

S.J.R. 8 of the 77th Session

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 and for legislative compensation and expenses to be paid in a manner fixed and determined by law.

Legislative Counsel's Digest:

1 The Nevada Constitution provides for biennial regular sessions of the
2 Legislature of not more than 120 consecutive calendar days beginning on the first
3 Monday of February in each odd-numbered year. (Nev. Const. Art. 4, § 2) This
4 resolution proposes to amend the Nevada Constitution to provide for limited annual
5 regular sessions. Beginning on the first Monday of February in each odd-numbered
6 year, the Legislature would hold a regular session of not more than 90 legislative
7 days during a maximum period of 120 consecutive calendar days. Beginning on the
8 first Tuesday of March in each even-numbered year, the Legislature would hold a
9 regular session of not more than 30 legislative days during a maximum period of 45
10 consecutive calendar days. This resolution defines a "legislative day" as any
11 calendar day on which either House of the Legislature is in session or any
12 legislative committee holds a meeting during a session.

13 The Nevada Constitution authorizes Legislators to: (1) receive compensation
14 for the first 60 days of each regular session and the first 20 days of each special
15 session; and (2) appropriate funds for the payment of the actual expenses members
16 of the Legislature may incur for postage, express charges, newspapers and
17 stationery in an amount not to exceed \$60 per member for each general or special



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18 session. (Nev. Const. Art. 4, § 33) This resolution proposes to amend the Nevada
19 Constitution to remove those provisions and to provide that Legislators must be
20 paid at regular intervals as set by law and may appropriate funds for the payment of
21 the actual expenses members of the Legislature may incur for each regular or
22 special session.

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

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 2. 1. The *regular* sessions of the Legislature shall
5 be ~~biennial, and shall commence on the 1st Monday of~~
6 ~~February following the election of members of the Assembly,~~
7 ~~unless~~ *annual as set forth in this section, but* the Governor
8 of the State or the members of the Legislature ~~{shall,}~~ *may,*
9 *on extraordinary occasions* in the interim ~~{}~~ *between*
10 *regular sessions,* convene the Legislature by proclamation or
11 petition ~~{}~~ *in special sessions only as authorized by this*
12 *Constitution.*

13 2. ~~{The}~~ *In each odd-numbered year, the* Legislature
14 *shall commence the regular session on the first Monday of*
15 *February and* shall adjourn sine die ~~{each regular session}~~
16 not later than midnight Pacific time at the end of the *90th*
17 *legislative day or the* 120th consecutive calendar day of that
18 session, *whichever occurs first,* inclusive of the day on which
19 that session commences. Any legislative action taken after
20 midnight Pacific time at the end of the *90th legislative day or*
21 *the* 120th consecutive calendar day of that session, *whichever*
22 *occurs first,* is void, unless the legislative action is
23 ~~{conducted}~~ *taken* during a special session.

24 3. *In each even-numbered year, the Legislature shall*
25 *commence the regular session on the first Tuesday of*
26 *March and shall adjourn sine die not later than midnight*
27 *Pacific time at the end of the 30th legislative day or the 45th*
28 *consecutive calendar day of that session, whichever occurs*
29 *first, inclusive of the day on which that session commences.*
30 *Any legislative action taken after midnight Pacific time at*
31 *the end of the 30th legislative day or the 45th consecutive*
32 *calendar day of that session, whichever occurs first, is void,*
33 *unless the legislative action is taken during a special*
34 *session.*

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



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1 (a) *The* proposed executive budget ~~to the Legislature~~
2 not later than 14 calendar days before the commencement of
3 each regular session ~~;~~
4 ~~—4.1 held in an odd-numbered year.~~

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

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

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

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

25 And be it further

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

28 Sec. 33. The members of the Legislature shall receive
29 for their services a compensation to be fixed by law and paid
30 out of the public treasury ~~;~~ ~~for not to exceed 60 days during~~
31 ~~any regular session of the Legislature and not to exceed 20~~
32 ~~days during any special session;~~ *at regular intervals*
33 *determined by law*, but no increase of such compensation
34 shall take effect during the term for which the members of
35 either ~~house~~ *House* shall have been elected; Provided, that
36 an appropriation may be made for the payment of such actual
37 expenses as members of the Legislature may incur ~~for~~
38 ~~postage, express charges, newspapers and stationery not~~
39 ~~exceeding the sum of Sixty dollars~~ for any ~~general~~ *regular*
40 or special session to each member; and Furthermore
41 Provided, that the Speaker of the Assembly ~~;~~ and Lieutenant
42 Governor, as President of the Senate, shall each, during the
43 time of their actual attendance as such presiding officers ,
44 receive an additional allowance of two dollars per diem.

45 And be it further



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

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

9 2. During a regular session of the Legislature ~~H~~ *in any*
10 *odd-numbered year*, before any other appropriation is
11 enacted to fund a portion of the state budget for the next
12 ensuing biennium, the Legislature shall enact one or more
13 appropriations to provide the money the Legislature deems to
14 be sufficient, when combined with the local money
15 reasonably available for this purpose, to fund the operation of
16 the public schools in the State for kindergarten through grade
17 12 for the next ensuing biennium for the population
18 reasonably estimated for that biennium.

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

33 4. During a special session of the Legislature that is held
34 in a biennium for which the Legislature has not enacted the
35 appropriation or appropriations required by subsection 2 to
36 fund education for the biennium in which the special session
37 is being held, before any other appropriation is enacted other
38 than appropriations required to pay the cost of that special
39 session, the Legislature shall enact one or more
40 appropriations to provide the money the Legislature deems to
41 be sufficient, when combined with the local money
42 reasonably available for this purpose, to fund the operation of
43 the public schools in the State for kindergarten through grade
44 12 for the population reasonably estimated for the biennium
45 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 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~~ *1 year before the commencement of the* regular session of the Legislature ~~is held~~ *to which the petition will be transmitted.* After its circulation, it shall be filed with the Secretary of State not less than 30 days ~~prior to any~~ *before the commencement of the*



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1 regular session of the Legislature **H to which the petition will**
2 **be transmitted.** The circulation of the petition shall cease on
3 the day the petition is filed with the Secretary of State or such
4 other date as may be prescribed for the verification of the
5 number of signatures affixed to the petition, whichever is
6 earliest. The Secretary of State shall transmit such petition to
7 the Legislature as soon as the Legislature convenes and
8 organizes. The petition shall take precedence over all other
9 measures except appropriation bills, and the statute or
10 amendment to a statute proposed thereby shall be enacted or
11 rejected by the Legislature without change or amendment
12 within 40 days. If the proposed statute or amendment to a
13 statute is enacted by the Legislature and approved by the
14 Governor in the same manner as other statutes are enacted,
15 such statute or amendment to a statute shall become law, but
16 shall be subject to referendum petition as provided in Section
17 1 of this Article. If the statute or amendment to a statute is
18 rejected by the Legislature, or if no action is taken thereon
19 within 40 days, the Secretary of State shall submit the
20 question of approval or disapproval of such statute or
21 amendment to a statute to a vote of the voters at the next
22 succeeding general election. If a majority of the voters voting
23 on such question at such election votes approval of such
24 statute or amendment to a statute, it shall become law and
25 take effect upon completion of the canvass of votes by the
26 Supreme Court. An initiative measure so approved by the
27 voters shall not be amended, annulled, repealed, set aside or
28 suspended by the Legislature within 3 years from the date it
29 takes effect. If a majority of such voters votes disapproval of
30 such statute or amendment to a statute, no further action shall
31 be taken on such petition. If the Legislature rejects such
32 proposed statute or amendment, the Governor may
33 recommend to the Legislature and the Legislature may
34 propose a different measure on the same subject, in which
35 event, after such different measure has been approved by the
36 Governor, the question of approval or disapproval of each
37 measure shall be submitted by the Secretary of State to a vote
38 of the voters at the next succeeding general election. If the
39 conflicting provisions submitted to the voters are both
40 approved by a majority of the voters voting on such
41 measures, the measure which receives the largest number of
42 affirmative votes shall thereupon become law. If at the
43 session of the Legislature to which an initiative petition
44 proposing an amendment to a statute is presented which the
45 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 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. 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, 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.



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

8 6. If, at the same election as the first approval of a
9 constitutional amendment pursuant to this Section, another
10 amendment is finally approved pursuant to this Section,
11 or an amendment proposed by the Legislature is ratified,
12 which affects the same section of the Constitution but is
13 compatible with the amendment given first approval, the
14 Secretary of State shall publish and resubmit at the next
15 general election the amendment given first approval as a
16 further amendment to the section as amended by the
17 amendment given final approval or ratified. If the amendment
18 finally approved or ratified contradicts in substance the
19 amendment given first approval, the Secretary of State
20 shall not submit the amendment given first approval to the
21 voters again.

