

ASSEMBLY BILL NO. 410—ASSEMBLYWOMAN SWANK

MARCH 17, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises the membership of certain boards and commissions of the Executive Department of the State Government. (BDR 28-741)

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

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to government affairs; revising the membership of certain boards and commissions of the Executive Department of the State Government to provide for proportionate representation based on population; providing for a decennial review of the membership of these boards and commissions to ensure continuation of proportional representation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the method of appointment, number of members and criteria for selection of members of the State Public Works Board, the Commission on Tourism, the Nevada Tax Commission, the State Board of Education, the Board of Directors of the Department of Transportation, the Nevada Gaming Commission and the Real Estate Commission. (NRS 231.170, 341.020, 360.030, 385.021, 408.106, 463.023, 645.100) This bill divides the State into three regions for purposes of determining proportional representation and revises the requirements for the membership of those boards and commissions to provide approximately proportional representation on the basis of the last decennial census population of the three regions: (1) Clark County; (2) Washoe, Storey and Lyon Counties and Carson City; and (3) the remainder of the State. This bill also provides these requirements following each decennial census, if necessary to maintain proportional representation.



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

Section 1. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board is hereby created.

2. The Board consists of the Director of the Department and six members appointed as follows:

(a) The Governor shall appoint:

(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;

(2) One member who is licensed to practice law in this State and who has experience in the practice of construction law; and

(3) Two members who are licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(b) The Majority Leader of the Senate shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(c) The Speaker of the Assembly shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

3. *Of the six members appointed to the Board pursuant to subsection 2:*

(a) Three members must reside in or have a principal place of business located in Clark County;

(b) Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and

(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

4. *The apportionment of members pursuant to subsection 3 is intended to give approximately proportional regional representation on the Board to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Board must be reconsidered to ensure approximately proportional regional representation is maintained.*

5. Each member of the Board who is appointed serves at the pleasure of the appointing authority.

~~[4.]~~ 6. A vacancy on the Board in an appointed position must be filled by the appointing authority in the same manner as the original appointment.



Sec. 2. NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of:

(a) Eleven voting members as follows:

(1) The Lieutenant Governor, who is its Chair;

(2) Eight members, appointed by the Governor, who are informed on and have experience in travel and tourism, including the business of gaming; and

(3) The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chair of the board of county commissioners, of the 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.

(b) The following ex officio, nonvoting members:

(1) The Chair of the Commission for Cultural Affairs;

(2) The Chair of the Board of Museums and History;

(3) The Chair of the Nevada Indian Commission; and

(4) The Chair of the Board of the Nevada Arts Council.

➔ A person may serve as an ex officio, nonvoting member pursuant to subparagraph (1) and subparagraph (2) or (4) concurrently.

2. A change in any member of the Commission who serves pursuant to subparagraph (3) of paragraph (a) 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.

3. Of the members appointed by the Governor pursuant to subparagraph (2) of paragraph (a) of subsection 1:

~~(a) [At least one member must be a resident of a county whose population is 700,000 or more.]~~ **Five members must reside in or have a principal place of business located in Clark County;**

~~(b) [At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000.]~~ **Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City;**

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

~~—(d) Four members must be residents of any county in this State.]~~ **One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.**



4. The apportionment of members pursuant to subsection 3 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.

Sec. 3. NRS 360.030 is hereby amended to read as follows:

360.030 1. Of the eight members appointed to the Nevada Tax Commission pursuant to NRS 360.010:

(a) Five members must reside in or have a principal place of business located in Clark County;

(b) Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and

(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

2. The apportionment of members pursuant to subsection 1 is intended to give approximately proportional regional representation on the Nevada Tax Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.

3. Not more than five of the eight commissioners may be ~~1~~:

~~(a) Appointed from any one county in this State.~~

~~(b) Of~~ of the same political party.

~~12-1~~ 4. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.

~~13-1~~ 5. Any commissioner may be removed by the Governor if, in his or her opinion, that commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 4. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

(a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;

(b) ~~One member~~ Two members appointed by the Governor;



(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and

(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. Of the four voting members appointed to the State Board pursuant to paragraphs (b), (c) and (d) of subsection 1:

(a) Two members must be residents of Clark County;

(b) One member must be a resident of Washoe, Lyon or Storey County or Carson City; and

(c) One member must be a resident of Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

3. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

~~3.4~~ 4. Of the four nonvoting members appointed to the State Board pursuant to subsection 3:

(a) Two members must be residents of Clark County;

(b) One member must be a resident of Washoe, Lyon or Storey County or Carson City; and

(c) One member must be a resident of Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

5. The apportionment of members pursuant to subsections 2 and 4 is intended to give approximately proportional regional representation on the State Board to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the State Board must be reconsidered to ensure approximately proportional regional representation is maintained.



6. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

~~14. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.~~

~~5.1~~ 7. The Governor shall ensure that *of* the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 : ~~represent the geographic diversity of this State and that:~~

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~16.1~~ 8. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection ~~12.1~~ 3 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection ~~12.1~~ 3 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~17.1~~ 9. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection ~~12.1~~ 3, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 5. NRS 408.106 is hereby amended to read as follows:

408.106 1. There is hereby created a Department of Transportation, administered by a seven-member Board of Directors consisting of the Governor, the Lieutenant Governor, and the State Controller, who serve ex officio, and four members who are



1 appointed by the Governor. If one of the three constitutional offices
2 is vacant, the Secretary of State shall serve ex officio on the Board
3 until the vacancy is filled.

4 2. The Governor shall appoint as members of the Board four
5 persons who are residents of Nevada, informed on and interested in
6 the construction and maintenance of highways and other matters
7 relating to transportation. The members so appointed must be
8 residents of Nevada as follows:

9 (a) Two members who must reside in a highway district that
10 includes a county whose population is 700,000 or more;

11 (b) One member who must reside in a highway district that
12 includes a county whose population is 100,000 or more but less than
13 700,000; and

14 (c) One member who must reside in a highway district that does
15 not include a county whose population is 100,000 or more.

16 3. *The apportionment of members pursuant to subsection 2 is*
17 *intended to give approximately proportional regional*
18 *representation on the Board to the residents of the State. In each*
19 *regular legislative session following the completion of a decennial*
20 *census conducted by the Bureau of the Census of the United*
21 *States Department of Commerce, the apportionment of members*
22 *on the Board must be reconsidered to ensure approximately*
23 *proportional regional representation is maintained.*

24 4. All the members appointed pursuant to subsection 2 must be
25 informed on and interested in the construction and maintenance of
26 highways and other matters relating to transportation, and must
27 possess at least one of the following qualifications:

28 (a) Knowledge of engineering evidenced by the possession of a
29 bachelor of science degree in civil or structural engineering and
30 licensure in this State as a professional engineer.

31 (b) Demonstrated expertise in financial matters and business
32 administration.

33 (c) Demonstrated expertise in the business of construction
34 evidenced by the possession of a license as a general contractor and
35 experience as a principal officer of a firm licensed in this State.

36 ➤ The Governor shall not appoint to the Board any person who is
37 currently employed in the field of or has a substantial financial
38 interest in the construction or maintenance of highways in this State.

39 ~~4.~~ 5. The Governor shall serve as the Chair of the Board and
40 the members of the Board shall elect annually a Vice Chair.

41 ~~5.~~ 6. Each member of the Board who is not a public officer is
42 entitled to receive as compensation \$80 for each day or portion of a
43 day during which the member attends a meeting of the Board or is
44 otherwise engaged in the business of the Board plus the per diem



allowance and travel expenses provided for state officers and employees generally.

~~16.1~~ 7. After the initial terms, the appointed members of the Board shall serve terms of 4 years.

~~17.1~~ 8. As used in this section, "highway district" means a portion of this State designated by the Board as a highway district for the purposes of carrying out the duties of the Board.

Sec. 6. NRS 463.023 is hereby amended to read as follows:

463.023 1. Each member of the Commission shall be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party shall be eligible to appointment to the Commission.

3. It is the intention of the Legislature that the Commission shall be composed of the most qualified persons available, preferably no two of whom shall be of the same profession or major field of industry; but no person actively engaged or having a direct pecuniary interest in gaming activities shall be a member of the Commission.

4. Not more than three members of the Commission shall be of the same major political affiliation.

5. Of the five members appointed to the Commission pursuant to NRS 463.024:

(a) Three members must reside in or have a principal place of business located in Clark County;

(b) One member must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and

(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

6. The apportionment of members pursuant to subsection 5 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.

Sec. 7. NRS 645.100 is hereby amended to read as follows:

~~645.100 1. [At least two members of the Commission must be residents of the southern district of Nevada, and at least two~~



~~members of the Commission must be residents of the northern district of Nevada.]~~ *Of the five members appointed to the Commission pursuant to NRS 645.050:*

(a) Three members must reside in or have a principal place of business located in Clark County;

(b) One member must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and

(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.

2. ~~[Not more than two members may be appointed from any one county.]~~ *The apportionment of members pursuant to subsection 1 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.*

3. The southern district *of Nevada* consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

4. The northern district *of Nevada* consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

Sec. 8. Notwithstanding the amendatory provisions of this act, a member of the State Public Works Board, the Commission on Tourism, the Nevada Tax Commission, the State Board of Education, the Board of Directors of the Department of Transportation, the Nevada Gaming Commission or the Real Estate Commission who was appointed pursuant to NRS 231.170, 341.020, 360.010, 385.021, 408.106, 463.024 or 645.050 as those sections existed on June 30, 2015, and who is serving a term on July 1, 2015, is, if the member is otherwise qualified to serve in that capacity, entitled to serve the remainder of the term to which he or she was appointed.

Sec. 9. This act becomes effective on July 1, 2015.

