) Vending stand locations and facilities operated by persons  
34 who are blind under the auspices of the Bureau of Services to  
35 Persons Who Are Blind or Visually Impaired of the Rehabilitation  
36 Division of the Department of Employment, Training and  
37 Rehabilitation, whether or not the property is owned by the federal,  
38 state or a local government;

39 (g) Leases held by a natural person, corporation, association,  
40 municipal corporation, quasi-municipal corporation or political  
41 subdivision for development of geothermal resources, but only for  
42 resources which have not been put into commercial production;

43 (h) The use of exempt property that is leased, loaned or made  
44 available to a public officer or employee, incident to or in the course  
45 of public employment;



1 (i) A parsonage owned by a recognized religious society or  
2 corporation when used exclusively as a parsonage;

3 (j) Property owned by a charitable or religious organization all,  
4 or a portion, of which is made available to and is used as a residence  
5 by a natural person in connection with carrying out the activities of  
6 the organization;

7 (k) Property owned by a governmental entity and used to  
8 provide shelter at a reduced rate to elderly persons or persons having  
9 low incomes;

10 (l) The occasional rental of meeting rooms or similar facilities  
11 for periods of less than 30 consecutive days;

12 (m) The use of exempt property to provide day care for children  
13 if the day care is provided by a nonprofit organization; ~~for~~

14 (n) Any lease, easement, operating agreement, license, permit or  
15 right of entry for any exempt state property granted by the  
16 Department or the Regional Transportation Commission of  
17 Southern Nevada pursuant to section 45 of the Boulder City Bypass  
18 Toll Road Demonstration Project Act ~~for~~; or

19 *(o) Any lease, easement, operating agreement, license, permit*  
20 *or right of entry for any exempt state property granted by the*  
21 *Department, the Regional Transportation Commission of Washoe*  
22 *County or a local government within Washoe County pursuant to*  
23 *section 28 of this act.*

24 3. Taxes must be assessed to lessees or users of exempt real  
25 estate and collected in the same manner as taxes assessed to owners  
26 of other real estate, except that taxes due under this section do not  
27 become a lien against the property. When due, the taxes constitute a  
28 debt due from the lessee or user to the county for which the taxes  
29 were assessed and, if unpaid, are recoverable by the county in the  
30 proper court of the county.

31 **Sec. 3.** Sections 3 to 33, inclusive, of this act may be cited as  
32 the La Posada Drive to USA Parkway Connection Toll Road  
33 Demonstration Project Act. This act shall only apply to the La  
34 Posada Drive to USA Parkway Connection Toll Road  
35 Demonstration Project Act and not to any other project within this  
36 State.

37 **Sec. 4.** As used in this act, unless the context otherwise  
38 requires, the words and terms defined in sections 5 to 16, inclusive,  
39 of this act have the meanings ascribed to them in those sections.

40 **Sec. 5.** "Authorized emergency vehicle" has the meaning  
41 ascribed to it in NRS 484A.020.

42 **Sec. 6.** "Commission" means the Regional Transportation  
43 Commission of Washoe County.

44 **Sec. 7.** "Concession" means any lease, ground lease, franchise,  
45 easement, permit, right of entry, operating agreement or other



1 binding agreement transferring rights for the use or control, in whole  
2 or in part, of the demonstration project by a public partner to a  
3 private partner.

4 **Sec. 8.** “Demonstration project” means the toll road  
5 demonstration project established by a public partner pursuant to  
6 section 17 of this act.

7 **Sec. 9.** “Local government” has the meaning ascribed to it in  
8 NRS 338.010.

9 **Sec. 10.** “Motor vehicle” has the meaning ascribed to it in  
10 NRS 484A.130.

11 **Sec. 11.** “Private partner” means a person with whom a public  
12 partner enters into a public-private partnership.

13 **Sec. 12.** “Public partner” means:

14 1. The Commission; or

15 2. A local government within Washoe County,

16 ↪ if the entity has entered into a public-private partnership with a  
17 private partner pursuant to section 19 of this act.

18 **Sec. 13.** “Public-private partnership” means a contract entered  
19 into by a public partner and a private partner under which the  
20 private partner:

21 1. Assists the public partner in defining a potential project  
22 concerning the demonstration project and negotiates terms for  
23 potentially carrying out the planning, design, financing,  
24 construction, improvement, maintenance or operation of or  
25 acquisition of rights-of-way for, or any combination thereof, the  
26 demonstration project or any portion thereof; or

27 2. Assumes responsibility for planning, designing, financing,  
28 constructing, improving, maintaining, operating or acquiring rights-  
29 of-way for the demonstration project or any portion thereof.

30 **Sec. 14.** “Registered owner” means a person whose name  
31 appears in the records of the Department of Motor Vehicles as the  
32 person to whom a motor vehicle is registered.

33 **Sec. 15.** “Toll road” means a highway and appurtenant  
34 facilities for which a user must pay a user fee as a condition of use.

35 **Sec. 16.** “User fee” means a toll, fee, fare or other similar  
36 charge, including, without limitation, any incidental, account  
37 maintenance, administrative, credit card or video tolling fee or  
38 charge authorized by the Commission or a public-private  
39 partnership and imposed on a person for the use of a toll road.

40 **Sec. 17.** 1. The Commission or any local government within  
41 Washoe County may establish a toll road demonstration project in  
42 connection with the toll road connecting the eastern terminus of La  
43 Posada Drive within the City of Sparks to the area in the vicinity of  
44 State Route 439 at its intersection with U.S. Interstate Highway 80  
45 near Mile Marker 33 and may:





1 (a) Include, without limitation, highways, roads, bridges, on-  
2 ramps, off-ramps, direct connectors to or from other highways or  
3 arterials, tunnels, connectors to an airport, pavement, shoulders,  
4 structures, culverts, curbs, toll gantries and systems, drains, rights-  
5 of-way, buildings, communication facilities, equipment  
6 appurtenances, lighting, signage, service centers, operations centers,  
7 services, personal property and works incidental to, related to or  
8 desirable for highway design, construction, improvement,  
9 maintenance or operation required, laid out, constructed, improved,  
10 maintained or operated for highway purposes.

11 (b) Include any appurtenant facilities and facilities necessary for  
12 financing, connectivity, operations, maintenance, mobility or safety  
13 of the demonstration project, which may include tolled and  
14 nontolled elements and on- and off-site facilities.

15 (c) Be developed in one or more phases, through one or more  
16 solicitations and with one or more private partners.

17 2. The Commission or a local government within Washoe  
18 County may perform such tasks as are necessary and appropriate to  
19 plan, design, finance, construct, improve, maintain, operate and  
20 acquire rights-of-way for the demonstration project, including,  
21 without limitation:

22 (a) Plan, design, finance, construct, maintain, operate and make  
23 such other improvements to existing highways as may be necessary  
24 and appropriate to accommodate, develop and own the  
25 demonstration project.

26 (b) Determine the allowable uses of and the goals, standards,  
27 specifications and criteria of the demonstration project.

28 (c) Enter into agreements with any other political subdivision of  
29 this State, another state or the Federal Government for planning,  
30 designing, financing, constructing, improving, maintaining,  
31 operating and acquiring rights-of-way for the demonstration project.

32 (d) Enter into public-private partnerships for planning,  
33 designing, financing, constructing, improving, maintaining,  
34 operating and acquiring rights-of-way for the demonstration project.

35 (e) Retain legal, financial, technical and other consultants to  
36 assist the public partner concerning the demonstration project.

37 (f) Secure financial and other assistance for planning, designing,  
38 financing, constructing, improving, maintaining, operating and  
39 acquiring rights-of-way for the demonstration project.

40 (g) Apply for, accept and expend money from any lawful  
41 source, including, without limitation, any public or private funding,  
42 loan, grant, line of credit, loan guarantee, credit instrument, private  
43 activity bond allocations, credit assistance from the Federal  
44 Government or other type of assistance that is available to carry out  
45 the demonstration project.



1 (h) Accept from any source any grant, donation, gift or other  
2 form of conveyance of land, money, other real or personal property  
3 or other thing of value made to the public partner to carry out the  
4 demonstration project.

5 (i) Pay any compensation to which a private partner is entitled,  
6 pursuant to the terms of a public-private partnership, upon the  
7 termination of the public-private partnership.

8 (j) Enter into a bond indenture, loan agreement, interest rate  
9 swap, financing agreement, security agreement, pledge agreement,  
10 credit facility, trust agreement or other financial agreement in  
11 connection with the financing of the demonstration project.

12 3. The demonstration project, whether planned, designed,  
13 financed, constructed, improved, maintained or operated by the  
14 Commission, a local government within Washoe County, or one or  
15 more private partners, must be and remain:

16 (a) A public highway;

17 (b) A public use;

18 (c) A public facility; and

19 (d) Owned by the Commission or a local government within  
20 Washoe County.

21 4. Before construction of the demonstration project begins,  
22 State Route 445 and U.S. Interstate Highway 80 shall be deemed  
23 alternate routes to the toll road which do not require a user fee and  
24 which accommodate all classes of vehicles. The Commission or any  
25 government entity within this State may establish one or more  
26 additional alternate routes to the toll road which do not require a  
27 user fee and which can accommodate all classes of vehicles that  
28 may be accommodated on State Route 445 and U.S. Interstate  
29 Highway 80 as of the date that construction of the demonstration  
30 project begins.

31 **Sec. 18.** The Commission and the Department of  
32 Transportation shall not:

33 1. Request the Federal Government to prohibit or otherwise  
34 seek to prohibit the use on State Route 445 and U.S. Interstate  
35 Highway 80 of any classes of vehicles which are authorized on  
36 those highways as of the effective date of this section; and

37 2. Exercise any authority delegated to the Commission or the  
38 Department to prohibit the use on State Route 445 and U.S.  
39 Interstate Highway 80 of any classes of vehicles which are  
40 authorized on those highways as of the effective date of this section.

41 **Sec. 19.** 1. The Commission or a local government within  
42 Washoe County may enter into a public-private partnership with one  
43 or more private partners for planning, designing, financing,  
44 constructing, improving, maintaining, operating or acquiring rights-  
45 of-way for the demonstration project. A public-private partnership



1 entered into pursuant to this section may include, without limitation,  
2 a concession and must be awarded through one or more solicitations  
3 that must include, without limitation, some or all of the requests for  
4 qualifications, short-listing of qualified proposers, requests for  
5 proposals, negotiations and best and final offers.

6 2. For any solicitation in which the Commission or the local  
7 government, as applicable, issues a request for qualifications,  
8 request for proposals or similar solicitation for a public-private  
9 partnership, the Commission or the local government may determine  
10 which factors it will consider and the relative weight of those factors  
11 in the evaluation process for the demonstration project to obtain the  
12 best value for the Commission or the local government.

13 3. Each request for proposals issued for the demonstration  
14 project must require each person submitting a proposal to include  
15 with the proposal an executive summary. The executive summary  
16 must address the major elements of the proposal but must not  
17 include the financial terms of the proposal, the financing plan or  
18 other confidential or proprietary information or trade secrets that the  
19 person submitting the proposal intends to be exempt from  
20 disclosure.

21 4. The executive summary for each proposal must be released  
22 to the public by the Commission or the local government, as  
23 applicable.

24 5. Except as otherwise expressly authorized in this act, the  
25 provisions of chapter 338 of NRS shall apply to the demonstration  
26 project.

27 6. If the Commission or the local government, as applicable, is  
28 unable to negotiate a public-private partnership with the applicant  
29 whose proposal appeared to have the best value, upon such terms  
30 and conditions that the Commission or the local government  
31 determines to be in the best interest of the public, the Commission  
32 or the local government may suspend or terminate negotiations with  
33 that applicant. The Commission or the local government may then  
34 undertake negotiations with the next highest-rated applicant in  
35 sequence until a public-private partnership is entered into or a  
36 determination is made by the Commission or the local government  
37 to reject all applicants that submitted proposals.

38 7. After the award and execution of a public-private  
39 partnership, a public partner shall make available to the applicants  
40 and the public the results of the evaluations of proposals and the  
41 final rankings of the applicants.

42 8. Notwithstanding any other law to the contrary, to maximize  
43 competition and to obtain the best value for the public, no part of a  
44 proposal other than the executive summary may be released or  
45 disclosed by the Commission or the local government, as applicable,



1 before the award and execution of the public-private partnership and  
2 the conclusion of any specified period to protest or otherwise  
3 challenge the award, except pursuant to an administrative or judicial  
4 order requiring release or disclosure of any part of the proposal.

5 **Sec. 20.** 1. To be eligible as a private partner in connection  
6 with a public-private partnership, a private partner must:

7 (a) Obtain a performance bond, payment bond, letter of credit,  
8 parent guarantee or other security acceptable to the Commission or  
9 the local government, or any combination thereof, which the  
10 Commission or the local government determines is adequate to:

11 (1) Protect the interests of this State and its political  
12 subdivisions; and

13 (2) Ensure completion of the demonstration project without  
14 this State or its political subdivisions being liable for any of the  
15 direct costs of the demonstration project;

16 (b) Obtain insurance covering general liability and liability for  
17 errors and omissions, in amounts determined by the Commission or  
18 the local government;

19 (c) Not have been found liable for breach of contract with  
20 respect to a previous project with the Commission or any local  
21 government within Washoe County, other than a breach for  
22 legitimate cause during the 5 years immediately preceding the  
23 commencement of the solicitation of the public-private partnership;  
24 and

25 (d) Not have been disqualified from being awarded a contract  
26 pursuant to NRS 338.017, 338.13895 or 338.1475.

27 2. A private partner is not required to hold the licenses and  
28 certifications required to undertake the work for the demonstration  
29 project as a condition of eligibility to be a private partner but must  
30 ensure that any work which requires a license or certification is  
31 performed by persons that possess the required licenses and  
32 certifications.

33 **Sec. 21.** Information obtained by or disclosed to the  
34 Commission or a local government within Washoe County during  
35 the procurement or negotiation of a public-private partnership may  
36 be kept confidential until the public-private partnership is executed,  
37 except that the Commission or the local government may exempt  
38 from release any proprietary information obtained by or disclosed to  
39 the Commission or the local government during the procurement or  
40 negotiation.

41 **Sec. 22.** 1. Except as otherwise provided in subsection 2,  
42 notwithstanding any other law to the contrary, a public-private  
43 partnership may be for a term of not more than 40 years after the  
44 opening of the demonstration project to the public and the  
45 commencement of its full operations and collection of revenue.



- 1 2. A public-private partnership may be extended:  
2 (a) As a result of an event in the nature of force majeure;  
3 (b) As a means to compensate the private partner for events set  
4 forth in the public-private partnership that entitle the private partner  
5 to compensation; or  
6 (c) For additional terms upon the mutual agreement of the  
7 private partner and the public partner.

8 **Sec. 23.** 1. A public-private partnership entered into  
9 pursuant to this act may include provisions that:

10 (a) Authorize a public partner and a private partner to charge,  
11 collect, use, enforce and retain user fees, including, without  
12 limitation, provisions that:

13 (1) Specify the technology to be used in the demonstration  
14 project;

15 (2) Establish circumstances under which a public partner  
16 may receive the revenues or a share of the revenues from such user  
17 fees;

18 (3) State that the user fees may be collected directly by a  
19 public partner, a private partner or by a third party engaged for that  
20 purpose;

21 (4) Prescribe a formula, indexation or mechanism for the  
22 adjustment of user fees during the term of the public-private  
23 partnership;

24 (5) Allow a variety of strategies to be employed to manage  
25 traffic on the demonstration project that a public partner determines  
26 are appropriate based on the specific circumstances of the  
27 demonstration project; and

28 (6) Govern the enforcement of user fees, including, without  
29 limitation, provisions for the use of cameras or other mechanisms to  
30 ensure that users have paid user fees which are due and provisions  
31 that allow a public partner and private partner to request information  
32 from relevant databases, including, without limitation, databases of  
33 the Department of Motor Vehicles, pursuant to the provisions of  
34 NRS 481.063, for enforcement purposes. The Commission may  
35 impose a civil penalty of not more than \$10,000 per violation for  
36 misuse of the data contained in such databases, including, without  
37 limitation, negligence in securing the data properly. Any civil  
38 penalty collected pursuant to this subparagraph must be deposited in  
39 the State General Fund.

40 (b) Allow for payments to be made by a public partner to a  
41 private partner, including, without limitation, periodic payments,  
42 construction payments, payments for attaining milestones, progress  
43 payments, payments based on availability or other performance-  
44 based payments, payments relating to events for which the public-  
45 private partnership requires payment of compensation and payments



1 relating to or arising out of the termination of the public-private  
2 partnership.

3 (c) Allow a public partner to accept payments of money from,  
4 and share revenues with, the private partner. The public partner shall  
5 deposit such money in the State Highway Fund.

6 (d) Address the manner in which a public partner and a private  
7 partner will share management of the risks of the demonstration  
8 project.

9 (e) Specify the manner in which a public partner and a private  
10 partner will share the costs of any development of the demonstration  
11 project.

12 (f) Allocate financial responsibility for any costs that exceed the  
13 amount specified in the public-private partnership.

14 (g) Establish applicable liquidated or stipulated damages to be  
15 assessed for nonperformance by the private partner.

16 (h) Establish performance measurements, or incentives, or both.

17 (i) Address the acquisition of rights-of-way and other property  
18 interests that may be required for the demonstration project,  
19 including, without limitation, provisions that address the exercise of  
20 eminent domain by a public partner in the manner authorized  
21 pursuant to NRS 277A.250 and chapter 37 of NRS.

22 (j) Establish recordkeeping, accounting and auditing standards  
23 to be used for the demonstration project.

24 (k) Upon termination of the public-private partnership, address  
25 responsibility for repair, rehabilitation, reconstruction or renovations  
26 that are required for the demonstration project to meet all applicable  
27 standards set forth in the public-private partnership upon reversion  
28 of the demonstration project to a public partner.

29 (l) Provide for security and law enforcement.

30 (m) Identify any specifications of a public partner that must be  
31 satisfied, including, without limitation, provisions allowing the  
32 private partner to request and receive authorization to deviate from  
33 the specifications on making a showing satisfactory to the public  
34 partner.

35 (n) Specify remedies available and procedures for dispute  
36 resolution, including, without limitation, the right of the private  
37 partner to institute legal proceedings to obtain an enforceable  
38 judgment or award against a public partner in the event of a default  
39 by the public partner and procedures for the use of dispute review  
40 boards, mediation, facilitated negotiation, nonbinding and binding  
41 arbitration and other alternative dispute resolution procedures.

42 (o) Specify the manner in which a public partner and a private  
43 partner will share the costs of ongoing maintenance of the  
44 demonstration project.



1 2. A public-private partnership entered into pursuant to this act  
2 must contain a provision by which a private partner expressly agrees  
3 to be barred from seeking injunctive or other equitable relief to  
4 delay, prevent or otherwise hinder the public partner from  
5 developing or constructing a facility which was planned at the time  
6 the public-private partnership was executed and which may impact  
7 the revenue that the private partner derives from the demonstration  
8 project developed under the public-private partnership. A public-  
9 private partnership may provide for reasonable compensation to a  
10 private partner for the adverse effect on revenue from the  
11 demonstration project developed under the public-private  
12 partnership resulting from the development or construction of  
13 another facility by a public partner.

14 **Sec. 24.** 1. If a public partner enters into a public-private  
15 partnership pursuant to this act, the public partner:

16 (a) Shall adopt, establish or include in the public-private  
17 partnership a schedule of user fees or a methodology for  
18 establishing the user fees that may be charged by the public partner  
19 or a private partner for the use of the demonstration project, which  
20 may include, without limitation, provisions for adjusting the user  
21 fees based on the types of motor vehicle, time of day, traffic  
22 conditions or other factors determined necessary by the public  
23 partner to implement, finance or improve the performance of the  
24 demonstration project. A schedule of user fees or methodology for  
25 establishing user fees to be included in the public-private  
26 partnership must be adopted or established by the public partner at a  
27 public hearing held in compliance with chapter 241 of NRS.

28 (b) Shall, consistent with this act, establish or provide in the  
29 public-private partnership for the establishment of administrative  
30 fines, late charges and other penalties for any person who violates  
31 any regulation or rule governing the use of the demonstration  
32 project or who fails to pay a user fee.

33 (c) In addition to the exemptions provided in subsection 2, may  
34 establish or provide in the public-private partnership for exemptions  
35 from the payment of a user fee.

36 (d) Shall adopt a plan for measuring the performance of the  
37 private partner and, in the event of any unexcused failure by the  
38 private partner to meet such performance measurements, provide for  
39 the rights and remedies of the public partner.

40 2. The following motor vehicles are exempt from any user fee  
41 established by a public partner:

42 (a) A vehicle owned or operated by this State or any of its  
43 political subdivisions.

44 (b) A transit bus or vanpool vehicle owned or operated by an  
45 agency of the United States, to the extent that such vehicles are



1 exempted pursuant to an agreement between the agency or political  
2 subdivision and the public partner or a private partner.

3 (c) An authorized emergency vehicle if the person operating it  
4 is:

5 (1) Responding to an emergency and its emergency lights are  
6 in use; or

7 (2) Enforcing traffic laws.

8 (d) A vehicle used to provide maintenance of the demonstration  
9 project.

10 (e) A vehicle that is exempt pursuant to the terms of a public-  
11 private partnership.

12 3. Not less frequently than once each calendar year, a public  
13 partner shall review any fee schedule established pursuant to this  
14 section and any adjustments to the fee schedule made by a public  
15 partner or a private partner to determine whether the user fees  
16 effectively manage travel times, speed and reliability with regard to  
17 the demonstration project. The public partner shall review and, if  
18 applicable, make any necessary adjustments at a public hearing held  
19 in compliance with chapter 241 of NRS.

20 4. A public partner or a private partner may use any method it  
21 determines appropriate to collect a user fee, including, without  
22 limitation, the issuance of invoices, prepayment requirements and  
23 the use of an electronic, video or automated collection system. An  
24 electronic, video or automated collection system may be used to  
25 verify payment or to charge the user a fee to the:

26 (a) Account of a person whose vehicle is equipped with a  
27 transponder approved by the public partner or other automated  
28 payment technology approved by the public partner;

29 (b) Account of a person who otherwise registers to use the  
30 demonstration project in accordance with the policies and  
31 procedures established by the public partner or set forth in the  
32 public-private partnership; or

33 (c) Registered owner.

34 5. The name, address, other personal identifying information  
35 and trip data of a user is confidential, and a public partner, a private  
36 partner, consultant, contractor or representative thereof shall not  
37 release, sell or distribute such information without the express  
38 written consent of the user, except that a public partner or a private  
39 partner may release such information:

40 (a) As is necessary to collect a user fee and enforce any penalty  
41 for a violation of this act or any policies and procedures established  
42 pursuant thereto or set forth in the public-private partnership; and

43 (b) To a law enforcement agency pursuant to a subpoena.





1 6. A public partner or a private partner may solicit and contract  
2 with any person to provide services relating to the collection of a  
3 user fee.

4 7. A public partner shall establish a privacy policy regarding  
5 the collection and use of personal identifying information pursuant  
6 to this section. The policy must include, without limitation,  
7 provisions requiring that:

8 (a) Except as otherwise provided in paragraph (b), any personal  
9 identifying information used to collect and enforce user fees be  
10 destroyed not later than 30 days after the person has paid the user  
11 fee and any administrative fines, late fees or other penalties and  
12 charges imposed;

13 (b) Any personal identifying information collected for the  
14 establishment of an account for the use of an automated collection  
15 system be:

16 (1) Stored longer than 30 days only if the information is  
17 required to perform account functions, including, without limitation,  
18 billing and other activities directly related to the use of the account;  
19 and

20 (2) Destroyed within 30 days after receiving written notice  
21 that the person who established the account wants to close the  
22 account; and

23 (c) Each person establishing an account for use in an automated  
24 collection system be provided a copy, in a clear and conspicuous  
25 manner, of the privacy policy required by this subsection and all  
26 other applicable privacy laws.

27 **Sec. 25.** 1. Except as otherwise provided in subsection 3, a  
28 registered owner who fails to pay a user fee is subject to an  
29 administrative fine for nonpayment and is liable to a public partner  
30 or a private partner for the payment of the user fee, the  
31 administrative fine and any additional charges or penalties  
32 prescribed by the public partner or set forth in a public-private  
33 partnership.

34 2. If a driver or registered owner fails to pay a user fee, a  
35 public partner or private partner shall provide notice of nonpayment  
36 to the registered owner. The notice must describe the claimed  
37 nonpayment and the amount due, including any additional charges,  
38 administrative fines or penalties, and explaining that the registered  
39 owner must, within 30 days after receiving the notice, pay the full  
40 amount due or contest the claim in the manner described in the  
41 notice. A registered owner who does not pay the full amount due or  
42 contest the claim within 30 days after receiving the notice may not  
43 challenge the claim in a proceeding or action brought by a public  
44 partner or a private partner.



1 3. A short-term lessor of a motor vehicle that is the registered  
2 owner is not liable to a public partner or a private partner for any  
3 failure to pay a user fee arising out of the use of a rented motor  
4 vehicle during any period in which the motor vehicle is not in the  
5 possession of the lessor if, within 45 days after receiving the written  
6 notice from the public partner or private partner, the lessor provides  
7 to the public partner or private partner the name, address, driver's  
8 license number and other identifying information of the person to  
9 whom the motor vehicle was rented at the time of the use of the  
10 demonstration project. If the lessor provides such information, the  
11 person to whom the motor vehicle was rented at the time of the use  
12 of the demonstration project is liable for the user fee or  
13 administrative fee, or both, and any late charges or other penalties or  
14 charges resulting from the failure to pay the user fee.

15 4. A public partner or a private partner may use a photo-  
16 monitoring, video, image capture or other automated or technology-  
17 based enforcement and collections system to detect the failure of a  
18 motor vehicle to register the payment of the required user fee, to  
19 detect the failure of the driver or registered owner to pay a user fee  
20 or to verify and assess the payment of a user fee. The data, including  
21 photographs, images, videotapes and other vehicle and owner  
22 information generated and obtained by the system may be used to  
23 establish the nonpayment of the user fee and to enforce collection of  
24 the user fee and any administrative fines, late charges and other  
25 penalties or charges imposed pursuant to a public-private  
26 partnership. The public partner or private partner shall not use the  
27 information for any other purpose.

28 5. If the registered owner fails to respond to the notice  
29 described in subsection 2, the public partner or private partner may  
30 file a notice of nonpayment with the Department of Motor Vehicles.  
31 The notice must include:

32 (a) The place, time and date of the use of the demonstration  
33 project which, through nonpayment of user fees, administrative fees,  
34 late charges or other penalties or charges, constitutes a violation;

35 (b) The number of the license plate and the make and model  
36 year of the motor vehicle; and

37 (c) The total amount owed to the public partner or private  
38 partner for the violation.

39 6. Upon receipt of the notice described in subsection 5, the  
40 Department of Motor Vehicles shall place a hold on the renewal of  
41 the registration of the motor vehicle described in the notice pursuant  
42 to the provisions of NRS 482.2805.

43 7. In addition to any administrative fine, late charge or other  
44 penalty or charge for nonpayment of a user fee established pursuant  
45 to a public-private partnership which is payable to a public partner



1 or a private partner, the Department of Motor Vehicles may impose  
2 an additional administrative fee of not more than \$15 upon any  
3 person who applies for the renewal of the registration of a motor  
4 vehicle subject to a hold pursuant to this section.

5 8. The Department of Motor Vehicles shall work cooperatively  
6 with a public partner and any private partner to establish a timely  
7 and efficient manner for providing the motor vehicle registration of  
8 the registered owner, pursuant to the provisions of NRS 481.063, to  
9 the public partner and any private partner for the purposes of  
10 collecting and enforcing any user fees and administrative fines, late  
11 charges and other penalties imposed pursuant to this act.

12 **Sec. 26.** 1. All money that is received and that is to be  
13 retained by a public partner pursuant to a public-private partnership  
14 in connection with the demonstration project that is derived from the  
15 imposition of any charge with respect to the operation of any motor  
16 vehicle upon any public highway in this State must be deposited in  
17 the State Highway Fund and, except for costs of administration,  
18 must be used exclusively for the design, financing, construction,  
19 maintenance, operation and repair of the public highways of this  
20 State. The money must first be used to defray the obligations of a  
21 public partner under the public-private partnership, including,  
22 without limitation, the costs of administration, design, financing,  
23 construction, maintenance, operation and repair of the  
24 demonstration project.

25 2. Any other money received by a public partner pursuant to  
26 this act or any policies or procedures established by a public partner  
27 must be deposited in the State Highway Fund and accounted for  
28 separately. The interest and income on the money in the account,  
29 after deducting any applicable charges, must be credited to the  
30 account. The money in the account may be used for:

31 (a) The payment of the costs of planning, designing, financing,  
32 constructing, improving, maintaining, operating or acquiring rights-  
33 of-way for the demonstration project;

34 (b) The payment of the costs of administering the demonstration  
35 project and enforcing the collection of user fees;

36 (c) Satisfying of any obligations of a public partner pursuant to a  
37 public-private partnership; and

38 (d) The costs of administration, construction, maintenance and  
39 repair of the public highways located in Washoe County.

40 **Sec. 27.** 1. The demonstration project and any property  
41 improvement determined by a public partner to be necessary or  
42 desirable therefor may, as determined by the public partner be  
43 financed:

44 (a) By the private partner using its own funds or obtaining funds  
45 in any lawful manner for that entity.



1 (b) By the issuance of revenue bonds or notes of the public  
2 partner which are payable from and secured by:

3 (1) Revenues from the demonstration project, including,  
4 without limitation, user fees and payments established, due and  
5 collected pursuant to this act, other than subsection 7 of section 25  
6 of this act;

7 (2) Payments from a public partner to a private partner  
8 pursuant to a public-private partnership;

9 (3) Money that is received by a public partner as described in  
10 section 26 of this act;

11 (4) Guarantees or other forms of financial assistance from the  
12 private partner or any other person;

13 (5) Any grants, donations or other sources of funding  
14 mentioned in paragraph (f), (g), or (h) of subsection 2 of section 17  
15 of this act, if the use of the money to pay and secure the payment of  
16 the principal of and interest on those bonds or notes is consistent  
17 with and not prohibited by the instrument, law or regulation under  
18 which the money is received;

19 (6) Interest or other gain accruing on any of the money  
20 deposited in the State Highway Fund pursuant to this act; and

21 (7) Any combination thereof,  
22 ↪ as described in the resolution authorizing the issuance of the  
23 bonds or notes.

24 (c) By the issuance of revenue bonds or notes of a public  
25 partner, to finance the demonstration project directly or by making a  
26 loan to the private partner, pursuant to a financing agreement  
27 entered into between the public partner and the private partner to  
28 secure the bonds or notes and provide for their payment.

29 (d) By the issuance of private activity bonds or notes of a public  
30 partner or other eligible issuer, to finance the demonstration project  
31 directly or by making a loan to the private partner, pursuant to a  
32 financing agreement entered into between the public partner and the  
33 private partner for the purpose of securing the bonds or notes and  
34 providing for their payment.

35 (e) By any loan, grant, line of credit, loan guarantee, credit  
36 instrument, private activity bond allocation, credit assistance from  
37 the Federal Government or other type of assistance that is available  
38 to carry out the demonstration project.

39 (f) With any grant, donation, gift or other form of conveyance of  
40 land, money or other real or personal property or other thing of  
41 value made to a public partner to carry out the demonstration  
42 project.

43 (g) With legally available money from any other source,  
44 including a source described in paragraph (f), (g) or (h) of  
45 subsection 2 of section 17 of this act, or from user fees.



1 (h) By any combination of paragraphs (a) to (g), inclusive.  
2 2. Any bonds or notes issued pursuant to paragraph (b), (c) or  
3 (d) of subsection 1:

4 (a) May have a maturity of up to 40 years from the date of  
5 issuance.

6 (b) Are special, limited obligations of the public partner that are,  
7 except as otherwise provided in subsections 3 and 4, payable solely  
8 from the revenues specifically pledged to the payment of those  
9 obligations, as specified in the resolution for the issuance of bonds  
10 or notes, and shall never be a debt of the State under Section 3 of  
11 Article 9 of the Constitution of the State of Nevada.

12 3. If so determined by the public partner, any bonds or notes  
13 issued as described in paragraph (b) of subsection 1 may also be  
14 payable from and secured by taxes which are credited to the State  
15 Highway Fund and which would not cause the bonds or notes to  
16 create a public debt under the provisions of Section 3 of Article 9 of  
17 the Nevada Constitution. In addition, the public partner may pledge  
18 those taxes to and use those taxes for the payment of any of its  
19 obligations under a public-private partnership.

20 4. Any bonds or notes issued pursuant to paragraph (c) or (d)  
21 of subsection 1 may also be payable from and secured by payments  
22 made by and property of and other security provided by the private  
23 partner, including, without limitation, any payments made to the  
24 private partner by the public partner pursuant to the public-private  
25 partnership.

26 **Sec. 28.** 1. A public partner may acquire, condemn or hold  
27 real property and related appurtenances under fee title, lease,  
28 easement, dedication or license for the demonstration project. A  
29 public partner may grant to a private partner a lease, easement,  
30 operating agreement, license, permit or right of entry for such real  
31 property and related appurtenances, and such grant and use shall be  
32 deemed for all purposes:

- 33 (a) A public use;  
34 (b) A public facility; and  
35 (c) A public highway.

36 2. The real property and related appurtenances, or the use  
37 thereof, that are granted by a public partner to the private partner  
38 shall be exempt from all real property and ad valorem taxes.

39 3. The Department of Transportation shall assist a public  
40 partner in any way necessary for the public partner to carry out the  
41 provisions of this section, including, without limitation, granting to  
42 the public partner or a private partner a lease, easement, operating  
43 agreement, license, permit or right of entry.

44 **Sec. 29.** Notwithstanding any specific statute to the contrary, a  
45 private partner is exempt from any assessment on property:



1 1. Which the Department of Transportation or a public partner  
2 owns or acquires or in which the Department or a public partner has  
3 a possessory interest;

4 2. Which the Department or a public partner provides to the  
5 private partner pursuant to a public-private partnership; and

6 3. On which the demonstration project is located.

7 **Sec. 30.** 1. A private partner who enters into a contract for  
8 construction work pursuant to a public-private partnership shall:

9 (a) Award contracts using competitive bidding in accordance  
10 with the provisions of chapter 338 of NRS, and solely for the  
11 purposes of those provisions regarding competitive bidding, the  
12 demonstration project shall be deemed to be a public work and  
13 the private partner shall be deemed to be a public body awarding the  
14 contracts for the demonstration project; and

15 (b) Pay the prevailing wage required pursuant to NRS 338.013  
16 to 338.090, inclusive, and solely for the purposes of those  
17 provisions, the demonstration project shall be deemed to be a public  
18 work and the public partner shall be deemed to be a party to the  
19 contract and to be the public body advertising for bids for the  
20 demonstration project and awarding the construction contract for  
21 the demonstration project.

22 2. Nothing in this section requires a public partner to use  
23 competitive bidding in accordance with the provisions of chapter  
24 338 of NRS to award a public-private partnership to a private  
25 partner.

26 **Sec. 31.** 1. In addition to complying with the provisions of  
27 section 30 of this act, a private partner who enters into a contract for  
28 construction work pursuant to a public-private partnership shall:

29 (a) Advertise for at least 7 calendar days for bids on each  
30 contract for the performance of any portion of the construction work  
31 for the public-private partnership;

32 (b) At least 2 business days before the first day of that  
33 advertisement, provide notice of that advertisement to the  
34 Commission, the Board of County Commissioners of Washoe  
35 County, the City Council of the City of Reno and the City Council  
36 of the City of Sparks;

37 (c) Make available to all prospective bidders on the contract a  
38 written set of plans and specifications for the pertinent work; and

39 (d) Provide public notice of the name and address of each person  
40 who submits a bid on the contract.

41 2. If the Commission, the Board of County Commissioners of  
42 Washoe County, the City Council of the City of Reno and the City  
43 Council of the City of Sparks receive a notice of an advertisement  
44 for bids pursuant to paragraph (b) of subsection 1, the Commission,  
45 Board or City Council:



1 (a) Shall, upon such receipt, post notice of the advertisement on  
2 an Internet website maintained by the Commission, County or City;  
3 and

4 (b) May otherwise provide notice of the advertisement to local  
5 trade organizations and the general public.

6 3. A public partner shall ensure that the private partner  
7 complies with the provisions of subsection 1.

8 **Sec. 32.** 1. A public partner may include authority in a  
9 public-private partnership or otherwise authorize a private partner to  
10 remove any encroachments or relocate any utility from the right-of-  
11 way of the demonstration project. The public partner may  
12 incorporate the costs of such removal or relocation into the public-  
13 private partnership.

14 2. A utility may not be required to pay any cost related to  
15 removing or relocating any property of the utility pursuant to  
16 subsection 1.

17 **Sec. 33.** To the extent practicable, the provisions of this act are  
18 intended to supplement other statutory provisions governing the  
19 administration of highways in this State, and such other provisions  
20 must be given effect to the extent that those provisions do not  
21 conflict with the provisions of this act. If there is a conflict between  
22 such other provisions and the provisions of this act, the provisions  
23 of this act control.

24 **Sec. 34.** This act becomes effective upon passage and  
25 approval.



