

ASSEMBLY JOINT RESOLUTION NO. 5—ASSEMBLYMEN PRICE,
GIUNCHIGLIANI, CARPENTER, GOLDWATER, LAMBERT, SANDOVAL, MANENDO,
ARBERRY, MORTENSON, LEE, SEGERBLOM, EVANS, FREEMAN, BACHE,
KRENZER, CHOWNING, NOLAN, KOIVISTO, ANDERSON, BUCKLEY,
OHRENSCHALL, AMODEI, CLOSE, HERRERA, PARKS, CEGAVSKE, WILLIAMS,
BERMAN, DE BRAGA, NEIGHBORS, TIFFANY, ERNAUT AND DINI

FEBRUARY 27, 1997

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Proposes to amend Nevada constitution to provide for limited annual legislative sessions. (BDR C-308)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION – Matter in italics is new; matter in brackets [] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA,
2 JOINTLY, That a new section be added to article 4, and sections 2 and 33 of
3 article 4 of the constitution of the State of Nevada be amended to read
4 respectively as follows:
5 *Sec. 29A. The Legislature shall adjourn sine die each:*
6 *1. Regular session in an:*
7 *(a) Odd-numbered year not later than midnight Pacific standard time*
8 *120 calendar days following its commencement. Any legislative action*
9 *taken after midnight Pacific standard time on the 120th calendar day is*
10 *void, unless the legislative action is conducted during a special session*
11 *convened by the Governor.*
12 *(b) Even-numbered year not later than midnight Pacific standard time*
13 *45 calendar days following its commencement. Any legislative action taken*
14 *after midnight Pacific standard time on the 45th calendar day is void,*
15 *unless the legislative action is conducted during a special session convened*
16 *by the Governor.*

1 2. *Special session not later than midnight Pacific standard time 20*
2 *calendar days following its commencement. Any legislative action taken*
3 *after midnight Pacific standard time on the 20th calendar day is void.*

4 Sec. 2. 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the*
5 *sessions of the Legislature shall be ~~[biennial,]~~ annual,* and shall commence
6 *on the ~~[1st Monday of February following the election of members of the~~*
7 *Assembly, unless the Governor of the State shall, in the interim, convene the*
8 *Legislature by proclamation.*

9 ~~—2.— The Legislature shall adjourn sine die each regular session not later~~
10 ~~than midnight Pacific standard time 120 calendar days following its~~
11 ~~commencement. Any legislative action taken after midnight Pacific standard~~
12 ~~time on the 120th calendar day is void, unless the legislative action is~~
13 ~~conducted during a special session convened by the Governor.]~~ *first Monday*
14 *of:*

15 (a) *February in odd-numbered years; and*

16 (b) *March in even-numbered years.*

17 2. *The Governor, by proclamation:*

18 (a) *May convene the Legislature for a special session not to exceed 20*
19 *calendar days in accordance with section 9 of article 5 of this constitution.*

20 (b) *Shall convene the Legislature for a special session not to exceed 20*
21 *calendar days not later than 45 calendar days after receipt of a petition by*
22 *two-thirds of the members elected to each House calling for a special*
23 *session and setting forth the topics for consideration during the special*
24 *session. If the Legislature is convened for a special session pursuant to this*
25 *paragraph, the Governor may add to the list of topics to be considered by*
26 *the Legislature during that special session.*

27 3. *The Governor shall submit :*

28 (a) *In odd-numbered years, the proposed executive budget ; and*

29 (b) *In even-numbered years, any proposed appropriations or proposed*
30 *revisions to the executive budget,*

31 *to the Legislature not later than ~~[14]~~ 30 calendar days before the*
32 *commencement of each regular session.*

33 ~~[See:]~~ *Sec. 33. The members of the Legislature shall receive for their*
34 *services, a compensation to be fixed by law and paid out of the public*
35 *treasury, for ~~[not to exceed 60 days]~~ each calendar day of service during any*
36 *regular session of the legislature and ~~[not to exceed 20 days]~~ during any*
37 *special session convened by the governor; but no increase of such*
38 *compensation shall take effect during the term for which the members of*
39 *either house shall have been elected Provided, that an appropriation may be*
40 *made for the payment of such actual expenses as members of the Legislature*
41 *may incur for postage, express charges, newspapers and stationery not*
42 *exceeding the sum of Sixty dollars for any general or special session to each*
43 *member; and Furthermore Provided, that the Speaker of the Assembly, and*

1 Lieutenant Governor, as President of the Senate, shall each, during the time of
2 their actual attendance as such presiding officers receive an additional
3 allowance of two dollars per diem.

4 And be it further

5 RESOLVED, That section 9 of article 5 of the constitution of the State of
6 Nevada be amended to read as follows:

7 ~~[See:]~~ *Sec. 9.* The Governor may on extraordinary occasions, convene
8 the Legislature by Proclamation *for a special session not to exceed 20*
9 *calendar days* and shall state to both houses when organized, the purpose for
10 which they have been convened, and the Legislature shall transact no
11 legislative business, except that for which they were specially convened, or
12 such other legislative business as the Governor may call to the attention of the
13 Legislature while in Session.

14 And be it further

15 RESOLVED, That section 2 of article 19 of the constitution of the State of
16 Nevada be amended to read as follows:

17 Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of
18 this constitution, but subject to the limitations of section 6 of this article, the
19 people reserve to themselves the power to propose, by initiative petition,
20 statutes, ~~[and]~~ amendments to statutes and amendments to this constitution,
21 and to enact or reject them at the polls.

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

29 3. If the initiative petition proposes a statute or an amendment to a
30 statute, the person who intends to circulate it shall file a copy with the
31 secretary of state before beginning circulation and not earlier than ~~[January 1~~
32 ~~of the year preceding the year in which a regular session of the legislature is~~
33 ~~held.]~~ *1 year before the date on which the Legislature to which the petition*
34 *will be transmitted commences its regular session.* After its circulation, it
35 shall be filed with the secretary of state not less than 30 days prior to any
36 regular session of the legislature. The circulation of the petition shall cease on
37 the day the petition is filed with the secretary of state or such other date as
38 may be prescribed for the verification of the number of signatures affixed to
39 the petition, whichever is earliest. The secretary of state shall transmit such
40 petition to the legislature as soon as the legislature convenes and organizes.
41 The petition shall take precedence over all other measures except
42 appropriation bills, and the statute or amendment to a statute proposed
43 thereby shall be enacted or rejected by the legislature without change or
44 amendment within 40 days. If the proposed statute or amendment to a statute

1 is enacted by the legislature and approved by the governor in the same
2 manner as other statutes are enacted, such statute or amendment to a statute
3 shall become law, but shall be subject to referendum petition as provided in
4 section 1 of this article. If the statute or amendment to a statute is rejected by
5 the legislature, or if no action is taken thereon within 40 days, the secretary of
6 state shall submit the question of approval or disapproval of such statute or
7 amendment to a statute to a vote of the voters at the next succeeding general
8 election. If a majority of the voters voting on such question at such election
9 votes approval of such statute or amendment to a statute, it shall become law
10 and take effect upon completion of the canvass of votes by the supreme court.
11 An initiative measure so approved by the voters shall not be amended,
12 annulled, repealed, set aside or suspended by the legislature within 3 years
13 from the date it takes effect. If a majority of such voters votes disapproval of
14 such statute or amendment to a statute, no further action shall be taken on
15 such petition. If the legislature rejects such proposed statute or amendment,
16 the governor may recommend to the legislature and the legislature may
17 propose a different measure on the same subject, in which event, after such
18 different measure has been approved by the governor, the question of
19 approval or disapproval of each measure shall be submitted by the secretary
20 of state to a vote of the voters at the next succeeding general election. If the
21 conflicting provisions submitted to the voters are both approved by a majority
22 of the voters voting on such measures, the measure which receives the largest
23 number of affirmative votes shall thereupon become law. If at the session of
24 the legislature to which an initiative petition proposing an amendment to a
25 statute is presented which the legislature rejects or upon which it takes no
26 action, the legislature amends the statute which the petition proposes to
27 amend in a respect which does not conflict in substance with the proposed
28 amendment, the secretary of state in submitting the statute to the voters for
29 approval or disapproval of the proposed amendment shall include the
30 amendment made by the legislature.

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

1 text of the proposed amendment. If a majority of the voters voting on such
2 question at such election votes disapproval of such amendment, no further
3 action shall be taken on the petition. If a majority of such voters votes
4 approval of such amendment, the secretary of state shall publish and resubmit
5 the question of approval or disapproval to a vote of the voters at the next
6 succeeding general election in the same manner as such question was
7 originally submitted. If a majority of such voters votes disapproval of such
8 amendment, no further action shall be taken on such petition. If a majority of
9 such voters votes approval of such amendment, it shall, unless precluded by
10 subsection 5 or 6, become a part of this constitution upon completion of the
11 canvass of votes by the supreme court.

12 5. If two or more measures which affect the same section of a statute or
13 of the constitution are finally approved pursuant to this section, or an
14 amendment to the constitution is finally so approved and an amendment
15 proposed by the legislature is ratified which affect the same section, by the
16 voters at the same election:

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

19 (b) If one or more contradict in substance the other or others, the measure
20 which received the largest favorable vote, and any other approved measure
21 compatible with it, shall be given effect. If the one or more measures that
22 contradict in substance the other or others receive the same number of
23 favorable votes, none of the measures that contradict another shall be given
24 effect.

25 6. If, at the same election as the first approval of a constitutional
26 amendment pursuant to this section, another amendment is finally approved
27 pursuant to this section, or an amendment proposed by the legislature is
28 ratified, which affects the same section of the constitution but is compatible
29 with the amendment given first approval, the secretary of state shall publish
30 and resubmit at the next general election the amendment given first approval
31 as a further amendment to the section as amended by the amendment given
32 final approval or ratified. If the amendment finally approved or ratified
33 contradicts in substance the amendment given first approval, the secretary of
34 state shall not submit the amendment given first approval to the voters again.
35 And be it further

36 RESOLVED, That the explanation prepared pursuant to NRS 218.443 for
37 this constitutional amendment must include a statement that, if the qualified
38 electors of this state approve the constitutional amendment proposed by this
39 resolution, legislators would then be entitled to receive, during each regular,
40 annual session and each special session, compensation for each calendar day
41 of service.

42 And be it further

43 RESOLVED, That section 12 of article 17 of the constitution of the State of
44 Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. Commencement date of first three legislative sessions; regular sessions of legislature to be held biennially. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially.

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