

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 and creates Advisory Committee to Board. (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 and creating an Advisory Committee to the Board; 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:

Existing law creates the Department of Transportation, which is administered by a Board of Directors. The Board of Directors consists of seven members, including the Governor, the Lieutenant Governor, the Attorney General, the State Controller and three members appointed by the Governor. The Governor is required to appoint to the Board three members who are informed on and interested in matters relating to transportation and who possess certain qualifications. Each must reside in a different highway district. (NRS 408.106)

This bill changes the composition of the Board of Directors of the Department of Transportation. This bill removes the State Controller from the Board and increases to four the number of members appointed by the Governor.

This bill makes various changes to the requirements concerning members appointed by the Governor, most notably requiring that all four members must have knowledge of and experience in transportation matters, and at least one of the members must reside in each of the different highway districts.

Under existing law, the members of the Board appointed by the Governor serve terms of 4 years and are eligible for reappointment.

This bill limits each such member appointed by the Governor to two terms.

This bill also creates an Advisory Committee to the Board of Directors, consisting of the chairman of the regional transportation commission of each county with a population of 100,000 or more (currently Washoe County and Clark County) and an additional member appointed by the Governor. This bill directs the



Governor to appoint to the Advisory Committee the chairman of the regional transportation commission of a county whose population is less than 100,000. Successive appointments must be made on a rotating basis among the various counties.

This bill also directs the Legislative Auditor to conduct a performance audit of the Department of Transportation. The Legislative Auditor must submit a written report of the performance audit to the Audit Subcommittee of the Legislative Commission no later than February 5, 2007.

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

Section 1. NRS 408.106 is hereby amended to read as follows:

408.106 1. There is hereby created a Department of Transportation, administered by a ~~{seven-member}~~ Board of Directors consisting of the Governor, the Lieutenant Governor ~~{,}~~ *and* the Attorney General, ~~{and the State Controller,}~~ who serve ex officio, and ~~{three}~~ *four* 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}~~ *four* persons who are residents of Nevada ~~{, informed on and interested}~~ *with knowledge of and experience* in the construction and maintenance of highways and other matters relating to transportation. ~~{Each}~~ *At least one* of the ~~{three}~~ members so appointed must reside in ~~{a}~~ *each of the* different highway ~~{district}~~ *districts* and *each of the members so appointed must* 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,}~~ *transportation safety, planning or design.*

(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}~~ *The* members of the Board *appointed by the Governor* shall serve terms of 4 years ~~{.}~~ *and are eligible to be reappointed not more than once.*

6. *An Advisory Committee to the Board is hereby created consisting of the following members:*

(a) The chairman of the regional transportation commission of each county whose population is 100,000 or more; and

(b) One additional member who is appointed by the Governor. The Governor shall appoint as a member of the Advisory Committee the chairman of the regional transportation commission of a county whose population is less than 100,000. The member of the Advisory Committee appointed pursuant to this paragraph shall serve a term of 4 years. Successive appointments pursuant to this paragraph must be made on the basis of a strict rotation among the various eligible counties which have a regional transportation commission.

7. *Members of the Advisory Committee serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Committee, to the per diem allowance and travel expenses provided for state officers and employees generally.*

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.



