

SENATE BILL NO. 280—SENATOR SCHEIBLE

MARCH 18, 2021

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to the Real Estate Commission. (BDR 54-247)

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 real estate; increasing the membership of the Real Estate Commission from five members to seven members; requiring that the two additional members of the Commission reside in or have a principal place of business in Clark and Washoe Counties, respectively; limiting members of the Commission to 3-year terms after the Governor’s initial appointments; requiring a member of the Commission to be a citizen or legal resident of the United States; requiring that the members of the Commission be appointed so that the members represent the ethnic and cultural diversity of this State; requiring at least one member of the Commission to be a person who advocates for consumer’s rights and at least one member of the Commission to be an employee of certain entities that provide affordable housing; requiring the Governor to appoint the two new members to serve on the Commission with attenuated terms; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Real Estate Commission, consisting of five members
2 who are appointed by the Governor. (NRS 645.050) Existing law provides that of
3 the five members: (1) three must reside in or have a principal place of business in
4 Clark County; (2) one must reside in or have a principal place of business in
5 Washoe County; and (3) one must reside in or have a principal place of business
6 in Carson City or Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander,
7 Lincoln, Lyon, Mineral, Nye, Pershing, Storey or White Pine County. (NRS
8 645.100) **Section 1** of this bill increases the size of the Commission from five



9 members to seven members. **Section 1.5** of this bill provides that after the
10 Governor's initial appointments of members to the Commission, all such members
11 shall hold office for terms of 3 years. Existing law provides that members are
12 eligible for reappointment, but shall not serve for a period of greater than 6 years
13 consecutively. (NRS 645.060) **Section 1.5** instead provides that members eligible
14 for reappointment shall not serve for a period of greater than 6 years consecutively
15 or until their successors have been appointed and have qualified. **Section 3** of this
16 bill requires that of the seven members: (1) four must reside in or have a principal
17 place of business in Clark County; and (2) two must reside in or have a principal
18 place of business in Washoe County.

19 Existing law requires each member of the Commission to: (1) be a citizen of
20 the United States; (2) have been a resident of this state for not less than 5 years; and
21 (3) have been actively engaged in business as a real estate broker in this State for at
22 least 3 years or as a real estate broker-salesperson in this State for at least 5 years
23 before appointment to the Commission. (NRS 645.090) **Section 2** of this bill
24 requires each member of the Commission to be a citizen or legal resident of the
25 United States and to: (1) have been actively engaged in business as a real estate
26 broker in this State for at least 3 years before appointment to the Commission; (2)
27 be appointed so that, as a body and to the extent practicable, the members of the
28 Commission represent the ethnic and cultural diversity of this State; (3) have been
29 actively engaged in business as a real estate broker-salesperson in this State for at
30 least 5 years before appointment to the Commission; (4) be a person who advocates
31 for the rights of a consumer; or (5) be an employee of an organization that provides
32 affordable housing or an employee of an affordable housing entity. **Section 3**
33 requires in addition that of the seven members appointed to the Commission: (1) at
34 least one must be a person who advocates for the rights of a consumer; and (2) at
35 least one must be an employee of an organization that provides affordable housing
36 or an employee of an affordable housing entity.

37 **Section 5** of this bill requires that as soon as practicable after July 1, 2021, the
38 Governor appoint to the Commission: (1) one member who is a person who
39 advocates for the rights of a consumer to serve on the Commission for a 1-year
40 term; and (2) one member who is an employee of an organization that provides
41 affordable housing or an employee of an affordable housing entity to serve on the
42 Commission for a 2-year term. **Section 5** provides that these terms do not apply to
43 computing the 6 years' consecutive service cap that applies to members of the
44 Commission. (NRS 645.060)

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

1 **Section 1.** NRS 645.050 is hereby amended to read as follows:
2 645.050 1. The Real Estate Commission is hereby created.
3 The Commission consists of ~~five~~ *seven* members appointed by the
4 Governor.

5 2. The Commission shall act in an advisory capacity to the
6 Real Estate Division, adopt regulations and conduct hearings as
7 provided in this chapter. The Commission shall adopt regulations
8 establishing standards for the operation of licensees' offices and for
9 their business conduct and ethics.



1 3. The Commission may by regulation delegate any authority
2 conferred upon it by this chapter to the Administrator to be
3 exercised pursuant to the regulations of the Commission.

4 4. Service of process and other communications upon the
5 Commission may be made at the principal office of the Real Estate
6 Division.

7 **Sec. 1.5.** NRS 645.060 is hereby amended to read as follows:

8 645.060 *After the Governor's initial appointments of*
9 *members to the Commission, all such members shall hold office*
10 *for terms of 3 years.* Members are eligible for reappointment, but
11 shall not serve for a period greater than 6 years consecutively ~~[1]~~ *or*
12 *until their successors have been appointed and have qualified,*
13 after which time they are not eligible for appointment or
14 reappointment until 3 years have elapsed from any period of
15 previous service. If a successor is appointed to fill the balance of
16 any unexpired term of a member, the time served by the successor
17 shall not apply in computing the 6 years' consecutive service unless
18 the balance of the unexpired term exceeds 18 months.

19 **Sec. 2.** NRS 645.090 is hereby amended to read as follows:

20 645.090 **1.** Each member of the Commission must:

21 ~~[1]~~ (a) Be a citizen *or legal resident* of the United States ~~[1]~~;

22 ~~[2]~~ (b) Have been a resident of the State of Nevada for not less
23 than 5 years ~~[1]~~

24 ~~—3. Have been actively engaged in business as:~~

25 ~~—(a) A; and~~

26 (c) *Be appointed so that, as a body and to the extent*
27 *practicable, the members of the Commission represent the ethnic*
28 *and cultural diversity of this State, including, without limitation,*
29 *members of ethnic minority groups and members of other*
30 *underrepresented groups.*

31 **2.** *In addition to the requirements set forth in subsection 1,*
32 *each member of the Commission must:*

33 (a) *Have been actively engaged in business as a* real estate
34 broker within the State of Nevada for at least 3 years immediately
35 preceding the date of appointment; ~~[or]~~

36 (b) ~~[A]~~ *Have been actively engaged in business as a* real estate
37 broker-salesperson within the State of Nevada for at least 5 years
38 immediately preceding the date of appointment ~~[1]~~;

39 (c) *Be a person who advocates for the rights of a consumer; or*

40 (d) *Be an employee of:*

41 (1) *An organization that provides affordable housing; or*

42 (2) *An affordable housing entity.*

43 **3.** *As used in this section:*

44 (a) *"Affordable housing" has the meaning ascribed to it in*
45 *NRS 278.0105.*



1 *(b) "Affordable housing entity" has the meaning ascribed to it*
2 *in NRS 315.725.*

3 **Sec. 3.** NRS 645.100 is hereby amended to read as follows:

4 645.100 1. Of the ~~five~~ *seven* members appointed to the
5 Commission pursuant to NRS 645.050:

6 (a) ~~Three~~ *Four* members must reside in or have a principal
7 place of business located in Clark County;

8 (b) ~~One member~~ *Two members* must reside in or have a
9 principal place of business located in Washoe County; and

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

14 2. *In addition to the requirements of subsection 1, of the*
15 *seven members appointed to the Commission pursuant to*
16 *NRS 645.050:*

17 (a) *At least one member must meet the requirements of*
18 *paragraph (c) of subsection 2 of NRS 645.090; and*

19 (b) *At least one member must meet the requirements of*
20 *paragraph (d) of subsection 2 of NRS 645.090.*

21 3. For purposes of appointing a member or filling a vacancy in
22 the membership of the Commission, if no qualified person is willing
23 to serve on the Commission from the region prescribed in:

24 (a) Paragraph (a) of subsection 1, the Governor must appoint a
25 qualified person who is willing to serve on the Commission from
26 the region prescribed in paragraph (c) of subsection 1 or, if there is
27 no such person, a qualified person who is willing to serve on the
28 Commission from the region prescribed in paragraph (b) of
29 subsection 1.

30 (b) Paragraph (b) of subsection 1, the Governor must appoint a
31 qualified person who is willing to serve on the Commission from
32 the region prescribed in paragraph (a) of subsection 1 or, if there is
33 no such person, a qualified person who is willing to serve on the
34 Commission from the region prescribed in paragraph (c) of
35 subsection 1.

36 (c) Paragraph (c) of subsection 1, the Governor must appoint a
37 qualified person who is willing to serve on the Commission from
38 the region prescribed in paragraph (b) of subsection 1 or, if there is
39 no such person, a qualified person who is willing to serve on the
40 Commission from the region prescribed in paragraph (a) of
41 subsection 1.

42 ➤ If there is no qualified person willing to be appointed or to fill a
43 vacancy on the Commission from any region, the seat must be left
44 vacant.



1 ~~§ 4.~~ At the expiration of the term of a member who is
2 appointed from outside a prescribed region pursuant to paragraph
3 (a), (b) or (c) of subsection ~~§ 3~~ or if that member vacates the seat,
4 the Governor must appoint a qualified person from the prescribed
5 region or, if no qualified person is willing to serve on the
6 Commission from that region, appoint a qualified person pursuant to
7 paragraph (a), (b) or (c) of subsection ~~§ 3~~, as applicable.

8 ~~§ 5.~~ The apportionment of members pursuant to subsection
9 1 is intended to give approximately proportional regional
10 representation on the Commission to the residents of this State. In
11 each regular legislative session following the completion of a
12 decennial census conducted by the Bureau of the Census of the
13 United States Department of Commerce, the apportionment of
14 members on the Commission must be reconsidered to ensure
15 approximately proportional regional representation is maintained.
16 Any reapportionment of a seat pursuant to this subsection does not
17 become effective until the expiration of the term of the member who
18 holds the seat immediately preceding the date of the
19 reapportionment.

20 **Sec. 4.** (Deleted by amendment.)

21 **Sec. 5.** 1. As soon as practicable after July 1, 2021, the
22 Governor shall appoint to the Commission:

23 (a) One member described in paragraph (a) of subsection 2 of
24 section 3 of this act to a term which expires on June 30, 2022; and

25 (b) One member described in paragraph (b) of subsection 2 of
26 section 3 of this act to a term which expires on June 30, 2023.

27 2. If a member is appointed pursuant to subsection 1, the time
28 served by the appointed member as specified in subsection 1 shall
29 not apply in computing the 6 years' consecutive service set forth in
30 NRS 645.060, as amended by section 1.5 of this act.

31 3. As used in this section, "Commission" means the Real
32 Estate Commission created by NRS 645.050, as amended by section
33 1 of this act.

34 **Sec. 6.** This act becomes effective on July 1, 2021.



