

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 compensation 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 Compensation for Certain Elected Officers the power to establish salaries and benefits 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, and to establish salaries for various other offices within this State, including county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators. 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.



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

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

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

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

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) One member has expertise in public compensation and is recommended by the Public Employees' Retirement Board or its successor organization;

(b) One member represents a nonprofit public interest organization;

(c) One member represents the general public;

(d) One member has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;

(e) One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and

(f) Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

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 subsection, the term of office of each member of the Commission is 4 years. The Governor shall appoint three of the members first appointed by him or her for initial terms of 2 years. If a vacancy occurs, the Governor 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. The Governor 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 and benefits 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) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

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



(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) and fix the salaries of the elected officers set forth in paragraph (b); and

(e) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary and benefits 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 and benefits 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 and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits 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) or (b) 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 and benefits.

11. Before the Commission may file a schedule of salaries and benefits 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 and benefits established by the Commission and filed with the Secretary of State.



1 And be it further

2 RESOLVED, That Section 32 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 32. The Legislature shall have power to increase,
5 diminish, consolidate or abolish the following county
6 officers: County Clerks, County Recorders, Auditors,
7 Sheriffs, District Attorneys and Public Administrators. The
8 Legislature shall provide for their election by the people, and
9 fix by law their duties and , *unless fixed by the Citizens'*
10 *Commission on Compensation for Certain Elected Officers*
11 *pursuant to Section 33A of this Article, fix their*
12 compensation. County Clerks shall be ex-officio Clerks of the
13 Courts of Record and of the Boards of County
14 Commissioners in and for their respective counties.

15 And be it further

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

18 Sec. 33. The members of the Legislature shall receive
19 for their services a compensation to be fixed by ~~Haw~~ *the*
20 *Citizens' Commission on Compensation for Certain Elected*
21 *Officers pursuant to Section 33A of this Article* and paid out
22 of the public treasury, for ~~{not to exceed 60 days}~~ *each*
23 *calendar day of service* during any regular session of the
24 Legislature and ~~{not to exceed 20 days}~~ during any special
25 session . ~~{; but no increase of such compensation shall take~~
26 ~~effect during the term for which the members of either house~~
27 ~~shall have been elected; Provided, that an}~~ *The Citizens'*
28 *Commission on Compensation for Certain Elected Officers*
29 *may provide for the compensation of members of the*
30 *Legislature for the performance of duties as a member of*
31 *the Legislature outside of a regular or special session. An*
32 appropriation may be made for the payment of such actual
33 expenses as members of the Legislature may incur for
34 postage, express charges, newspapers and stationery not
35 exceeding the sum of Sixty dollars for any general or special
36 session to each member; and Furthermore Provided, that the
37 Speaker of the Assembly, and Lieutenant Governor, as
38 President of the Senate, shall each, during the time of their
39 actual attendance as such presiding officers receive an
40 additional allowance of two dollars per diem.

41 And be it further

42 RESOLVED, That Section 15 of Article 6 of the Nevada
43 Constitution be amended to read as follows:

44 Sec. 15. The justices of the Supreme Court, the judges
45 of the court of appeals and the district judges are each entitled



1 to receive for their services a compensation to be fixed by
2 ~~[law]~~ *the Citizens' Commission on Compensation for*
3 *Certain Elected Officers pursuant to Section 33A of Article*
4 *4* and paid in the manner provided by law . ~~[, which must not~~
5 ~~be increased or diminished during the term for which they~~
6 ~~have been elected, unless]~~ *If* a vacancy occurs, ~~[in which~~
7 ~~case]~~ the successor of the former incumbent is entitled to
8 receive ~~[only such salary as may be]~~ *the salary and benefits*
9 *provided for that office* by ~~[law]~~ *the Citizens' Commission*
10 *on Compensation for Certain Elected Officers pursuant to*
11 *Section 33A of Article 4* at the time of his *or her* election or
12 appointment. ~~[A provision must be made by law for setting~~
13 ~~apart from each year's revenue a sufficient amount of money~~
14 ~~to pay such compensation.]~~

15 And be it further

16 RESOLVED, That Section 9 of Article 15 of the Nevada
17 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.

