
SENATE BILL NO. 102—SENATOR TOWNSEND

FEBRUARY 12, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the Public Utilities Commission of Nevada. (BDR 58-968)

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

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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 Public Utilities Commission of Nevada; revising and recodifying certain provisions relating to hearings and meetings conducted by the Commission; enacting provisions which require the Governor to appoint to the Commission one Commissioner to represent the general public if the statute expanding the Commission from three to five Commissioners does not become effective on a certain date; making the Commissioner who represents the general public the Chairman and Executive Officer of the Commission; requiring the Governor to appoint a person to serve as an Acting Commissioner in the place of a Commissioner who is disqualified from participating on a specific matter before the Commission; repealing certain unenforceable provisions relating to the removal of Commissioners; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 703 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *Except as otherwise provided in this chapter, all hearings and*
4 *meetings conducted by the Commission must be open to the*
5 *public.*



* S B 1 0 2 *

1 **Sec. 2.** NRS 703.030 is hereby amended to read as follows:
2 703.030 1. The Commission consists of three Commissioners
3 appointed by the Governor for terms of 4 years.

4 2. The Governor shall appoint ~~as members of the Commission~~
5 ~~persons~~ :

6 (a) *One Commissioner to represent the general public.*

7 (b) *Two Commissioners* who have at least 2 years of experience
8 in one or more of the following fields:

9 ~~(a)~~ (1) Accounting.

10 ~~(b)~~ (2) Business administration.

11 ~~(c)~~ (3) Finance or economics.

12 ~~(d)~~ (4) Administrative law.

13 ~~(e)~~ (5) Professional engineering.

14 *The Commissioners appointed pursuant to this paragraph may not*
15 *be from the same field of experience.*

16 3. Not more than two of the Commissioners may be ~~fr~~
17 ~~om~~ ~~(a) Members~~ *members* of the same political party.

18 ~~(b) From the same field of experience.~~

19 **Sec. 3.** NRS 703.070 is hereby amended to read as follows:

20 703.070 ~~{The Governor shall designate one of the~~
21 ~~Commissioners to be Chairman, whose term as Chairman shall be at~~
22 ~~the pleasure of the Governor. The Chairman shall serve}~~

23 1. *Except as otherwise provided in this section, the*
24 *Commissioner who represents the general public is the Chairman*
25 *of the Commission and serves* as the Executive Officer of the
26 Commission.

27 2. *If a vacancy occurs in the office of the Commissioner who*
28 *represents the general public, the Commissioner who has served*
29 *on the Commission for the greatest number of days among the*
30 *remaining Commissioners is the Acting Chairman of the*
31 *Commission and serves as the Executive Officer of the*
32 *Commission until the Governor appoints a person to fill the*
33 *vacancy in the office of the Commissioner who represents the*
34 *general public.*

35 3. *If the Commissioner who represents the general public or*
36 *any Commissioner who is the Acting Chairman is disqualified*
37 *from participating on a specific matter before the Commission, the*
38 *Commissioner who has served on the Commission for the greatest*
39 *number of days among the remaining Commissioners is the*
40 *Acting Chairman of the Commission for that specific matter only.*

41 4. *For the purposes of this section, if there is no*
42 *Commissioner who has served on the Commission for the greatest*
43 *number of days among the remaining Commissioners, the*
44 *Governor shall designate one of the remaining Commissioners to*
45 *exercise the powers and duties set forth in this section.*



1 **Sec. 4.** NRS 703.080 is hereby amended to read as follows:
2 703.080 **1.** The Chairman and the other Commissioners are in
3 the unclassified service of the State.

4 **2.** *Notwithstanding any other specific statute to the contrary*
5 *and regardless of the length of service, a person who is appointed*
6 *to serve on the Commission as an Acting Commissioner pursuant*
7 *to NRS 703.110 is not entitled because of that appointment to*
8 *participate in any programs or receive any benefits that are*
9 *offered or provided to state officers or employees in the*
10 *unclassified service of the State pursuant to chapter 284, 286 or*
11 *287 of NRS.*

12 **Sec. 5.** NRS 703.110 is hereby amended to read as follows:

13 703.110 **1.** ~~The~~ *Except as otherwise provided in this*
14 *section, a majority of the Commissioners* ~~have~~ *has* full power to
15 act in all matters within ~~their jurisdiction.~~ *the jurisdiction of the*
16 *Commission and shall exercise all the powers of the Commission.*

17 **2.** If ~~two Commissioners are disqualified or if~~ there are two
18 vacancies within the Commission, the remaining Commissioner *has*
19 *full power to act in all matters within the jurisdiction of the*
20 *Commission and shall exercise all the powers of the Commission.*

21 **3.** ~~Except as otherwise provided in this chapter, all hearings~~
22 ~~and meetings conducted by the Commission must be open to the~~
23 ~~public.~~ *If a Commissioner is disqualified from participating on a*
24 *specific matter before the Commission, the Governor shall appoint*
25 *a person to serve on the Commission as an Acting Commissioner*
26 *in the place of the disqualified Commissioner for that specific*
27 *matter only. The person who is appointed by the Governor must be*
28 *qualified to serve in the office of the disqualified Commissioner as*
29 *if the Governor were appointing the person to fill a vacancy in that*
30 *office.*

31 **4.** *The Governor may appoint a person to serve on the*
32 *Commission as an Acting Commissioner for more than one*
33 *specific matter in a single appointment only if the person will be*
34 *servng in the place of the same Commissioner on all the matters.*

35 **5.** *A person who is appointed to serve on the Commission as*
36 *an Acting Commissioner shall be deemed to be a Commissioner*
37 *and is entitled to exercise the powers of a Commissioner only in*
38 *proceedings before the Commission that involve the specific*
39 *matter or matters for which the person was appointed.*

40 **6.** *A person who is appointed to serve on the Commission as*
41 *an Acting Commissioner:*

42 **(a)** *Is subject to all legal requirements and restrictions and*
43 *enjoys all legal protections and immunities that apply to a*
44 *Commissioner and to state officers generally while the person is*



1 *engaged in the business of the Commission as an Acting*
2 *Commissioner; and*

3 (b) *Is entitled to receive, for each day the person is engaged in*
4 *the business of the Commission as an Acting Commissioner, a*
5 *salary of \$80 and the per diem allowance and travel expenses*
6 *provided for state officers and employees generally. The person is*
7 *not entitled to receive any other compensation for serving as an*
8 *Acting Commissioner.*

9 7. *A person who is appointed to serve on the Commission as*
10 *an Acting Commissioner serves at the pleasure of the Governor*
11 *for each specific matter. The appointment of the person expires*
12 *for each specific matter:*

13 (a) *On the date that the Governor declares that the*
14 *appointment has expired;*

15 (b) *On the date that the specific matter is no longer pending*
16 *before the Commission; or*

17 (c) *Four years from the date that the person was first*
18 *appointed for the specific matter,*
19 *whichever date occurs earlier.*

20 8. *The Governor may reappoint a person to serve on the*
21 *Commission as an Acting Commissioner.*

22 **Sec. 6.** NRS 703.110 is hereby amended to read as follows:

23 703.110 1. Except as otherwise provided in ~~[subsection 2,]~~
24 *this section*, a majority of the Commissioners has full power to act
25 in all matters within the jurisdiction of the Commission and shall
26 exercise all the powers of the Commission.

27 2. If ~~[a majority of the Commissioners are disqualified or if]~~
28 there are vacancies within the offices of a majority of the
29 Commissioners, the remaining Commissioners or, if only one
30 Commissioner is remaining, the remaining Commissioner has full
31 power to act in all matters within the jurisdiction of the Commission
32 and shall exercise all the powers of the Commission.

33 3. ~~[Except as otherwise provided in this chapter, all hearings~~
34 ~~and meetings conducted by the Commission must be open to the~~
35 ~~public.]~~ *If a Commissioner is disqualified from participating on a*
36 *specific matter before the Commission, the Governor shall appoint*
37 *a person to serve on the Commission as an Acting Commissioner*
38 *in the place of the disqualified Commissioner for that specific*
39 *matter only. The person who is appointed by the Governor must be*
40 *qualified to serve in the office of the disqualified Commissioner as*
41 *if the Governor were appointing the person to fill a vacancy in that*
42 *office.*

43 4. *The Governor may appoint a person to serve on the*
44 *Commission as an Acting Commissioner for more than one*



1 *specific matter in a single appointment only if the person will be*
2 *servicing in the place of the same Commissioner on all the matters.*

3 5. *A person who is appointed to serve on the Commission as*
4 *an Acting Commissioner shall be deemed to be a Commissioner and*
5 *is entitled to exercise the powers of a Commissioner only in*
6 *proceedings before the Commission that involve the specific*
7 *matter or matters for which the person was appointed.*

8 6. *A person who is appointed to serve on the Commission as*
9 *an Acting Commissioner:*

10 (a) *Is subject to all legal requirements and restrictions and*
11 *enjoys all legal protections and immunities that apply to a*
12 *Commissioner and to state officers generally while the person is*
13 *engaged in the business of the Commission as an Acting*
14 *Commissioner; and*

15 (b) *Is entitled to receive, for each day the person is engaged in*
16 *the business of the Commission as an Acting Commissioner, a*
17 *salary of \$80 and the per diem allowance and travel expenses*
18 *provided for state officers and employees generally. The person is*
19 *not entitled to receive any other compensation for serving as an*
20 *Acting Commissioner.*

21 7. *A person who is appointed to serve on the Commission as*
22 *an Acting Commissioner serves at the pleasure of the Governor*
23 *for each specific matter. The appointment of the person expires*
24 *for each specific matter:*

25 (a) *On the date that the Governor declares that the*
26 *appointment has expired;*

27 (b) *On the date that the specific matter is no longer pending*
28 *before the Commission; or*

29 (c) *Four years from the date that the person was first*
30 *appointed for the specific matter,*
31 *whichever date occurs earlier.*

32 8. *The Governor may reappoint a person to serve on the*
33 *Commission as an Acting Commissioner.*

34 **Sec. 7.** 1. The amendatory provisions of section 2 of this act
35 do not abrogate or affect the current term of office of any
36 Commissioner of the Public Utilities Commission of Nevada who is
37 serving on October 1, 2003.

38 2. The term of office of the Commissioner who is appointed by
39 the Governor to represent the general public pursuant to the
40 amendatory provisions of section 2 of this act begins on
41 December 1, 2003.

42 **Sec. 8.** 1. Notwithstanding the amendatory provisions of
43 section 3 of this act, the person who was serving as the Chairman
44 and Executive Officer of the Public Utilities Commission of Nevada
45 on January 1, 2003, is entitled to serve as the Chairman and



1 Executive Officer of the Commission until his current term of office
2 expires on September 30, 2004, unless:

3 (a) Before October 1, 2003, the Governor removes the person as
4 the Chairman and Executive Officer of the Commission pursuant to
5 NRS 703.070; or

6 (b) Before September 30, 2004, the person resigns his position
7 as the Chairman and Executive Officer of the Commission or the
8 person vacates his office as a Commissioner.

9 2. If the person described in subsection 1 is disqualified from
10 participating on a specific matter before the Commission while
11 serving as the Chairman and Executive Officer of the Commission,
12 the Commissioner who has served on the Commission for the
13 greatest number of days among the remaining Commissioners is the
14 Acting Chairman of the Commission for that specific matter only in
15 accordance with the amendatory provisions of section 3 of this act.

16 **Sec. 9.** NRS 703.060 is hereby repealed.

17 **Sec. 10.** 1. This section and sections 1, 3, 4, 8 and 9 of this
18 act become effective on October 1, 2003.

19 2. Sections 2 and 7 of this act become effective on October 1,
20 2003, only if section 28 of chapter 604, Statutes of Nevada 2001, at
21 page 3237, does not become effective on October 1, 2003.

22 3. Section 5 of this act becomes effective on October 1, 2003,
23 only if section 29 of chapter 604, Statutes of Nevada 2001, at page
24 3237, does not become effective on October 1, 2003.

25 4. Section 6 of this act becomes effective at 12:01 a.m. on
26 October 1, 2003, only if section 29 of chapter 604, Statutes of
27 Nevada 2001, at page 3237, becomes effective on October 1, 2003.

TEXT OF REPEALED SECTION

703.060 Commissioners: Removal. The Governor shall have the power to remove any Commissioner for inefficiency, neglect of duty or malfeasance in office. Such removal shall be upon public hearing after 10 days' notice and the service of a copy of the charges upon the Commissioner. The record of any such proceedings shall be filed with the Secretary of State if a Commissioner is removed.

