

ASSEMBLY JOINT RESOLUTION NO. 2—COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS

PREFILED FEBRUARY 3, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. (BDR C-683)

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 a 90-day legislative session in odd-numbered years and a 60-day legislative session in even-numbered years, to revise the date of the commencement of a regular legislative session from the first Monday in February to the first Monday in March, to provide for a commission to recommend the compensation for Legislators and to revise the payment of certain allowances to Legislators during a legislative session.

Legislative Counsel's Digest:

The Nevada Constitution provides for biennial legislative sessions of not more than 120 consecutive calendar days in each odd-numbered year. (Nev. Const. Art. 4, § 2) This resolution proposes to amend the Nevada Constitution to provide for annual legislative sessions of not more than 90 consecutive calendar days in each odd-numbered year and of not more than 60 consecutive calendar days in each even-numbered year. This resolution also proposes to amend the Nevada Constitution to change the date of commencement of a regular legislative session from the first Monday in February to the first Monday in March.

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. (Nev. Const. Art. 4, § 33) This resolution proposes to amend the Nevada Constitution to authorize Legislators to receive compensation for not more than 90 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. This resolution also proposes to amend the Nevada Constitution to create the Commission on Compensation for Legislators to recommend the amount of such compensation.



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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 provides for the payment of an additional allowance of \$2 per day to the presiding officers of each House. (Nev. Const. Art. 4, § 33) This resolution proposes to amend the Nevada Constitution to eliminate: (1) the limit on the amount authorized for postage, express charges, newspapers and stationery; and (2) the additional allowance for the presiding officers.

If this resolution is passed by the 2011 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters 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,~~ **March**, 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 90th 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 90th 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 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 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.



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

13 And be it further

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

16 Sec . ~~33~~ 33. 1. The members of the Legislature shall
17 receive for their services ~~33~~ a compensation to be fixed by
18 law and paid out of the public treasury, for not to exceed *90*
19 *days during any regular session of the Legislature*
20 *conducted during an odd-numbered year, not to exceed* 60
21 days during any regular session of the ~~Legislature~~
22 *Legislature conducted during an even-numbered year,* and
23 not to exceed 20 days during any special session convened by
24 the governor; but no increase of such compensation shall take
25 effect during the term for which the members of either house
26 shall have been elected ; Provided, that an appropriation may
27 be made for the payment of such actual expenses as members
28 of the Legislature may incur for postage, express charges,
29 newspapers and stationery . ~~[not exceeding the sum of Sixty~~
30 ~~dollars for any general or special session to each member; and~~
31 ~~Furthermore Provided, that the Speaker of the Assembly, and~~
32 ~~Lieutenant Governor, as President of the Senate, shall each,~~
33 ~~during the time of their actual attendance as such presiding~~
34 ~~officers receive an additional allowance of two dollars per~~
35 ~~diem.]~~

36 2. *The Legislature shall establish by law the*
37 *Commission on Compensation for Legislators and provide*
38 *for the organization of the Commission, including, without*
39 *limitation, the powers and duties of the Commission and the*
40 *terms of the members of the Commission.*

41 3. *The Commission shall:*

42 (a) *Consider the duties and compensation of members of*
43 *the legislatures in Nevada and in states in the western part*
44 *of the United States that have demographic and economic*
45 *conditions similar to Nevada.*



(b) On or before March 1 in each odd-numbered year, recommend to the Legislature an amount of compensation for members of the Nevada Legislature. The Legislature may consider the recommendation of the Commission when fixing the compensation that members of the Legislature receive for their services.

And be it further

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

~~[Section]~~ *Sec.* 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 any 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



1 session, the Legislature shall enact one or more
2 appropriations to provide the money the Legislature deems to
3 be sufficient, when combined with the local money
4 reasonably available for this purpose, to fund the operation of
5 the public schools in the State for kindergarten through grade
6 12 for the population reasonably estimated for the biennium
7 in which the special session is held.

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

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

14 And be it further

15 RESOLVED, That Section 12 of Article 17 of the Nevada
16 Constitution be amended to read as follows:

17 Sec. 12. The first regular session of the Legislature shall
18 commence on the second Monday of December A.D.
19 Eighteen hundred and Sixty Four, and the second regular
20 session of the same shall commence on the first Monday of
21 January A.D. Eighteen hundred and Sixty Six; and the third
22 regular session of the Legislature shall be the first of the
23 biennial sessions, and shall commence on the first Monday of
24 January A.D. Eighteen hundred and Sixty Seven; and the
25 regular sessions of the Legislature shall be held thereafter .

26 ~~[biennially.]~~

27 And be it further

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

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

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

44 3. If the initiative petition proposes a statute or an
45 amendment to a statute, the person who intends to circulate it



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



1 conflicting provisions submitted to the voters are both
2 approved by a majority of the voters voting on such
3 measures, the measure which receives the largest number of
4 affirmative votes shall thereupon become law. If at the
5 session of the Legislature to which an initiative petition
6 proposing an amendment to a statute is presented which the
7 Legislature rejects or upon which it takes no action, the
8 Legislature amends the statute which the petition proposes to
9 amend in a respect which does not conflict in substance with
10 the proposed amendment, the Secretary of State in submitting
11 the statute to the voters for approval or disapproval of the
12 proposed amendment shall include the amendment made by
13 the Legislature.

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

44 5. If two or more measures which affect the same
45 section of a statute or of the Constitution are finally approved



1 pursuant to this Section, or an amendment to the Constitution
2 is finally so approved and an amendment proposed by the
3 Legislature is ratified which affect the same section, by the
4 voters at the same election:

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

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

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

