NEVADA LEGISLATURE

Thirty-second Special Session, 2020

SENATE DAILY JOURNAL

THE THIRD DAY

CARSON CITY (Sunday), August 2, 2020

Senate called to order at 9:41 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Joseph Hardy.

Our Father who art in Heaven, we are grateful for this Country and the opportunity for all of the people in it. We are grateful for this government for and by the people. We are thankful for the conflicts leading to compromise and even consensus. We are appreciative of the safety we have enjoyed. We are thankful for the opportunity we have to develop our humility and our dependence on Thee, our higher power.

Please hear our pleas, that we might be considerate of the needs and trials of all people. We need Thy help for balancing the resources and needs of every demographic and every person. We know that Thou art aware of the pandemic. We pray it will end through some of our own efforts and those of science, and we recognize that Thou art all powerful and mighty. We humbly pray for the resolution of this pandemic. Please help us. We need Thee every hour.

In the Name of Thy Son and our Savior.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

SECOND READING AND AMENDMENT

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 3.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Senators Denis, Pickard, Hansen, Seevers Gansert, Hammond, Cancela and Hardy.

SENATOR DENIS:
(To be entered at a later date.)

SENATOR PICKARD:
(To be entered at a later date.)

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR SEEVERS GANSERT:
(To be entered at a later date.)

SENATOR HAMMOND:
(To be entered at a later date.)

SENATOR CANCELA:
(To be entered at a later date.)

SENATOR DENIS:
(To be entered at a later date.)

SENATOR HARDY:
(To be entered at a later date.)

Roll call on Senate Bill No. 1:
YEAS—18.
NAYS—Hammond, Hansen, Pickard—3.

Senate Bill No. 1 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 1.
Bill read third time.
Remarks by Senators Woodhouse and Hansen.

SENATOR WOODHOUSE:
(To be entered at a later date.)

SENATOR HANSEN:
(To be entered at a later date.)

Roll call on Assembly Bill No. 1:
YEAS—18.
NAYS—Hammond, Hansen, Settelmeyer—3.

Assembly Bill No. 1 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 2.
Bill read third time.
Remarks by Senators Washington and Settelmeyer.

SENATOR WASHINGTON:
Assembly Bill No. 2 relates to the Legislative Department of State Government. It authorizes the Legislative Commission and other statutory and interim study committees operating during the Legislative interim, as well as other commissions or committees, which are supported

primarily by Legislative staff, to use an authorized remote-technology system for the conduct of their meetings during the public health crisis caused by the Coronavirus Disease of 2019. Meetings may be conducted in this manner regardless of whether a physical location is made available, and reasonable efforts must be made to ensure the public can hear and observe such meetings and participate during public comment periods.

Finally, Assembly Bill No. 2 also makes adjustments to the structure of the Legal Division of the Legislative Counsel Bureau (LCB) by clarifying the role of the Legislative Counsel and creating the position of General Counsel within the Division. The measure clarifies the duties and qualifications of the General Counsel and provides that the Legislative Counsel and General Counsel serve as Chiefs of the Legal Division.

Finally, Assembly Bill No. 2 provides that if the Legislature first approves any State constitutional amendments during a Special Session held in an even-numbered year, the Director of the LCB shall immediately publish a separate printed volume of advance sheets of statues, which includes the full text of the approved proposed amendments. This publication shall be deemed to be the publication proposed amendments as required by the Nevada Constitution and no additional publication is necessary

SENATOR SETTELMEYER:
(To be entered at a later date.)

Roll call on Assembly Bill No. 2:
YEAS—15.
NAYS—Goicoechea, Hammond, Hansen, Hardy, Pickard, Settelmeyer—6.

Assembly Bill No. 2 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 4.

Bill read third time.

Remarks by Senators Ohrenschall, Settelmeyer, Seevers Gansert, Spearman, Hammond, Hansen, Pickard, Ratti, Harris, Cannizzaro, Goicoechea and Hardy.

SENATOR OHRENSCHALL:

Assembly Bill No. 4 provides for the conduct and operations of elections in Nevada during a State of Emergency or Disaster Declaration as proclaimed by the Governor or by resolution of the Nevada Legislature. The measure sets forth the circumstances under which an election is deemed an "affected election" during an emergency situation for the purposes of triggering provisions allowing for voting by mail, establish certain polling places and conducting early voting.

During an affected election, every active voter must receive a mail-in ballot, a minimum number of polling places for early voting must be established, and polling places for the purposes of registering to vote and voting on Election Day must be available. The bill sets forth the contents of the mail-in ballot and specifies that a mail-in ballot must be postmarked on or before the day for the elections and received by the county election office no later than 5 p.m. on the seventh day following the election in order to be counted. Each county or city election officer must also establish at least one location in the jurisdiction where mail-in ballots can be delivered by hand and collected during the period for early voting and on election day. The bill allows a voter to authorize any person to return his or her absent ballot or mail-in ballot to the county or the city on behalf of the voter and prohibits such a person from willfully failing to return such a ballot.

Assembly Bill No. 4 also sets forth the procedures for verifying and processing mail-in ballots and absent ballots, including the review of a voter's signature on the mail-in absent ballots and the counting of mail ballots by electronic means. For any affected elections, the returns of the mailed ballot vote must be reported separately from other votes that were not cast by mail, but in no case

may mail ballot results be released until all polling locations are closed and all votes have been cast on the day of the election.

Finally, county election officials must develop a procedure to ensure that each mail ballot is kept secret.

SENATOR SETTELMEYER:
(To be entered at a later date.)

SENATOR SEEVERS GANSERT:
(To be entered at a later date.)

SENATOR SPEARMAN:
(To be entered at a later date.)

SENATOR HAMMOND:
(To be entered at a later date.)

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR PICKARD:
(To be entered at a later date.)

SENATOR RATTI:
(To be entered at a later date.)

SENATOR HARRIS:
(To be entered at a later date.)

SENATOR CANNIZZARO:
(To be entered at a later date.)

SENATOR GOICOECHEA:
(To be entered at a later date.)

SENATOR HARDY:
(To be entered at a later date.)

Roll call on Assembly Bill No. 4:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Assembly Bill No. 4 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 10:42 a.m.

SENATE IN SESSION

At 11:24 a.m.

President Marshall presiding.

Quorum present.

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, August 2, 2020

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolution No. 1; Assembly Joint Resolutions Nos. 1, 2.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1.

Senator Ratti moved that the resolution be referred to the Committee of the Whole.

Motion carried.

Assembly Joint Resolution No. 2.

Senator Ratti moved that the resolution be referred to the Committee on Whole.

Motion carried.

Senator Cannizzaro moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Joint Resolutions Nos. 1, 2 and any other matters as outlined in the Governor's Proclamation, with Senator Cannizzaro as Chair and Senator Ratti as Vice Chair.

Motion carried.

IN COMMITTEE OF THE WHOLE

Senator Cannizzaro presiding.

Assembly Joint Resolutions Nos. 1, 2 and any other matters as outlined in the Governor's Proclamation considered.

The Committee of the Whole was addressed by Senator Cannizzaro; Bryan Fernley, Legislative Counsel Bureau; Senator Hardy; Senator Pickard: Russell Guindon, Principal Deputy Analyst, Fiscal Analysis Division; Senator Goicoechea; Senator Brooks; Senator Settelmeyer; Senator Hansen; Senator Ohrenschall; Senator Ratti; Chris Daly; Christine Saunders; Carmen Andrews; Alexander Marks; J.D. Klippenstein; Patrick Donnelly; Christie Cabrera; Annette Magnus; Aaron; Selena la Rue; Aluna Fessler; Erika Minberry; Laura Hale; Dan Price; Vera Miller; Caroline Chacon; Natalie Hermendez; Marlene Lockard; Dexter; CCA president; Paul Enos; Dagny Staplton; Janine Hansen; Bryan Walchter; Paul Morackhan; Susan Fisher; Christina Eirlind and Mary Walker.

(Names and remarks to be entered at a later date.)

SENATOR CANNIZZARO:

There have been questions as to whether the Legislature has the power to pass joint resolutions proposing State constitutional amendments at a Special Session convened by the Governor, if those proposed amendments are not "related to the business for which the Legislature has been specially convened." These legal opinions from the Legislative Counsel Bureau's Legal Division addresses those legal questions and concludes that the Legislature has the power to pass joint resolutions proposing State constitutional amendments at a Special Session, regardless of whether

such joint resolutions are "related to the business for which the Legislature has been specially convened."

August 1, 2020

NEVADA SENATE, Senate Chambers
DEAR MEMBERS OF THE SENATE:

You have asked this office a legal question relating to special sessions of the Legislature convened by the Governor under Article 5, Section 9 of the Nevada Constitution. In particular, you have asked whether, at a special session convened by the Governor under Article 5, Section 9, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments under Article 16, Section 1 of the Nevada Constitution, regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9.

As explained in the legal discussion below, based on the 2012 constitutional amendment that revised the state constitutional provisions governing special sessions, it is the opinion of this office that, at a special session convened by the Governor under Article 5, Section 9, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments under Article 16, Section 1, regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9.

DISCUSSION

Article 16, Section 1 authorizes the Legislature to propose any amendment or amendments to the Nevada Constitution, stating that:

> Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

Although Article 16, Section 1 authorizes the Legislature to propose constitutional amendments, it does not specify the type of legislative measure that must be used to make such proposals. When a state constitution does not specify the type of legislative measure that must be used to propose constitutional amendments, the general rule is that the legislative body may use a resolution adopted by both Houses to make such proposals. Mason's Manual of Legislative Procedure § 145(2) (2010).

Consistent with this general rule, the Legislature has from its earliest sessions proposed state constitutional amendments by the use of resolutions. See Senate Journal, 3rd Sess., at 43, 48 (Nev. 1867); Senate Journal, 4th Sess., at 17, 27 (Nev. 1869). Even though the Legislature has consistently used resolutions to propose state constitutional amendments, it has not consistently used the same term to describe the resolutions. In the legislative sessions before 1919, the Legislature employed multiple terms to describe such resolutions, including "concurrent resolution," "joint resolution," "joint and concurrent resolution," "conjoint resolution" and "proposal to amend the Constitution," and sometimes the Legislature employed several of these terms within the same legislative session.[1] However, beginning with the 1919 legislative session, the Legislature adopted the practice of using only the term "joint resolution" to describe resolutions proposing state constitutional amendments, and the Legislature has consistently followed that practice since 1919. See, e.g., 1919 Nev. Stat., File Nos. 6, 19 & 20, at 478 & 486-87; 2019 Nev. Stat., File Nos. 40 & 44, at 4630 & 4636.

Given that the Legislature has consistently followed the practice of using joint resolutions to propose state constitutional amendments for over a century, the legal issue is whether, at a special session convened by the Governor, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments, regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9.

As a general rule, the power of the Legislature at a special session is as broad as its power at a regular session, unless there are express constitutional limitations to contrary. See Richards Furniture Corp. v. Bd. of County Comm'rs, 196 A.2d 621, 625 (Md. 1964) ("It is generally held that in the absence of constitutional limitation, the legislative power of a Legislature, when convened in extraordinary session, is as broad as its powers in its regular sessions."); Long v. State, 127 S.W. 208, 209 (Tex. Crim. App. 1910) ("In the absence of a constitutional provision limiting the same, the jurisdiction of the Legislature when convened in special session is as broad as at a regular session.").

Under Article 4, Section 18 of the Nevada Constitution, the Legislature has the power to pass bills and joint resolutions at a regular session. Therefore, the Legislature also has the power to pass bills and joint resolutions at a special session, subject to any express constitutional limitations. Based on the 2012 constitutional amendment that revised the state constitutional provisions governing special sessions, we believe that, at a special session convened by the Governor, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments, regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9.

At the 2012 general election, the voters approved a state constitutional amendment that revised the state constitutional provisions governing special sessions (hereafter "2012 amendment"). The 2012 amendment was proposed and passed by the Legislature during the 2009 and 2011 legislative sessions. Assembly Joint Resolution No. 5 (A.J.R. 5), 2009 Nev. Stat., File No. 92, at 3282; 2011 Nev. Stat., File No. 33, at 3853.

The 2012 amendment added Article 4, Section 2A to the Nevada Constitution, which authorizes the Legislature to convene itself into a special session upon a petition signed by two-thirds of the members of each House. The 2012 amendment included the following language in Article 4, Section 2A:

> *1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.*
>
> *2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.*

A.J.R. 5, 2009 Nev. Stat., File No. 92, at 3284; 2011 Nev. Stat., File No. 33, at 3855 (emphasis added).

The 2012 amendment also revised the provisions governing special sessions convened by the Governor pursuant to Article 5, Section 9. The 2012 amendment included the following revisions to Article 5, Section 9:

> ~~[Sec. 9. The]~~
>
> *Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the* Governor may *,* on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses *,* when organized, the ~~[purpose]~~ *business* for which they have been *specially* convened . ~~[, and the Legislature shall transact no legislative business, except that for which they*

~~were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~

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

A.J.R. 5, 2009 Nev. Stat., File No. 92, at 3286; 2011 Nev. Stat., File No. 33, at 3857 (emphasis added).

Thus, before the 2012 amendment, Article 5, Section 9 provided that, at a special session, "the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session." Nev. Const. art. 5, § 9 (1864) (emphasis added). By contrast, after the 2012 amendment, Article 5, Section 9 now provides that "[a]t a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session." Nev. Const. art. 5, § 9 (emphasis added).

We believe that the 2012 amendment produces two significant results. First, the 2012 amendment removed the power of the Governor to call other legislative business to the attention of the Legislature during a special session. As a result, with regard to the Legislature's consideration and passage of bills, the scope of the special session is limited to only those bills related to the business for which the Legislature has been specially convened and those bills necessary to provide for the expenses of the session. Therefore, we believe that if the Governor wants the Legislature to consider any other bills, the Governor would need to convene another special session under Article 5, Section 9 for the Legislature to consider other bills. Alternatively, the Legislature could convene itself into a special session upon a petition signed by two-thirds of the members of each House under Article 4, Section 2A to consider other bills.

Second, the 2012 amendment removed the provision stating that "the Legislature shall transact no legislative business" and replaced it with the provision stating that "the Legislature shall not introduce, consider or pass any bills." Nev. Const. art. 5, § 9 (emphasis added). We believe that the use of the term "bills" and the omission of the term "resolutions" is notable because other provisions of the Nevada Constitution use both terms, such as "bills or joint resolutions" and "statute or resolution." Nev. Const. art. 4, § 18, art. 19 § 1.

Based on the 2012 amendment, the Nevada Constitution expressly places limitations on the Legislature's power at a special session only with regard to "bills," stating that "the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session." Nev. Const. art. 5, § 9 (emphasis added). By contrast, the Nevada Constitution does not place any limitations on the Legislature's power at a special session with regard to resolutions.

Because the Nevada Constitution does not place any limitations on the Legislature's power at a special session with regard to resolutions, the Legislature's power to introduce, consider and pass any joint resolutions proposing state constitutional amendments at a special session is as broad as its power at a regular session. Nev. Const. art. 4, § 18, art. 16, § 1; Richards Furniture Corp. v. Bd. of County Comm'rs, 196 A.2d 621, 625 (Md. 1964) ("It is generally held that in the absence of constitutional limitation, the legislative power of a Legislature, when convened in extraordinary session, is as broad as its powers in its regular sessions."); Long v. State, 127 S.W. 208, 209 (Tex. Crim. App. 1910) ("In the absence of a constitutional provision limiting the same, the jurisdiction of the Legislature when convened in special session is as broad as at a regular session.").

Thus, because the term "resolutions" is omitted from Article 5, Section 9, we believe that a reasonable construction of the 2012 amendment means that, at a special session convened by the Governor, the Legislature has the power to introduce, consider and pass any joint resolutions or other resolutions, regardless of whether the resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9. As a result, it is the opinion of this office that, at a special session convened by the Governor, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments,

regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened."[2] Nev. Const. art. 5, § 9.

CONCLUSION

Based on the 2012 constitutional amendment that revised the state constitutional provisions governing special sessions, it is the opinion of this office that, at a special session convened by the Governor under Article 5, Section 9, the Legislature has the power to introduce, consider and pass any joint resolutions proposing state constitutional amendments under Article 16, Section 1, regardless of whether such joint resolutions are "related to the business for which the Legislature has been specially convened." Nev. Const. art. 5, § 9.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

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[1] See, e.g., 1869 Nev. Stat., File Nos. 1 & 2, at 307 ("Proposal to Amend the Constitution"); 1877 Nev. Stat., File No. 6, a 213-14 ("Conjoint Resolutions"); 1877 Nev. Stat., File No. 23, at 221 ("Concurrent Resolution"); 1879 Nev. Stat., File No. 6, at 149 ("Concurrent Resolution"); 1879 Nev. Stat., File No. 7, at 149 ("Conjoint Resolution"); 1879 Nev. Stat., File No. 26, at 166 ("Concurrent Resolution"); 1903 Nev. Stat., File No. 13, at 232 ("Joint and Concurrent Resolution"); 1903 Nev. Stat., File No. 23, at 240 ("Concurrent Resolution").

[2] Because the term "resolutions" is also omitted from Article 4, Section 2A, we believe that a reasonable construction of the 2012 amendment means that if the Legislature convenes itself into a special session upon a petition signed by two-thirds of the members of each House, the Legislature has the power at the special session to introduce, consider and pass any joint resolutions or other resolutions, regardless of whether the resolutions are "related to the business specified in the petition." Nev. Const. art. 4, § 2A.

Sincerely,
KEVIN C. POWERS
General Counsel

August 2, 2020

NEVADA SENATE, Senate Chambers
DEAR MEMBERS OF THE SENATE:

You have asked this office a legal question relating to joint resolutions proposing state constitutional amendments under Article 16, Section 1 of the Nevada Constitution. In particular, you have asked whether such a joint resolution is subject to the two-thirds majority requirement in Article 4, Section 18 of the Nevada Constitution if the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

During the 2013 legislative session, this office was asked the same legal question with regard to Senate Joint Resolution No. 15 (S.J.R. 15), which proposed state constitutional amendments relating to the taxation of mines, mining claims and the proceeds of all minerals extracted in this state. S.J.R. 15, 2011 Nev. Stat., File No. 44, at 3871; 2013 Nev. Stat., File No. 40, at 3958. The Legislature passed S.J.R. 15 during the 2011 and 2013 legislative sessions as required by Article 16, Section 1. However, the voters did not approve S.J.R. 15 at the 2014 general election by a vote of 49.70% in favor and 50.30% against the proposed state constitutional amendments.

When the Legislature was considering S.J.R. 15 during the 2013 legislative session, this office was asked whether a joint resolution proposing state constitutional amendments is subject to the two-thirds majority requirement if the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2). On February 22, 2013, this office issued a written legal opinion concluding that such a joint resolution is not subject to the two-thirds majority requirement, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2). On March 26, 2013, when the Senate Committee on Revenue and Economic Development conducted a hearing on S.J.R. 15, the Chair authorized this office to provide testimony regarding the potential legal effects and consequences of the state constitutional amendments proposed by S.J.R. 15, and the written legal opinion from this office was entered into the legislative record. Legislative History of S.J.R. 15, 77th Leg., at 114-15 & 133 (Exhibit G) (Nev. LCB Research Library 2011).[1]

As explained in the legal discussion below, the opinion of this office has not changed from our written legal opinion issued in 2013. Therefore, it is the opinion of this office that a joint resolution proposing state constitutional amendments is not subject to the two-thirds majority requirement, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

DISCUSSION

Article 16, Section 1 authorizes the Legislature to propose any amendment or amendments to the Nevada Constitution, stating that:

> Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

Nev. Const. art. 16, § 1 (emphasis added).

Although Article 16, Section 1 authorizes the Legislature to propose constitutional amendments, it does not specify the type of legislative measure that must be used to make such proposals. When a state constitution does not specify the type of legislative measure that must be used to propose constitutional amendments, the general rule is that the legislative body may use a resolution adopted by both Houses to make such proposals. Mason's Manual of Legislative Procedure § 145(2) (2010).

Consistent with this general rule, the Legislature has from its earliest sessions proposed state constitutional amendments by the use of resolutions. See Senate Journal, 3rd Sess., at 43, 48 (Nev. 1867); Senate Journal, 4th Sess., at 17, 27 (Nev. 1869). Even though the Legislature has consistently used resolutions to propose state constitutional amendments, it has not consistently used the same term to describe the resolutions. In the legislative sessions before 1919, the Legislature employed multiple terms to describe such resolutions, including "concurrent resolution," "joint resolution," "joint and concurrent resolution," "conjoint resolution" and "proposal to amend the Constitution," and sometimes the Legislature employed several of these terms within the same legislative session.[2] However, beginning with the 1919 legislative session, the Legislature adopted the practice of using only the term "joint resolution" to describe resolutions proposing state constitutional amendments, and the Legislature has consistently followed that practice since 1919. See, e.g., 1919 Nev. Stat., File Nos. 6, 19 & 20, at 478 & 486-87; 2019 Nev. Stat., File Nos. 40 & 44, at 4630 & 4636.

When the Nevada Constitution was ratified in 1864, Article 4, Section 18 provided that "a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution." Nev. Const. art. 4, § 18 (1864) (emphasis added). Thus, as originally ratified by the voters, both Article 4, Section 18 and Article 16, Section 1 required the same number of votes to pass legislation or to propose a constitutional amendment—a majority of all the members elected to each House.

In 1994 and 1996, however, the voters approved several amendments to Article 4, Section 18 that were proposed by an initiative petition pursuant to Article 19, Section 2 of the Nevada Constitution. The amendments provide that "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." Nev. Const. art. 4, § 18(2) (emphasis added). The amendments also include an exception which provides that "[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." Nev. Const. art. 4, § 18(3) (emphasis added).

Because the two-thirds majority requirement in Article 4, Section 18 refers to "joint resolutions," we must consider two legal issues. First, we must consider whether the two-thirds majority requirement applies to joint resolutions proposing state constitutional amendments given that Article 16, Section 1 contains its own specific voting requirement which requires only a majority of all the members elected to each House to propose state constitutional amendments. Second, even if the two-thirds majority requirement applies to joint resolutions proposing state constitutional amendments, we must consider whether those joint resolutions qualify for the exception from the two-thirds majority requirement because the proposed state constitutional amendments become effective only if approved by voters.

To date, there are no reported decisions from Nevada's appellate courts that have addressed these legal issues. In the absence of any controlling decisions from Nevada's appellate courts, we must apply the rules of constitutional construction, and we must consider historical evidence, case law from other jurisdictions and other legal sources for guidance in this area of the law.

In 1798, the United States Supreme Court addressed a similar legal issue in a case where the plaintiffs argued that Congress did not validly propose the Eleventh Amendment to the Federal Constitution. Hollingsworth v. Virginia, 3 U.S. 378 (1798). The plaintiffs argued that when Congress exercised its power to propose the Eleventh Amendment under the Amendments Article of the Federal Constitution, Congress failed to submit the proposed amendment to the President for approval or disapproval under the Legislative Article, which provides that:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

U.S. Const. art. I, § 7 (emphasis added).

The Supreme Court rejected the plaintiffs' argument and held that the Eleventh Amendment was constitutionally adopted. 3 U.S. at 382. Although the Supreme Court did not provide any explanation in its opinion for rejecting the plaintiffs' argument, Justice Chase stated that "[t]here can, surely, be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation: He has nothing to do with the proposition, or adoption, of amendments to the Constitution." Id. at 381 n.

Following the Hollingsworth decision, many state courts have held that legislative proposals to amend the state constitution "are not the exercise of an ordinary legislative function nor are they subject to the constitutional provisions regulating the introduction and passage of ordinary legislative enactments, although they may be proposed in the form of an ordinary legislative bill or in the form of a Joint Resolution." Collier v. Gray, 157 So. 40, 44 (Fla. 1934).[3] As a general rule, these courts have found that the process of proposing constitutional amendments is a separate and independent function that is unconnected with the process of passing ordinary bills and resolutions. See, e.g., Edwards v. Lesueur, 33 S.W. 1130, 1135 (Mo. 1896) ("The provision for adopting resolutions proposing amendments is distinct from, and independent of, all provisions which are provided for the government of legislative proceedings."); Commonwealth v. Griest, 46 A. 505, 508 (Pa. 1900) ("the separate and distinctive character of this particular exercise of the power of the two houses is preserved, and is excluded from association with the orders, resolutions and votes, which constitute the ordinary legislation of the legislative body."). As further explained by the Colorado Supreme Court:

> The power of the general assembly to propose amendments to the constitution is not subject to the provisions of article 5 regulating the introduction and passage of ordinary legislative enactments. . . . Section 2 of article 19 prescribes the method of proposing amendments to the constitution, and no other rule is prescribed. It is not, therefore, by the "legislative" article, but by the article entitled "amendments," that the legality of the action of the general assembly in proposing amendments to the constitution is to be tested. Article 19 is *sui*

> *generis*; it provides for revising, altering and amending the fundamental law of the state, and is not *in pari materia* with those provisions of article 5 prescribing the method of enacting ordinary statutory laws.

Nesbit v. People, 36 P. 221, 223 (Colo. 1894).

Consequently, under the interpretative rule favored by a majority of state courts that have addressed the issue, "[a] proposal by the legislature of amendments to the constitution is not the exercise of ordinary legislative functions, and is not subject to constitutional provisions regulating the introduction and passage of ordinary legislative enactments." Cooney v. Foote, 83 S.E. 537, 539 (Ga. 1914). Under this interpretative rule, a state legislature is required to comply only with the specific provisions in the Amendments Article that govern the proposal of constitutional amendments, and it is not required to comply with the general provisions in the Legislative Article that govern the passage of legislation.

It should be noted, however, that a small minority of state courts have rejected this interpretative rule. These courts have held that specific constitutional provisions governing the proposal of constitutional amendments must be interpreted and harmonized with general constitutional provisions governing ordinary legislative action. Geringer v. Bebout, 10 P.3d 514, 515-24 (Wyo. 2000); State ex rel. Livingstone v. Murray, 354 P.2d 552, 556-58 (Mont. 1960); Smith v. Lucero, 168 P. 709, 709-13 (N.M. 1917). As explained by the Wyoming Supreme Court:

> [W]e do not find cited cases [from other states] persuasive because the interpretive rule, which led to a result which differs from our result in this case, was based on reading constitutional provisions as sequestered pronouncements. We continue to be persuaded that our rule of reading the Wyoming Constitution as an integrated document composed of separate parts but united together for a more complete, harmonious and coordinated entity is the proper rule of interpretation. . . . In several cases, an appellate court's result was reached by distinguishing "law making" from proposals of constitutional amendments, which were viewed by those courts as not being "law making." We perceive little if any difference between the process employed by the legislature in enacting bills which may become a part of Wyoming Statutes and the process used to propose constitutional amendments. To the extent there is a difference, it is not a meaningful distinction which we need to recognize. In the final analysis, the Legislature is engaged in the process of "law making." We are unable to find anything in the cited decisions, which rely on that line of reasoning, that persuades us to adopt it.

Geringer, 10 P.3d at 523-24.

Because of the split in case law from other jurisdictions, we cannot determine with any reasonable degree of certainty whether the Nevada Supreme Court would follow the interpretative rule favored by the majority or minority view. However, we believe that when either interpretative rule is applied to the provisions of the Nevada Constitution at issue, the end result is the same—joint resolutions proposing state constitutional amendments under Article 16, Section 1 do not have to satisfy the two-thirds majority requirement in Article 4, Section 18.

If the Nevada Supreme Court were to follow the interpretative rule favored by the majority view, the Legislature would be required to comply only with the specific majority voting requirement in Article 16, Section 1 when it adopted any joint resolution proposing state constitutional amendments. The Legislature would not be required to comply with the two-thirds majority requirement in Article 4, Section 18, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

By contrast, if the Nevada Supreme Court were to follow the interpretative rule favored by the minority view, the provisions of Article 16, Section 1 would have to be interpreted and harmonized with the provisions of Article 4, Section 18. But when those provisions are interpreted and harmonized together in accordance with the rules of constitutional construction, we believe that any joint resolution proposing state constitutional amendments qualifies for the exception from the two-thirds majority requirement because the proposed state constitutional amendments become effective only if approved by voters.

When interpreting the provisions of the Nevada Constitution, the Nevada Supreme Court applies the same rules of construction that are used to interpret statutes. Nev. Mining Ass'n v.

Erdoes, 117 Nev. 531, 538 (2001). In applying those rules of construction, the court has indicated that its primary task is to ascertain the intent of the framers and to adopt an interpretation that best captures their objective. Id. As explained by the court, "[t]he intention of those who framed the instrument must govern, and that intention may be gathered from the subject-matter, the effects and consequences, or from the reason and spirit of the law." State ex rel. Cardwell v. Glenn, 18 Nev. 34, 42 (1883). Thus, "[w]hatever meaning ultimately is attributed to a constitutional provision may not violate the spirit of that provision." Miller v. Burk, 124 Nev. 579, 590-91 (2008); Lueck v. Teuton, 125 Nev. 674, 680 (2009).

When two or more constitutional provisions relate to the same subject matter, the court strives to "give effect to all controlling legal provisions *in pari materia*." State of Nev. Employees Ass'n v. Lau, 110 Nev. 715, 718 (1994). In other words, whenever possible, constitutional provisions relating to the same subject matter must be read together and harmonized so that each of the provisions is able to achieve its basic purpose without creating conflicts or producing unintended consequences or unreasonable or absurd results. We the People Nev. v. Miller, 124 Nev. 874, 880-81 (2008) ("[W]hen possible, the interpretation of a statute or constitutional provision will be harmonized with other statutes or provisions to avoid unreasonable or absurd results."). To this end, when two or more constitutional provisions apply to a given situation and create an ambiguity, the court will endeavor to reconcile the provisions consistently with what reason and public policy would indicate the framers intended. See Halverson v. Miller, 124 Nev. 484, 489-91 (2008); We the People Nev., 124 Nev. at 883-89. As stated by the court, "[i]f a constitutional provision's language is ambiguous, meaning that it is susceptible to 'two or more reasonable but inconsistent interpretations,' we may look to the provision's history, public policy, and reason to determine what the voters intended." Burk, 124 Nev. at 590 (quoting Gallagher v. City of Las Vegas, 114 Nev. 595, 599 (1998)); Lueck, 125 Nev. at 680.

Based on its review of the history of the two-thirds majority requirement, the Nevada Supreme Court has explained the purpose of the requirement as follows:

> The supermajority requirement was intended to make it more difficult for the Legislature to pass new taxes, hopefully encouraging efficiency and effectiveness in government. Its proponents argued that the tax restriction might also encourage state government to prioritize its spending and economize rather than explore new sources of revenue.

Guinn v. Legislature (Guinn II), 119 Nev. 460, 471 (2003) (emphasis added).[4]

Additionally, the court has noted that the two-thirds majority requirement contains an exception which "permits a majority of the Legislature to refer any proposed new or increased taxes for a vote at the next general election." Guinn II, 119 Nev. at 472 n.27.

By requiring the Legislature to act by a two-thirds majority vote to pass revenue-generating measures, the framers of the constitutional provision clearly wanted to restrict the power of the Legislature to enact such measures into law through the ordinary legislative process. Nev. Const. art. 4, § 18(2). However, by also providing that the Legislature could act by a traditional majority vote to refer such measures to the people at the next general election, the framers clearly did not want to restrict the power of the Legislature to refer such measures to the voters for approval or disapproval. Nev. Const. art. 4, § 18(3).

Because the Legislature's power to refer revenue-generating measures to the voters under Article 4, Section 18 is substantially the same as its power to refer constitutional amendments to the voters under Article 16, Section 1, we believe that the two provisions must be interpreted and harmonized together as substantially equivalent provisions. In describing the state legislature's power to propose constitutional amendments to the voters, the Colorado Supreme Court has stated:

> [I]n proposing an amendment to the constitution, the action of the general assembly is initiatory, not final; a change in the fundamental law cannot be fully and finally consummated by legislative power. Before a proposed amendment can become a part of the constitution, it must receive the approval of a majority of the qualified electors of the state voting thereon at the proper general election. When thus approved it becomes valid as part of the constitution by virtue of the sovereign power of the people constitutionally expressed.

Nesbit v. People, 36 P. 221, 224 (Colo. 1894).

We believe that the foregoing description applies equally to the Legislature's power to propose revenue-generating measures to the voters under Article 4, Section 18. When the Legislature proposes such measures, its action is initiatory, not final, and its proposal cannot be fully and finally consummated by legislative power. Instead, the proposal must receive the approval of the voters, and only then does it become law by virtue of the sovereign power of the people constitutionally expressed.

Thus, the spirit and purpose of the referral provisions in Article 4, Section 18 can be construed consistently and harmoniously with the spirit and purpose of the referral provisions in Article 16, Section 1. Under these equivalent referral provisions, the Legislature is authorized to refer measures to the voters by a traditional majority vote, but the measures do not become effective unless approved by the voters. Consequently, when these equivalent referral provisions are interpreted and harmonized together, we believe that any joint resolution proposing state constitutional amendments under Article 16, Section 1 would qualify for the exception from the two-thirds majority requirement under Article 4, Section 18 because the proposed state constitutional amendments become effective only if approved by voters.

Even though we have not found a case directly on point, we believe that our conclusion is supported by the reasoning in Lockman v. Secretary of State, 684 A.2d 415, 419 (Me. 1996). In Lockman, the Maine Legislature, by a majority vote, passed a joint resolution which proposed a competing measure to be placed on the general election ballot with an initiative petition pursuant to Article IV, Section 18 of the Maine Constitution. The plaintiffs argued that the joint resolution was invalidly enacted without a two-thirds vote under Article IV, Section 16 of the Maine Constitution. Section 16 provided that no act or joint resolution could take effect until 90 days after the adjournment of the session in which it was passed, unless the Maine Legislature, by a two-thirds vote, directed otherwise. Even though the joint resolution did not comply with the 90-day provision in section 16 because it was passed with only a majority vote, the Maine Supreme Court rejected the plaintiffs' argument and held that "section 16 applies to acts and resolves that have the force of law and does not apply to the approval of competing measures that will become law only if approved by the voters." Id. at 419 (emphasis added).

Like the two-thirds majority requirement at issue in Lockman, Nevada's two-thirds majority requirement does not apply to measures that become effective only if approved by the voters. It follows, therefore, that Nevada's two-thirds majority requirement does not apply to joint resolutions proposing state constitutional amendments because such measures become effective only if approved by voters. Therefore, it is the opinion of this office that a joint resolution proposing state constitutional amendments is not subject to the two-thirds majority requirement, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

CONCLUSION

Under the interpretative rule favored by a majority of state courts, the Legislature would be required to comply only with the specific majority voting requirement in Article 16, Section 1 when it adopted any joint resolution proposing state constitutional amendments, and it would not be required to comply with the two-thirds majority requirement in Article 4, Section 18, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

Furthermore, even under the interpretative rule favored by a minority of state courts, we believe that the end result would be the same. Under both Article 16, Section 1 and Article 4, Section 18, the Legislature may refer measures to the voters by a traditional majority vote, but the measures do not become effective unless approved by the voters. When these substantially equivalent constitutional provisions for referring measures to the voters are interpreted and harmonized together, we believe that any joint resolution proposing state constitutional amendments under Article 16, Section 1 would qualify for the exception from the two-thirds majority requirement under Article 4, Section 18 because the proposed state constitutional amendments become effective only if approved by voters.

Therefore, it is the opinion of this office that a joint resolution proposing state constitutional amendments is not subject to the two-thirds majority requirement, regardless of whether the joint resolution "creates, generates, or increases any public revenue in any form." Nev. Const. art. 4, § 18(2).

If you have any further questions regarding this matter, please do not hesitate to contact this office.

[1] Available at: https://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/2011/SJR15,2011_2013.pdf.

[2] See, e.g., 1869 Nev. Stat., File Nos. 1 & 2, at 307 ("Proposal to Amend the Constitution"); 1877 Nev. Stat., File No. 6, at 213-14 ("Conjoint Resolutions"); 1877 Nev. Stat., File No. 23, at 221 ("Concurrent Resolution"); 1879 Nev. Stat., File No. 6, at 149 ("Concurrent Resolution"); 1879 Nev. Stat., File No. 7, at 149 ("Conjoint Resolution"); 1879 Nev. Stat., File No. 26, at 166 ("Concurrent Resolution"); 1903 Nev. Stat., File No. 13, at 232 ("Joint and Concurrent Resolution"); 1903 Nev. Stat., File No. 23, at 240 ("Concurrent Resolution").

[3] Jones v. McDade, 75 So. 988, 991 (Ala. 1917); Mitchell v. Hopper, 241 S.W. 10, 11 (Ark. 1922); Nesbit v. People, 36 P. 221, 223-24 (Colo. 1894); People v. Ramer, 160 P. 1032, 1032-33 (Colo. 1916); Cooney v. Foote, 83 S.E. 537, 539 (Ga. 1914); Hays v. Hays, 47 P. 732, 732-33 (Idaho 1897); State ex rel. Morris v. Mason, 9 So. 776, 795-96 (La. 1891); Opinion of Justices, 261 A.2d 53, 57-58 (Me. 1970); Warfield v. Vandiver, 60 A. 538, 538-43 (Md. 1905); Julius v. Callahan, 65 N.W. 267, 267 (Minn. 1895); Edwards v. Lesueur, 33 S.W. 1130, 1135 (Mo. 1896); In re Senate File 31, 41 N.W. 981, 983-88 (Neb. 1889); State ex rel. Wineman v. Dahl, 68 N.W. 418, 418-20 (N.D. 1896); Commonwealth v. Griest, 46 A. 505, 505-10 (Pa. 1900); Kalber v. Redfearn, 54 S.E.2d 791, 793-98 (S.C. 1949); Moffett v. Traxler, 147 S.E.2d 255, 258-60 (S.C. 1966).

[4] In Guinn v. Legislature, the Nevada Supreme Court issued two reported opinions—Guinn I and Guinn II—that discussed the two-thirds majority requirement. Guinn v. Legislature (Guinn I), 119 Nev. 277 (2003), *opinion clarified on denial of reh'g*, Guinn v. Legislature (Guinn II), 119 Nev. 460 (2003). In 2006, the court overruled certain portions of its Guinn I opinion. Nevadans for Nev. v. Beers, 122 Nev. 930, 944 (2006). However, even though the court overruled certain portions of its Guinn I opinion, the court has not overruled any portion of its Guinn II opinion, which remains good law.

Sincerely,
KEVIN C. POWERS
General Counsel

SENATOR CANNIZZARO:
We will open the hearing on Assembly Joint Resolution No. 1.

(Remarks to be entered at a later date.)

Senator Brooks moved to do pass Assembly Joint Resolution No. 1.
Senator Schieble seconded the motion.
Remarks by Senators Hansen and Settelmeyer.

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR SETTELMEYER:
(To be entered at a later date.)

Motion carried. Senators Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Seevers Gansert and Settelmeyer voted no. Senator Pickard was absent for the vote.

SENATOR CANNIZZARO:
We will open the hearing on Assembly Joint Resolution No. 2.

(Remarks to be entered at a later date.)

Senator Brooks moved to do pass Assembly Joint Resolution No. 2.

Senator Cancela seconded the motion.

Motion carried. Senators Goicoechea, Hammond, Hansen, Kieckhefer, Pickard, Seevers Gansert and Settelmeyer.

On the motion of Senator Woodhouse, seconded by Senator Parks, the Committee did rise and report back to the Senate.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:52 p.m.

SENATE IN SESSION

At 3:55 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee of the Whole, to which were referred Assembly Joint Resolutions Nos. 1, 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Joint Resolutions Nos. 1, 2, just reported out of the Committee of the Whole, be placed on the General File and considered next.

NICOLE J. CANNIZZARO, *Chair*

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.

Resolution read.

Remarks by Senator Brooks.

Assembly Joint Resolution No. 1 proposes to amend the Nevada Constitution to eliminate the requirement for the Legislature to impose a tax upon the net proceeds of minerals extracted at a rate not to exceed 5 percent of the net proceeds; and eliminate the appropriation of a portion of those proceeds to each county in this State. Instead, Assembly Joint Resolution No. 1 would amend the Nevada Constitution to impose a tax on the gross proceeds of all minerals extracted in this State a rate of 7.75 percent of the gross proceeds and would authorize the Legislature to provide by law for the taxation of mines and mining claims and the proceeds of all minerals extracted in this State.

Assembly Joint Resolution No. 1 provides that the 7.75 percent tax on the gross proceeds of minerals would be imposed on minerals extracted during each calendar year beginning on or after January 1, 2023. Twenty-five percent of the proceeds of the tax on the gross proceeds would be required to be used exclusively for educational purposes, to provide for the health care of the residents of this State or to provide economic assistance to the residents of this State, or any combination thereof. The use of the remaining 75 percent of the proceeds of the tax would not be restricted by the provisions of the Nevada Constitution.

The amendment to the Nevada Constitution proposed by Assembly Joint Resolution No. 1 would also provide that a majority of the members elected to each House is necessary to pass any provision of a bill that enacts or amends a law providing for the taxation of mines, mining claims

or the proceeds of minerals extracted in this State in a manner that creates, generates or increases any public revenue in any form; and an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill to reduce the rate of, or provide an exemption, from the tax on the gross proceeds of minerals extracted by a particular class of taxpayers or imposed on a type of mineral extracted.

If Assembly Joint Resolution No. 1 is passed during the 32nd Special Session of the 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.

Roll call on Assembly Joint Resolution No. 1:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 2.

Resolution read.

Remarks by Senators Dondero Loop, Hansen, Kieckhefer, Hardy, Goicoechea, and Seevers Gansert.

SENATOR DONDERO LOOP:
(To be entered at a later date.)

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR KIECKHEFER:
(To be entered at a later date.)

SENATOR HARDY:
(To be entered at a later date.)

SENATOR GOICOECHEA:
(To be entered at a later date.)

SENATOR SEEVERS GANSERT:
(To be entered at a later date.)

Roll call on Assembly Joint Resolution No. 2:

YEAS—14.

NAYS—Goicoechea, Hammond, Hansen, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—-7.

Assembly Joint Resolution No. 2 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 4:14 p.m.

SENATE IN SESSION

At 6:39 p.m.

President Marshall presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Senate Bill No. 3—AN ACT relating to unemployment compensation; authorizing the electronic transmission of certain documents and communications relating to unemployment compensation; revising the procedures for the adoption of an emergency regulation by the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; revising provisions relating to eligibility for unemployment benefits in certain circumstances; authorizing the Administrator to suspend, modify, amend or waive certain requirements under certain circumstances; revising provisions governing the payment of unemployment benefits for an extended period and increasing the total extended benefits payable under certain circumstances; revising provisions relating to disqualification for unemployment compensation; and providing other matters properly relating thereto.

Senator Cannizzaro moved that the bill be referred to the Committee of the Whole.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 3 and any other matters as outlined in the Governor's proclamation, with Senator Cannizzaro as Chair and Senator Ratti as Vice Chair.

Motion carried.

IN COMMITTEE OF THE WHOLE

Senator Cannizzaro presiding.

Senate Bill No. 3 and any other matters as outlined in the Governor's Proclamation considered.

The Committee of the Whole was addressed by:

(Names and remarks to be entered at a later date.)

SENATOR CANNIZZARO:

We will open the hearing on Senate Bill No. 3.

(To be entered at a later date.)

Senator Brooks moved to do pass Senate Bill No. 3.

Senator Cancela seconded the motion.

Remarks by Senators Settelmeyer, Hansen, Ohrenschall, Goicoechea, Hardy, Hammond, Ratti, Kieckhefer, Seevers Gansert, Pickard, Spearman and Cannizzaro.

SENATOR SETTELMEYER:
(To be entered at a later date.)

SENATOR HANSEN:
(To be entered at a later date.)

SENATOR OHRENSCHALL:
(To be entered at a later date.)

SENATOR GOICOECHEA:
(To be entered at a later date.)

SENATOR HARDY:
(To be entered at a later date.)

SENATOR HAMMOND:
(To be entered at a later date.)

SENATOR RATTI:
(To be entered at a later date.)

SENATOR KIECKHEFER:
(To be entered at a later date.)

SENATOR SEEVERS GANSERT:
(To be entered at a later date.)

SENATOR PICKARD:
(To be entered at a later date.)

SENATOR SPEARMAN:
(To be entered at a later date.)

SENATOR CANNIZZARO:
(To be entered at a later date.)

Motion carried.

On the motion of Senator Woodhouse, seconded by Senator Parks, the Committee did rise and report back to the Senate.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 10:52 p.m.

SENATE IN SESSION

At 10:57 p.m.
President pro Tempore Denis presiding.
Quorum present.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee of the Whole, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Resolutions Nos. 1, 2, 3; Senate Joint Resolution No. 1; Assembly Bills Nos. 1, 2, 4; Assembly Joint Resolutions Nos. 1, 2; Assembly Concurrent Resolution No. 1.

Senator Cannizzaro moved that the Senate adjourn in memory of Dick Trachok until Monday, August 3, 2020, at 1:00 p.m.

Motion carried.

Senate adjourned at 10:58 p.m.

Approved: MOISES DENIS
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate