

Amendment No. 953

Senate Amendment to Senate Bill No. 322 First Reprint (BDR 35-1075)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DLJ/WLK



Date: 6/2/2013

S.B. No. 322—Revises provisions concerning the membership of the Board of Directors of the Department of Transportation. (BDR 35-1075)



SENATE BILL NO. 322—COMMITTEE ON TRANSPORTATION

MARCH 18, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning the membership of the Board of Directors of the Department of Transportation. (BDR 35-1075)

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 the Department of Transportation; revising the ~~number of members on~~ ***composition of*** the Board of Directors of the Department; revising provisions relating to the appointment of persons to the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a seven-member Board of Directors that administers the Department of Transportation. (NRS 408.106) The Board includes the Governor, the Lieutenant Governor, the Attorney General and the State Controller, all of whom serve ex officio, and three members who are appointed by the Governor, who must be residents of the State of Nevada and who must each reside in a different highway district. ~~Section 1 of this bill enlarges the Board to 11 members, all of whom are to be appointed by the Governor. Eight of the Board members must reside in a county whose population is 700,000 or more (currently only Clark County), two must reside in a county whose population is 400,000 or more but less than 700,000 (currently only Washoe County) and one must reside in a county whose population is less than 400,000 (currently all counties except Clark and Washoe Counties). Section 1 also limits a member's service on the Board to an initial term and one additional term of 4 years. Section 2 of this bill requires the Board to alternate the location of its meetings between the southern part of the State and the northern part of the State. Section 3 of this bill provides that the terms of the current members of the Board expire on December 31, 2013, and requires the Governor to appoint 11 new members to the Board on or before January 1, 2014, with staggered initial terms whereby 6 of the new members will serve an initial term of 4 years, and 5 of the new members will serve an initial term of 5 years. This bill: (1) removes from the Board the Attorney General; (2) adds an additional member who must be appointed by the Governor; and (3) requires that the members appointed by the Governor reside in certain highway districts.~~

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*** ~~an 11-member~~ Board of Directors ***consisting of***

1 the Governor, the Lieutenant Governor, ~~the Attorney General~~ and the State
2 Controller, who serve ex officio, and ~~three~~ four members who are appointed by
3 the Governor. If one of the ~~four~~ three constitutional offices is vacant, the
4 Secretary of State shall serve ex officio on the Board until the vacancy is filled.

5 2. The Governor shall appoint as members of the Board ~~three~~ four
6 persons who are residents of Nevada, informed on and interested in the construction
7 and maintenance of highways and other matters relating to transportation. ~~Each of~~
8 ~~the three~~ each chosen by the Governor from a separate list of three persons
9 submitted to the Governor by the Legislative Commission. The members so
10 appointed must ~~reside in a different highway district and~~ be residents of Nevada
11 as follows:

12 (a) ~~Eight members who must reside in a county whose population is 700,000~~
13 ~~or more, including:~~

14 ~~(1) Two members who must reside in the unincorporated area of the~~
15 ~~county;~~

16 ~~(2) Two members who reside in the largest incorporated city of the~~
17 ~~county; and~~

18 ~~(3) One member, who resides in the county, from each of the four next~~
19 ~~largest incorporated cities in the county;~~ a highway district that includes a
20 county whose population is 700,000 or more;

21 (b) ~~Two members;~~ One member who must reside in a highway district that
22 includes a county whose population is ~~400,000~~ 100,000 or more but less than
23 700,000; and

24 (c) One member who must reside in ~~a county whose population is less than~~
25 ~~400,000;~~ a highway district that does not include a county whose population is
26 100,000 or more.

27 3. All the members appointed pursuant to subsection 2 must be informed on
28 and interested in the construction and maintenance of highways and other
29 matters relating to transportation, and must possess at least one of the following
30 qualifications:

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

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

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

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

41 ~~3-4~~ 4. The Governor shall serve as the Chair of the Board and the members
42 of the Board shall elect annually a ~~Chair and a~~ Vice Chair.

43 ~~4-4~~ 5. Each member of the Board who is not a public officer is entitled to
44 receive as compensation \$80 for each day or portion of a day during which the
45 member attends a meeting of the Board or is otherwise engaged in the business of
46 the Board plus the per diem allowance and travel expenses provided for state
47 officers and employees generally.

48 ~~5-4~~ 6. After the initial terms, the appointed members of the Board shall serve
49 terms of 4 years. ~~Each member of the Board may serve only an initial term and 1~~
50 ~~additional term of 4 years.~~

1 7. As used in this section, "highway district" means a portion of this State
2 designated by the Board as a highway district for the purposes of carrying out the
3 duties of the Board.

4 Sec. 2. ~~NRS 408.126 is hereby amended to read as follows:~~

5 ~~408.126. [The]~~

6 ~~1. Except as otherwise provided in subsection 2, the Board shall hold~~
7 ~~meetings at such times and places, and for such periods and purposes, as it deems~~
8 ~~essential to the proper execution of the provisions of this chapter.~~

9 ~~2. The Board shall alternate the location of its meetings between the~~
10 ~~southern part of the State and the northern part of the State.] (Deleted by~~
11 ~~amendment.)~~

12 Sec. 3. ~~[1. The term of any member of the Board of Directors of the~~
13 ~~Department of Transportation who is serving on December 31, 2013, expires on~~
14 ~~that date.~~

15 ~~2. On or before January 1, 2014, the Governor shall appoint to the Board of~~
16 ~~Directors:~~

17 ~~(a) Six members to terms that expire on December 31, 2017, four of whom~~
18 ~~must reside in a county whose population is 700,000 or more, one of whom must~~
19 ~~reside in a county whose population is more than 400,000 but less than 700,000 and~~
20 ~~one of whom must reside in a county whose population is less than 400,000; and~~

21 ~~(b) Five members to terms that expire on December 31, 2018, four of whom~~
22 ~~must reside in a county whose population is 700,000 or more and one of whom~~
23 ~~must reside in a county whose population is more than 400,000 but less than~~
24 ~~700,000.] (Deleted by amendment.)~~

25 Sec. 4. This act becomes effective on January 1, 2014.