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PREPARED BY  
RESEARCH DIVISION  
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Nonpartisan Staff of the Nevada State Legislature

# WORK SESSION

## Assembly Committee on Constitutional Amendments

April 25, 2003

The following measures will be considered for action by the Assembly Committee on Constitutional Amendments during a work session on Friday, April 25, 2003:

### **ASSEMBLY JOINT RESOLUTION NO. 7**

Proposes to amend Nevada Constitution to provide for limited annual legislative sessions. (BDR C-43)

Sponsored by: Assemblywoman Giunchigliani, et al.

#### Discussion

Assembly Joint Resolution No. 7 was heard by the Committee on April 4, 2003. The measure proposes to amend the *Nevada Constitution* to provide for limited annual legislative sessions. Additionally, the resolution proposes changes concerning special sessions and legislative pay.

#### Proposed Conceptual Amendments

See information under Tab A.

ASSEMBLY CONSTITUTIONAL AMENDMENTS  
DATE: 4/25/03 ROOM: 3161 EXHIBIT C1-5  
SUBMITTED BY: Michelle Van Geel

C1 of 5

## AMENDMENT PROPOSALS FOR ASSEMBLY JOINT RESOLUTION NO. 7

1. Add Assemblyman Atkinson as a co-sponsor.

### Annual Session

2. Change the length of odd-numbered session?
3. What is length of even-numbered session?
4. Make the start time for regular session in even-numbered years earlier because of campaign season (keep in mind time for Governor to present budget)?
5. Limit topics of bills considered in shorter, even-numbered session (only budget and "cleanup")?
6. Delete requirement for regular session in even-numbered years to be held in Las Vegas?

### Special Session

7. Include special session language from AJR 13?
8. What if there is a catastrophe? How does legislature call itself into special session? 2/3 of existing members, instead of 2/3 of total members? (See AB 441 for possible language)
9. Limit number of days in special session, or limit in statute rather than constitution?

### Other Topics

10. Change "calendar" day to "legislative" day for limits on session?
11. Allow a break in session to allow Legal staff to catch up with drafting bills and amendments (shorter break in even-numbered years)?
12. Provide that legislators are paid for each calendar day of service? Each legislative day?
13. Allow legislature to set the amount for postage – remove language in constitution making reference to a maximum amount?
14. Do not repeal Sec. 12 of Article 17 of Constitution – only delete last phrase pertaining to biennial regular sessions?

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MEMORANDUM

DATE: April 23, 2003  
TO: Assemblyman Harry Mortenson, Chairman  
Assembly Committee on Constitutional Amendments  
FROM: Donald O. Williams, Chief Principal Research Analyst  
Research Division  
SUBJECT: Annual Legislative Sessions: Legislative Days vs. Calendar Days

You requested information for a possible proposed amendment to Assembly Joint Resolution No. 7, which proposes to amend the *Nevada Constitution* to provide for limited annual legislative sessions. More specifically, you asked for possible options concerning the use of legislative days rather than calendar days in limiting the length of sessions.

This memorandum defines legislative and calendar days, presents information on states that limit their legislative sessions based on legislative days, and includes some possible options for Nevada.

DEFINITIONS

Section 2 of Article 4 of the *Nevada Constitution* limits the duration of each regular legislative session to 120 *calendar days* and requires the Governor to submit his proposed executive budget to the Legislature not later than 14 *calendar days* before the commencement of each regular session.

Although the terms "calendar day" and "legislative day" are not statutorily defined, they are defined in the *Nevada Legislative Manual* (2003) as follows:

- Calendar day, "Each consecutive day on the calendar for the duration of the legislative session, whether or not the houses convene."

- Legislative day, "Each day that the houses actually convene. These do not necessarily coincide in number with calendar days."

Jacque Sneddon, Chief Clerk of the Assembly, has further defined these terms in the *Assembly Attaché Manual* (2003), as follows:

- Calendar day, "A sequential numbering of each consecutive day for the duration of a session. The first day of the session is calendar day 'one.' The Nevada Legislature is restricted to 120-calendar days."
- Legislative day, "A sequential numbering of each day a floor session is convened throughout the duration of a session. The first day of the session is legislative day 'one.' Note: The legislative day does not necessarily coincide with the calendar day."

### **STATES WITH LEGISLATIVE SESSIONS LIMITED BY LEGISLATIVE DAYS**

The Council of State Governments (CSG)<sup>1</sup> reports that 14 states<sup>2</sup> use legislative days in their provisions limiting the length of regular sessions. The CSG indicates that a legislative day in some states is called a session day or workday and that, although the definition may vary slightly between states, it generally refers to any day on which either house of the legislature is in session.

In two of these states, Alabama and Louisiana, the limit in the number of legislative days is further limited by a limit in the total number of calendar days. Alabama limits each of its annual regular sessions to no more than 30 legislative days within a total of 105 calendar days. (Alabama's special sessions, only called by the Governor, are each limited to no more than 12 legislative days within a total of 30 calendar days.) In Louisiana, the session held in odd-numbered years is limited to no more than 60 legislative days within a total of 85 calendar days. Louisiana's even-year session is limited to 30 legislative days within 45 calendar days. (The Louisiana Legislature can call itself into special session by a petition signed by a majority of the members of each house, and each special session is limited to no more than 30 calendar days.)

Similarly, Kentucky and Minnesota limit the length of their regular sessions by legislative days but also require that each session end by a specific calendar date. In Kentucky, the sessions begin each year on the Tuesday after the first Monday in January. The sessions held in odd-numbered years are limited to 30 legislative days but may not extend beyond March 30. Kentucky's even-year sessions are limited to 60 legislative days but may not extend beyond April 15.

Minnesota holds annual legislative sessions, but its constitution limits the legislature to meeting no more than 120 legislative days in each biennium. Minnesota's constitution allows the legislature to define "legislative day" by law, and it provides that the legislature must not meet in regular session after the first Monday following the third Saturday in May in any year.

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<sup>1</sup> "Table 3.2, Legislative Sessions: Legal Provisions," in *The Book of the States*, 2002 Edition, Volume 34, pages 69 through 72, The Council of State Governments, Lexington, Kentucky, 2002.

<sup>2</sup> Alabama, Georgia, Hawaii, Kentucky, Louisiana, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Tennessee, and Wyoming. Except for Montana and North Dakota (both have biennial sessions), all of these states have annual sessions.

- 1 Constitution and the statutes of this state relating to the filling of  
2 vacancies in office are not able to provide for a sufficiently  
3 expedient continuity of government and temporary succession of  
4 power as a result of vacancies in office created by the catastrophic  
5 emergency, the provisions of subsections 3 to 10, inclusive, apply.  
6 3. If a vacancy occurs in the Office of Governor as a result of  
7 a catastrophic emergency and none of the successors described in  
8 NRS 223.080 are able or available to act as Governor, the  
9 Legislature shall elect a person to serve as Governor.  
10 4. If vacancies occur in more than 15 percent of the seats in  
11 either house of the Legislature as a result of a catastrophic  
12 emergency:  
13 (a) The remaining Legislators available for duty constitute the  
14 Legislature and have full power to act in separate or joint  
15 assembly by majority vote of those present;  
16 (b) Any requirements for a quorum applicable to the  
17 Legislature must initially be suspended and must subsequently be  
18 adjusted as vacant offices are filled pursuant to NRS 218.043; and  
19 (c) If the affirmative vote of a specified proportion of members  
20 of the Legislature is required for the approval of a legislative  
21 measure, the same proportion of remaining members of the  
22 Legislature is sufficient for approval of that measure.  
23 5. If vacancies occur in more than 15 percent of the positions  
24 held by justices on the Supreme Court as a result of a catastrophic  
25 emergency, the vacancies must be filled by appointment of the  
26 Governor.  
27 6. If vacancies occur in more than 15 percent of the positions  
28 held by the district judges in any one judicial district as a result of  
29 a catastrophic emergency, the vacancies must be filled by  
30 appointment of the Supreme Court.  
31 7. If vacancies occur on a board of county commissioners as  
32 a result of a catastrophic emergency:  
33 (a) The remaining members of the board available for duty  
34 constitute the board and have full power to act by majority vote of  
35 those present; and  
36 (b) Any requirements for a quorum applicable to the board  
37 must initially be suspended and must subsequently be adjusted as  
38 vacant offices are filled.  
39 If a board of county commissioners is rendered entirely vacant as  
40 a result of a catastrophic emergency, such other elected officers of  
41 the county as may be available to serve on the board have full  
42 authority to act in all matters as a board of county commissioners.  
43 8. If vacancies occur on a city council as a result of a  
44 catastrophic emergency:

