

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 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:

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



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 the Governor, the Lieutenant Governor, the Attorney General and the State Controller, 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~~ *11* 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~~ *, each chosen by the Governor from a separate list of three persons submitted to the Governor by the Legislative Commission. The* members so appointed must ~~reside in a different highway district and~~ *be residents of Nevada as follows:*

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

(1) Two members who reside in the unincorporated area of the county;

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

(3) One member, who resides in the county, from each of the four next largest incorporated cities in the county;

(b) Two members who must reside in a county whose population is 400,000 or more but less than 700,000; and

(c) One member who must reside in a county whose population is less than 400,000.

3. *All the members appointed pursuant to subsection 2 must be informed on and interested in the construction and maintenance of highways and other matters relating to transportation, and 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.

(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.



* S B 3 2 2 R 1 *

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

4 ~~{3-}~~ 4. The ~~{Governor shall serve as the Chair of the Board and~~
5 ~~the}~~ members of the Board shall elect annually a *Chair and a* Vice
6 Chair.

7 ~~{4-}~~ 5. Each member of the Board who is not a public officer is
8 entitled to receive as compensation \$80 for each day or portion of a
9 day during which the member attends a meeting of the Board or is
10 otherwise engaged in the business of the Board plus the per diem
11 allowance and travel expenses provided for state officers and
12 employees generally.

13 ~~{5-}~~ 6. After the initial terms, the ~~{appointed}~~ members of the
14 Board shall serve terms of 4 years. *Each member of the Board may*
15 *serve only an initial term and 1 additional term of 4 years.*

16 **Sec. 2.** NRS 408.126 is hereby amended to read as follows:

17 408.126 ~~{The}~~

18 *1. Except as otherwise provided in subsection 2, the* Board
19 shall hold meetings at such times and places, and for such periods
20 and purposes, as it deems essential to the proper execution of the
21 provisions of this chapter.

22 *2. The Board shall alternate the location of its meetings*
23 *between the southern part of the State and the northern part of the*
24 *State.*

25 **Sec. 3.** 1. The term of any member of the Board of
26 Directors of the Department of Transportation who is serving on
27 December 31, 2013, expires on that date.

28 2. On or before January 1, 2014, the Governor shall appoint to
29 the Board of Directors:

30 (a) Six members to terms that expire on December 31, 2017,
31 four of whom must reside in a county whose population is 700,000
32 or more, one of whom must reside in a county whose population is
33 more than 400,000 but less than 700,000 and one of whom must
34 reside in a county whose population is less than 400,000; and

35 (b) Five members to terms that expire on December 31, 2018,
36 four of whom must reside in a county whose population is 700,000
37 or more and one of whom must reside in a county whose population
38 is more than 400,000 but less than 700,000.

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

