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FIRST REPRINT

S.B. 56

SENATE BILL NO. 56—SENATOR O'DONNELL

PREFILED JANUARY 29, 2001

Referred to Committee on Transportation

SUMMARY—Creates legislative committee on transportation. (BDR 17-68)

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

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

AN ACT relating to transportation; creating the legislative committee on transportation; prescribing the membership and powers of the committee; revising certain provisions concerning the board of directors of the department of transportation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 7, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the*
4 *context otherwise requires, “committee” means the legislative committee*
5 *on transportation.*
6 **Sec. 3.** *1. There is hereby created a legislative committee on*
7 *transportation. The committee consists of:*
8 *(a) Four members appointed by the majority leader of the senate, at*
9 *least two of whom must have served on the senate standing committee*
10 *which had jurisdiction of issues relating to transportation during the*
11 *immediately preceding session of the legislature.*
12 *(b) Four members appointed by the speaker of the assembly, at least*
13 *two of whom must have served on the assembly standing committee*
14 *which had jurisdiction of issues relating to transportation during the*
15 *immediately preceding session of the legislature.*
16 *2. The members of the committee shall elect a chairman and vice*
17 *chairman from among their members. The chairman must be elected*
18 *from one house of the legislature and the vice chairman from the other*
19 *house. After the initial election of a chairman and vice chairman, each*
20 *of those officers holds office for a term of 2 years commencing on July 1*
21 *of each odd-numbered year. If a vacancy occurs in the chairmanship or*



* S B 5 6 R 1 *

1 vice chairmanship, the members of the committee shall elect a
2 replacement for the remainder of the unexpired term.

3 3. Any member of the committee who is not a candidate for
4 reelection or who is defeated for reelection continues to serve until the
5 convening of the next session of the legislature.

6 4. Vacancies on the committee must be filled in the same manner as
7 the original appointments.

8 **Sec. 4.** 1. The members of the committee shall meet at least
9 quarterly and at the times and places specified by a call of the chairman.
10 The director of the legislative counsel bureau or a person he has
11 designated shall act as the nonvoting recording secretary. Five members
12 of the committee constitute a quorum, and a quorum may exercise all the
13 power and authority conferred on the committee.

14 2. Except during a regular or special session of the legislature, the
15 members of the committee are entitled to receive the compensation
16 provided for a majority of the members of the legislature during the first
17 60 days of the preceding session, the per diem allowance provided for
18 state officers and employees generally and the travel expenses provided
19 pursuant to NRS 218.2207 for each day or portion of a day of attendance
20 at a meeting of the committee and while engaged in the business of the
21 committee. The salaries and expenses of the members of the committee
22 and any other expenses incurred by the committee in carrying out its
23 duties must be paid from the state highway fund.

24 **Sec. 5.** The committee may:

25 1. Evaluate, review and comment upon issues related to
26 transportation within this state.

27 2. Monitor the money deposited in, and any expenditures made from:

28 (a) The state highway fund; and

29 (b) The state general fund or any other fund, to the extent that the
30 money deposited in the funds or expenditures made from the funds, or
31 both, are related to transportation.

32 3. Consult with and make recommendations to the board of directors
33 of the department of transportation on matters concerning transportation
34 within this state.

35 4. Conduct investigations and hold hearings in connection with
36 carrying out its duties pursuant to this section.

37 5. Direct the legislative counsel bureau to assist in its research,
38 investigations, hearings and reviews.

39 6. Recommend to the legislature as a result of the activities of the
40 committee any appropriate state legislation or corrective federal
41 legislation.

42 **Sec. 6.** Each witness who appears before the committee by its order,
43 except a state officer or employee, is entitled to receive for his attendance
44 the fees and mileage provided for witnesses in civil cases in the courts of
45 record of this state. The fees and mileage must be audited and paid upon
46 the presentation of proper claims sworn to by the witness and approved
47 by the chairman of the committee.

48 **Sec. 7.** 1. If the committee conducts investigations or holds
49 hearings pursuant to subsection 4 of section 5 of this act:



* S B 5 6 R 1 *

1 (a) The secretary of the committee or, in his absence, a member
2 designated by the committee may administer oaths.

3 (b) The secretary or chairman of the committee may cause the
4 deposition of witnesses, residing either within or outside this state, to be
5 taken in the manner prescribed by rule of court for taking depositions in
6 civil actions in the district courts.

7 (c) The chairman of the committee, upon recommendation of a
8 majority of the members of the committee, may issue subpoenas to
9 compel the attendance of witnesses and the production of books and
10 papers.

11 2. If a witness refuses to attend or testify or produce books or papers
12 as required by the subpoena, the chairman of the committee may report
13 to the district court by a petition which sets forth that:

14 (a) Due notice has been given of the time and place of attendance of
15 the witness or the production of the books or papers;

16 (b) The witness has been subpoenaed by the committee pursuant to
17 this section; and

18 (c) The witness has failed or refused to attend or produce the books or
19 papers required by the subpoena before the committee, or has refused to
20 answer questions propounded to him.

21 The petition may request an order of the court compelling the witness to
22 attend and testify or produce the books and papers before the committee.

23 3. Upon such a petition, the court shall enter an order directing the
24 witness to appear before the court at a time and place to be fixed by the
25 court in its order, the time to be not more than 10 days after the date of
26 the order, and to show cause why he has not attended or testified or
27 produced the books or papers before the committee. A certified copy of
28 the order must be served upon the witness.

29 4. If it appears to the court that the subpoena was regularly issued by
30 the chairman of the committee, upon recommendation of a majority of
31 the members of the committee, the court shall enter an order that the
32 witness appear before the committee at the time and place fixed in the
33 order and testify or produce the required books or papers. Failure to obey
34 the order constitutes contempt of court.

35 **Sec. 8.** NRS 408.100 is hereby amended to read as follows:

36 408.100 Recognizing that safe and efficient highway transportation is
37 a matter of important interest to all the people of the state, and that an
38 adequate highway system is a vital part of the national defense, the
39 legislature hereby determines and declares that:

40 1. An integrated system of state highways and roads is essential to the
41 general welfare of the state.

42 2. Providing such a system of facilities, its efficient management,
43 maintenance and control is recognized as a problem and as the proper
44 prospective of highway legislation.

45 3. Inadequate highways and roads obstruct the free flow of traffic,
46 resulting in undue cost of motor vehicle operation, endangering the health
47 and safety of the citizens of the state, depreciating property values, and
48 impeding general economic and social progress of the state.



- 1 4. In designating the highways and roads of the state as provided in
2 this chapter, the legislature places a high degree of trust in the hands of
3 those officials whose duty it is, within the limits of available funds, to plan,
4 develop, operate, maintain, control and protect the highways and roads of
5 this state, for present as well as for future use.
- 6 5. To this end, it is the express intent of the legislature to make the
7 board ~~of directors of the department of transportation~~, *in consultation*
8 *with the legislative committee on transportation created pursuant to*
9 *section 3 of this act*, custodian of the state highways and roads and to
10 provide sufficiently broad authority to enable the board to function
11 adequately and efficiently in all areas of appropriate jurisdiction, subject to
12 the limitations of the constitution and the legislative mandate proposed in
13 this chapter.
- 14 6. The legislature intends:
- 15 (a) To declare, in general terms, the powers and duties of the board, ~~of~~
16 ~~directors,~~ leaving specific details to be determined by reasonable
17 regulations and declarations of policy which the board may promulgate.
- 18 (b) By general grant of authority to the board ~~of directors~~ to delegate
19 sufficient power and authority to enable the board to carry out, *in*
20 *consultation with the legislative committee on transportation created*
21 *pursuant to section 3 of this act*, the broad objectives contained in this
22 chapter.
- 23 7. The problem of establishing and maintaining adequate highways
24 and roads, eliminating congestion, reducing accident frequency and taking
25 all necessary steps to ensure safe and convenient transportation on these
26 public ways is no less urgent.
- 27 8. The legislature hereby finds, determines and declares that this
28 chapter is necessary for the preservation of the public safety, the promotion
29 of the general welfare, the improvement and development of facilities for
30 transportation in the state, and other related purposes necessarily included
31 therein, and as a contribution to the system of national defense.
- 32 9. The words "construction," "maintenance" and "administration" used
33 in section 5 of Article 9 of the constitution of the State of Nevada are broad
34 enough to be construed to include and as contemplating the construction,
35 maintenance and administration of the state highways and roads as
36 established by this chapter and the landscaping, roadside improvements
37 and planning surveys of the state highways and roads.
- 38 **Sec. 9.** NRS 408.203 is hereby amended to read as follows:
39 408.203 The director shall:
- 40 1. Compile a comprehensive report outlining the requirements for the
41 construction and maintenance of highways for the next 10 years, including
42 anticipated revenues and expenditures of the department, and submit it to
43 the *legislative committee on transportation created pursuant to section 3*
44 *of this act and to the* director of the legislative counsel bureau for
45 transmittal to the chairmen of the senate and assembly standing committees
46 on transportation.
- 47 2. Compile a comprehensive report of the requirements for the
48 construction and maintenance of highways for the next 3 years, including
49 anticipated revenues and expenditures of the department, no later than



* S B 5 6 R 1 *

1 October 1 of each even-numbered year, and submit it to the *legislative*
2 *committee on transportation created pursuant to section 3 of this act and*
3 *to the* director of the legislative counsel bureau for transmittal to the
4 chairmen of the senate and assembly standing committees on
5 transportation.

6 3. Report to the legislature by February 1 of odd-numbered years the
7 progress being made in the department's 12-year plan for the resurfacing of
8 state highways. The report must include an accounting of revenues and
9 expenditures in the preceding 2 fiscal years, a list of the projects which
10 have been completed, including mileage and cost, and an estimate of the
11 adequacy of projected revenues for timely completion of the plan.

12 **Sec. 10.** This act becomes effective on July 1, 2001.

