

## Amendment No. 440

Assembly Amendment to Assembly Bill No. 101

(BDR 18-772)

**Proposed by:** Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

HAC/MSM



Date: 4/21/2007

A.B. No. 101—Revises provisions governing the Commission on Tourism.  
(BDR 18-772)



## ASSEMBLY BILL NO. 101—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LAS VEGAS CONVENTION AND  
VISITORS AUTHORITY AND THE RENO-SPARKS  
CONVENTION AND VISITORS AUTHORITY)

FEBRUARY 13, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Commission on Tourism.  
(BDR 18-772)

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 the Commission on Tourism; **amending the membership of the Commission**; making certain ex officio nonvoting members of the Commission voting members; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Commission on Tourism is comprised of the Lieutenant Governor, eight members who are appointed by the Governor and three ex officio nonvoting members who are the chief administrative officers of the county fair and recreation boards or, if there are no county fair and recreation boards, the chairmen of the boards of county commissioners, of the three counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund for the Promotion of Tourism. (NRS 231.170, 231.250) **Section 2 of this bill reduces the number of ex officio members on the Commission from three to two (the overall membership of the Commission is therefore reduced from twelve to eleven) and provides that the ex officio members are the executive officers of the convention and visitors authorities of the two counties that paid the largest amount of the proceeds from the tax on transient lodging for credit to the Fund. Section 2 of this bill also makes the ~~three~~ ex officio nonvoting members of the Commission voting members.**

**Section 3 of this bill increases the number of members of the Commission required to constitute a quorum from four members to ~~seven~~ six members as a result of the increased number of voting members on the Commission. (NRS 231.180)**

**Section 4 of this bill clarifies that only the appointed members of the Commission are entitled to a salary for their attendance at meetings of the Commission. (NRS 231.190)**

**Sections 1 and 5-12 of this bill change the title of the "Executive Director" of the Commission to the "Director" for the purpose of conformance to existing usage.**

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

**Section 1. NRS 231.015 is hereby amended to read as follows:**

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chairman, the Lieutenant Governor, who is its Vice Chairman, the ~~Executive~~ Director of the Commission on Tourism, the Executive Director of the Commission on Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Commission on Tourism and the Commission on Economic Development.

(c) Formulate cooperative agreements between the Commission on Tourism or the Commission on Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that each of those commissions may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

~~Section 1.~~ **Sec. 2. NRS 231.170 is hereby amended to read as follows:**

231.170 1. The Commission on Tourism is composed of ~~the~~ ~~12~~ 11 *voting members as follows:*

(a) ~~The~~ Lieutenant Governor, who is its Chairman ~~and eight~~;

(b) ~~Eight~~ members, ~~who are~~ appointed by the Governor, ~~and~~

~~2. The Governor shall appoint as members of the Commission persons who are informed on and have experience in travel and tourism, including the business of gaming~~

~~and~~

(c) The chief ~~administrative~~ executive officers of the ~~county fair and recreation boards~~ convention and visitors authorities or, if there is no ~~county fair and recreation board~~ convention and visitors authority in the county, the chairman of the board of county commissioners, of the ~~three~~ two counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year. ~~are ex-officio but nonvoting members of the Commission.~~

2. A change in any member of the Commission who serves pursuant to ~~the provisions of this~~ paragraph (c) of subsection 1 that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.

~~[4. In addition to the appointments made]~~  
3. *Of the members appointed by the Governor pursuant to paragraph (b) of subsection [3, the Governor shall appoint:] 1:*

(a) At least one member ~~[who is]~~ *must be* a resident of ~~[Clark County.] a county whose population is 400,000 or more.~~

(b) At least one member ~~[who is]~~ *must be* a resident of ~~[Washoe County.] a county whose population is 100,000 or more but less than 400,000.~~

(c) At least two members ~~[who are]~~ *must be* residents of counties whose population is *less than* 100,000. ~~[or less.]~~

(d) ~~[One member]~~ *[who is] Four members must be [a resident] residents of* any county in this State.

~~[Sec. 2.]~~ Sec. 3. NRS 231.180 is hereby amended to read as follows:

231.180 1. The Commission on Tourism shall meet once each calendar quarter, or at more frequent times if it deems necessary, and may, within the limitations of its budget, hold special meetings at the call of the Chairman or a majority of the members.

2. The ~~[Executive]~~ Director is the Secretary of the Commission.

3. The Commission shall prescribe rules for its own management and government.

4. ~~[Four] [Seven] Six~~ members of the Commission constitute a quorum. ~~[, but a majority of the members of the Commission are required to exercise the power conferred on the Commission.]~~

5. The Governor may remove ~~[a]~~ *an appointed* member from the Commission if the member neglects his duty or commits malfeasance in office.

~~[Sec. 3.]~~ Sec. 4. NRS 231.190 is hereby amended to read as follows:

231.190 Each *appointed* member of the Commission on Tourism is entitled to receive a salary of \$80 for each day's attendance at a meeting of the Commission.

Sec. 5. *NRS 231.210 is hereby amended to read as follows:*

231.210 The ~~[Executive]~~ Director of the Commission on Tourism:

1. Must be appointed by the Governor from a list of three persons submitted to him by the Commission.

2. Is responsible to the Commission and serves at its pleasure.

3. Shall, except as otherwise provided in NRS 284.143, devote his entire time to the duties of his office, and he shall not follow any other gainful employment or occupation.

Sec. 6. *NRS 231.220 is hereby amended to read as follows:*

231.220 The ~~[Executive]~~ Director of the Commission on Tourism shall direct and supervise all its administrative and technical activities, including coordinating its plans for tourism and publications, scheduling its programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to travel and tourism. In addition to other powers and duties, the ~~[Executive]~~ Director:

1. Shall attend all meetings of the Commission and act as its Secretary, keeping minutes and audio recordings or transcripts of its proceedings.

2. Shall report regularly to the Commission concerning the administration of its policies and programs.

3. Shall serve as the Director of the Division of Tourism.

4. Shall appoint the Administrator of the Division of Publications.

5. May perform any other lawful acts which he considers necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive.

Sec. 7. *NRS 231.230 is hereby amended to read as follows:*

231.230 1. The Commission on Tourism through its ~~[Executive]~~ Director may:

1 (a) Employ such professional, technical, clerical and operational employees as  
2 the operation of the Commission may require; and

3 (b) Employ such experts, researchers and consultants and enter into such  
4 contracts with any public or private entities as may be necessary to carry out the  
5 provisions of NRS 231.160 to 231.360, inclusive.

6 2. The ~~Executive~~ Director and all other nonclerical employees of the  
7 Commission are in the unclassified service of the State.

8 3. The clerical employees of the Commission are in the classified service of  
9 the State.

10 **Sec. 8. NRS 231.240 is hereby amended to read as follows:**

11 231.240 1. The ~~Executive~~ Director of the Commission on Tourism may  
12 charge reasonable fees for materials prepared for distribution.

13 2. All such fees must be deposited with the State Treasurer for credit to the  
14 Commission. The fees must first be expended exclusively for materials and labor  
15 incident to preparing and printing those materials for distribution. Any remaining  
16 fees may be expended, in addition to any other money appropriated, for the support  
17 of the Commission.

18 **Sec. 9. NRS 231.300 is hereby amended to read as follows:**

19 231.300 In performing their duties, the ~~Executive~~ Director of the  
20 Commission on Tourism and the Administrator of the Division of Publications shall  
21 not interfere with the functions of any other state agencies, but those agencies shall,  
22 from time to time, on reasonable request, furnish the ~~Executive~~ Director and  
23 Administrator with data and other information from their records bearing on the  
24 objectives of the Commission and its divisions. The ~~Executive~~ Director and  
25 Administrator shall avail themselves of records and assistance of such other state  
26 agencies as might make a contribution to the work of the Commission.

27 **Sec. 10. NRS 235.012 is hereby amended to read as follows:**

28 235.012 1. The Director, after consulting with the ~~Executive~~ Director of  
29 the Commission on Tourism, the Administrator of the Division of Museums and  
30 History of the Department of Cultural Affairs and the Administrator of the Division  
31 of Minerals of the Commission on Mineral Resources, may contract with a mint to  
32 produce medallions made of gold, silver, platinum or nonprecious metals and bars  
33 made of gold, silver or platinum.

34 2. The decision of the Director to award a contract to a particular mint must  
35 be based on the ability of the mint to:

36 (a) Provide a product of the highest quality;

37 (b) Advertise and market the product properly, including the promotion of  
38 museums and tourism in this State; and

39 (c) Comply with the requirements of the contract.

40 3. The Director shall award the contract to the lowest responsible bidder,  
41 except that if in his judgment no satisfactory bid has been received, he may reject  
42 all bids.

43 4. All bids for the contract must be solicited in the manner prescribed in NRS  
44 333.310 and comply with the provisions of NRS 333.330.

45 **Sec. 11. NRS 235.014 is hereby amended to read as follows:**

46 235.014 1. The ore used to produce a medallion or bar must be mined in  
47 Nevada, if the ore is available. If it is not available, ore newly mined in the United  
48 States may be used. Each medallion or bar made of gold, silver or platinum must be  
49 0.999 fine. Additional series of medallions made of gold, silver or platinum at  
50 degrees of fineness of 0.900 or greater may be approved by the Director with the  
51 concurrence of the Interim Finance Committee. The degree of fineness of the  
52 materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the Director, in consultation with the ~~Executive~~ Director of the Commission on Tourism, the Administrator of the Division of Museums and History of the Department of Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources.

**Sec. 12. NRS 408.210 is hereby amended to read as follows:**

408.210 1. The Director may restrict the use of, or close, any highway whenever he considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Commission on Economic Development or the Director of the Commission on Tourism.

2. The Director may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or his agent. In lieu of personal service upon that person or his agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of \$100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, he may issue a license to the owner or his agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or his agent, the owner or agent may propose a time within which he will relocate or remove the encroachment as required. If the Director and the owner or his agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or his agent has failed to do so within the time agreed. If the Director and the owner or his agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or his agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director

1 gives the Department the right of action provided by subsection 3, but the penalty  
2 must be computed from the expiration of the agreed period or 30-day period, as the  
3 case may be.

4 ~~[Sec. 4.]~~ **Sec. 13.** This act becomes effective on July 1, 2007.