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FIRST REPRINT

S.J.R. 8

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 to authorize a change in compensation to Legislators.

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 in each odd-numbered
3 year. (Nev. Const. Art. 4, § 2) This resolution proposes to amend the Nevada
4 Constitution to provide for limited annual regular sessions. In each odd-numbered
5 year, the Legislature would hold a regular session of not more than 90 legislative
6 days during a maximum period of 120 consecutive calendar days. In each even-
7 numbered year, the Legislature would hold a regular session of not more than 30
8 legislative days during a maximum period of 45 consecutive calendar days.
9 The Nevada Constitution also requires the Legislature to hold its regular or
10 special sessions at the seat of government in Carson City. (Nev. Const. Art. 4, § 1,
11 Art. 15, § 1) In addition, the Nevada Constitution prohibits one House of the
12 Legislature from adjourning to another location during a regular or special session
13 without the consent of the other House. (Nev. Const. Art. 4, § 15) This resolution
14 proposes to amend the Nevada Constitution to authorize the Legislature to hold all
15 or any portion of a regular or special session at any place in this State if a majority



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16 of each House of the Legislature agrees to do so and follows certain required
17 procedures.

18 This resolution also proposes to amend the Nevada Constitution to change the
19 compensation for Legislators. The Nevada Constitution authorizes Legislators to:
20 (1) receive compensation for the first 60 days of each regular session and the first
21 20 days of each special session; and (2) appropriate funds for the payment of the
22 actual expenses members of the Legislature may incur for postage, express charges,
23 newspapers and stationery in an amount not to exceed \$60 per member for each
24 general or special session. (Nev. Const. Art. 4, § 33) This resolution proposes to
25 amend the Nevada Constitution to remove those provisions and to provide that
26 Legislators must be paid at regular intervals as set by law and may appropriate
27 funds for the actual expenses members of the Legislature may incur for each
28 regular or special session.

29 If this resolution is passed by the 2013 Legislature, it must also be passed by
30 the next Legislature and then approved and ratified by the voters in an election
31 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 1 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

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

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

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

20 **4. During the interim between regular sessions, upon a**
21 **petition signed by a majority of the members elected to each**
22 **House of the Legislature who will serve at a regular or**
23 **special session, the Legislature may designate another place**
24 **in this State to hold all or any portion of the regular or**
25 **special session. A petition must specify the session and the**
26 **alternate place where all or any portion of the session will**
27 **be held, and it must be transmitted to the Secretary of State**
28 **not later than 5 calendar days before the commencement of**
29 **the session. Upon receipt of one or more substantially**
30 **similar petitions signed, in the aggregate, by the required**



1 *number of members, the Secretary of State shall notify all*
2 *members of the Legislature and the Governor of the*
3 *alternate place where all or any portion of the session will*
4 *be held. By the same procedure and within the same time*
5 *limit, a majority of the members elected to each House of*
6 *the Legislature who will serve at the regular or special*
7 *session may change any alternate place designated in the*
8 *petition filed with the Secretary of State where all or any*
9 *portion of the session will be held.*

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

14 And be it further

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

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

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

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

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



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.† 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†~~ place where the Legislature is holding the*
21 *session on the final calendar or legislative day, whichever*
22 *occurs first, pursuant to Section 1 of this Article. ~~{5 of this~~*
23 *~~Constitution.†~~* The Legislature and its members, officers and
24 employees shall not employ any device, pretense or fiction
25 that adjusts, evades or ignores this measure of time for the
26 purpose of extending the duration of the session.

27 And be it further

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

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

42 2. At a special session convened pursuant to this section,
43 the Legislature shall not introduce, consider or pass any bills
44 except those related to the business specified in the petition



1 and those necessary to provide for the expenses of the
2 session.

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

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

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

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

22 (b) Expulsion from office of a member of the Legislature
23 pursuant to Section 6 of *this* Article. ~~{4 of this Constitution.}~~

24 6. For the purposes of this section, "midnight Pacific
25 time" must be determined based on the actual measure of
26 time that, on the final calendar day of the session, is being
27 used and observed by the general population as the uniform
28 time for the portion of Nevada which lies within the Pacific
29 time zone, or any legal successor to the Pacific time zone, and
30 which includes the ~~{seat of government of this State as~~
31 ~~designated by}~~ *place where the Legislature is holding the*
32 *session on the final calendar day pursuant to* Section 1 of
33 *this* Article. ~~{15 of this Constitution.}~~ The Legislature and its
34 members, officers and employees shall not employ any
35 device, pretense or fiction that adjusts, evades or ignores this
36 measure of time for the purpose of extending the duration of
37 the session.

38 And be it further

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

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



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

5 And be it further

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

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

25 And be it further

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

28 Sec. 9. 1. Except as otherwise provided in Section 2A
29 of Article 4 of this Constitution, the Governor may, on
30 extraordinary occasions, convene the Legislature by
31 Proclamation and shall state to both ~~houses.]~~ *Houses*, when
32 organized, the business for which they have been specially
33 convened.

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

39 3. Except as otherwise provided in this subsection, the
40 Legislature shall adjourn sine die a special session convened
41 pursuant to this section not later than midnight Pacific time at
42 the end of the 20th consecutive calendar day of that session,
43 inclusive of the day on which that session commences. Any
44 legislative action taken after midnight Pacific time at the end
45 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 ~~15~~ 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 ~~it~~ *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



1 day of that next ensuing biennium, before any other
2 appropriation is enacted other than appropriations required to
3 pay the cost of that special session, the Legislature shall enact
4 one or more appropriations to provide the money the
5 Legislature deems to be sufficient, when combined with
6 the local money reasonably available for this purpose, to fund
7 the operation of the public schools in the State for
8 kindergarten through grade 12 for the next ensuing biennium
9 for the population reasonably estimated for that biennium.

10 4. During a special session of the Legislature that is held
11 in a biennium for which the Legislature has not enacted the
12 appropriation or appropriations required by subsection 2 to
13 fund education for the biennium in which the special session
14 is being held, before any other appropriation is enacted other
15 than appropriations required to pay the cost of that special
16 session, the Legislature shall enact one or more
17 appropriations to provide the money the Legislature deems to
18 be sufficient, when combined with the local money
19 reasonably available for this purpose, to fund the operation of
20 the public schools in the State for kindergarten through grade
21 12 for the population reasonably estimated for the biennium
22 in which the special session is held.

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

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

29 And be it further

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

32 Sec. 12. The first regular session of the Legislature shall
33 commence on the second Monday of December A.D.
34 Eighteen hundred and Sixty Four, and the second regular
35 session of the same shall commence on the first Monday of
36 January A.D. Eighteen hundred and Sixty Six; and the third
37 regular session of the Legislature shall be the first of the
38 biennial sessions, and shall commence on the first Monday of
39 January A.D. Eighteen hundred and Sixty Seven; and the
40 regular sessions of the Legislature shall be held thereafter .

41 ~~biennially.~~

42 And be it further



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

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

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

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



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

32 4. If the initiative petition proposes an amendment to the
33 Constitution, the person who intends to circulate it shall file a
34 copy with the Secretary of State before beginning circulation
35 and not earlier than September 1 of the year before the year in
36 which the election is to be held. After its circulation it shall
37 be filed with the Secretary of State not less than 90 days
38 before any regular general election at which the question of
39 approval or disapproval of such amendment may be voted
40 upon by the voters of the entire State. The circulation of the
41 petition shall cease on the day the petition is filed with the
42 Secretary of State or such other date as may be prescribed for
43 the verification of the number of signatures affixed to the
44 petition, whichever is earliest. The Secretary of State shall
45 cause to be published in a newspaper of general circulation,



1 on three separate occasions, in each county in the State,
2 together with any explanatory matter which shall be
3 placed upon the ballot, the entire text of the proposed
4 amendment. If a majority of the voters voting on such
5 question at such election votes disapproval of such
6 amendment, no further action shall be taken on the petition. If
7 a majority of such voters votes approval of such amendment,
8 the Secretary of State shall publish and resubmit the question
9 of approval or disapproval to a vote of the voters at the
10 next succeeding general election in the same manner as such
11 question was originally submitted. If a majority of such
12 voters votes disapproval of such amendment, no further
13 action shall be taken on such petition. If a majority of such
14 voters votes approval of such amendment, it shall, unless
15 precluded by subsection 5 or 6, become a part of this
16 Constitution upon completion of the canvass of votes by the
17 Supreme Court.

18 5. If two or more measures which affect the same
19 section of a statute or of the Constitution are finally approved
20 pursuant to this Section, or an amendment to the Constitution
21 is finally so approved and an amendment proposed by the
22 Legislature is ratified which affect the same section, by the
23 voters at the same election:

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

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

33 6. If, at the same election as the first approval of a
34 constitutional amendment pursuant to this Section, another
35 amendment is finally approved pursuant to this Section,
36 or an amendment proposed by the Legislature is ratified,
37 which affects the same section of the Constitution but is
38 compatible with the amendment given first approval, the
39 Secretary of State shall publish and resubmit at the next
40 general election the amendment given first approval as a
41 further amendment to the section as amended by the
42 amendment given final approval or ratified. If the amendment
43 finally approved or ratified contradicts in substance the
44 amendment given first approval, the Secretary of State



1 shall not submit the amendment given first approval to the
2 voters again.

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