

ASSEMBLY JOINT RESOLUTION NO. 2—ASSEMBLYMEN DELONG,
GRAY; DICKMAN, GALLANT, HIBBETTS AND KASAMA

FEBRUARY 20, 2023

JOINT SPONSOR: SENATOR KRASNER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to revise certain procedures relating to proposed amendments to the Nevada Constitution. (BDR C-851)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 revise certain procedures relating to proposed amendments to the Nevada Constitution.

Legislative Counsel’s Digest:

The Nevada Constitution authorizes the Legislature to convene a special session upon a petition signed by two-thirds of the members elected to each House of the Legislature and prohibits the Legislature from introducing, considering or passing any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session. (Nev. Const. Art. 4 § 2A) This resolution proposes to amend the Nevada Constitution to prohibit the Legislature from introducing, considering or passing a proposed amendment or amendments to the Nevada Constitution during such a special session.

The Nevada Constitution authorizes the Governor to convene a special session by Proclamation and prohibits the Legislature from introducing, considering or passing any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session. (Nev. Const. Art. 5 § 9) This resolution proposes to amend the Nevada Constitution to prohibit the Legislature from introducing, considering or passing a proposed amendment or amendments to the Nevada Constitution during such a special session.

The Nevada Constitution requires that any amendment or amendments to the Nevada Constitution proposed by the Legislature must be referred to the next chosen Legislature if agreed to by a majority of the members of the two houses. If the next chosen Legislature agrees to the proposed amendment or amendments, the



Legislature must submit the proposed constitutional amendment or amendments to the people for approval. (Nev. Const. Art. 16 § 1) This resolution proposes to amend the Nevada Constitution to require that any constitutional amendment or amendments must be proposed by the Legislature during a regular session and be referred during the next regular session to the next chosen Legislature. If the next Legislature agrees to the proposed constitutional amendment or amendments, the Legislature must submit the proposed amendment or amendments to the people for approval.

The Nevada Constitution provides that if the Legislature, by a vote of two-thirds, determines that it is necessary to revise the entire Nevada Constitution, the Legislature must recommend a Convention to the voters. If a majority of the voters vote in favor of a Convention, the Legislature must call for a Convention at its next session. (Nev. Const. Art. 16 § 2) This resolution proposes to amend the Nevada Constitution to require the Legislature to instead make such a determination at a regular session and call for a Convention at its next regular session.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~any~~:

(a) *Any* bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session ~~H~~; or

(b) *A proposed amendment or amendments to this Constitution.*

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened



pursuant to this section not later than midnight Pacific time at the end of the 20th 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 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. 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 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~any~~:

(a) Any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session ~~it~~; or

(b) A proposed amendment or amendments to this Constitution.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th 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 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. 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 1 of Article 16 of the Nevada Constitution be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed *during a regular session of the Legislature* in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred *during the next regular session* to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if ~~it is~~ , *during the next regular session*, the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.



2. If, two or more amendments which affect the same section of the constitution are ratified by the people pursuant to this section at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other ratified amendment or amendments compatible with it, shall become a part of the constitution.

3. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment *during the next regular session*, shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That Section 2 of Article 16 of the Nevada Constitution be amended to read as follows:

~~[See: 2.]~~ *Sec. 2* If at any time *during a regular session* the Legislature by a vote of two thirds of the Members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution they shall recommend to the electors at the next election for Members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next *regular* session provide by law for calling a Convention to be holden within six months after the passage of such law, and such Convention shall consist of a number of Members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

