

ASSEMBLY JOINT RESOLUTION NO. 13–
ASSEMBLYMAN MORTENSON

MARCH 24, 2003

Referred to Committee on Constitutional Amendments

SUMMARY—Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)

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 limit the duration of special sessions of the Legislature to 20 days, limit the matters which may be considered during a special session and provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each house.

1 WHEREAS, There are currently 34 State Legislatures that have
2 the ability to call a special legislative session when deemed
3 necessary; and

4 WHEREAS, The Nevada Legislature is 1 of only 16 state
5 legislative bodies in the Nation that may not call a special session,
6 and 1 of only 9 Legislatures that may not determine any of the
7 subject matter to be considered at a special session; and

8 WHEREAS, The Nevada Constitution is grounded on the
9 principle of three equal branches of State Government, with the
10 ultimate authority and responsibility to enact necessary legislation
11 being vesting in the Legislative Branch, subject to final approval by
12 the Governor; and

13 WHEREAS, Nevada's current constitutional language, which
14 allows only the Governor to call the Legislature into special session,
15 impedes and is contrary to the constitutional provision that vests the



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1 legislative authority of the State of Nevada in its elected Legislature;
2 and

3 WHEREAS, The Nevada Legislature should be authorized to
4 operate with a reasonable degree of independence from the
5 Executive and Judicial Branches as consistent with the separation of
6 powers principle, and should be empowered to identify those topics
7 that may require the Legislature to call a limited special session
8 deemed in the best interest of the people of the State of Nevada;
9 now, therefore, be it

10 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
11 NEVADA, JOINTLY, That a new section, designated Section 2A, be
12 added to Article 4 of the Nevada Constitution to read as follows:

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

25 *2. No bills, except those related to the business*
26 *specified in the petition and those necessary to provide for*
27 *the expenses of the session, may be introduced at a special*
28 *session convened pursuant to this section.*

29 *3. A special session convened pursuant to this section*
30 *takes precedence over a special session called by the*
31 *Governor pursuant to Section 9 of Article 5 of this*
32 *Constitution, unless otherwise provided in the petition*
33 *calling for the special session.*

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

37 *5. The Legislature shall adjourn sine die a special*
38 *session convened pursuant to this section not later than*
39 *midnight of the 20th calendar day of that session. Any*
40 *legislative action taken after midnight on the 20th calendar*
41 *day is void.*

42 And be it further



1 RESOLVED, That Section 2 of Article 4 of the Nevada
2 Constitution be amended to read as follows:

3 Sec. 2. 1. The sessions of the Legislature shall be
4 biennial, and shall commence on the 1st Monday of February
5 following the election of members of the Assembly, unless
6 the Governor of the State *or the members of the Legislature*
7 shall, in the interim, convene the Legislature by proclamation
8 ~~or petition.~~

9 2. The Legislature shall adjourn sine die each regular
10 session not later than midnight Pacific standard time 120
11 calendar days following its commencement. Any legislative
12 action taken after midnight Pacific standard time on the 120th
13 calendar day is void, unless the legislative action is conducted
14 during a special session. ~~convened by the Governor.~~

15 3. The Governor shall submit the proposed executive
16 budget to the Legislature not later than 14 calendar days
17 before the commencement of each regular session.

18 And be it further

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

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

38 And be it further

39 RESOLVED, That Section 9 of Article 5 of the Nevada
40 Constitution be amended to read as follows:

41 ~~Sec: 9. The~~ *Sec. 9. 1. Except as otherwise*
42 *provided in Section 2A of Article 4 of this Constitution, the*
43 Governor may , on extraordinary occasions, convene the
44 Legislature by Proclamation and shall state to both houses ,
45 when organized, the purpose for which they have been



1 convened . ~~[, and the Legislature shall transact no legislative~~
2 ~~business, except that for which they were specially convened,~~
3 ~~or such other legislative business as the Governor may call to~~
4 ~~the attention of the Legislature while in Session.]~~
5 *2. No bills, except those related to the purpose for*
6 *which the Legislature has been specially convened and*
7 *those necessary to provide for the expenses of the session,*
8 *may be introduced at a special session convened pursuant to*
9 *this section.*
10 *3. The Legislature shall adjourn sine die a special*
11 *session convened pursuant to this section not later than*
12 *midnight of the 20th calendar day of that session. Any*
13 *legislative action taken after midnight on the 20th calendar*
14 *day is void.*

