

Amendment No. CA40

First Conference Committee Amendment to (BDR 20-225)
Senate Bill No. 516 Third Reprint

Proposed by: First Conference Committee

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 516 (§§ 1, 3, 4).

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

MSM



Date: 6/4/2007

S.B. No. 516—Revises provisions governing the compensation of certain elected county officers. (BDR 20-225)



SENATE BILL NO. 516—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the compensation **and reimbursement** of certain elected county officers. (BDR 20-225)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 1, 3, 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public officers; revising the provisions governing the compensation of certain elected county officers; **revising certain provisions relating to the payment of per diem allowances and travel expenses**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases, by ~~3~~ **4** percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011, the maximum amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. **Section 1** also increases ~~by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011,~~ the compensation to be paid to certain other elected county officers. **For Fiscal Year 2007-2008, the total increase is 7 percent, which includes a base salary increase of 4 percent and an additional increase in compensation of 3 percent. For each of Fiscal Years 2008-2009, 2009-2010 and 2010-2011, the increase in compensation is 3 percent.** (NRS 245.043)

Under existing law, a board of county commissioners must reimburse an eligible county or township officer or employee of the county for the actual living expenses incurred during travel conducted for the transaction of public business and may allow reimbursement for traveling by private conveyance, but if a private conveyance is used for reasons of personal convenience in the transaction of state business, the standard mileage reimbursement rate for traveling by private conveyance is limited to one-half the established rate for which a deduction is allowed for the purposes of federal income tax. (NRS 245.060, 281.160) Section 2.5 of this bill allows the board of county commissioners of a county to provide to such an officer or employee a per diem allowance and travel expenses at the full rate established for employees of the Federal Government, provided that the travel for the transaction of public business is for a period of not more than 5 consecutive working days at a time.

Pursuant to **section 3** of this bill, the increases **in salary and compensation** applicable pursuant to ~~4~~ **section 1 of this bill for:** (1) Fiscal Year 2007-2008, become effective on July 1, 2007; (2) Fiscal Year 2008-2009, become effective on July 1, 2008; (3) Fiscal Year

2009-2010, become effective on July 1, 2009; and (4) Fiscal Year 2010-2011, become effective on July 1, 2010. However, **section 4** of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from payment of the increases based on insufficient financial resources. If a waiver is granted for any fiscal year, **section 4** prohibits retroactive payment of the increases for that fiscal year.

Section 1 of this bill also changes the salary classification of Storey County ~~to the category of a county of class 4~~, thereby increasing the amount of the annual salaries paid to its elected county officers. **Section 3.5 of this bill provides that the change in the salary classification of Storey County is retroactive to January 1, 2003, for the purpose of determining the maximum salary payable to members of the board of county commissioners of Storey County.** **Section 2** of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

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

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive ~~,~~ *for the appropriate fiscal year*, annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark	[\$155,745	\$134,263	\$91,138	\$91,138	\$91,138	\$91,138	\$91,138]
	<i>FY 2007-2008</i>	160,417	138,291	93,872	93,872	93,872	93,872	93,872]
		166,647	143,661	97,518	97,518	97,518	97,518	97,518
	<i>FY 2008-2009</i>	165,230	142,440	96,668	96,668	96,668	96,668	96,668]
		171,647	147,971	100,443	100,443	100,443	100,443	100,443
	<i>FY 2009-2010</i>	170,187	146,713	99,589	99,589	99,589	99,589	99,589]
		176,796	152,410	103,456	103,456	103,456	103,456	103,456
	<i>FY 2010-2011</i>	175,293	151,114	102,577	102,577	102,577	102,577	102,577]
		182,100	156,983	106,560	106,560	106,560	106,560	106,560
2	Washoe	137,485	110,632	83,543	83,543	83,543	83,543	83,543]
	<i>FY 2007-2008</i>	141,610	113,951	86,049	86,049	86,049	86,049	86,049]
		147,109	118,376	89,391	89,391	89,391	89,391	89,391
	<i>FY 2008-2009</i>	145,858	117,370	88,630	88,630	88,630	88,630	88,630]
		151,522	121,928	92,073	92,073	92,073	92,073	92,073
	<i>FY 2009-2010</i>	150,234	120,891	91,289	91,289	91,289	91,289	91,289]
		156,068	125,585	94,835	94,835	94,835	94,835	94,835
	<i>FY 2010-2011</i>	154,741	124,518	94,028	94,028	94,028	94,028	94,028]

		\$160,750	\$129,353	\$97,680	\$97,680	\$97,680	\$97,680	\$97,680
3	Carson City	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040
		112,049	92,909	73,799	73,799	73,799	73,799	73,799
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	73,171
		115,410	95,696	76,013	76,013	76,013	76,013	76,013
	Churchill	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040
		112,049	92,909	73,799	73,799	73,799	73,799	73,799
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	73,171
		115,410	95,696	76,013	76,013	76,013	76,013	76,013
	Douglas	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040
		112,049	92,909	73,799	73,799	73,799	73,799	73,799
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	73,171
		115,410	95,696	76,013	76,013	76,013	76,013	76,013
	Elko	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040
		112,049	92,909	73,799	73,799	73,799	73,799	73,799
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	73,171
		115,410	95,696	76,013	76,013	76,013	76,013	76,013
	Humboldt	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040
		112,049	92,909	73,799	73,799	73,799	73,799	73,799
	FY 2010-2011	111,096	92,118	73,171	73,171	73,171	73,171	73,171
		115,410	95,696	76,013	76,013	76,013	76,013	76,013
	Lyon	98,707	81,846	65,012	65,012	65,012	65,012	65,012
	FY 2007-2008	101,668	84,301	66,962	66,962	66,962	66,962	66,962
		105,616	87,575	69,563	69,563	69,563	69,563	69,563
	FY 2008-2009	104,718	86,830	68,971	68,971	68,971	68,971	68,971
		108,785	90,202	71,650	71,650	71,650	71,650	71,650
	FY 2009-2010	107,860	89,435	71,040	71,040	71,040	71,040	71,040

		\$112,049	\$92,909	\$73,799	\$73,799	\$73,799	\$73,799
	FY 2010-2011	{111,096	92,118	73,171	73,171	73,171	}
		115,410	95,696	76,013	76,013	76,013	76,013
	Nye	{98,707	81,846	65,012	65,012	65,012	}
	FY 2007-2008	{101,668	84,301	66,962	66,962	66,962	}
		105,616	87,575	69,563	69,563	69,563	69,563
	FY 2008-2009	{104,718	86,830	68,971	68,971	68,971	}
		108,785	90,202	71,650	71,650	71,650	71,650
	FY 2009-2010	{107,860	89,435	71,040	71,040	71,040	}
		112,049	92,909	73,799	73,799	73,799	73,799
	FY 2010-2011	{111,096	92,118	73,171	73,171	73,171	}
		115,410	95,696	76,013	76,013	76,013	76,013
4	Lander	{93,223	73,662	54,227	54,227	54,227	}
	FY 2007-2008	{96,020	75,872	55,854	55,854	55,854	}
		99,749	78,818	58,023	58,023	58,023	58,023
	FY 2008-2009	{98,901	78,148	57,530	57,530	57,530	}
		102,741	81,183	59,764	59,764	59,764	59,764
	FY 2009-2010	{101,868	80,492	59,256	59,256	59,256	}
		105,823	83,618	61,556	61,556	61,556	61,556
	FY 2010-2011	{104,924	82,907	61,034	61,034	61,034	}
		108,998	86,127	63,403	63,403	63,403	63,403
	Storey						
	FY 2007-2008	{96,020	75,872	55,854	55,854	55,854	}
		99,749	78,818	58,023	58,023	58,023	58,023
	FY 2008-2009	{98,901	78,148	57,530	57,530	57,530	}
		102,741	81,183	59,764	59,764	59,764	59,764
	FY 2009-2010	{101,868	80,492	59,256	59,256	59,256	}
		105,823	83,618	61,556	61,556	61,556	61,556
	FY 2010-2011	{104,924	82,907	61,034	61,034	61,034	}
		108,998	86,127	63,403	63,403	63,403	63,403
	White Pine	{93,223	73,662	54,227	54,227	54,227	}
	FY 2007-2008	{96,020	75,872	55,854	55,854	55,854	}
		99,749	78,818	58,023	58,023	58,023	58,023
	FY 2008-2009	{98,901	78,148	57,530	57,530	57,530	}
		102,741	81,183	59,764	59,764	59,764	59,764
	FY 2009-2010	{101,868	80,492	59,256	59,256	59,256	}
		105,823	83,618	61,556	61,556	61,556	61,556
	FY 2010-2011	{104,924	82,907	61,034	61,034	61,034	}
		108,998	86,127	63,403	63,403	63,403	63,403
5	Eureka	{82,256	58,929	48,607	48,607	48,607	}
	FY 2007-2008	{84,724	60,697	50,065	50,065	50,065	}
		88,014	63,054	52,009	52,009	52,009	52,009
	FY 2008-2009	{87,266	62,518	51,567	51,567	51,567	}
		90,654	64,946	53,570	53,570	53,570	53,570
	FY 2009-2010	{89,884	64,394	53,114	53,114	53,114	}
		93,374	66,894	55,177	55,177	55,177	55,177
	FY 2010-2011	{92,581	66,326	54,707	54,707	54,707	}
		96,175	68,901	56,832	56,832	56,832	56,832
	Lincoln	{82,256	58,929	48,607	48,607	48,607	}
	FY 2007-2008	{84,724	60,697	50,065	50,065	50,065	}
		88,014	63,054	52,009	52,009	52,009	52,009
	FY 2008-2009	{87,266	62,518	51,567	51,567	51,567	}

		\$90,654	\$64,946	\$53,570	\$53,570	\$53,570	\$53,570
	FY 2009-2010	{89,884}	64,394	53,114	53,114	53,114	53,114
		93,374	66,894	55,177	55,177	55,177	55,177
	FY 2010-2011	{92,581}	66,326	54,707	54,707	54,707	54,707
		96,175	68,901	56,832	56,832	56,832	56,832
	Mineral	{82,256}	58,929	48,607	48,607	48,607	48,607
	FY 2007-2008	{84,724}	60,697	50,065	50,065	50,065	50,065
		88,014	63,054	52,009	52,009	52,009	52,009
	FY 2008-2009	{87,266}	62,518	51,567	51,567	51,567	51,567
		90,654	64,946	53,570	53,570	53,570	53,570
	FY 2009-2010	{89,884}	64,394	53,114	53,114	53,114	53,114
		93,374	66,894	55,177	55,177	55,177	55,177
	FY 2010-2011	{92,581}	66,326	54,707	54,707	54,707	54,707
		96,175	68,901	56,832	56,832	56,832	56,832
	Pershing	{82,256}	58,929	48,607	48,607	48,607	48,607
	FY 2007-2008	{84,724}	60,697	50,065	50,065	50,065	50,065
		88,014	63,054	52,009	52,009	52,009	52,009
	FY 2008-2009	{87,266}	62,518	51,567	51,567	51,567	51,567
		90,654	64,946	53,570	53,570	53,570	53,570
	FY 2009-2010	{89,884}	64,394	53,114	53,114	53,114	53,114
		93,374	66,894	55,177	55,177	55,177	55,177
	FY 2010-2011	{92,581}	66,326	54,707	54,707	54,707	54,707
		96,175	68,901	56,832	56,832	56,832	56,832
	{Storey}	{82,256}	58,929	48,607	48,607	48,607	48,607
6	Esmeralda	{65,314}	52,382	42,531	42,531	42,531	42,531
	FY 2007-2008	{67,273}	53,953	43,807	43,807	43,807	43,807
		69,886	56,049	45,508	45,508	45,508	45,508
	FY 2008-2009	{69,291}	55,572	45,121	45,121	45,121	45,121
		71,983	57,730	46,873	46,873	46,873	46,873
	FY 2009-2010	{71,370}	57,239	46,475	46,475	46,475	46,475
		74,142	59,462	48,280	48,280	48,280	48,280
	FY 2010-2011	{73,511}	58,956	47,869	47,869	47,869	47,869
		76,366	61,246	49,728	49,728	49,728	49,728

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~{126.65}~~:

- (a) For Fiscal Year 2007-2008, ~~{130.450}~~ 131.716 percent ;
- (b) For Fiscal Year 2008-2009, ~~{134.364}~~ 136.985 percent;
- (c) For Fiscal Year 2009-2010, ~~{138.305}~~ 142.464 percent; and
- (d) For Fiscal Year 2010-2011, ~~{142.547}~~ 148.163 percent,

of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary *for the appropriate fiscal year as* provided in *subsection 2 of* NRS 245.043 *or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable*, for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary *for the appropriate fiscal year as* provided in *subsection 2 of NRS 245.043* *or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable*, by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary *for the appropriate fiscal year as* provided in *subsection 2 of NRS 245.043* ~~or~~ *or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable*.

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 2.5. NRS 245.060 is hereby amended to read as follows:

245.060 ~~HH~~

1. Except as otherwise provided in subsection 2, if a county or township officer or an employee of the county is entitled to receive reimbursement for his necessary traveling expenses for the transaction of public business, such reimbursement must include actual living expenses, but the amount allowed for traveling by private conveyance must not exceed the amount charged by public conveyance. Where it appears to the satisfaction of the board of county commissioners that travel by private conveyance is more economical, or where it appears that, owing to train, airplane or bus schedules or for other reasons, travel by public conveyance is impractical, or in case a part of the route traveled is not covered by public conveyance, the board of county commissioners, in its discretion, may allow for traveling by private conveyance an amount not to exceed the maximum per-mile allowance for travel by private conveyance of state officers and employees specified in subsection 3 of NRS 281.160.

2. The board of county commissioners of a county may provide, to any county or township officer or employee of the county who is required to travel for the transaction of public business for a period of not more than 5 consecutive working days at a time, a per diem allowance and travel expenses at the same rate as the comparable rate established for employees of the Federal Government by the Administrator of General Services pursuant to 5 U.S.C. § 5707, excluding any federal requirement, restriction or other condition which is applicable to that comparable rate.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act:

1. For Fiscal Year 2007-2008, on July 1, 2007.
2. For Fiscal Year 2008-2009, on July 1, 2008.
3. For Fiscal Year 2009-2010, on July 1, 2009.
4. For Fiscal Year 2010-2011, on July 1, 2010.

Sec. 3.5. For the purposes of calculating the maximum salary that may be paid to a county commissioner pursuant to the provisions of subsection 3 of NRS 245.043, as amended by section 1 of this act, Storey County shall be deemed to have been categorized as a county of class 4 on January 1, 2003.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, for any of Fiscal Years

1 2007-2008, 2008-2009, 2009-2010 or 2010-2011, if the board determines that the
2 financial resources of the county are insufficient to pay those increased annual
3 salaries in the applicable fiscal year. The Committee on Local Government Finance
4 shall grant such a waiver if it finds that the financial resources of the county are
5 insufficient to pay those increased annual salaries in the applicable fiscal year.

6 2. A board of county commissioners that has been granted a waiver for a
7 fiscal year as described in subsection 1 may apply to the Committee on Local
8 Government Finance for an additional waiver for the next consecutive fiscal year if
9 the board determines that the financial resources of the county continue to be
10 insufficient to pay the increased annual salaries of the elected officers of the county
11 set forth in the table contained in subsection 2 of NRS 245.043, as amended by
12 section 1 of this act, in that fiscal year. There is no limitation on the number of
13 waivers for consecutive fiscal years that the board of county commissioners may be
14 granted if the board determines that the financial resources of the county continue
15 to be insufficient to pay the increased annual salaries of the elected officers of the
16 county set forth in the table contained in subsection 2 of NRS 245.043, as amended
17 by section 1 of this act, in that fiscal year.

18 3. After commencing payment of the increased annual salaries of the elected
19 officers of the county set forth in the table contained in subsection 2 of NRS
20 245.043, as amended by section 1 of this act, in any fiscal year, a board of county
21 commissioners may not apply for a waiver in any subsequent fiscal year.

22 4. The increased annual salaries of the elected officers of the county set forth
23 in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of
24 this act, must not be paid retroactively for any fiscal year for which a waiver was
25 granted to the county pursuant to subsection 1.

26 **Sec. 5.** The provisions of subsection 1 of NRS 354.599 do not apply to any
27 additional expenses of a local government that are related to the provisions of this
28 act.

29 **Sec. 6.** This act becomes effective on July 1, 2007.