

Amendment No. 503

Senate Amendment to Senate Joint Resolution No. 8 (BDR C-626)

Proposed by: Senate Committee on Legislative Operations and Elections

Amendment Box: Replaces Amendment No. 145.

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

NCA/BAW



Date: 4/15/2013

S.J.R. No. 8—Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-626)



SENATE JOINT RESOLUTION NO. 8—SENATORS SEGERBLOM,
KIHUEN, SPEARMAN AND WOODHOUSE

FEBRUARY 18, 2013

JOINT SPONSORS: ASSEMBLYMEN FLORES;
BENITEZ-THOMPSON AND FRIERSON

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-626)

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

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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 provide for limited annual regular legislative sessions, to authorize the Legislature to hold regular or special sessions at places other than Carson City ~~and~~ *and* to authorize a change in compensation to Legislators ~~and to require the consent of the Senate for certain appointments to state offices in the Executive Department.~~

Legislative Counsel's Digest:

The Nevada Constitution provides for biennial regular sessions of the Legislature of not more than 120 consecutive calendar days in each odd-numbered year. (Nev. Const. Art. 4, § 2) This resolution proposes to amend the Nevada Constitution to provide for limited annual regular sessions. In each odd-numbered year, the Legislature would hold a regular session of not more than 90 legislative days during a maximum period of 120 consecutive calendar days. In each even-numbered year, the Legislature would hold a regular session of not more than 30 legislative days during a maximum period of 45 consecutive calendar days.

The Nevada Constitution also requires the Legislature to hold its regular or special sessions at the seat of government in Carson City. (Nev. Const. Art. 4, § 1, Art. 15, § 1) In addition, the Nevada Constitution prohibits one House of the Legislature from adjourning to another location during a regular or special session without the consent of the other House. (Nev. Const. Art. 4, § 15) This resolution proposes to amend the Nevada Constitution to authorize the Legislature to hold all or any portion of a regular or special session at any place in this State if a majority of each House of the Legislature agrees to do so and follows certain required procedures.

This resolution also proposes to amend the Nevada Constitution to change the compensation for Legislators. The Nevada Constitution authorizes Legislators to ~~receive compensation for the first 60 days of each regular session and the first 20 days of each special session~~ *and (1) receive compensation for the first 60 days of each regular session and the first 20 days of each special session; and (2) appropriate funds for the payment of the actual expenses members of the Legislature may incur for postage, express charges, newspapers and stationery in an amount not to exceed \$60 per member for each general or special session.* (Nev. Const.

Art. 4, § 33) This resolution proposes to amend the Nevada Constitution to remove those provisions and to provide that Legislators must ~~receive a monthly compensation of not less than \$2,000 for each month during their term of office, prorated for any partial month, and a per diem allowance for each regular or special session. This resolution also provides that Legislators must receive the monthly compensation commencing with the first full month following the date on which such amendments become a part of the Nevada Constitution upon completion of the canvass of votes by the Nevada Supreme Court. (Nev. Const. Art. 5, § 4; Termonen v. Rollins, 93 Nev. 92, 94 (1977))~~

~~Finally, existing law requires the Governor and other state officers in the Executive Department to appoint persons to serve in various state offices in the Executive Department. This resolution proposes to add a new section to the Nevada Constitution which provides that such appointments are temporary until the Senate consents to the appointments. The new section authorizes the Legislature to exempt any state officers from this requirement and to establish procedures to carry out the provisions of the section. The new section does not apply to filling vacancies in elective state offices. (Nev. Const. Art. 5, § 8, Art. 17, § 22))~~ be paid at regular intervals as set by law and may appropriate funds for the actual expenses members of the Legislature may incur for each regular or special session.

If this resolution is passed by the 2013 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY,
That Section 1 of Article 4 of the Nevada Constitution be amended to read as follows:

~~Section 1.~~ **Section 1.** **1.** The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of ~~Nevada~~ and the Nevada."

2. *The regular and special sessions of such Legislature shall be held at the seat of government of the State ~~or~~, unless a majority of the members elected to each House of the Legislature deems it necessary and appropriate to hold all or any portion of a regular or special session at another place in this State as provided in this section.*

3. *During a regular or special session, by a concurrent resolution, a majority of the members elected to each House of the Legislature may designate another place in this State to hold all or any portion of the session, including, without limitation, changing the place designated in a petition filed with the Secretary of State pursuant to subsection 4.*

4. *During the interim between regular sessions, upon a petition signed by a majority of the members elected to each House of the Legislature who will serve at a regular or special session, the Legislature may designate another place in this State to hold all or any portion of the regular or special session. A petition must specify the session and the alternate place where all or any portion of the session will be held, and it must be transmitted to the Secretary of State not later than 5 calendar days before the commencement of the session. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, the Secretary of State shall notify all members of the Legislature and the Governor of the alternate place where all or any portion of the session will be held. By the same procedure and within the same time limit, a majority of the members elected to each House of the Legislature who will serve at the regular or special session may change any alternate place designated in the petition filed with the Secretary of State where all or any portion of the session will be held.*

5. *The Legislature may provide by law for supplemental procedures for designating or changing the alternate place where all or any portion of a regular or special session will be held pursuant to this section.*

And be it further

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

Sec. 2. 1. The sessions of the Legislature shall be ~~biennial;~~ *annual* and shall commence on the 1st Monday of February ~~following the election of members of the Assembly;~~ *of each year*, unless the Governor of the State or the members of the Legislature shall, in the interim, convene the Legislature by proclamation or petition.

2. The Legislature shall adjourn sine die each regular session *held in an odd-numbered year* not later than midnight Pacific time at the end of the *90th legislative day or the* 120th consecutive calendar day of that session, *whichever occurs first*, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the *90th legislative day or the* 120th consecutive calendar day of that session, *whichever occurs first*, is void, unless the legislative action is conducted during a special session.

3. *The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, is void, unless the legislative action is conducted during a special session.*

4. The Governor shall submit *to the Legislature:*

(a) The proposed executive budget ~~to the Legislature;~~ not later than 14 calendar days before the commencement of each regular session ~~to~~ *held in an odd-numbered year.*

(b) *Any proposed appropriations or proposed revisions to the executive budget not later than 14 calendar days before the commencement of each regular session held in an even-numbered year.*

5. For the purposes of this section ~~to~~ *“midnight”:*

(a) *“Legislative day” means any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session.*

(b) *“Midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar or legislative day of the session, whichever occurs first, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by place where the Legislature is holding the session on the final calendar or legislative day, whichever occurs first, pursuant to Section 1 of this Article. [15 of this Constitution.]* The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

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

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of ~~this Article . [4 of this Constitution]~~

6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~seat of government of this State as designated by~~ *place where the Legislature is holding the session on the final calendar day pursuant to Section 1 of this Article . [5 of this Constitution]* The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

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

Sec. 15. 1. The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions ~~[pursuant to Section 1 of this Article]~~.

2. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

1 And be it further

2 RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be
3 amended to read as follows:

4 Sec. 33. The members of the Legislature shall receive for their
5 services a ~~monthly~~ compensation ~~of not less than \$2,000 for each~~
6 ~~month during their term of office, prorated for any partial month, and a~~
7 ~~per diem allowance for each regular or special session,~~ to be fixed by law
8 and paid out of the public treasury ~~for not to exceed 60 days during any~~
9 ~~regular session of the Legislature and not to exceed 20 days during any~~
10 ~~special session;~~ **at regular intervals determined by law**, but no increase of
11 such compensation shall take effect during the term for which the members
12 of either ~~house~~ **House** shall have been elected; Provided, that an
13 appropriation may be made for the payment of such actual expenses as
14 members of the Legislature may incur ~~for postage, express charges,~~
15 ~~newspapers and stationery not exceeding the sum of Sixty dollars,~~ for any
16 ~~general~~ **regular** or special session to each member; and Furthermore
17 Provided, that the Speaker of the Assembly, and Lieutenant Governor, as
18 President of the Senate, shall each, during the time of their actual
19 attendance as such presiding officers, receive an additional allowance of
20 two dollars per diem.

21 And be it further

22 ~~RESOLVED, That a new section, designated Section 8A, be added to Article 5 of~~
23 ~~the Nevada Constitution to read as follows:~~

24 ~~Sec. 8A. 1. Except as otherwise provided in this section, any~~
25 ~~appointment to a state office in the Executive Department that is made by~~
26 ~~the Governor or another state officer in the Executive Department who is~~
27 ~~authorized by law to make the appointment is temporary until the Senate~~
28 ~~consents to the appointment.~~
29 ~~2. The Legislature may:~~
30 ~~(a) Provide by law for procedures to carry out the provisions of this~~
31 ~~section.~~
32 ~~(b) Exempt by law any state office in the Executive Department from~~
33 ~~the requirements of this section.~~
34 ~~3. This section does not apply to filling vacancies in elective state~~
35 ~~offices pursuant to Section 8 of this Article or Section 22 of Article 17 of~~
36 ~~this Constitution.~~

37 ~~And be it further~~

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

40 Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4
41 of this Constitution, the Governor may, on extraordinary occasions,
42 convene the Legislature by Proclamation and shall state to both ~~houses,~~
43 **Houses**, when organized, the business for which they have been specially
44 convened.

45 2. At a special session convened pursuant to this section, the
46 Legislature shall not introduce, consider or pass any bills except those
47 related to the business for which the Legislature has been specially
48 convened and those necessary to provide for the expenses of the session.

49 3. Except as otherwise provided in this subsection, the Legislature
50 shall adjourn sine die a special session convened pursuant to this section
51 not later than midnight Pacific time at the end of the 20th consecutive
52 calendar day of that session, inclusive of the day on which that session
53 commences. Any legislative action taken after midnight Pacific time at the

end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~seat of government of this State as designated by~~ *place where the Legislature is holding the session on the final calendar day pursuant to Section 1 of Article 4 of this Constitution.* The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~Section~~ *Sec.* 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~in~~ *in any odd-numbered year*, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session *in an odd-numbered year* in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of

the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

~~RESOLVED, That Section 10 of Article 15 of the Nevada Constitution be amended to read as follows:~~

~~[Sec.] Sec. 10. All officers whose election or appointment is not otherwise provided for [.] in this Constitution shall be chosen or appointed as may be prescribed by law [.] , subject to Section 8.1 of Article 5 of this Constitution.~~

~~And be it further~~

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter. ~~biennially.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a regular session of the Legislature is held.~~ *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to ~~any~~ *the commencement of the* regular session of the Legislature ~~to which the petition will be transmitted.~~ The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The

Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall

1 publish and resubmit the question of approval or disapproval to a vote of
2 the voters at the next succeeding general election in the same manner as
3 such question was originally submitted. If a majority of such voters votes
4 disapproval of such amendment, no further action shall be taken on such
5 petition. If a majority of such voters votes approval of such amendment, it
6 shall, unless precluded by subsection 5 or 6, become a part of this
7 Constitution upon completion of the canvass of votes by the Supreme
8 Court.

9 5. If two or more measures which affect the same section of a statute
10 or of the Constitution are finally approved pursuant to this Section, or an
11 amendment to the Constitution is finally so approved and an amendment
12 proposed by the Legislature is ratified which affect the same section, by the
13 voters at the same election:

14 (a) If all can be given effect without contradiction in substance, each
15 shall be given effect.

16 (b) If one or more contradict in substance the other or others, the
17 measure which received the largest favorable vote, and any other approved
18 measure compatible with it, shall be given effect. If the one or more
19 measures that contradict in substance the other or others receive the same
20 number of favorable votes, none of the measures that contradict another
21 shall be given effect.

22 6. If, at the same election as the first approval of a constitutional
23 amendment pursuant to this Section, another amendment is finally
24 approved pursuant to this Section, or an amendment proposed by the
25 Legislature is ratified, which affects the same section of the Constitution
26 but is compatible with the amendment given first approval, the Secretary of
27 State shall publish and resubmit at the next general election the amendment
28 given first approval as a further amendment to the section as amended by
29 the amendment given final approval or ratified. If the amendment finally
30 approved or ratified contradicts in substance the amendment given first
31 approval, the Secretary of State shall not submit the amendment given first
32 approval to the voters again.

33 ~~[And be it further~~

34 ~~RESOLVED, That the members of the Legislature must receive the monthly~~
35 ~~compensation set forth in the amendments made by this resolution to Section 33 of~~
36 ~~Article 4 of the Nevada Constitution commencing with the first full month~~
37 ~~following the date on which such amendments become a part of the Nevada~~
38 ~~Constitution upon completion of the canvass of votes by the Nevada Supreme Court~~
39 ~~pursuant to Section 4 of Article 5 of the Nevada Constitution.]~~