

Amendment No. 756

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

Proposed by: Senate Committee on Legislative Operations and Elections**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

KCP



Date: 5/21/2009

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~~ 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 ~~session~~ 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:

~~Existing provisions of the~~ The Nevada Constitution ~~provide~~ provides 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.~~ of not more than 120 consecutive calendar days in each odd-numbered year. This resolution 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 resolution further]~~

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 ~~(provide compensation for)~~ 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 ~~(during regular sessions.)~~ 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 midnight Pacific ~~(standard time on)~~ time at the end of the 120th consecutive calendar day of that session 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.)~~ time at the end of the 60th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific ~~(standard time on)~~ time at the end of the 60th

consecutive calendar day of that session 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.

5. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the 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~~ 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~~ 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 6 of Article 11 of the Nevada Constitution be amended to read as follows:

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

2. During a regular session of the Legislature ~~+~~ in an odd-numbered year, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, 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 next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session *in an odd-numbered year* in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, 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 next ensuing biennium for the 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 less than 75 percent of the counties in the State, but

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

4 3. If the initiative petition proposes a statute or an amendment to a
5 statute, the person who intends to circulate it shall file a copy with the
6 Secretary of State before beginning circulation and not earlier than ~~January~~
7 ~~1 of the year preceding the year in which a regular session of the~~
8 ~~Legislature is held.]~~ *1 year before the date on which the Legislature to*
9 *which the petition will be transmitted commences its regular session.*

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

51 4. If the initiative petition proposes an amendment to the Constitution,
52 the person who intends to circulate it shall file a copy with the Secretary of

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

24 5. If two or more measures which affect the same section of a statute
25 or of the Constitution are finally approved pursuant to this Section, or an
26 amendment to the Constitution is finally so approved and an amendment
27 proposed by the Legislature is ratified which affect the same section, by the
28 voters at the same election:

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

31 (b) If one or more contradict in substance the other or others, the
32 measure which received the largest favorable vote, and any other approved
33 measure compatible with it, shall be given effect. If the one or more
34 measures that contradict in substance the other or others receive the same
35 number of favorable votes, none of the measures that contradict another
36 shall be given effect.

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