

ASSEMBLY JOINT RESOLUTION NO. 3—ASSEMBLYMEN SEALE, GIUNCHIGLIANI, CONKLIN, PERKINS, MCCLEARY, ALLEN, ANDERSON, ARBERRY JR., ATKINSON, BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, DENIS, GANSERT, GERHARDT, GOICOECHEA, GRADY, HARDY, HETTRICK, HOGAN, HOLCOMB, HORNE, KIRKPATRICK, KOIVISTO, LESLIE, MABEY, MARVEL, MCCLAIN, MUNFORD, OCEGUERA, PARKS, PARNELL, PIERCE, SHERER, SIBLEY, SMITH AND WEBER

FEBRUARY 25, 2005

JOINT SPONSORS: SENATORS RHOADS, TIFFANY AND TITUS

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Proposes to amend Nevada Constitution to revise provisions governing certain constitutional officers. (BDR C-947)

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 eliminate the Office of State Controller and the Office of State Treasurer and to transfer those duties to the Office of the Secretary of Finance.

Legislative Counsel's Digest:

Existing law establishes the position of State Controller as an elected state officer and prescribes the duties of the State Controller. (Nev. Const., Art. 5, § 19, Art. 9, § 3) Existing law establishes the position of State Treasurer as an elected state officer and prescribes the duties of the State Treasurer. (Nev. Const., Art. 5, § 19)

This resolution proposes to amend the Nevada Constitution to eliminate the positions of State Controller and State Treasurer and to transfer their respective



8 duties to the Secretary of Finance. This resolution further proposes to amend the
9 Nevada Constitution to require the Secretary of Finance to appoint as deputies a
10 Controller and a Treasurer who are not constitutional officers but who assist the
11 Secretary of Finance, and whose qualifications must be defined by the Legislature.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That Section 19 of Article 5 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 19. 1. A secretary of state, a ~~Treasurer, a~~
5 ~~Controller,]~~ *Secretary of Finance* and an attorney general,
6 shall be elected at the same time and places, and in the same
7 manner as the governor. The term of office of each shall be
8 the same as is prescribed for the governor.

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

13 And be it further

14 RESOLVED, That a new section, designated Section 19A, be
15 added to Article 5 of the Nevada Constitution to read as follows:

16 *Sec. 19A. The Secretary of Finance shall appoint as*
17 *deputies a Treasurer and a Controller to assist in carrying*
18 *out the duties of the Office of the Secretary of Finance. The*
19 *Treasurer and Controller so appointed must be qualified to*
20 *serve in such capacity as defined by the Legislature.*

21 And be it further

22 RESOLVED, That Section 22 of Article 5 of the Nevada
23 Constitution be amended to read as follows:

24 ~~[Section]~~ *Sec. 22.* The Secretary of State, ~~[State~~
25 ~~Treasurer, State Controller,]~~ *Secretary of Finance*, Attorney
26 General, and Superintendent of public instruction shall
27 perform such other duties as may be prescribed by law.

28 And be it further

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

31 Sec. 3. The state may contract public debts; but such
32 debts shall never, in the aggregate, exclusive of interest,
33 exceed the sum of two per cent of the assessed valuation of
34 the state, as shown by the reports of the county assessors to
35 the ~~[State Controller,]~~ *Secretary of Finance*, except for the
36 purpose of defraying extraordinary expenses, as hereinafter
37 mentioned. Every such debt shall be authorized by law for
38 some purpose or purposes, to be distinctly specified therein;
39 and every such law shall provide for levying an annual tax
40 sufficient to pay the interest semiannually, and the principal



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

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

26 And be it further

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

29 ~~{Sec:}~~ **Sec.** 12. The Governor, Secretary of State, ~~{State~~
30 ~~Treasurer, State Controller,}~~ **Secretary of Finance** and Clerk
31 of the Supreme Court, shall keep their respective offices at
32 the seat of Government.

33 And be it further

34 RESOLVED, That this resolution becomes effective on January 3,
35 2011.



