

SENATE BILL NO. 46—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COLORADO RIVER
COMMISSION OF NEVADA)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Colorado River Commission of Nevada and the Public Utilities Commission of Nevada. (BDR 31-359)

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 financial administration; revising the requirements relating to the financial administration of the Colorado River Commission of Nevada and the Public Utilities Commission of Nevada; revising provisions governing the personnel of those Commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Budget Act prescribes the procedures for the proposal of the budget for the Executive Department of the State Government. (NRS 353.150-353.246) Professional licensing and certification boards and commissions, which are not funded by money from the State General Fund, are exempted entirely from the requirements of the State Budget Act and therefore do not submit their budgets for review and approval by the Executive Department and the Legislature. (NRS 353.005) The Legislative and Judicial Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency are required to submit their budgets to the Legislature for approval and to the Chief of the Budget Division of the Department of Administration for informational purposes, but are otherwise exempt from the requirements of the State Budget Act. (NRS 353.210, 353.246) In the same manner, **sections 1 and 2** of this bill exempt the Colorado River Commission of Nevada and the Public Utilities Commission of Nevada from the requirements of the State Budget Act, except for the requirements of submitting their biennial agency budgets to the Legislature for approval and to the Chief of the Budget Division for informational purposes.

Under existing law, officers and employees of the Executive Department of the State Government are in either the classified or unclassified service, unless



otherwise provided by specific statute. (NRS 284.013, 284.140, 284.150) For example, employees of the Office of the Governor are not in the classified or unclassified service. (NRS 223.085) **Sections 4-8** of this bill remove all officers and employees of the Colorado River Commission from the classified and unclassified service and require the Commission to adopt rules and policies regarding the employment rights, salary ranges and benefits of its officers and employees. **Sections 9-13** of this bill make the same change for officers and employees of the Public Utilities Commission. However, the officers and employees of both Commissions remain eligible to participate in the Public Employees' Benefits Program and the Public Employees' Retirement System.

With certain exceptions, existing law limits the amount of the salary of a person employed by the State to not more than 95 percent of the salary for the office of Governor during the same period. (NRS 281.123) **Sections 4-8** exempt the salaries of the officers and employees of the Colorado River Commission from this salary limitation and require that the amount of the salaries be within the limits of the respective biennial agency budgets adopted by the Commission. **Sections 9-13** make the same changes with respect to the salaries of the officers and employees of the Public Utilities Commission.

Existing law requires the appointment of one Deputy Executive Director of the Colorado River Commission. **Section 6** of this bill authorizes the appointment of additional Deputy Executive Directors.

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

Section 1. NRS 353.210 is hereby amended to read as follows:
353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:



(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money



1 is derived from state money or from other money collected under
2 the authority of the State, fails or neglects to submit estimates of its
3 expenditure requirements as provided in this section, the Chief may,
4 from any data at hand in the Chief's office or which the Chief may
5 examine or obtain elsewhere, make and enter a proposed budget for
6 the department, institution or agency in accordance with the data.

7 6. Agencies, bureaus, commissions and officers of the
8 Legislative Department ~~[, the Public Employees' Retirement~~
9 ~~System]~~ and the Judicial Department of the State Government, *the*
10 *Colorado River Commission of Nevada, the Public Employees'*
11 *Retirement System and the Public Utilities Commission of Nevada*
12 shall submit to the Chief for his or her information in preparing the
13 proposed executive budget the budgets which they propose to
14 submit to the Legislature.

15 7. On or before September 1 of each even-numbered year, the
16 Tahoe Regional Planning Agency shall submit the budget which the
17 Agency proposes to submit to the Legislature to:

18 (a) The Chief for his or her information in preparing the
19 proposed executive budget.

20 (b) The Fiscal Analysis Division of the Legislative Counsel
21 Bureau.

22 8. The information provided by a department, institution or
23 agency pursuant to paragraph (c) of subsection 1 is a public record
24 and must be open to public inspection.

25 9. As used in this section, "privatization contract" means a
26 contract executed by or on behalf of a department, institution or
27 agency which authorizes a private entity to provide public services
28 which are:

29 (a) Substantially similar to the services performed by the public
30 employees of the department, institution or agency; and

31 (b) In lieu of the services otherwise authorized or required to be
32 provided by the department, institution or agency.

33 **Sec. 2.** NRS 353.246 is hereby amended to read as follows:

34 353.246 1. Except as otherwise provided in subsection 2 of
35 this section and subsections 6 and 7 of NRS 353.210, the provisions
36 of NRS 353.150 to 353.245, inclusive, do not apply to agencies,
37 bureaus, commissions and officers of the Legislative Department ~~[,~~
38 ~~the Public Employees' Retirement System,]~~ *and* the Judicial
39 Department of the State Government, *the Colorado River*
40 *Commission of Nevada, the Public Employees' Retirement System,*
41 *the Public Utilities Commission of Nevada* and the Tahoe Regional
42 Planning Agency.

43 2. The Legislative Department ~~[, the Public Employees'~~
44 ~~Retirement System,]~~ *and* the Judicial Department of the State
45 Government, *the Colorado River Commission of Nevada, the*



Public Employees' Retirement System, the Public Utilities Commission of Nevada and the Tahoe Regional Planning Agency shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

Sec. 3. NRS 284.140 is hereby amended to read as follows:

284.140 ~~[The]~~ *Except as otherwise provided by specific statute, the* unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. ~~[Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all]~~ *All* persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 4. NRS 538.101 is hereby amended to read as follows:

538.101 1. *The Commission shall:*

(a) Adopt such rules and policies as the Commission deems appropriate to establish the employment rights of the persons appointed or employed by the Commission;

(b) In addition to the benefits provided to state officers and employees pursuant to chapters 286 and 287 of NRS, determine the other benefits of the persons appointed or employed by the



Commission within the limits of the biennial agency budget adopted by the Commission pursuant to NRS 538.226; and

(c) Adopt salary ranges for the positions of the persons appointed or employed by the Commission within the limits of the biennial agency budget adopted by the Commission pursuant to NRS 538.226.

2. While engaged in official business of the Commission, each commissioner appointed by the Governor is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission.

~~[2.]~~ 3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[3.]~~ 4. The Executive Director or an employee of the Commission designated by the Executive Director shall certify all bills and claims for compensation, per diem expense allowances and travel expenses of the commissioners, and shall submit them for payment in the same manner as all other state claims. The bills and claims must be paid from the Colorado River Commission Fund or any other fund administered by the Commission and designated to be used for those expenses by the Executive Director.

~~[4.]~~ 5. The Commission shall provide its members who are appointed by the Governor with industrial insurance through a private carrier authorized to provide industrial insurance in this state and shall budget and pay for the premiums for that insurance.

Sec. 5. NRS 538.133 is hereby amended to read as follows:

538.133 1. The Commission shall appoint an Executive Director.

2. The Executive Director:

(a) Is *not* in the *classified or* unclassified service of the State .

~~[.]~~ (b) Serves at the pleasure of the Commission . ~~[.]~~ ~~and~~

(c) *Is entitled to receive an annual salary determined by the Commission which is within the salary range for the position adopted by the Commission pursuant to NRS 538.101. The salary of the Executive Director is exempt from the limitations set forth in NRS 281.123.*

(d) Shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 6. NRS 538.137 is hereby amended to read as follows:

538.137 1. The Executive Director shall appoint ~~[a]~~ *one or more* Deputy Executive ~~[Director]~~ *Directors* and shall designate the duties of ~~[the]~~ *each* Deputy Executive Director.

2. ~~[The]~~ *A* Deputy Executive Director of the Commission:



(a) Is *not* in the *classified or* unclassified service of the State. ~~and~~

(b) *Serves at the pleasure of the Executive Director.*

(c) *Is entitled to receive an annual salary determined by the Executive Director which is within the salary range for the position adopted by the Commission pursuant to NRS 538.101. The salary of a Deputy Executive Director is exempt from the limitations set forth in NRS 281.123.*

(d) Shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 7. NRS 538.141 is hereby amended to read as follows:

538.141 The Executive Director shall, within the limits of ~~{available money,}~~ *the biennial agency budget adopted by the Commission pursuant to NRS 538.226*, employ such assistants and employees as ~~{may be}~~ *he or she deems* necessary to carry out the ~~{functions}~~ *powers* and duties of the ~~{Executive Director.}~~ *Commission.* The assistants and employees ~~{have}~~ *employed pursuant to this section:*

1. *Have* such duties as may be prescribed by the Executive Director.

2. *Are not in the classified or unclassified service of the State.*

3. *Serve at the pleasure of the Executive Director.*

4. *Are entitled to receive annual salaries determined by the Executive Director which are within the salary ranges for the positions adopted by the Commission pursuant to NRS 538.101. The salaries of assistants and employees employed pursuant to this section are exempt from the limitations set forth in NRS 281.123.*

Sec. 8. NRS 538.226 is hereby amended to read as follows:

538.226 1. The Commission shall prepare and ~~{approve}~~ *adopt biennially a budget for the operation of the Commission for submission pursuant to NRS 353.210 and 353.246. The biennial agency budget must include, without limitation, all projected revenues and expenditures for the Commission to carry out its powers and duties during the 2 fiscal years included in the biennial agency budget.*

2. *The biennial agency budget must include, without limitation,* a water administrative and operating budget. The *water administrative and operating* budget must include all costs and expenses incurred by the Commission in performing its functions and duties relating to water, except:

(a) The costs and expenses related to any financial obligations or other obligations assumed by the Commission pursuant to any agreement described in paragraph (a) or (b) of subsection 6 of NRS 538.161.



(b) The costs for any services of an independent contractor related to a specific opportunity to negotiate and enter into an agreement to acquire any interest in supplemental water from one or more particular sources, to the extent all those costs for those opportunities during the period covered by the *water administrative and operating* budget exceed \$200,000. This amount may be decreased or increased as indicated by engineering cost indexes or other cost indexes which are applicable to the services used by the Commission.

(c) The costs for any services of an independent contractor or costs contributed by the Commission for any services of a governmental agency or its independent contractor, other than the Commission, for studies or the implementation of projects relating to water quality, evaluation or enhancement of ecological habitat or weather modification, to the extent that all those costs for those studies or projects during the period covered by the *water administrative and operating* budget exceed \$250,000. This amount may be decreased or increased as indicated by engineering cost indexes or other cost indexes which are applicable to the services used by the Commission.

(d) Costs which are capitalized in accordance with generally accepted accounting principles, except costs for office space and equipment required for the principal place of business of the Commission.

(e) Costs for the operation of any facility which belongs to the Commission, except the principal place of business of the Commission.

~~[2.—The]~~

3. Any changes to the biennial agency budget, including, without limitation, the water administrative and operating budget, ~~[and any changes to the budget,]~~ must be ~~[submitted for authorization in the manner prescribed by the State Budget Act. If]~~ adopted by the Commission.

4. Upon adoption of the biennial agency budget ~~[is authorized,]~~ by the Commission, the water administrative and operating budget is payable by, and becomes a liability of, each water purveyor in the amount, if any, to which the water administrative and operating budget is allocated to that water purveyor pursuant to subsection ~~[3.—3.]~~ 5.

5. The Commission shall allocate the entire amount of ~~[each]~~ the water administrative and operating budget, minus the portion of that amount which represents the net revenues which the Commission estimates it will receive pursuant to its contracts from the sale of water during the period covered by the water



administrative and operating budget, among those water purveyors which the Commission determines will directly and substantially benefit from the Commission's activities which are related to water during that period. In determining the allocation, the Commission shall consider appropriate factors relevant to those benefits. If a water purveyor ceases to exist during the period covered by the *water administrative and operating* budget, the Commission shall amend and reallocate the *water administrative and operating* budget as necessary.

~~[4.]~~ 6. In each fiscal year covered by the water administrative and operating budget, each water purveyor to which the Commission has allocated an amount of the *water administrative and operating* budget pursuant to subsection ~~[3.]~~ 5 shall pay to the Commission quarterly a portion of the water purveyor's total liability for that fiscal year as billed by the Commission. At least 60 days before the first day of the quarter for which the bill is prepared, the Commission shall submit to each water purveyor a bill for its portion of the total amount of the *water administrative and operating* budget due for that quarter. Each water purveyor shall pay its bill within 30 days after the bill is submitted by the Commission.

~~[5.]~~ 7. Except as otherwise provided in this subsection, the Commission shall apply, within 120 days after the end of the fiscal year, any unexpended balance in the *water administrative and operating* budget at the close of the fiscal year as a credit to that amount allocated among the water purveyors pursuant to subsection ~~[3.]~~ 5 for the next fiscal year. The Commission shall apply that credit to the next quarterly payments remaining due from each water purveyor, unless the Commission determines it is appropriate to refund the unexpended balance.

~~[6.]~~ 8. If in any fiscal year the money payable by a water purveyor pursuant to subsection ~~[4.]~~ 6 is not received by the Commission when due, that money also becomes the several liability of all public entities who:

(a) Purvey water; and

(b) On the date the *biennial agency* budget was ~~[approved]~~ *adopted* by the Commission, were members of the water purveyor liable for that money,

↳ in proportion to their liability for the *water administrative and operating* budget of the water purveyor effective on the date the *biennial agency* budget was ~~[approved]~~ *adopted* by the Commission.

Sec. 9. NRS 703.025 is hereby amended to read as follows:

703.025 1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the



Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

(a) Advice and guidance to the Commission on economic policies relating to utilities under the jurisdiction of the Commission, and the regulation of such utilities;

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission. ~~{;}~~

(b) Coordinate the activities of the various sections of the Commission. ~~{;}~~

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:

(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market. ~~{; and}~~

(d) Adopt biennially a budget for the operation of the Commission for submission pursuant to NRS 353.210 and 353.246. The biennial agency budget must include, without limitation, all projected revenues and expenditures for the Commission to carry out its powers and duties during the 2 fiscal years included in the biennial agency budget. Any changes to the biennial agency budget must be adopted by the Commission.

(e) Adopt such rules and policies as the Commission deems appropriate to establish the employment rights of the Commissioners and the persons appointed or employed by the Commission.

(f) In addition to the benefits provided to state officers and employees pursuant to chapters 286 and 287 of NRS, determine the other benefits of the Commissioners and the persons appointed or employed by the Commission within the limits of the biennial agency budget adopted by the Commission pursuant to paragraph (d).

(g) Adopt salary ranges for the position of Commissioner and the positions of persons appointed or employed by the Commission within the limits of the biennial agency budget adopted by the Commission pursuant to paragraph (d).



(h) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

Sec. 10. NRS 703.080 is hereby amended to read as follows:

703.080 1. The Chair and the other Commissioners, including any Acting Commissioners, are *not* in the *classified or* unclassified service of the State.

2. *Except as otherwise provided in subsection 6 of NRS 703.085, the Chair and other Commissioners are entitled to receive an annual salary determined by the Commission which is within the salary range for the positions adopted by the Commission pursuant to NRS 703.025. The salaries of the Chair and other Commissioners are exempt from the limitations set forth in NRS 281.123.*

3. Notwithstanding any other specific statute to the contrary and regardless of the length of service, a person who is appointed to serve as an Acting Commissioner pursuant to NRS 703.085 is not entitled because of that appointment to participate in any programs or receive any benefits that are offered or provided to state officers or employees in the ~~unclassified~~ service of the State pursuant to chapter ~~284~~ 286 or 287 of NRS ~~[-]~~ *or any benefits or employment rights offered or provided to the Commissioners and the persons appointed or employed by the Commission pursuant to subsection 2 of NRS 703.025.*

Sec. 11. NRS 703.085 is hereby amended to read as follows:

703.085 1. All Commissioners are required for the Commission to act in any matter involving:

(a) A general rate application or an annual deferred energy accounting adjustment application of an electric utility or a public utility which purchases natural gas for resale; and

(b) A plan of an electric utility to increase its supply of electricity or decrease the demands made on its system pursuant to NRS 704.741.

2. Except as otherwise provided in subsection 1, a majority of the commissioners has full power to act in all matters within the jurisdiction of the Commission.

3. Before the Commission may enter a final order on a matter, there must be at least the required number of commissioners who are able to act on the matter. If there are fewer than the required



1 number of commissioners who are able to act on the matter because
2 of disqualifications, illnesses, incapacities, vacancies that have not
3 yet been filled, or any other reason, the Governor shall appoint the
4 requisite number of persons to serve as acting commissioners in the
5 place of the commissioners who are unable to act on the matter so
6 that there are at least the required number of persons who are able to
7 act on the matter, whether serving as a commissioner or an acting
8 commissioner. If there are fewer than the required number of
9 commissioners who are able to act on the matter because of
10 disqualifications, illnesses, incapacities, vacancies that have not yet
11 been filled, or any other reason, and the Governor has not appointed
12 the requisite number of persons to serve as acting commissioners
13 pursuant to this subsection, the Commission may designate a
14 hearing officer appointed pursuant to subsection ~~7A~~ 5 of NRS
15 703.130 to serve as an acting commissioner.

16 4. Before the Governor may appoint a person to serve as an
17 acting commissioner in the place of a commissioner who is unable
18 to act on the matter, the person must be qualified to serve in the
19 office of that commissioner as if the Governor were appointing the
20 person to fill a vacancy in that office.

21 5. A person who is appointed or authorized to serve as an
22 acting commissioner shall be deemed to be a commissioner and is
23 entitled to exercise the powers of a commissioner only in
24 proceedings before the Commission that involve the matter or
25 matters for which the person is appointed or authorized to serve as
26 an acting commissioner.

27 6. A person who is appointed to serve as an acting
28 commissioner:

29 (a) Is subject to all legal requirements and restrictions and
30 enjoys all legal protections and immunities that apply to a
31 commissioner and to state officers generally while the person is
32 engaged in the business of the Commission as an acting
33 commissioner; and

34 (b) Is entitled to receive, for each day the person is engaged in
35 the business of the Commission as an acting commissioner, a salary
36 of \$80 and the per diem allowance and travel expenses provided for
37 state officers and employees generally. The person is not entitled to
38 receive any other compensation for serving as an acting
39 commissioner.

40 7. A person who is appointed to serve as an acting
41 commissioner serves at the pleasure of the Governor. The
42 appointment of the person expires:

43 (a) On the date that the Governor declares that the appointment
44 has expired; or



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

8. The Governor may reappoint a person to serve as an acting commissioner.

Sec. 12. NRS 703.130 is hereby amended to read as follows:

703.130 1. ~~{The Commission shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Commission may require.~~

~~—2.}~~ The Commission shall appoint an Executive Director, who must be:

(a) Knowledgeable and experienced in public administration and fiscal management;

(b) Knowledgeable in the areas of utility regulation by the Commission; and

(c) Independent of and have no pecuniary interest in any entity regulated by the Commission.

~~{3.}~~ 2. The Executive Director shall:

(a) Serve as Chief Financial Officer for the Commission;

(b) Direct the daily operation of the Commission, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Commission; and

(5) Contracts and leases entered into by the Commission;

(c) ~~{Develop}~~ *Except as otherwise provided in subsection 2 of NRS 703.025, develop* and implement policies and procedures to ensure the efficient operation of the Commission;

(d) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Commission; and

(3) Compliance with and enforcement of statutes and regulations pertaining to utilities which are regulated by the Commission; and

(e) Authenticate documents and serve as custodian of all agency records.

~~{4.}~~ 3. The Executive Director is *not* in the *classified or* unclassified service of the State ~~{~~

~~—5. The Executive Director, with the approval of the Commission, shall designate a Secretary who shall perform such~~



~~administrative and other duties as are prescribed by the Executive Director. The Executive Director, with the approval of the Commission, shall also designate an Assistant Secretary.~~

~~—6.] and serves at the pleasure of the Commission. The Executive Director is entitled to receive an annual salary determined by the Commission which is within the salary range for the position adopted by the Commission pursuant to NRS 703.025. The salary of the Executive Director is exempt from the limitations set forth in NRS 281.123.~~

~~4. The Executive Director [may employ such other clerks, experts or engineers as may be necessary.~~

~~—7.] shall, within the limits of the biennial agency budget adopted by the Commission pursuant to NRS 703.025, employ such persons as he or she deems necessary to carry out the powers and duties of the Commission. A person employed pursuant to this subsection:~~

~~(a) Has such duties as may be determined by the Executive Director.~~

~~(b) Is not in the classified or unclassified service of the State.~~

~~(c) Serves at the pleasure of the Executive Director.~~

~~(d) Is entitled to receive an annual salary determined by the Executive Director which is within the salary range for the position adopted by the Commission pursuant to NRS 703.025. The salary of a person employed pursuant to this subsection is exempt from the limitations set forth in NRS 281.123.~~

~~5. Except as otherwise provided in subsection [8.] 6, the Commission:~~

~~(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS. A hearing officer appointed pursuant to this paragraph:~~

~~(1) Is not in the classified or unclassified service of the State.~~

~~(2) Serves at the pleasure of the Commission.~~

~~(3) Is entitled to receive a salary determined by the Commission which is within the salary range for the position adopted by the Commission pursuant to NRS 703.025. The salary of a hearing officer is exempt from the limitations set forth in NRS 281.123.~~

~~(b) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.~~

~~[8.] 6. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:~~



(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application.

~~19.1~~ 7. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

Sec. 13. NRS 703.164 is hereby amended to read as follows:

703.164 1. The Commission may ~~employ.~~ **appoint**, or retain on a contract basis, legal counsel who shall:

(a) Except as otherwise provided in subsection ~~12.1~~ 3, be counsel and attorney for the Commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the Commission all civil actions for the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Commission in the performance of its duties and the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS.

2. ***Any legal counsel appointed by the Commission pursuant to subsection 1:***

(a) Is not in the classified or unclassified service of the State.

(b) Serves at the pleasure of the Commission.

(c) Is entitled to receive an annual salary determined by the Commission which is within the salary range for the position adopted by the Commission pursuant to NRS 703.025. The salary of legal counsel appointed pursuant to subsection 1 is exempt from the limitations set forth in NRS 281.123.

3. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS for which a criminal penalty is provided and which occurs in the district attorney’s county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS and, at the request of the Commission or its legal counsel, act as counsel and attorney for the Commission.

~~13.1~~ 4. The Attorney General shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the Commission and their officers, agents and employees.

~~14.1~~ 5. The Attorney General is not precluded from appearing in or moving to intervene in any action and representing the interest



of the State of Nevada in any action in which the Commission is a party and is represented by independent counsel.

Sec. 14. 1. If, on July 1, 2015, the Colorado River Commission of Nevada has not adopted the rules, policies and salary ranges and determined the benefits for all of its officers and employees who are not in the classified or unclassified service of the State on July 1, 2015, as required pursuant to NRS 538.101, as amended by section 4 of this act, those officers and employees are entitled to the same rights and privileges as they enjoyed under chapter 284 of NRS before July 1, 2015, until the adoption of those rules, policies and salary ranges and the determination of those benefits.

2. If, on July 1, 2015, the Public Utilities Commission of Nevada has not adopted the rules, policies and salary ranges and determined the benefits for all of its officers and employees who are not in the classified or unclassified service of the State on July 1, 2015, as required pursuant to paragraphs (e), (f) and (g) of subsection 2 of NRS 703.025, as amended by section 9 of this act, those officers and employees are entitled to the same rights and privileges as they enjoyed under chapter 284 of NRS before July 1, 2015, until the adoption of those rules, policies and salary ranges and the determination of those benefits.

3. A person who is employed by the Colorado River Commission of Nevada or the Public Utilities Commission of Nevada on June 30, 2015, with permanent status in the classified service may request the Division of Human Resource Management of the Department of Administration to place his or her name on an appropriate reemployment list maintained by the Division. Upon receipt of such a request, the Division shall maintain such an employee on the reemployment list until June 30, 2016, or until the person is reemployed by the Executive Department of the State Government in the classified service in the class or a comparable class with the same grade as the position that the person held with the Colorado River Commission or the Public Utilities Commission, as applicable, before the position was moved from the classified service, whichever occurs earlier. An employee's eligibility to remain on the reemployment list during the period specified in this subsection is not affected by any separation from service of the employee with the Colorado River Commission or the Public Utilities Commission during that period.

Sec. 15. This act becomes effective:

1. Upon passage and approval for purposes of:

(a) The Colorado River Commission of Nevada carrying out its duties pursuant to subsection 1 of NRS 538.101, as amended by section 4 of this act; and



- 1 (b) The Public Utilities Commission of Nevada carrying out its
- 2 duties pursuant to paragraphs (e), (f) and (g) of subsection 2 of NRS
- 3 703.025, as amended by section 9 of this act.
- 4 2. On July 1, 2015, for all other purposes.

