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ASSEMBLY JOINT RESOLUTION NO. 13  
(FIRST REPRINT)

PRESENTATION BY

ASSEMBLYMAN HARRY MORTENSON

TO

SENATE COMMITTEE ON LEGISLATIVE  
AFFAIRS AND OPERATIONS

THURSDAY, MAY 22, 2003

GOOD AFTERNOON, CHAIRMAN WASHINGTON AND MEMBERS OF THE COMMITTEE. FOR THE RECORD, I AM HARRY MORTENSON, REPRESENTING CLARK COUNTY ASSEMBLY DISTRICT 42. I AM HERE TODAY TO PRESENT ASSEMBLY JOINT RESOLUTION NO. 13.

ASSEMBLY JOINT RESOLUTION NO. 13 PROPOSES TO AMEND THE *CONSTITUTION OF THE STATE OF NEVADA* TO ALLOW THE NEVADA LEGISLATURE TO CALL ITSELF INTO A SPECIAL SESSION. AS YOU KNOW, THE CONSTITUTION CURRENTLY LIMITS SPECIAL SESSIONS OF THE LEGISLATURE TO THOSE CALLED BY THE GOVERNOR.

MR. CHAIRMAN, I THINK THAT THE CASE FOR THE LEGISLATURE TO CALL ITSELF INTO SPECIAL SESSION IS CLEARLY STATED IN THE RESOLUTION'S PREAMBLE. LET ME BRIEFLY SUMMARIZE THE CASE BY BREAKING IT DOWN INTO THE FOLLOWING TWO BASIC POINTS, IN ORDER OF IMPORTANCE:

- FIRST, THE NEVADA CONSTITUTION IS GROUNDED ON THE PRINCIPLE OF THREE CO-EQUAL BRANCHES OF STATE GOVERNMENT, WITH THE ULTIMATE AUTHORITY AND RESPONSIBILITY TO ENACT NECESSARY LEGISLATION BEING VESTED IN THE LEGISLATIVE BRANCH, SUBJECT TO FINAL APPROVAL BY THE GOVERNOR. HOWEVER, NEVADA'S CURRENT CONSTITUTIONAL LANGUAGE, WHICH ALLOWS ONLY THE GOVERNOR TO CALL THE LEGISLATURE INTO SPECIAL SESSION, IMPEDES AND IS CONTRARY TO THE CONSTITUTIONAL PROVISION THAT VESTS THE LEGISLATIVE AUTHORITY OF THE STATE OF NEVADA IN ITS ELECTED LEGISLATURE. THE LEGISLATURE SHOULD BE AUTHORIZED TO OPERATE WITH A REASONABLE DEGREE OF INDEPENDENCE FROM THE EXECUTIVE AND JUDICIAL BRANCHES AS CONSISTENT WITH THE SEPARATION OF POWERS PRINCIPLE, AND SHOULD BE EMPOWERED TO IDENTIFY THOSE TOPICS THAT MAY REQUIRE THE LEGISLATURE TO CALL A LIMITED SPECIAL SESSION DEEMED IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE; AND
- SECOND, THERE ARE CURRENTLY 34 STATE LEGISLATURES THAT HAVE THE ABILITY TO CALL A SPECIAL LEGISLATIVE SESSION WHEN DEEMED NECESSARY. THE NEVADA LEGISLATURE IS 1 OF ONLY 16 STATE LEGISLATIVE BODIES IN THE NATION THAT MAY NOT CALL A SPECIAL SESSION, AND 1 OF ONLY 9 LEGISLATURES

THAT MAY NOT DETERMINE ANY OF THE SUBJECT MATTER TO BE CONSIDERED AT A SPECIAL SESSION.

ASSEMBLY JOINT RESOLUTION NO. 13 PROVIDES THAT A SPECIAL SESSION OF THE LEGISLATURE MAY BE CONVENED, ON EXTRAORDINARY OCCASIONS, BY A PETITION SIGNED BY TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE. DURING ANY SPECIAL SESSION CALLED BY THE LEGISLATURE OR THE GOVERNOR, THE LEGISLATURE MAY ONLY CONSIDER MATTERS FOR WHICH IT WAS CALLED INTO SESSION. FINALLY, A.J.R. 13 LIMITS ANY SPECIAL SESSION TO 20 CALENDAR DAYS AND ALLOWS THE LEGISLATORS TO BE COMPENSATED FOR NOT MORE THAN 20 DAYS DURING SUCH A SESSION.

IF APPROVED IN IDENTICAL FORM BY BOTH THE 2003 AND 2005 SESSIONS OF THE LEGISLATURE, THE PROPOSAL WILL BE SUBMITTED TO THE VOTERS FOR FINAL APPROVAL OR DISAPPROVAL AT THE 2006 GENERAL ELECTION.

THANK YOU FOR CONSIDERING THIS MOST IMPORTANT MEASURE. I WOULD BE HAPPY TO ATTEMPT TO ANSWER ANY QUESTIONS, AND I KNOW THAT MR. ERICKSON, OUR RESEARCH DIRECTOR AND YOUR COMMITTEE STAFF PERSON, IS ALSO KNOWLEDGEABLE ABOUT THIS LEGISLATION.

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