
ASSEMBLY BILL NO. 464—ASSEMBLYMAN HARDY

MARCH 16, 2009

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Transportation

SUMMARY—Requires the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project. (BDR S-393)

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.

AN ACT relating to transportation; requiring the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project and to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain the demonstration project; providing for the establishment of tolls, administrative fines and penalties; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay a required toll for the use of the demonstration project and to otherwise assist in the collection of such tolls, fines and penalties; authorizing the Department of Motor Vehicles to establish certain administrative fees; authorizing the issuance of revenue bonds or notes of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 13** of this bill requires the Department of Transportation to establish a
- 2 demonstration project for a toll road in connection with the Boulder City Bypass
- 3 Project. **Section 13** also provides that the demonstration project must be and remain
- 4 a public highway owned by the Department. **Section 14** of this bill requires the
- 5 Department to enter into one or more public-private partnerships for planning,



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6 designing, financing, constructing, improving, maintaining, operating or acquiring
7 rights-of-way for the demonstration project. **Section 16** of this bill requires the
8 Board of Directors of the Department to establish or include in a public-private
9 agreement: (1) a schedule of tolls for the use of the demonstration project or a
10 methodology for establishing such a schedule; and (2) administrative fines and
11 other penalties for nonpayment of tolls. **Section 16** also authorizes the Board to
12 adopt regulations governing exemptions from the tolls for certain motor vehicles.
13 **Section 17** of this bill provides administrative fines and penalties for failure to pay
14 a required toll. **Section 17** requires the Department of Motor Vehicles to place a
15 hold on the renewal of the registration of a motor vehicle if the Department of
16 Transportation or a private partner provides notice to the Department of Motor
17 Vehicles that the registered owner of the motor vehicle has failed to pay a required
18 toll.

19 **Section 18** of this bill, in accordance with the provisions of the Nevada
20 Constitution, provides that money collected by the Department of Transportation or
21 a private partner in connection with the demonstration project that is derived from
22 the imposition of any charge with respect to the operation of any motor vehicle
23 upon any public highway in this State must be deposited in the State Highway Fund
24 and, except for costs of administration, be used exclusively for the construction,
25 maintenance and repair of the public highways of this State. (Nev. Const. Art. 9, §
26 5) **Section 18** also provides that the money must first be used to defray the costs of
27 administration, construction, maintenance and repair of the demonstration project.

28 **Section 19** of this bill provides that the demonstration project and any property
29 improvement determined by the Department to be necessary or desirable therefor
30 may be financed by the private partner to a public-private partnership using its own
31 funds or obtaining funds in any lawful manner for that entity or by the issuance of
32 revenue bonds or notes of the State.

33 **Section 21** of this bill provides that a private partner is exempt from any
34 assessment on property that the Department provides to the private partner pursuant
35 to a public-private partnership and on which the demonstration project is located.

36 **Section 22** of this bill requires a private partner to pay prevailing wages to workers
37 engaged in construction on the demonstration project.

38 **Section 24** of this bill authorizes the Board of Directors to adopt regulations to
39 carry out the demonstration project. **Section 26** of this bill requires the Board of
40 Directors to submit a report concerning the demonstration project to the Legislative
41 Commission on or before February 1 of each even-numbered year and to the
42 Director of the Legislative Counsel Bureau for transmittal to the Legislature on or
43 before February 1 of each odd-numbered year.

1 WHEREAS, The Legislature finds that the State of Nevada is
2 faced with growing traffic congestion and the limited ability to
3 construct new highways because of financial constraints; and

4 WHEREAS, The Legislature finds that it is beneficial to evaluate
5 alternative approaches to financing the construction of new
6 highways in this State; and

7 WHEREAS, The Legislature finds that in other states the
8 construction of toll roads, often by means of public-private
9 partnerships, has been demonstrated to be an effective alternative
10 approach to financing the construction of new highways; and

11 WHEREAS, The Legislature finds that demonstration projects can
12 provide this State with a mechanism to test and evaluate the



1 effectiveness of alternative approaches to financing the construction
2 of new highways; and

3 WHEREAS, The Legislature finds that U.S. 93 in Clark County is
4 part of a major commercial corridor for interstate and international
5 commerce, but is also the principal urban arterial highway for the
6 residents of Boulder City; and

7 WHEREAS, The Legislature finds that the competing and rapidly
8 increasing traffic demands made on U.S. 93 through Boulder City
9 create traffic congestion, threaten the safety of the residents of
10 Boulder City and other users of U.S. 93 and burdens regional
11 development; and

12 WHEREAS, The Legislature finds that the Department of
13 Transportation and the Federal Highway Administration of the
14 United States Department of Transportation have approved a project
15 to construct an alternate freeway route that bypasses Boulder City
16 and provides a link between the U.S. 93 and U.S. 95 Corridors; and

17 WHEREAS, The Legislature finds that the Department of
18 Transportation has secured partial funding for the first phase of what
19 is called the Boulder City Bypass Project, but that an adequate
20 source of money to finance the construction of the entire Project has
21 not been identified; and

22 WHEREAS, The Legislature finds that the Boulder City Bypass
23 Project provides an ideal demonstration area for testing and
24 evaluating the effectiveness of using toll roads to finance the
25 construction of new highways in this State; and

26 WHEREAS, The Legislature finds that public-private partnerships
27 are an effective means to carry out a demonstration project; and

28 WHEREAS, It is the intent of the Legislature to require the
29 Department of Transportation to establish and carry out a
30 demonstration project of a toll road in connection with the Boulder
31 City Bypass Project to reduce traffic congestion, increase safety and
32 decrease burdens on regional development and to test and evaluate
33 the effectiveness of using toll roads and public-private partnerships
34 as alternative approaches to financing the construction of new
35 highways; now, therefore,

36
37 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
38 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
39

40 **Section 1.** This act may be cited as the Boulder City Bypass
41 Toll Road Demonstration Project Act.

42 **Sec. 2.** As used in this act, unless the context otherwise
43 requires, the words and terms defined in sections 3 to 12, inclusive,
44 of this act have the meanings ascribed to them in those sections.



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1 **Sec. 3.** “Authorized emergency vehicle” has the meaning
2 ascribed to it in NRS 484.017.

3 **Sec. 4.** “Board” means the Board of Directors of the
4 Department of Transportation.

5 **Sec. 5.** “Demonstration project” means the toll road
6 demonstration project established by the Department pursuant to
7 section 13 of this act.

8 **Sec. 6.** “Department” means the Department of
9 Transportation.

10 **Sec. 7.** “Motor vehicle” has the meaning ascribed to it in
11 NRS 484.081.

12 **Sec. 8.** “Private partner” means a person with whom the
13 Department enters into a public-private partnership.

14 **Sec. 9.** “Public-private partnership” means a contract entered
15 into by the Department and a private partner under which the private
16 partner assumes responsibility for planning, designing, financing,
17 constructing, improving, maintaining, operating or acquiring rights-
18 of-way for the demonstration project, or any portion thereof.

19 **Sec. 10.** “Registered owner” means a person whose name
20 appears in the records of the Department of Motor Vehicles as the
21 person to whom a motor vehicle is registered.

22 **Sec. 11.** “Toll” means a fee, fare or other similar charge,
23 including, without limitation, any incidental, account maintenance,
24 administrative, credit card or video tolling fee or charge authorized
25 by the Board and imposed on a person for his use of a toll road.

26 **Sec. 12.** “Toll road” means a highway and appurtenant
27 facilities for which a user must pay a toll as a condition of use.

28 **Sec. 13.** 1. The Department shall establish a toll road
29 demonstration project in connection with the Boulder City Bypass
30 Project. The demonstration project may:

31 (a) Include, without limitation, highways, roads, bridges, on-
32 ramps, off-ramps, direct connectors to or from other highways or
33 arterials, tunnels, connectors to an airport, pavement, shoulders,
34 structures, culverts, curbs, toll gantries and systems, drains, rights-
35 of-way, buildings, communication facilities, equipment
36 appurtenances, lighting, signage, service centers, operations centers,
37 services, personal property and works incidental to, related to or
38 desirable for highway design, construction, improvement,
39 maintenance or operation required, laid out, constructed, improved,
40 maintained or operated for highway purposes.

41 (b) Include any appurtenant facilities and facilities necessary for
42 connectivity, mobility or safety of the demonstration project, which
43 may include tolled and nontolled elements.

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



1 2. The Department may do such things as are necessary and
2 appropriate to plan, finance, design, construct, improve, maintain,
3 operate and acquire rights-of-way for the demonstration project,
4 including, without limitation:

5 (a) Plan, design, finance, construct, maintain, operate and make
6 such other improvements to existing highways as may be necessary
7 and appropriate to accommodate, develop and own the
8 demonstration project.

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

11 (c) Enter into agreements with any local government or other
12 political subdivision of this State, another state or the Federal
13 Government, for planning, designing, financing, constructing,
14 improving, maintaining, operating and acquiring rights-of-way for
15 the demonstration project.

16 (d) Enter into contracts for planning, designing, financing,
17 constructing, improving, maintaining, operating and acquiring
18 rights-of-way for the demonstration project.

19 (e) Retain legal, financial, technical and other consultants to
20 assist the Department concerning the demonstration project.

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

24 (g) Apply for, accept and expend money from any lawful
25 source, including, without limitation, any public or private funding,
26 loan, grant, line of credit, loan guarantee, credit instrument, private
27 activity bond allocation, credit assistance from the Federal
28 Government or other type of assistance that is available to carry out
29 the demonstration project.

30 (h) Accept from any source any grant, donation, gift or other
31 form of conveyance of land, money, other real or personal property
32 or other thing of value made to the Department to carry out the
33 demonstration project.

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

37 3. The demonstration project, whether planned, designed,
38 financed, constructed, improved, maintained or operated by the
39 Department or a private partner, must be and remain:

40 (a) A public highway;

41 (b) A public use;

42 (c) A public facility; and

43 (d) Owned by the Department.

44 **Sec. 14.** 1. The Department shall enter into a public-private
45 partnership with one or more private partners for planning,



1 designing, financing, constructing, improving, maintaining,
2 operating or acquiring rights-of-way for the demonstration project.
3 A public-private partnership entered into pursuant to this section
4 must be awarded through one or more solicitations that must
5 include, without limitation, some or all of the requests for
6 qualifications, short-listing of qualified proposers, requests for
7 proposals, negotiations and best and final offers.

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

14 3. The Department may reimburse an unsuccessful bidder for a
15 portion of the cost of preparing a proposal or best and final offer, or
16 both. If the Department intends to make such a reimbursement, the
17 Department shall set forth the terms and conditions of the
18 reimbursement in the request for qualifications or request for
19 proposals for the demonstration project.

20 4. The provisions of NRS 338.141, 408.337, 408.357 and
21 subsection 1 of NRS 408.3884 do not apply to a public-private
22 partnership.

23 5. To be eligible to be a private partner in connection with a
24 public-private partnership, a private partner must:

25 (a) Obtain a performance bond and payment bond as the
26 Department may require;

27 (b) Obtain insurance covering general liability and liability for
28 errors and omissions;

29 (c) Not have been found liable for breach of contract with
30 respect to a previous project with the Department, other than a
31 breach for legitimate cause; and

32 (d) Not have been disqualified from being awarded a contract
33 pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.

34 6. A private partner is not required to hold the licenses and
35 certifications required to undertake the work for the demonstration
36 project as a condition of eligibility to be a private partner, but must
37 ensure that any work that requires a license and certification is
38 performed by persons that possess the required licenses and
39 certifications.

40 **Sec. 15.** Information obtained by or disclosed to the
41 Department during the procurement or negotiation of a public-
42 private partnership may be kept confidential until the public-private
43 partnership is executed, except that the Department may exempt
44 from release any proprietary information obtained by or disclosed to
45 the Department during the procurement or negotiation.



1 **Sec. 16.** 1. The Board:

2 (a) Shall adopt, establish or include in the public-private
3 agreement a schedule of tolls or a methodology for establishing the
4 tolls which may be charged by the Department or a private partner
5 for the use of the demonstration project and which may include,
6 without limitation, provisions for adjusting the tolls based on the
7 type of motor vehicle, time of day, traffic conditions or other factors
8 determined necessary by the Department or a private partner to
9 implement, finance or improve the performance of the
10 demonstration project;

11 (b) Shall, consistent with the provisions of section 17 of this act,
12 establish or provide in the public-private agreement for the
13 establishment of administrative fines, late charges and other
14 penalties for any person who violates any regulation or rule
15 governing the use of the demonstration project or who fails to pay a
16 toll; and

17 (c) In addition to the exemptions provided in subsection 2, may
18 establish or provide in the public-private agreement for the
19 establishment of exemptions from the payment of a toll.

20 2. The following motor vehicles are exempt from any toll
21 established by the Board:

22 (a) A preregistered vehicle transporting three or more persons;

23 (b) A transit bus or vanpool vehicle owned or operated by an
24 agency or political subdivision of this State or the United States, to
25 the extent that such vehicles are exempted pursuant to an agreement
26 between the agency or political subdivision and the Department or a
27 private partner;

28 (c) An authorized emergency vehicle if:

29 (1) It is responding to an emergency and its emergency lights
30 are in use; or

31 (2) It is enforcing traffic laws; and

32 (d) A vehicle that is exempt pursuant to the terms of a public-
33 private partnership.

34 3. Not less frequently than once each calendar year, the Board
35 shall review any fee schedule established pursuant to this section
36 and any adjustments to the fee schedule made by the Department or
37 a private partner to determine whether the tolls effectively manage
38 travel times, speed and reliability with regard to the demonstration
39 project.

40 4. The Department or a private partner may use any method it
41 determines appropriate to collect a toll, including, without
42 limitation, the issuance of invoices, prepayment requirements and
43 the use of an electronic, video or automated collection system. An
44 electronic, video or automated collection system may be used to
45 verify payment or to charge the toll to the:



1 (a) Account of a person whose vehicle is equipped with a
2 Department-approved transponder or other Department-approved
3 automated payment technology;

4 (b) Account of a person who otherwise registers to use the
5 demonstration project in accordance with the policies and
6 procedures established by the Board or set forth in the public-private
7 agreement; or

8 (c) Registered owner of a motor vehicle.

9 5. The name, address, other personal identifying information
10 and trip data of a user is confidential and the Department, a private
11 partner, consultant, contractor or representative thereof shall not
12 release, sell or distribute such information without the express
13 written consent of the user, except that the Department or a private
14 partner may release such information:

15 (a) As is necessary for the purpose of collecting a toll and
16 enforcing any penalty for a violation of this act or any policies and
17 procedures established pursuant thereto or set forth in the public-
18 private agreement; and

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

20 6. The Department or a private partner may solicit and contract
21 with any person to provide services relating to the collection of a
22 toll.

23 **Sec. 17.** 1. Except as otherwise provided in subsection 3, the
24 registered owner of a motor vehicle who fails to pay a toll is subject
25 to an administrative fine for nonpayment and is liable to the
26 Department or private partner for the payment of the toll, the
27 administrative fine and any additional charges or penalties
28 prescribed by the Board or set forth in the public-private agreement.

29 2. If a driver or registered owner fails to pay a toll, the
30 Department or private partner shall provide notice of nonpayment to
31 the registered owner. The notice must describe the claimed
32 nonpayment, the amount due, including any additional charges,
33 administrative fines or penalties, and explain that the registered
34 owner must, within 20 days after receiving the notice, pay the full
35 amount due or contest the claim in the manner described in the
36 notice. A registered owner who does not pay the full amount due or
37 contest the claim within 20 days after receiving the notice cannot
38 challenge the claim in any proceeding or action brought by the
39 Department or the private partner.

40 3. An automobile rental agency that is the registered owner of a
41 vehicle is not liable to the Department or a private partner for any
42 violation arising out of the use of a leased or rented motor vehicle
43 during any period that the motor vehicle is not in the possession of
44 the agency if, within 20 days after receiving the written notice from
45 the Department or private partner, the automobile rental agency



1 provides to the Department or private partner the name, address and
2 other identifying information of the person to whom the motor
3 vehicle was rented or leased at the time of the violation.

4 4. The Department or a private partner may use a photo-
5 monitoring, video, image capture or other automated or technology-
6 based enforcement and collections system to detect the failure of a
7 motor vehicle to register payment of the required toll, the failure of
8 the driver or registered owner of a motor vehicle to pay a toll, or to
9 verify and assess the payment of a toll. The data, including
10 photographs, images, videotapes and other vehicle and owner
11 information generated and obtained by the system, may be used to
12 establish the nonpayment of the toll and to enforce collection of the
13 toll. The Department or private partner shall not use the information
14 for any other purpose.

15 5. If the registered owner of a motor vehicle fails to respond to
16 the notice described in subsection 2, the Department or private
17 partner may file a notice of nonpayment with the Department of
18 Motor Vehicles. The notice must include:

19 (a) The place, time and date of the violation;

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

22 (c) The total amount owed to the Department or private partner
23 for the violation.

24 6. Upon receipt of the notice described in subsection 5, the
25 Department of Motor Vehicles shall place a hold on the renewal of
26 the registration of the motor vehicle described in the notice. The
27 Department of Motor Vehicles shall not renew the registration of the
28 motor vehicle unless the registered owner:

29 (a) Pays to the Department of Motor Vehicles the total amount
30 owed to the Department of Transportation or private partner, which
31 amount the Department of Motor Vehicles shall forward to the
32 Department of Transportation or private partner, along with an
33 accounting indicating the amount paid, from whom, for which
34 motor vehicle and the corresponding license plate number of the
35 motor vehicle; or

36 (b) Presents proof to the Department of Motor Vehicles of
37 payment or satisfaction issued by the Department of Transportation
38 or private partner.

39 7. In addition to any penalty, administrative fine or fee
40 prescribed by the Board or set forth in the public-private agreement
41 for nonpayment of a toll, the Department of Motor Vehicles may
42 impose an additional administrative fee of not more than \$15 upon
43 any person who applies for the renewal of the registration of a motor
44 vehicle subject to a hold pursuant to this section.



1 8. The Department of Motor Vehicles shall work cooperatively
2 with the Department of Transportation and any private partner to
3 establish a timely and efficient manner for providing motor vehicle
4 information, including, without limitation, the name and address of
5 the registered owner, to the Department of Transportation and any
6 private partner for the purposes of collecting fees and enforcing any
7 penalties imposed pursuant to this act or established by the Board or
8 set forth in the public-private agreement. To the extent practicable,
9 such information must be transmitted electronically.

10 9. The Department of Motor Vehicles shall work cooperatively
11 with departments of motor vehicles and similar agencies of other
12 jurisdictions and states to:

13 (a) Assist the Department of Transportation and the private
14 partner with the collection and enforcement of tolls charged against
15 a motor vehicle operated on the demonstration project by a person
16 from such other jurisdiction or state; and

17 (b) Assist such other departments of motor vehicles and similar
18 agencies with the collection and enforcement of tolls charged
19 against a motor vehicle operated on the toll facilities of such other
20 jurisdiction or State by a motor vehicle registered in this State.

21 ➔ The cooperation must include providing motor vehicle
22 information and the name and address of the registered owner to
23 such departments of motor vehicles and similar agencies of other
24 jurisdictions and states and forwarding such information received
25 from such other departments of motor vehicles and similar agencies
26 of other jurisdictions and states to the Department of Transportation
27 or private partner.

28 **Sec. 18.** 1. All money collected by the Department or a
29 private partner in connection with the demonstration project that is
30 derived from the imposition of any charge with respect to the
31 operation of any motor vehicle upon any public highway in this
32 State must be deposited in the State Highway Fund and, except for
33 costs of administration, be used exclusively for the construction,
34 maintenance and repair of the public highways of this State. The
35 money must first be used to defray the costs of administration,
36 construction, maintenance and repair of the demonstration project.

37 2. Any other money received by the Department pursuant to
38 this act or any policies or procedures established by the Department
39 or set forth in the public-private agreement must be deposited in the
40 State Highway Fund and accounted for separately. The interest and
41 income on the money in the account, after deducting any applicable
42 charges, must be credited to the account. The money in the account
43 may be used for:



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

4 (b) The payment of the costs of administering the demonstration
5 project and enforcing the collection of tolls;

6 (c) Satisfaction of any obligations of the Department pursuant to
7 a public-private partnership; and

8 (d) The costs of administration, construction, maintenance and
9 repair of the public highways located in Clark County.

10 **Sec. 19.** 1. The demonstration project and any property
11 improvement determined by the Department to be necessary or
12 desirable therefor may, as determined by the Department, be
13 financed:

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

16 (b) By the issuance of revenue bonds or notes of the State which
17 are payable from and secured by:

18 (1) Revenues from the demonstration project, including,
19 without limitation, user fees and payments established, due and
20 collected pursuant to sections 16 and 17 of this act, other than
21 subsection 7 of section 17 of this act;

22 (2) Payments from the Department to the private partner
23 pursuant to a public private partnership;

24 (3) Payments from the private partner as described in section
25 18 of this act;

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

28 (5) Any grants, donations or other sources of funding
29 mentioned in paragraph (f), (g) or (h) of subsection 2 of section 13
30 of this act, if use of the money for the purpose of paying and
31 securing the payment of the principal of and interest on those bonds
32 or notes is consistent with and not prohibited by the instrument, law
33 or regulation under which the money is received;

34 (6) Interest or other gain accruing on any of the money
35 deposited in the State Highway Fund pursuant to section 18 of this
36 act; and

37 (7) Any combination thereof,
38 ↪ as described in the resolution authorizing the issuance of the
39 bonds or notes. The bonds or notes must be authorized and issued
40 under the procedure described in NRS 408.273, but the bonds or
41 notes must be secured as provided in this section and may have a
42 maturity of up to 40 years after the date of issuance. Any bonds or
43 notes authorized by this paragraph are special, limited obligations of
44 the State payable solely from the revenues specifically pledged to
45 the payment of those obligations, as specified in the resolution for



1 the issuance of the bonds or notes, and shall never be a debt of the
2 State under Section 3 of Article 9 of the Nevada Constitution.

3 (c) By the issuance of revenue bonds or notes of the State, to
4 finance the demonstration project directly or by making a loan to the
5 private partner, pursuant to a financing agreement entered into
6 between the State and the private partner for the purpose of securing
7 the bonds or notes and providing for their payment. Any bonds or
8 notes issued under this paragraph must be solely payable from and
9 secured by payments made by and property of and other security
10 provided by the private partner, including, without limitation, any
11 payments made to the private partner by the Department pursuant to
12 the public-private partnership agreement. Any bonds or notes issued
13 pursuant to this paragraph must be authorized and issued under the
14 procedure described in NRS 408.273, but the bonds or notes must
15 be secured as provided in this paragraph and may have a maturity of
16 up to 40 years from the date of issuance. Any bonds or notes as
17 authorized by this paragraph are special, limited obligations of the
18 State payable solely from the revenues specifically pledged to
19 the payment of those obligations, as specified in the resolution for
20 the issuance of the bonds or notes, and shall never be a debt of the
21 State under Section 3 of Article 9 of the Nevada Constitution.

22 (d) With legally available money from any other source,
23 including a source described in paragraph (f), (g) or (h) of
24 subsection 2 of section 13 of this act or from user fees.

25 (e) By any combination of paragraphs (a) to (d), inclusive.

26 2. If so determined by the Department, any bonds or notes
27 issued as described in paragraph (b) may also be payable from and
28 secured by taxes which are credited to the State Highway Fund that
29 would not cause the bonds or notes to create a public debt under the
30 provisions of Section 3 of Article 9 of the Nevada Constitution. In
31 addition, the Department may pledge those taxes to and use those
32 taxes for the payment of any of its obligations under a public-private
33 partnership.

34 **Sec. 20.** The Department may acquire, condemn or hold real
35 property and related appurtenances under fee title, lease, easement,
36 dedication or license for the demonstration project. The Department
37 may grant to a private partner a lease, easement, operating
38 agreement, license, permit or right of entry for such real property
39 and related appurtenances and such grant and use shall be deemed
40 for all purposes:

- 41 1. A public use;
- 42 2. A public facility; and
- 43 3. A public highway.

44 **Sec. 21.** Notwithstanding any specific statute to the contrary, a
45 private partner is exempt from any assessment on property:



1 1. That the Department owns or in which the Department has a
2 possessory interest or acquires;

3 2. That the Department provides to the private partner pursuant
4 to a public-private partnership; and

5 3. On which the demonstration project is located.

6 **Sec. 22.** A private partner who enters into a contract for
7 construction work pursuant to a public-private partnership shall pay
8 the prevailing wage required pursuant to NRS 338.013 to 338.090,
9 inclusive, and, solely for the purposes of those provisions, the
10 demonstration project shall be deemed to be a public work and the
11 Department shall be deemed to be a party to the contract and to be
12 the public body advertising for bids for the demonstration project
13 and awarding the construction contract for the demonstration
14 contract.

15 **Sec. 23.** The Department may include authority in a public-
16 private agreement or otherwise authorize a private partner to remove
17 any encroachments or relocate any utility from the right-of-way of
18 the demonstration project.

19 **Sec. 24.** 1. The Board may adopt regulations to carry out the
20 provisions of this act.

21 2. Any public-private partnership entered into pursuant to this
22 act must include a provision which provides that any regulation
23 adopted by the Board pursuant to this act that is effective on the date
24 of the public-private partnership shall be deemed incorporated as a
25 term of the public-private partnership.

26 **Sec. 25.** To the extent practicable, the provisions of this act are
27 intended to supplement other statutory provisions governing the
28 administration of highways in this State and such other provisions
29 must be given effect to the extent that those provisions do not
30 conflict with the provisions of this act. If there is a conflict between
31 such other provisions and the provisions of this act, the provisions
32 of this act control.

33 **Sec. 26.** 1. The Department shall report annually to the
34 Board on the status of the demonstration project.

35 2. On or before February 1 of each year, the Board shall
36 prepare a written report concerning the demonstration project. The
37 report must include, without limitation:

38 (a) The current status of the demonstration project.

39 (b) The amount of tolls collected by the Department and any
40 private partners.

41 (c) The amount of money received by the Department in
42 connection with the demonstration project from sources other than
43 tolls.

44 (d) The amount paid by the Department under any public-private
45 partnership.



1 (e) Such other information as the Board determines appropriate.
2 3. On or before February 1 of each even-numbered year, the
3 Board shall submit the report required pursuant to subsection 2 to
4 the Legislative Commission. On or before February 1 of each odd-
5 numbered year, the Board shall submit the report to the Director of
6 the Legislative Counsel Bureau for transmittal to the next regular
7 session of the Legislature.

8 **Sec. 27.** This act becomes effective on July 1, 2009.

