# FEDERALISM: DIVISION OF POWER

<table>
<thead>
<tr>
<th></th>
<th>FEDERAL</th>
<th>STATE</th>
<th>LOCAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LEGISLATIVE</strong></td>
<td>ARTICLE 1 US CONSTITUTION</td>
<td>ARTICLE 4 NEVADA CONSTITUTION</td>
<td>ARTICLE 2 CITY CHARTER</td>
</tr>
<tr>
<td></td>
<td>Congress:</td>
<td>Nevada Legislature:</td>
<td>• City Council</td>
</tr>
<tr>
<td></td>
<td>• House of Representatives</td>
<td>• Assembly</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Senate</td>
<td>• Senate</td>
<td></td>
</tr>
<tr>
<td><strong>EXECUTIVE</strong></td>
<td>ARTICLE 2 US CONSTITUTION</td>
<td>ARTICLE 5 NEVADA CONSTITUTION</td>
<td>ARTICLE 3 CITY CHARTER</td>
</tr>
<tr>
<td></td>
<td>• President</td>
<td>• Governor</td>
<td>• Mayor (Part of City Council)</td>
</tr>
<tr>
<td></td>
<td>• Vice President</td>
<td>• Lieutenant Governor</td>
<td>• City Manager</td>
</tr>
<tr>
<td><strong>JUDICIAL</strong></td>
<td>ARTICLE 3 US CONSTITUTION</td>
<td>ARTICLE 6 NEVADA CONSTITUTION</td>
<td>ARTICLE 4 CITY CHARTER</td>
</tr>
<tr>
<td></td>
<td>• Supreme Court</td>
<td>• Supreme Court</td>
<td>• Municipal Courts</td>
</tr>
<tr>
<td></td>
<td>• Inferior Courts (Congress)</td>
<td>• Court Appeals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Judiciary Act 1789</td>
<td>• District Courts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Judiciary Act 1791</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STATE OF NEVADA

• Nevada’s Constitution was written in 1864
• It has been amended over 100 times.
• It was based on California’s 1849 Constitution.
• Nevada became the 36th state on October 31, 1864, as the second of two states added to the Union during the Civil War (West Virginia).
ARTICLE 4: LEGISLATIVE DEPARTMENT

• Section 1- *Legislative power vested in senate and assembly.*

• Senate 21 districts
  • 13 DEMOCRATS
  • 8 REPUBLICANS

• Assembly 42 districts
  • 29 DEMOCRATS
  • 13 REPUBLICANS

• **63 TOTAL MEMBERS IN LEGISLATURE WHO CREATE LAWS (NRS)**

ARTICLE 4: LEGISLATIVE DEPARTMENT

• Section 2 Biennial Sessions of Legislature:

• 1st Monday in February after assembly elections.
• 120 consecutive days (including weekends)
• Governor must submit budget at least 14 days prior to beginning of session.
ARTICLE 4: LEGISLATIVE DEPARTMENT

• **Section 3 - Members of the Assembly**

• Tuesday next after the first Monday in November and their term of Office shall be two years from the day next after their election.

• 12 year term limit

• 2 year terms
ARTICLE 4: LEGISLATIVE DEPARTMENT

• *Section 4 - Senators*

• Elected at the same time Assembly members are elected.
• 12 year term limit
• 4 year terms
ARTICLE 4: LEGISLATIVE DEPARTMENT

• **Section 5-Number of Senators and Assembly Members**

  • Mandatory duty of the Legislature to redraw legislative districts, according to the number of inhabitants in them, after every decennial census.

  • Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.
ARTICLE 4: LEGISLATIVE DEPARTMENT

• Section 12- Vacancy

• In case of the death or resignation of any member of the legislature, the county commissioners of the county from which such member was elected shall appoint a person of the same political party as the party which elected such senator or assemblyman to fill such vacancy.
Section 16-Bill Origination

Any bill may originate in either House of the Legislature, and all bills passed by one may be amended in the other.

How a bill becomes a law:

- Introduction, first reading and reference
- Committee
- Second Reading and Amendment
- General File and Third Reading (Passed or Lost)
- Other House
- Conference Committee
- Enrollment
- Governor’s Approval or Veto
- Effective Dates

https://www.leg.state.nv.us/App/uLegislate/Home/HowABillBecomesLaw
ARTICLE 4: LEGISLATIVE DEPARTMENT

• Sec: 24. *Lotteries.*

• No lottery may be authorized by this State, nor may lottery tickets be sold.

• The State and the political subdivisions shall not operate a lottery. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf.
ARTICLE 4: LEGISLATIVE DEPARTMENT

• **Section 33 - Compensation**

• 60 days during any regular session of the Legislature and not to exceed 20 days during any special session

• Per diem

• Minimum $130 [Nevada Revised Statutes 218A.630](https://leg.state.nv.us/NRS/NRS-218A.html)
ARTICLE 4: LEGISLATIVE DEPARTMENT

• Sec: 35. Bills Presented to Governor.

• Every bill passed out of the Legislature must be presented to the Governor.
• If he approves it, he shall sign it.
• If not he shall return it with his objections, to the House in which it originated.
• If a bill shall receive the vote of two-thirds of the members in each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.
ARTICLE 15: Miscellaneous Provisions

• Sec: 6. Number of Legislators

• Constitution sets a maximum size of the Legislature at 75 aggregate members in Senate and Assembly.

• Since 1983, the Nevada Legislature has had 63 members, 21 in the Senate and 42 in the Assembly.

• Article 4 Section 5:
  • number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.
Minimum Qualifications

• To be elected to either house of the Legislature YOU MUST BE:
  • A person must be at least 21 years of age at the time of the election:
  • A resident of the State for at least one year
  • A qualified elector and resident in the district to be represented.
Article 5: EXECUTIVE DEPARTMENT

• Section. 1. *Supreme Executive Power Vested in Governor.*

• The Executive Branch at the state level, primarily directed by the Governor, who is responsible for carrying out the laws enacted by the Legislature.

• Sec: 2. *Election and Term of Governor.*

• The Governor shall be elected by the qualified electors at the time and places of voting for members of the Legislature, and shall hold his office for Four Years.
Article 5: EXECUTIVE DEPARTMENT

• **Sec. 3. Eligibility; qualifications; number of terms.**

• No person shall be eligible to the Office of Governor, who is not a qualified elector.

• At the time of election is 25 years old.

• Must have been citizen resident of this State for two years immediately proceeding the election.

• Shall not be elected more than twice.
Article 5: EXECUTIVE DEPARTMENT

• Sec: 5. Governor is commander in chief of state military forces.

• Sec: 7. Responsibility for execution of laws.
  • He shall see that the laws are faithfully executed
Article 5: EXECUTIVE DEPARTMENT

• Sec: 8. **Vacancies filled by Governor.**

• When any Office from any cause become vacant and there is no Constitutional mode provided, the Governor shall have the power to fill such vacancy.
  • Boards
  • Commissions

• Appointment expires in the next regular election cycle
Article 5: EXECUTIVE DEPARTMENT

• Sec. 9. *Special sessions of Legislature:*

• Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.
Article 5: EXECUTIVE DEPARTMENT

• Sec: 10. Governor’s Message

• Communicate by message to the Legislature at every regular Session the condition of the State and recommend legislation.

• AKA State of the State Address
Article 5: EXECUTIVE DEPARTMENT

• Sec: 17. *Election, term, qualifications and duties of Lieutenant Governor*

• Lieutenant Governor—
  • Elected at the same time and manner as the Governor*
  • Presides over the Nevada Senate
  • Casts a vote in the Senate in case of a tie
Article 5: EXECUTIVE DEPARTMENT

• Sec: 18. Vacancy in Office of Governor

• Powers and duties of the Office of Governor shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease, in the case of the Governor’s:
  • Impeachment
  • Removal from Office
  • Death
  • Inability to discharge the duties of the said Office,
  • Resignation
  • Absence from the State
Article 5: EXECUTIVE DEPARTMENT

• *Sec. 19. Other state officers: Election and term of office; eligibility for office.*

• A Secretary of State, a Treasurer, a Controller, and an Attorney General, shall be elected at the same time and places, and in the same manner as the Governor.

• The term limits and eligibility for each of Officer is the same as is prescribed for the Governor.
Article 5: EXECUTIVE DEPARTMENT

- Secretary of State—Responsibility for overseeing and certifying elections, commercial recordings, securities, and notaries.

- State Treasurer—Oversees State Treasury, sets investment policies for state funds, and administers the Unclaimed Property Division and the Millennium Scholarship Program, along with other college savings programs.

- Attorney General—Acts as the chief law enforcement officer, provides legal services to the State and State agencies, and defends or prosecutes litigation involving the State or State agencies.

- State Controller—Chief Financial Officer, of the state and is responsible for administering the state’s accounting system, registering vendors, settling all claims against the state and collecting debts owed to the state.

State Agencies and Departments

- The Governor oversees a number of statutorily created departments to carry out the laws.
- Administration
- Agriculture
- Business & Industry
- Conservation & Natural Resources
- Corrections
- Cultural Affairs
- Employment, Training, & Rehabilitation
- GOED
- Health & Human Services
- Information Technology
- Motor Vehicles
- Office of the Military
- Personnel
- Public Safety
- Taxation
- Transportation
- Office of Veterans’ Services
- Wildlife
Article 6: JUDICIAL DEPARTMENT

• **Section 1. Judicial Power Vested in Court System**

• The judicial power of this State is vested in a court system, comprising a Supreme Court, a court of appeals, district courts and justices of the peace.

• The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.
Article 6: JUDICIAL DEPARTMENT

• **Sec. 2. Supreme Court: Composition**

• The Supreme Court consists of the Chief Justice and two or more associate justices, as may be provided by law.

• In increasing or diminishing the number of associate justices, the Legislature shall provide for the arrangement of their terms so that an equal number of terms, as nearly as may be, expire every 2 years.
Article 6: JUDICIAL DEPARTMENT

• **Sec: 3. Justices of Supreme Court: Election**

• The justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years.
Article 6: JUDICIAL DEPARTMENT

• Sec. 3A. Court of appeals:

• Nevada Constitution amended Article 6 in 2014 to create Court of Appeals.
• The court of appeals consists of three judges.
• After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years.
• The initial three judges of the court of appeals were appointed by the Governor.
Article 6: JUDICIAL DEPARTMENT

• Sec. 4. *Jurisdiction of Supreme Court and Court of Appeals*

• The Supreme Court and the court of appeals have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts.
Article 6: JUDICIAL DEPARTMENT

• **Sec. 6.  District Courts: Jurisdiction**

• The District Courts in the several Judicial Districts of this State have original jurisdiction in all cases excluded by law from the original jurisdiction of justices’ courts.

• They also have final appellate jurisdiction in cases arising in Justices Courts and such other inferior tribunals as may be established by law.
Article 6: JUDICIAL DEPARTMENT

- **Justice and Municipal Courts**

- The Municipal Courts manage cases involving violations of traffic and misdemeanor ordinances that occur within the city limits of incorporated municipalities. (City Funded)

- The Justice Courts handle misdemeanor crime and traffic matters, small claims disputes, evictions, and other civil matters less than $10,000. The justices of the peace also preside over felony and gross misdemeanor arraignments and conduct preliminary hearings to determine if sufficient evidence exists to hold criminals for trial at District Court. (County Funded)
QUESTIONS

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