

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.

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AN ACT relating to the Public Utilities Commission of Nevada; requiring the Governor to appoint a person to serve on the Commission as an Acting Commissioner under certain circumstances; authorizing a Deputy Commissioner of the Commission to serve on the Commission as an Acting Commissioner under certain circumstances; requiring the confirmation of each appointment by the Governor of a person to serve as a Commissioner or as an Acting Commissioner; repealing the prospective increase in the number of Commissioners who serve on the Commission; 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 the provisions set forth as sections 2 and 3 of this act.  
3     **Sec. 2. 1. *A majority of the Commissioners has full power***  
4     ***to act in all matters within the jurisdiction of the Commission.***  
5     **2. *Before the Commission may enter a final order on a***  
6     ***matter, there must be at least two Commissioners who are able to***  
7     ***act on the matter. If there are fewer than two Commissioners who***  
8     ***are able to act on the matter because of disqualifications, illnesses,***  
9     ***incapacities, vacancies that have not yet been filled, or any other***  
10    ***reason, the Governor shall appoint the requisite number of***  
11    ***persons to serve as Acting Commissioners in the place of the***  
12    ***Commissioners who are unable to act on the matter so that there***



1 *are at least two persons who are able to act on the matter, whether*  
2 *servng as a Commissioner or an Acting Commissioner. If there*  
3 *are fewer than two Commissioners who are able to act on the*  
4 *matter because of disqualifications, illnesses, incapacities,*  
5 *vacancies that have not yet been filled, or any other reason, and*  
6 *the Governor has not appointed the requisite number of persons to*  
7 *serve as Acting Commissioners pursuant to this subsection, the*  
8 *Deputy Commissioner appointed pursuant to subsection 1 of NRS*  
9 *703.130 may serve as an Acting Commissioner.*

10 3. *Before the Governor may appoint a person to serve as an*  
11 *Acting Commissioner in the place of a Commissioner who is*  
12 *unable to act on the matter, the person must be qualified to serve*  
13 *in the office of that Commissioner as if the Governor were*  
14 *appointing the person to fill a vacancy in that office.*

15 4. *A person who is appointed or authorized to serve as an*  
16 *Acting Commissioner shall be deemed to be a Commissioner and*  
17 *is entitled to exercise the powers of a Commissioner only in*  
18 *proceedings before the Commission that involve the matter or*  
19 *matters for which the person is appointed or authorized to serve as*  
20 *an Acting Commissioner.*

21 5. *A person who is appointed to serve as an Acting*  
22 *Commissioner:*

23 (a) *Is subject to all legal requirements and restrictions and*  
24 *enjoys all legal protections and immunities that apply to a*  
25 *Commissioner and to state officers generally while the person is*  
26 *engaged in the business of the Commission as an Acting*  
27 *Commissioner; and*

28 (b) *Is entitled to receive, for each day the person is engaged in*  
29 *the business of the Commission as an Acting Commissioner, a*  
30 *salary of \$80 and the per diem allowance and travel expenses*  
31 *provided for state officers and employees generally. The person is*  
32 *not entitled to receive any other compensation for serving as an*  
33 *Acting Commissioner.*

34 6. *A person who is appointed to serve as an Acting*  
35 *Commissioner serves at the pleasure of the Governor. The*  
36 *appointment of the person expires:*

37 (a) *On the date that the Governor declares that the*  
38 *appointment has expired; or*

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

43 7. *The Governor may reappoint a person to serve as an*  
44 *Acting Commissioner.*



1       **Sec. 3. 1.** *The appointment by the Governor of a person to*  
2 *serve as a Commissioner pursuant to NRS 703.030 or as an Acting*  
3 *Commissioner pursuant to section 2 of this act must first be*  
4 *confirmed:*

5       (a) *If the Legislature is in session, by a majority vote of the*  
6 *Assembly and a majority vote of the Senate; or*

7       (b) *If the Legislature is not in session, by a majority vote of the*  
8 *Legislative Commission.*

9       **2.** *Before voting upon a person proposed for appointment by*  
10 *the Governor to serve as a Commissioner or as an Acting*  
11 *Commissioner, the Legislative Commission shall consider:*

12       (a) *The qualifications of the person;*

13       (b) *The testimony of the public; and*

14       (c) *Any information provided by the person or by the*  
15 *Governor.*

16       **3.** *A person proposed for appointment by the Governor to*  
17 *serve as a Commissioner or as an Acting Commissioner may not*  
18 *serve until confirmed pursuant to this section.*

19       **4.** *If a person is not confirmed after a vote as required*  
20 *pursuant to this section, the Governor may not again propose that*  
21 *person for appointment to serve as a Commissioner or as an*  
22 *Acting Commissioner before the beginning of the next regular*  
23 *session of the Legislature.*

24       **Sec. 4.** NRS 703.080 is hereby amended to read as follows:

25       703.080 **1.** *The Chairman and the other Commissioners ,*  
26 *including any Acting Commissioners, are in the unclassified*  
27 *service of the State.*

28       **2.** *Notwithstanding any other specific statute to the contrary*  
29 *and regardless of the length of service, a person who is appointed*  
30 *to serve as an Acting Commissioner pursuant to section 2 of this*  
31 *act is not entitled because of that appointment to participate in any*  
32 *programs or receive any benefits that are offered or provided to*  
33 *state officers or employees in the unclassified service of the State*  
34 *pursuant to chapter 284, 286 or 287 of NRS.*

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

36       703.110 ~~**1.** *The majority of the Commissioners have full*~~  
37 ~~*power to act in all matters within their jurisdiction.*~~

38 ~~**2.** *If two Commissioners are disqualified or if there are two*~~  
39 ~~*vacancies within the Commission, the remaining Commissioner*~~  
40 ~~*shall exercise all the powers of the Commission.*~~

41 ~~**3.**~~ Except as otherwise provided in this chapter, all hearings  
42 and meetings conducted by the Commission must be open to the  
43 public.



- 1     **Sec. 6.** Section 112 of chapter 604, Statutes of Nevada 2001,  
2 at page 3277, is hereby amended to read as follows:  
3         Sec. 112. 1. This section and sections 1 to 27,  
4 inclusive, 30 to 94, inclusive, 96 to 111, inclusive, and 113 of  
5 this act become effective upon passage and approval.  
6         2. Section 95 of this act becomes effective on July 1,  
7 2001.  
8         ~~3. Sections 28 and 29 of this act become effective on~~  
9         ~~October 1, 2003.~~  
10     **Sec. 7.** Sections 28, 29 and 107 of chapter 604, Statutes of  
11 Nevada 2001, at pages 3237 and 3275, respectively, are hereby  
12 repealed.  
13     **Sec. 8.** The provisions of section 3 of this act apply to any  
14 person proposed by the Governor, on or after July 1, 2003, to serve  
15 as a Commissioner pursuant to NRS 703.030 or as an Acting  
16 Commissioner pursuant to section 2 of this act.  
17     **Sec. 9.** This act becomes effective on July 1, 2003.

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**TEXT OF REPEALED SECTIONS**

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**Section 28 of chapter 604, Statutes of Nevada 2001:**

Sec. 28. NRS 703.030 is hereby amended to read as follows:

703.030 1. The commission consists of ~~three~~ *five* commissioners appointed by the governor . ~~for terms of~~ *After the initial terms, the term of each commissioner is* 4 years.

2. The governor shall appoint ~~as members of the commission persons~~ :

(a) *One commissioner to represent the general public.*

(b) *Four commissioners* who have at least 2 years of experience in one or more of the following fields:

- ~~(a)~~ (1) Accounting.
- ~~(b)~~ (2) Business administration.
- ~~(c)~~ (3) Finance or economics.
- ~~(d)~~ (4) Administrative law.
- ~~(e)~~ (5) Professional engineering.

*Not more than two of the commissioners appointed pursuant to this paragraph may be from the same field of experience.*

3. Not more than ~~two~~ *three* of the commissioners may be ~~:~~



~~—(a) Members]~~ *members* of the same political party.

~~[(b) From the same field of experience.]~~

*4. A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.*

**Section 29 of chapter 604, Statutes of Nevada 2001:**

Sec. 29. NRS 703.110 is hereby amended to read as follows:

703.110 1. ~~[The]~~ *Except as otherwise provided in subsection 2, a* majority of the commissioners ~~[have]~~ *has* full power to act in all matters within ~~[their jurisdiction.]~~ *the jurisdiction of the commission and shall exercise all the powers of the commission.*

2. If ~~[two]~~ *a majority of the* commissioners are disqualified or if there are ~~[two]~~ vacancies within the ~~[commission,]~~ *offices of a majority of the commissioners, the remaining commissioners or, if only one commissioner is remaining, the remaining* commissioner ~~[or]~~ *has full power to act in all matters within the jurisdiction of the commission and* shall exercise all the powers of the commission.

3. Except as otherwise provided in this chapter, all hearings and meetings conducted by the commission must be open to the public.

**Section 107 of chapter 604, Statutes of Nevada 2001:**

Sec. 107. 1. As soon as practicable after July 1, 2003, the governor shall appoint two additional commissioners to the public utilities commission of Nevada in accordance with the provisions of section 28 of this act. For the initial terms of those commissioners, the governor shall appoint:

(a) One commissioner whose term begins on October 1, 2003, and expires on September 30, 2005; and

(b) One commissioner whose term begins on October 1, 2003, and expires on September 30, 2006.

2. The provisions of this act do not abrogate or affect the term of office of any other commissioner of the public utilities commission of Nevada.

