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3/21/03
NV. Sheriffs' & Chiefs'
NV. DA Association

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.

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.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and sections 25, 26, 32 and 33 of article 4 of the Constitution of the State of Nevada be amended to read respectively as follows:

Sec. 33A. 1. The legislature shall provide by law for a citizens' commission on salaries for certain elected officers.

2. The commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this state of which:

(a) Five members are appointed jointly by the speaker of the assembly and the majority leader of the senate; and

(b) Two members are appointed by the governor.

3. Each member of the commission must be a resident of this state and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this section, the term of office of each member of the commission is 4 years. The speaker of the assembly and the majority leader of the senate shall jointly appoint two of the members first appointed for an initial term of 2 years. The governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the commission may not serve more than two terms.

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

ASSEMBLY CONSTITUTIONAL AMENDMENTS

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SUBMITTED BY: SIM NADBAU

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

7. Members of the commission are entitled to:

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

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

8. The commission shall:

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

Deleted: and

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

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

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

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

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

11. Before the commission may file a schedule of salaries with the secretary of state, the commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the secretary of state, the commission shall adopt the schedule as originally proposed or as amended. All meetings of the commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

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

Sec. 25. The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State.

Comment: Should consider leaving this language as is in current law.

Sec. 26. The Legislature shall provide by law, for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law. The compensation of the members of the Board of County Commissioners of each County must be fixed by the citizen's commission on salaries for elected officers.

Deleted: by the Board of County Commissioners in each respective County.

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people and fix by law their duties and compensation. The citizen's commission on salaries for elected officers shall determine the compensation of those

Deleted: by or their appointment

Deleted: The Board of County Commissioners of each county

~~county officers.~~ County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

Deleted: in its respective county

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

And be it further

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

Sec. 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by ~~{law}~~ *the citizens' commission on salaries for certain elected officers pursuant to section 33A of article 4* and paid in the manner provided by law. ~~{; which shall not be increased during the term for which they shall have been elected, unless}~~ *If a Vacancy occurs, {in which case} the successor of the former incumbent shall receive {only such salary as may be} the salary provided for that office by {law} the citizens' commission on salaries for certain elected officers at the time of his election or appointment. {; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.}*

And be it further

RESOLVED, That section 9 of article 15 of the Constitution of the State 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.

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