

ASSEMBLY JOINT RESOLUTION NO. 15—COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2021

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-859)

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 limited annual regular legislative sessions and for legislative compensation and expenses to be paid in a manner fixed and determined by law.

Legislative Counsel’s Digest:

1 The Nevada Constitution provides for biennial regular sessions of the
2 Legislature of not more than 120 consecutive calendar days beginning on the first
3 Monday of February in each odd-numbered year. (Nev. Const. Art. 4, § 2) This
4 joint resolution proposes to amend the Nevada Constitution to provide for limited
5 annual regular sessions. Beginning on the first Monday of February in each odd-
6 numbered year, the Legislature would hold a regular session of not more than 90
7 legislative days. Beginning on the first Monday in February in each even-numbered
8 year, the Legislature would hold a regular session of not more than 60 legislative
9 days and prioritize legislative business related to the executive budget and fiscal
10 issues. This joint resolution also proposes to authorize the Speaker of the Assembly
11 and the Majority Leader of the Senate, acting jointly, to call a regular session of the
12 Legislature to recess. This resolution defines a “legislative day” as any calendar day
13 on which either House of the Legislature is in session or any legislative committee
14 holds a meeting during a session, excluding any day when the Legislature is in
15 recess.

16 The Nevada Constitution authorizes Legislators to: (1) receive compensation
17 for the first 60 days of each regular session and the first 20 days of each special
18 session; and (2) appropriate funds for the payment of the actual expenses members
19 of the Legislature may incur for postage, express charges, newspapers and
20 stationery in an amount not to exceed \$60 per member for each general or special
21 session. (Nev. Const. Art. 4, § 33) This joint resolution proposes to amend the
22 Nevada Constitution to remove those provisions and to provide that Legislators



23 must be paid at regular intervals as set by law and that an appropriation may be
24 made for the payment of the actual expenses members of the Legislature may incur
25 for each regular or special session.

26 If this joint resolution is passed by the 2021 Legislature, it must also be passed
27 by the next Legislature and then approved and ratified by the voters in an election
28 before the proposed amendments to the Nevada Constitution become effective.

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

4 Sec. 2. 1. The *regular* sessions of the Legislature shall
5 be ~~biennial, and shall commence on the 1st Monday of~~
6 ~~February following the election of members of the Assembly,~~
7 ~~unless~~ *annual as set forth in this section, but* the Governor
8 of the State or the members of the Legislature ~~shall~~ *may,*
9 *on extraordinary occasions* in the interim ~~;~~ *between*
10 *regular sessions,* convene the Legislature by proclamation or
11 petition ~~;~~ *in special sessions only as authorized by this*
12 *Constitution.*

13 2. ~~The~~ *In each odd-numbered year, the* Legislature
14 *shall commence the regular session on the first Monday of*
15 *February and* shall adjourn sine die ~~each regular session~~
16 not later than midnight Pacific time at the end of the ~~120th~~
17 ~~consecutive calendar~~ *90th legislative* day of that session,
18 inclusive of the day on which that session commences. Any
19 legislative action taken after midnight Pacific time at the end
20 of the ~~120th consecutive calendar~~ *90th legislative* day of
21 that session is void, unless the legislative action is
22 ~~conducted~~ *taken* during a special session.

23 3. *In each even-numbered year, the Legislature shall*
24 *commence the regular session on the first Monday of*
25 *February and shall adjourn sine die not later than midnight*
26 *Pacific time at the end of the 60th legislative day of that*
27 *session, inclusive of the day on which that session*
28 *commences. Any legislative action taken after midnight*
29 *Pacific time at the end of the 60th legislative day of that*
30 *session is void, unless the legislative action is taken during a*
31 *special session.*

32 4. *During a regular session held in an even-numbered*
33 *year the Legislature shall prioritize legislative business*
34 *related to the executive budget and any other issues that the*
35 *Governor, in coordination with the Speaker of the Assembly*
36 *and the Majority Leader of the Senate, determines are fiscal*
37 *in nature or require the immediate attention of the*
38 *Legislature.*



1 5. *During any regular session:*

2 (a) *The Legislature may introduce, consider and pass*
3 *any bill related to any subject as not otherwise prohibited by*
4 *this Constitution;*

5 (b) *A standing legislative committee may hold meetings;*
6 *and*

7 (c) *The Speaker of the Assembly and the Majority*
8 *Leader of the Senate may jointly call a recess of the*
9 *Legislature.*

10 6. The Governor shall submit *to* the *Legislature:*

11 (a) *The* proposed executive budget ~~[to the Legislature]~~
12 not later than 14 calendar days before the commencement of
13 each regular session ~~;~~

14 ~~—4.] held in an odd-numbered year.~~

15 (b) *Any proposed appropriations or proposed revisions*
16 *to the executive budget not later than 14 calendar days*
17 *before the commencement of each regular session held in*
18 *an even-numbered year.*

19 7. For the purposes of this section ~~;~~ ~~“midnight”~~ :

20 (a) *“Legislative day” means any calendar day on which*
21 *either House of the Legislature is in session or any*
22 *legislative committee holds a meeting during a session. The*
23 *term does not include any day the Legislature is in recess*
24 *pursuant to subsection 5.*

25 (b) *“Midnight Pacific time” must be determined based on*
26 *the actual measure of time that, on the final ~~[calendar]~~*
27 *legislative day of the session, is being used and observed by*
28 *the general population as the uniform time for the portion of*
29 *Nevada which lies within the Pacific time zone, or any legal*
30 *successor to the Pacific time zone, and which includes the*
31 *seat of government of this State as designated by Section 1 of*
32 *Article 15 of this Constitution. The Legislature and its*
33 *members, officers and employees shall not employ any*
34 *device, pretense or fiction that adjusts, evades or ignores this*
35 *measure of time for the purpose of extending the duration of*
36 *the session.*

37 And be it further

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

40 Sec. 33. The members of the Legislature shall receive
41 for their services a compensation to be fixed by law and paid
42 out of the public treasury ~~[, for not to exceed 60 days during~~
43 ~~any regular session of the Legislature and not to exceed 20~~
44 ~~days during any special session;]~~ *at regular intervals*
45 *determined by law,* but no increase of such compensation



1 shall take effect during the term for which the members of
2 either ~~[house]~~ *House* shall have been elected; Provided, that
3 an appropriation may be made for the payment of such actual
4 expenses as members of the Legislature may incur ~~[for~~
5 ~~postage, express charges, newspapers and stationery not~~
6 ~~exceeding the sum of Sixty dollars]~~ for any ~~[general]~~ *regular*
7 or special session to each member; and Furthermore
8 Provided, that the Speaker of the Assembly ~~[]~~ and *the*
9 Lieutenant Governor, as President of the Senate, shall each,
10 during the time of their actual attendance as such presiding
11 officers , receive an additional allowance of two dollars per
12 diem.

13 And be it further

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

16 ~~[Section]~~ *Sec.* 6. 1. In addition to other means
17 provided for the support and maintenance of said university
18 and common schools, the legislature shall provide for their
19 support and maintenance by direct legislative appropriation
20 from the general fund, upon the presentation of budgets in the
21 manner required by law.

22 2. During a regular session of the Legislature ~~[]~~ *in any*
23 *odd-numbered year*, before any other appropriation is
24 enacted to fund a portion of the state budget for the next
25 ensuing biennium, the Legislature shall enact one or more
26 appropriations to provide the money the Legislature deems to
27 be sufficient, when combined with the local money
28 reasonably available for this purpose, to fund the operation of
29 the public schools in the State for kindergarten through grade
30 12 for the next ensuing biennium for the population
31 reasonably estimated for that biennium.

32 3. During a special session of the Legislature that is held
33 between the end of a regular session *in an odd-numbered*
34 *year* in which the Legislature has not enacted the
35 appropriation or appropriations required by subsection 2 to
36 fund education for the next ensuing biennium and the first
37 day of that next ensuing biennium, before any other
38 appropriation is enacted other than appropriations required to
39 pay the cost of that special session, the Legislature shall enact
40 one or more appropriations to provide the money the
41 Legislature deems to be sufficient, when combined with the
42 local money reasonably available for this purpose, to fund
43 the operation of the public schools in the State for
44 kindergarten through grade 12 for the next ensuing biennium
45 for the population reasonably estimated for that biennium.



1 4. During a special session of the Legislature that is held
 2 in a biennium for which the Legislature has not enacted the
 3 appropriation or appropriations required by subsection 2 to
 4 fund education for the biennium in which the special session
 5 is being held, before any other appropriation is enacted other
 6 than appropriations required to pay the cost of that special
 7 session, the Legislature shall enact one or more
 8 appropriations to provide the money the Legislature deems to
 9 be sufficient, when combined with the local money
 10 reasonably available for this purpose, to fund the operation of
 11 the public schools in the State for kindergarten through grade
 12 12 for the population reasonably estimated for the biennium
 13 in which the special session is held.

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

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

20 And be it further

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

23 Sec. 12. The first regular session of the Legislature shall
 24 commence on the second Monday of December A.D.
 25 Eighteen hundred and Sixty Four, and the second regular
 26 session of the same shall commence on the first Monday of
 27 January A.D. Eighteen hundred and Sixty Six; and the third
 28 regular session of the Legislature shall be the first of the
 29 biennial sessions, and shall commence on the first Monday of
 30 January A.D. Eighteen hundred and Sixty Seven; and the
 31 regular sessions of the Legislature shall be held thereafter .

32 ~~{biennially-}~~

33 And be it further

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

36 Sec. 2. 1. Notwithstanding the provisions of Section 1
 37 of Article 4 of this Constitution, but subject to the limitations
 38 of Section 6 of this Article, the people reserve to themselves
 39 the power to propose, by initiative petition, statutes and
 40 amendments to statutes and amendments to this Constitution,
 41 and to enact or reject them at the polls.

42 2. An initiative petition shall be in the form required by
 43 Section 3 of this Article and shall be proposed by a number of
 44 registered voters equal to 10 percent or more of the number of
 45 voters who voted at the last preceding general election in not



1 less than 75 percent of the counties in the State, but the total
2 number of registered voters signing the initiative petition
3 shall be equal to 10 percent or more of the voters who voted
4 in the entire State at the last preceding general election.

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



1 recommend to the Legislature and the Legislature may
2 propose a different measure on the same subject, in which
3 event, after such different measure has been approved by the
4 Governor, the question of approval or disapproval of each
5 measure shall be submitted by the Secretary of State to a vote
6 of the voters at the next succeeding general election. If the
7 conflicting provisions submitted to the voters are both
8 approved by a majority of the voters voting on such
9 measures, the measure which receives the largest number of
10 affirmative votes shall thereupon become law. If at the
11 session of the Legislature to which an initiative petition
12 proposing an amendment to a statute is presented which the
13 Legislature rejects or upon which it takes no action, the
14 Legislature amends the statute which the petition proposes to
15 amend in a respect which does not conflict in substance with
16 the proposed amendment, the Secretary of State in submitting
17 the statute to the voters for approval or disapproval of the
18 proposed amendment shall include the amendment made by
19 the Legislature.

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



1 taken on such petition. If a majority of such voters votes
2 approval of such amendment, it shall, unless precluded by
3 subsection 5 or 6, become a part of this Constitution upon
4 completion of the canvass of votes by the Supreme Court.

5 5. If two or more measures which affect the same
6 section of a statute or of the Constitution are finally approved
7 pursuant to this Section, or an amendment to the Constitution
8 is finally so approved and an amendment proposed by the
9 Legislature is ratified which affect the same section, by the
10 voters at the same election:

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

13 (b) If one or more contradict in substance the other or
14 others, the measure which received the largest favorable vote,
15 and any other approved measure compatible with it, shall be
16 given effect. If the one or more measures that contradict in
17 substance the other or others receive the same number of
18 favorable votes, none of the measures that contradict another
19 shall be given effect.

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

33 And be it further

34 RESOLVED, That this resolution becomes effective upon
35 passage.

