

ASSEMBLY BILL NO. 314—ASSEMBLYMEN MCCLEARY, MCCLAIN,
HOLCOMB, MANENDO, MORTENSON, SEALE AND SIBLEY

MARCH 21, 2005

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Requires person appointed by Legislature, members
of Legislature or Governor to public board to have
resided in area pertaining to office for at least 6
months immediately preceding appointment.
(BDR 24-436)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public officers; requiring any person appointed
by the Legislature, members of the Legislature or the
Governor to serve as a member of a public board to have
resided in the State, district, county, township or other
area prescribed by law to which the office pertains for at
least 6 months immediately preceding the appointment;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes various qualifications for persons appointed to office
2 by the Governor or the Legislature. (Chapters 218 and 223 of NRS,
3 NRS 232A.020)

4 This bill requires, with some exceptions, that a person appointed by the
5 Governor or the Legislature to a new term or to fill a vacancy on a board,
6 commission, committee, council, authority or similar body must have resided in
7 Nevada or, if required, in the district or other area he represents for at least 6
8 months before appointment to the office.



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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, it or he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 2. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:



1 (a) *A requirement of law concerning another characteristic or*
2 *status that a member must possess, including, without limitation,*
3 *membership in another organization, would make it impossible to*
4 *fulfill the provisions of subsection 1; or*

5 (b) *The membership of the particular board, commission,*
6 *committee, council, authority or similar body includes residents of*
7 *another state and the provisions of subsection 1 would conflict*
8 *with a requirement that applies to all members of that body.*

9 **Sec. 3.** NRS 232A.020 is hereby amended to read as follows:

10 232A.020 1. *Except as otherwise provided in this section, a*
11 *person appointed to a new term or to fill a vacancy on a board,*
12 *commission or similar body by the Governor must have, in*
13 *accordance with the provisions of NRS 281.050, actually, as*
14 *opposed to constructively, resided, for the 6 months immediately*
15 *preceding the date of the appointment:*

16 (a) *In this State; and*

17 (b) *If current residency in a particular county, district, ward,*
18 *subdistrict or any other unit is prescribed by the provisions of law*
19 *that govern the position, also in that county, district, ward,*
20 *subdistrict or other unit.*

21 2. After the Governor's initial appointments of members to
22 boards, commissions or similar bodies, all such members shall hold
23 office for terms of 3 years or until their successors have been
24 appointed and have qualified.

25 ~~[2.]~~ 3. A vacancy on a board, commission or similar body
26 occurs when a member dies, resigns, becomes ineligible to hold
27 office or is absent from the State for a period of 6 consecutive
28 months.

29 ~~[3.]~~ 4. Any vacancy ~~{shall}~~ **must** be filled by the Governor for
30 the remainder of the unexpired term.

31 ~~[4.]~~ 5. A member appointed to a board, commission or similar
32 body as a representative of the general public ~~{shall}~~ **must** be a
33 person who:

34 (a) Has an interest in and a knowledge of the subject matter
35 which is regulated by the board, commission or similar body; and

36 (b) Does not have a pecuniary interest in any matter which is
37 within the jurisdiction of the board, commission or similar body.

38 6. *The provisions of subsection 1 do not apply if:*

39 (a) *A requirement of law concerning another characteristic or*
40 *status that a member must possess, including, without limitation,*
41 *membership in another organization, would make it impossible to*
42 *fulfill the provisions of subsection 1; or*

43 (b) *The membership of the particular board, commission or*
44 *similar body includes residents of another state and the provisions*



of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 4. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.*

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possesses his civil rights.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his appointment, he shall, within 90 days after his lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that he is lawfully readmitted for permanent residency as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.* If the person fails to submit such evidence within the prescribed time, his appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➔ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his term of appointment as a notary public expires, an affidavit which contains the information required pursuant to subsection 2 of NRS 240.030.

Sec. 5. The amendatory provisions of this act do not abrogate or affect the current term of office of any person appointed by the Legislature, members of the Legislature or the Governor to serve as a member of a board, commission, committee, council, authority or similar body who is serving in that term on October 1, 2005.

