

**A.J.R. 5 of the 69th Session**  
**(AS AMENDED BY THE 70TH SESSION)**

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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

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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.

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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.*

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

20 Sec. 2. 1. ~~[The]~~ Except as otherwise provided in subsection 2, the  
21 sessions of the Legislature shall be ~~[biennial,]~~ *annual*, and shall commence on

\*AJR5\_69\*

1 the ~~[1st Monday of February following the election of members of the~~  
2 ~~Assembly, unless the Governor of the State shall, in the interim, convene the~~  
3 ~~Legislature by proclamation.~~

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

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

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

12 2. *The Governor, by proclamation:*

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

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

22 3. The Governor shall submit :

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

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

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

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

42 And be it further

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

45 ~~{Sec:}~~ Sec. 9. The Governor may on extraordinary occasions, convene  
46 the Legislature by Proclamation *for a special session not to exceed 20*  
47 *calendar days* and shall state to both houses when organized, the purpose for  
48 which they have been convened, and the Legislature shall transact no  
49 legislative business, except that for which they were specially convened, or

1 such other legislative business as the Governor may call to the attention of  
2 the Legislature while in Session.

3 And be it further

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

6 Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of  
7 this constitution, but subject to the limitations of section 6 of this article, the  
8 people reserve to themselves the power to propose, by initiative petition,  
9 statutes, ~~and~~ amendments to statutes and amendments to this constitution,  
10 and to enact or reject them at the polls.

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

18 3. If the initiative petition proposes a statute or an amendment to a  
19 statute, the person who intends to circulate it shall file a copy with the  
20 secretary of state before beginning circulation and not earlier than ~~[January 1~~  
21 ~~of the year preceding the year in which a regular session of the legislature is~~  
22 ~~held.] 1 year before the date on which the Legislature to which the petition~~  
23 ~~will be transmitted commences its regular session.~~ After its circulation, it  
24 shall be filed with the secretary of state not less than 30 days prior to any  
25 regular session of the legislature. The circulation of the petition shall cease on  
26 the day the petition is filed with the secretary of state or such other date as  
27 may be prescribed for the verification of the number of signatures affixed to  
28 the petition, whichever is earliest. The secretary of state shall transmit such  
29 petition to the legislature as soon as the legislature convenes and organizes.  
30 The petition shall take precedence over all other measures except  
31 appropriation bills, and the statute or amendment to a statute proposed  
32 thereby shall be enacted or rejected by the legislature without change or  
33 amendment within 40 days. If the proposed statute or amendment to a statute  
34 is enacted by the legislature and approved by the governor in the same  
35 manner as other statutes are enacted, such statute or amendment to a statute  
36 shall become law, but shall be subject to referendum petition as provided in  
37 section 1 of this article. If the statute or amendment to a statute is rejected by  
38 the legislature, or if no action is taken thereon within 40 days, the secretary of  
39 state shall submit the question of approval or disapproval of such statute or  
40 amendment to a statute to a vote of the voters at the next succeeding general  
41 election. If a majority of the voters voting on such question at such election  
42 votes approval of such statute or amendment to a statute, it shall become law  
43 and take effect upon completion of the canvass of votes by the supreme  
44 court. An initiative measure so approved by the voters shall not be amended,  
45 annulled, repealed, set aside or suspended by the legislature within 3 years  
46 from the date it takes effect. If a majority of such voters votes disapproval of  
47 such statute or amendment to a statute, no further action shall be taken on  
48 such petition. If the legislature rejects such proposed statute or amendment,  
49 the governor may recommend to the legislature and the legislature may  
50 propose a different measure on the same subject, in which event, after such

\*AJR5\_69\*

1 different measure has been approved by the governor, the question of  
2 approval or disapproval of each measure shall be submitted by the secretary  
3 of state to a vote of the voters at the next succeeding general election. If the  
4 conflicting provisions submitted to the voters are both approved by a  
5 majority of the voters voting on such measures, the measure which receives  
6 the largest number of affirmative votes shall thereupon become law. If at the  
7 session of the legislature to which an initiative petition proposing an  
8 amendment to a statute is presented which the legislature rejects or upon  
9 which it takes no action, the legislature amends the statute which the petition  
10 proposes to amend in a respect which does not conflict in substance with the  
11 proposed amendment, the secretary of state in submitting the statute to the  
12 voters for approval or disapproval of the proposed amendment shall include  
13 the amendment made by the legislature.

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

38 5. If two or more measures which affect the same section of a statute or of  
39 the constitution are finally approved pursuant to this section, or an  
40 amendment to the constitution is finally so approved and an amendment  
41 proposed by the legislature is ratified which affect the same section, by the  
42 voters at the same election:

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

45 (b) If one or more contradict in substance the other or others, the measure  
46 which received the largest favorable vote, and any other approved measure  
47 compatible with it, shall be given effect. If the one or more measures that  
48 contradict in substance the other or others receive the same number of  
49 favorable votes, none of the measures that contradict another shall be given  
50 effect.

1 6. If, at the same election as the first approval of a constitutional  
2 amendment pursuant to this section, another amendment is finally approved  
3 pursuant to this section, or an amendment proposed by the legislature is  
4 ratified, which affects the same section of the constitution but is compatible  
5 with the amendment given first approval, the secretary of state shall publish  
6 and resubmit at the next general election the amendment given first approval  
7 as a further amendment to the section as amended by the amendment given  
8 final approval or ratified. If the amendment finally approved or ratified  
9 contradicts in substance the amendment given first approval, the secretary of  
10 state shall not submit the amendment given first approval to the voters again.  
11 And be it further

12 RESOLVED, That the explanation prepared pursuant to NRS 218.443 for this  
13 constitutional amendment must include a statement that, if the qualified  
14 electors of this state approve the constitutional amendment proposed by this  
15 resolution, legislators would then be entitled to receive, during each regular,  
16 annual session and each special session, compensation for each calendar day  
17 of service.

18 And be it further

19 RESOLVED, That section 12 of article 17 of the constitution of the State of  
20 Nevada be repealed.

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#### TEXT OF REPEALED SECTION

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**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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