

Amendment No. 867

Senate Amendment to Assembly Joint Resolution No. 10 First Reprint	(BDR C-1068)
<b>Proposed by:</b> Senate Committee on Legislative Operations and Elections	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AAK/JRS



Date: 5/20/2015

A.J.R. No. 10—Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers.  
(BDR C-1068)



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~~ compensation of certain elected officers.

**Legislative Counsel's Digest:**

1 Existing law establishes the salaries of the various constitutional officers of this State,  
2 members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of  
3 Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050,  
4 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory  
5 Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme  
6 Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers  
7 which is empowered to review and make recommendations to the Legislature concerning the  
8 salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution  
9 proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on ~~Salaries~~  
10 Compensation for Certain Elected Officers the power to establish salaries and benefits for  
11 various offices within this State, including members of the Senate and Assembly, the  
12 Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney  
13 General, justices of the Supreme Court, judges of the Court of Appeals and judges of the  
14 District Court ~~to~~ and to establish salaries for various other offices within this State,  
15 including county commissioners, district attorneys, sheriffs, county clerks, county  
16 assessors, county recorders, county treasurers and public administrators. This resolution  
17 also authorizes the Commission to: (1) fix the compensation of the members of the Legislature  
18 for each calendar day of service during any regular or special session of the Legislature; and  
19 (2) provide compensation to members of the Legislature for the performance of duties as a  
20 member of the Legislature outside of a regular or special session.

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

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

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

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

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

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

22 *(a) One member has expertise in public compensation and is*  
23 *appointed recommended by the ~~Speaker of the Assembly~~ Public*  
24 *Employees' Retirement Board or its successor organization;*

25 *(b) One member ~~is appointed by the Minority Leader of the~~*  
26 *~~Assembly~~ represents a nonprofit public interest organization;*

27 *(c) One member ~~is appointed by the Majority Leader of the Senate~~*  
28 *represents the general public;*

29 *(d) One member ~~is appointed by the Minority Leader of the Senate~~*  
30 *has experience with the operation of independent businesses in this State*  
31 *and is recommended by an organization which represents the interests of*  
32 *independent businesses in this State;*

33 *(e) ~~Two members are appointed by the Governor~~ One member has*  
34 *experience with the operation of a retailer in this State and is*  
35 *recommended by an organization which represents the interests of*  
36 *retailers in this State; and*

37 *(f) ~~One member is appointed by the Chief Justice of the Supreme~~*  
38 *~~Court~~ Two members have experience as officers or members of a labor*  
39 *organization in this State and are recommended by a labor organization*  
40 *in this State.*

41 *3. Each member of the Commission must be a resident of this State*  
42 *and must not be a state officer, public employee or lobbyist, or a parent,*  
43 *spouse, sibling, child or dependent relative of a state officer, public*  
44 *employee or lobbyist.*

45 *4. Except as otherwise provided in this subsection, the term of office*  
46 *of each member of the Commission is 4 years. ~~The member first~~*  
47 *~~appointed by the Speaker of the Assembly and the member first appointed~~*  
48 *~~by the Majority Leader of the Senate shall each serve an initial term of 2~~*  
49 *~~years.~~ The Governor shall appoint ~~one~~ three of the members first*  
50 *appointed by him or her for ~~an~~ initial ~~term~~ terms of 2 years. If a*  
51 *vacancy occurs, the ~~appointing authority~~ Governor shall fill the vacancy*  
52 *for the unexpired term in the same manner as the original appointment,*

1 within 30 days after the vacancy occurs. A member of the Commission  
2 may not serve more than two terms.

3 5. ~~In appointing authority~~ The Governor may remove a member  
4 of the Commission only for cause of incapacity, incompetence, neglect of  
5 duty, malfeasance in office or failure to meet a qualification set forth in  
6 subsection 3.

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

13 7. Members of the Commission are entitled to:

14 (a) The compensation provided by law for members of the  
15 Commission on Judicial Discipline who are not judicial officers; and

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

18 8. The Commission shall:

19 (a) Study the relationship of salaries and benefits to the duties of the  
20 members of the Legislature, the Governor, Lieutenant Governor,  
21 Secretary of State, State Treasurer, State Controller, Attorney General,  
22 justices of the Supreme Court, judges of the Court of Appeals and judges  
23 of the District Courts;

24 (b) Study the relationship of salaries to the duties of county  
25 commissioners, district attorneys, sheriffs, county clerks, county  
26 assessors, county recorders, county treasurers and public administrators;

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

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

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

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

39 9. The Commission may increase, but not diminish, the salary and  
40 benefits of an elected officer set forth in paragraph (a) of subsection 8  
41 during his or her term of office. Except for the initial schedule of salaries  
42 and benefits for elected officers filed pursuant to subsection 10, the  
43 Commission may not increase or decrease the salary of any elected  
44 officer by more than 15 percent of the salary of that elected officer  
45 provided in the immediately preceding schedule of salaries for elected  
46 officers. The Commission may exercise any powers conferred by the  
47 Legislature.

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

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

5 *(b) For all other elected officers set forth in paragraph (a) or (b) of*  
 6 *subsection 8, for the period from July 1 immediately following the*  
 7 *January 1 that the schedule is due through June 30 of the next odd-*  
 8 *numbered year.*

9 *The Legislature shall provide by law for setting apart from each year's*  
 10 *revenues a sufficient amount of money to pay such salaries ~~and~~ and*  
 11 *benefits.*

12 *11. Before the Commission may file a schedule of salaries and*  
 13 *benefits with the Secretary of State, the Commission shall hold at least*  
 14 *four meetings to receive public testimony on the schedule. At the last*  
 15 *public hearing before the schedule is filed with the Secretary of State, the*  
 16 *Commission shall adopt the schedule as originally proposed or as*  
 17 *amended. All meetings of the Commission are subject to the provisions of*  
 18 *any open meeting laws made applicable generally to other public bodies.*

19 *12. The Legislative Counsel Bureau shall include in the Nevada*  
 20 *Revised Statutes a copy of the most recent schedule of salaries and*  
 21 *benefits established by the Commission and filed with the Secretary of*  
 22 *State.*

23 And be it further

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

26 Sec. 32. The Legislature shall have power to increase, diminish,  
 27 consolidate or abolish the following county officers: County Clerks, County  
 28 Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators.  
 29 The Legislature shall provide for their election by the people, and fix by  
 30 law their duties and , unless fixed by the Citizens' Commission on  
 31 Compensation for Certain Elected Officers pursuant to Section 33A of  
 32 this Article, fix their compensation. County Clerks shall be ex-officio  
 33 Clerks of the Courts of Record and of the Boards of County Commissioners  
 34 in and for their respective counties.

35 And be it further

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

38 Sec. 33. The members of the Legislature shall receive for their  
 39 services a compensation to be fixed by ~~law~~ the Citizens' Commission on  
 40 ~~Salaries~~ Compensation for Certain Elected Officers pursuant to Section  
 41 33A of this Article and paid out of the public treasury, for ~~not to exceed 60~~  
 42 ~~days~~ each calendar day of service during any regular session of the  
 43 Legislature and ~~not to exceed 20 days~~ during any special session. ~~but~~  
 44 ~~no increase of such compensation shall take effect during the term for~~  
 45 ~~which the members of either house shall have been elected; Provided, that~~  
 46 ~~an~~ The Citizens' Commission on ~~Salaries~~ Compensation for Certain  
 47 Elected Officers may provide for the compensation of members of the  
 48 Legislature for the performance of duties as a member of the Legislature  
 49 outside of a regular or special session. An appropriation may be made for  
 50 the payment of such actual expenses as members of the Legislature may  
 51 incur for postage, express charges, newspapers and stationery not  
 52 exceeding the sum of Sixty dollars for any general or special session to

1 each member; and Furthermore Provided, that the Speaker of the Assembly,  
2 and Lieutenant Governor, as President of the Senate, shall each, during the  
3 time of their actual attendance as such presiding officers receive an  
4 additional allowance of two dollars per diem.

5 And be it further

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

8 Sec. 15. The justices of the Supreme Court, the judges of the court of  
9 appeals and the district judges are each entitled to receive for their services  
10 a compensation to be fixed by ~~law~~ *the Citizens' Commission on*  
11 ~~Salaries~~ *Compensation for Certain Elected Officers pursuant to Section*  
12 *33A of Article 4* and paid in the manner provided by law. ~~It, which must not~~  
13 ~~be increased or diminished during the term for which they have been~~  
14 ~~elected, unless~~ *If* a vacancy occurs, ~~in which case~~ the successor of the  
15 former incumbent is entitled to receive ~~only such salary as may be~~ *the*  
16 *salary and benefits* provided *for that office* by ~~law~~ *the Citizens'*  
17 *Commission on Salaries* *Compensation for Certain Elected Officers*  
18 *pursuant to Section 33A of Article 4* at the time of his *or her* election or  
19 appointment. ~~A provision must be made by law for setting apart from each~~  
20 ~~year's revenue a sufficient amount of money to pay such compensation.~~

21 And be it further

22 RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be  
23 repealed.

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### TEXT OF REPEALED SECTION

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**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.