

SENATE JOINT RESOLUTION NO. 5—SENATORS WOODHOUSE,
OHRENSCHALL, CANNIZZARO, DENIS, SPEARMAN; BROOKS,
CANCELA, DONDERO LOOP, HARRIS AND PARKS

MARCH 5, 2019

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-58)

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:

The Nevada Constitution provides for biennial regular sessions of the
Legislature of not more than 120 consecutive calendar days beginning on the first
Monday of February 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. Beginning on the first Monday of February in each odd-numbered
year, the Legislature would hold a regular session of not more than 90 legislative
days. Beginning on the first Monday in February in each even-numbered year, the
Legislature would hold a regular session of not more than 60 legislative days. This
resolution also proposes to authorize the Speaker of the Assembly and the Majority
Leader of the Senate, acting jointly, to call a regular session of the Legislature to
recess. This resolution defines a “legislative day” as any calendar day on which
either House of the Legislature is in session or any legislative committee holds a
meeting during a session, excluding any day when the Legislature is in recess.

The Nevada Constitution authorizes Legislators to: (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 be



paid at regular intervals as set by law and that an appropriation may be made for the payment of the actual expenses members of the Legislature may incur for each regular or special session.

If this resolution is passed by the 2019 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 2 of Article 4 of the Nevada Constitution be amended to read as follows:

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

2. ~~The~~ **In each odd-numbered year, the** Legislature **shall commence the regular session on the first Monday of February and** shall adjourn sine die ~~each regular session~~ not later than midnight Pacific time at the end of the ~~120th consecutive calendar~~ **90th legislative** 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 ~~120th consecutive calendar~~ **90th legislative** day of that session is void, unless the legislative action is ~~conducted~~ **taken** during a special session.

3. **In each even-numbered year, the Legislature shall commence the regular session on the first Monday of February and shall adjourn sine die not later than midnight Pacific time at the end of the 60th legislative 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 60th legislative day of that session is void, unless the legislative action is taken during a special session.**

4. **During a regular session held in an even-numbered year the Legislature shall prioritize legislative business related to the executive budget and any other issues that the Governor, in coordination with the Speaker of the Assembly and the Majority Leader of the Senate, determines is fiscal in nature or requires the immediate attention of the Legislature.**



5. *During any regular session:*

(a) *The Legislature may introduce, consider and pass any bill related to any subject as otherwise not prohibited by the Constitution;*

(b) *A standing legislative committee may hold meetings; and*

(c) *The Speaker of the Assembly and the Majority Leader of the Senate may jointly call a recess of the Legislature.*

6. 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 ~~;~~

~~—4.—~~ *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.*

7. For the purposes of this section ~~;~~ *“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. The term does not include any day the Legislature is in recess pursuant to subsection 5.*

(b) *“Midnight Pacific time” must be determined based on the actual measure of time that, on the final ~~calendar~~ legislative 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 Section 1 of 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 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law and paid out of the public treasury ~~;~~ *for not to exceed 60 days during any regular session of the Legislature and not to exceed 20 days during any special session;* *at regular intervals determined by law,* but no increase of such compensation



shall take effect during the term for which the members of either ~~House~~ **House** shall have been elected; Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur ~~for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars~~ for any ~~general~~ **regular** or special session to each member; and Furthermore Provided, that the Speaker of the Assembly ~~H~~ and **the** Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers , receive an additional allowance of two dollars per diem.

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 ~~H~~ **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 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** 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 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



1 taken on such petition. If a majority of such voters votes
2 approval of such amendment, it shall, unless precluded by
3 subsection 5 or 6, become a part of this Constitution upon
4 completion of the canvass of votes by the Supreme Court.

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

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

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

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

