

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session  
February 22, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:34 p.m. on Tuesday, February 22, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Tick Segerblom, Chair  
Assemblyman Marcus Conklin  
Assemblyman Richard (Skip) Daly  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman Crescent Hardy  
Assemblyman Pat Hickey  
Assemblyman William C. Horne  
Assemblyman Richard McArthur  
Assemblyman John Ocegüera  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Lucy Flores, Vice Chair (excused)  
Assemblywoman Marilyn K. Kirkpatrick (excused)  
Assemblyman James Ohrenschall (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Michael Smith, Committee Assistant

**OTHERS PRESENT:**

Harry Mortenson, Private Citizen, Las Vegas, Nevada

**Chair Segerblom:**

[Roll was taken.] Before we begin the hearing, I would like to be certain all Committee members received copies of this red book, *A Citizen's Guide to Redistricting* ([Exhibit C](#)). Our first meeting to talk about redistricting will be on March 10. If you could read this book and get prepared before that meeting, I would appreciate it.

I would like to open the hearing on Assembly Joint Resolution 5 of the 75th Session.

**Assembly Joint Resolution 5 of the 75th Session:** Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

**Harry Mortenson, Private Citizen, Las Vegas, Nevada:**

Last session I chaired this Committee. It had a different name, but its function was essentially the same.

The bill in front of you proposes to change the *Nevada Constitution* to allow the state Legislature to call itself into session. A constitutional change requires that a resolution pass both houses in two successive legislative sessions, and then it goes to the public for a vote.

This same joint resolution passed both legislative houses in 2009 and, hopefully, it will pass during the 2011 Session. This resolution passed the Legislature three times, because I introduced this exact same resolution during the 2003 Session. It passed in 2003 and again in 2005. It went to a vote of the people in 2006. Unfortunately, it failed to pass and become a constitutional amendment by just 4 percentage points. Because of recent events concerning governors, this bill has a much better chance to get a vote of the people, assuming it gets through the Legislature this session. I specifically call to attention the Governor of Illinois who allegedly attempted to sell a U.S. Senate seat. He was caught, the Legislature of Illinois called itself into session, and it impeached the Governor. That could not happen in our state. If we had a rogue governor who tried to sell a Senate seat, we could not impeach him because he certainly would not call a special session to have himself impeached.

In only 16 states can only a governor call the legislature into session. In the other 34 states, both the legislature and the governor can convene a session. This bill does not in any way impede the Governor in calling special sessions. It does not change his powers whatsoever, but it does allow the branch of government that is supposed to make laws call itself into session to make laws. I am hoping you will look positively at this resolution.

**Chair Segerblom:**

Could you walk us through the general concepts of the resolution? How would the Legislature vote to call itself into session, and how long could a session run?

**Harry Mortenson:**

A petition must be signed by two-thirds of both the Senate and the Assembly to call a special session. There must be a posted agenda, and the special session will consider only those measures that are on that agenda. There is a maximum of 20 days, but rarely does a special session last 20 days. According to the National Conference of State Legislatures, most special sessions are measured in hours.

**Assemblyman Stewart:**

There is a fiscal note for the state on the bill. Could you explain it?

**Harry Mortenson:**

Every time a special session is called, the legislators are paid, according to the *Constitution*. There are also the expenses of setting up a special session because additional staff is needed. It would be the normal expenses of a session.

**Assemblyman Stewart:**

So, there is no additional expense other than the actual cost of preparing for a special session.

**Harry Mortenson:**

To my knowledge, it would be just the normal costs for a session.

**Chair Segerblom:**

Are there any other questions?

**Assemblyman Hickey:**

I hope we would never have a governor with the moral problems you just mentioned, but please address the concern some people have that this, in effect, becomes an excuse to do something we do not do in regular session. In effect, it would substitute for the fact that we have biennial sessions and not yearly ones.

**Harry Mortenson:**

I think the pressure from the media would keep that from happening. The bill says the Legislature can call itself into session on "extraordinary occasions." I believe the Legislature would be crucified by the media if it tried to create annual sessions. Besides, the special session is limited to 20 days, but it could call successive sessions.

**Chair Segerblom:**

Are there any other questions? [There was no response.] Is anyone here to testify in favor of the bill? Anyone opposed to the bill? [There was no response.]

**Harry Mortenson:**

I am no longer a legislator, so if this bill gets through the Legislature, I will volunteer to be a member of the committee of three who write the ballot explanations. I will include some of the examples I just gave in that explanation.

**Chair Segerblom:**

Does anyone else want to testify in favor or in opposition? [There was no response.] I will close the hearing on A.J.R. 5 of the 75th Session. We are adjourned [at 1:46 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblyman Tick Segerblom, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Legislative Operations and Elections

**Date:** February 22, 2011

**Time of Meeting:** 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Chair Segerblom	Book entitled <i>A Citizen's Guide to Redistricting</i>