
SENATE JOINT RESOLUTION NO. 9—SENATOR BEERS

MARCH 22, 2005

Referred to Committee on Finance

SUMMARY—Proposes to amend Nevada Constitution to impose certain limitations on amount that Legislature may appropriate or authorize for expenditure. (BDR C-134)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to prohibit the Legislature from exceeding certain limitations in appropriating money or authorizing money for expenditure, to provide for the disposition of any revenues collected in excess of the limitations on the amounts that may be appropriated or authorized for expenditures and to provide for the interpretation of certain provisions of the Constitution.

1 WHEREAS, A recent Nevada Supreme Court decision, *Guinn v.*
2 *Legislature*, 119 Nev. 277 (2003), held that the supermajority
3 requirement imposed by Section 18 of Article 4 of the Nevada
4 Constitution for the passage of a bill or joint resolution creating,
5 generating or increasing public revenue was a procedural
6 requirement and must yield to a substantive requirement of the
7 Constitution; and

8 WHEREAS, The supermajority requirement was intended to be a
9 fundamental governing principle of this State; and

10 WHEREAS, A limitation on the amount that may be appropriated
11 or authorized for expenditure by the Legislature will restrain the
12 growth of the State Government; and

13 WHEREAS, The limitation on the growth of the State
14 Government is intended to be a fundamental governing principle of



1 this State equal to the supermajority requirement for the passage of a
2 measure creating, generating or increasing public revenue; now,
3 therefore, be it

4 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
5 NEVADA, JOINTLY, That a new section, designated Section 39, be
6 added to Article 4 of the Nevada Constitution, to read as follows:

7 *Sec. 39. 1. Except as otherwise provided in*
8 *subsection 3, the Legislature shall not, without the*
9 *affirmative vote of at least two-thirds of the members elected*
10 *to each House, appropriate or authorize for expenditure in*
11 *any fiscal year an amount which exceeds the amount*
12 *appropriated or authorized for expenditure during Fiscal*
13 *Year 2008-2009, plus cumulative percentage adjustments*
14 *equal to the average percentage of change in the total*
15 *personal income, as measured in current dollars, in the*
16 *State over the 3 calendar years immediately preceding the*
17 *fiscal year in which the appropriate or authorization for*
18 *expenditure is made.*

19 *2. The limitation on expenditures described in*
20 *subsection 1 does not apply with respect to any revenue that*
21 *is:*

22 *(a) Required to be deposited in a fund to be used*
23 *exclusively for the administration, construction,*
24 *reconstruction, improvement and maintenance of highways;*

25 *(b) Generated by any bill or joint resolution enacted*
26 *pursuant to the provisions of subsection 4 of Section 18 of*
27 *this Article; or*

28 *(c) Received from any person or entity, except the*
29 *Federal Government, in the form of a gift or a grant.*

30 *3. Except as otherwise provided in subsection 4, if the*
31 *provisions of this Section and one or more other provisions*
32 *of the Constitution contradict in substance, the provisions of*
33 *this Section must be given effect.*

34 *4. The provisions of this Section must be interpreted in*
35 *such a manner as to prevent any contradiction in substance*
36 *with the provisions of subsection 2 of Section 18 of this*
37 *Article.*

38 And be it further

39 RESOLVED, That a new section, designated Section 40, be added
40 to Article 4 of the Nevada Constitution, to read as follows:

41 *Sec. 40. 1. Except as otherwise provided in*
42 *subsection 2, the Legislature shall deposit into the fund*
43 *established pursuant to Section 41 of this Article any*
44 *revenues that exceed the limitation on expenditures*
45 *established pursuant to Section 39 of this Article.*



1 2. *If the fund established pursuant to Section 41 of this*
2 *Article contains an amount of money which is greater than*
3 *10 percent of the amount of money contained in the State*
4 *General Fund, any revenues that exceed the limitation on*
5 *expenditures established pursuant to Section 39 of this*
6 *Article must be used correspondingly to reduce state or local*
7 *taxes.*

8 And be it further

9 RESOLVED, That a new section, designated Section 41, be added
10 to Article 4 of the Nevada Constitution, to read as follows:

11 *Sec. 41. The Legislature shall provide by law for the*
12 *creation, as a special revenue fund, of a fund to stabilize the*
13 *operation of the State Government.*

14 And be it further

15 RESOLVED, That Section 2 of Article 4 of the Nevada
16 Constitution be amended to read as follows:

17 Sec. 2. 1. The sessions of the Legislature shall be
18 biennial, and shall commence on the 1st Monday of February
19 following the election of members of the Assembly, unless
20 the Governor of the State shall, in the interim, convene the
21 Legislature by proclamation.

22 2. The Legislature shall adjourn sine die each regular
23 session not later than midnight Pacific standard time 120
24 calendar days following its commencement. Any legislative
25 action taken after midnight Pacific standard time on the 120th
26 calendar day is void, unless the legislative action is conducted
27 during a special session convened by the Governor.

28 3. The Governor shall submit the proposed executive
29 budget to the Legislature not later than 14 calendar days
30 before the commencement of each regular session. *The*
31 *proposed executive budget must:*

32 (a) *Set forth the expenditures proposed by the Governor;*

33 (b) *Set forth a budget with a total amount proposed for*
34 *appropriation and authorization that does not exceed the*
35 *limitation on the amount that may be appropriated and*
36 *authorized for expenditures during a fiscal year pursuant to*
37 *subsection 1 of Section 39 of this Article; and*

38 (c) *Include specific identification of items recommended*
39 *to be cut from the proposed budget set forth pursuant to*
40 *paragraph (b) to facilitate, if necessary, a reduction of the*
41 *total proposed budget by 3 percent.*



1 And be it further

2 RESOLVED, That Section 18 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 18. 1. Every bill, except a bill placed on a
5 consent calendar adopted as provided in subsection ~~4~~ 5,
6 must be read by sections on three several days, in each
7 House, unless in case of emergency, two thirds of the House
8 where such bill is pending shall deem it expedient to dispense
9 with this rule. The reading of a bill by sections, on its final
10 passage, shall in no case be dispensed with, and the vote on
11 the final passage of every bill or joint resolution shall be
12 taken by yeas and nays to be entered on the journals of each
13 House. Except as otherwise provided in subsection 2, a
14 majority of all the members elected to each house is
15 necessary to pass every bill or joint resolution, and all bills or
16 joint resolutions so passed, shall be signed by the presiding
17 officers of the respective Houses and by the Secretary of the
18 Senate and Clerk of the Assembly.

19 2. Except as otherwise provided in subsection 3 ~~H~~ and
20 4, an affirmative vote of not fewer than two-thirds of the
21 members elected to each house is necessary to pass a bill or
22 joint resolution which creates, generates, or increases any
23 public revenue in any form, including but not limited to taxes,
24 fees, assessments and rates, or changes in the computation
25 bases for taxes, fees, assessments and rates.

26 3. A majority of all of the members elected to each
27 house may refer any measure which creates, generates, or
28 increases any revenue in any form to the people of the State at
29 the next general election, and shall become effective and
30 enforced only if it has been approved by a majority of the
31 votes cast on the measure at such election.

32 4. *If the public revenue collected in a fiscal year is*
33 *insufficient to pay public debt incurred before that fiscal*
34 *year, a majority of the members of each House shall pass a*
35 *measure which creates, generates or increases public*
36 *revenue in an amount sufficient to pay the public debt.*

37 5. Each House may provide by rule for the creation of a
38 consent calendar and establish the procedure for the passage
39 of uncontested bills.

40 6. *Except as otherwise provided in subsection 7, if the*
41 *provisions of subsection 2 of this Section and one or more*
42 *other provisions of the Constitution contradict in substance,*
43 *the provisions of subsection 2 of this Section must be given*
44 *effect.*



1 7. *The provisions of subsection 2 of this Section must*
2 *be interpreted in such a manner as to prevent any*
3 *contradiction in substance with the provisions of Section 39*
4 *of this Article.*

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