

Amendment No. 320

Assembly Amendment to Assembly Bill No. 505

(BDR 43-973)

Proposed by: Assemblyman Ocegüera**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“**Sec. 4.** NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The Chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the Chief of the Division of Financial Institutions is the Commissioner of Financial

SEG/JRS

Date: 4/18/2005

A.B. No. 505—Revises provisions relating to registration of certain motor vehicles.



Institutions, the Chief of the Housing Division is the Administrator of the Housing Division, the Chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division, the Chief of the Real Estate Division is the Real Estate Administrator, the Chief of the Division of Insurance is the Commissioner of Insurance, the Chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the Chief of the Office of Labor Commissioner is the Labor Commissioner, the Chief of the Taxicab Authority is the Taxicab Administrator, the Chief of the Transportation Services Authority is the ~~[Chairman]~~ **Commissioner** of the Authority, the Chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information

services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 18 and 19 and adding new sections designated sections 7 through 17, following sec. 5, to read as follows:

“**Sec. 7.** Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

“*Commissioner*” means the Commissioner of the Authority.

Sec. 8. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, **and section 7 of this act**, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, **and section 7 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The Transportation Services Authority is hereby created ~~[]~~ **within the Department of Business and Industry.**

2. The ~~[Authority consists of three members appointed by the Governor. After the initial term each member shall serve]~~ **Commissioner is the chief officer of the Authority. The Governor shall appoint the Commissioner for** a term of 4 years.

3. The ~~[Governor shall appoint to the Authority members who]~~ **person appointed as Commissioner:**

(a) **Must** have at least 2 years of experience in one or more of the following fields:

~~[(a)]~~ (1) Accounting.

~~[(b)]~~ (2) Business administration.

~~[(c)]~~ (3) Economics.

~~[(d)]~~ (4) Administrative law.

~~[(e)]~~ (5) Transportation.

~~[(f)]~~ (6) Professional engineering.

~~[]~~ **At least one but not more than two of the members appointed must be residents of Clark County.**

~~—4. Not more than two of the members may be:~~

~~—(a) Members of the same political party.~~

~~—(b) From the same field of experience.~~

~~—5.— All of the members must be persons who are]~~

(b) ***Must be*** independent of the industries regulated by the Authority. ~~[No]~~

(c) ***Must not be an*** elected officer of this State or any political subdivision ~~[is eligible for appointment.~~

~~—6.— The members of the Authority shall give their] of this State.~~

4. ***The Commissioner shall devote his*** entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

~~[7.— Each member of the Authority]~~

5. ***The Commissioner*** serves at the pleasure of the Governor.

Sec. 10. NRS 706.1512 is hereby amended to read as follows:

706.1512 ~~[1.— The Governor shall designate one of the members of the Authority to be Chairman. The Chairman is the Executive Officer of the Authority and serves at the pleasure of the Governor.~~

~~—2.— The members of the Authority are]~~ ***The Commissioner is*** in the unclassified service of the State.

Sec. 11. NRS 706.1513 is hereby amended to read as follows:

706.1513 The ~~[Authority]~~ ***Commissioner*** may sue and be sued in the name of the Transportation Services Authority.

Sec. 12. NRS 706.1514 is hereby amended to read as follows:

706.1514 1. ~~[A majority of the members of the Authority]~~ ***The Commissioner*** may exercise all of the power and conduct the business of the Authority relating to common or contract carriers,

taxicabs ~~[]~~ and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

2. Except as otherwise provided in this subsection, public hearings must be conducted by ~~one or more members of the Authority.~~ ***the Commissioner.*** An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be conducted by a hearing officer designated by the ~~[Chairman of the Authority.]~~ ***Commissioner.***

Sec. 13. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the Authority for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of ~~[members of the Authority]~~ ***the Commissioner*** and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the Authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the Authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 14. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Transportation Services Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The ~~[salaries,]~~ **salary**, travel expenses and subsistence allowances of the ~~[members of the Authority.]~~ **Commissioner**.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 15. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, ~~[any member of the Authority]~~ **the Commissioner** or any officer or employee of the Authority who is designated by the ~~[Authority]~~ **Commissioner** may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the Authority and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the Authority determines that the examination is required to protect the interests of the public.

3. As used in this section, “personnel records” does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 16. NRS 706.176 is hereby amended to read as follows:

706.176 The ~~{Authority}~~ **Commissioner** may:

1. Appoint ~~{a Deputy who serves}~~ ***such deputy commissioners as are required by the Commissioner. Each deputy commissioner serves*** in the unclassified service of the State.

2. Employ such other personnel as may be necessary.

Sec. 17. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the Authority for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the Authority are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State Treasury in the same manner as other claims against the State are paid. No fees or mileage may be allowed unless the ~~[Chairman of the Authority]~~ **Commissioner** certifies the correctness of the claim.”.

Amend sec. 7, page 4, line 37, by deleting:

“1 to 5, inclusive,” and inserting:

“1, 2, 3, 5 and 6”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; reorganizing the Transportation Services Authority; providing for the appointment of the Commissioner of the Transportation Services Authority as the Chief of the Authority; revising the procedure pursuant to which vehicles are registered under the Interstate Highway User Fee Apportionment Act; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to registration of certain motor vehicles and reorganizes Transportation Services Authority. (BDR 43-973)”.