

**Legislative Commission's Committee to Study
Powers Delegated to Local Governments**

(Senate Bill 264, Chapter 462, *Statutes of Nevada 2009*)

**WORK SESSION
DOCUMENT**



June 23, 2010

Prepared by the Research Division
Legislative Counsel Bureau



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The following "Work Session Document" has been prepared by the Chairman and staff of the Legislative Commission's Committee to Study Powers Delegated to Local Governments. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2011 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many statements or letters as they choose; however, pursuant to *Nevada Revised Statutes* (NRS) 218D.160, the Committee is limited to five bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this "Work Session Document," the recommendations have been grouped by possible Committee action. They are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a Committee letter; or (4) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative

Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

Creation of the Nevada Advisory Committee on Intergovernmental Relations

1. **Request the drafting of a bill** to establish the Nevada Advisory Committee on Intergovernmental Relations. Section 9, subsection 7, of S.B. 264 requires the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) to include in its report to the Committee to Study Powers Delegated to Local Governments a recommendation concerning the need for a permanent Nevada Advisory Committee on Intergovernmental Relations. In its report to the Committee, the ACIR made a recommendation for the establishment of a permanent Nevada Advisory Committee on Intergovernmental Relations. Please see Tab A (pages 8, 9, and 10 [Appendix A] of the report from the ACIR).

*(Recommended by the ACIR and discussed by Committee members
and various local government representatives)*

NOTE:

At the June 14, 2010, meeting of the Committee to Consult with the Director (NRS 218E.225), members of that Committee heard a presentation and considered a possible option to restructure the “interim” activities of the Nevada State Legislature. Discussion included the possibility of eliminating the statutory committee structure as set forth in Chapter 218E of NRS and maintaining the session standing committee structure during the legislative interim to address topics within each standing committee’s jurisdiction.

Chair Lee, therefore, suggests that if the Committee to Study Powers Delegated to Local Governments approves this recommendation, the following items in the recommendation from the ACIR should be amended for bill drafting purposes (see Tab A [pages 8, 9, and 10 of the report]):

Item No. 7(a) — Include language specifying that a legislator must **not** serve as Chair of the permanent Nevada Advisory Committee on Intergovernmental Relations;

Item No. 14 — Provide that the Nevada Advisory Committee on Intergovernmental Relations submit its recommendations for BDRs to the Chairs of the Senate and Assembly Committees on Government Affairs on or before September 1 of each year preceding a regular session of the Legislature; and

Item No. 17 — Specify that the Nevada Association of Counties (NACO) and the Nevada League of Cities and Municipalities (NLCM) shall provide the Nevada Advisory Committee on Intergovernmental Relations with staff support.*

**It should be noted that pursuant to subsection 5 of NRS 218E.205, unless otherwise provided in statute, “the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chair of the committee is required by statute or resolution to be a Legislator.”*

Authorizing Counties to Adopt a Charter as Directed by the Nevada Legislature

- 2. Request the drafting of a bill** (joint resolution) amending the *Nevada Constitution* to permit the Nevada Legislature, by statute, to authorize the electors of any Nevada county to adopt and amend a charter for its own government (see Tab A [page 11 of the ACIR report]).

(Recommended by the ACIR, former State Senator Warren B. Hardy II, and discussed by NACO)

NOTE:

If this item is approved by the Committee and ultimately approved by the Legislature in identical form during the 2011 and 2013 Legislative Sessions and by the voters at the 2014 General Election, the Legislature may wish to adopt “trailer legislation” setting forth the parameters under which such a charter may be formed and which specific powers may or may not be included in a county charter.

Granting Certain Powers to Local Governments

- 3. Request the drafting of a bill** specifying that a county or city may perform acts or duties that are not prohibited or limited by statute in order to perform the powers conferred to the county or city (see Tab A [pages 12 and 13 of the ACIR report] and Tab B, *Indiana Code 36-1-3 through 36-3-8*).

(Recommended conceptually by Senator Care, the ACIR, NACO, NLCM, and discussed by various Committee members and several local government representatives)

NOTE:

If approved in concept, Indiana law may provide a suitable model for legislation addressing the granting of certain powers to local governments (see Tab B). Specifically, *Indiana Code 36-1-3-6* notes that “if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.” This provision goes on to stipulate that if there is *no* constitutional or statutory provision addressing a particular power, the county or city must adopt, in a manner provided by law, an ordinance prescribing the specific method for exercising that power. *Indiana Code 36-1-3-8* also lists powers to be withheld from local government control. These include the power to: (a) limit civil liability; (b) impose duties on another political subdivision; (c) impose a tax, unless expressly granted by statute; (d) impose certain license or user fees or service charges; and (e) prescribe criminal penalties and certain criminal fines.

Naming Rights for Certain Local Government Facilities

- 4. Request the drafting of a bill** authorizing the board of county commissioners of any county or the governing body of any city in Nevada to adopt, by ordinance, procedures for the sale of the naming rights to a park, recreational facility, or other public facility that is owned by the county or city.

(Recommended by Chair Lee for discussion purposes and addressed at the February 18, 2010, and April 22, 2010, Committee meetings)

NOTE:

Testimony indicated that such an ordinance could stipulate that: (a) names be considered in accordance with appropriate and acceptable community standards; (b) the governing body reserves the right to reject a name at any time; (c) names be granted to the facility for a set period of time; (d) naming privileges may last for the duration of the related activities or events; and (e) the approval of names and any associated fees be set by the governing body of the county or city. The introduced

version of Senate Bill 497 of the 2007 Legislative Session and Section 1 of Assembly Bill 52 of the 2009 Legislative Session (Chapter 469, *Statutes of Nevada*) could serve as models for this proposal (see Tab C).

Salaries for Certain Local Elected Officials

5. **Request the drafting of a bill** amending NRS 245.043 concerning salaries of elected county officers and/or amending NRS 245.044 regarding the payment of longevity for elected county officers. The following suggestions were discussed by the Committee and may be considered for possible inclusion in a BDR (see Tab D for copies of these statutes and other related information):

(Discussed by several Committee members and various interested persons and representatives of local governments)

- a. Amend NRS 245.043 with a new set of salaries for the next four Fiscal Years (FYs). Future salary increases may be tied to a certain set percentage or an indexed rate, such as the Consumer Price Index. The current salary schedule in NRS 245.043 is set through FY 2010-2011.
- b. Continue the waiver process set forth in Senate Bill 516 of the 2007 Legislative Session (Chapter 455, *Statutes of Nevada*).
- c. Establish a similar process that authorizes counties to apply for a waiver from the longevity payments to certain elected county officers set forth in NRS 245.044.
- d. Either retain the current county classifications for salary categories as set forth in NRS 245.043 **OR** reclassify and group the counties by population. Include in a single category those counties whose population is 40,000 or less.

NOTE: If the Committee changes the classification of counties set forth in NRS 245.043, the Committee would need to identify the rate of compensation for the elected officials in those classifications.

NOTE: Counties whose populations are 40,000 or less as of July 1, 2009 (as estimated by the State Demographer) are: Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine.

- e. Amend Chapter 245 of NRS by adding new language creating a salary commission or salary compensation task force charged with making periodic recommendations to the Nevada Legislature concerning the salaries including, but not limited to, the appropriate level of compensation of elected county officers (see Tab D for a copy

of Assembly Joint Resolution No. 1 of the 17th Special Session [2001], [File No. 1, *Statutes of Nevada*], as a possible example of a citizen's salary commission).

POSSIBLE COMMITTEE LETTERS AND STATEMENTS

Public Involvement and Participation in Local Government Activities

6. **Send a Committee letter** to NACO and the NLCM for distribution to each county and city in Nevada urging their respective governing boards and other local policy boards to hold more evening meetings to allow greater participation by the public and elected lawmakers.

(Recommended by Vice Chair Kirkpatrick)

7. **Send a Committee letter** to each Mayor and Chair of a city council of a city in Nevada that operates under a charter and encourage them, if not already practiced, to seek input from the public (through public hearings and outreach activities) regarding suggested charter amendments and consider the creation of a charter committee designed to evaluate potential charter amendments.

(Recommended by Chair Lee for discussion purposes)

Appreciation to the ACIR, NACO, and NLCM

8. **Include a statement in the final report** expressing appreciation to the members of the ACIR, NACO, and NLCM for their efforts throughout the legislative interim in assisting the Committee to Study Powers Delegated to Local Governments. Encourage their continued input and examination of local government powers and home rule during the remainder of the 2009-2010 legislative interim and during the 2011 Legislative Session.

NOTE:

- **The Legislative Commission's Committee to Study Powers Delegated to Local Governments may make additional recommendations based on discussions held and presentations made at its meeting in Las Vegas on June 23, 2010. Please see meeting agenda for discussion topics.**
- **The Chair of the Committee may choose to raise other relevant issues for discussion or Committee action during the work session.**
- **Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs or Committee letters/statements.**

Tab A

Interim Technical Advisory Committee for Intergovernmental Relations' *Report to the Legislative Commission's Committee to Study Powers Delegated to Local Governments*

(Includes report through Appendix A)

**Interim Technical Advisory Committee for Intergovernmental Relations
(ACIR) – Senate Bill 264 (Section 9)**

**Report to the Legislative Commission's
Committee to Study Powers Delegated to
Local Governments
(Senate Bill 264, Section 8)**

June 2010

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SUMMARY OF RECOMMENDATIONS

Interim Technical Advisory Committee for Intergovernmental Relations (ACIR)

Senate Bill 264, Section 9
(Chapter 462, *Statutes of Nevada 2009*)

On May 24, 2010, during the fourth meeting of the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR), the members conducted a work session and voted to recommend that the Legislative Commission's Committee to Study Powers Delegated to Local Governments submit 3 Bill Draft Requests (BDRs) to the 2011 Legislative Session. A summary of each suggested BDR follows. In addition, the ACIR has identified four specific areas for further examination.

BILL DRAFT REQUESTS

- A. Draft legislation to establish the Nevada Advisory Committee for Intergovernmental Relations (ACIR) to continue the work begun by the Interim Technical Advisory Committee for Intergovernmental Relations and to serve as a forum for the discussion of intergovernmental relations and the provision of services to the citizens of this State.
- B. Draft legislation proposing to amend the Constitution of Nevada to allow counties to adopt charters.
- C. Draft legislation granting functional home rule to local governments in Nevada.

ISSUES IDENTIFIED FOR FURTHER EXAMINATION

- Health Care
- Transportation
- Taxation
- Economic Development

**REPORT TO THE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY
POWERS DELEGATED TO LOCAL GOVERNMENTS
(Senate Bill 264, Section 8)**

I. INTRODUCTION

During the 75th Legislative Session, the Nevada State Legislature passed Senate Bill 264 (Chapter 462, *Statutes of Nevada 2009*). Section 9 of this legislation directs the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) to foster effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State. Senate Bill 264 requires that the ACIR engage in activities and conduct studies relating to, without limitation: (1) the structure of local governments; (2) the functions and powers, including, without limitation, fiscal powers of local governments; (3) relationships among the State Government and local governments; (4) the allocation of state and local resources; and (5) any appropriate legislation to be recommended to the interim committee appointed pursuant to section 8 of the act.

Members

The Legislative Commission appointed the following members to the ACIR:

Nancy Boland	Commissioner, Esmeralda County
Dino DiCianno	Executive Director, Nevada Department of Taxation
Chris Giunchigliani	Commissioner, Clark County
Susan Holecheck	Mayor, City of Mesquite
David Humke	Commissioner, Washoe County
Debra March	Councilwoman, City of Henderson
Geno Martini	Mayor, City of Sparks
Scott Rawlins	Deputy Director, Nevada Department of Transportation
Mike Willden	Director, Nevada Department of Health and Human Services

At the first meeting of the ACIR held January 7, 2010, members elected Washoe County Commissioner David Humke as Chair and City of Henderson Councilwoman Debra March as Vice-Chair. Wes Henderson was named Committee Secretary.

Staff

The following personnel provided support for the ACIR.

Jeff Fontaine	Executive Director, Nevada Association of Counties (NACO)
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David Fraser

Executive Director, Nevada League of Cities and
Municipalities

Wes Henderson

Government Affairs Coordinator, NACO

II. ACIR ACTIVITIES

In order to meet the requirements of Senate Bill 264 Section 9, the ACIR has met four times. The ACIR met January 7, 2010, April 7, 2010, May 6, 2010 and May 24, 2010. The meetings were held in Carson City and videoconferenced to Las Vegas.

Representatives from city and county governments, the Nevada System of Higher Education and the Legislative Counsel Bureau made presentations to the ACIR regarding various topics related to local government autonomy, the charter process, general law versus charter cities and the provision of services by the different levels of government.

III. DISCUSSION OF MAJOR ISSUES RESULTING IN SUGGESTED BDRs

During the May 24, 2010 meeting of the ACIR, members conducted a work session and voted to submit 3 draft BDRs to the Legislative Commission's Committee to Study Powers Delegated to Local Governments with the recommendation that they be introduced for consideration during the 2011 Legislative Session.

A. Need for a Nevada Advisory Commission on Intergovernmental Relations

The ACIR was unanimous in the need for a Nevada Advisory Commission for Intergovernmental Relations (Commission) and recommends that a Bill Draft Request (BDR) be submitted to create the Commission. The ACIR recognized that a thorough review of the division of powers among, and the provision of services by, the various levels of government in Nevada would be beneficial to state and local government bodies and ultimately to the citizens of the state. To be successful, such a review will require more time than the limited time available during one interim period.

The ACIR was provided information regarding the membership of Advisory Commissions on Intergovernmental Relations used by other states. The consensus was that the membership of the Commission should mirror the ACIR with the addition of two Senators and two members of the Assembly. It was recommended that the Commission be authorized to create advisory boards consisting of representatives of other organizations such as local school boards, improvement districts, the Nevada System of Higher Education or other state agencies as it deems necessary to address particular policy areas.

To further communication between the Commission and the Legislature, the ACIR recommends that a report be submitted on or before July 1 of each year to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative

Commission when the Legislature is not in regular session, detailing its activities during the previous year. In addition, the ACIR recommends that the Commission be granted the authority to submit five Bill Draft Requests prior to each regular session of the Legislature.

Recognizing a need to periodically review the effectiveness of advisory bodies, the ACIR recommends that the Act creating the Commission expire by limitation on June 30, 2015. Should the Commission prove, as expected, to be beneficial to the state in improving government efficiencies and relations, and a need for its continued existence is determined, the life of the Commission could be extended.

A draft BDR for the creation of the Nevada Commission for Intergovernmental Relations containing the provisions discussed above is included in appendix A.

B. Constitutional Amendment to allow Counties to Adopt Charters.

The ACIR unanimously recommends that a BDR be submitted proposing that the Nevada Constitution be amended to allow counties to adopt charters. Under the Nevada Constitution (Article 8, Section 8), *“the legislature may, by general laws, in the manner and to the extent there in provided, permit and authorize the electors of any city or town to frame, adopt and amend a charter for its own government, or to amend any existing charter of such city or town.”* There is no such provision relating to counties.

Representatives explained the differences and similarities of both general law and charter cities. While both types of cities are ultimately governed by the Legislature, charter cities can tailor their governing document, the charter, within the parameters established by the Legislature as the will of the citizens of the city dictate. Changes made to one city’s charter do not affect the charter of any other city. General law cities wishing a change in operational authority must seek a modification of the governing statute. If the change is enacted by the Legislature it affects all general law cities equally.

Members of the ACIR were given presentations regarding charter county governments in other states. According to a 2008 publication of the National Association of Counties, “Twenty-three states now authorize their counties to adopt a home rule charter. Another 13 permit (or mandate) some type of home rule.”¹ The same publication noted that “[w]hile charter status can bestow a vast number of reforms, it does not guarantee powers in all three domains [structural, functional, fiscal]; many charter provisions prohibit certain types of reforms (e.g. fiscal) and established powers can be limited further in the construction of specific charters.”²

¹ (National Association of Counties, 2008, p. 81)

² (National Association of Counties, 2008, p. 79)

The ACIR was advised that the Legal Division of the Legislative Counsel Bureau has determined that a constitutional amendment would be required before counties in Nevada could adopt a charter. This determination is based, at least in part, on the requirement that *“The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State.”* (Nevada Constitution, Article 4 Section 25).

A draft BDR proposing a constitutional amendment allowing counties to adopt charters is included in appendix A.

C. Functional Home Rule for Local Governments.

There are four areas in which local governments may be granted “Home Rule”:

Structural Home Rule – relates to the form of governing body

Fiscal Home Rule – relates to revenue streams, tax rates, borrowing and spending authorities.

Personnel Home Rule – relates to employment practices and policies including collective bargaining.

Functional Home Rule – relates to the daily operation of the government agencies.

The ACIR was unanimous in support of legislation granting functional home rule to local governments in Nevada. The committee determined that a general approach should be taken to grant this authority to local governments. This would allow local governments the authority to take actions that are not prohibited or limited by statute. This approach is discussed in more detail below. The ACIR recommends that a BDR be submitted allowing local governments to exercise functional home rule.

Dillon’s Rule holds that:

[A] municipal corporation possesses and can exercise the following powers and no others: First those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects and purposes of the corporation and which are not simply convenient, but indispensable; fourth, any fair doubt, as to the existence of a power is resolved by the courts against the corporation – against the existence of the power. (Merriam v. Moody’s Executor, 25 Iowa 163, 170 (Iowa 1868), [emphasis added])

As Nevada is considered a Dillon’s Rule state, courts, city attorneys and county district attorneys have ruled and opined that local governments may not take any action or possess any authority that has not been expressly granted by the Legislature. Given that the Legislature only meets once per biennium, local governments often face a two-year delay in obtaining authority over issues of local concern. This process can negatively

impact the daily operations of local governments as well as unnecessarily cause the Legislature to waste valuable time dealing with local issues. Inserting language in existing statutes granting local governments the authority to take actions that are not prohibited or limited by statute would provide clear intent to the courts and the attorneys that serve Nevada's local government bodies, while preserving the Legislature's rightful ability to prohibit or limit local government authority.

A Draft BDR to grant functional home rule to local governments in Nevada is attached in appendix A.

IV. PLANNED FUTURE ACTIVITIES

Pursuant to Subsection 2, Section 10 of Senate Bill 264, the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) expires by limitation on June 30, 2011. The members of the ACIR will continue to meet until that date to review government operations in Nevada as outlined in Subsections 7(b)(1 – 5), Section 9 of Senate Bill 264. Any recommendations or other commentary developed by the ACIR will be submitted as a supplement to this report. Among the items to be reviewed are:

- Health Care
- Transportation
- Taxation
- Economic Development
- Other topics as developed by the members of the ACIR.
- Other topics as requested by the Legislative Commission prior to the 2011 Regular Session.
- As requested by the Legislature during the 76th Session of the Nevada Legislature.

V. CONCLUDING REMARKS

The Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) has successfully begun the review of government relations and operations as required by Section 9 of Senate Bill 264. As mentioned above, the ACIR plans on continuing its work and has recommended the creation of a more permanent Nevada Advisory Commission for Intergovernmental Relations to fully realize the goal of better, more efficient government in Nevada.

The ACIR would like to thank the following individuals for making presentations or otherwise providing information to the committee:

Michael Stewart	Supervisory Principal Research Analyst, Legislative Counsel Bureau
Dr. Robert Morin, J.D., Ph.D.	Division Chair, Social Science, Education, Humanities and Public Service, Western Nevada College
Steve Driscoll	Assistant City Manager, City of Sparks
David Dawley	Assessor, Carson City
Josh Wilson	Assessor, Washoe County

The members sincerely appreciate the time, expertise and information these individuals volunteered to help make the actions of the ACIR a success.

Bibliography

National Association of Counties. (2008). *County Government Structure: A State by State Report*. Washington, DC: National Association of Counties.

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APPENDIX A

Draft BDR for Creation of Nevada ACIR

Prepared by the Nevada Association of Counties

April 28, 2010

- 1) The Nevada Advisory Commission for Intergovernmental Relations (ACIR) is hereby created.
- 2) The purpose of the Commission is to foster effective communication, cooperation and partnerships among the State Government and local governments in order to improve the provision of governmental services to the people of this State.
- 3) The Commission consists of the following 13 members:
 - a) Two Senators, one each of whom is appointed by the Majority and Minority Leaders of the Senate;
 - b) Two members of the Assembly, one each of whom is appointed by the Speaker and Minority Leader of the Assembly;
 - c) Three members, each of whom is a member of a board of county commissioners from a different county, appointed by the Executive Director of the Nevada Association of Counties;
 - d) Three members, each of whom is an elected official from a different local government that is not a county appointed by the Executive Director of the Nevada League of Cities and Municipalities; and
 - e) Three members, each of whom is an employee or authorized representative of a different state agency.
- 4) The Initial Representatives of the Executive Branch and City and County Governments shall, if eligible, be the members that served on the Interim Technical Advisory Committee for Intergovernmental Affairs established by Section 9 of Senate Bill 264 of the 2009 Legislative Session.
- 5) The term of office of each member of the Commission is 2 years and commences on July 1 of an odd-numbered year.
- 6) A vacancy on the Commission must be filled by appointment for the unexpired term in the same manner as the original appointment.
- 7) At the first regular meeting after July 1 of each year:
 - a) The members of the Commission shall elect by majority vote from among those members eligible pursuant to subsection (c) below a Chair of the Commission; and
 - b) The members of the Commission shall elect by majority vote from among those members eligible pursuant to subsection (c) below a Vice Chair of the Commission;
 - c) The Chair and Vice Chair shall be elected from the members of the Commission who are elected officials, either a member of the legislature, a county commissioner or a local government official.

- 8) The Chair and Vice Chair shall serve until the next Chair and Vice Chair, respectively, are elected. If a vacancy occurs in the Chair or Vice Chair position, the vacancy must be filled in the same manner as the original election.
- 9) The Commission may, on such occasions as it deems necessary, create an advisory board consisting of members of executive branch departments, county, city or municipality management or other personnel as needed, to assist the Commission in the completion of their duties.
- 10) The Commission shall meet at least once every 3 months and at additional times as deemed necessary by the Chair.
- 11) A majority of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.
- 12) The Commission shall:
 - a) Serve as a forum for the discussion and resolution of intergovernmental problems among the State Government and local governments;
 - b) Engage in activities and conduct studies relating to, without limitation:
 - 1) The structure of local governments;
 - 2) The functions and powers, including, without limitation, fiscal powers, of local governments;
 - 3) Relationships among the State Government and local governments;
 - 4) The allocation of state and local resources; and
 - 5) Any appropriate legislation to be recommended to the Legislature.
- 13) In addition to the duties set forth in section 11, the Legislature may direct the Commission to study particular policy areas during an interim period between legislative sessions.
- 14) On or before July 1 of each year preceding a Regular Session of the Legislature, the Commission may submit up to five Bill Draft Requests to the Legislative Counsel Bureau.
- 15) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report concerning its activities and findings during the previous year.
- 16) Each member of the Commission is entitled to receive the per diem allowance and travel expenses pursuant to NRS 218.2207 provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

17) The Director of the Legislative Counsel Bureau, the Nevada Association of Counties and the Nevada League of Cities and Municipalities, shall each provide the Commission with administrative support.

18) This Act expires by limitation on June 30, 2015.

Draft BDR Allowing County Governments to Adopt a Charter

Prepared by the Nevada Association of Counties

April 28, 2010

_____ Joint Resolution

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 25 of Article 4 of the Nevada Constitution be amended as follows:

Sec: 25. **Uniform county and township government.** The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State, ~~provided, however, that the legislature may, by general laws, in the manner and to the extent therein provided, permit and authorize the electors of any county to frame, adopt and amend a charter for its own government, or to amend any existing charter of such county.~~

Draft BDR Granting Functional Home Rule to Local Governments

Prepared by the Nevada Association of Counties

April 30, 2010

NRS244.195 is amended as follows:

NRS 244.195 Other powers. The boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things ~~as may be lawful and strictly necessary to the full~~ that are not prohibited or limited by statute to fully discharge of the powers and jurisdiction conferred on the board.

NRS 266.085 is amended as follows:

NRS 266.085 City is municipal corporation; name; general powers.

1. Cities incorporated pursuant to this chapter:
 - (a) Are municipal corporations.
 - (b) Shall be known and designated by the name and style adopted.
2. Under such name, cities may:
 - (a) Sue and be sued.
 - (b) Contract and be contracted with.
 - (c) Acquire and hold real and personal property for corporate purposes.
 - (d) Have a common seal and change the same at pleasure.
 - (e) Have perpetual succession.
 - (f) Exercise all the powers conferred in this chapter: and perform all such other acts and things that are not prohibited or limited by statute to fully discharge the powers and jurisdiction conferred on the city.

NRS 268.008 is amended as follows:

NRS 268.008 General powers. An incorporated city may:

1. Have and use a common seal, which it may alter at pleasure.
2. Purchase, receive, hold and use personal and real property wherever situated.
3. Except as otherwise provided in NRS 268.059, 268.061 and 268.062, sell, convey and dispose of such personal and real property for the common benefit.
4. Determine what are public uses with respect to powers of eminent domain.
5. Acquire, own and operate a public transit system both within and without the city.
6. Receive bequests, devises, gifts and donations of all kinds of property wherever situated in fee simple, in trust or otherwise, for charitable or other purposes and do anything necessary to carry out the purposes of such bequests, devises, gifts and donations with full power to manage,

sell, lease or otherwise dispose of such property in accordance with the terms of such bequest, devise, gift or donation.

7. Exercise all the powers conferred in this chapter and perform all such other acts and things that are not prohibited or limited by statute to fully discharge the powers and jurisdiction conferred on the city.

Tab B

Indiana Code 36-1-3 through 36-3-8



Information Maintained by the Office of Code Revision Indiana Legislative Services Agency
IC 36-1-3

Chapter 3. Home Rule

IC 36-1-3-1

Application of chapter

Sec. 1. This chapter applies to all units.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.251-1993, SEC.1.

IC 36-1-3-2

Policy

Sec. 2. The policy of the state is to grant units all the powers that they need for the effective operation of government as to local affairs.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-3-3

Rule of law; resolution of doubt as to existence of power of a unit

Sec. 3. (a) The rule of law that any doubt as to the existence of a power of a unit shall be resolved against its existence is abrogated.

(b) Any doubt as to the existence of a power of a unit shall be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-3-4

Rule of law; powers of unit

Sec. 4. (a) The rule of law that a unit has only:

- (1) powers expressly granted by statute;
- (2) powers necessarily or fairly implied in or incident to powers expressly granted; and
- (3) powers indispensable to the declared purposes of the unit;

is abrogated.

(b) A unit has:

- (1) all powers granted it by statute; and
- (2) all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute.

(c) The powers that units have under subsection (b)(1) are listed in various statutes. However, these statutes do not list the powers that units have under subsection (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-3-5

Powers of unit; exercise; township exception

Sec. 5. (a) Except as provided in subsection (b), a unit may exercise any power it has to the extent that the power:

- (1) is not expressly denied by the Indiana Constitution or by statute; and
 - (2) is not expressly granted to another entity.
-

(b) A township may not exercise power the township has if another unit in which all or part of the township is located exercises that same power.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.251-1993, SEC.2.

IC 36-1-3-6

Specific manner for exercising a power; constitutional or statutory provision; ordinance; resolution

Sec. 6. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.

(b) If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either:

(1) if the unit is a county or municipality, adopt an ordinance prescribing a specific manner for exercising the power;

(2) if the unit is a township, adopt a resolution prescribing a specific manner for exercising the power; or

(3) comply with a statutory provision permitting a specific manner for exercising the power.

(c) An ordinance under subsection (b)(1) must be adopted as follows:

(1) In a municipality, by the legislative body of the municipality.

(2) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the legislative body of the county.

(3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.17, SEC.2; P.L.251-1993, SEC.3.

IC 36-1-3-7

Review or regulation of exercise of power by a unit

Sec. 7. State and local agencies may review or regulate the exercise of powers by a unit only to the extent prescribed by statute.

As added by Acts 1980, P.L.211, SEC.1.

IC 36-1-3-8

Powers specifically withheld

Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by

statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance;
and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to order or conduct an election, except as expressly granted by statute.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

As added by Acts 1980, P.L.211, SEC.1. Amended by Acts 1981, P.L.17, SEC.3; P.L.123-1987, SEC.2; P.L.3-1987, SEC.540; P.L.3-1990, SEC.122; P.L.251-1993, SEC.4; P.L.164-1995, SEC.14; P.L.1-1996, SEC.84; P.L.200-2005, SEC.4.

IC 36-1-3-9

Territorial jurisdiction; exception; petition

Sec. 9. (a) The area inside the boundaries of a county comprises its territorial jurisdiction. However, a municipality has exclusive jurisdiction over bridges (subject to IC 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise.

(b) The area inside the corporate boundaries of a municipality comprises its territorial jurisdiction, except to the extent that a statute expressly authorizes the municipality to exercise a power in areas

outside its corporate boundaries.

(c) Whenever a statute authorizes a municipality to exercise a power in areas outside its corporate boundaries, the power may be exercised:

(1) inside the corporate boundaries of another municipality, only if both municipalities, by ordinance, enter into an agreement under IC 36-1-7; or

(2) in a county other than the county in which the municipal hall is located, but not inside the corporate boundaries of another municipality, only if both the municipality and the other county, by ordinance, enter into an agreement under IC 36-1-7.

(d) If the two (2) units involved under subsection (c) cannot reach an agreement, either unit may petition the circuit or superior court of the county to hear and determine the matters at issue. The clerk of the court shall issue notice to the other unit as in other civil actions, and the court shall hold the hearing without a jury. There may be a change of venue from the judge but not from the county. The petitioning unit shall pay the costs of the action.

As added by Acts 1980, P.L.211, SEC.1.

Tab C

**Introduced Version of Senate Bill 497 of
the 2007 Legislative Session (See Section 2)
and**

**Assembly Bill 52 of the 2009 Legislative Session
(Chapter 469, *Statutes of Nevada*) (See Section 1)**

SENATE BILL NO. 497—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain public facilities. (BDR 22-1352)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public facilities; authorizing the use of the proceeds of the residential construction tax for the maintenance of neighborhood parks; authorizing the boards of county commissioners of certain larger counties to adopt procedures for the sale of the naming rights to a park or recreational facility owned by the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a city or county to impose a residential construction
2 tax, the proceeds of which may only be used for the acquisition, improvement and
3 expansion of neighborhood parks or the installation of facilities in existing or
4 neighborhood parks. (NRS 278.4983) **Section 1** of this bill authorizes a city or
5 county to also use the proceeds of the residential construction tax for the
6 maintenance of neighborhood parks.
7 Under existing law, boards of county commissioners are authorized to acquire
8 parcels of land for park, recreational, cultural and memorial purposes and to
9 operate, maintain and improve parks and other recreational and cultural facilities
10 and areas owned by the county. (NRS 244.300-244.3091) **Section 2** of this bill
11 authorizes a board of county commissioners in a county whose population is
12 400,000 or more (currently Clark County) to adopt by ordinance procedures for the
13 sale of the naming rights to a park or recreational facility owned by the county,
14 including a shooting range.



* S B 4 9 7 *

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

1 **Section 1.** NRS 278.4983 is hereby amended to read as
2 follows:
3 278.4983 1. The city council of any city or the board of
4 county commissioners of any county which has adopted a master
5 plan and recreation plan, as provided in this chapter, which includes,
6 as a part of the plan, future or present sites for neighborhood parks
7 may, by ordinance, impose a residential construction tax pursuant to
8 this section.
9 2. If imposed, the residential construction tax must be imposed
10 on the privilege of constructing apartment houses and residential
11 dwelling units and developing mobile home lots in the respective
12 cities and counties. The rate of the tax must not exceed:
13 (a) With respect to the construction of apartment houses and
14 residential dwelling units, 1 percent of the valuation of each
15 building permit issued or \$1,000 per residential dwelling unit,
16 whichever is less. For the purpose of the residential construction tax,
17 the city council of the city or the board of county commissioners of
18 the county shall adopt an ordinance basing the valuation of building
19 permits on the actual costs of residential construction in the area.
20 (b) With respect to the development of mobile home lots, for
21 each mobile home lot authorized by a lot development permit, 80
22 percent of the average residential construction tax paid per
23 residential dwelling unit in the respective city or county during the
24 calendar year next preceding the fiscal year in which the lot
25 development permit is issued.
26 3. The purpose of the tax is to raise revenue to enable the cities
27 and counties to provide neighborhood parks and facilities for parks
28 which are required by the residents of those apartment houses,
29 mobile homes and residences.
30 4. An ordinance enacted pursuant to subsection 1 must
31 establish the procedures for collecting the tax, set its rate, and
32 determine the purposes for which the tax is to be used, subject to the
33 restrictions and standards provided in this chapter. The ordinance
34 must, without limiting the general powers conferred in this chapter,
35 also include:
36 (a) Provisions for the creation, in accordance with the applicable
37 master plan, of park districts which would serve neighborhoods
38 within the city or county.
39 (b) A provision for collecting the tax at the time of issuance of a
40 building permit for the construction of any apartment houses or
41 residential dwelling units, or a lot development permit for the
42 development of mobile home lots.



1 5. All residential construction taxes collected pursuant to the
2 provisions of this section and any ordinance enacted by a city
3 council or board of county commissioners, and all interest accrued
4 on the money, must be placed with the city treasurer or county
5 treasurer in a special fund. Except as otherwise provided in
6 subsection 6, the money in the fund may only be used for the
7 acquisition, improvement, *maintenance* and expansion of
8 neighborhood parks or the installation of facilities in existing or
9 neighborhood parks in the city or county. Money in the fund must
10 be expended for the benefit of the neighborhood from which it was
11 collected.

12 6. If a neighborhood park has not been developed or facilities
13 have not been installed in an existing park in the park district
14 created to serve the neighborhood in which the subdivision or
15 development is located within 3 years after the date on which 75
16 percent of the residential dwelling units authorized within that
17 subdivision or development first became occupied, all money paid
18 by the subdivider or developer, together with interest at the rate at
19 which the city or county has invested the money in the fund, must
20 be refunded to the owners of the lots in the subdivision or
21 development at the time of the reversion on a pro rata basis.

22 7. The limitation of time established pursuant to subsection 6 is
23 suspended for any period, not to exceed 1 year, during which this
24 State or the Federal Government takes any action to protect the
25 environment or an endangered species which prohibits, stops or
26 delays the development of a park or installation of facilities.

27 8. For the purposes of this section:

28 (a) "Facilities" means turf, trees, irrigation, playground
29 apparatus, playing fields, areas to be used for organized amateur
30 sports, play areas, picnic areas, horseshoe pits and other recreational
31 equipment or appurtenances designed to serve the natural persons,
32 families and small groups from the neighborhood from which the
33 tax was collected.

34 (b) "Neighborhood park" means a site not exceeding 25 acres,
35 designed to serve the recreational and outdoor needs of natural
36 persons, families and small groups.

37 **Sec. 2.** Chapter 244 of NRS is hereby amended by adding
38 thereto a new section to read as follows:

39 *The board of county commissioners in a county whose*
40 *population is 400,000 or more may adopt, by ordinance,*
41 *procedures for the sale of the naming rights to a park or*
42 *recreational facility that is owned by the county, including,*
43 *without limitation, a shooting range.*



1 **Sec. 3.** This act becomes effective on July 1, 2007.

⑩



* S B 4 9 7 *

Assembly Bill No. 52–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to health care; authorizing a board of county commissioners to adopt procedures to lease the naming rights relating to public hospitals located within the county; requiring certain hospitals in certain larger counties to report information to the Legislative Committee on Health Care concerning the transfer of patients to another hospital; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of county commissioners in certain larger counties to adopt, by ordinance, procedures for the sale of naming rights relating to a shooting range that is owned by the county. (NRS 244.30701) Under existing law, counties and groups of counties are authorized to establish public hospitals. (Chapter 450 of NRS) **Section 1** of this bill authorizes a board of county commissioners to lease the naming rights relating to such a hospital and specifies the purposes for which proceeds from the lease must be used.

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) **Section 2** of this bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on October 15, 2009, and cover information from July 1, 2009, through September 30, 2010.

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

Section 1. Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county in which a public hospital is located may adopt, by ordinance, procedures for the lease of naming rights relating to the public hospital, including, without limitation, the lease of naming rights to:

(a) Buildings, improvements, facilities, rooms, features, fixtures and sites located within the boundaries of the public hospital; and

(b) Activities, events, programs, chairs, fellowships and memorials held or established at the public hospital.

2. If a board of county commissioners leases naming rights in accordance with the procedures adopted pursuant to this section, the board shall create an enterprise fund exclusively for the



proceeds of the lease of all such naming rights, for fees or charges for use of the hospital and for any gifts, grants, donations, bequests, devises or money from any other source received for the public hospital. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. Money that remains in the fund at the end of a fiscal year does not revert to the county general fund and the balance in the fund must be carried forward to the next fiscal year. The money in the fund may only be used to pay for expenses directly related to the costs of the public hospital for construction, improvement, operation, maintenance or programs.

3. The procedures adopted pursuant to subsection 1 must, without limitation:

(a) Prohibit the lease of naming rights for a public hospital to that public hospital;

(b) Provide that the board of county commissioners may reject any name proposed pursuant to a lease of naming rights;

(c) Provide for the development of selection criteria for awarding a lease of naming rights, including procedures for circumstances in which more than one request for the lease of naming rights is submitted to the board of county commissioners;

(d) Provide that the name must be consistent with the mission of the public hospital;

(e) Prohibit the use of a name that:

(1) Is false, misleading or deceptive;

(2) Promotes unlawful or illegal goods, service or activities;

(3) Promotes or encourages hate, violence or antisocial behavior;

(4) Implies an endorsement by the county or a public official of any good, service or activity;

(5) Is libelous or defamatory;

(6) Contains text or an image that is likely to be confused with safety, traffic or emergency signage; or

(7) Is associated with a person who has been convicted of a felony;

(f) Provide that the term of a lease does not exceed 20 years; and

(g) Provide that the board of county commissioners:

(1) Shall require the change of a name authorized pursuant to a lease or revoke a lease before the expiration of its term if a change of circumstances results in a violation of the provisions of paragraph (d) or (e); and



(2) May require the change of a name authorized pursuant to a lease or revoke a lease before the expiration of its term for any other purpose in accordance with the procedures adopted pursuant to subsection 1.

4. The terms of a lease granted pursuant to this section may be renegotiated and renewed. Each such renewal must provide that the term of the lease does not exceed 20 years.

5. A lease of naming rights pursuant to this section and the procedures adopted pursuant thereto are not subject to the requirements for competitive bidding set forth in chapter 332 of NRS.

Sec. 2. 1. Each hospital located in a county whose population is 400,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care reports with information concerning the transfer of patients from one hospital to another hospital. Such information must include:

(a) The number of patients who are transferred from the hospital to another hospital;

(b) The number of patients who were received by the hospital that were transferred from another hospital;

(c) The reason for each transfer of a patient to another hospital;

(d) The availability of specialty services and care in the hospital; and

(e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from July 1, 2009, through September 30, 2010. The first report must be made by October 15, 2009, and must include information from July 1, 2009, through September 30, 2009. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.



5. As used in this section, "specialty services" includes, without limitation:

- (a) Cardiology services;
- (b) Gastroenterological services;
- (c) General surgical services;
- (d) Neurosurgical services;
- (e) Ophthalmology services;
- (f) Oral and maxillofacial surgical services;
- (g) Orthopedic services;
- (h) Otolaryngology services; and
- (i) Urological services.

Sec. 3. This act becomes effective on July 1, 2009.



Tab D

**NRS 245.043 (Includes Reviser's Note) and NRS 245.044
and
Assembly Joint Resolution No. 1
(File No. 1, *Statutes of Nevada 2001*,
17th Special Session)**

NRS 245.043 Annual salaries of elected county officers.

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	District County	County Attorney	County Sheriff	County Clerk	County Assessor	County Recorder	Public Treasurer	Administrator
1	Clark							
	FY 2007-2008	\$166,647		\$143,661		\$97,518	\$97,518	\$97,518
	FY 2008-2009	171,647	147,971	100,443	100,443	100,443	100,443	100,443
	FY 2009-2010	176,796	152,410	103,456	103,456	103,456	103,456	103,456
	FY 2010-2011	182,100	156,983	106,560	106,560	106,560	106,560	106,560
2	Washoe							
	FY 2007-2008	147,109	118,376	89,391	89,391	89,391	89,391	89,391
	FY 2008-2009	151,522	121,928	92,073	92,073	92,073	92,073	92,073
	FY 2009-2010	156,068	125,585	94,835	94,835	94,835	94,835	94,835
	FY 2010-2011	160,750	129,353	97,680	97,680	97,680	97,680	97,680
3	Carson City							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Churchill							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Douglas							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Elko							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Humboldt							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----

	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Lyon							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
	Nye							
	FY 2007-2008	105,616	87,575	69,563	69,563	69,563	69,563	-----
	FY 2008-2009	108,785	90,202	71,650	71,650	71,650	71,650	-----
	FY 2009-2010	112,049	92,909	73,799	73,799	73,799	73,799	-----
	FY 2010-2011	115,410	95,696	76,013	76,013	76,013	76,013	-----
4	Lander							
	FY 2007-2008	99,749	78,818	58,023	58,023	58,023	58,023	-----
	FY 2008-2009	102,741	81,183	59,764	59,764	59,764	59,764	-----
	FY 2009-2010	105,823	83,618	61,556	61,556	61,556	61,556	-----
	FY 2010-2011	108,998	86,127	63,403	63,403	63,403	63,403	-----
	Storey							
	FY 2007-2008	99,749	78,818	58,023	58,023	58,023	58,023	-----
	FY 2008-2009	102,741	81,183	59,764	59,764	59,764	59,764	-----
	FY 2009-2010	105,823	83,618	61,556	61,556	61,556	61,556	-----
	FY 2010-2011	108,998	86,127	63,403	63,403	63,403	63,403	-----
	White Pine							
	FY 2007-2008	99,749	78,818	58,023	58,023	58,023	58,023	-----
	FY 2008-2009	102,741	81,183	59,764	59,764	59,764	59,764	-----
	FY 2009-2010	105,823	83,618	61,556	61,556	61,556	61,556	-----
	FY 2010-2011	108,998	86,127	63,403	63,403	63,403	63,403	-----
5	Eureka							
	FY 2007-2008	88,014	63,054	52,009	52,009	52,009	52,009	-----
	FY 2008-2009	90,654	64,946	53,570	53,570	53,570	53,570	-----
	FY 2009-2010	93,374	66,894	55,177	55,177	55,177	55,177	-----
	FY 2010-2011	96,175	68,901	56,832	56,832	56,832	56,832	-----
	Lincoln							
	FY 2007-2008	88,014	63,054	52,009	52,009	52,009	52,009	-----
	FY 2008-2009	90,654	64,946	53,570	53,570	53,570	53,570	-----
	FY 2009-2010	93,374	66,894	55,177	55,177	55,177	55,177	-----
	FY 2010-2011	96,175	68,901	56,832	56,832	56,832	56,832	-----
	Mineral							
	FY 2007-2008	88,014	63,054	52,009	52,009	52,009	52,009	-----
	FY 2008-2009	90,654	64,946	53,570	53,570	53,570	53,570	-----
	FY 2009-2010	93,374	66,894	55,177	55,177	55,177	55,177	-----
	FY 2010-2011	96,175	68,901	56,832	56,832	56,832	56,832	-----
	Pershing							
	FY 2007-2008	88,014	63,054	52,009	52,009	52,009	52,009	-----
	FY 2008-2009	90,654	64,946	53,570	53,570	53,570	53,570	-----
	FY 2009-2010	93,374	66,894	55,177	55,177	55,177	55,177	-----
	FY 2010-2011	96,175	68,901	56,832	56,832	56,832	56,832	-----
6	Esmeralda							

FY 2007-2008	69,886	56,049	45,508	45,508	45,508	-----	-----
FY 2008-2009	71,983	57,730	46,873	46,873	46,873	-----	-----
FY 2009-2010	74,142	59,462	48,280	48,280	48,280	-----	-----
FY 2010-2011	76,366	61,246	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:

- (a) For Fiscal Year 2007-2008, 131.716 percent;
- (b) For Fiscal Year 2008-2009, 136.985 percent;
- (c) For Fiscal Year 2009-2010, 142.464 percent; and
- (d) For Fiscal Year 2010-2011, 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.

(Added to NRS by 1969, 1460; A 1973, 1777; 1975, 1479; 1977, 1322; 1979, 152, 1392; 1981, 1153, 1156, 1997, 1999; 1985, 1610; 1987, 54, 113, 115, 2309; 1989, 244, 2127, 2130; 1995, 2517; 2003, 2678; 2007, 2409)

NRS CROSS REFERENCES.

County commissioners, additional salary for service as county highway commissioner, NRS 403.060

REVISER'S NOTE.

Ch 445, Stats. 2007, which amended this section, contains the following provisions not included in NRS:

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

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

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

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

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Counties ⇔ 70, 74.

WESTLAW Topic No. 104.

C.J.S. Counties §§ 107-110, 112-116.

NRS 245.044 Payment for longevity for elected county officers.

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

(Added to NRS by 1973, 1780; A 1975, 958; 1983, 1649; 1987, 115; 1995, 2520; 2007, 2411)

WEST PUBLISHING CO.

Counties ⇔ 70.

WESTLAW Topic No. 104.

C.J.S. Counties §§ 107-110, 112-116.

Assembly Joint Resolution No. 1—Joint Rules Committee

FILE NUMBER.....

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 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 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 Board of County Commissioners in each respective County.*

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 ~~{;}~~ *or their appointment* and fix by law their duties . ~~{and compensation.}~~ *The Board of County Commissioners of each county shall determine the compensation of those county officers in its respective county.* 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.

~~{Sec.}~~ *Sec. 33.* The members of the Legislature shall receive for their services, a compensation to be fixed by ~~{Haw}~~ *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 ~~{Haw}~~ *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 ~~{Haw}~~ *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.