

SENATE BILL NO. 139—SENATOR TITUS

FEBRUARY 25, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Changes composition of Board of Directors of Department of Transportation. (BDR 35-718)

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; changing the composition of the Board of Directors of the Department of Transportation; requiring the Legislative Auditor to conduct a performance audit of the Department of Transportation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law creates the Department of Transportation, which is administered
2 by a Board of Directors. The Board of Directors consists of seven members,
3 including the Governor, the Lieutenant Governor, the Attorney General, the State
4 Controller and three members appointed by the Governor. (NRS 408.106)
5 This bill changes the composition of the Board of Directors of the Department
6 of Transportation. This bill removes the Attorney General and State Controller
7 from the Board and replaces them with the chairman of the regional transportation
8 commission of each county with a population of 100,000 or more (currently
9 Washoe County and Clark County).
10 This bill also directs the Legislative Auditor to conduct a performance audit of
11 the Department of Transportation. The Legislative Auditor must submit a written
12 report of the performance audit to the Audit Subcommittee of the Legislative
13 Commission no later than February 5, 2007.

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

- 1 **Section 1.** NRS 408.106 is hereby amended to read as follows:
2 408.106 1. There is hereby created a Department of
3 Transportation, administered by a ~~{seven-member}~~ Board of
4 Directors consisting of the Governor, the Lieutenant Governor, the



~~{Attorney General and the State Controller,}~~ *chairman of the regional transportation commission of each county in which such a commission has been created and whose population is 100,000 or more,* who serve ex officio, and three members who are appointed by the Governor. If one of the ~~four~~ constitutional offices is vacant, the Secretary of State shall serve ex officio on the Board until the vacancy is filled.

2. The Governor shall appoint as members of the Board three persons who are residents of Nevada, informed on and interested in the construction and maintenance of highways and other matters relating to transportation. Each of the three members so appointed must reside in a different highway district and possess at least one of the following qualifications:

(a) Knowledge of engineering evidenced by the possession of a bachelor of science degree in civil or structural engineering and licensure in this State as a professional engineer.

(b) Demonstrated expertise in financial matters and business administration.

(c) Demonstrated expertise in the business of construction evidenced by the possession of a license as a general contractor and experience as a principal officer of a firm licensed in this State.

➤ The Governor shall not appoint any person who is currently employed in the field of or has a substantial financial interest in the construction or maintenance of highways in this State.

3. The Governor shall serve as Chairman of the Board and the members of the Board shall elect annually a Vice Chairman.

4. Each member of the Board who is not a public officer is entitled to receive as compensation \$80 for each day or portion of a day during which he attends a meeting of the Board or is otherwise engaged in the business of the Board plus the per diem allowance and travel expenses provided for state officers and employees generally.

5. After the initial terms, the appointed members of the Board shall serve terms of 4 years.

Sec. 2. 1. The Legislative Auditor shall conduct a performance audit of the Department of Transportation.

2. The Legislative Auditor shall prepare a written report of the performance audit and present the report to the Audit Subcommittee of the Legislative Commission not later than February 5, 2007.

3. The provisions of NRS 218.737 to 218.893, inclusive, apply to the performance audit conducted pursuant to this section.

Sec. 3. This act becomes effective on July 1, 2005.

