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PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Constitutional Amendments

May 2, 2003

-
- Assembly Joint Resolution No. 1 of the 17th Special Session _____
 - Assembly Joint Resolution No. 9 _____
 - Assembly Joint Resolution No. 7 _____

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ASSEMBLY CONSTITUTIONAL AMENDMENTS
DATE: 5-2-03 ROOM: 3161 EXHIBIT C1-9
SUBMITTED BY: D. Williams, LCB, Research

C1 of 9



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WORK SESSION

Assembly Committee on Constitutional Amendments

May 2, 2003

The following measures will be considered for action by the Assembly Committee on Constitutional Amendments during a work session on Friday, May 2, 2003:

ASSEMBLY JOINT RESOLUTION NO. 1 OF THE 17TH SPECIAL SESSION
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)

Sponsored by: Joint Rules

Discussion

Assembly Joint Resolution No. 1 of the 17th Special Session was heard by the Committee on March 21, 2003. The measure proposes to amend the *Nevada Constitution* to revise certain provisions relating to the system of county and township government and compensation of certain elected officers.

Suggestions for Amendments

See attached information under Tab A.

ASSEMBLY JOINT RESOLUTION NO. 9

Proposes to amend Nevada Constitution to require each board of county commissioners to determine salaries of certain county officers in its respective county. (BDR C-1301)

Sponsored by: Assembly Committee on Government Affairs

Discussion

Assembly Joint Resolution No. 9 was heard by the Committee on April 18, 2003. The measure proposes to amend the *Nevada Constitution* to require each board of county commissioners to determine the salaries of certain county officers in its respective county.

Suggestions for Amendments

See attached suggestions from Lucille Lusk, Nevada Concerned Citizens, under Tab B (Items 4, 5, and 6 do not apply to this resolution).

ASSEMBLY JOINT RESOLUTION NO. 7

Proposes to amend Nevada Constitution to provide for limited annual legislative sessions. (BDR C-43)

Sponsored by: Assemblywoman Guinchigliani, et al.

Discussion

Assembly Joint Resolution No. 7 was heard by the Committee on April 4, 2003, and discussed during a work session on April 25, 2003. The measure proposes to amend the *Nevada Constitution* to provide for limited annual legislative sessions.

Proposed Amendments

See draft Committee amendment prepared by the Legal Division.

**POSSIBILITIES TO CONSIDER AND
SUGGESTED AMENDMENTS FOR
ASSEMBLY JOINT RESOLUTION NO. 1 OF THE 17TH SPECIAL SESSION**

Prepared by the Research Division

1. Whether or not to establish a Citizens' Commission on Salaries (pages 1 through 3)
2. Whether or not to delete requirement for uniform system of County and Township Government (page 3, lines 32 & 33)
3. Whether or not a Board of County Commissioners should set their own salaries (page 3, lines 38 through 40)
4. Whether or not to have Citizens' Commission on Salaries set salaries for elected county officials, including Boards of County Commissioners (amendment proposed by Jim Nadeau and Ben Graham) [another possibility would be to have the Commission recommend salaries]
5. Whether or not to delete proposed language allowing Legislature to provide for "their appointment" in relation to certain county offices (page 4, lines 1 & 2)
6. Whether or not to repeal Sec. 9, which states salary changes may not apply to any office during the term for which he is elected (page 5, lines 2 & 3)

7/29/2003
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 *italics* is new; matter between brackets (*inserted material*) is material to be revised.

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.

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;

(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.~~

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.~~

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: and

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

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

Deleted: (i) or their appointment

Deleted: The Board of County Commissioners of such county

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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.

H

PROPOSAL TO ADDRESS LONG-TERM COMPENSATION FOR STATE AND COUNTY OFFICERS AND LEGISLATORS

Constitutional Amendment

- * 1. Require the legislature to fix the compensation of the specified state & county officers and legislators each session for the following 2-3 years.*
- * 2. Specify that prior to each session the Legislative Counsel Bureau will research & provide a review of the comparative salaries of the specified officers and legislators to private (and public?) sector positions with similar duties.*
- * 3. Specify that the compensation fixed by the legislature shall not exceed the composite of the private (and public?) sector salary comparison.*
4. Specify that legislators are to be paid for each day of service.
5. Clarify/establish a constitutional limit of 20 days on special sessions.
6. Change the limit on "postage & stationery" expenses to a reasonable level (currently constitutionally limited to \$60 per session).
- * 7. If the constitutional provision requiring that county & township governments be uniform is (mis)interpreted to require equal salaries in all counties, include a provision that it does not apply to compensation.

* *Items 1-3 could be accomplished by law instead of constitutional amendment, but would be less likely to be fully implemented consistently over time.*

* If you want to "catch up" for the years in which there has been no salary increase prior to implementing a new constitutional approach, the following actions could be taken this session and next session for all officers for whom the legislature fixes compensation.

1. Cut the salary request in thirds and implement 1/3 each year for the next 3 years.
2. Next session make an appropriate request, again spread over at least 2 years.
3. Include an unlimited waiver for local governments to forego salary increases for budgetary reasons.

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