
ASSEMBLY JOINT RESOLUTION NO. 5—ASSEMBLYMEN MORTENSON,
OHRENSCHALL; HORNE, KIHUEN AND SEGERBLOM

MARCH 11, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Proposes to amend the Nevada Constitution to
authorize the Legislature to convene special sessions
of the Legislature under certain circumstances.
(BDR C-139)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the
Nevada Constitution to limit the duration of special
sessions of the Legislature to 20 days, limit 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.

Legislative Counsel's Digest:

1 Under the Nevada Constitution, only the Governor may convene a special
2 session of the Nevada Legislature. (Nev. Const. Art. 5 § 9) This resolution proposes
3 to amend the Nevada Constitution to authorize the Legislature to convene a special
4 session by signed petition of two-thirds of the members of each House of the
5 Legislature. The resolution also provides that the bills introduced during the special
6 session must relate to the purpose of the session, except that bills necessary to
7 provide for the expenses of the session may also be introduced. Finally, the
8 resolution limits the duration of any special session of the Legislature to 20
9 calendar days.

10 If this proposed resolution is passed by the 2009 Legislature, it must also be
11 passed by the next Legislature and then approved and ratified by the people in an
12 election, before the proposed amendments to the Nevada Constitution become
13 effective.



* A J R 5 *

1 WHEREAS, There are currently 32 state legislatures that have the
2 ability to call a special legislative session when deemed necessary;
3 and

4 WHEREAS, The Nevada Legislature is 1 of only 18 state
5 legislative bodies in the nation that may not call a special session,
6 and 1 of only 11 Legislatures that may not determine any of the
7 subject matter to be considered at a special session; and

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

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

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

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

28 *Sec. 2A. 1. The Legislature may be convened, on*
29 *extraordinary occasions, upon petition signed by two-thirds*
30 *of the members of each House of the Legislature. A petition*
31 *must specify the business to be transacted during the special*
32 *session, indicate a date on or before which the Legislature is*
33 *to convene and be transmitted to the Secretary of State.*
34 *Upon receipt of one or more substantially similar petitions*
35 *signed, in the aggregate, by the required number of*
36 *members, calling for a special session, the Secretary of State*
37 *shall notify all members of the Legislature and the*
38 *Governor that a special session will be convened pursuant*
39 *to this section.*

40 *2. No bills, except those related to the business*
41 *specified in the petition and those necessary to provide for*
42 *the expenses of the session, may be introduced at a special*
43 *session convened pursuant to this section.*

44 *3. A special session convened pursuant to this section*
45 *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 Pacific standard time of the 20th calendar day of that session. Any legislative action taken after midnight Pacific standard time 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 ~~H~~ *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~~ ~~H~~ 33. The members of the Legislature shall receive for their services ~~H~~ 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 Pacific standard time of the 20th calendar day of that session. Any legislative action taken after midnight Pacific standard time on the 20th calendar day is void.

