

Assembly Joint Resolution No. 13 of the 72nd Session—
Assemblyman Mortenson

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 days, limit the matters which may be considered during a special session and provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each house.

WHEREAS, There are currently 34 State Legislatures that have the ability to call a special legislative session when deemed necessary; and

WHEREAS, The Nevada Legislature is 1 of only 16 state legislative bodies in the Nation that may not call a special session, and 1 of only 9 Legislatures that may not determine any of the subject matter to be considered at a special session; and

WHEREAS, The Nevada Constitution is grounded on the principle of three equal branches of State Government, with the ultimate authority and responsibility to enact necessary legislation being vesting in the Legislative Branch, subject to final approval by the Governor; and

WHEREAS, Nevada's current constitutional language, which allows only the Governor to call the Legislature into special session, impedes and is contrary to the constitutional provision that vests the legislative authority of the State of Nevada in its elected Legislature; and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as consistent with the separation of powers principle, and should be empowered to identify those topics that may require the Legislature to call a limited special session deemed in the best interest of the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 2A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon petition signed by two-thirds of the members of 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. No bills, except those related to the business specified in the petition and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. A special session convened pursuant to this section takes precedence over a special session called by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition calling for the special session.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless the Governor of the State *or the members of the Legislature* shall, in the interim, convene the Legislature by proclamation ~~or~~ *or petition.*

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session . ~~convened by the Governor.~~

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec . ~~§~~ 33. The members of the Legislature shall receive for their services ~~§~~ a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to

exceed 20 days during any special session ; ~~convened by the governor;~~ but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

~~{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 for which they have been 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. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.

