

Amendment No. 524

Senate Amendment to Senate Bill No. 20	(BDR 20-393)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC



Date: 4/23/2023

S.B. No. 20—Revises provisions relating to the process for filling a vacancy in a board of county commissioners. (BDR 20-393)



SENATE BILL NO. 20—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the process for filling a vacancy in ~~the board of county commissioners;~~ the office of county commissioner. (BDR 20-393)

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 counties; ~~authorizing a board of county commissioners to establish a process for~~ revising provisions relating to the process for filling a vacancy in the ~~board;~~ office of county commissioner; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires that ~~it~~, except in Carson City: (1) any vacancy occurring in any board of county commissioners must be filled by appointment of the Governor; and (2) the Governor’s appointee must ~~be a member of the same political party as the most recent holder of the vacant office.~~ (NRS 244.040) This bill makes various changes to the process for filling such a vacancy.

First, this bill authorizes a board of county commissioners to submit to the Governor a list of two persons to fill the vacancy who are members of the same political party and meet the qualifications for the office of county commissioner. If the Governor receives such a list within 30 days after the vacancy occurs, the Governor shall appoint a person to fill the vacancy from the list not more than 15 days after the date on which the Governor receives the list.

Second, this bill provides that the provisions of existing law that require the Governor to fill a vacancy occurring in a board of county commissioners do not apply if, within 30 days after the vacancy occurs, the board of county commissioners: (1) declares by resolution a special election to fill the vacancy; or (2) fills the vacancy pursuant to a process established by ordinance of the board of county commissioners for filling a vacancy.

Third, this bill authorizes a board of county commissioners, except in Carson City, to establish by ordinance a process for filling a vacancy on the board. ~~If a board of county commissioners has not established such a process by ordinance, the Governor must, with certain exceptions,~~ Any such process must, without limitation, require that the board of county commissioners fill the vacancy at a public meeting by appointing with appointing a person who is a member of the same political party as the most recent holder of the vacant office ~~and who meets the qualifications for the office of county commissioner.~~

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

1 **Section 1.** NRS 244.040 is hereby amended to read as follows:

2 244.040 1. ~~{Any}~~ *Except as otherwise provided in ~~{subsection 2,}~~ this*
3 *section, any* vacancy occurring in any board of county commissioners must be
4 filled by appointment of the Governor. Except in Carson City, the Governor shall
5 appoint a ~~{suitable}~~ person who is a member of the same political party as the most
6 recent holder of the vacant office ~~{and meets the qualifications set forth in NRS~~
7 ~~244.020. The board of county commissioners may submit to the Governor a list of~~
8 ~~two persons to fill the vacancy who are members of the same political party as the~~
9 ~~recent holder of the vacant office and meet the qualifications set forth in NRS~~
10 ~~244.020. If the Governor receives such a list from the board of county~~
11 ~~commissioners within 30 days after the vacancy occurs, the Governor shall~~
12 ~~appoint a person from the list to fill the vacancy not more than 15 days after the~~
13 ~~date on which the Governor receives the list.~~

14 2. *The provisions of subsection 1 that require the Governor to fill a vacancy*
15 *occurring in a board of commissioners do not apply if, within 30 days after the*
16 *vacancy occurs, the board of county commissioners, by a majority vote of the*
17 *remaining members:*

18 (a) Declares by resolution a special election to fill the vacancy for the
19 unexpired term; or

20 (b) Fills the vacancy pursuant to the process established pursuant to
21 subsection 3, if any.

22 3. *A board of county commissioners, except in Carson City, may establish*
23 *by ordinance a process for filling any vacancy occurring in the board. ~~If a board~~*
24 *~~of county commissioners has not established such a process by ordinance, a~~*
25 *~~vacancy occurring in the board must be filled by the Governor pursuant to~~*
26 *~~subsection 1.~~*

27 ~~3.1~~ *Any such process must, without limitation, require that the board of*
28 *county commissioners fill the vacancy at a public meeting by appointing a person*
29 *who is a member of the same political party as the most recent holder of the*
30 *vacant officer and meets the qualifications set forth in NRS 244.020.*

31 4. The term of office of a person ~~{appointed to}~~ *who fills a vacancy in* the
32 office of county commissioner does not, by virtue of the appointment ~~{or special~~
33 *election, as applicable,* extend beyond 12 p.m. of the day preceding the first
34 Monday of January next following the next general election.