

ASSEMBLY JOINT RESOLUTION NO. 1—JOINT RULES COMMITTEE

JUNE 14, 2001

Referred to Committee of the Whole

SUMMARY—Proposes to amend Nevada Constitution to revise certain provisions relating to system of county and township government and compensation of certain elected officers. (BDR C-27)

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.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to provide a citizens' commission to establish the salaries of certain elected officers, to remove the requirement that the system for county and township government be uniform, to remove the requirement that the Legislature fix the compensation of certain county officers, to authorize the Legislature to provide for the appointment of certain county officers and to require each board of county commissioners to determine the salaries of certain county officers in its respective county.

- 1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA,
2 JOINTLY, That a new section be added to article 4, and sections 25, 26, 32
3 and 33 of article 4 of the Constitution of the State of Nevada be amended
4 to read respectively as follows:
5 ***Sec. 33A. 1. The legislature shall provide by law for a***
6 ***citizens' commission on salaries for certain elected officers.***
7 ***2. The commission must consist of seven members who have***
8 ***diverse personal and professional interests and reside in various***
9 ***geographical areas of this state of which:***
10 ***(a) Five members are appointed jointly by the speaker of the***
11 ***assembly and the majority leader of the senate; and***
12 ***(b) Two members are appointed by the governor.***
13 ***3. Each member of the commission must be a resident of this***
14 ***state and must not be a state officer, public employee or lobbyist, or***
15 ***a parent, spouse, sibling, child or dependent relative of a state***
16 ***officer, public employee or lobbyist.***
17 ***4. Except as otherwise provided in this section, the term of***
18 ***office of each member of the commission is 4 years. The speaker of***
19 ***the assembly and the majority leader of the senate shall jointly***
20 ***appoint two of the members first appointed for an initial term of 2***



1 years. The governor shall appoint one of the members first
2 appointed for an initial term of 2 years. If a vacancy occurs, the
3 appointing authority shall fill the vacancy for the unexpired term in
4 the same manner as the original appointment, within 30 days after
5 the vacancy occurs. A member of the commission may not serve
6 more than two terms.

7 5. An appointing authority may remove a member of the
8 commission only for cause of incapacity, incompetence, neglect of
9 duty, malfeasance in office or failure to meet a qualification set
10 forth in subsection 3.

11 6. The commission shall elect a chairman from among its
12 members. Except as otherwise provided in this section, the
13 commission shall adopt rules of procedure for the conduct of its
14 hearings and any other procedural rules it deems necessary to carry
15 out its duties. The affirmative vote of a majority of all the members
16 appointed to the commission is required to take action.

17 7. Members of the commission are entitled to:

18 (a) The compensation provided by law for members of the
19 commission on judicial discipline who are not judicial officers; and

20 (b) The per diem allowance and travel expenses provided by law
21 for state officers and employees generally.

22 8. The commission shall:

23 (a) Study the relationship of salaries to the duties of the members
24 of the legislature, the governor, lieutenant governor, secretary of
25 state, state treasurer, state controller, attorney general, justices of
26 the supreme court and judges of the district courts;

27 (b) Compare the salaries of the elected officers set forth in
28 paragraph (a) to the salaries of persons who are employed by a
29 public or private employer and who have similar qualifications as
30 those elected officers;

31 (c) Fix the salaries of the elected officers set forth in paragraph
32 (a); and

33 (d) Carry out any duties provided by the legislature.

34 9. The commission may increase, but not diminish, the salary of
35 an elected officer set forth in paragraph (a) of subsection 8 during
36 his term of office. The commission may exercise any powers
37 conferred by the legislature.

38 10. The commission shall file its initial schedule of salaries
39 for the elected officers with the secretary of state not later than
40 January 1, 2005, and shall file a schedule of salaries not later than
41 January 1 of each odd-numbered year thereafter. Each schedule of
42 salaries is effective for the period from the July 1 immediately
43 following the January 1 that the schedule is due through the June
44 30 of the next odd-numbered year. The legislature shall provide by
45 law for setting apart from each year's revenues a sufficient amount
46 of money to pay such salaries.

47 11. Before the commission may file a schedule of salaries with
48 the secretary of state, the commission shall hold at least four
49 meetings to receive public testimony on the schedule. At the last



1 *public hearing before the schedule is filed with the secretary of*
2 *state, the commission shall adopt the schedule as originally*
3 *proposed or as amended. All meetings of the commission are subject*
4 *to the provisions of any open meeting laws made applicable*
5 *generally to other public bodies.*

6 *12. The legislative counsel bureau shall include in the Nevada*
7 *Revised Statutes a copy of the most recent schedule of salaries*
8 *established by the commission and filed with the secretary of state.*

9 Sec. 25. The Legislature shall establish a system of County and
10 Township Government . ~~{which shall be uniform throughout the~~
11 ~~State.}~~

12 Sec. 26. The Legislature shall provide by law, for the election of
13 a Board of County Commissioners in each County, and such County
14 Commissioners shall jointly and individually perform such duties as
15 may be prescribed by law. *The compensation of the members of the*
16 *Board of County Commissioners of each County must be fixed by*
17 *the Board of County Commissioners in each respective County.*

18 Sec. 32. The Legislature shall have power to increase, diminish,
19 consolidate or abolish the following county officers: County Clerks,
20 County Recorders, Auditors, Sheriffs, District Attorneys and Public
21 Administrators. The Legislature shall provide for their election by the
22 people ~~{}~~ *or their appointment* and fix by law their duties . ~~{and~~
23 ~~compensation.}~~ *The Board of County Commissioners of each county*
24 *shall determine the compensation of those county officers in its*
25 *respective county.* County Clerks shall be ex-officio Clerks of the
26 Courts of Record and of the Boards of County Commissioners in and
27 for their respective counties.

28 ~~{Sec.:}~~ Sec. 33. The members of the Legislature shall receive for
29 their services, a compensation to be fixed by ~~{law}~~ *the citizens'*
30 *commission on salaries for certain elected officers pursuant to*
31 *section 33A of this article* and paid out of the public treasury, for ~~{not~~
32 ~~to exceed 60 days}~~ *each calendar day of service* during any regular
33 session of the legislature and ~~{not to exceed 20 days}~~ during any
34 special session convened by the governor . ~~{; but no increase of such~~
35 ~~compensation shall take effect during the term for which the members~~
36 ~~of either house shall have been elected Provided, that an}~~ *An*
37 appropriation may be made for the payment of such actual expenses
38 as members of the Legislature may incur for postage, express charges,
39 newspapers and stationery not exceeding the sum of Sixty dollars for
40 any general or special session to each member; and Furthermore
41 Provided, that the Speaker of the Assembly, and Lieutenant Governor,
42 as President of the Senate, shall each, during the time of their actual
43 attendance as such presiding officers receive an additional allowance
44 of two dollars per diem.

45 And be it further

46 RESOLVED, That section 15 of article 6 of the Constitution of the State
47 of Nevada be amended to read as follows:

48 Sec. 15. The Justices of the Supreme Court and District Judges
49 shall each receive for their services a compensation to be fixed by



1 ~~law~~ *the citizens' commission on salaries for certain elected officers*
2 *pursuant to section 33A of article 4* and paid in the manner provided
3 by law . ~~[- which shall not be increased during the term for which they~~
4 ~~shall have been elected, unless] If~~ a Vacancy occurs, ~~[in which case]~~
5 the successor of the former incumbent shall receive ~~[only such salary~~
6 ~~as may be]~~ *the salary* provided *for that office* by ~~law~~ *the citizens'*
7 *commission on salaries for certain elected officers* at the time of his
8 election or appointment . ~~[- and provision shall be made by law for~~
9 ~~setting apart from each year's revenue a sufficient amount of Money,~~
10 ~~to pay such compensation.]~~
11 And be it further
12 RESOLVED, That section 9 of article 15 of the Constitution of the State
13 of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec. 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

