
ASSEMBLY JOINT RESOLUTION NO. 6—ASSEMBLYMAN
ELLIOT ANDERSON

PREFILED FEBRUARY 13, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to abolish the Office of State Controller and the Office of State Treasurer. (BDR C-67)

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

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

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to abolish the Office of State Controller and the Office of State Treasurer and transfer their duties to the Executive Branch of State Government.

Legislative Counsel’s Digest:

1 The Nevada Constitution provides for three branches of State Government—the
2 Legislative, Executive and Judicial. (Nev. Const. Art. 3, § 1) In addition to the
3 Governor, there are five independently elected constitutional officers that are part
4 of the Executive Branch of State Government: an Attorney General, a Lieutenant
5 Governor, a State Controller, a Secretary of State and a State Treasurer. (Nev.
6 Const. Art. 5, §§ 17, 19-21) The Nevada Constitution authorizes the Legislature to
7 prescribe by statute the duties of the Attorney General, State Controller, Secretary
8 of State and State Treasurer. (Nev. Const. Art. 5, § 22)

9 Existing law requires the State Controller to manage the State’s accounting
10 practices and fiscal audits, settle certain claims against the State and oversee the
11 collection of debts. (NRS 227.140-227.170, 227.230, 227.240) The State Treasurer
12 issues payments and state bonds, manages investments and administers the Nevada
13 College Savings Trust Fund, the Nevada Higher Education Prepaid Tuition Trust
14 Fund and the Governor Guinn Millennium Scholarship Program. (NRS 226.110,
15 353B.150, 353B.350, 396.926) The State Treasurer also oversees unclaimed
16 property in the custody of the State. (NRS 226.110)

17 This resolution abolishes the Office of State Controller and the Office of State
18 Treasurer, instead allowing the duties of those offices to be carried out by others
19 within the Executive Branch of State Government. Each office, however, will
20 continue to exist until the Legislature transfers the duties of that office. Once
21 transferred the State Controller or State Treasurer may complete his or her term of
22 office but may not be reelected.



1 WHEREAS, The State Controller and State Treasurer in this State
2 manage many of the accounts, investments, payments and fiscal
3 administration of the State of Nevada; and

4 WHEREAS, These duties are essential to the stewardship of
5 taxpayer resources and the general welfare of this State; and

6 WHEREAS, The duties of the State Controller and State
7 Treasurer are ministerial and technical in nature, generally lacking
8 the discretionary responsibilities customarily exercised by elected
9 officials; and

10 WHEREAS, The functions performed by the State Controller and
11 State Treasurer are similar to those currently performed by the
12 Department of Administration and the Office of Finance in the
13 Office of the Governor; and

14 WHEREAS, Abolishing the Office of State Controller and the
15 Office of State Treasurer and allowing the duties of those positions
16 to be carried out by others within the Executive Branch of State
17 Government will improve the efficiency of the fiscal management of
18 the State, reduce costs to taxpayers and reduce the overall size of
19 State Government; now, therefore, be it

20 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
21 NEVADA, JOINTLY, That Section 33A of Article 4 of the Nevada
22 Constitution, if that section is agreed to and passed by the 2017
23 Legislature and approved and ratified by the voters at the 2018
24 General Election, be amended to read as follows:

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

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

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

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

37 (c) One member represents the general public;

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

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



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

4 3. Each member of the Commission must be a resident
5 of this State and must not be a state officer, public employee
6 or lobbyist, or a parent, spouse, sibling, child or dependent
7 relative of a state officer, public employee or lobbyist.

8 4. Except as otherwise provided in this subsection, the
9 term of office of each member of the Commission is 4 years.
10 The Governor shall appoint three of the members first
11 appointed by him or her for initial terms of 2 years. If a
12 vacancy occurs, the Governor shall fill the vacancy for the
13 unexpired term in the same manner as the original
14 appointment, within 30 days after the vacancy occurs. A
15 member of the Commission may not serve more than two
16 terms.

17 5. The Governor may remove a member of the
18 Commission only for cause of incapacity, incompetence,
19 neglect of duty, malfeasance in office or failure to meet a
20 qualification set forth in subsection 3.

21 6. The Commission shall elect a Chair from among its
22 members. Except as otherwise provided in this section, the
23 Commission shall adopt rules of procedure for the conduct of
24 its hearings and any other procedural rules it deems necessary
25 to carry out its duties. The affirmative vote of a majority of
26 all the members appointed to the Commission is required to
27 take action.

28 7. Members of the Commission are entitled to:

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

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

34 8. The Commission shall:

35 (a) Study the relationship of salaries and benefits to the
36 duties of the members of the Legislature, the Governor,
37 Lieutenant Governor, Secretary of State, ~~State Treasurer,~~
38 ~~State Controller,~~ Attorney General, justices of the Supreme
39 Court, judges of the Court of Appeals and judges of the
40 District Courts;

41 (b) Study the relationship of salaries to the duties of
42 county commissioners, district attorneys, sheriffs, county
43 clerks, county assessors, county recorders, county treasurers
44 and public administrators;



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

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

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

13 9. The Commission may increase, but not diminish, the
14 salary and benefits of an elected officer set forth in paragraph
15 (a) of subsection 8 during his or her term of office. Except for
16 the initial schedule of salaries and benefits for elected officers
17 filed pursuant to subsection 10, the Commission may not
18 increase or decrease the salary of any elected officer by more
19 than 15 percent of the salary of that elected officer provided
20 in the immediately preceding schedule of salaries for elected
21 officers. The Commission may exercise any powers conferred
22 by the Legislature.

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

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

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

37 The Legislature shall provide by law for setting apart from
38 each year's revenues a sufficient amount of money to pay
39 such salaries and benefits.

40 11. Before the Commission may file a schedule of
41 salaries and benefits with the Secretary of State, the
42 Commission shall hold at least four meetings to receive
43 public testimony on the schedule. At the last public hearing
44 before the schedule is filed with the Secretary of State, the
45 Commission shall adopt the schedule as originally proposed



1 or as amended. All meetings of the Commission are subject to
2 the provisions of any open meeting laws made applicable
3 generally to other public bodies.

4 12. The Legislative Counsel Bureau shall include in the
5 Nevada Revised Statutes a copy of the most recent schedule
6 of salaries and benefits established by the Commission and
7 filed with the Secretary of State.

8 And be it further

9 RESOLVED, That Section 19 of Article 5 of the Nevada
10 Constitution be amended to read as follows:

11 Sec. 19. 1. ~~1A~~ *Except as otherwise provided in*
12 *subsection 3, a* Secretary of State, a Treasurer, a Controller,
13 and an Attorney General, shall be elected at the same time
14 and places, and in the same manner as the Governor. The
15 term of office of each shall be the same as is prescribed for
16 the Governor.

17 2. Any elector shall be eligible to any of these offices,
18 but no person may be elected to any of them more than twice,
19 or more than once if he has previously held the office by
20 election or appointment.

21 3. *The Treasurer and the Controller must no longer be*
22 *elected when the Legislature provides by law for the transfer*
23 *of the duties of those offices to the Executive Branch of*
24 *State Government. Until such a transfer of duties occurs,*
25 *the Treasurer and Controller shall continue to carry out the*
26 *duties of their respective offices, and once the duties are so*
27 *transferred, the Treasurer and Controller must continue to*
28 *carry out their terms of office but may not be reelected.*

29 And be it further

30 RESOLVED, That Section 3 of Article 9 of the Nevada
31 Constitution be amended to read as follows:

32 Sec. 3. The State may contract public debts; but such
33 debts shall never, in the aggregate, exclusive of interest,
34 exceed the sum of two per cent of the assessed valuation of
35 the State, as shown by the reports of the county assessors to
36 the State Controller ~~H~~ *or to the person who assumes the*
37 *duties of the Office of the State Controller pursuant to*
38 *section 19 of Article 5,* except for the purpose of defraying
39 extraordinary expenses, as hereinafter mentioned. Every such
40 debt shall be authorized by law for some purpose or purposes,
41 to be distinctly specified therein; and every such law shall
42 provide for levying an annual tax sufficient to pay the interest
43 semiannually, and the principal within twenty years from the
44 passage of such law, and shall specially appropriate the
45 proceeds of said taxes to the payment of said principal and



1 interest; and such appropriation shall not be repealed nor the
2 taxes postponed or diminished until the principal and interest
3 of said debts shall have been wholly paid. Every contract of
4 indebtedness entered into or assumed by or on behalf of the
5 State, when all its debts and liabilities amount to said sum
6 before mentioned, shall be void and of no effect, except in
7 cases of money borrowed to repel invasion, suppress
8 insurrection, defend the State in time of war, or, if hostilities
9 be threatened, provide for the public defense.

10 The State, notwithstanding the foregoing limitations, may,
11 pursuant to authority of the Legislature, make and enter into
12 any and all contracts necessary, expedient or advisable for the
13 protection and preservation of any of its property or natural
14 resources, or for the purposes of obtaining the benefits
15 thereof, however arising and whether arising by or through
16 any undertaking or project of the United States or by or
17 through any treaty or compact between the states, or
18 otherwise. The Legislature may from time to time make such
19 appropriations as may be necessary to carry out the
20 obligations of the State under such contracts, and shall levy
21 such tax as may be necessary to pay the same or carry them
22 into effect.

23 And be it further

24 RESOLVED, That Section 12 of Article 15 of the Nevada
25 Constitution be amended to read as follows:

26 ~~{Sec.}~~ *Sec. 12. {The} Except as otherwise provided in*
27 *section 19 of Article 5, the* Governor, Secretary of State ~~†~~
28 ~~State Treasurer, State Controller.~~ and Clerk of the Supreme
29 Court, shall keep their respective offices at the seat of
30 Government.

