

QUESTION NO. 11

Amendment to the Nevada Constitution

Senate Joint Resolution No. 11 of the 72nd Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to provide for the payment of compensation to members of the Nevada Legislature for each day of service during regular and special sessions and to provide for the payment of reasonable allowances to legislators for postage, newspapers, telecommunications, and stationery?

Yes.....

No.....

EXPLANATION (Ballot Question)

Currently, the *Nevada Constitution* limits the number of days for which members of the Nevada Legislature are paid to 60 days in a regular session and 20 days in a special session. The *Nevada Constitution* also limits each legislator's allowance for postage and stationery to \$60 per legislative session. The proposed amendment would change this language to provide that legislators are paid for each day of service during regular and special sessions and to provide "reasonable allowances" to legislators for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery. The proposed amendment does not change the amount of daily compensation for legislators, which is currently set by law at \$130.

A "Yes" vote would amend the language in Section 33, Article 4 of the *Nevada Constitution* referring to the compensation of legislators for days of service and the amount allocated to legislators for postage and stationery.

A "No" vote would allow the language of this provision to remain unchanged.

ARGUMENTS FOR PASSAGE

Nevadans who are elected to serve in the State Legislature perform a valuable public service and should be compensated for the days they work during session. In 1998, Nevada's voters limited the length of regular legislative sessions, which are conducted once every two years, to 120 days. However, no provisions were made at that time to compensate legislators beyond 60 days of service. Nevada's constitutional framers fully intended to pay legislators for each day of the session. Prior to 1958, the *Constitution* limited legislative sessions to 60 days and did not set a limit on the number of days legislators would be paid. Approval of this proposal would once again realign the compensation structure so legislators are paid for each day of the legislative session as the constitutional framers intended.

It is not fair to expect any wage earner to work without being paid. The compensation rate for Nevada legislators is among the lowest in the United States and the current 60-day limit on legislator salary may discourage some Nevadans from seeking legislative office. Many people cannot afford to serve in the Legislature. Most lawmakers must give up considerable income from their outside employment and make significant family sacrifices in order to serve in the Legislature. Legislators deserve a compensation package that pays them for their time worked while the Legislature is meeting.

The provision in the *Nevada Constitution* allocating \$60 per legislative session for postage, express charges, newspapers, and stationery was established in 1864 and is outdated. Legislators should be compensated reasonably for postage, mailing, and telecommunications expenses incurred while conducting legislative business. The proposed amendment provides a more rational approach by authorizing a reasonable allowance for these items. Through the legislative process, the Legislature would have the authority to determine what allowance would be considered reasonable. The population of the State of Nevada is growing rapidly and the need for communications with members of the public, both in writing and via telephone, has increased dramatically.

ARGUMENTS AGAINST PASSAGE

Amendment of the *Nevada Constitution* should be a rare undertaking and constitutional language should not be changed simply to alter the number of days legislators receive compensation. The 60-day limit on legislator salary has been in the *Constitution* since 1958 and candidates for legislative office are well aware of this provision when they file their declarations of candidacy. Nevada has a part-time, “citizen legislature” and providing a salary for days worked will increase the cost of conducting legislative sessions. In addition to their existing salary, legislators already receive certain allowances, including a per diem to cover lodging and meals for each day the Legislature is in session. These allowances and the current compensation level have been adequate to attract candidates for legislative office. Finally, a change to this provision may discourage lawmakers from completing their work before the maximum constitutionally-mandated session limit of 120 days.

With the increased use of electronic mail, there is less need for postage, stationery, and telecommunication services. The use of the term “reasonable allowances” as set forth in the proposed amendment would need to be defined in state law and could increase further the cost of operating the State Legislature.

FISCAL NOTE

FINANCIAL IMPACT – YES

The proposal to amend the *Nevada Constitution* would provide compensation to the members of the Legislature for each day of service during a regular session and any special session. Additionally, the proposal would increase the allowance for expenses incurred for postage, express charges, newspapers, telecommunications, and stationery. Approval of the proposal is estimated to increase the total cost of a regular session by \$554,400.

Currently, the *Nevada Constitution* provides for compensation of \$130 per day for a maximum of 60 days during a regular session and a maximum of 20 days for a special session. Approval of this proposal would require up to 60 days of additional compensation for each legislator during a regular session, which would increase personnel expenses by \$491,400. Inasmuch as recent special sessions have lasted for less than 20 days, approval of the proposal is not projected to increase personnel expenses associated with a special session.

Currently, the *Nevada Constitution* provides Legislators a maximum allowance of \$60 per regular or special session for expenses incurred for postage, express charges, newspapers, and stationery. The proposal would allow for the inclusion of telecommunications within the allowed expenses and change the fixed sum of \$60 to a “reasonable allowance.” An actual dollar amount for the reasonable allowance would need to be established by law at a later date, but for the purposes of estimating the financial impact, it is assumed that \$1,060 is a reasonable allowance based on available information. This results in an estimated net increase in operational expenses during a regular session of \$63,000. It should be noted that it is within the Legislature’s authority to specify the actual amount for the reasonable allowance for each session.