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***Committee Policy Brief  
Assembly Committee on  
Constitutional Amendments***



***February 14, 2003***

***Legislative Counsel Bureau***

## **COMMITTEE BRIEF**

### **ASSEMBLY COMMITTEE ON CONSTITUTIONAL AMENDMENTS**

#### **2003 NEVADA LEGISLATURE (72nd Legislative Session)**

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The 1999 Session of the Nevada Legislature marked the first time in State history that a standing committee was established specifically to hear and consider proposed amendments to the *Nevada Constitution*. Continued in the 2001 Regular Legislative Session, the Assembly Committee on Constitutional Amendments is reestablished for the 2003 Session.

During the 2001 Session, there were 12 measures (10 Assembly joint resolutions, one Senate joint resolution, and one Assembly concurrent resolution) referred to the Assembly Committee on Constitutional Amendments. The joint resolutions included six proposed constitutional amendments returned after being approved in the 1999 session, four proposed constitutional amendments introduced for the first time in 2001, and one measure urging Congress to amend a federal law. The Committee held a total of 13 meetings to consider these measures. Six of the proposed constitutional amendments were approved in the 71st Regular Session and one was replaced by a measure approved in the 17th Special Session. Four of the proposed amendments approved in both the 1999 and 2001 Sessions were on the ballot in 2002 (one of the four was approved). The three remaining measures, along with two other proposals not referred to this particular Committee in 2001, are returned to the 2003 Session for the required second consideration.

#### **MEASURES RETURNING FROM 2001 REGULAR AND SPECIAL SESSIONS TO BE CONSIDERED BY THE ASSEMBLY COMMITTEE ON CONSTITUTIONAL AMENDMENTS DURING THE 72ND SESSION OF THE NEVADA LEGISLATURE (2003)**

Five joint resolutions to amend the *Nevada Constitution* were approved by the Nevada Legislature for the first time in 2001. Two of the five were heard in the Assembly Committee on Constitutional Amendments during the 2001 Regular Session, one was heard in the Assembly Committee on Taxation during the Regular Session, and two were adopted by the 17th Special Session after replacing measures heard during the Regular Session. All five have been returned to the 2003 Session for final legislative action, and four will be initially considered in the Assembly (house of origin in 2001). **Three of the four have been referred to the**

**Assembly Committee on Constitutional Amendments.** Each proposal approved in identical form by the 2003 Legislature will be submitted to the voters of Nevada for final approval or disapproval at the 2004 General Election. These three proposals are as follows:

1. Assembly Joint Resolution No. 1 (File No. 1) of the 17th Special Session proposes that the *Nevada Constitution* be amended concerning the system of county and township government and the compensation of certain elected officials. (This measure replaced A.J.R. 14 of the 71st Regular Session.)

Assembly Joint Resolution No. 1 proposes to add a new section to Article 4 of the *Nevada Constitution* and new language to Sections 25, 26, 32, and 33 of Article 4. The measure calls for the establishment of a seven-member Citizens' Commission on Salaries for certain elected officials and sets forth the appointment procedures, qualifications for membership, and terms of office for members of the Commission. The resolution specifies that commissioners are entitled to receive a per diem allowance, travel expenses, and compensation equal to that received by members of the Commission on Judicial Discipline.

The measure requires the Commission to study the relationship of salaries to the duties of Nevada's constitutional officers, members of the Legislature, Supreme Court justices, and district court judges and fix the salaries of these elected officials. In addition, the resolution specifies that the Commission may increase, but not diminish, the salary of an elected officer during his or her term of office and requires the Commission to file an initial salary schedule for elected officials with the Secretary of State no later than January 1, 2005, and every odd-numbered year thereafter. The resolution also requires the Legislative Counsel Bureau (LCB) to 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.

Furthermore, A.J.R. 1 proposes to amend Section 33 of Article 4 of the constitution to specify that members of the Legislature shall receive a salary that is set by the Citizens' Commission on Salaries and shall be paid for each calendar day of service during any regular or special session of the Legislature. This measure also proposes to amend Section 15 of Article 6 of the constitution to require the Commission to fix the salaries of Supreme Court justices and district court judges.

The proposal repeals the requirement in Section 9, Article 15 of the constitution that the Legislature fix the compensation of certain elected county officers, and authorizes the Nevada Legislature to provide for either their election or appointment. Finally, the resolution proposes to amend the *Nevada Constitution* to remove the requirement that the system of county and township governments be uniform throughout the state and specifies that the board of county commissioners of each county shall determine the compensation of the county officers, including the compensation of county commissioners, in its respective county.

2. Assembly Joint Resolution No. 3 (File No. 110) of the 71st Regular Session proposes to amend the *Nevada Constitution* to revise or repeal certain antiquated provisions.

Currently, Nevada's Constitution provides that no "idiot or insane person" shall be entitled to vote. This measure proposes to delete this language and replace it with "person adjudicated mentally incompetent, unless restored to legal capacity."

Additionally, A.J.R. 3 proposes to repeal Section 34 of Article 4, pertaining to the election of United States Senators by both houses of the Legislature in joint convention. This section of the constitution was nullified in 1913 with the adoption of the 17th Amendment to the *United States Constitution*, which provides for the direct, popular election of Senators.

3. Assembly Joint Resolution No. 8 (File No. 119) of the 71st Regular Session proposes to amend the *Nevada Constitution* concerning property tax. (In 2001, this measure was referred to the Assembly Committee on Taxation instead of the Committee on Constitutional Amendments.)

Assembly Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to authorize the separate taxation of property whose development is restricted pursuant to an interstate compact for the preservation and restoration of the natural environment of the region in which the property is located. Furthermore, the measure proposes to amend the constitution to authorize the Nevada Legislature to provide by law for the abatement of the tax upon, or an exemption of the assessed value of, undeveloped land or a single-family residence occupied by the owner, to the extent necessary to avoid severe economic hardship to that person.

### POSSIBLE LEGISLATIVE PROPOSALS IN 2003

Following is a chart presenting examples of some of the other legislative proposals that may come before the Assembly Committee on Constitutional Amendments during the 2003 Session. This listing was compiled using the public listing of bill draft requests maintained by the Legal Division of the LCB.

BDR Number	Requested by	Summary
C --18	Assembly Committee on Elections, Procedures, and Ethics; Assemblywoman Giunchigliani	AJR: Amend the <i>Nevada Constitution</i> to require appointment of members of board of regents by the Governor and a reduction in the number of seats.
C --43	Assemblyman Price (Assemblywoman Giunchigliani)	AJR: Amend the <i>Nevada Constitution</i> to provide for annual legislative sessions.

BDR Number	Requested by	Summary
--212	Assembly Committee on Constitutional Amendments	Provides for staggered terms of judges of district courts.
C --234	Assemblyman Gustavson	Proposes an amendment to the <i>Nevada Constitution</i> to limit the amount of property tax and provide for the retention of taxable value on real property until transfer of ownership
C --300	State Treasurer	Amend the <i>Nevada Constitution</i> to allow utilization of the revenue stream produced by the Tobacco Master Settlement Agreement for specific purposes only.
C --313	Assemblyman Mortenson	AJR: Amend constitutional provisions regarding special sessions of the Legislature.
C --607	Nevada Supreme Court	_JR: Proposes to amend the <i>Nevada Constitution</i> to allow for the creation of an Intermediate Appellate Court.
C --748	Assemblywoman McClain	Proposes to amend the <i>Nevada Constitution</i> to allow Legislature to authorize state to operate lottery for support of health and welfare of senior citizens, veterans and disabled persons.
C --1006	Requested by Legislator	AJR: Proposes to amend the <i>Nevada Constitution</i> to allow participation in a national lottery.

### SCHEDULE FOR IMPLEMENTATION OF THE 120-DAY SESSION

This portion of the Committee Brief summarizes the schedule imposed by the *Nevada Constitution*, the *Nevada Revised Statutes*, and the joint rules, regarding the 120-day Legislative Session:

- **February 10:** Final BDRs for legislators due (limit of 2 per member of the Assembly).
- **February 24:** Final committee BDRs due (limit of 50 committee requests for each house, allocated by the leadership).
- **March 17:** Introduction of all bills requested by an individual legislator.
- **March 24:** Introduction of all bills requested by a standing committee.
- **April 11:** All bills to be passed (if at all) out of committee of reference in house of origin.
- **April 22:** All bills to be passed (if at all) out of house of origin.

- **May 16:** All bills to be passed (if at all) out of the committee of reference in the second house.
- **May 23:** All bills to be passed (if at all) out of the second house.

Prior to and including the April 11th deadline for passage of bills out of the committee of reference in the house of origin, the Assembly Committee on Constitutional Amendments would have about eight regularly scheduled meetings if it meets once a week during that time period.

## **METHODS OF AMENDING THE *NEVADA CONSTITUTION***

The *Nevada Constitution* may be amended by two different methods.

1. Approval of a proposed amendment in the form of a joint resolution by two successive sessions of the Nevada Legislature, followed by an affirmative vote of the people at the next succeeding General Election; or
2. Approval of an initiative petition by the people at two successive General Elections.

In order to qualify for the ballot, an initiative petition to amend the *Nevada Constitution* must be signed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last General Election in not less than 75 percent of the counties (13) in the state. In addition, the statewide total number of signatures must be equal to 10 percent or more of the number of voters who voted at the last General Election (Although 61,336 signatures were required for the 2002 election cycle, that number is reduced to 51,243 for the 2004 election cycle.)

Before any initiative petition to amend the *Nevada Constitution* may be circulated for signatures, a copy of the petition must be filed with the Secretary of State not earlier than September 1 of the year prior to the year in which the election is to be held. The petition may then be circulated for signatures until the third Tuesday in June of the following year, at which time it must be submitted to the county clerk or registrar for signature verification. Upon completion of the signature verification process, all petitions must be filed by the clerk or registrar with the Secretary of State no later than 90 days before the General Election. If it is determined that the petition contains a sufficient number of signatures, the initiative question to amend the *Nevada Constitution* will appear on the General Election ballot.