

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 of not more than 120 consecutive calendar days in odd-numbered years and 60 consecutive calendar days in even-numbered years, to provide for compensation for serving during each day of such regular legislative sessions, to revise the payment of certain allowances to Legislators during legislative sessions and to provide that regular legislative sessions must be adjourned on the final calendar day not later than midnight Pacific time based on the actual measure of time used and observed by the general population of Nevada.

Legislative Counsel's Digest:

- 1 The Nevada Constitution provides for biennial legislative sessions of not more
- 2 than 120 consecutive calendar days in each odd-numbered year. This resolution



* A J R 6 R 2 *

proposes to amend the Nevada Constitution to provide for annual legislative sessions of not more than 120 consecutive calendar days in each odd-numbered year and of not more than 60 consecutive calendar days in each even-numbered year. (Nev. Const. Art. 4, § 2)

The Nevada Constitution provides that regular sessions must be adjourned on the final calendar day not later than "midnight Pacific standard time." (Nev. Const. Art. 4, § 2) The Nevada Supreme Court has held that when the State is observing daylight saving time on the final calendar day of a session, the Legislature is not required to adjourn the session when the clock strikes midnight for the general population of Nevada but may continue the session until 1:00 a.m. Pacific daylight saving time because such time is equivalent to "midnight Pacific standard time." (*Nevada Mining Ass'n v. Erdoes*, 117 Nev. 531 (2001))

This resolution proposes to amend the Nevada Constitution to provide that regular sessions must be adjourned on the final calendar day not later than "midnight Pacific time," which must be determined based on the actual measure of time that is being used and observed by the general population of Nevada within the Pacific time zone or, in other words, the time on the clock. This resolution also provides that the Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the time on the clock for the purpose of extending the duration of the session.

The Nevada Constitution authorizes Legislators to receive compensation for the first 60 days of each regular session and the first 20 days of any special session. This resolution proposes to amend the Nevada Constitution to authorize Legislators to receive compensation for not more than 120 days of each regular session in an odd-numbered year and for not more than 60 days of each regular session in an even-numbered year. (Nev. Const. Art. 4, § 33)

The Nevada Constitution provides for the payment of the expenses of each Legislator for postage, express charges, newspapers and stationery of not more than \$60 per session, and it also provides for the payment of an additional allowance of \$2 per day to the presiding officers of each House. This resolution proposes to amend the Nevada Constitution to eliminate the additional allowance for the presiding officers and to authorize an increase in the payment for postage, express charges, newspapers and stationery. (Nev. Const. Art. 4, § 33)

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

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;~~ **time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences.** Any legislative action taken after



1 midnight Pacific ~~[standard time on]~~ *time at the end of* the
2 120th *consecutive* calendar day *of that session* is void, unless
3 the legislative action is conducted during a special session
4 convened by the Governor.

5 3. *The Legislature shall adjourn sine die each regular*
6 *session held in an even-numbered year not later than*
7 *midnight Pacific time at the end of the 60th consecutive*
8 *calendar day of that session, inclusive of the day on which*
9 *that session commences. Any legislative action taken after*
10 *midnight Pacific time at the end of the 60th consecutive*
11 *calendar day of that session is void, unless the legislative*
12 *action is conducted during a special session convened by the*
13 *Governor.*

14 4. The Governor shall submit :

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

17 (b) *In even-numbered years, any proposed*
18 *appropriations or proposed revisions to the executive*
19 *budget,*

20 ➔ *to the Legislature not later than 14 calendar days before*
21 *the commencement of each regular session.*

22 5. *For the purposes of this section, “midnight Pacific*
23 *time” must be determined based on the actual measure of*
24 *time that, on the final calendar day of the session, is being*
25 *used and observed by the general population as the uniform*
26 *time for the portion of Nevada which lies within the Pacific*
27 *time zone, or any legal successor to the Pacific time zone,*
28 *and which includes the seat of government of this State as*
29 *designated by Section 1 of Article 15 of this Constitution.*
30 *The Legislature and its members, officers and employees*
31 *shall not employ any device, pretense or fiction that adjusts,*
32 *evades or ignores this measure of time for the purpose of*
33 *extending the duration of the session.*

34 And be it further

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

37 Sec . ~~[§]~~ 33. The members of the Legislature shall
38 receive for their services ~~[§]~~ a compensation to be fixed by
39 law and paid out of the public treasury, for not to exceed ~~[60]~~
40 *120* days during any regular session of the ~~[Legislature]~~
41 *Legislature conducted during an odd-numbered year, not to*
42 *exceed 60 days during any regular session of the*
43 *Legislature conducted during an even-numbered year,* and
44 not to exceed 20 days during any special session convened by
45 the ~~[governor:]~~ *Governor;* but no increase of such



1 compensation shall take effect during the term for which the
2 members of either house shall have been elected ; Provided,
3 that an appropriation may be made for the payment of such
4 actual expenses as members of the Legislature may incur for
5 postage, express charges, newspapers and stationery . ~~Not~~
6 ~~exceeding the sum of Sixty dollars for any general or special~~
7 ~~session to each member; and Furthermore Provided, that the~~
8 ~~Speaker of the Assembly, and Lieutenant Governor, as~~
9 ~~President of the Senate, shall each, during the time of their~~
10 ~~actual attendance as such presiding officers receive an~~
11 ~~additional allowance of two dollars per diem.]~~

12 And be it further

13 Resolved, That Section 6 of Article 11 of the Nevada
14 Constitution be amended to read as follows:

15 Section 6. 1. In addition to other means provided for
16 the support and maintenance of said university and common
17 schools, the legislature shall provide for their support and
18 maintenance by direct legislative appropriation from the
19 general fund, upon the presentation of budgets in the manner
20 required by law.

21 2. During a regular session of the Legislature ~~it~~ *in an*
22 *odd-numbered year*, before any other appropriation is
23 enacted to fund a portion of the state budget for the next
24 ensuing biennium, the Legislature shall enact one or more
25 appropriations to provide the money the Legislature deems to
26 be sufficient, when combined with the local money
27 reasonably available for this purpose, to fund the operation of
28 the public schools in the State for kindergarten through grade
29 12 for the next ensuing biennium for the population
30 reasonably estimated for that biennium.

31 3. During a special session of the Legislature that is held
32 between the end of a regular session *in an odd-numbered*
33 *year* in which the Legislature has not enacted the
34 appropriation or appropriations required by subsection 2 to
35 fund education for the next ensuing biennium and the first
36 day of that next ensuing biennium, before any other
37 appropriation is enacted other than appropriations required to
38 pay the cost of that special session, the Legislature shall enact
39 one or more appropriations to provide the money the
40 Legislature deems to be sufficient, when combined with the
41 local money reasonably available for this purpose, to fund the
42 operation of the public schools in the State for kindergarten
43 through grade 12 for the next ensuing biennium for the
44 population reasonably estimated for that biennium.



4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

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



* A J R 6 R 2 *

1 less than 75 percent of the counties in the State, but the total
2 number of registered voters signing the initiative petition
3 shall be equal to 10 percent or more of the voters who voted
4 in the entire State at the last preceding general election.

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



* A J R 6 R 2 *

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

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



1 approval of such amendment, it shall, unless precluded by
2 subsection 5 or 6, become a part of this Constitution upon
3 completion of the canvass of votes by the Supreme Court.

4 5. If two or more measures which affect the same
5 section of a statute or of the Constitution are finally approved
6 pursuant to this Section, or an amendment to the Constitution
7 is finally so approved and an amendment proposed by the
8 Legislature is ratified which affect the same section, by the
9 voters at the same election:

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

12 (b) If one or more contradict in substance the other or
13 others, the measure which received the largest favorable vote,
14 and any other approved measure compatible with it, shall be
15 given effect. If the one or more measures that contradict in
16 substance the other or others receive the same number of
17 favorable votes, none of the measures that contradict another
18 shall be given effect.

19 6. If, at the same election as the first approval of a
20 constitutional amendment pursuant to this Section, another
21 amendment is finally approved pursuant to this Section, or an
22 amendment proposed by the Legislature is ratified, which
23 affects the same section of the Constitution but is compatible
24 with the amendment given first approval, the Secretary of
25 State shall publish and resubmit at the next general election
26 the amendment given first approval as a further amendment
27 to the section as amended by the amendment given final
28 approval or ratified. If the amendment finally approved or
29 ratified contradicts in substance the amendment given first
30 approval, the Secretary of State shall not submit the
31 amendment given first approval to the voters again.

