

ASSEMBLY BILL NO. 559—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE CONTROLLER)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Authorizes the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated. (BDR 23-700)

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 State Government; authorizing the Governor to designate a temporary replacement if the State Controller or the State Treasurer becomes temporarily incapacitated; requiring certification by a licensed physician; defining “incapacity”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, if a vacancy occurs in the office of any state officer, the
2 Governor is required to appoint a person to serve in that office until the next
3 general election. (NRS 283.110) Existing law sets forth the events that cause a
4 vacancy in office, including death and illness of a certain duration, but does not
5 address the situation in which a state officer may be unable to perform the duties
6 and functions of his office because of temporary incapacity. (NRS 283.040) This
7 bill provides that if the Governor determines the State Controller or the State
8 Treasurer suffers from illness or incapacity of indeterminate duration and that the
9 illness or incapacity seriously interferes with or otherwise poses a critical and
10 immediate danger to the financial operations of this State, the Governor may
11 designate the Secretary of State or the Lieutenant Governor to perform the duties
12 and functions of the State Controller or the State Treasurer, as applicable, for a
13 limited period. This bill prohibits such a designation unless a physician licensed
14 under the laws of this State examines the State Controller or the State Treasurer, as
15 applicable, and certifies that the officer suffers from such illness or incapacity. This
16 bill also authorizes the Office of the State Controller, in advance, to obtain and
17 secure any necessary mechanical device that would be required by the Secretary of
18 State or the Lieutenant Governor if designated to perform the duties and functions



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of the State Controller or the State Treasurer, as applicable, so that the designee may use a facsimile signature in place of his handwritten signature in performing such duties and functions.

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

Section 1. Chapter 283 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if the Governor determines that the State Controller or the State Treasurer suffers from illness or incapacity which:

(a) Is likely to be of indeterminate or unknown duration;

(b) Does not constitute a vacancy in office as described in NRS 283.040; and

(c) Seriously interferes with or otherwise poses a critical and immediate danger to the financial operations of this State,

↳ the Governor may designate the Secretary of State or the Lieutenant Governor to perform such duties and functions of the State Controller or the State Treasurer, as applicable, as are necessary for the continuing financial operations of this State.

2. The Governor shall not make a designation pursuant to subsection 1 unless a physician licensed under the laws of this State certifies that he has examined the State Controller or the State Treasurer, as applicable, and has found such officer to suffer from illness or incapacity.

3. If the Governor makes a designation pursuant to subsection 1:

(a) The designation is effective until the earliest of the following events:

(1) The State Controller or the State Treasurer, as applicable, becomes capable of returning to the performance of his duties, as certified by an examining physician licensed under the laws of this State;

(2) The office of the State Controller or the State Treasurer, as applicable, is vacated by operation of law and a successor is appointed; or

(3) A successor is elected to replace the State Controller or the State Treasurer, as applicable, and has been qualified following the next general election.

(b) The officer designated to perform the duties and functions of the State Controller or the State Treasurer, as applicable, shall, for the effective duration of the designation, as described in paragraph (a), be deemed to be the State Controller or the State



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1 *Treasurer, as applicable, to the extent necessary to carry out the*
2 *duties and functions assigned by law to that office.*

3 *4. The Office of the State Controller may obtain and secure*
4 *in advance any necessary mechanical device that would be*
5 *required by the Secretary of State or the Lieutenant Governor if*
6 *designated pursuant to subsection 1 to perform the duties and*
7 *functions of the State Controller or the State Treasurer, as*
8 *applicable, so that the Secretary of State or the Lieutenant*
9 *Governor may, as described in NRS 226.080 and 227.090 and for*
10 *the purpose of performing such duties and functions, use a*
11 *facsimile signature produced by way of such a mechanical device*
12 *in place of his handwritten signature.*

13 *5. As used in this section, "incapacity" means inability to*
14 *perform the duties of office because of advanced age, or mental or*
15 *physical disability.*

16 **Sec. 2.** This act becomes effective upon passage and approval.

