

Assembly Joint Resolution No. 8—Assemblymen Dickman, Wheeler, Armstrong, Jones, Fiore; Paul Anderson, Edwards, Ellison, Gardner, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus and Trowbridge

Joint Sponsors: Senators Gustavson; and Goicoechea

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require that an initiative petition which creates, generates or increases any public revenue be approved by the affirmative vote of not less than two-thirds of the voters voting on the question.

Legislative Counsel's Digest:

The Nevada Constitution reserves to the people the power to propose statutory or constitutional amendments by initiative petition. In the case of a statutory initiative petition that has qualified for the ballot, the Constitution provides that such a petition must initially be transmitted by the Secretary of State to the Legislature, which may enact the measure, reject it or take no action on it. If the measure is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, it becomes law. (Nev. Const. Art. 19, § 2) This resolution proposes, initially, to amend the Constitution to provide that legislative enactment of a statutory initiative measure which creates, generates or increases any public revenue in any form requires the affirmative vote of not less than two-thirds of the members elected to each House of the Legislature, in the same manner as a bill or joint resolution originating in the Legislature and creating, generating or increasing any public revenue. (Nev. Const. Art. 4, § 18)

The Constitution also provides that a majority of all the members elected to each House of the Legislature may refer any measure which creates, generates or increases any public revenue to the voters at the next general election. The measure becomes effective if it is approved by a majority of the votes cast on the measure at the election. (Nev. Const. Art. 4, § 18) This resolution proposes to amend the Constitution to require that a statutory initiative measure which is so referred must be approved by the affirmative vote of not less than two-thirds of the voters voting on the question.

If a statutory initiative measure is rejected or if no action is taken on it by the Legislature, the Constitution provides that the measure must be submitted to the voters at the next general election. The measure becomes effective if it is approved by a majority of the votes cast on the measure at the election. An initiative petition that proposes an amendment to the Constitution and has qualified for the ballot is not transmitted to the Legislature, but is placed on the ballot. If a constitutional initiative measure is approved by a majority of the votes cast on the measure at two successive general elections, it likewise becomes effective. (Nev. Const. Art. 19, § 2) This resolution proposes to amend the Constitution to provide that a statutory or constitutional initiative measure must be approved by the affirmative vote of not less than two-thirds of the voters voting on the question if the measure creates, generates or increases any public revenue.



EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

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

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

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election ~~†~~ and ***, except as otherwise provided in Section 7 of Article 19, the measure*** shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

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

And be it further

RESOLVED, That a new section, designated Section 7, be added to Article 19 of the Nevada Constitution to read as follows:

Sec. 7. Notwithstanding any other provision of this Constitution, if an initiative petition proposes a statute, an



amendment to a statute, the repeal of a statute or an amendment to the Constitution and the initiative, if approved, would create, generate or increase any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, an affirmative vote of not less than two-thirds of the voters voting on the question is necessary to approve the petition at each election required for the petition. If more than one-third of the voters voting on the question at any such election votes disapproval of the petition, no further action may be taken on the petition.

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]~~ *Sections 6 and 7* 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. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. 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. *The petition shall be subject to the provisions of Section 18 of Article 4 if the petition creates, generates or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.* 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. ~~##~~ *Except as otherwise provided in Section 7 of this Article, 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. ~~##~~ *Except as otherwise provided in Section 7 of this Article, 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. ~~¶¶~~ *Except as otherwise provided in Section 7 of this Article, if* a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. ~~¶¶~~ *Except as otherwise provided in Section 7 of this Article, if* a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section ~~¶~~ *and Section 7 of this Article*, or an amendment to the Constitution is finally so approved and an



amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

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

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

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

