

(Reprinted with amendments adopted on April 22, 2019)

SECOND REPRINT

A.B. 406

ASSEMBLY BILL NO. 406—ASSEMBLYMEN
KRAMER, TITUS; AND ELLISON

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the Airport Authority of Carson City. (BDR S-50)

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 the Airport Authority of Carson City; revising provisions relating to the appointment of members of the Board of Trustees of the Authority; revising the powers of the Board; revising provisions governing procedures concerning employment; removing an obsolete transitory provision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Airport Authority of Carson City was created by law in 1989 and has been in operation since January 1, 1990. (Chapter 844, Statutes of Nevada 1989, p. 2025) The Authority is governed by the Board of Trustees of the Authority which is composed of seven members appointed to 4-year terms by the Board of Supervisors of Carson City. Under existing law, each member of the Board of Trustees, except the member who is a city official, is not eligible to serve consecutive terms. (Airport Authority Act for Carson City § 4) **Section 1** of this bill authorizes such a member to serve not more than two consecutive terms and allows reappointment after a lapse of 4 years. **Section 5** of this bill clarifies the continued staggering of the 4-year terms after the initial appointments.

Section 2 of this bill adds statutory references to certain specified provisions of the Nevada Revised Statutes with which the Board of Trustees is required to comply. (Airport Authority Act for Carson City § 8)

Existing law authorizes the Board of Trustees to acquire real and personal property by gift or devise without the approval of the Board of Supervisors, but requires the Board of Trustees to obtain the approval of the Board of Supervisors to acquire real and personal property by purchase or lease and to lease, sell or otherwise dispose of property that it has acquired. (Airport Authority Act for Carson City § 9) **Section 3** of this bill removes the requirement that the Board of Trustees obtain the approval of the Board of Supervisors to acquire: (1) real



property by lease; or (2) personal property by purchase or lease. Additionally, **section 3** eliminates the requirement that the Board of Trustees obtain the approval of the Board of Supervisors for any contract between the Board of Trustees and a fixed base operator at the airport. **Section 3** also removes the authority of the Board of Trustees to provide emergency services for the Authority. Finally, **section 3** clarifies the types of agreements into which the Board of Trustees and the Board of Supervisors may enter.

Existing law prescribes specific requirements that any procedures adopted by the Board relating to the hiring, promoting and discharging of employees of the Authority must include. (Airport Authority Act for Carson City § 24) **Section 4** of this bill eliminates those specific requirements, thereby giving the Board the authority to determine the contents of those procedures.

Existing law required the District Attorney of Carson City to defend the Authority if any action contesting any provisions of the Airport Authority Act or the legal status of the Authority was brought before the Authority had sufficient money to hire legal counsel. (Airport Authority Act for Carson City § 28) **Section 6** of this bill removes this obsolete transitory provision.

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

Section 1. Section 4 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as last amended by chapter 16, Statutes of Nevada 2011, at page 30, is hereby amended to read as follows:

Sec. 4. 1. The Authority is governed by the Board, which is composed of seven members appointed by the Board of Supervisors.

2. The Board of Supervisors shall appoint:

(a) Three members who represent the general public, but, except as otherwise provided in paragraph (b), not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the Board of Supervisors and one must be a pilot who, at the time of appointment, owns and operates an aircraft based at the airport.

(b) Two members who are manufacturers and are within a 3-mile radius of the Carson City airport, but not including any person described in paragraph (c). If, after providing notice of a vacancy for the position of a member of the Board described in this paragraph, the Board of Supervisors is unable to find a qualified manufacturer to fill a position, the Board of Supervisors may appoint a member pursuant to this paragraph who represents the general public.

(c) Two members who are fixed base operators at the airport.



3. After the initial terms, the term of office of each member of the Board is 4 years. The city official who is appointed as a member of the Board is eligible for reappointment to the Board upon the expiration of his or her term. Each other member of the Board ~~is eligible for reappointment to the Board 4 years after the expiration of his or her prior term.~~ *may not serve more than two consecutive terms, but may be reappointed after the lapse of 4 years.*

Sec. 2. Section 8 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 374, Statutes of Nevada 2001, at page 1829, is hereby amended to read as follows:

Sec. 8. The Board shall comply , *without limitation*, with the provisions of ~~the~~ :

1. Chapter 241 of NRS, concerning public meetings;

2. Chapter 281A of NRS, the Nevada Ethics in Government Law ~~[, NRS 241.020, the]~~ ;

3. Chapter 332 of NRS, the Local Government Purchasing Act ; and

4. NRS 354.470 to 354.626, inclusive, the Local Government Budget and Finance Act.

Sec. 3. Section 9 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 381, Statutes of Nevada 2005, at page 1471, is hereby amended to read as follows:

Sec. 9. The Board may:

1. Acquire ~~real~~ :

(a) Real and personal property by *lease*, gift or devise for the purposes provided in this act.

(b) Personal property by purchase for the purposes provided in this act.

2. With the approval of the Board of Supervisors:

(a) Acquire real ~~[and personal]~~ property by purchase ~~[or lease]~~ for the purposes provided in this act.

(b) Except as otherwise provided in this paragraph, lease, sell or otherwise dispose of any property. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.

3. Recommend to the Board of Supervisors any *specific* changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

4. ~~[Use, in the performance of its functions,]~~



Enter into an agreement regarding the sharing of resources, including, without limitation, the officers, employees, real property, facilities and equipment of Carson City, ~~[with the consent of Carson City and]~~ obligations and other matters regarding the Airport, subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

~~5. [Provide emergency services for the Authority. —6.]~~ Contract with any person ~~[, including any person who transports passengers or cargo by air,]~~ to provide goods and services as necessary or desirable to the operation of the airport. ~~[Any contract between the Board and a fixed-base operator must be submitted for approval by the Board of Supervisors.]~~

~~—7.]~~ 6. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

~~[8.]~~ 7. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

~~[9.]~~ 8. Establish fees, rates and other charges for the use of the airport.

~~[10.]~~ 9. Regulate vehicular traffic at the airport.

~~[11.]~~ 10. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

~~[12.]~~ 11. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 4. Section 24 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2030, is hereby amended to read as follows:

Sec. 24. 1. The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees ~~[, which must include but are not limited to the following:]~~

~~—1. Employment on the basis of open, publicly announced, competition.~~

~~—2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.~~

~~—3. Classifications of the positions.~~

~~—4. The maintenance of lists of eligible candidates for a position.~~

~~—5. Employment of candidates from the lists in the highest qualified rating.~~

~~—6. Probationary periods not to exceed 6 months.~~



~~7. Disciplinary action, suspension or discharge of employees for cause only with the right of notice and review.~~
~~8. Schedules of compensation and increases in pay prepared by the Board.~~
~~9. Maintenance of personnel records on all employees.~~
~~10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.~~
~~11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.~~
~~12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12 month period.~~
~~13. Review by] and taking any other actions relating to employment.~~

2. An employee may request the Board ~~[, at the request of the employee in question and after notice and public hearing, of]~~ to review any disciplinary action, suspension or discharge of ~~[any]~~ the employee. ~~[, which]~~ After notice and hearing, such disciplinary action, suspension or discharge may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

Sec. 5. Section 29 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby amended to read as follows:

Sec. 29. As soon as practicable after October 1, 1989, the Board of Supervisors shall appoint to the Board:

1. Two persons to terms that expire on October 1, 1991 ~~[,]~~ and on October 1 every 4 years thereafter.
2. Two persons to terms that expire on October 1, 1992 ~~[,]~~ and on October 1 every 4 years thereafter.
3. Three persons to terms that expire on October 1, 1993 ~~[,]~~ and on October 1 every 4 years thereafter.

Sec. 6. Section 28 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby repealed.



TEXT OF REPEALED SECTION

Section 28 of chapter 844, Statutes of Nevada 1989:

Sec. 28. If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the Authority, before the Authority has received money sufficient to employ an attorney, the District Attorney of Carson City shall defend the action on behalf of the Authority.

③



* A B 4 0 6 R 2 *