

Amendment No. 655

Senate Amendment to Senate Joint Resolution No. 11 (BDR C-1082)
Proposed by: Senate Committee on Legislative Operations and Elections
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MAS/KCR



Date: 5/10/2017

S.J.R. No. 11—Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-1082)



SENATE JOINT RESOLUTION NO. 11—SENATORS WOODHOUSE, SEGERBLOM, FORD,
FARLEY, PARKS; DENIS AND SPEARMAN

MARCH 27, 2017

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-1082)

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 during a maximum period of 120 consecutive calendar days. Beginning on the first Monday in ~~March~~ **February** 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. 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.

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 may appropriate funds 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 2017 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:

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

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

17 3. *In each even-numbered year, the Legislature shall commence the*
18 *regular session on the first Monday of* ~~March~~ *February and shall*
19 *adjourn sine die not later than midnight Pacific time at the end of the*
20 *30th legislative day or the 45th consecutive calendar day of that session,*
21 *whichever occurs first, inclusive of the day on which that session*
22 *commences. Any legislative action taken after midnight Pacific time at*
23 *the end of the 30th legislative day or the 45th consecutive calendar day of*
24 *that session, whichever occurs first, is void, unless the legislative action is*
25 *taken during a special session.*

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

27 (a) The proposed executive budget ~~to the Legislature~~ not later than
28 14 calendar days before the commencement of each regular session ~~+~~
29 ~~+~~ *held in an odd-numbered year.*

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

33 5. For the purposes of this section ~~+, "midnight":~~

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

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

47 And be it further

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

50 Sec. 33. The members of the Legislature shall receive for their
51 services a compensation to be fixed by law and paid out of the public
52 treasury ~~+, for not to exceed 60 days during any regular session of the~~
53 ~~Legislature and not to exceed 20 days during any special session;+ at~~

1 *regular intervals determined by law*, but no increase of such compensation
2 shall take effect during the term for which the members of either ~~House~~
3 *House* shall have been elected; Provided, that an appropriation may be
4 made for the payment of such actual expenses as members of the
5 Legislature may incur ~~{for postage, express charges, newspapers and~~
6 ~~stationery not exceeding the sum of Sixty dollars}~~ for any ~~{general}~~ *regular*
7 or special session to each member; and Furthermore Provided, that the
8 Speaker of the Assembly ~~{}~~ and *the* Lieutenant Governor, as President of
9 the Senate, shall each, during the time of their actual attendance as such
10 presiding officers, receive an additional allowance of two dollars per diem.

11 And be it further

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

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

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

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

38 4. During a special session of the Legislature that is held in a
39 biennium for which the Legislature has not enacted the appropriation or
40 appropriations required by subsection 2 to fund education for the biennium
41 in which the special session is being held, before any other appropriation is
42 enacted other than appropriations required to pay the cost of that special
43 session, the Legislature shall enact one or more appropriations to provide
44 the money the Legislature deems to be sufficient, when combined with the
45 local money reasonably available for this purpose, to fund the operation of
46 the public schools in the State for kindergarten through grade 12 for the
47 population reasonably estimated for the biennium in which the special
48 session is held.

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

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

1 And be it further

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

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

12 And be it further

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

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

20 2. An initiative petition shall be in the form required by Section 3 of
21 this Article and shall be proposed by a number of registered voters equal to
22 10 percent or more of the number of voters who voted at the last preceding
23 general election in not less than 75 percent of the counties in the State, but
24 the total number of registered voters signing the initiative petition shall be
25 equal to 10 percent or more of the voters who voted in the entire State at the
26 last preceding general election.

27 3. If the initiative petition proposes a statute or an amendment to a
28 statute, the person who intends to circulate it shall file a copy with the
29 Secretary of State before beginning circulation and not earlier than ~~January~~
30 ~~1 of the year preceding the year in which a~~ *1 year before the*
31 *commencement of the* regular session of the Legislature ~~is held.~~ *to which*
32 *the petition will be transmitted.* After its circulation, it shall be filed with
33 the Secretary of State not less than 30 days ~~prior to any~~ *before the*
34 *commencement of the* regular session of the Legislature ~~to which the~~
35 *petition will be transmitted.* The circulation of the petition shall cease on
36 the day the petition is filed with the Secretary of State or such other date as
37 may be prescribed for the verification of the number of signatures affixed to
38 the petition, whichever is earliest. The Secretary of State shall transmit such
39 petition to the Legislature as soon as the Legislature convenes and
40 organizes. The petition shall take precedence over all other measures except
41 appropriation bills, and the statute or amendment to a statute proposed
42 thereby shall be enacted or rejected by the Legislature without change or
43 amendment within 40 days. If the proposed statute or amendment to a
44 statute is enacted by the Legislature and approved by the Governor in the
45 same manner as other statutes are enacted, such statute or amendment to a
46 statute shall become law, but shall be subject to referendum petition as
47 provided in Section 1 of this Article. If the statute or amendment to a statute
48 is rejected by the Legislature, or if no action is taken thereon within 40
49 days, the Secretary of State shall submit the question of approval or
50 disapproval of such statute or amendment to a statute to a vote of the voters
51 at the next succeeding general election. If a majority of the voters voting on
52 such question at such election votes approval of such statute or amendment
53 to a statute, it shall become law and take effect upon completion of the

1 canvass of votes by the Supreme Court. An initiative measure so approved
2 by the voters shall not be amended, annulled, repealed, set aside or
3 suspended by the Legislature within 3 years from the date it takes effect. If
4 a majority of such voters votes disapproval of such statute or amendment to
5 a statute, no further action shall be taken on such petition. If the Legislature
6 rejects such proposed statute or amendment, the Governor may recommend
7 to the Legislature and the Legislature may propose a different measure on
8 the same subject, in which event, after such different measure has been
9 approved by the Governor, the question of approval or disapproval of each
10 measure shall be submitted by the Secretary of State to a vote of the voters
11 at the next succeeding general election. If the conflicting provisions
12 submitted to the voters are both approved by a majority of the voters voting
13 on such measures, the measure which receives the largest number of
14 affirmative votes shall thereupon become law. If at the session of the
15 Legislature to which an initiative petition proposing an amendment to a
16 statute is presented which the Legislature rejects or upon which it takes no
17 action, the Legislature amends the statute which the petition proposes to
18 amend in a respect which does not conflict in substance with the proposed
19 amendment, the Secretary of State in submitting the statute to the voters for
20 approval or disapproval of the proposed amendment shall include the
21 amendment made by the Legislature.

22 4. If the initiative petition proposes an amendment to the Constitution,
23 the person who intends to circulate it shall file a copy with the Secretary of
24 State before beginning circulation and not earlier than September 1 of the
25 year before the year in which the election is to be held. After its circulation
26 it shall be filed with the Secretary of State not less than 90 days before any
27 regular general election at which the question of approval or disapproval of
28 such amendment may be voted upon by the voters of the entire State. The
29 circulation of the petition shall cease on the day the petition is filed with the
30 Secretary of State or such other date as may be prescribed for the
31 verification of the number of signatures affixed to the petition, whichever is
32 earliest. The Secretary of State shall cause to be published in a newspaper
33 of general circulation, on three separate occasions, in each county in the
34 State, together with any explanatory matter which shall be placed upon the
35 ballot, the entire text of the proposed amendment. If a majority of the voters
36 voting on such question at such election votes disapproval of such
37 amendment, no further action shall be taken on the petition. If a majority of
38 such voters votes approval of such amendment, the Secretary of State shall
39 publish and resubmit the question of approval or disapproval to a vote of
40 the voters at the next succeeding general election in the same manner as
41 such question was originally submitted. If a majority of such voters votes
42 disapproval of such amendment, no further action shall be taken on such
43 petition. If a majority of such voters votes approval of such amendment, it
44 shall, unless precluded by subsection 5 or 6, become a part of this
45 Constitution upon completion of the canvass of votes by the Supreme
46 Court.

47 5. If two or more measures which affect the same section of a statute
48 or of the Constitution are finally approved pursuant to this Section, or an
49 amendment to the Constitution is finally so approved and an amendment
50 proposed by the Legislature is ratified which affect the same section, by the
51 voters at the same election:

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

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

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