

ASSEMBLY JOINT RESOLUTION NO. 6—ASSEMBLYMEN SEGERBLOM, OHRENSCHALL, KOIVISTO, BUCKLEY, MCCLAIN; AIZLEY, ANDERSON, ARBERRY, ATKINSON, CLABORN, DENIS, GOICOECHEA, HOGAN, HORNE, KIHUEN, MANENDO, MASTROLUCA, MORTENSON, MUNFORD, OCEGUERA, PIERCE, SETTELMAYER AND SMITH

MARCH 12, 2009

JOINT SPONSORS: SENATORS HORSFORD, COFFIN, SCHNEIDER; BREEDEN, HARDY AND WOODHOUSE

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

SUMMARY—Proposes to amend the Nevada Constitution to revise provisions concerning legislative sessions. (BDR C-67)

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 provide for annual legislative sessions and to provide for compensation for serving during each regular legislative session.

Legislative Counsel's Digest:

- 1 Existing provisions of the Nevada Constitution provide for biennial legislative
- 2 sessions of 120 days and authorize members of the Legislature to receive
- 3 compensation for the first 60 days of each regular session. This resolution proposes
- 4 to amend the Nevada Constitution to provide for annual legislative sessions of 120
- 5 days in each odd-numbered year and of 60 days in each even-numbered year. (Nev.
- 6 Const. Art. 4, § 2) The resolution further proposes to amend the Nevada
- 7 Constitution to provide compensation for Legislators for 60 days during regular
- 8 sessions. (Nev. Const. Art. 4, § 33)



RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, 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,~~ **annual**, and shall commence on the 1st Monday of February , ~~following the election of members of the Assembly,~~ unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session **held in an odd-numbered year** 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 Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific standard time 60 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.**

4. The Governor shall submit :

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

(b) **In even-numbered years, any proposed appropriations or proposed revisions to the 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 **conducted during an odd-numbered year, not to exceed 60 days during any regular session of the Legislature conducted during an even-numbered year**, 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



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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 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. 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.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a regular session of the Legislature is held.~~ *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall



1 be filed with the Secretary of State not less than 30 days prior
2 to any regular session of the Legislature. The circulation of
3 the petition shall cease on the day the petition is filed with the
4 Secretary of State or such other date as may be prescribed for
5 the verification of the number of signatures affixed to the
6 petition, whichever is earliest. The Secretary of State shall
7 transmit such petition to the Legislature as soon as the
8 Legislature convenes and organizes. The petition shall take
9 precedence over all other measures except appropriation bills,
10 and the statute or amendment to a statute proposed thereby
11 shall be enacted or rejected by the Legislature without change
12 or amendment within 40 days. If the proposed statute or
13 amendment to a statute is enacted by the Legislature and
14 approved by the Governor in the same manner as other
15 statutes are enacted, such statute or amendment to a statute
16 shall become law, but shall be subject to referendum petition
17 as provided in Section 1 of this Article. If the statute or
18 amendment to a statute is rejected by the Legislature, or if no
19 action is taken thereon within 40 days, the Secretary of State
20 shall submit the question of approval or disapproval of such
21 statute or amendment to a statute to a vote of the voters at the
22 next succeeding general election. If a majority of the voters
23 voting on such question at such election votes approval of
24 such statute or amendment to a statute, it shall become law
25 and take effect upon completion of the canvass of votes by
26 the Supreme Court. An initiative measure so approved by the
27 voters shall not be amended, annulled, repealed, set aside or
28 suspended by the Legislature within 3 years from the date it
29 takes effect. If a majority of such voters votes disapproval of
30 such statute or amendment to a statute, no further action shall
31 be taken on such petition. If the Legislature rejects such
32 proposed statute or amendment, the Governor may
33 recommend to the Legislature and the Legislature may
34 propose a different measure on the same subject, in which
35 event, after such different measure has been approved by the
36 Governor, the question of approval or disapproval of each
37 measure shall be submitted by the Secretary of State to a vote
38 of the voters at the next succeeding general election. If the
39 conflicting provisions submitted to the voters are both
40 approved by a majority of the voters voting on such
41 measures, the measure which receives the largest number of
42 affirmative votes shall thereupon become law. If at the
43 session of the Legislature to which an initiative petition
44 proposing an amendment to a statute is presented which the
45 Legislature rejects or upon which it takes no action, the



1 Legislature amends the statute which the petition proposes to
2 amend in a respect which does not conflict in substance with
3 the proposed amendment, the Secretary of State in submitting
4 the statute to the voters for approval or disapproval of the
5 proposed amendment shall include the amendment made by
6 the Legislature.

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

37 5. If two or more measures which affect the same
38 section of a statute or of the Constitution are finally approved
39 pursuant to this Section, or an amendment to the Constitution
40 is finally so approved and an amendment proposed by the
41 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
44 substance, each shall be given effect.



1 (b) If one or more contradict in substance the other or
2 others, the measure which received the largest favorable vote,
3 and any other approved measure compatible with it, shall be
4 given effect. If the one or more measures that contradict in
5 substance the other or others receive the same number of
6 favorable votes, none of the measures that contradict another
7 shall be given effect.

8 6. If, at the same election as the first approval of a
9 constitutional amendment pursuant to this Section, another
10 amendment is finally approved pursuant to this Section, or an
11 amendment proposed by the Legislature is ratified, which
12 affects the same section of the Constitution but is compatible
13 with the amendment given first approval, the Secretary of
14 State shall publish and resubmit at the next general election
15 the amendment given first approval as a further amendment
16 to the section as amended by the amendment given final
17 approval or ratified. If the amendment finally approved or
18 ratified contradicts in substance the amendment given first
19 approval, the Secretary of State shall not submit the
20 amendment given first approval to the voters again.

