

Amendment No. 401

Assembly Amendment to Assembly Joint Resolution No. 6 (BDR C-67)

Proposed by: Assembly Committee on Elections, Procedures, Ethics, and
Constitutional Amendments

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

RBL



Date: 4/13/2009

A.J.R. No. 6—Proposes to amend the Nevada Constitution to revise provisions
concerning legislative sessions. (BDR C-67)



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 ~~{that members of the Legislature be compensated for each day of a}~~ ***for compensation for serving during each*** regular legislative session.

Legislative Counsel's Digest:

Existing provisions of the Nevada Constitution provide for biennial legislative sessions of 120 days and authorize members of the Legislature to receive compensation for the first 60 days of each regular session. This resolution proposes to amend the Nevada Constitution to provide for annual legislative sessions of 120 days in each odd-numbered year and of 60 days in each even-numbered year. (Nev. Const. Art. 4, § 2) The resolution further proposes to amend the Nevada Constitution to provide compensation for Legislators for ~~each day of service~~ ***60 days*** during regular 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~~ 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~~ ~~120~~ 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 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 be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends

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

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

30 5. If two or more measures which affect the same section of a statute
31 or of the Constitution are finally approved pursuant to this Section, or an
32 amendment to the Constitution is finally so approved and an amendment
33 proposed by the Legislature is ratified which affect the same section, by the
34 voters at the same election:

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

37 (b) If one or more contradict in substance the other or others, the
38 measure which received the largest favorable vote, and any other approved
39 measure compatible with it, shall be given effect. If the one or more
40 measures that contradict in substance the other or others receive the same
41 number of favorable votes, none of the measures that contradict another
42 shall be given effect.

43 6. If, at the same election as the first approval of a constitutional
44 amendment pursuant to this Section, another amendment is finally
45 approved pursuant to this Section, or an amendment proposed by the
46 Legislature is ratified, which affects the same section of the Constitution
47 but is compatible with the amendment given first approval, the Secretary of
48 State shall publish and resubmit at the next general election the amendment
49 given first approval as a further amendment to the section as amended by
50 the amendment given final approval or ratified. If the amendment finally
51 approved or ratified contradicts in substance the amendment given first
52 approval, the Secretary of State shall not submit the amendment given first
53 approval to the voters again.