

CHAPTER.....

AN ACT relating to the Public Utilities Commission of Nevada; requiring the Governor to appoint a person to serve on the Commission as an Acting Commissioner under certain circumstances; authorizing a Deputy Commissioner of the Commission to serve on the Commission as an Acting Commissioner under certain circumstances; repealing the prospective increase in the number of Commissioners who serve on the Commission; and providing other matters properly relating thereto.

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

Section 1. Chapter 703 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A majority of the Commissioners has full power to act in all matters within the jurisdiction of the Commission.*

2. Before the Commission may enter a final order on a matter, there must be at least two Commissioners who are able to act on the matter. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled, or any other reason, the Governor shall appoint the requisite number of persons to serve as Acting Commissioners in the place of the Commissioners who are unable to act on the matter so that there are at least two persons who are able to act on the matter, whether serving as a Commissioner or an Acting Commissioner. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled, or any other reason, and the Governor has not appointed the requisite number of persons to serve as Acting Commissioners pursuant to this subsection, the Deputy Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an Acting Commissioner.

3. Before the Governor may appoint a person to serve as an Acting Commissioner in the place of a Commissioner who is unable to act on the matter, the person must be qualified to serve in the office of that Commissioner as if the Governor were appointing the person to fill a vacancy in that office.

4. A person who is appointed or authorized to serve as an Acting Commissioner shall be deemed to be a Commissioner and is entitled to exercise the powers of a Commissioner only in proceedings before the Commission that involve the matter or

matters for which the person is appointed or authorized to serve as an Acting Commissioner.

5. A person who is appointed to serve as an Acting Commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a Commissioner and to state officers generally while the person is engaged in the business of the Commission as an Acting Commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an Acting Commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for state officers and employees generally. The person is not entitled to receive any other compensation for serving as an Acting Commissioner.

6. A person who is appointed to serve as an Acting Commissioner serves at the pleasure of the Governor. The appointment of the person expires:

(a) On the date that the Governor declares that the appointment has expired; or

(b) On the date that the matter or matters for which the person was appointed are no longer pending before the Commission, whichever date occurs earlier.

7. The Governor may reappoint a person to serve as an Acting Commissioner.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 703.080 is hereby amended to read as follows:

703.080 **1.** The Chairman and the other Commissioners , *including any Acting Commissioners*, are in the unclassified service of the State.

2. *Notwithstanding any other specific statute to the contrary and regardless of the length of service, a person who is appointed to serve as an Acting Commissioner pursuant to section 2 of this act is not entitled because of that appointment to participate in any programs or receive any benefits that are offered or provided to state officers or employees in the unclassified service of the State pursuant to chapter 284, 286 or 287 of NRS.*

Sec. 5. NRS 703.110 is hereby amended to read as follows:

703.110 ~~**1.** The majority of the Commissioners have full power to act in all matters within their jurisdiction.~~

~~**2.** If two Commissioners are disqualified or if there are two vacancies within the Commission, the remaining Commissioner shall exercise all the powers of the Commission.~~

~~—3.]~~ Except as otherwise provided in this chapter, all hearings and meetings conducted by the Commission must be open to the public.

Sec. 6. Section 112 of chapter 604, Statutes of Nevada 2001, at page 3277, is hereby amended to read as follows:

Sec. 112. 1. This section and sections 1 to 27, inclusive, 30 to 94, inclusive, 96 to 111, inclusive, and 113 of this act become effective upon passage and approval.

2. Section 95 of this act becomes effective on July 1, 2001.

~~{3. Sections 28 and 29 of this act become effective on October 1, 2003.}~~

Sec. 7. Sections 28, 29 and 107 of chapter 604, Statutes of Nevada 2001, at pages 3237 and 3275, respectively, are hereby repealed.

Sec. 8. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2003.