

---

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:**

1 Existing law prescribes the method of appointment, number of members and  
2 criteria for selection of members of the State Public Works Board, the Commission  
3 on Tourism, the Nevada Tax Commission, the State Board of Education, the Board  
4 of Directors of the Department of Transportation, the Nevada Gaming Commission  
5 and the Real Estate Commission. (NRS 231.170, 341.020, 360.030, 385.021,  
6 408.106, 463.023, 645.100) This bill divides the State into three regions for  
7 purposes of determining proportional representation and revises the requirements  
8 for the membership of those boards and commissions to provide approximately  
9 proportional representation on the basis of the last decennial census population of  
10 the three regions: (1) Clark County; (2) Washoe, Storey and Lyon Counties and  
11 Carson City; and (3) the remainder of the State. This bill also provides these  
12 requirements following each decennial census, if necessary to maintain  
13 proportional representation.

---



\* A B 4 1 0 \*

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

1       **Section 1.** NRS 341.020 is hereby amended to read as follows:  
2       341.020 1. The State Public Works Board is hereby created.

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

5       (a) The Governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

40       ~~4~~ 6. A vacancy on the Board in an appointed position must  
41 be filled by the appointing authority in the same manner as the  
42 original appointment.



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

2 231.170 1. The Commission on Tourism is composed of:

3 (a) Eleven voting members as follows:

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

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

8 (3) The chief administrative officers of the county fair and  
9 recreation boards or, if there is no county fair and recreation board  
10 in the county, the chair of the board of county commissioners, of the  
11 two counties that paid the largest amount of the proceeds from the  
12 taxes imposed on the revenue from the rental of transient lodging to  
13 the Department of Taxation for deposit with the State Treasurer for  
14 credit to the Fund for the Promotion of Tourism created by NRS  
15 231.250 for the previous fiscal year.

16 (b) The following ex officio, nonvoting members:

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

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

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

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

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

23 2. A change in any member of the Commission who serves  
24 pursuant to subparagraph (3) of paragraph (a) of subsection 1 that is  
25 required because of a change in the amount of the proceeds paid to  
26 the Department of Taxation by each county must be effective on  
27 January 1 of the calendar year immediately following the fiscal year  
28 in which the proceeds were paid to the Department of Taxation.

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

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

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

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

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



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

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

10 360.030 1. *Of the eight members appointed to the Nevada*  
11 *Tax Commission pursuant to NRS 360.010:*

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

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

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

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

30 3. Not more than five of the eight commissioners may be ~~†~~

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

32 ~~—(b) Of the same political party.~~

33 ~~†2~~ 4. After the initial terms, members serve terms of 4 years,  
34 except when appointed to fill unexpired terms.

35 ~~†3~~ 5. Any commissioner may be removed by the Governor if,  
36 in his or her opinion, that commissioner is guilty of malfeasance in  
37 office or neglect of duty.

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

39 385.021 1. The State Board of Education is hereby created.  
40 The State Board consists of the following voting members:

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

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



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

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

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

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

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

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

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

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

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

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

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

30 ~~3-~~ 4. *Of the four nonvoting members appointed to the State*  
31 *Board pursuant to subsection 3:*

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

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

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

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



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

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

7 ~~5.~~ 7. The Governor shall ensure that *of* the members  
8 appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 :  
9 ~~represent the geographic diversity of this State and that.~~

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

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

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

17 ~~6.~~ 8. After the initial terms, each member:

18 (a) Elected pursuant to paragraph (a) of subsection 1 serves a  
19 term of 4 years. A member may be elected to serve not more than  
20 three terms but may be appointed to serve pursuant to paragraph (b),  
21 (c) or (d) of subsection 1 or subsection ~~2~~ 3 after service as an  
22 elected member, notwithstanding the number of terms the member  
23 served as an elected member.

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

28 (c) Appointed pursuant to subsection ~~2~~ 3 serves a term of 1  
29 year. A member may be reappointed for additional terms of 1 year  
30 in the same manner as the original appointment.

31 ~~7.~~ 9. If a vacancy occurs during the term of:

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

37 (b) A voting member appointed pursuant to paragraph (b), (c) or  
38 (d) of subsection 1 or a nonvoting member appointed pursuant to  
39 subsection ~~2~~ 3, the vacancy must be filled in the same manner as  
40 the original appointment for the remainder of the unexpired term.

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

42 408.106 1. There is hereby created a Department of  
43 Transportation, administered by a seven-member Board of Directors  
44 consisting of the Governor, the Lieutenant Governor, and the State  
45 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 ~~14~~ 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 ~~15~~ 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





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

3 ~~16-1~~ 7. After the initial terms, the appointed members of the  
4 Board shall serve terms of 4 years.

5 ~~17-1~~ 8. As used in this section, "highway district" means a  
6 portion of this State designated by the Board as a highway district  
7 for the purposes of carrying out the duties of the Board.

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

9 463.023 1. Each member of the Commission shall be:

10 (a) A citizen of the United States; and

11 (b) A resident of the State of Nevada.

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

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

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

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

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

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

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

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

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

44 645.100 1. ~~At least two members of the Commission must~~  
45 ~~be residents of the southern district of Nevada, and at least two~~





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

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

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

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

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

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

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

29 **Sec. 8.** Notwithstanding the amendatory provisions of this act,  
30 a member of the State Public Works Board, the Commission on  
31 Tourism, the Nevada Tax Commission, the State Board of  
32 Education, the Board of Directors of the Department of  
33 Transportation, the Nevada Gaming Commission or the Real Estate  
34 Commission who was appointed pursuant to NRS 231.170, 341.020,  
35 360.010, 385.021, 408.106, 463.024 or 645.050 as those sections  
36 existed on June 30, 2015, and who is serving a term on July 1, 2015,  
37 is, if the member is otherwise qualified to serve in that capacity,  
38 entitled to serve the remainder of the term to which he or she was  
39 appointed.

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







