

SENATE BILL NO. 171—SENATORS HARDY AND TOWNSEND

MARCH 9, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Increases number of Commissioners who serve on Public Utilities Commission of Nevada. (BDR 58-625)

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 Public Utilities Commission of Nevada; increasing the number of Commissioners who serve on the Commission; increasing the number of Commissioners who must act on any matter before the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Public Utilities Commission of Nevada consists of three Commissioners appointed by the Governor and establishes the composition of the Commission. (NRS 703.030)

This bill increases the total number of Commissioners to five and changes the composition of the Commission. This bill also requires that a vacancy filled for the remainder of an unexpired term be filled in the same manner as the original appointment.

Existing law provides that at least two Commissioners are required for the Public Utilities Commission to enter a final order on a matter within the jurisdiction of the Commission. (NRS 703.085)

This bill increases the number of Commissioners who must be present and qualified to act on a matter from two to three for consistency with the increased number of Commissioners. If there are only three such Commissioners present, all three must concur to enter a final order of the Commission.



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

1 **Section 1.** NRS 703.030 is hereby amended to read as follows:

2 703.030 1. The Commission consists of ~~{three}~~ **five**
3 Commissioners appointed by the Governor . ~~{for terms of}~~ **After the**
4 **initial terms, the term of each Commissioner is** 4 years.

5 2. The Governor shall appoint ~~{as members of the Commission~~
6 ~~persons}~~ :

7 **(a) One Commissioner to represent the general public.**

8 **(b) Four Commissioners** who have at least 2 years of
9 experience in one or more of the following fields:

10 ~~{(a)}~~ **(1)** Accounting.

11 ~~{(b)}~~ **(2)** Business administration.

12 ~~{(c)}~~ **(3)** Finance or economics.

13 ~~{(d)}~~ **(4)** Administrative law.

14 ~~{(e)}~~ **(5)** Professional engineering.

15 **↪ Not more than two of the Commissioners appointed pursuant to**
16 **this paragraph may be from the same field of experience.**

17 3. Not more than ~~{two}~~ **three** of the Commissioners may be ~~{:~~

18 ~~—(a) Members}~~ **members** of the same political party.

19 ~~{(b) From the same field of experience.}~~

20 **4. A vacancy on the Commission must be filled for the**
21 **remainder of the unexpired term in the same manner as the**
22 **original appointment.**

23 **Sec. 2.** NRS 703.085 is hereby amended to read as follows:

24 703.085 1. A majority of the Commissioners has full power
25 to act in all matters within the jurisdiction of the Commission. **If**
26 **there are only three Commissioners who are able to act on a**
27 **matter, all three Commissioners must concur to act on behalf of**
28 **the Commission.**

29 2. Before the Commission may enter a final order on a matter,
30 there must be at least ~~{two}~~ **three** Commissioners who are able to act
31 on the matter. If there are fewer than ~~{two}~~ **three** Commissioners
32 who are able to act on the matter because of disqualifications,
33 illnesses, incapacities, vacancies that have not yet been filled, or any
34 other reason, the Governor shall appoint the requisite number of
35 persons to serve as Acting Commissioners in the place of the
36 Commissioners who are unable to act on the matter so that there are
37 at least ~~{two}~~ **three** persons who are able to act on the matter,
38 whether serving as a Commissioner or an Acting Commissioner. If
39 there are fewer than ~~{two}~~ **three** Commissioners who are able to act
40 on the matter because of disqualifications, illnesses, incapacities,
41 vacancies that have not yet been filled, or any other reason, and the
42 Governor has not appointed the requisite number of persons to serve



1 as Acting Commissioners pursuant to this subsection, the Deputy
2 Commissioner appointed pursuant to subsection 1 of NRS 703.130
3 may serve as an Acting Commissioner.

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

9 4. A person who is appointed or authorized to serve as an
10 Acting Commissioner shall be deemed to be a Commissioner and is
11 entitled to exercise the powers of a Commissioner only in
12 proceedings before the Commission that involve the matter or
13 matters for which the person is appointed or authorized to serve as
14 an Acting Commissioner.

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

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

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

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

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

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

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

38 **Sec. 3.** 1. As soon as practicable after passage and approval
39 of this act, the Governor shall appoint two additional
40 Commissioners to the Public Utilities Commission of Nevada in
41 accordance with the provisions of section 1 of this act. For the initial
42 terms of those Commissioners, the Governor shall appoint:

43 (a) One Commissioner whose term begins on October 1, 2005,
44 and expires on September 30, 2008; and



1 (b) One Commissioner whose term begins on October 1, 2005,
2 and expires on September 30, 2009.

3 2. The provisions of this act do not abrogate or affect the term
4 of office of any other Commissioner of the Public Utilities
5 Commission of Nevada.

6 **Sec. 4.** 1. This section and section 3 of this act become
7 effective upon passage and approval.

8 2. Sections 1 and 2 of this act become effective on October 1,
9 2005.

