

ASSEMBLY JOINT RESOLUTION NO. 10—ASSEMBLYMEN DOOLING,
GARDNER; SEAMAN, SHELTON, STEWART AND
TROWBRIDGE

MARCH 17, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. (BDR C-1068)

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 Nevada Constitution to provide a citizens' commission to establish the salaries of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on Salaries for Certain Elected Officers the power to establish salaries for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. This resolution also authorizes the Commission to: (1) fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature; and (2) provide compensation to members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session.



* A J R 1 0 R 1 *

1 WHEREAS, The Nevada Legislature established the Commission
2 to Review the Compensation of Constitutional Officers, Legislators,
3 Supreme Court Justices, Judges of the Court of Appeals, District
4 Judges and Elected County Officers in 1993; and

5 WHEREAS, While the Commission is empowered by law to
6 review compensation, hold public hearings and make
7 recommendations for revisions to compensation for the various
8 offices within its purview, it serves a purely advisory function and
9 its recommendations have no effect unless enacted by the
10 Legislature; and

11 WHEREAS, A constitutional amendment is required to fully
12 empower such a commission to engage in a comprehensive review
13 of the compensation given to various officers within this State and
14 put into effect its findings; now, therefore, be it

15 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
16 NEVADA, JOINTLY, That a new section, designated Section 33A, be
17 added to Article 4 of the Nevada Constitution to read as follows:

18 *Sec. 33A. 1. The Legislature shall provide by law for*
19 *a Citizens' Commission on Salaries for Certain Elected*
20 *Officers.*

21 *2. The Commission must consist of seven members*
22 *who have diverse personal and professional interests and*
23 *reside in various geographical areas of this State of which:*

24 *(a) One member is appointed by the Speaker of the*
25 *Assembly;*

26 *(b) One member is appointed by the Minority Leader of*
27 *the Assembly;*

28 *(c) One member is appointed by the Majority Leader of*
29 *the Senate;*

30 *(d) One member is appointed by the Minority Leader of*
31 *the Senate;*

32 *(e) Two members are appointed by the Governor; and*

33 *(f) One member is appointed by the Chief Justice of the*
34 *Supreme Court.*

35 *3. Each member of the Commission must be a resident*
36 *of this State and must not be a state officer, public employee*
37 *or lobbyist, or a parent, spouse, sibling, child or dependent*
38 *relative of a state officer, public employee or lobbyist.*

39 *4. Except as otherwise provided in this subsection, the*
40 *term of office of each member of the Commission is 4 years.*
41 *The member first appointed by the Speaker of the Assembly*
42 *and the member first appointed by the Majority Leader of*
43 *the Senate shall each serve an initial term of 2 years. The*
44 *Governor shall appoint one of the members first appointed*
45 *by him or her 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.

6. The Commission shall elect a Chair 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 Court of Appeals and judges of the District Courts;

(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 or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected



officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through 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.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

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. ~~[-; 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]~~ *The Citizens'*



Commission on Salaries for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. 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 Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to 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 must not be increased or diminished during the term for which they have been elected, unless]~~ *If* a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ *the salary provided for that office* by ~~[law]~~ *the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4* at the time of his *or her* election or appointment. ~~[A provision must 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 Nevada Constitution 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.

