

# AJR 13 - 2003

**Introduced on:** Mar 24, 2003

**By** Mortenson

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

## Fiscal Notes

Effect on Local Government: *No.*

Effect on State: *No.*

**Most Recent History Action:** File No. 74. **(Return to 2005 Session.)**  
(See full list below)

## Past Hearings

|   |             |                               |
|---|-------------|-------------------------------|
| Assembly Constitutional Amendments        | Apr-04-2003 | Discussion only               |
| Assembly Constitutional Amendments        | Apr-25-2003 | Amend, and do pass as amended |
| Assembly Constitutional Amendments        | May-09-2003 | Discussion only               |
| Senate Legislative Affairs and Operations | May-22-2003 | Do pass                       |

## Votes

[Assembly Final Passage](#) May-15 Yea 41, Nay 1, Excused 0, Not Voting 0, Absent 0

[Senate Final Passage](#) May-26 Yea 21, Nay 0, Excused 0, Not Voting 0, Absent 0

|                          |                               |                             |                             |
|--------------------------|-------------------------------|-----------------------------|-----------------------------|
| <b>Bill Text (PDF)</b>   | <a href="#">As Introduced</a> | <a href="#">1st Reprint</a> | <a href="#">As Enrolled</a> |
| <b>Bill Text (HTML)</b>  | <a href="#">As Introduced</a> | <a href="#">1st Reprint</a> | <a href="#">As Enrolled</a> |
| <b>Amendments (HTML)</b> | <a href="#">Amend. No.569</a> |                             |                             |

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## Bill History

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|--------------|--|
| Mar 24, 2003 | Read first time. Referred to Committee on Constitutional Amendments. To printer.                                   |
| Mar 26, 2003 | From printer. To committee.  |
| May 09, 2003 | From committee: Amend, and do pass as amended.   |
| May 13, 2003 | Read second time. Amended. (Amend. No. 569). To printer.   |
| May 14, 2003 | From printer. To engrossment. Engrossed. First reprint.  |
| May 15, 2003 | Read third time. Passed, as amended. Title approved, as amended. Preamble adopted. (Yeas: 41, Nays: 1). To Senate. |
| May 16, 2003 | In Senate. Read first time. Referred to Committee on Legislative Affairs and Operations. To committee.             |
| May 23, 2003 | From committee: Do pass.   |

May 24, 2003     Read second time.

May 26, 2003     Read third time. Passed. Title approved. Preamble adopted. (Yeas: 21, Nays: None)  
To Assembly. In Assembly. To enrollment.

May 28, 2003     Enrolled and delivered to Secretary of State. File No. 74.

**(Return to 2005 Session.)**



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**BILL SUMMARY**  
72<sup>nd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY JOINT RESOLUTION NO. 13**

**Topic**

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.

**Summary**

This measure 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. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 limits special sessions called by the Legislature or the Governor to 20 calendar days.

**Effective Date**

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.

**Background Information**

The constitution currently limits special sessions of the Legislature to those called by the Governor.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON CONSTITUTIONAL AMENDMENTS**

**Seventy-Second Session  
April 4, 2003**

The Committee on Constitutional Amendments was called to order at 12:29 p.m., on Friday, April 4, 2003. Chairman Harry Mortenson presided in Room 3161 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**Note:** These minutes are compiled in the modified verbatim style. Bracketed material indicates language used to clarify and further describe testimony. Actions of the Committee are presented in the traditional legislative style.

**COMMITTEE MEMBERS PRESENT:**

Mr. Harry Mortenson, Chairman  
Mr. Bob McCleary, Vice Chairman  
Mr. Don Gustavson  
Mr. William Horne  
Mr. Rod Sherer

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Ms. Chris Giunchigliani Assemblywoman, District No. 9

**STAFF MEMBERS PRESENT:**

Bob Erickson, Legislative Counsel Bureau Research Director  
Michelle Van Geel, Committee Policy Analyst  
Sheila Sease, Committee Secretary

**OTHERS PRESENT:**

Bob Price, Former Assemblyman

John Wagner, Nevada Republican Assembly  
David Schumann, Independent American Party  
Janine Hansen, President of Nevada Eagle Forum  
David Horton, Representing the Committee to Restore the Constitution  
and Nevada Committee for Full Statehood  
Lawrence Jacobsen, Former State Senator  
Steven Hayes, Citizen  
Merritt "Ike" Yochum, Independent American Party  
Michael Brown, Vice President of Government Affairs, Barrick Gold  
Corporation  
Janice Wright, Office of the State Treasurer

**Chairman Mortenson:**

[Called meeting to order. Roll call]. We have a quorum. [Opening remarks.]

**Senate Joint Resolution 5: Proposes to amend Nevada Constitution to allow  
Legislature to establish intermediate appellate court. (BDR C-607)**

The work session will take about three or four minutes. We're going to open up S.J.R. 5 for a hearing [Exhibit C].

S.J.R. 5 was the intermediate appellate court bill. We heard from Chief Justice Agosti as to how important it was. There was zero opposition to the bill. Is there any discussion?

ASSEMBLYMAN HORNE MOVED TO DO PASS S.J.R. 5.

ASSEMBLYMAN GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

We'll close the hearing on S.J.R. 5.

**Assembly Joint Resolution 7: Proposes to amend Nevada Constitution to  
provide for limited annual legislative sessions. (BDR C-43)**

**Assembly Joint Resolution 13: Proposes to amend Nevada Constitution to  
provide that special session of Legislature may be convened by petition  
by Legislators. (BDR C-313)**

We'll open the hearing on A.J.R. 7 and A.J.R. 13. We'll do them together. We'll hear from Assemblywoman Giunchigliani first.

**Assemblywoman Chris Giunchigliani, Clark County District 9:**

A.J.R. 7 was Mr. Price's bill that I picked up when he was not re-elected. One of the amendments that is being handed out to you [Exhibit D] is that Assemblyman Atkinson wanted to sign on even though he defeated Mr. Price. They had talked, and he was very concerned about wanting to support this piece of legislation. In the haste of trying to get our bills out at introduction, I did not get his signature. If you do chose to move this, I would ask the consideration of the Committee to add Mr. Atkinson's name to the list of sponsors.

The bill before you is of great import. It is not one to be taken lightly. This is probably the 16<sup>th</sup> year that we've attempted to pass an annual session bill. It usually passed the Assembly. It's not gotten out of the Senate. Unfortunately, the year that the 120 days did get out of the Senate and the Assembly, an agreement had been made to make sure that, when we sent back over the annual session bill, it would be passed on out of the Senate, so that at least the voters would have a choice for a decision on how we should run government best. That word, unfortunately, was not held to on the Senate side, and so we've not had an opportunity to put this before the voters since 1970. In 1970 the difference was that we did not have a restriction on the number of days.

This annual session bill, as the ones that we've offered in the past, has a restriction. I believe it's time, since 1970 was the last time we even brought anything to the voters—and it was in a different format—that we should have an opportunity at least to place the issue before the voters again.

This legislation is of importance, as well, because those of you who are serving know how difficult it is now to try to accomplish the people's business in 120 days. However, I do believe that, in order to be responsible, we should have a restriction on the number of days in our annual sessions, if that's what we choose, but we need to be sensitive. I've had some individuals who wanted to shorten it to 60 or 90 days, but I'm wondering now if they really want to do that after being here with 59 days left to go and feeling the frustration of how many pieces of good legislation that may not get considered because we haven't had the time or how many pieces are not well-considered because of the time. I think those are things that we have to take into consideration.

A.J.R. 7 anticipates a longer session in the first year because of the openness of the business that can be handled. In the second year, it's not restricted. It's not limited, but it really is focusing more on budget modifications, changes that have been made, mistakes that we made in passing one piece of legislation that presently you have to wait two years to go back and fix. You can consider

those types of measures. But it does restrict the number of days in the second year to 60 days. So, in half the time, there's no way you can do a full budget. That's why there's no recommendation from the Governor in the second year for a full budget recommendation.

[Assemblywoman Giunchigliani continues.] I would point out page 2, Section 2, subsection 3. I felt it was important for discussion purposes to say, "If we ever have facilities available, allow the Legislature to convene in the southern part of the state." This is not an effort to move the capital or anything along those lines, but just bringing access to government to where two-thirds of the population happens to exist. I'm recommending in my amendment to delete that portion, because I don't want to cause it to get a sidebar debate. That is one of my recommendations. We used to take, prior to the 120 days, a recess, and we'd have some committees go down to southern Nevada and hold hearings. They couldn't "vote," but they could do a consensus vote and then bring it back and actually firm it in the body at the capital.

There may be other ways to do it without anybody feeling threatened changing the perception. The idea was really just to bring some more input to the southern part of the state. That's for your discussion purposes, but I do believe that language in subsection 3 should be eliminated.

You'll notice other ideas for discussion. I do think we should explore calendar days. Maybe this is something Mr. Erickson, Legislative Counsel Bureau (LCB), Research Division Director, can help me with. A couple of the legislators approached me and said, "Maybe we should just say 'no more than 120 days' and allow us to actually take a break so that drafting can catch up for two weeks in between, or a week in between time." You don't get paid during that time, so you're still capped and restricted. That's just another thought for the Committee to consider. I think Bob Erickson would be able to give any reaction that that would be not permissible. I think that actually might help. If anybody remembers just trying to get to the dates of getting the bill introductions, let alone committee introductions, our staff gets burned out very quickly. I think that might be something to consider.

Another one was the idea that I already mentioned that maybe we'd just permit hearings to be held in the southern part of the state and then come back like we used to do, for a recess purpose. I did not get a chance to speak to Speaker Perkins, but it's something I'll check into. On page 3, this has always been, since we've actually had it in the *Nevada State Constitution*, they pay an extra \$2. I remember Speaker Dini used to complain about that, because none of them take it, but it forces them into a different tax situation that they have to file. It's just a lot of extra paperwork. I'll explore that to see if that's still



unnecessary language. If so, you just might want to clean it up if we process anything. It's just one of those antiquated terms that has been there forever. It does deal with special sessions. Another key component on page 2 is that we've allowed the Legislature to also call itself into business, not just the Governor. I think that's a responsible approach. We're equal parties, but different categories. We're not the Executive Branch; we're the Legislative Branch. But we ought to have an opportunity to do that. That's what this language anticipates. I know Ms. Lucille Lusk had a suggestion for capping the number of days. I think she's got some good ideas that the Committee might wish to consider.

[Assemblywoman Giunchigliani continues.] We've been paid \$60 for postage since 1864. I felt that a reasonable dollar amount was \$500. It probably could go a lot higher. Why I picked that was arbitrary and capricious. Maybe there could be some kind of application of COLA [Cost of Living Adjustment], but I wanted to be reasonable. Most of us have already gone far beyond the \$60 allocation to communicate with our constituents. I think that's a responsible part of our office and an obligation of our office. We don't get paid well in the first place. You should not have to go out-of-pocket to at least respond to your constituents during the legislative session. You might want to kick around the \$500, but I do think, if we're going to be honest and upfront, then we put it in the legislation at the same time.

I will point out that, because you would go to annual sessions, you would be compensated. Your legislative salary would only be for those days you work. It's not a salary increase, but it is an increase because it's more days. I think people need to be cognizant. The public totally supports legislators being paid for days they work. This would make it very clear. Therefore, if this passed, you're not doing an increase. It's the people saying, "Yes. That makes sense. I support annual sessions, and I support the notion that you're actually going to get paid for days of work." I don't think anybody should hide or be concerned about that part of it, because it's not increasing the \$130 a day that you receive. That's currently in statute and that has nothing to do with the constitutional change. If we actually wanted to increase our salaries, you'd have to take a different type of action than this.

It just brings our initiative petition dates in line with annual sessions. I believe that's really the synopsis of the legislation. I'll try to answer any questions for you.

Bob Erickson handed out for you Exhibit E. Because Lucille Lusk e-mailed me this morning and I did not have this information, I thank Mr. Erickson for pulling this together. A concern is that maybe in the second session, you would limit

it. Out of 44 states with annual sessions, only 6 states actually limit what you can discuss or vote on in the second session. But that's for your information and for your consideration. They've listed for you all the dates when they come into office, when they actually convene, and so forth. In addition to that, there's polling data. Public opinion has consistently supported annual sessions in the state. We've never been able to have an opportunity to put it before them on a ballot. I think that is their choice. The voters are much smarter than we sometimes give them credit for. In my opinion, we should have had 120 days and an annual session, so that there was a counter to it for discussion purposes, but we were not afforded that opportunity, unfortunately.

**Assemblyman McCleary:**

What are the dates that you have proposed for the 60-day session?

**Assemblywoman Giunchigliani:**

Page 2, Section 2, line 2, "Except as otherwise provided in subsection 2, the sessions of the Legislature shall be annual and shall commence on the first Monday of February." And then you see all the lined out language. It would still begin on the first Monday in February, as we currently do. It would be the same for both years, just different number of days.

**Assemblyman McCleary:**

Ms. Giunchigliani, that's going to be an election year. Do you think we should move it to sometime in January on that particular one? When would that put us out? April? [Assemblywoman Giunchigliani said, "Yes."] So the first week of April, we would be done for the 60-day session?

**Assemblywoman Giunchigliani:**

I think that it's fine to discuss when you might want to start it so that it's not as bad in the winter. You have to think that you have the Governor, in the first year, giving you the budget within a certain time period. That's why we generally do it in February, and that way we can at least have time to review the budget prior to coming in and convening. If, in the second year, you wanted to say the Monday in March, that's your decision.

**Assemblyman McCleary:**

I like the idea of having a two-week break in the middle of the session. That would be a good idea, because it would give us all a break. I'm exhausted right now. Are you opposed to a one-week break in the 60-day session for the same purpose?

**Assemblywoman Giunchigliani:**

I hadn't even thought about that. You're going to have the same type of time period that you're going to have to deal with, so that would make sense—two weeks in the longer one and a week in the second one. Maybe staff could give us some indication, but I think that would give drafting plenty of time to catch back up.

**Assemblyman Sherer:**

I have a question. As far as the amount of legislation on the 60-day session, could we look at getting that half? Did you get a look at that? It would still be kind of tough to get through all the same amount of bills that we do in the 120-day session.

**Assemblywoman Giunchigliani:**

Absolutely. Even though only six states limit it, I think that's worthwhile to look at budget amendments. Maybe we would restrict how many bills legislators could request for the second year. Instead of the ten that we get, we could perhaps cut that in half or even less; and I'm the bill queen, so I would have no objection to that. I think there are things we could do mechanically that would assist with that part of it. I think that that would be something very worthwhile for discussion purposes. Even though the majority of states don't do it, that doesn't mean we have to be that way. [She invited Bob Erickson and Bob Price to join her at the witness table.] I don't want to misspeak. If Mr. Price agrees or disagrees with any of what I've said, he's certainly entitled to agree or disagree. I would ask Bob Erickson to explain a little bit of what they do in some of those states. You might have a little bit more of an opportunity for discussion, if that's okay, Mr. Chair.

**Bob Erickson, Research Director, Legislative Counsel Bureau:**

I'm here to provide information. As always, the staff of the LCB [Legislative Counsel Bureau] doesn't have any opinion on the various things before you.

To go back to something that was raised earlier: the difference between "calendar" days and "legislative" days. A number of states do specify in their constitutions that the length of the session is a "legislative" day as opposed to a "calendar" day. That might be something the Committee may wish to consider.

The next point was that there are 44 states that have annual sessions. Twelve of those states provide for a shorter second session, or at least one of those sessions is shorter. In those 12 states, 5 of those, Connecticut, New Mexico, Wyoming, and couple of other ones, restrict the kinds of measures that can come forward in that second session. It's primarily things like budget bills,

maybe revenue adjustments. The members would be severely restricted. The Governor's vetoed bills would come back to that session, emergency measures, but primarily, it would be a budget and supplemental appropriations session. Perhaps it would accomplish some of the things that are now handled by Interim Finance Committee. But again, that's in, I think, five of the states that restrict that second year.

**Assemblywoman Giunchigliani:**

I've long felt, and I think Mr. Price can comment on that, that our Interim Finance Committee is really unconstitutional. This would at least allow us to properly take care of business with 63 members making decisions on budget changes, rather than two committees, with which I have never felt comfortable. If you look at the language on page 3, it does say in an even-numbered year, any proposed appropriations or proposed revisions to the executive budget could be considered. It didn't limit it, but it did suggest. I think Mr. Price can comment further on that part of it, but also, if you had interim committee working in between the first one, if there were measures recommended, you could bring those forward as well. There might be some ways to massage this a little bit.

**Assemblyman Horne:**

We're talking about the scope of the second session, if we were to do this. Would we define that scope now or when it came later? I think it would be important to have it defined, instead of speaking in generalities, for what that scope would be before it was put to the voters.

**Assemblywoman Giunchigliani:**

I tend to agree. If you're going to limit it, you would probably want to tighten up that language on page 3(b) and come to a conclusion of what measures could be introduced. I think that might assist the voters with the comfort level that we're not going to open up a full-blown session, considering everything that didn't get passed in the previous session. Maybe the types of things that Bob Erickson suggested: interim committees, emergency resolutions, revenue enhancements or adjustments, and the limited budget discussion that was included here. Restrict the number of bill drafts that legislators could even request for the purpose of this second session. We can do that by statute. We could even do that this year, because, in Elections [Elections, Procedures, and Ethics Committee] we would have that authority.

**Assemblyman Horne:**

That goes into my second part on restricting the number of bill drafts. One of the arguments is that they complain about the number of bill drafts we have for 120 days. Are we going to have the same thing in the next year, regardless of

the days, either 120 or 60, if we throw in a whole gaggle of bill drafts? We would be listening to the same complaint every year.

**Assemblywoman Giunchigliani:**

If we did not make that adjustment, yes, we would run into that. Maybe part of the strategy is, if we were able to move this forward, to make a change now, at least put it in anticipation, so that we can refer back to the public, "We've already anticipated this, and here's the number of bill drafts that will be allowed to be introduced in the second year or of the annual session." There are ways we could do that statutorily even now in anticipation of that, if that was the wish of the body, separate from this piece of legislation.

We looked at it over the years. I think all standing committees ought to have a sunset, so that we're not just meeting for the sake of meeting, because the committee has always been there in the interim. There are approximately 26 of those. I think that all organizations and groups should have to come through a legislator, instead of getting ten of their own for this local government, and five for them, six for this, and five for that. We've debated that. We've opened it up, and restricted it, opened it up, and restricted it. It's opened up a little bit more in my opinion. There are things we can do statutorily even now to fix some of those things.

**Assemblyman Gustavson:**

This is addressed to any one of the three of you up there. This doesn't deal directly with annual sessions. Part of it does. On the last page of the bill, it has "to repeal Section 12 of the Constitution." The section is not really needed right now, but my own personal opinion is, for historical value, I'd like to leave that in there, although it does mention to have annual sessions. Is this the reason it's being taken out or because of the annual sessions or just because it's not really needed?

**Bob Erickson:**

If I may address that, Mr. Chairman, in 1960, Nevada did hold an annual session. The Constitution was amended in 1958, so there were back-to-back sessions: 1959, 1960, and 1961. Then it went back to the voters again through an initiative and then they said, "No, let's not do annual sessions anymore." Part of the reason was they were still about 60 days apiece, so it felt like it was just almost like doubling the amount of time. But, I guess my point would be, on this question here, I would have thought that if this was standing in the way of doing annual sessions, it would have been removed from the Constitution at this time. So, now, perhaps, it is nothing more than that historical piece in there. We would have to consult with our Legislative Counsel

Bureau to make sure, but perhaps it would be possible to leave it in for historical purposes, if that was the wish.

**Assemblyman Gustavson:**

That would be my wish. But we'd have to take out the last line, because it does say biennial sessions. Other than that, for historical value, I'd like to leave that in there.

**Assemblywoman Giunchigliani:**

Maybe Ms. Van Geel, Committee Policy Analyst, could e-mail Scott Wasserman, of the Legal Division, LCB, and just have him review that. Is drafting language unnecessary? If they did go to biennial for historical purposes, then that phrase could remain.

**Chairman Mortenson:**

I'm going to introduce Mr. Bob Price, because he may want to question all three of these guests here. He sat where I'm sitting in the last two sessions and really initiated this Committee.

**Bob Price:**

I'm just going to make some comments since Ms. Giunchigliani has covered everything so well. There was mention of the Legislative Commission. I would add the Interim Finance Committee. For members who are new, you might not be aware, but basically there are many people, myself included—although it has not been challenged in the court—who feel that the actual actions of the Legislative Commission or the Interim Finance could be declared unconstitutional. If that were actually challenged, they are doing the job that we are elected to do, to make those types of decisions, including money, actions, and so forth. It's never been challenged, but it's been discussed a lot of different times. I feel that the Legislature is "the people's branch of government," and we, basically, should be the ones calling the shots, as it is in most cases around the country.

Some of the states, as indicated by Bob Erickson, have various ways of operating. Texas always comes to mind for me. It is a large state and is biennial. But, what they do is, at a given time, they recess their existing session and then readjourn the next year. Under the law, it's the same session. They go about doing their business, but they actually recess from this year to that year. That may have happened on occasion with other states. People have looked at ways around having annual sessions. You don't always see it at first glance.

[Bob Price continues.] As was indicated earlier, all the polls that have been looked at over the years have shown that the citizenry favors annual sessions. The new people are oftentimes surprised when they realize we do not have annual sessions. To me, it seems very logical, when you have a state that has been growing as we have over the years and have issues that should be attended to, to have annual sessions. It's not too surprising that the annual sessions concept appears to be accepted by the citizenry. The other thing is that anybody who really thinks about it, 90 percent of our constituency really doesn't pay much attention to what politicians are doing, unless it's some high-profile thing. They are a little bit surprised to learn that we're still meeting every other year.

Going back and talking about the 1960 session of the Legislature, there was an old-time lobbyist who worked for the "movers and shakers" and tried to do away with the annual sessions during that period of time. In later years, when we started looking at annual sessions again, he was an extremely strong supporter. The man's name was Pete Kelly. He did everything he could to help us get the ball rolling again.

Restriction of bill drafts doesn't enthuse me too much, but I think, realistically, we, as individuals, would want to do that. However, there should be procedures so that if something comes up that needs to be dealt with, we can, through a committee or the permission of the body as a whole, get a bill draft done up.

The subject matter of what we allow the counties, the cities, and the other branches of government to bring forth needs to be addressed. By the way, that's not done in all of the states. I'm not even sure if it's in many of the states, because, again, the legislature likes to think of itself as the people's branch of government. Entities come through the legislative process to start the ball rolling on whatever the problem or subject matter is.

Thank you for considering this again this year.

**Chairman Mortenson:**

I'd like to ask Mr. Price a question. I have grave concerns about making five changes to the *Constitution of the State of Nevada*. If we were to put out one ballot question with five different changes in the *Constitution of the State of Nevada*, these items would be included:

- annual sessions,
- raising the postage,
- number of days paid,

- special sessions, and, possibly,
- breaking the current session into 120 days with possible adjournments in between.

[Chairman Mortenson continues.] What would be the chance of success? With five constitutional amendments, if there is at least one thing in here for everyone to object to, I don't think it'll go. My feeling is that you make it really, really simple and have five constitutional amendments. That way, people can say, "I like this one. Yes. This one, no. This one, no. This one, yes," instead of checking one "no." I'd like to hear some discussion on that.

**Assemblywoman Giunchigliani:**

Bob Erickson was just reminding me that we probably shouldn't have the period of adjournment in here. We should just have it in statute, and we already have it in. We repealed it because it didn't get over to the Senate to get passed. That can be handled.

What this bill encompasses, I don't see as five, or even four, separate pieces. It goes hand in glove as to how we implement annual sessions. These pieces are all part of that pie. The Chair and I have discussed the issue of the Legislature calling itself back into session. However, that directly relates to the issue of how you do your business, which includes the length of days, what you're considering, and so on and so forth. I think it would be worse to have it broken into five separate parts as five separate questions. I think that would totally confuse the voters. In fact, that happened with the postage. We voted out and put on the ballot just the postage. Then no one talked about it, and it got voted down.

I think people need to see the whole picture of how it's all integrated. I believe we should call ourselves back into session, but if that gives you great heartache, I'd rather not have that piece hold up the rest of the legislation regarding the annual session and length of time and what your premise would be. I think the Legislature felt it was very important. I think it goes with the whole issue, because, as Mr. Price said, we are the people's house. What business will we be taking care of? We shouldn't just be called in by the Governor. We should be allowed to call ourselves in by two-thirds of the legislators signing a petition if we believe that something has happened. I just see them as integrated, to some extent, but that's for your discussion, Mr. Chair.

**Chairman Mortenson:**

Regarding the postage, perhaps, Ms. Giunchigliani, people are so tired of getting mail, that they intentionally voted it down. They weren't confused.



**Assemblywoman Giunchigliani:**

I think that the focus includes these things:

- How do we do annual sessions appropriately?
- How do we run our business, our house, appropriately?
- How do we try to anticipate the need of the citizens?"

If the postage is a nonissue, then don't deal with it this time around. There's never been any debate from the public that we shouldn't be able to call ourselves into session. I think it goes fine with the annual session component. Maybe the postage thing shouldn't be dealt with, and we can come back and deal with that separately.

**Chairman Mortenson:**

We have so many potential constitutional amendments that, if we do one every session, we are going to be 100 years behind before we ever get done what we might want to do in a couple of years.

**Assemblywoman Giunchigliani:**

Maybe the postage issue could be dealt with by having drafting establish that statutorily, but amend it out of the *Constitution of the State of Nevada* and allow the Legislature to deal with it statutorily.

**Chairman Mortenson:**

For the Committee, what's your feeling about the issue of combining many constitutional amendments or having separate ballot questions?

**Assemblyman McCleary:**

I'm comfortable with combining most items. It was my thought, too, to handle the postage statutorily. If the voters see a dollar figure, they might go negative on it. The one that I would suggest is the portion concerning calling ourselves into annual sessions. I think that should be a separate question. I see that as one that the Legislative Branch of government might want to fight. We might get the biggest fight out of that.

**Assemblywoman Giunchigliani:**

If you decide to look at the postage, you may want to be sure you cap it, so that if we do deal with it statutorily, they won't think it's an open end.

Secondly, I would be fearful that, if we had the annual session bill and calling ourselves back into session running at the same time, we probably would lose both. I don't have a problem with it being in this because I think it is part of the

charge of the Legislature. We are so far behind in what we do. There are only five other states that don't even have annual sessions. That would be my caution. If you wanted to take it out, I wouldn't run it parallel. It would tend to confuse the message. If you want to take it out completely and start it up next session, so that it's not on the ballot at exactly the same time as the annual sessions, that might be a better approach.

**Chairman Mortenson:**

Mr. Erickson, how could you statutorily deal with postage when it's specifically says \$60 in the *Constitution of the State of Nevada*? You couldn't change that statutorily, could you?

**Bob Erickson:**

As I recall, when this went on the ballot as a single item about ten years ago, the issue was to remove the \$60 from the *Constitution of the State of Nevada* and say the Legislature shall, by law, provide for a postage allowance. I know, since I work on the arguments for and against, the argument "against" was something to the effect that there's no limit set forth in the measure. Perhaps that sealed the fate of that ballot question. But it's true; you would have to take that \$60 out of the *Constitution of the State of Nevada* first. The question is, "Do you then just say, 'and the Legislature shall by law set that,' or do you set a new number in the *Nevada State Constitution*?" You're going to have to think about the ramifications, because by saying "set it by law," it did not go over very well with the voters 10 years ago.

**Chairman Mortenson:**

I thought that someone was saying that we could change the number statutorily, but you can't do that because it's in the *Constitution of the State of Nevada*. [Assemblywoman Giunchigliani agreed that it had to be removed first from the *Constitution of the State of Nevada*.]

**Assemblyman Horne:**

I agree with Ms. Giunchigliani on the manner in which to place it before the voters. I think it's better as a whole instead of broken up. If I go buy an automobile, I don't want to go somewhere else to buy the tires. This is all one item we're proposing to the voters. We should present it to them as such.

**John Wagner, Nevada Republican Assembly:**

[Introduced himself.] I agree with A.J.R. 13. I don't believe the Governor should be the only one that can call in a session. He's not a dictator. He's a governor.

In regards to A.J.R. 7, I'm not crazy about the annual sessions. There are changes that can be made to the *Nevada State Constitution*. You've got 120 calendar days. That means you lose two days a week. You're not doing any work. If you added up those two days a week, that would be almost a month more of the session. You can get more done in that particular time.

[John Wagner continues.] I think the idea of having a recess is a good idea. A good time to have a recess would be when the bills go from one house to the other. I also agree with Mr. Mortenson's idea of putting them on the ballot separately. I think people will see five things, but if there is one they don't like, they will reject the entire bill. As far as putting one on the bill now and one in two years, since it's a constitutional amendment, it has to be passed twice. If you postpone it, you're still going to be behind. For the record, I still think you legislators should get a good salary increase.

**David Schumann, Independent American Party:**

[Introduced himself.] I think you could better handle this by simply changing the "calendar" days to "legislative" days. If that requires a constitutional amendment, make a simple amendment that states you are in session for 150 calendar days for one year. Ms. Giunchigliani stated that she thought we were "behind" because we don't have annual sessions. I think we're keeping up with what the founders initially thought of this republic, which is that we have a limited government. They set that in clay to be limited. California has a professional legislature that meets as long or longer than the Congress of the United States. The result is a "Parkinson's Law." You can find work to increase your workload when you're in session.

This state is very attractive to people. I don't believe it's true that, when people move here, they aren't aware that there is only one session every two years. I certainly was when I moved here from California, as were my fellow former-Californians, and we considered it a real benefit. I think you should get paid \$20,000 for the year that you're here. I have no problem with you folks getting paid properly for what you do. It's happened in Congress and it's happened in those states that have gone to annual sessions. When you have folks sitting there, they begin to believe that they need to be writing more laws. It's just the nature of humans. We've already got more government than we need. I would ask that, instead of going to annual sessions, you simply increase the length of this session. I've never heard anybody advocate that the Legislature should meet more often.

**Chairman Mortenson:**

I would like Michelle Van Geel to work up all the potential amendments for a work session.

**Bob Erickson:**

I misspoke earlier. When we had that two-week period of adjournment in 1991, 1993, and 1995, it was the fifth and sixth weeks of the session. That's when Nevada was still operating under "unlimited legislative sessions." The clock kept ticking. The way the *Nevada State Constitution* is written now, I believe, if you were trying to interject a period of adjournment into a legislative session that has a fixed limit, the clock would still keep ticking. If you were to want to have that, you would need to specify something in the *Constitution of the State of Nevada* that stated you could recess at a convenient time. We would have to leave that to our Counsel.

**Chairman Mortenson:**

I'm quite sure the *Constitution of the State of Nevada* says when we start and when we end. If we wanted to take a vacation in between, we'd lose that time. The clock would be ticking.

I have some potential amendments [Exhibit F] from Lucille Lusk, who was unable to attend this meeting. I would like to read them for the Committee to consider and for Michelle Van Geel to list as potential amendments for our work session.

Regarding the annual sessions, Ms. Lusk is very unhappy with the "no limitation on the scope of the session." She feels that another 600 to 1,300 bills could be introduced, and we would go through the calamity we do already in 120 days. She asks for it to be limited in some manner.

She supports the Legislature being able to call itself into special session. If we have the ability to call ourselves into special session, the topics should be limited so that we do not turn this into a regular session. I think both bills do limit it to 20 days.

Mr. Erickson, Ms. Lusk feels very strongly that the present situation, wherein the budget is received 14 days before the session, is much too short. The legislators and the budget committees should have a much longer time to look at that. Is there some constraint, working backwards, that would disallow having more than 30 days, instead having 60 days? Are there date constraints?

**Bob Erickson:**

Until we had the 120-day session, the budget was not delivered to the Legislature until the time of the Governor's State of the State address, which was after the session had already started. But, again, the sessions were unlimited.

[Bob Erickson continues.] Part of that constitutional amendment that was approved says that the Governor must submit *The Executive Budget* to the Legislature 14 days before the start of the session. The measure before you proposes 30 days, is that correct?

**Chairman Mortenson:**

It is 14 days now, and the bill suggests that 30 days would be a good time period to have. My question is whether there is some constraint that would prohibit that?

**Bob Erickson:**

I can't really respond on behalf of the Executive Branch, but I think that would certainly make it very difficult for the Budget Office to have something right around the first of January. We would have to change a number of laws on the submittal of budgets to the Budget Director, and the meetings of the Economic Forum, and so forth. What we're taking about here is another two weeks earlier. The other option would be to start the session two weeks later. If you keep the start date on the first Monday in February, it would affect the whole budget process.

**Chairman Mortenson:**

I'm going to read a little bit of the preamble to A.J.R. 13, which is a bill that I submitted. It is germane to a potential amendment that I would request that we consider.

Whereas, 34 state legislatures have the ability to call a special session; and

Whereas the Nevada Legislature is one of only 16 bodies that may not call a special session; and

Whereas the *Nevada State Constitution* is grounded on the principle of three equal branches of state government, with ultimate authority and responsibility residing in each one; and

Whereas Nevada's current constitutional language, which allows only the Governor to call the Legislature into session, impedes and is contrary to the constitutional provision that vests the legislative authority in the Legislature.

Mr. Price's bill suggests that the way we call ourselves into session is that we petition the Governor, and the Governor then calls us into session. In my opinion, we are the Legislative Branch, and we should have independence from the Governor. The Legislature should call itself into session without that extra step of petitioning the Governor to call us into session. Ms. Giunchigliani has

said that she is perfectly amenable to that kind of change in language. [Mr. Price, who was in the audience, indicated that he would also be amenable to that change.]

[Chairman Mortenson continues.] It would be a potential amendment that we change the language so that we don't go through the Governor, we just call ourselves into session. That would not change the *Constitution of the State of Nevada*. The Governor would still be able to call the Legislature into session exactly as he is able now.

We'll close the hearing on A.J.R. 7 and A.J.R. 13 and go through the amendments in a future work session.

[Chairman Mortenson then apologized for not realizing that Janine Hansen wished to testify.]

**Janine Hansen, State President of the Nevada Eagle Forum:**

[Introduced herself.] I wanted to be here in support of A.J.R. 13. I like this whole concept of the Legislature being able to call itself into session.

Last year, I spent a whole year during the interim going to committee hearings for the health committee. They were discussing a model Emergency Health Powers Act. I don't know if many of you are familiar with that, but it is one of the pieces of terrorist legislation. It was a model act, and it was given to the states in the hope they would pass it.

This piece of legislation was very far-reaching. In fact, it included such things as confiscating food, fuel, clothing, guns, and property without any kind of just compensation. It made the governor a virtual dictator. It's interesting that I became, as part of my work in Eagle Forum, a national coordinator for what was going on. I spoke at our national meeting regarding it.

Although this was introduced in almost every state, only one state passed it in its original form. One of the reasons for that was because it simply vested in the governor total and absolute dictatorial power. One of the provisions of the original piece of model legislation stated that the legislature couldn't even review anything the governor had done for 60 days after he had done it. There was no legislative input or oversight with regards to this. There were a lot of draconian provisions. For instance, they could forcefully quarantine people with no appeals process. They could separate parents from children. They could force people to have medical treatment and vaccines they did not want. The reason I just talked to you about this is because I feel it's so important in Nevada, where we only meet every other year.

[Janine Hansen continues.] There could be an emergency of a catastrophic nature when the legislature would not be in session. There could be a governor doing things that might be of concern, that may step over the line, that may usurp people's constitutional rights and trample on their individual liberties. You, as the Legislature, may be concerned about those actions, but you can't call yourself into session at the present time.

I think this particular part of A.J.R. 7 and A.J.R. 13 is now more imperative than it has ever been. We need checks and balances. We need separation of powers. We need oversight by the Legislature of what the Governor does. These things are important to maintain our liberty. That's the whole philosophy underlying what our founding fathers did with the separation of powers, not only between the three branches of government, but also between the states' governments and the federal governments. I really do support this whole concept of allowing the Legislature to call itself into session.

Let me speak as to why these either both go forward or that one ought to go forward. Every time the annual sessions have gone before the Senate, it has been killed. If you send annual sessions along with calling the Legislature into session together to the Senate, they'll kill it. There is a possibility that, if you amend A.J.R. 7 to be just the same as A.J.R. 13, and you send both resolutions to the Senate, A.J.R. 13 may actually get through. That would be, in my opinion, extremely important for the Legislature to be able to call itself into session.

If the Senate passes the annual session resolution, they have to come back to the Legislature next time, don't they? If they actually passed both of them in the Senate, when it came back to the Assembly, you could stop A.J.R. 13, and allow the whole package to go forward. It would be like an insurance policy of making sure that you can have the opportunity to call the Legislature into special session. It is so important for you to be able to have the oversight in these volatile times.

I would also suggest to you that one thing you might need to look at in calling the Legislature into session is the issue of continuity of government. We know that the *Constitution of the State of Nevada* deals with a site for the continuity of government. Also, Assemblyman [Speaker] Perkins brought forth a bill that was discussed in Judiciary about the continuity of government. That portion of his bill has a tremendous amount of merit.

On page 2, line 10, it talks about "upon the petition signed by 2/3 of the members of each house of the Legislature." You need to take this language into

consideration in crafting the continuity of government section. If we have some kind of a catastrophic problem, and 15 members of the Legislature are dead or incapacitated, I don't know if this would address that. You may need to look at the fact that it does need to be addressed, because, if you have a catastrophic problem and you have an absence of 20 or more because of the disaster, you may need to call the Legislature into session. But you would be prohibited from doing so because you wouldn't have two-thirds of the members as identified by this bill. I'd encourage you to look at the issue of continuity of government.

**Chairman Mortenson:**

What type of language would you use to imply that two-thirds of the existing legislators could call a session?

**Janine Hansen:**

I think in Assemblyman [Speaker] Perkins' legislation, there are some specifics about what happens with a certain number. You may want to look at that specific language. In the *Nevada State Constitution*, it simply provides that the Legislature will provide the means for continuity of government. It doesn't have any kind of specifics. You may need something broad enough to go into the *Constitution of the State of Nevada* without the specifics. But "of the existing members" might be all you need. Since I've been listening to all these terrorism bills, which I've been doing for the last year, this issue of continuity of government has really been on my mind. The Legislature is a very important part of that.

**Chairman Mortenson:**

We'll close the hearing on A.J.R. 7 and A.J.R 13.

We'll open the hearing on A.B. 532.

**Assembly Bill 532: Directs issuance of Nevada silver coins. (BDR 31-1297)**

**David Horton, Committee to Restore the Constitution and the Nevada Committee for Full Statehood:**

[Introduced himself. Mr. Horton read from written testimony Exhibit G].

If you go through Exhibit H, the second exhibit that is the description of original jurisdiction, it shows that, if we assert our position as a sovereign party of the constitutional compact, we can greatly limit the capability of anyone who wants to derail this project. First of all, if it goes in under the original jurisdiction, you have to have a party plaintiff to complain, if we are to be a party defendant. It is by no means certain that the Supreme Court would entertain such jurisdiction,



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AJR 7  
Chris Giunchigliani  
March 31, 2003

If you process this joint resolution, please add the name of Assemblyman Kelvin Atkinson as one of the sponsors of this legislation. He'd requested to be a co-sponsor and I didn't get it to him before turning it in.

Amend page 2 sec. 1 subsection 2 delete the reference to subsection 3  
Same section delete subsection 3

Other ideas for discussion:

Explore allowing breaks between the number of days. The intent would allow some flexibility in timing and this would allow our drafters to have some breaks to catch up with things during session. So perhaps meet for 30 days give staff a week to catch up. Legislators would not be paid while on "break."

Explore adding language to allow committees to hold hearings in LV and take a vote of consensus similar to what we had prior to the 120 day session.

Check with the speaker and Lt. Governor, to perhaps delete the "additional allowance of 2 dollar per diem in Section 33, article 4, lines 39-40. I believe this forces them into is a tax issue. I believe they don't even take the \$2.00.

## Section by section analyses

Sec 29A sec. 1 sets the number of days for each year. Odd-numbered years 120 days and even numbered years 60 days.

Sec. 2 limits the special session to 20 calendar days.

Sec. 2 subsection 3 allows the legislature to determine if facilities are available then they can meet in southern NV in even-numbered years.

Section 2 of Article 4, pg. 2 lines 34 and on allow the Governor to convene the legislature for a special session and allows the legislature by a 2/3 vote to convene themselves.

Pg. 3 subsection 3 deals with when and how the Governor will submit his/her will be presented so work can begin.

Pg. Subsection 4 allows the legislature to prepare and submit their own budget. It specifies that in odd-numbered years a proposed executive budget will be acted on and revised and in even-numbered years only proposed appropriations and revisions to the budget will be considered.

Pg. 3 Section 33 of article 4 lines 23-40 Makes it clear that you will be paid for days of work for annual session.

It also increases the postage from \$60.00 to \$500.00 and set an amount for special sessions.

Pg. 4 article 19, sec. 2 lines 29-32 brings initiative petition in line with annual session dates.

**Table 3.2**  
**LEGISLATIVE SESSIONS: LEGAL PROVISIONS**

44 States with Annual Sessions (12 with one shortened session)  
6 States with Biennial Sessions (AR, MT, NV, ND, OR, TX)

| State or other jurisdiction | Year              | Regular sessions     |                              |   | Special sessions  |                                   |                                 |
|-----------------------------|-------------------|----------------------|------------------------------|---|---|-----------------------------------|---------------------------------|
|                             |                   | Legislature convenes |                              | Limitation on length of session (a)         | Legislature may call  | Legislature may determine subject | Limitation on length of session |
|                             |                   | Month                | Day                          |   |   |                                   |                                 |
| Alabama .....               | Annual            | Jan.                 | 2nd Tues. (b)                | 30 L in 105 C                               | No  | Yes (f)                           | 12 L in 30 C                    |
|                             |                   | Mar.                 | 1st Tues. (c)(d)             |   |   |                                   |                                 |
|                             |                   | Feb.                 | 1st Tues. (e)                |   |   |                                   |                                 |
| Alaska .....                | Annual            | Jan.                 | 2nd Mon.                     | 121 C (h)                                   | By 2/3 vote of members  | Yes (i)                           | 30 C                            |
|                             |                   | Jan.                 | 3rd Mon. (g)                 |   |   |                                   |                                 |
| Arizona .....               | Annual            | Jan.                 | 2nd Mon.                     | (j)   | By petition, 2/3 members, each house  | Yes (i)                           | None                            |
| Arkansas .....              | Biennial-odd year | Jan.                 | 2nd Mon.                     | 60 C (h)                                    | No  | Yes (f,k)                         | (k)                             |
| California .....            | (l)               | Jan.                 | 1st Mon. (d)                 | None  | No  | No                                | None                            |
| Colorado .....              | Annual            | Jan.                 | No later than 2nd Wed.       | 120 C                                       | By request, 2/3 members, each house   | Yes (i)                           | None                            |
| Connecticut .....           | Annual (m)        | Jan.                 | Wed. after 1st Mon. (n)      | (p)   | Yes (q)   | (q)                               | None (r)                        |
|                             |                   | Feb.                 | Wed. after 1st Mon. (o)      |   |   |                                   |                                 |
| Delaware .....              | Annual            | Jan.                 | 2nd Tues.                    | June 30                                     | Joint call, presiding officers, both houses   | Yes                               | None                            |
| Florida .....               | Annual            | Mar.                 | 1st Tues. after 1st Mon. (d) | 60 C (h)                                    | Joint call, presiding officers, both houses or by petition through Dept. of State, 3/5 members, both houses | Yes (f)                           | 20 C (h)                        |
| Georgia .....               | Annual            | Jan.                 | 2nd Mon.                     | 40 L  | By petition, 3/5 members, each house  | Yes (i)                           | (s)                             |
| Hawaii .....                | Annual            | Jan.                 | 3rd Wed.                     | 60 L (h)                                    | By petition, 2/3 members, each house  | Yes                               | 30 L (h)                        |
| Idaho .....                 | Annual            | Jan.                 | Mon. on or nearest 9th day   | None  | No  | No                                | 20 C                            |
| Illinois .....              | Annual            | Jan.                 | 2nd Wed.                     | None  | Joint call, presiding officers, both houses   | Yes (i)                           | None                            |
| Indiana .....               | Annual            | Jan.                 | 2nd Mon. (d)(t)              | odd-61 C or Apr. 29; even-30 C or Mar. 14   | No  | Yes                               | 30 L or 40 C                    |
| Iowa .....                  | Annual            | Jan.                 | 2nd Mon.                     | (u)   | By petition, 2/3 members, each house  | Yes                               | None                            |
| Kansas .....                | Annual            | Jan.                 | 2nd Mon.                     | odd-None; even-90 C (h)                     | Petition to governor of 2/3 members, each house   | Yes                               | None                            |
| Kentucky .....              | Annual            | Jan.                 | Tues after 1st Mon. (d)      | odd-30L (v)<br>even-60L                     | No  | No                                | None                            |
| Louisiana .....             | Annual            | Mar.                 | last Mon. (d)(n)             | odd-60 L in 85 C;<br>even-30 L in 45 C      | By petition, majority, each house   | Yes (i)                           | 30 C                            |
| Maine .....                 | (l, m)            | Apr.                 | last Mon. (m)(o)             |   |   |                                   |                                 |
|                             |                   | Dec.                 | 1st Wed. (b)                 | 3rd Wed. of June (h)                        | Joint call, presiding officers, with consent of majority of members of each political party, each house     | Yes (i)                           | None                            |
|                             |                   | Jan.                 | Wed. after 1st Tues. (o)     | 3rd Wed. of April (h)                       |   |                                   |                                 |
| Maryland .....              | Annual            | Jan.                 | 2nd Wed.                     | 90 C (h)                                    | By petition, majority, each house   | Yes                               | 30 C                            |
| Massachusetts .....         | Annual            | Jan.                 | 1st Wed.                     | (w)   | By petition (x)   | Yes                               | None                            |
| Michigan .....              | Annual            | Jan.                 | 2nd Wed.                     | None  | No  | No                                | None                            |
| Minnesota .....             | (y)               | Jan.                 | Tues. after 1st Mon. (n)     | 120 L or 1st Mon. after 3rd Sat. in May (y) | No  | Yes                               | None                            |

SOURCE: THE BOOK OF THE STATES - 2002

ASSEMBLY CONSTITUTIONAL AMENDMENTS  
DATE: 4/1/03 ROOM: 3141 EXHIBIT E-10-F12  
SUBMITTED BY: Bob Eckesod

# LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued

| State or other jurisdiction | Regular sessions  |                      |  |                                     | Special sessions  |                                   |                                 |
|-----------------------------|-------------------|----------------------|--|-------------------------------------|---|-----------------------------------|---------------------------------|
|                             | Year              | Legislature convenes |  | Limitation on length of session (a) | Legislature may call  | Legislature may determine subject | Limitation on length of session |
|                             |                   | Month                | Day  |                                     |   |                                   |                                 |
| Mississippi .....           | Annual            | Jan.                 | Tues. after 1st Mon.                               | 125 C (h, z); 90C (h, z)            | No  | No                                | None                            |
| Missouri .....              | Annual            | Jan.                 | Wed. after 1st Mon.                                | May 30                              | By petition, 3/4 members, each house  | Yes                               | 30 C (aa)                       |
| Montana .....               | Biennial-odd year | Jan.                 | 1st Mon.   | 90 L                                | By petition, majority, each house   | Yes                               | None                            |
| Nebraska .....              | Annual            | Jan.                 | Wed. after 1st Mon.                                | odd-90 L (h); even-60 L (h)         | By petition, 2/3 members  | Yes                               | None                            |
| Nevada .....                | Biennial-odd year | Feb.                 | 1st Mon.   | 120 C                               | No  | No                                | 20 C                            |
| New Hampshire .....         | Annual            | Jan.                 | Wed. after 1st Tues. (d)                           | 45 L                                | By 2/3 vote of members, each house  | Yes                               | 15 L (u)                        |
| New Jersey .....            | Annual            | Jan.                 | 2nd Tues.  | None                                | By petition, majority, each house   | Yes                               | None                            |
| New Mexico .....            | Annual (m)        | Jan.                 | 3rd Tues.  | odd-60 C; even-30 C                 | By petition, 3/5 members, each house  | Yes (i)                           | 30 C                            |
| New York .....              | Annual            | Jan.                 | Wed. after 1st Mon.                                | None                                | By petition, 2/3 members, each house  | Yes (i)                           | None                            |
| North Carolina .....        | (y)               | Jan.                 | 3rd Wed. after 2nd Mon. (n)                        | None                                | By petition, 3/5 members, each house  | Yes                               | None                            |
| North Dakota .....          | Biennial-odd year | Jan.                 | Tues. after Jan. 3, but not later than Jan. 11 (d) | 80 L (bb)                           | Yes (kk)  | Yes                               | None                            |
| Ohio .....                  | Annual            | Jan.                 | 1st Mon. (mm)                                      | None                                | Joint call, presiding officers, both houses   | Yes                               | None                            |
| Oklahoma .....              | Annual            | Feb.                 | 1st Mon. (cc)                                      | 160 C                               | By vote, 2/3 members, each house  | Yes (i)                           | None                            |
| Oregon .....                | Biennial-odd year | Jan.                 | 2nd Mon.   | None                                | By petition, majority, each house   | Yes                               | None                            |
| Pennsylvania .....          | Annual (ll)       | Jan.                 | 1st Tues.  | None                                | By petition, majority each house  | No                                | None                            |
| Rhode Island .....          | Annual            | Jan.                 | 1st. Tues.   | 60 L (u)                            | No  | No                                | None                            |
| South Carolina .....        | Annual            | Jan.                 | 2nd Tues. (d)                                      | 1st Thurs. in June (h)              | No  | Yes                               | None                            |
| South Dakota .....          | Annual            | Jan.                 | 2nd Tues.  | odd-40 L; even-35 L                 | No  | Yes                               | None                            |
| Tennessee .....             | Annual            | Jan.                 | (dd)   | 90 L (u)                            | By petition, 2/3 members, each house  | Yes                               | 30 L (u)                        |
| Texas .....                 | Biennial-odd year | Jan.                 | 2nd Tues.  | 140 C                               | No  | No                                | 30 C                            |
| Utah .....                  | Annual            | Jan.                 | 3rd. Mon.  | 45 C                                | No  | No                                | 30 C (ee)                       |
| Vermont .....               | (y)               | Jan.                 | Wed. after 1st Mon. (n)                            | None                                | No  | Yes                               | None                            |
| Virginia .....              | Annual            | Jan.                 | 2nd Wed.   | odd-30 C (h); even-60 C (h)         | By petition, 2/3 members, each house  | Yes                               | None                            |
| Washington .....            | Annual            | Jan.                 | 2nd Mon.   | odd-105 C; even-60 C                | By vote, 2/3 members, each house  | Yes                               | 30 C                            |
| West Virginia .....         | Annual            | Feb.                 | 2nd Wed. (c, d)                                    | 60 C (h)                            | By petition, 3/5 members, each house  | Yes (ff)                          | None                            |
| Wisconsin .....             | Annual (gg)       | Jan.                 | 2nd Wed. (e)                                       |                                     |   |                                   |                                 |
| Wyoming .....               | Annual (m)        | Jan.                 | 1st Mon. (n)                                       | None                                | By petition, vote, majority members each house, vote by majority, organization committee each house | No                                | None                            |
|                             |                   | Feb.                 | 2nd Tues. (n)                                      | odd-40 L; even-20 L                 | Yes   | Yes                               | None                            |
|                             |                   |                      | 3rd Mon. (o)                                       |                                     |   |                                   |                                 |

# LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued

| State or other jurisdiction | Regular sessions |                      |               |                                     | Special sessions                                |                                   |                                 |
|-----------------------------|------------------|----------------------|---------------|-------------------------------------|---|-----------------------------------|---------------------------------|
|                             | Year             | Legislature convenes |               | Limitation on length of session (a) | Legislature may call                            | Legislature may determine subject | Limitation on length of session |
|                             |                  | Month                | Day           |                                     |   |                                   |                                 |
| Dist. of Columbia .....     | (hh)             | Jan.                 | 2nd day       | None                                |   |                                   |                                 |
| American Samoa .....        | Annual           | Jan.                 | 2nd Mon.      | 45 L                                | No  | No                                | None                            |
|                             |                  | July                 | 2nd Mon.      | 45 L                                |   |                                   |                                 |
| Guam .....                  | Annual           | Jan.                 | 2nd Mon. (ii) | None                                | No  | No                                | None                            |
| No. Mariana Islands .....   | Annual           | (jj)                 | (d, jj)       | 90 L (jj)                           | Upon request of presiding officers, both houses | Yes (i)                           | 10 C                            |
| Puerto Rico .....           | Annual           | Jan.                 | 2nd Mon.      | None                                | No  | No                                | 20 C                            |
| U.S. Virgin Islands .....   | Annual           | Jan.                 | 2nd Mon.      | None                                | No  | No                                | None                            |

Source: The Council of State Governments' survey, January 2002 and state web sites.

Note: Some legislatures will also reconvene after normal session to consider bills vetoed by governor. Connecticut—if governor vetoes any bill, secretary of state must reconvene General Assembly on second Monday after the last day on which governor is either authorized to transmit or has transmitted every bill with his objections, whichever occurs first: General Assembly must adjourn sine die not later than three days after its reconvening. Hawaii—legislature may reconvene on 45th day after adjournment sine die, in special session, without call. Louisiana—legislature meets in a maximum five-day veto session on the 40th day after final adjournment. Missouri—if governor returns any bill on or after the fifth day before the last day on which legislature may consider bills (in even-numbered years), legislature automatically reconvenes on first Wednesday following the second Monday in September for a maximum 10 C sessions. New Jersey—legislature meets in special session (without call or petition) to act on bills returned by governor on 45th day after sine die adjournment of the regular session; if the second year expires before the 45th day, the day preceding the end of the legislative year. Utah—if 2/3 of the members of each house favor reconvening to consider vetoed bills, a maximum five-day session is set by the presiding officers. Virginia—legislature reconvenes on sixth Wednesday after adjournment for a maximum three-day session (may be extended to seven days upon vote of majority of members elected to each house). Washington—upon petition of 2/3 of the members of each house, legislature meets 45 days after adjournment for a maximum five-day session.

Key:

C — Calendar day

L — Legislative day (in some states called a session day or workday; definition may vary slightly, however, generally refers to any day on which either house of legislature is in session).

(a) Applies to each year unless otherwise indicated.

(b) General election year (quadrennial election year).

(c) Year after quadrennial election.

(d) Legal provision for organizational session prior to stated convening date. Alabama—in the year after quadrennial election, second Tuesday in January for 10 C. California—in the even-numbered general election year, first Monday in December for an organizational session, recess until the first Monday in January of the odd-numbered year. Florida—in general election year, 14th day after election. Indiana—third Tuesday after first Monday in November. Kentucky—in odd-numbered year, Tuesday after first Monday in January for 10 L. Louisiana—in year after general election, second Monday in January, not to exceed 3 L. New Hampshire—in even-numbered year, first Wednesday in December. North Dakota—in December. South Carolina—in even-numbered year, Tuesday after certification of election of its members for a maximum three-day session. West Virginia—in year after general

election, on second Wednesday in January. No. Mariana Islands—in year after general election, second Monday in January.

(e) Other years.

(f) By 2/3 vote each house.

(g) Following a gubernatorial election year.

(h) Session may be extended by vote of members in both houses. Alaska—2/3 vote for 10-day extension. Arkansas—2/3 vote. Florida—3/5 vote, session may be extended by vote of members in each house. Hawaii—petition of 2/3 membership for maximum 15-day extension. Kansas—2/3 vote. Maine—2/3 vote for maximum 10 L. Maryland—3/5 vote for maximum 30 C. Mississippi—2/3 vote for 30 C extension, no limit on number of extensions. Nebraska—4/5 vote. South Carolina—2/3 vote. Virginia—2/3 vote for 30 C extension. West Virginia—2/3 vote (or if budget bill has not been acted upon three days before session ends, governor issues proclamation extending session). Puerto Rico—joint resolution.

(i) Only if legislature convenes itself. Special sessions called by the legislature are unlimited in scope in Arizona, Georgia, Maine, and New Mexico.

(j) No constitutional or statutory provision; however, legislative rules require that regular sessions adjourn no later than Saturday of the week during which the 100th day of the session falls.

(k) After governor's business has been disposed of, members may remain in session up to 15 C by a 2/3 vote of both houses.

(l) Regular sessions begin after general election, in December of even-numbered year. In California, legislature meets in December for an organizational session, recesses until the first Monday in January of the odd-numbered year and continues in session until Nov. 30 of next even-numbered year. In Maine, session which begins in December of general election year runs into the following year (odd-numbered); second session begins in next even-numbered year.

(m) Second session limited to consideration of specific types of legislation. Connecticut—individual legislators may only introduce bills of a fiscal nature, emergency legislation and bills raised by committees. Louisiana—fiscal matters. Maine—budgetary matters; legislation in the governor's call; emergency legislation; legislation referred to committees for study. New Mexico—budgets, appropriations and revenue bills: bills drawn pursuant to governor's message; vetoed bills. Wyoming—budget bills, other bills require a 2/3 vote for introduction.

(n) Odd-numbered years.

(o) Even-numbered years.

(p) Odd-numbered years—not later than Wednesday after first Monday in June; even-numbered—years not later than Wednesday after first Monday in May.

## LEGISLATIVE SESSIONS: LEGAL PROVISIONS — Continued

(q) Constitution provides for regular session convening dates and allows that sessions may also be held "... at such other times as the General Assembly shall judge necessary." Call by majority of legislators is implied.

(r) Upon completion of business.

(s) Limited to 40 L unless extended by 3/5 vote and approved by the governor, except in cases of impeachment proceedings.

(t) Legislators may reconvene at any time after organizational meeting; however, second Monday in January is the final date by which regular session must be in process.

(u) Indirect limitation; usually restrictions on legislator's pay, per diem, or daily allowance.

(v) In even-numbered years, sessions may not extend beyond April 15 and in odd numbered years may not extend beyond March 30.

(w) Legislative rules say formal business must be concluded by Nov. 15th of the 1st session in the biennium, or by July 31st of the 2nd session for the biennium.

(x) Joint rules provide for the submission of a written statement requesting special session by a specified number of members of each chamber.

(y) Legal provision for session in odd-numbered year; however, legislature may divide, and in practice has divided, to meet in even-numbered years as well.

(z) 90 C sessions every year, except the first year of a gubernatorial administration during which the legislative session runs for 125 C.

(aa) 30 C if called by legislature; 60 C if called by governor.

(bb) No legislative day is shorter than a natural day.

(cc) Odd number years will include a regular session commencing on the first Tuesday after the first Monday in January and recessing not later than the first Monday in February of that year. Limited constitutional duties can be performed.

(dd) Commencement of regular session depends on concluding date of organizational session. Legislature meets, in odd-numbered year, on second Tuesday in January for a maximum 15 C organizational session, then returns on the Tuesday following the conclusion of the organizational session.

(ee) Except in cases of impeachment.

(ff) According to a 1955 attorney general's opinion, when the legislature has petitioned to the governor to be called into session, it may then act on any matter.

(gg) The legislature, by joint resolution, establishes the session schedule of activity for the remainder of the biennium at the beginning of the odd-numbered year.

(hh) Each Council period begins on January 2 of each odd-numbered year and ends on January 1 of the following odd-numbered year.

(ii) Legislature meets on the first Monday of each month following its initial session in January.

(jj) 60 L before April 1 and 30 L after July 31.

(kk) Legislative Council may reconvene the Legislature assembly. However, a reconvened session may not exceed the number of days available (80) but not used by the last regular session.

(ll) Sessions are 2 years and begin on the 1st Tuesday of January of the odd numbered year. Session ends on November 30 of the even numbered year. Each calendar year receives its own legislative number.

(mm) Unless Monday is a legal holiday; in second year, the General Assembly convenes on the same date.

**Table 3.19**  
**BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS:**  
**2000 AND 2001 REGULAR SESSIONS**

| State or other jurisdiction | Duration of session**        | Introductions |             | Enactments |             | Measures vetoed by governor | Length of session |
|-----------------------------|------------------------------|---------------|-------------|------------|-------------|-----------------------------|-------------------|
|                             |                              | Bills         | Resolutions | Bills      | Resolutions |                             |                   |
| Alabama .....               | Feb. 1 - May 15, 2000        | 1,571         | 763         | 514        | 298         | 2                           | 30L               |
|                             | Feb. 6 - May 21, 2001        | 1,589         | 837         | 273        | 425         | 0                           | 30L               |
| Alaska (o) .....            | Jan. 10-May 3, 2000          | 768           | 166         | 243        | 64          | 7 (a)                       | N.A.              |
|                             | Jan. 8-May 8, 2001           | 830           | 148         | 111        | 48          | 2                           | N.A.              |
| Arizona (o) .....           | Jan. 10-April 18, 2000       | 1,280         | 93          | 405        | 26          | N.A.                        | 100C              |
|                             | Jan. 8-May 10, 2001          | 1,221         | 40          | 388        | 16          | N.A.                        | 123C              |
| Arkansas .....              | No regular session in 2000   |               |             |            |             |                             |                   |
|                             | Jan. 8-May 14, 2001 (b)      | 2,643         | 200         | 1,843      | 116         | 4                           | 97C               |
| California (i) .....        | Dec. 7, 1998-Nov. 30, 2000   | 4,089         | 341         | 1,868      | 244         | 397                         | 372L              |
|                             | Dec. 12, 2000 (h)            | 2,991         | 248         | 1,117      | 176         | 169                         | (h)               |
| Colorado .....              | Jan. 5-May 3, 2000           | 725           | 116         | 412        | 90          | 13                          | 120C              |
|                             | Jan. 10-May 9, 2001          | 652           | 128         | 363        | 108         | 14                          | 120C              |
| Connecticut .....           | Feb. 9-May 3, 2000           | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 3-June 6, 2001          | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| Delaware .....              | Jan. 12-June 30, 2000        | 449           | 127         | 169        | 91          | 0                           | 50L               |
|                             | Jan. 10-June 30, 2001        | 624           | 83          | 212        | 92          | 2                           | 45L               |
| Florida .....               | Mar. 7-May 5, 2000           | 2,547         | 490         | 143        | 142         | 12(d)                       | 60C               |
|                             | Mar. 6-May 4, 2001           | 2,148         | 97          | 351        | 94          | 16(d)                       | 60C               |
| Georgia .....               | Jan. 12-Mar. 22, 2000        | 1,836         | 1,357       | 503        | 1,112       | 10                          | 40L               |
|                             | Jan. 1 - Mar. 21, 2001       | 1,290         | 1,248       | 396        | 1,105       | 7                           | 40L               |
| Hawaii .....                | Jan. 19-May 2, 2000          | 2,472         | 720         | 297        | 215         | 41                          | 60L               |
|                             | Jan. 17-May 3, 2001          | 3,331         | 679         | 316        | 228         | 33 (a)                      | 60L               |
| Idaho .....                 | Jan. 10-April 5, 2000        | 737           | 83          | 484        | 47          | 3                           | 87L               |
|                             | Jan. 8-March 30, 2001        | 662           | 80          | 394        | 55          | 1                           | 82L               |
| Illinois .....              | Jan. 5-April 15, 2000        | 2,389         | 794         | 258        | 705         | 5                           | (c)               |
|                             | Jan. 10-May 31, 2001         | 5,153         | 949         | 504        | 586         | 44 (a)                      | (c)               |
| Indiana .....               | Nov. 16, 1999-Mar. 3, 2000   | 965           | 336         | 143        | 336         | 11 (a)                      | (c)               |
|                             | Nov. 21, 2000-April 29, 2001 | 1,756         | 449         | 291        | 449         | 11                          | (c)               |
| Iowa .....                  | Jan. 10-April 26, 2000       | 1,045         | 20          | 232        | 2           | 16 (d)                      | 108C              |
|                             | Jan. 8-May 8, 2001           | 1,302         | 29          | 192        | 6           | 25                          | 121C              |
| Kansas .....                | Jan. 10-May 24, 2000         | 785           | 82          | 184        | 11          | 2 (d)                       | 66L               |
|                             | Jan. 8-May 31, 2001          | 969           | 83          | 216        | 11          | 1 (d)                       | 73L               |
| Kentucky .....              | Jan. 4-April 14, 2000        | 1,441         | 378         | 486        | 297         | 12(a)                       | 60L               |
|                             | Jan. 2-March 22, 2001        | 579           | 333         | 128        | 37          | 0                           | L                 |
| Louisiana .....             | April 24-June 7, 2000        | 422           | 274         | 50         | 238         | 0                           | 25L               |
|                             | March 26-June 18, 2001       | 3,185         | 630         | 1,251      | 547         | 15                          | 50L               |
| Maine .....                 | Jan. 5-May 12, 2000          | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Dec. 6, 2000-June 22, 2001   | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| Maryland .....              | Jan. 12-April 10, 2000       | 2,347         | 40          | 700        | 17          | 184                         | 90C               |
|                             | Jan. 10-April 9, 2001        | 2,365         | 43          | 737        | 14          | 190                         | 90C               |
| Massachusetts .....         | Jan. 5-Dec. 2000             | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 3-Dec. 2001             | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| Michigan (i) .....          | Jan. 1-Dec. 27, 2000         | 1,477         | 16          | 516        | 0           | 10                          | 80L               |
|                             | Jan. 10-Dec. 21, 2001        | 2,553         | 41          | 0          | 0           | 0                           | 91L               |
| Minnesota .....             | Feb. 1-May 18, 2000          | 3,256         | 117         | 245        | 5           | 8 (a)                       | 51L               |
|                             | Jan. 3-May 21, 2001          | 4,972         | 163         | 208        | 5           | 10                          | 59L               |
| Mississippi .....           | Jan. 4-April 3, 2000         | 3,106         | 413         | 628        | 277         | 1                           | 90C               |
|                             | Jan. 2-April 1, 2001         | 2,926         | 370         | 662        | 255         | 58 (a)                      | 90C               |
| Missouri .....              | Jan. 5-May 12, 2000          | 1,650         | 62          | 82         | 2           | 5                           | 77L               |
|                             | Jan. 3-May 18, 2001          | 1,657         | 44          | 201        | 1           | 8                           | 77L               |
| Montana .....               | No regular session in 2000   |               |             |            |             |                             |                   |
|                             | Jan. 3-April 21, 2001        | 1,172         | 93          | 594        | 78          | 3                           | 90L               |
| Nebraska .....              | Jan. 5-April 12, 2000        | 621           | 227         | 152        | 55          | 20 (a)                      | 60L               |
|                             | Jan. 3-May 31, 2001          | 939           | 275         | 254        | 73          | 3 (a)                       | 90L               |
| Nevada .....                | No regular session in 2000   |               |             |            |             |                             |                   |
|                             | Feb. 5-June 5, 2001          | 1,262         | 156         | 604        | 125         | 4                           | 120C              |
| New Hampshire .....         | Jan. 5-July 12, 2000         | 755           | 56          | 346        | 0           | 0                           | 20L               |
|                             | Jan. 3-Dec. 12, 2001         | 920           | 60          | 317        | 1           | 8 (a)                       | 23L               |
| New Jersey .....            | Jan. 12, 1999-Jan. 10, 2000  | 1917 (m)      | 234 (n)     | 457        | 9           | 21 (d)                      | (c)               |
|                             | Jan. 11, 2000-Jan. 9, 2001   | 4884 (m)      | 497 (n)     | 179        | 2           | 40 (d)                      | (c)               |
| New Mexico .....            | Jan. 18-Feb. 17, 2000        | 947           | 45          | 135        | 2           | 28                          | 30C               |
|                             | Jan. 16-March 17, 2001       | 1,788         | 78          | 483        | 16          | 131                         | 60C               |
| New York .....              | Jan. 5-Dec. 2000             | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 3-Dec. 2001             | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| North Carolina (j)(i) ...   | May 8-July 13, 2000          | 760           | 0           | 190        | 6           | 0                           | 67C               |
|                             | Jan. 24-Dec. 6, 2001         | 2,587         | 0           | 544        | 36          | 0                           | 317C              |
| North Dakota .....          | No regular session in 2000   |               |             |            |             |                             |                   |
|                             | Jan. 9-April 29, 2001        | 934           | 127         | 584        | 95          | 5                           | 77C               |

See footnotes at end of table.

SOURCE: THE BOOK OF THE STATES - 2002.



# **BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS: 2000 AND 2001 REGULAR SESSIONS — Continued**

| State or other jurisdiction | Duration of session**      | Introductions |             | Enactments |             | Measures vetoed by governor | Length of session |
|-----------------------------|----------------------------|---------------|-------------|------------|-------------|-----------------------------|-------------------|
|                             |                            | Bills         | Resolutions | Bills      | Resolutions |                             |                   |
| Ohio (f) .....              | (g) .....                  | 399           | 51          | 196        | 26          | 0                           | (c)               |
|                             | (k) .....                  | 668           | 67          | 84         | 28          | 1 (d)                       | (c)               |
| Oklahoma .....              | Feb. 7-May 26, 2000        | 800           | 106         | 207        | 70          | 23                          | 64L               |
|                             | Feb. 5-May 24, 2001        | 814           | 97 (l)      | 218        | 55          | 14                          | 65L               |
| Oregon .....                | No regular session in 2000 |               |             |            |             |                             |                   |
|                             | Jan. 8-July 7, 2001        | 3,106         | 191         | 1,005      | 70          | 16 (d)                      | 181C              |
| Pennsylvania (i) .....      | Jan. 2, 2001-Nov. 30, 2002 | 3,509         | ...         | 114        | ...         | 0                           | (c)               |
| Rhode Island .....          | Jan. 4-June 30, 2000       | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 2-June 28, 2001       | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| South Carolina .....        | Jan. 11-June 22, 2000      | 1,335         | N.A.        | 761        | N.A.        | 19(a)                       | 67L               |
|                             | Jan. 9-June 7, 2001        | 1,386         | 783         | 132        | 607         | 48(a)                       | 66L               |
| South Dakota .....          | Jan. 11-March 14, 2000     | 527           | 38          | 253        | 21          | 4                           | 35L               |
|                             | Jan. 9-March 21, 2001      | 553           | 48          | 292        | 23          | 12 (a)                      | 40L               |
| Tennessee .....             | Jan. 11-June 28, 2000      | 1,368         | 1259        | 559        | 1,200(e)    | 7(a)                        | (c)               |
|                             | Jan. 11-Aug. 6, 2001       | 2,044         | 1,374       | 465        | 1300(e)     | 2(a)                        | (c)               |
| Texas .....                 | No regular session in 2000 |               |             |            |             |                             |                   |
|                             | Jan. 9-May 28, 2001        | 5,544         | 3303        | 1,601      | 3030        | 82                          | 140C              |
| Utah .....                  | Jan. 17-March 1, 2000      | 700           | 54          | 355        | 33          | 5                           | 33L               |
|                             | Jan. 15-Feb. 28, 2001      | 664           | 62          | 377        | 44          | 3                           | 33L               |
| Vermont .....               | Jan. 4-May 5, 2000         | 409           | 196         | 105        | 181         | 1                           | 130C              |
|                             | Jan. 3-June 5, 2001        | 711           | 236         | 79         | 210         | 0                           | 151C              |
| Virginia .....              | Jan. 12-March 10, 2000     | 2,333         | 840         | 1,070      | 596         | 19 (a)                      | 59C               |
|                             | Jan. 10-Feb. 24, 2001      | 1,965         | 680         | 873        | 500         | 11 (a)                      | 46C               |
| Washington .....            | Jan. 10-March 9, 2000      | 1,599         | 69          | 158        | 12          | 14                          | 60C               |
|                             | Jan. 8-April 22, 2001      | 2,439         | 88          | 342        | 26          | 26                          | 105C              |
| West Virginia .....         | Jan. 12-March 19, 2000     | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Feb. 14-April 15, 2001     | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| Wisconsin .....             | Jan. 4, 1999-Jan. 3, 2001  | 1,498         | 221         | 196        | N.A.        | 5                           | 731C              |
|                             | Jan. 3, 2001-Jan. 6, 2003  | 1030 (i)      | 175 (i)     | 42 (i)     | 60 (i)      | 0 (i)                       | 734C              |
| Wyoming .....               | Feb. 14-March 14, 2000     | 320           | 16          | 102        | 2           | 3                           | 22L               |
|                             | Jan. 9-March 1, 2001       | 522           | 17          | 209        | 6           | 1 (a)                       | 37L               |
| Puerto Rico .....           | Jan. 10-June 30, 2000      | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 8-June 30, 2001       | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
| U.S. Virgin Islands .....   | Jan. 10-Dec. 2000          | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |
|                             | Jan. 8-Dec. 2001           | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | N.A.              |

Source: The Council of State Governments legislative survey, January 2002 except where noted by \* where data are from *The Book of the States*, 2000-2001  
 \*\* Actual adjournment dates are listed regardless of constitutional or statutory limitations. For more information on provisions, see Table 3.2, "Legislative Sessions: Legal Provisions."

## **Key:**

C - Calendar day.

L - Legislative day (in some states, called a session or workday; definition may vary slightly; however, it general refers to any day on which either chamber of the legislature is in session.)

N.A. - Not available.

(a) Number of vetoes overridden: Alaska 2000-4; Hawaii 2001-1; Illinois: 2001-1; Indiana: 2000-3; Kentucky: 2000-3; Minnesota: 2000-1; Mississippi: 2001-48; Nebraska: 2000-2, 2001-4; New Hampshire 2001-2 South Carolina: 2000-3, 2001-7; South Dakota: 2001-1, 1997-1; Tennessee: 2000-2, 2001-1; Virginia: 2000-1, 2001-2; Wyoming 2001-1;

(b) Includes recess from April 13 through May 14, 2001.

(c) Length of session: Illinois: 2000 Senate 42L and House 51L, 2001 Senate 52L and House 69L; Indiana: 2000 Senate 56L and House 57L, 2001 Senate 54L and House 55L; New Jersey: 2000 Senate 33L and General Assembly 40L; 2001 Senate 31L and General Assembly 34L; Ohio: 2000 Senate 121L and

House 97; 2001 Senate 131L and House 128L; Pennsylvania: 2000-2001 Senate 64L and House 73L; Tennessee: 2000 Senate 60L and 61L, 2001 Senate 64L and House 66L.

(d) Line item or partial vetoes. Florida 2000: 5 line item vetoes. 2001: 3 line item vetoes. Iowa - includes 8 item vetoes; Kansas 2000: 1 line item veto and 2 bills. 2001: 34 line item vetoes and 1 bill. New Jersey 2000: 4 line item vetoes. 2001: 20 line item vetoes and 3 pocket vetoes. New York - includes line item vetoes in appropriation bills. Ohio: 2001 - some bills contain partial vetoes. Oregon: 2001- 2 line item vetoes.

(e) Estimated

(f) Preliminary information.

(g) Senate: Jan. 4-Dec. 29, 2000, House: Jan. 4-Dec. 27, 2000.

(h) Currently in session, ending date not provided.

(i) Data as of December 2001.

(j) Bills and resolutions are not counted separately.

(k) Senate: Jan. 1-Dec. 28, 2001, House: Jan. 2-Dec. 27, 2001.

(l) Resolutions introduced includes join, concurrent and simple.

(m) 2000: Assembly-2990, Senate-1894; 2001: Assembly-1041, Senate-886.

(n) 2000: Assembly-311, Senate-186; 2001: Assembly-133, Senate-101.

(o) Includes carryovers.

**Table 3.20**  
**BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS:**  
**2000 AND 2001 SPECIAL SESSIONS**

| State or other jurisdiction | Duration of session**                              | Introductions |             | Enactments |             | Measures vetoed by governor | Length of session |
|-----------------------------|--|---------------|-------------|------------|-------------|-----------------------------|-------------------|
|                             |  | Bills         | Resolutions | Bills      | Resolutions |                             |                   |
| Alabama .....               | No special session in 2000<br>Feb. 22-Mar. 5, 2001 | 84            | 12          | 0          | 8           | 0                           | 9L                |
|                             | June 25 - July 2, 2001                             | 169           | 79          | 4          | 44          | 0                           | 5L                |
|                             | Aug. 28 - Sept. 19, 2001                           | 370           | 204         | 87         | 137         | 0                           | 12L               |
| Alaska .....                | June 7, 2001                                       |               |             |            |             |                             |                   |
| Arizona .....               | Sept. 24-Sept. 26, 2001                            |               |             | N.A.       |             |                             |                   |
| Arkansas .....              | No special session in 2000/2001                    |               |             | N.A.       |             |                             |                   |
| California (a) .....        | Jan. 1, 2001 (c)                                   | 212           | 17          | 13         | 3           | 1                           | (c)               |
|                             | May 14, 2001(c)                                    | 177           | 12          | 19         | 2           | 1                           | (c)               |
| Colorado .....              | No special session in 2000<br>May 10-May 21, 2001  | 31            | 4           | 0          | 4           | 0                           | 12C               |
|                             | Sept. 20-Oct. 9, 2001                              | 58            | 24          | 9          | 19          | 0                           | 20C               |
| Connecticut .....           | June 7-June 29, 2001                               |               |             | N.A.       |             |                             |                   |
|                             | July 23, 2001                                      |               |             | N.A.       |             |                             |                   |
| Delaware .....              | July 1, Aug. 22, Oct. 10, 2000                     | 1             | 2           | 1          | 0           | 0                           | 3L                |
|                             | July 1, Nov. 1, 2001                               | 6             | 0           | 0          | 9           | 0                           | 2L                |
| Florida .....               | Jan. 5-Jan. 7, 2000                                | 10            | 0           | 3          | 0           | 0                           | 3C                |
|                             | Dec. 8-Dec. 18, 2000                               | 0             | 4           | 0          | 1           | 0                           | 11C               |
|                             | Oct. 22-Nov. 11, 2001                              | 125           | 2           | 7          | 2           | 0                           | 11C               |
|                             | Nov. 27-Dec. 6, 2001                               | 91            | 3           | 11         | 3           | 0                           | 10C               |
| Georgia .....               | Aug. 1-Aug. 17, 2001                               | 38            | 112         | 22         | 112         | 1                           | 11L               |
|                             | Aug. 22-Sept. 28, 2001                             | 51            | 230         | 34         | 219         | 0                           | 25L               |
| Hawaii .....                | Aug. 3-Aug. 4, 2000                                | 0             | 1           | 0          | 1           | 0                           | 2L                |
|                             | Aug. 7-Aug. 22, 2000                               | 5             | 7           | 1          | 7           | 0                           | 5L                |
|                             | June 4-June 8, 2001                                | 8             | 4           | 3          | 4           | 0                           | 5L                |
|                             | July 10-July 10, 2001                              | 0             | 4           | 0          | 4           | 0                           | 1L                |
|                             | Oct. 22-Nov. 2, 2001                               | 50            | 38          | 15         | 33          | 0                           | 7L                |
| Idaho .....                 | Dec. 8, 2000                                       | 1             | 0           | 0          | 0           | 0                           | 1L                |
| Illinois .....              | No special session in 2001                         |               |             |            |             |                             |                   |
|                             | June 28-June 29, 2000                              | 1             | 6           | 1          | 5           | 0                           | 2L                |
| Indiana .....               | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Iowa .....                  | No special sessions in 2000                        |               |             |            |             |                             |                   |
|                             | June 19, 2001                                      | 2             | 5           | 5          | 1           | 0                           | 1C                |
|                             | Nov. 8, 2001                                       | 14            | 5           | 5          | 1           | 0                           | 1C                |
| Kansas .....                | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Kentucky .....              | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Louisiana .....             | March 19-April 7, 2000                             | 350           | 156         | 154        | 153         | 1                           | 14L               |
|                             | March 11-March 22, 2001                            | 28            | 7           | 39         | 38          | 0                           | 9L                |
| Maine .....                 | No special session in 2001                         |               |             |            |             |                             |                   |
| Maryland .....              | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Massachusetts .....         | No special session in 2001                         |               |             |            |             |                             |                   |
| Michigan .....              | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Minnesota .....             | No special session in 2000                         |               |             |            |             |                             |                   |
|                             | June 11-June 30, 2001                              | 71            | 11          | 12         | 0           | 5                           | 9L                |
| Mississippi .....           | June 29, 2000                                      | 9             | 0           | 1          | 0           | 0                           | 1C                |
|                             | Aug. 28-Aug. 30, 2000                              | 4             | 20          | 1          | 14          | 0                           | 3C                |
|                             | Nov. 6, 2000                                       | 3             | 5           | 1          | 4           | 0                           | 1C                |
|                             | July 23, 2001                                      | 3             | 2           | 2          | 2           | 0                           | 1C                |
|                             | Nov. 1-Nov. 7, 2001                                | 3             | 16          | 0          | 6           | 0                           | 7C                |
| Missouri .....              | No special session in 2000                         |               |             |            |             |                             |                   |
|                             | Sept. 5-Sept. 14, 2001                             | 14            | 0           | 5          | 0           | 0                           | 8L                |
| Montana .....               | May 8-May 11, 2000                                 | 23            | 6           | 11         | 6           | 0                           | 4L                |
| Nebraska .....              | No special session in 2000                         |               |             |            |             |                             |                   |
|                             | Oct. 25-Nov. 8, 2001                               | 20            | 4           | 4          | 4           | 0                           | 9L                |
| Nevada .....                | No special sessions in 2000                        |               |             |            |             |                             |                   |
|                             | June 14-June 15, 2001                              | 26            | 12          | 23         | 12          | 0                           | 1L                |
| New Hampshire .....         | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| New Jersey .....            | No special session in 2000/2001                    |               |             |            |             |                             |                   |
| New Mexico .....            | March 28-April 4, 2000                             | 85            | 2           | 28         | 0           | 5                           | 8C                |
|                             | Sept. 4-Sept. 20, 2001                             | 60            | 0           | 9          | 0           | 6                           | 17C               |
| New York .....              | Sept. 13, 2001                                     |               |             | N.A.       |             |                             |                   |
| North Carolina .....        | Mar. 24-April 30, 1998                             | 8             | 2           | 1          | 1           | 0                           | 23L               |
|                             | Dec. 15-16, 1999                                   | 6             | 2           | 1          | 1           | 0                           | 2L                |
| North Dakota .....          | No special sessions in 2000                        |               |             |            |             |                             |                   |
|                             | Nov. 26-Nov. 30, 2001                              | 2             | 0           | 2          | 0           | 0                           | 5C                |
| Ohio .....                  | No special sessions in 2000/2001                   |               |             |            |             |                             |                   |
| Oklahoma .....              | Jan. 20, 1999-Nov. 21, 2000                        | 12            | 8           | 4          | 7           | 0                           | 1L                |
|                             | May 21, 2001-none                                  | 11            | 5           | 2          | 4           | 0                           | 7L                |

See footnotes at end of table.

SOURCE: THE BOOK OF THE STATES-2002

# LEGISLATURES

## BILL AND RESOLUTION INTRODUCTIONS AND ENACTMENTS: 2000 AND 2001 SPECIAL SESSIONS — Continued

| State or other jurisdiction | Duration of session**            | Introductions |             | Enactments |             | Measures vetoed by governor | Length of session |
|-----------------------------|----------------------------------|---------------|-------------|------------|-------------|-----------------------------|-------------------|
|                             |                                  | Bills         | Resolutions | Bills      | Resolutions |                             |                   |
| Oregon .....                | No special sessions in 2000/2001 |               |             |            |             |                             |                   |
| Pennsylvania .....          | No special sessions in 2000/2001 |               |             |            |             |                             |                   |
| Rhode Island .....          | Sept. 27, 2001                   |               |             |            |             |                             |                   |
| South Carolina .....        | No special sessions in 2000      |               |             |            |             |                             |                   |
|                             | June 20-Sept. 19, 2001           | N.A.          | N.A.        | N.A.       | N.A.        | N.A.                        | 14L               |
| South Dakota .....          | Dec. 28-Dec. 29, 2000            | 4             | 0           | 3          | 0           | 0                           | 2L                |
|                             | Oct. 23-Oct. 25, 2001            | 2             | 0           | 2          | 0           | 0                           | 3L                |
| Tennessee .....             | No special session in 2000/2001  |               |             |            |             |                             |                   |
| Texas .....                 | No special sessions in 2000/2001 |               |             |            |             |                             |                   |
| Utah .....                  | No special session in 2000       |               |             |            |             |                             |                   |
|                             | June 20-June 20, 2001            | 15            | 3           | 13         | 3           | 0                           | 1L                |
|                             | Sept. 25-Oct. 1, 2001            | 17            | 4           | 11         | 4           | 0                           | 3L                |
| Vermont .....               | No special sessions in           |               |             |            |             |                             |                   |
| Virginia .....              | No special sessions in 2000      |               |             |            |             |                             |                   |
|                             | April 5-July 10, 2001            | 32            | 124         | 9          | 122         | 1                           | (b)               |
| Washington .....            | March 10-April 7, 2000           | 30            | 5           | 7          | 0           | 3                           | 33C               |
|                             | April 24-April 27, 2000          |               |             |            |             |                             |                   |
|                             | April 25-May 24, 2001            | 74            | 8           | 37         | 1           | 10                          | 58C               |
|                             | June 4-June 21, 2001             |               |             |            |             |                             |                   |
|                             | July 16-July 25, 2001            |               |             |            |             |                             |                   |
| West Virginia .....         | April 15-April 23, 2001          |               |             |            |             |                             |                   |
|                             | May 7, 2001                      |               |             |            |             |                             |                   |
|                             | June 10, 2001                    |               |             |            |             |                             |                   |
|                             | Aug. 8, 2001                     |               |             |            |             |                             |                   |
| Wisconsin .....             | May 4-May 9, 2000                | 2             | 3           | 1          | 1           | 0                           | 3C                |
|                             | No special session in 2001       |               |             |            |             |                             |                   |
| Wyoming .....               | No special sessions in 2000/2001 |               |             |            |             |                             |                   |
| Puerto Rico .....           | No special session in 2001       |               |             |            |             |                             |                   |
| U.S. Virgin Islands .....   | No special session in 2001       |               |             |            |             |                             |                   |

Source: The Council of State Governments' survey of state legislative agencies, January 2002.

\*\* Actual adjournment dates are listed regardless of constitutional or statutory limitations. For more information on provisions, see Table 3.2, "Legislative Sessions: Legal Provisions."

Key:

N.A. — Not Available.

C — Calendar day.

L — Legislative day (in some states, called a session or workday; definition may vary slightly; however, it generally refers to any day on which either chamber of the legislature is in session).

(a) Current data as of December 2001.

(b) Met as called during this redistricting session; no specified time.

(c) Session still in progress, no adjournment date provided.

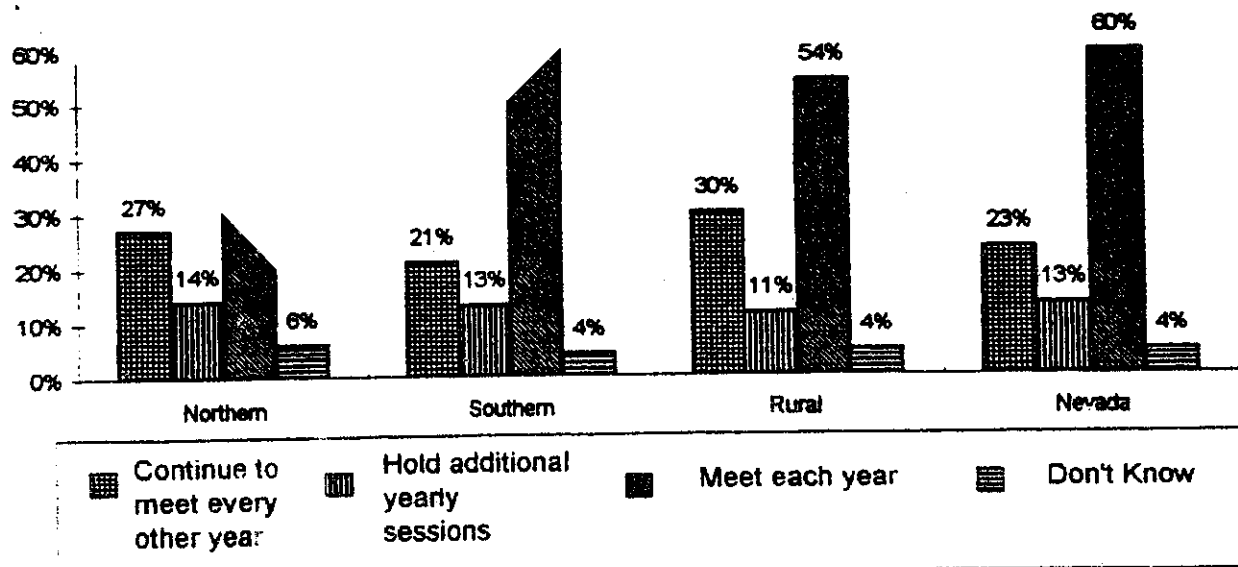
# Public Opinion in Nevada: Selected Legislative Issues

November-December 1996

## Summary of Survey Results

Current

every other year. Should it continue to meet every other  
year, deal with limited issues, or meet each year?





Merrill Hall, circa 1887

## THE UNIVERSITY OF NEVADA POLL

Senator Alan Bible  
Center for Applied Research  
University of Nevada, Reno  
Reno, Nevada

Southwestern Social Science  
Research Center  
University of Nevada, Las Vegas  
Las Vegas, Nevada

# Public Opinion in Nevada: Selected Legislative Issues

December 1994

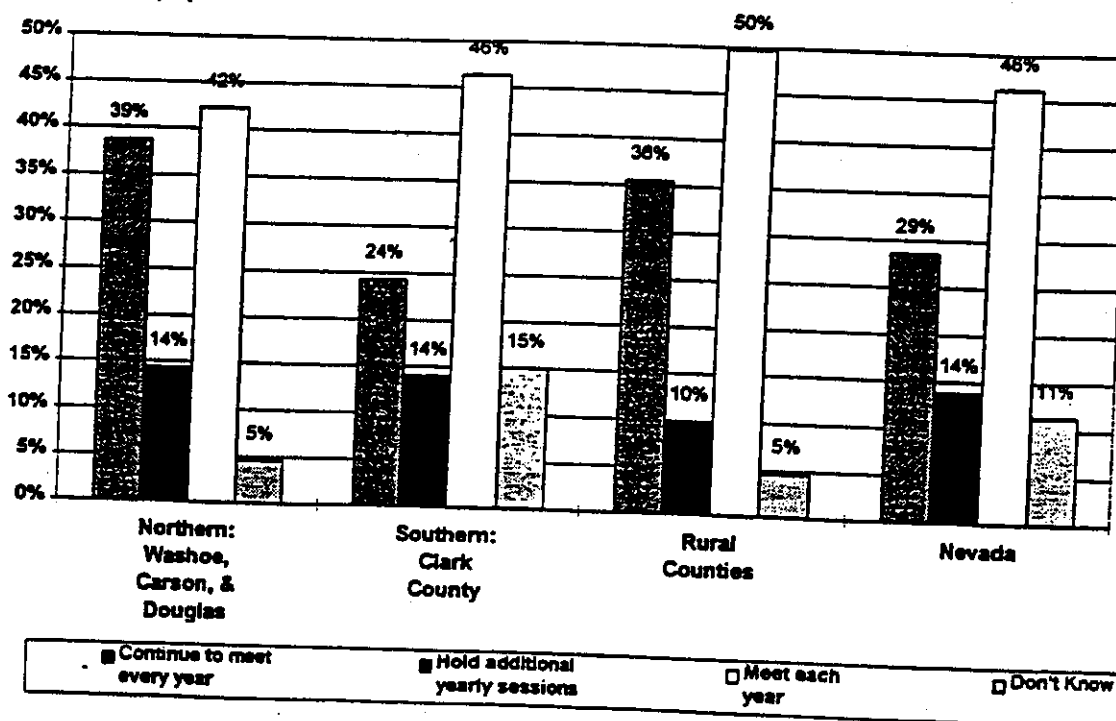
Written by

Judy Calder, ED.D., Director,  
Senator Alan Bible Center for Applied Research

Martin Atherton, MPH, Research Professor,  
Senator Alan Bible Center for Applied Research

## Summary of Survey Results

**Figure VIII-B.** Currently the Nevada Legislature meets every other year. Should it continue to meet every other year, hold additional yearly sessions to deal with limited issues such as the state budget, or meet each year?





Marshall Hall, circa 1887

## THE UNIVERSITY OF NEVADA POLL

Senator Alan Bible  
Center for Applied Research  
University of Nevada, Reno  
Reno, Nevada

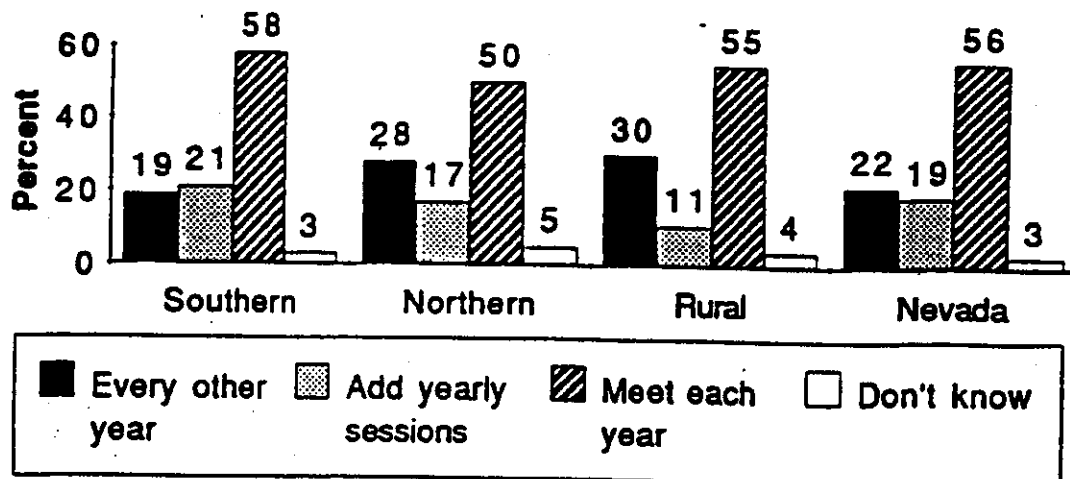
Southwestern Social Science  
Research Center  
University of Nevada, Las Vegas  
Las Vegas, Nevada

# Public Opinion In Nevada: Selected Legislative Issues

November 1992

## Summary of Survey Results

**29. Should the Nevada Legislature continue to meet every other year, hold additional yearly sessions to deal with limited issues (such as state budget), or meet each year?**



## PURPOSE

The purpose of this booklet is to illustrate the outcome of 1200 telephone interviews completed as part of The University of Nevada Poll which is a joint venture effort between the University of Nevada-Reno (Senator Alan Bible Center for Applied Research) and the University of Nevada, Las Vegas (Center for Survey Research).

This summary of survey results provides insights into public opinion of citizens in the State. The distribution of population in Nevada is 59.5 percent in Clark County, 26.5 percent in Washoe County/Carson City, and 14 percent in rural counties.

The questions in this summary are presented with bar graphs illustrating the responses for Clark County, Washoe County/Carson City, and rural counties. A fourth bar graph presents the statewide percentages for Nevada, created by weighting the responses according to the percent of representation in the state's total population. At the 95 percent confidence level, the error factor is  $\pm 4$  percent for statewide findings.

## The University of Nevada Poll 1991

### Legislative Process

Sandra K. Neese  
Director

Donald E. Carns  
Co-Director

John S. DeWitt  
Survey Research  
Director

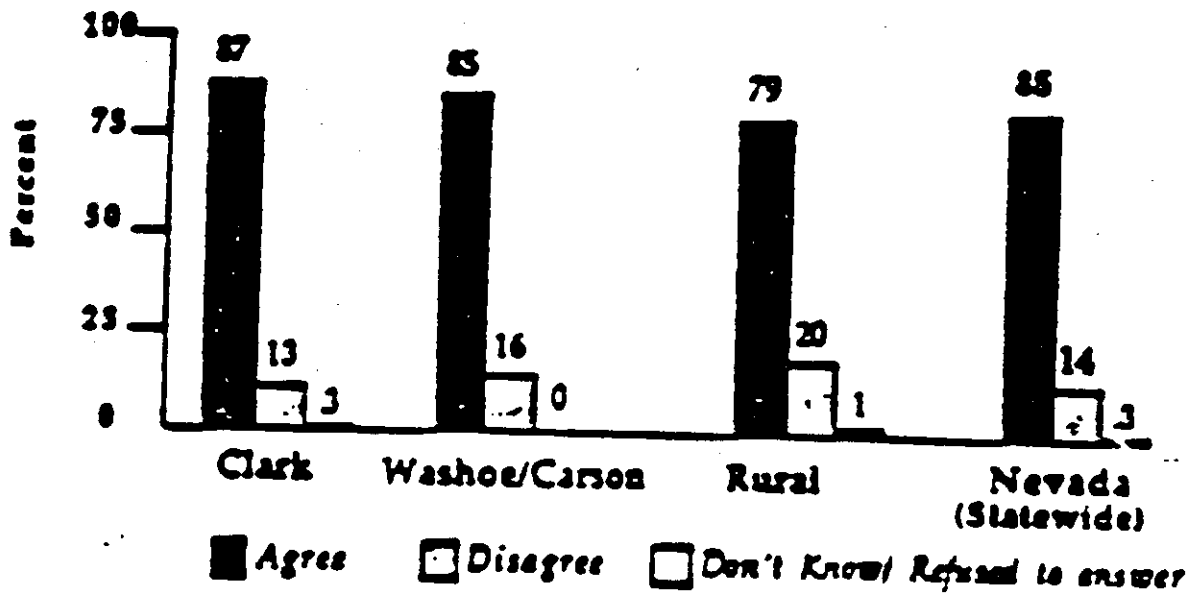
Frederick W. Preston  
Co-Director

Senator Alan Bible  
Center for Applied Research  
University of Nevada-Reno  
(702) 784-6718

Center for Survey Research  
University of Nevada, Las Vegas  
Las Vegas, Nevada  
(702) 739-3322

### Legislative Process

1. Some people have proposed that because of the increased workload, the Nevada legislature should begin to meet each year instead of every other year. Do you agree or disagree with this idea?



**Sease, Sheila**

**From:** Mortenson, Harry Assemblyman  
**Sent:** Friday, April 04, 2003 11:26 AM  
**To:** Sease, Sheila  
**Subject:** FW: AJR 7 and AJR 13

Will you print this out and include it with my information for the meeting.

-----Original Message-----

**From:** Lucille Lusk [mailto:llusk@earthlink.net]

**Sent:** Friday, April 04, 2003 1:29 AM

**To:** Assm. Harry Mortenson; Assm. Don Gustavson; Assm. William Horne; Assm. Bob McCleary; Assm. Rod Sherer

**Cc:** Assm. Chris Giunchigliani

**Subject:** AJR 7 and AJR 13

April 4, 2003

Chairman Harry Mortenson and Members  
 Assembly Committee on Constitutional Amendments

RE: AJR 7 and AJR 13

Dear Mr. Mortenson and Members of the Committee on Constitutional Amendments:

I regret that I cannot attend the committee meeting where these two proposals for amending the Nevada Constitution will be discussed. Please accept this as my testimony and include it with the discussion on the issues. Thank you.

**AJR 7: Oppose part, support part, amend**

Annual Sessions: We continue to *oppose* annual sessions of the legislature. Such a session is not truly limited in any sense except for the number of days. There is no limit on the number or scope of the measures that can be introduced, and it seems likely that another 600 to 1300 bills would be introduced for the additional session. This would not ease the extreme time demand placed on legislators and citizens alike, but would simply duplicate it every year. In addition, the character of our citizen legislature would be at risk because in order to serve, a legislator would have to be able to take that time off work every year. That would be impossible for many, especially those who work in the private sector.

Special session convened at call of Legislature (p. 2, l. 34 - p. 3, l. 19) We *support* the Legislature having authority to call a special session through a petition signed by 2/3 of the members stating the reason for the call. However, please consider an *amendment to limit the topics to those set forth in the call for the special session*. The ability to add topics sets up a potential "mini-session" of unlimited scope. (Under this bill, only the Governor has power to add to the topics even when the Legislature calls the special session. We understand the Governor currently has this power under the existing language of the Constitution, so the amendment would be needed both in the new language of the bill and the existing language found on p. 4, l. 5-7.)

Require executive budget 30 days before a session (p. 3, line 9): The events of this session proves that you need access to the executive budget earlier than you currently receive it, in order that the LCB and legislative experts can analyze it and be on an equal footing with the Governor in evaluating the decisions for which you are responsible to the people you serve.

Members of legislature compensated for each day of service (p. 3, lines 23-26): We support for obvious reasons of fairness.

\$500 dollar "stamp" budget (p. 3, l. 31-34): Again, it is obvious that \$60 is insufficient for the correspondence

4/4/2003

ASSEMBLY CONSTITUTIONAL AMENDMENTS  
 DATE: 4/4/03 ROOM: 3141 EXHIBIT F 1/2 40  
 SUBMITTED BY: LUCILLE LUSK



required.

Limit special session to 20 days (p. 3, l. 44 - page 4, l. 1; also p. 2 l. 1-3): This limit is necessary so that special sessions do not become additional sessions of unlimited duration.

**AJR 13: Support, amend**

Special session convened at call of Legislature (p. 2, l. 9-35) We support the Legislature having authority to call a special session through a petition signed by 2/3 of the members stating the reason for the call. However, please consider an amendment to limit the topics to those set forth in the call for the special session. The ability to add topics sets up a potential "mini-session" of unlimited scope. (This bill grants authority to add topics for a legislator-called special session to the Legislature, while the Governor under the existing language of the Constitution has power to add topics to a Governor-called special session.) In addition, this bill needs an amendment to limit the special sessions to 20 days, require adjournment at midnight, and declare any action taken after that time to be void.

In summary, we urge that each issue be in separate bills so they are easily understood when they appear on the ballot. AJR 13 could be easily amended and would be a clean bill for the purpose of a legislator-called special session. AJR 7 could be the vehicle to extend legislators pay to each calendar day of service and increase the "stamp" allowance. If they are kept to those limited topics they will have the best chance of success.

Thank you,

Lucille Lusk  
Nevada Concerned Citizens

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON CONSTITUTIONAL AMENDMENTS**

**Seventy-Second Session  
April 25, 2003**

The Committee on Constitutional Amendments was called to order at 12:01 p.m., on Friday, April 25, 2003. Chairman Harry Mortenson presided in Room 3161 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. Harry Mortenson, Chairman  
Mr. Bob McCleary, Vice Chairman  
Mr. Don Gustavson  
Mr. Rod Sherer

**COMMITTEE MEMBERS ABSENT:**

Mr. William Horne, excused

**GUEST LEGISLATORS PRESENT:**

Ms. Chris Giunchigliani, Assemblywoman, District No. 9

**STAFF MEMBERS PRESENT:**

Michelle L. Van Geel, Committee Policy Analyst  
Kim Morgan, Chief Deputy, Legislative Counsel  
Sheila Sease, Committee Secretary

**OTHERS PRESENT:**

Lucille Lusk, Cochairman, Nevada Concerned Citizens

Assemblyman Gustavson agreed with Ms. Lusk and Assemblywoman Giunchigliani. Assemblyman Sherer agreed with them also, stating he favored the original wording. Chairman Mortenson expressed a likewise opinion. Assemblywoman Giunchigliani said that, if they preferred the original language, the bill would not start again, because the Committee already passed it once that way. Ms. Van Geel held that since the Committee had voted to amend and do pass A.J.R. 14, they needed to rescind that action, so that it would revert to its original form, and do pass the A.J.R. 3 of the 71<sup>st</sup> Session. They could then choose not to process A.J.R. 14.

Chairman Mortenson called for a motion.

ASSEMBLYMAN GUSTAVSON MOVED TO RESCIND THE AMENDMENT THE COMMITTEE MADE TO A.J.R. 3 OF THE 71<sup>ST</sup> SESSION.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Horne was not present for the vote.)

**Assembly Joint Resolution 3 of the 71st Session: Proposes to amend Nevada Constitution to revise provisions governing right to vote and to repeal certain obsolete provisions. (BDR C-1009)**

ASSEMBLYMAN GUSTAVSON MOVED TO DO PASS A.J.R. 3 OF THE 71<sup>ST</sup> SESSION.

ASSEMBLYMAN SHERER SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Horne was not present for the vote.)

Chairman Mortenson closed the hearing on A.J.R. 14 and opened the hearing on A.J.R. 13.

**Assembly Joint Resolution 13: Proposes to amend Nevada Constitution to provide that special session of Legislature may be convened by petition by Legislators. (BDR C-313)**

Chairman Mortenson explained that this bill proposed special sessions could be called by the legislature, not involving the Governor, when two-thirds of both houses voted to do so. He stated there were 34 state legislatures that had the

ability to call a special session when deemed necessary. Nevada's Legislature was one of only 16 that could not. The philosophy was that the Legislature was an independent branch of the government that was supposed to be detached from the Administrative Branch, yet the Legislature must be called into special session by that Administrative Branch. It was Janine Hansen's idea that the Committee should pass both A.J.R. 13 and A.J.R. 7 simultaneously, and, if A.J.R. 7 passed the Senate, then A.J.R. 13 would be withdrawn. If A.J.R. 7 died in the Senate, then A.J.R. 13 would go ahead on its own. Everyone agreed to that.

Assemblyman Sherer asked if "petition" meant that the Legislature would do its own petition. Chairman Mortenson believed so and stated that when the petition was completed, it would go to the Secretary of State, who would then call the special session.

At this point, Kim Morgan, Chief Deputy, Legislative Counsel, arrived to clarify a question raised during the hearing on A.J.R. 14, regarding why the phrase "mentally incompetent" was not being used as it was in A.J.R. 3 of the 71<sup>st</sup> Session. Ms. Morgan remembered there was an intermediate step that was not visible here. She did not know there was a problem stating, "who has been adjudicated mentally incompetent" because courts did adjudicate mental incompetence. The policy concern that was raised was that a person could be mentally incompetent for several different reasons, many of which might not affect the ability to vote. As to the next set of language in A.J.R. 3 of the 71<sup>st</sup> Session, she reported the following:

Dr. Siegel of the ACLU had suggested "adjudicated mentally incompetent as to voting" or something that was narrower. The point was, courts clearly do not adjudicate people mentally incompetent as to voting, or many of us would be in trouble. Where we are left is going back to the broader category, which may give rise to some policy concerns. Clearly we can't do the middle ground suggestion as to voting or just take out the reference to "idiot" or "insane," because maybe it's okay to just be silent as to people who have been adjudicated mentally incompetent. Here, I guess, I am suggesting policy, but for your consideration, where is the standard on who is sane enough to vote? If these people are really that bad, they are probably in an institution and aren't voting anyway. Where is the line that you want to draw? This is the compromise that Brenda Erdoes and I came up with to give you something that you could act on that might work, which is, let's just take out the obsolete language and

have the *Constitution* be silent as to a prohibition in this area. But, there again, this is certainly a policy choice for you.

Assemblyman Gustavson asked if the word "insane" were deleted from the *Constitution*, could the "for voting purposes" be added legislatively? Ms. Morgan believed that would be difficult in that the *Constitution* described who had the right to vote, and the Legislature could not impose additional limitations.

Chairman Mortenson stated that he believed the Committee had made the policy decision that they felt that there should possibly be some limitation if a person was mentally incompetent, as they passed A.J.R. 3 of the 71<sup>st</sup> Session.

Returning to A.J.R. 13, Assemblyman McCleary asked if the Chair would entertain a motion. Chairman Mortenson felt it would be wise to amend A.J.R. 13 and do pass, with the amendment limiting special sessions to 20 days, if that was the will of the Committee. Assemblyman Gustavson agreed this was a good idea.

Assemblywoman Giunchigliani felt the *Constitution* should rarely be changed, and a petition for a special session should be specific. Lines 23 and 24, and lines 39 through 41 were, she said, expansive language because they declared "and such other legislative business as may be approved for consideration." This language gave her some discomfort.

Lucille Lusk commented that the new language permitted other business, and she recommended that it not be included. She agreed with Assemblywoman Giunchigliani that the business of the special session should be specific to the intent of the petition. At the same time, she continued, she felt the same limitation should be placed on any special session the Governor might call. Additionally, while there was an appearance of a 20-day limit in the existing language, she clarified that was actually a limit on compensation for the legislators. She wanted to equalize the number of days of the session and the number of days the legislators could be paid. She thought it would be best to use calendar days to stay consistent with other time limitations. Chairman Mortenson also preferred the consistency of using calendar days.

Ms. Van Geel created the language of the amendment as follows:

1. Page 2, lines 23 through 24: Delete "and such other legislative business as may be approved for consideration."

2. "Page 3, lines 39-41: Delete the words "or such other legislative business as the Governor may call to the attention of the legislature while in session."
3. Add a limitation of 20 calendar days for the length of a special session.

Chairman Mortenson asked Ms. Van Geel if she wanted to limit the type of business. Ms. Van Geel, Committee Policy Analyst, stated she was not an attorney so she was not sure how this would be done, but she directed the Committee to look on page 2 of the bill, lines 9 and 10, which was the same language currently permitting the Governor to call the special session: "Legislature may be convened on extraordinary occasions." She thought that might be the limit. Striking out the other language in the petition it looked similar, she felt, "to current language in the *Constitution* allowing the governor to call it."

Assemblywoman Giunchigliani said that made good sense. Also, lines 25, 26, and 27 were redundant and might just need to be edited by the Legal Division. Mr. Gustavson stated both areas read "two-thirds," but the language of line 25 was slightly different: "The Legislature by joint resolution approved while in session." Chairman Mortenson allowed that the Legal Division would clean up those discrepancies. He was ready to accept a motion.

ASSEMBLYMAN McCLEARY MOVED TO AMEND AND DO PASS  
A.J.R. 13.

ASSEMBLYMAN GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED. (Mr. Horne was not present for the vote.)

Chairman Mortenson closed the hearing on A.J.R. 13 and opened the work session on A.J.R. 7.

**Assembly Joint Resolution 7: Proposes to amend Nevada Constitution to provide for limited annual legislative sessions. (BDR C-43)**

Chairman Mortenson stated he and Ms. Van Geel had a plethora of potential amendments for this resolution in the work session document (Exhibit C). The first was to add Assemblyman Atkinson as a cosponsor. The second potential amendment changed the length of the odd-numbered sessions. The handout (Exhibit D) of two potential amendments that Mr. Mortenson gave was more specific; as the legislature would meet for 120 legislative days, it was to be contained within 140 calendar days. This allowed for a break near the deadlines to permit the Legal Division and other staff to complete the drafting of

stated that still pushed it to late December when starting a session in mid-January. If the 45-day session began on February 1 and ended on March 15, fundraising would begin on April 15, a month before filing. Assemblyman McCleary agreed to that.

The next possible amendment on the list deleted the requirement that would allow the 60-day sessions to be held in Las Vegas. Chairman Mortenson scratched this. Another potential amendment suggested the inclusion of the special session language from A.J.R. 13. This was agreed to. Assemblywoman Giunchigliani suggested deleting lines 43 and 44 on page 2, and lines 1 and 2 on page 3, which disallowed an expanded list of reasons for calling the session.

Ms. Van Geel addressed the question that, in the event of a catastrophe, whether the legislature would require two-thirds of its existing members or of the total members to call itself. The language in A.B. 441, which stated two-thirds of the existing members, might be adopted here. Ms. Van Geel asked if the Committee was comfortable with including similar language in A.J.R. 7. Chairman Mortenson said, "Yes, definitely in A.J.R. 7 and A.J.R. 13." Assemblywoman Giunchigliani said the legislature should have the ability to call itself into session. "And in a catastrophe," Chairman Mortenson added, "with two-thirds of who might be surviving." Assemblywoman Giunchigliani claimed the catastrophe language was a statutory change and was not needed in the resolution. Chairman Mortenson agreed.

In reviewing the remaining suggested amendments, Ms. Van Geel said the allowance for breaks could be handled statutorily, not in the resolution.

Assemblyman McCleary clarified there would be no break in the 45-day session.

Number 12 on the work session list provided an amendment stating legislators were paid for each legislative day.

A.J.R. 7 provided for the replacement of the \$60 limit for postage with a \$500 limit. Ms. Van Geel said that this could be referenced in the resolution, but the language would be that the legislature might set the amount by statute. Chairman Mortenson thought that had "died" when last proposed.

Ms. Lusk believed that if it were completely open-ended, the entire resolution would be jeopardized. But she wondered whether it were possible to create a formula based on the population of the district. She believed the \$60 amount, even the \$500 amount, to be ridiculous. Frankly, she continued, it was circumvented with the \$2,800 allowance. But could there be a formula of X number of dollars per district citizens? Assemblywoman Giunchigliani

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON CONSTITUTIONAL AMENDMENTS**

**Seventy-Second Session  
May 9, 2003**

The Assembly Committee on Constitutional Amendments was called to order at 1:04 p.m., on Friday, May 9, 2003. Chairman Harry Mortenson presided in Room 3161 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**Note:** These minutes are compiled in the modified verbatim style. Bracketed material indicates language used to clarify and further describe testimony. Actions of the Committee are presented in the traditional legislative style.

**COMMITTEE MEMBERS PRESENT:**

Mr. Harry Mortenson, Chairman  
Mr. Bob McCleary, Vice Chairman  
Mr. Don Gustavson  
Mr. William Horne  
Mr. Rod Sherer

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Donald Williams, Committee Policy Analyst  
Michelle L. Van Geel, Committee Policy Analyst  
Kim Morgan, Chief Deputy Legislative Counsel  
Sheila Sease, Committee Secretary



**Assemblyman Gustavson:**

Mr. Chairman, I might ask a question of Legal or LCB here. Can we break this up into separate bills at this point in time, or do we have to have separate committee sponsorship, or what? It is a resolution, so I'm not sure.

**Michelle Van Geel:**

Thank you, Mr. Chairman. Yes, at this point in session, the Committee may request a resolution, which is what this is.

**Chairman Mortenson:**

It looks like we are unanimous on feeling it would have a much better chance if it were broken up. Suggestions on how we should split it? Mr. Gustavson, which one don't you like?

**Assemblyman Gustavson:**

The annual session should be one bill. The pay for every day of service should be a separate bill. Also, calling ourselves into special session is a bill.

**Chairman Mortenson:**

We could leave that one out, because we have the exact language in A.J.R. 13. Then, there's another provision in here that would allow us to break up the 120-day session into a 140-day length, but it would still be the same 120 days that we would work. We would give Legal, those hard-working people, a break, so they could catch up on the bills and amendments. We would be home and not getting paid.

**Assemblyman Gustavson:**

That would be four, if you separated each one.

**Chairman Mortenson:**

Annual sessions, pay, calling into special sessions, which is taken care of by A.J.R. 13, so we don't need to worry about that, so that's only three. Do we break it into three, or two and have two in one?

**Assemblyman Gustavson:**

My opinion would be three. We have A.J.R. 13, which makes a total of three.

**Assemblyman Sherer:**

I also think it should be three.

**Chairman Mortenson:**

Let's work on the provision of the restriction on the 45-day session. Do we try to leave it as wide as possible and say that the Legislature shall make

**Assemblyman Gustavson:**

I'd like to add that this expediency has to be determined by somebody, so I suggest leadership. We all realize leadership changes, but each and every one of us, regardless of party affiliation, chooses our leaders to represent us because we respect them as persons to make these decisions.

**Chairman Mortenson:**

Let us take a vote on whether or not we believe this should be broken up into three different bills: the 45-day session and its regulation, the change in the 120-day session to make it 140 days, and the pay for days worked. Do I hear a motion?

ASSEMBLYMAN GUSTAVSON MOVED TO BREAK A.J.R. 7 INTO THREE DIFFERENT BILLS: THE 45-DAY SESSION AND ITS REGULATION, THE CHANGE IN THE 120-DAY SESSION TO MAKE IT 140 DAYS, AND THE PAY FOR DAYS WORKED.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Mortenson:**

Let's talk about the 120-day session. Does it look fine as far as you can see? We could move to make a new A.J.R. out of Section 29A.

**Assemblyman Gustavson:**

Mr. Chairman, we could use the same A.J.R. 7 for one of the three, so it's only one or two more that we need. We have A.J.R. 13 and A.J.R. 7; we just probably need two more.

**Chairman Mortenson:**

Yes, we could make that one A.J.R. 7.

**Assemblyman Gustavson:**

Just amend the other two portions out of it.

**Chairman Mortenson:**

I have a motion then, I believe, to amend A.J.R. 7 to include only Section 29A.

**Bob Price:**

The only thing I am wondering, because I don't quite understand the procedure, when you consider it introduced, are you saying that you would not be expecting to have any more hearings?

**Chairman Mortenson:**

Just the BDR is introduced to the Committee in order that we won't need to meet behind the Bar to do that. Today, we have taken care of all four provisions of A.J.R. 7. A.J.R. 13 went to the Floor on Thursday. We will close the hearing on A.J.R. 7 and open the hearing on A.J.R. 1 of the 17th Special Session.

**Kim Morgan:**

Just from a drafting standpoint, given that you have no limit on the number of resolutions you can draft, given that basically we have already drafted much of this anyway, is there any chance that you want to leave one of these as a vehicle that has everything, and have your separate ones, in case you want to handle it as a package, and there aren't changes along the way? Or, do you to get rid of the total package, even though you have the option?

**Chairman Mortenson:**

We have a few Assembly Joint Resolutions left, but I get differences of opinion on whether they must absolutely strictly stick to the title number or whether there is a little leeway in there. We have A.J.R. 1 and A.J.R. 2, for example. Those are lottery bills, which are currently going nowhere. Could we not use those for a vehicle for any other measures we might have?

**Kim Morgan:**

I'm sorry. I was meaning as a measure that handles all of these issues in one bill, the one you have before you, using A.J.R. 7 as all of these issues and having a couple new ones that break out each of those into separate bills. Now what I hear you saying is you're taking A.J.R. 7 and making it just one topic. You have a couple of new ones with one topic. What you don't have anymore is one that really does have all the issues as an option. If you don't want that as an option, that's fine. I wanted to make it clear what I was hearing.

**Chairman Mortenson:**

We are getting so close to the end, I find it hard to believe that we're going to do much else. Maybe you have more knowledge than I do on this. Do you think it would be wise to preserve A.J.R. 7 and have another BDR?

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE AFFAIRS AND OPERATIONS**

**Seventy-second Session  
May 22, 2003**

The Senate Committee on Legislative Affairs and Operations was called to order by Chairman Maurice E. Washington, at 2:20 p.m., on Thursday, May 22, 2003, in Room 2144 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Maurice E. Washington, Chairman  
Senator Barbara K. Cegavske, Vice Chairman  
Senator Raymond D. Rawson  
Senator Dina Titus  
Senator Bernice Mathews  
Senator Valerie Wiener

**COMMITTEE MEMBERS ABSENT:**

Senator William J. Raggio (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Christina R. Giunchigliani, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Robert E. Erickson, Research Director  
Brenda J. Erdoes, Legislative Counsel  
Johnnie Lorraine Willis, Committee Secretary

**OTHERS PRESENT:**

Lorne J. Malkiewich, Director, Director's Office, Administrative Division,  
Legislative Counsel Bureau  
Claire Jesse Clift, Secretary of the Senate, Legislative Staff, Nevada Legislature  
Jackie Crawford, Director, Department of Corrections

down to 5, 6, or 7 days to give staff an opportunity to catch up between deadlines?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Absolutely. I believe it was a different policy concept we had not considered before, and it was almost like a breath of fresh air, saying, "Okay, I understand," so we tried to delineate between calendar and actual legislative days for purposes of pay. You would not be paid if you took any breaks. I do not want to speak for Assemblyman Harry Mortenson, but I do not believe they were tied to a line in the sand; it was more the concept.

CHAIRMAN WASHINGTON:

Perhaps 127 days, you get paid for 120 days, give 7 days to the staff to prepare amendments, and so forth.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I believe anything that would help staff catch up would be welcome.

SENATOR TITUS:

Where I believe it would be nice to have a few extra days is when this complicated tax bill ever comes out that some of us would like to read in detail instead of just vote on the Senate Floor and a concurrence or pick an amendment, such as this, and not have time to study it.

MR. MALKIEWICH:

I would like to ask a question on behalf of the committee. The next bill we have up is A.J.R. 13, which is Assemblyman Mortenson's bill concerning the Legislature calling itself into special session. The provision in your joint resolution is exactly the same, for the Legislature calling itself into special session. I caught most of the discussion regarding this constitutional amendment, but I did not get to the very end. Could you tell us what the thinking was in sending both over, one with just that and one with the exact same special session language?

CHAIRMAN WASHINGTON:

Before you answer the question, we will open the hearing on both bills, then you can testify on either bill if you want.

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**ASSEMBLY JOINT RESOLUTION 13 (1st Reprint)**: Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)

MR. MALKIEWICH:

Assemblyman Mortenson asked me to cover A.J.R. 13 for him, which is why I am asking you to provide that testimony. It is identical to the special session provision.

ASSEMBLYWOMAN GIUNCHIGLIANI:

It is identical, and Ms. Lusk was quite helpful with part of this language. We took out the provision that the proclamation could be wide open, so we restricted the legislation both from Assemblyman Mortenson and from me. The anticipation was we did not want two of the same questions on the ballot at the same time. In case we were not able to move the annual session bill, Assemblyman Mortenson strongly believed at least the public should have the right to vote on whether or not the Legislature should call itself to special session. It was there more as a countermeasure in case A.J.R. 7 did move forward.

CHAIRMAN WASHINGTON:

On both your bill and Assemblyman Mortenson's bill, the Legislature could have a petition, is it two-thirds of both Houses?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Yes. The subject matter is very narrowly defined for both the Governor's bill and the Legislators' bill in A.J.R. 13. It used to say, "If the Legislature is convened for a special session pursuant to this paragraph, the Governor may add to the list of topics." We removed that from current and from the legislative piece. That is the main change, because we believed if you are calling us in for a special session, it should be limited. Assemblyman Mortenson's legislation and mine both parallel that concept. The days are the same.

SENATOR WIENER:

I attended a conference in Washington where it was an eye-opener to find we were one of the few states not allowing this. Do you know how many states currently do not allow the Legislature to call itself into special session?

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ASSEMBLYWOMAN GIUNCHIGLIANI:

I can count very quickly. Legislature may call in Alaska by two-thirds, Arizona by two-thirds, Colorado by two-thirds, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, I suspect overwhelmingly the majority, and most of them are by a two-thirds vote or by a form of petition. I will get you a copy; I believe it is a good document for you to review.

SENATOR WIENER:

Is there some way in an electronic age, when it says a petition signed by two-thirds, it could be expedited more quickly?

ASSEMBLYWOMAN GIUNCHIGLIANI:

It was not discussed, but I do not think it would be a bad thing, because you need two-thirds of the signatures from both Houses. You might want to include that electronic means would be acceptable as far as processing.

CHAIRMAN WASHINGTON:

Senator Wiener, I believe Mr. Malkiewicz can answer your question.

MR. MALKIEWICH:

Since we have opened the hearing on A.J.R. 13, let me just briefly go through it. Mr. Mortenson has presented his testimony (Exhibit G) which I would like to enter into the record. I will briefly summarize a couple of points he wanted to make. He believes the authority of the Legislature to call itself into special session is important for two reasons; first, as a matter of separation of powers, the Legislative Branch should have the authority to call itself into special session. The Governor having that authority alone is contrary to the separation of powers principle. This allows the Legislature to operate with a reasonable degree of independence from the other branches.

Second, 34 states have the ability to call themselves into special sessions. We are, therefore, 1 of 16 that cannot, and we are 1 of 9 that cannot determine the matters to be considered at the special session. Assembly Joint Resolution 13 provides a special session may be convened by petition of two-thirds of the members of each House, and you may only consider the matter for which you were called into special session. The bill limits the special session to 20 calendar days, and it allows Legislators to be compensated for the actual number of days. Again, this provision is identical in both resolutions, and when I asked

why, the explanation was that if A.J.R. 7 did not go forward, A.J.R. 13 would have the opportunity to go forward.

On Senator Wiener's question, I wanted to make the point that it says "one or more petitions," and upon receipt of one or more substantially similar petitions signed in the aggregate by the required number of members. You could be circulating a petition or two down south, a petition or two up north, get all of them sent to the secretary of state, and once the secretary of state had two-thirds of each House, you could go into special session. I would be a little concerned about electronic voting without some kind of digital signature provision or something similar. The one good thing about a petition is the secretary of state will have something signed by two-thirds of the Legislators on file in the office.

SENATOR WIENER:

We have addressed electronic signatures. If we would be able to address technology, we are talking constitutional change. Again, we are looking at doing electronic signatures in the Office of the Secretary of State, and we should address it appropriately if we are looking at changing the Nevada Constitution. When you talk special session, sometimes it can be extraordinarily timely, and you may not be able to round signatures up that way, but you could with a digital signature.

CHAIRMAN WASHINGTON:

Assemblywoman Giunchigliani, I believe Senator Cegavske and I talked about this, and it has been brought up in other conversations. I just wanted to know in your declaration of this bill, had the conversation of term limits come up in the discussion of this bill?

ASSEMBLYWOMAN GIUNCHIGLIANI:

No, not that I recall, but I was not in all five hearings for the entire length of time.

CHAIRMAN WASHINGTON:

There was some thought or discussion about taking a look at the possibility of repealing it, but I know it is a voter mandate as opposed to a legislative decision.



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ASSEMBLYWOMAN GIUNCHIGLIANI:

Term limits were discussed several years ago, and I support the concept, because when the judges were able to remove themselves, I believe they invalidated a great deal. The Legislative Commission may even have the authority to take up the issue and make a recommendation. I would wholeheartedly agree.

JANINE HANSEN, LOBBYIST, NEVADA EAGLE FORUM:

I have spent a lot of time working on the issue of term limits because it was tied up with a call for constitutional convention, and eight or nine other states have already invalidated it in the courts. I believe if you looked into term limits, you would find if there were any kind of challenge, it would be invalidated here. I talked to ex-Assemblyman Price about this previously, but I believe it was invalidated in the courts in nine other states where it passed. So you should look into that. It is probably invalid here, as well, but just has not been challenged.

CHAIRMAN WASHINGTON:

Who actually took it to court?

Ms. HANSEN:

It was different in different states. In many states it was the American Civil Liberties Union. In other states it was actually the legislators. It depended on the individual states. It did not happen in exactly the same way in every state.

CHAIRMAN WASHINGTON:

California sought to repeal term limits, and it failed in their supreme court, if I am not mistaken.

Ms. HANSEN:

Well, a lot of them did pass, and I believe it is worth looking into because, in many states, they were successful in repealing it. Every state may not have had exactly the same legislation, so it may have depended on that. I really think it is worth looking into because so many states have repealed it. Ours may be invalid, and we may not even know it.

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CHAIRMAN WASHINGTON:

Let me ask this question of staff, just out of curiosity. If it is a legislative initiative petition, that is one thing, but I do not believe a legislative initiative petition can repeal a voter initiative.

Ms. HANSEN:

In most cases it was invalidated through the courts.

SENATOR TITUS:

This is interesting and it says something Assemblywoman Giunchigliani mentioned. I believe one of the things that puts ours into jeopardy is you have to pass something twice in the same form before it becomes a constitutional amendment. The first time it passed, it had the judges in it. Then the judges took themselves out, so the second time it passed, it passed without the judges. Technically, we have not had that amendment passed twice by the voters in the same way. I believe that is a real good case for making it invalid.

CHAIRMAN WASHINGTON:

I guess the best way to challenge it is to have somebody term out, run for office, and win.

Ms. HANSEN:

I will try to get the information I had gathered on this issue and get it to you, because I believe it is very much open to a challenge.

CHAIRMAN WASHINGTON:

I just heard Senator Titus ask what the first date is and when does it actually become effective?

MR. MALKIEWICH:

We have looked at this, and the interpretation of both the legislative counsel and the attorney general has been it operated prospectively. It did not take effect until after a canvass of the votes when passed in 1996, which means term limits did not apply to people who were elected in 1996. Therefore, it would first apply to people elected in 1998, being totally prospective, all the Assembly members elected in 1998 and all the Senators elected at that election that would term in 2010, and those were elected in 1996 and 2000. The year 2000 was the first election candidates were subject to term limits, and they

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would term in 2012. Our interpretation is 2010 and 2012, with the majority being 2010, are the first elections to which it would apply.

CHAIRMAN WASHINGTON:

I believe it would be an interesting subject to pursue.

MS. HANSEN:

I will follow up and get you the information I have available.

LUCILLE LUSK, LOBBYIST, NEVADA CONCERNED CITIZENS:

I am one of those who has attended all of the sessions of the discussions on this and participated extensively in the development of the provisions. We do continue to oppose annual sessions of the Legislature, however. Hopefully you have my handout covering this (Exhibit H), and I will just talk to it briefly. Such a session is not truly limited in any sense, except by the number of days. The discussion you previously had about it being focused on budget is unquestionably the intent of the sponsor, but there is nothing in the language that affects that. The language you discussed, on lines 7 and 8, page 3 of A.J.R. 7, says, "In even-numbered years, any proposed appropriations or proposed revisions to the executive budget," but that has to be taken in context with lines 5 and 6, which state what will happen in odd-numbered years, which is the proposed executive budget. That is in no way a limitation. It is simply something that has to be done during the session.

What does not operate is any form of limitation on such a session. Our problem is, with no limitation on either the number or type of measures that can be introduced, it seems likely we would have several hundred more bills and would not reduce the crunch. The pressure on you, on the Legislative Counsel Bureau, and on the citizens as a whole, would simply be duplicated every year. We do not see that as desirable. In addition, we feel the character of our citizen Legislature may be at risk, especially for people in private employment. To take that much time off every year would eliminate additional people from being able to serve. We have no objection whatsoever to other provisions within this legislation, such as having the regular session be 120 legislative days within 140 calendar days, if the Legislature believes this will allow it to function better. If 140 calendar days will reduce the pressure somewhat on the Legislative Counsel Bureau and allow some periodic breaks to catch up and allow yourselves and the citizens to review legislation in a little more timely fashion, that would be desirable.

I would ask you to please consider publishing the dates of those breaks well in advance of the session, so you would know and we would know when those breaks would be and could make plans for traveling and spending time with your families. If you do indeed adopt 120 legislative days within 140 days, there might even be time for a whole week off at some point, during which you could actually see your families. That seems desirable to me, but it would not work unless the schedule was developed at least 1 month, 6 weeks, 2 months in advance, more if possible. I am not asking you to include this in the constitution, but that you seriously consider it.

In terms of a special session being convened at the call of the Legislature, I believe Assemblyman Mortenson is 100 percent correct. There is a problem here with the separation of power. In response to the comment made earlier by Senator Wiener about electronic signing of a petition, if I understand correctly, when it says several petitions, each person could have a petition. They could be sent out by e-mail, or by facsimile transmission, signed and sent back to the Office of the Secretary of State. It seems this would eliminate the problem. It is possible to change the language slightly, rather than saying signing, to say confirmed by. I, too, would be very uneasy about not having a signature on file for something as serious as this.

Another provision in A.J.R. 7 you have not discussed previously is requiring the *Executive Budget* 21 days before a session. I believe the requirement is now 14 days. This session, alone, seems to provide evidence the earlier before session you can get the *Executive Budget*, the better. So if 21 days will work, that is great; if 30 days will work, that would be even better. There was some discussion of 30 days, with the thought that it pushes the demand back too far into the holiday time for the Executive Branch, and that is why 21 days was settled on rather than 30.

CHAIRMAN WASHINGTON:

Can we back up just a little? On page 3, section 2, subsection 2, the Governor shall submit his *Executive Budget* on odd-numbered years, and paragraph (b) has the even-numbered years that appropriations are to be proposed. Would it not be advantageous once they are separated to have the budget, along with appropriations, submitted on the same odd year?

Ms. LUSK:

I believe the intent of the legislation was the primary budget would be established in the regular year, but the intervening year would allow a look at revisions to it. Rather than having to do a whole new budget, there would be adjustments to the budget. I could be mistaken, but that is my understanding of the intention.

CHAIRMAN WASHINGTON:

The reason I asked is currently we have the IFC, which basically deals with any adjustments in the budget and oversees implementation of the *Executive Budget* throughout the biennium.

Ms. LUSK:

I believe the intent of the sponsors was the Legislature itself would do many of the functions done now by the IFC.

CHAIRMAN WASHINGTON:

So it would eliminate the IFC if we went to annual sessions.

Ms. LUSK:

There was not a discussion of eliminating the IFC, and I personally do not perceive eliminating the IFC, because there would still be almost a year in between. However, there was discussion the Legislature itself, as a body, would perform any functions; IFC does not function while the Legislature is in session, and that would be another time in which they could act on various appropriations. I am probably not the person to speak to eliminating the committee.

SENATOR RAWSON:

Examples would be such as with the Distributive School Account (DSA). We always know, when we come back into session, we have a period of months where we have to make up money to be able to finish the year out. If you had an off-year budget, you could deal with the next year in DSA or in mental health or in Medicaid, the really big budgets that are hard to predict and hard to project. There is some benefit to it. I do not know that I am an advocate of annual sessions, but I believe that is the theory behind it. I believe you would still need an IFC to make decisions between sessions.

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CHAIRMAN WASHINGTON:

I guess the same question would be proposed concerning the Legislative Commission, which meets and sets the members for the interim studies during the interim. I do not know if that was brought up for discussion or not.

Ms. LUSK:

There was actually no discussion of the Legislative Commission at all.

SENATOR RAWSON:

I believe they review all of the regulations, the development of law through the *Nevada Administrative Code* and so on, so there are still functions for the Legislative Commission in addition to session.

SENATOR TITUS:

As long as we are talking about the subject, I believe one of the things that gets around the 120-day limitation is when the finance committees come in and meet early. They say, "We can get it done in 120 days," but finance comes 2 weeks early. If you are looking at restructuring this, you might want to take that into account too. Meeting early is not a good way to do legislation, because just a handful of people who are involved attend, and there is not a lot of accountability. It goes around what the public said they wanted with the 120-day limitation. If you are going to make some corrections, you might want to address all the problems at one time related to this same topic.

CHAIRMAN WASHINGTON:

That goes back to your issue, Ms. Lusk, with the 20 days before the session when the Executive Branch has to submit their budget. I guess it would not hinder them from turning in their budget. I guess what you are saying, Senator Titus, is when the money committees will actually convene, which is what, 14 days before session begins?

Ms. LUSK:

The proposal is budget submission, not starting the Legislature or money committee meetings, but that the budget be available for review. My understanding was the Legislators would like the budget to be available for all of them to review, not just a limited number. There was not a lot of discussion about what their thinking was except it was quite a crunch at that point.

There was one additional provision we believe is very important, both in A.J.R. 7 and in A.J.R. 13. It is the actual limitation of a special session to 20 days. It has been commonly understood special sessions were limited to 20 days, but they are not constitutionally limited. All that is limited is the number of days for which Legislators can be paid. We believe it is exceedingly important any provision of this nature dealing with special sessions does actually place a 20-day limit, so they do not become open-ended. The 20-day limit is in both A.J.R. 7 and A.J.R. 13. As was stated earlier, those two are essentially identical. There was also discussion about incorporating pay for the Legislators for each day of service. We are strong advocates of that. I personally do not think it wise, however, to put too many things in one bill to go before the public. I believe it is better to separate them so you do not lose it all. If you get too many things together, you get too much confusion. You may or may not be aware that Senate Joint Resolution (S.J.R.) 11, which has been introduced in the Senate Committee on Finance, calls for pay for each day Legislators are in service. This, of course, is a decision for you to make as to whether you want to combine everything, or keep them separate, and so forth.

**SENATE JOINT RESOLUTION 11:** Proposes to amend Nevada Constitution to provide for payment of compensation to members of Legislature for each day of service during regular and special sessions and to provide for payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationery. (BDR C-1353)

I am just expressing a personal opinion that people are more likely to support what they understand, and they are more likely to understand what is not extensive and, therefore, not too confusing. I believe the public, as a whole, would see it as simply fair to pay people for the days they work. It is an essential unfairness not to. I believe the bill would pass if it were put before the public essentially by itself. I do not know if it would pass if it were put forward in a bill advocating annual sessions, and since I am not a proponent of annual sessions, I would hope it would not. Again, A.J.R. 13 is the same as the portion of A.J.R. 7 we support, so we are in support of A.J.R. 13.

CHAIRMAN WASHINGTON:

I know you are opposed to annual sessions, but this is just a resolution to put the proposal on the ballot. We cannot say yea or nay.

Ms. LUSK:

As a matter of opinion, you go through those all the time. You make choices as to what you are going to put forward and what you are not. It is important what you put forward be a policy you really want in the end, because you have to be careful of what you ask for, because you may get it.

JOHN L. WAGNER, LOBBYIST, NEVADA REPUBLICAN ASSEMBLY:

We support A.J.R. 13. We believe it is a good idea for the Legislature to have the right to call itself into special session. We do not like the idea of annual sessions, and we do not want to be known as East California. I lived in California a number of years, and I remember when they had annual sessions, but they were limited in time. It was only after they decided to go to annual sessions the state went downhill, and I was lucky to escape when I did. Also, as far as your salaries are concerned, you have the authority, as I understand it, to set them now. When I asked one Assemblyperson, he said, "Yes we do, but we don't have the guts to do it." That is exactly what he told me. I told him I would not be afraid, I would go ahead and do it. Senator Raggio told me why you only get paid for 60 days. The idea was you would get here, do your business, and get out of town as quickly as possible. We all know that does not work. Therefore, it is only right for you to be paid. I am on the record for this. I also believe having a break in your sessions is a good idea. That way you could take a deep breath, go home, whatever, rethink things, and come back.

SENATOR RAWSON:

I believe it is important to clear up the issue of voting on our salaries. We have the ability to raise our salaries for 60 days. We can change the amount we are paid, and I do not know if that is a matter of courage or just a matter of faith with the public. A number of Legislators here have said they will not vote on their salaries, and I believe they are just keeping faith with the public. When it comes to the amount of days for which we are paid, it is strictly regulated by the Constitution.

MR. WAGNER:

Yes, I understand that is the case, but you could still raise your pay for the 60 days, and then hopefully be compensated somewhat for the time you are here. I believe most people in the State of Nevada believe a person should be paid for what they do. You are doing a lot, and you are not getting paid for it. I believe that is wrong, and I believe it should be corrected. I do not believe in



commissions doing this, because Congress does it, and it is a coward's way out. They have a right to refuse it, but they never do, so each year it goes up.

SENATOR RAWSON:

I would like to say one more thing on the subject. We could double our salary for 60 days with the idea of getting a reasonable salary for 120 days, but that gets around the spirit of what is in the Constitution. We have to go by the letter of the law as well as the spirit of the law. Whether that ability is there or not, we certainly should not look at Legislators who want to keep that faith with the public as being cowards. I believe they are being honest in the process. It is a small distinction, maybe, but I believe it is important.

DAVID K. SCHUMANN, LOBBYIST, NEVADA COMMITTEE FOR FULL STATEHOOD:

I am here to testify against A.J.R. 7 and for A.J.R. 13. As a recent escapee of California also, I can tell you the annual sessions predispose government to become bigger. Once you are meeting every year, you can start off with 45 days, and again, there is a predisposition to make it larger. I believe it is called Parkinson's Law, the work will expand to meet the time available for it. You are starting down a slippery slope those of us from California have been down. The fact the State is getting larger is not a good reason to have more days. The idea of 120 legislative days in a 140-day session makes sense, and my solution for the pay is simply a Legislator is worth \$60,000 a year; you meet one-third of the year, so the Legislator is worth \$20,000. They should simply pay you \$20,000, and I do not believe this is a partisan issue. Congress is not worth \$157,000. Their committee gave them that pay, and they are not worth that much, by a long shot.

Assembly Joint Resolution 7 is the first tiny step down a very slippery slope to Sacramento, California, and you really do not want to go there. One of the attractions to my wife and me in Nevada was the Legislature could only hurt us for 120 days every 2 years. I believe Nevada Legislators are a lot more focused than in California. If you had not been hit this year with a huge raise in proposed programs, I do not believe your session would have been as horrendous this time. That is my personal opinion. The main thing is the philosophical idea that every-other-year sessions exercise a discipline on the State, tamping it down from becoming excessively large. It is just a mechanical fact. Wyoming is a small state, but still there are basics like schools, roads, police, and fire. If they manage to do it in 40 and 20 days, we, as a bigger State, should be able to do it well in 120 days.

Assembly Joint Resolution 13 is an excellent idea. A point I would like to make regarding electronic voting, is you could vote electronically with a key word or password, and when you come in here, you could sign the petition as the first order of business. It could be accomplished in 2 hours over the Internet. You would only come to special session if two-thirds of the members sent their keyed vote in over the Internet.

MS. HANSEN:

Most of my concerns have been addressed. I just have two concerns with A.J.R. 7. The limiting of issues and the number of bills is not addressed in the resolution. I believe one of the problems I have with 140 days is, once again, it tends to limit the number of citizen Legislators, which I believe is a serious issue. The more time you are here, the more you limit those who can actually serve. That is one of the negatives in my thinking, even though it might be nice to have a break. I want to strongly support the provisions in A.J.R. 7 and A.J.R. 13 that are similar. I believe this is a critical issue at this time, particularly as we face the issue of terrorism. I consider this to be one of the constructive ways to deal with issues of terrorism, for the Legislature to be able to call itself into special session.

One of the things we dealt with in Senator Rawson's Legislative Committee on Health Care was the idea the Governor, under the Model Emergency Health Powers Act, was made a dictator. Essentially, what A.J.R. 13 does is provide a real check in the balance of power. It is very important and vital for this Legislature to be able to call itself into session, and I support A.J.R. 13.

LYNN CHAPMAN, LOBBYIST, NEVADA FAMILIES EDUCATION FOUNDATION:

We support A.J.R. 13. Of all the people I have talked to, no one wants annual sessions because it would double the bills, provide more laws, and we are already burdened with too many laws. Most people see the need for A.J.R. 13 giving the Legislature the ability to call themselves into special session.

EX-ASSEMBLYMAN BOB PRICE:

I am a recent resident of Sparks. The arguments, pro and con, have been covered well. I will go on the record as being in favor of annual sessions. I personally, and people I have talked to over the years, believe the constitutionality of some of the actions taken by the Legislative Commission and the Interim Finance Committee have been questionable, because the Legislature is supposed to be the people's branch of government and making

those types of decisions. I have believed for a long time if someone were to constitutionally challenge some of the actions taken, it would be a strong argument. Regarding the discussion about the states that still have biennial sessions, Texas gets around biennial sessions by taking a recess one year and reconvening the next year.

As indicated earlier, there have been many polls of citizenry over the years, and everyone has had a high percentage of citizens favoring and, I would think, expecting annual sessions. Most people coming to Nevada, which percentage-wise is the fastest growing state around, are used to their legislatures meeting annually. It is something they are aware of and normally live with. With us being the "people's branch of government," the closest branch to the people, and having to run every 2 years or 4 years, it seems to me we should be here making parts of all the decisions coming down the line. I have no problem with limiting bill draft requests. I had a little problem with the concept of having one session just dealing with fiscal matters because, in my own mind, for those who have not sat on the money committees, you might question whether you are educating people in that area. You should be able to deal with any subject matter that comes down the road, but have built-in rules adopted by the Legislature to put some restrictions into place.

I would respectfully request that you give positive consideration to this matter today. I do not believe you should add term limits to it. I believe they should be considered on their own merit. I believe term limits are unconstitutional, and they have been challenged down the line.

CHAIRMAN WASHINGTON:

The chairman will entertain a motion on A.J.R. 13. I will work out the concerns with Assemblywoman Giunchigliani on A.J.R. 7 and bring it back to you on the Senate Floor.

SENATOR TITUS MOVED TO DO PASS A.J.R. 13.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RAGGIO WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

## DISCLAIMER

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Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

**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.

W35251

May 22, 2003

To: Senate Legislative Affairs Committee  
From: Lucille Lusk  
RE: AJR 7 1<sup>st</sup> Reprint & AJR 13 1<sup>st</sup> Reprint

**AJR 7: Oppose part, support part**

Annual Sessions: We continue to *oppose* annual sessions of the legislature. Such a session is not truly limited in any sense except for the number of days. There is no limit on the number or scope of the measures that can be introduced, and it seems likely that another several hundred bills would be introduced for the additional session. This would not ease the extreme time demand placed on legislators and citizens alike, but would simply duplicate it every year. In addition, the character of our citizen legislature would be at risk because in order to serve, a legislator would have to be able to take that time off work every year. That would be impossible for many, especially those who work in the private sector.

Regular session 120 legislative days within 140 calendar days: We have *no objection* to this arrangement if it is what the members of the legislature wish to do and if it would relieve the crunch time demands on the LCB staff. It could also allow more time for legislators to review proposed amendments and feel less pressured at those times. However, it would be very important for the schedule of breaks to be established at least several weeks prior to the session so legislators and participating citizens alike could plan air fare, lodging etc.

Special session convened at call of Legislature: We *support* the Legislature having authority to call a special session through a petition signed by 2/3 of the members stating the reason for the call. This reprint *limits the topics to those set forth in the call for any special session*, which is very important to avoid a potential "mini-session" of unlimited scope. (This provision is also found in AJR 13.)

Require executive budget 21 days before a session: The events of this session prove that you need access to the executive budget earlier than you currently receive it, in order that the LCB and legislative experts can analyze it and be on an equal footing with the Governor in evaluating the decisions for which you are responsible to the people you serve.

Limit special session to 20 days: This limit is necessary so that special sessions do not become additional sessions of unlimited duration.

**AJR 13: Support**

We support the Legislature having authority to call a special session through a petition signed by 2/3 of the members stating the reason for the call. This reprint *limits the topics to those set forth in the call for the special session*, which is critical to avoid a potential "mini-session" of unlimited scope. It also *limits the special sessions to 20 days*, another very important provision.



# FLOOR ACTIONS

## AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

**NOTE:** THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS*  
([HTTP://WWW.LEG.STATE.NV.US/SESSION/72ND2003/JOURNAL/INDEX.CFM](http://www.leg.state.nv.us/session/72nd2003/journal/index.cfm)), WHICH ARE NOT  
THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE  
OFFICIAL RECORD.

# Floor Actions

## May 13, 2003 *Assembly Daily Journal*

### Excerpt:

#### Assembly Joint Resolution No. 13.

Resolution read second time.

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 569.

Amend the resolution, page 2, by deleting lines 21 through 27 and inserting:

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

Amend the resolution, page 2, between lines 35 and 36, by inserting:

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

Amend the resolution, page 3, line 33, by deleting "Except" and inserting "1. Except".

Amend the resolution, page 3, by deleting lines 37 through 41 and inserting: "the purpose for which they have been convened . [~~and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.~~]

*2. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.*

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

Amend the title of the resolution to read as follows:

"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."

Amend the summary of the resolution to read as follows:

"SUMMARY—Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature."

Assemblyman Mortenson moved the adoption of the amendment.

Remarks by Assemblyman Mortenson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

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## May 15, 2003 *Assembly Daily Journal*

### Excerpt:

#### Assembly Joint Resolution No. 13.

Resolution read.

Remarks by Assemblymen Mortenson and Goldwater.

Roll call on Assembly Joint Resolution No. 13:

YEAS—41.

NAYS—Gibbons.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

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# Floor Actions

May 26, 2003 *Senate Daily Journal*

Excerpt:

Assembly Joint Resolution No. 13.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 13:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 13 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

# AJR13\* of the 72nd Session - 2005

**Introduced on:** Feb 03, 2005

**By:** (**Bolded** name indicates primary sponsorship)  
**Mortenson**

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

## Fiscal Notes

Effect on Local Government: No.

Effect on State: No.

**Most Recent History Action:** File No. 31.  
**(See full list below)**

## Past Hearings

|   |                      |                         |            |
|---|----------------------|-------------------------|------------|
| Assembly Elections, Procedures, Ethics, and Constitutional Amendments | Mar-01-2005 03:45 PM | <a href="#">Minutes</a> | No Action. |
| Assembly Elections, Procedures, Ethics, and Constitutional Amendments | Mar-15-2005 03:45 PM | <a href="#">Minutes</a> | Do pass.   |
| Senate Legislative Operations and Elections                           | Apr-07-2005 02:00 PM | <a href="#">Minutes</a> | No Action. |
| Senate Legislative Operations and Elections                           | Apr-12-2005 02:00 PM | <a href="#">Minutes</a> | Do pass.   |

## Votes

|  |        |         |        |            |               |          |
|--|--------|---------|--------|------------|---------------|----------|
| <a href="#">Assembly Final Passage</a> | Mar-23 | Yea 42, | Nay 0, | Excused 0, | Not Voting 0, | Absent 0 |
| <a href="#">Senate Final Passage</a>   | Apr-15 | Yea 16, | Nay 5, | Excused 0, | Not Voting 0, | Absent 0 |

## Bill Text

[As Introduced](#)

[As Enrolled](#)

**Statutes of Nevada 2005, File No. 31**

[As Enrolled](#)

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## Bill History

### [Feb 07, 2005](#)

Returned from Secretary of State. Read first time. Referred to Committee on Elections, Procedures, Ethics, and Constitutional Amendments. To printer. From printer. To committee.

### [Mar 21, 2005](#)

From committee: Do pass.

### [Mar 22, 2005](#)

Read second time.

### [Mar 23, 2005](#)

Read third time. Passed. Title approved. Preamble adopted. (Yeas: 42, Nays: None.) To Senate.

### [Mar 24, 2005](#)

In Senate. Read first time. Referred to Committee on Legislative Operations and Elections. To committee.

### [Apr 13, 2005](#)

From committee: Do pass.

### [Apr 14, 2005](#)

Read second time.

### [Apr 15, 2005](#)

Read third time. Passed. Title approved. Preamble adopted. (Yeas: 16, Nays: 5.) To Assembly.

### [Apr 18, 2005](#)

In Assembly. To enrollment.

### [Apr 19, 2005](#)

Enrolled and delivered to Secretary of State. File No. 31.

**On 2006 ballot.**



PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**FLOOR STATEMENT**  
73<sup>rd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY JOINT RESOLUTION NO. 13  
OF THE 72ND SESSION  
(Enrolled)**

**Topic**

Assembly Joint Resolution No. 13 of the 72nd Session proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session.

**Summary**

This measure 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. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 of the 72nd Session limits special sessions called by the Legislature or the Governor to 20 calendar days.

**Effective Date**

This measure was approved in identical form during both the 2003 and 2005 Sessions of the Nevada Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

**Background Information**

The *Constitution* currently limits special sessions of the Legislature to those called by the Governor.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session  
March 1, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:54 p.m., on Tuesday, March 1, 2005. Co-Chairman Harry Mortenson presided in Room 3142 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mr. Bob McCleary, Co-Vice Chairman  
Mrs. Sharron Angle  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Jasmine Shackley, Committee Manager

**Co-Chairman Mortenson:**

We will close the hearing on A.J.R. 11. The next bill, A.J.R. 13, was my bill last session, so I'm going to turn the meeting over to Co-Vice Chairman McCleary.

**Co-Vice Chairman McCleary:**

[Opened the hearing on A.J.R. 13 of the 72nd Session. Exhibit G]

**Assembly Joint Resolution 13 of the 72nd Session: Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)**

[Called Assemblyman Mortenson.]

**Assemblyman Mortenson, Assembly District No. 42, Clark County (part):**

Assembly Joint Resolution 13 came from the 72nd Session. The preamble to the bill very well defines what the bill is about, and the reasons for the bill.  
[Read from text of the bill.]

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

WHEREAS, 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 that may not determine any of the subject matter to be considered in special legislation [session]; and

WHEREAS, The *Nevada Constitution* is grounded on the principle of three 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; and

WHEREAS, 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 in the elected legislators; and

WHEREAS, The Nevada 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



to be in the best interest of the people of the State of Nevada; be it resolved, et cetera.

[Assemblyman Mortenson, continued.] It seems to me very odd that we are a separate power, separate and individual, and yet we, in an emergency, cannot call ourselves into session. We're pretty much alone in that respect. The majority of the states allow themselves to do that. This bill hopes to change the *Nevada Constitution*. It passed through the Assembly last session with a vote of 41 to 1, and passed unanimously through the Senate with a 21 to 0 vote.

**Assemblyman Conklin:**

You talked about 16 states that do not have a provision similar to this in their constitution. What is the make-up of those states? I'm curious, do those states have citizen legislatures, such as Nevada, or is the make-up of those states different than ours?

**Assemblyman Mortenson:**

Michelle Van Geel, would you happen to have a listing of which states those were?

**Michelle Van Geel, Committee Policy Analyst, Legislative Counsel Bureau:**

I don't have that with me, but I would be happy to provide that for the Committee (Exhibit H).

**Assemblyman Mortenson:**

We can certainly provide that to you, Mr. Conklin.

**Assemblyman Denis:**

I see that in order to call the special session, it would be done through a petition, where two-thirds must concur.

**Assemblyman Mortenson:**

Right, two-thirds. In order to call a special session, it's not easy, and it won't be done lightly. But two-thirds of each House must sign a petition. They will also, at that time, specify what will be heard. So it will not be a mini-regular session, where all kinds of bills can come up. It will be strictly regulated as to the questions that were initially placed in the petition, and it will be limited to 20 days.

**Assemblyman Denis:**

Who would actually initiate the petition?

**Assemblyman Mortenson:**

I would say any legislator who wanted to would start talking it up. They would say we've got a big problem here and we need to go into special session and solve the problem. There could be an elected official, and there is an impeachment situation where we believe there should be an impeachment, where maybe the Governor doesn't believe there should be an impeachment. The legislators, if two-thirds of them in each House decided we needed to convene to do that, we could do that.

**Assemblyman Seale:**

Does this still allow the Governor to call a special session?

**Assemblyman Mortenson:**

Absolutely. It in no way infringes upon the Governor's powers. Nothing has been stricken regarding the Governor; he has the same powers.

**Co-Chairwoman Koivisto:**

I want to follow up on Mr. Denis' question. It seems like there should be more specifics about how this would work. Is there a time limit from the time you start your petition to get two-thirds of the people to sign on? Or would this go on until you got the two-thirds?

**Assemblyman Mortenson:**

This is two-thirds of the legislators. We need to just get two-thirds of the Assemblymen and two-thirds of the Senators to agree that this is an important issue, and they will sign on a petition. If one single legislator decided this was an important issue, he could go to the Legislative Counsel Bureau and say, check the other legislators and see if there is an appetite for a special session. It can be done many ways. If we think that it's important to have specific details, we could always put that in legislation. But the broad principle of being able to call ourselves into special session would be in the *Nevada Constitution*.

**Co-Chairwoman Koivisto:**

I'm concerned that if somebody has an agenda, we could be called into special session frequently.

**Assemblyman Mortenson:**

You have to have two-thirds in each House. If you can get two-thirds in each House, then I think it's an important issue. There may be many attempts, but until you can elicit those two-thirds from both Houses, you're not going to get a special session.

**Assemblywoman Angle:**

In Section 2 [referring to A.J.R. 13 of the 72nd Session], it discusses the bills, and this would not have anything to do with the Governor. One of the provisions in the beginning of this preamble says that the Governor limits the subject matter. But this would still allow him to limit the subject matter, and we could not override the subject matter, that's my understanding. And if we were to call a special session, we then would have to do it for a specific reason too, we wouldn't be able to override that. Explain that part.

**Assemblyman Mortenson:**

If we call a special session, it overrides any Governor's authority. In other words, if we called a special session and the Governor decided that he would call one at the same time so he can limit what we can consider, we would have the authority to do that, not the Governor. He could call a special session afterwards if he wanted to, but we decide what we will consider.

**Assemblywoman Angle:**

Is that specifically stated in the bill here? [Assemblyman Mortenson replied in the affirmative.] Okay. And if the Governor called the special session, we cannot add to his call?

**Assemblyman Mortenson:**

No. If he calls a special session everything is exactly the way it exists at the present time.

**Co-Vice Chairman McCleary:**

You mentioned, in the event we felt there should be an impeachment of an officer, and maybe the Governor didn't agree, that we could call a special session. But what if it was the Governor?

**Assemblyman Mortenson:**

I mentioned to you that this could be a situation. But in reflecting, perhaps Michelle Van Geel could confirm this, I believe there is a provision in the *Nevada Constitution* which says the Supreme Court gets into the act if there's an impeachment of the Governor, but I don't remember.

**Co-Vice Chairman McCleary:**

The reason I'm asking this is because the Governor is the one who currently, in the *Nevada Constitution*, has sole power to call a special session of this Body, and of course we're the only ones that have sole power of impeachment. What if a Governor was acting lawlessly and an impeachment was in order, how could we prosecute it? We'd have to wait until we came back in session?

**Assemblyman Mortenson:**

Again, I believe, in reflecting back to when I went through this *Constitution* very thoroughly a few years ago, that there may be a provision where the Supreme Court steps in. But I'm not sure of that. In any case, we can make the statement that if we're to proceed against an elected official, and the Governor disagrees, we can do it.

**Michelle Van Geel:**

I'm not sure it addresses the whole answer, but in the *Constitution of the State of Nevada*, Article 7 concerns impeachment. You'll notice, in Section 1, it describes that the Assembly shall have the sole power of impeachment. Later in that section—and I think Mr. Mortenson that this is what you were referring to—if it is the case of the Governor, or the Lieutenant Governor, the Chief Justice of the Supreme Court will preside over the Senate during that part of the impeachment. The first part of the impeachment would still take place in the Assembly.

**Assemblyman Mortenson:**

Okay, then my argument to you, and the one you just presented is a good argument. If we had a rogue governor, it's improbable, but it's possible, what would we do in that case? In this case the Assembly and the Senate can petition to have a special session and we could proceed.

**Co-Vice Chairman McCleary:**

And that part of the bill makes sense to me, too. Otherwise, I don't know how we would act, we would have to wait until the regular session came, and we could lawfully assemble ourselves. It just doesn't make sense.

There was also a question Co-Chairwoman Koivisto brought up about the specifics, of how to deal with this. Like a lot of things, we as a legislative body make policy. But like you said, and I think that everyone can agree here, by statute we can set the parameters of that.

**Assemblyman Mortenson:**

I personally believe the *Constitution* is a broad document without details and we can set the details in law, because we may want to change the details from time to time, depending on the situation. But the broad policy is there, and we can change the details if we decide we need to.

**Co-Vice Chairman McCleary:**

One more comment about Mrs. Angle's remarks about the scope. If we called ourselves in, we could specify in statute that it should be on one subject, that could also be written into the rules of that session. Because every time we come together as a session, we have to establish the rules for that session. And it could say only to deal with this subject and then we're done, correct?

**Assemblyman Mortenson:**

Yes, Mr. Co-Vice Chairman, that's what the bill says. That is, when the petition is drawn up, with the two-thirds or more signatures of each House, they will also, in that petition, decide on the subject matter of the special session. Plus we have the right to establish the parameters of the financing for it, and so on.

**Janine Hansen, President, Nevada Eagle Forum:**

I thought a lot about this issue. I was familiar with it last session. Last session we dealt with the Model Emergency Health Powers Act. We worked with Mrs. Koivisto in her Health and Human Services Committee on that. Lynn [Chapman] and I spent a year in interim committees on that issue. We were exceedingly concerned because in the case of an emergency, under the Model Emergency Health Powers Act, the Governor was given power to virtually act as a dictator. He could confiscate food, fuel, clothing, and guns. He could implement all kinds of emergency measures without any oversight by the Legislature whatsoever. One thing we worked very hard for was to get the Legislature involved in that process. Ultimately, we were very pleased. We felt like we had a better law when we finished, than when we began. But because of that experience, I realized when this was brought forward, that the Legislature doesn't have the ability to call itself into session.

What if you had a situation in an emergency, as the author of the bill brought up? In that situation, the Legislature felt it was important for them to respond, as well as the Governor. In that one situation, I felt it was important for the Legislature to have that ability. And of course, it has the safeguard of the two-thirds majority in both Houses, which is a significant bar to have to get over. The issues and business is limited as well in this legislation. It speaks well to the separation of powers to protect the individual rights and concerns of the people of the state. Nobody wants to make it easy to have a special session. I understand that you're the ones who pay a high price for having to leave whatever you're doing to do that.

Under the limitations in this bill, and with reflection on the possibilities of what could have happened, just under that one situation, with the Model Emergency Health Powers Act, which I felt that the Legislature dealt with so well, I would

be in favor of allowing the Legislature to have that opportunity to do that. And we all know that it would be only in extraordinary circumstances. So we do support the bill.

**Lynn Chapman, Vice President, Nevada Eagle Forum:**

I want to reiterate that we do support this. We went to 11 hearings; it was actually a year and a half. I remember every single one of them, when we went to the Model Emergency Health Powers Act hearings. It was incredible. It's very important that one person doesn't have all the power. I like it when it's spread around a little bit. I'm in favor of having the Legislature be able to call special sessions, even though we don't like them.

**Co-Vice Chairman McCleary:**

I'm going to close the hearing on A.J.R. 13 of the 72nd Session and turn the chair over to Assemblyman Mortenson.

**Co-Chairman Mortenson:**

We're adjourned [at 4:55 p.m.].

RESPECTFULLY SUBMITTED:

---

Celeste Gunther  
Committee Attaché

APPROVED BY:

---

Assemblyman Harry Mortenson, Co-Chairman

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

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PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

**BILL SUMMARY**  
72<sup>nd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY JOINT RESOLUTION NO. 13**  
**(First Reprint)**

**Topic**

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.

**Summary**

This measure 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. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 limits special sessions called by the Legislature or the Governor to 20 calendar days.

**Effective Date**

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.

**Background Information**

The constitution currently limits special sessions of the Legislature to those called by the Governor.

Assembly Elections, Procedures, Ethics & Constitutional Amendments

AJR013.R1

Date: 3/1/2005 Exhibit: G Page 1 of 1

Submitted by: Michelle Van Geel



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**MEMORANDUM**

**DATE:** March 7, 2005  
**TO:** Members of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments  
**FROM:** Michelle L. Van Geel, Senior Research Analyst *mlv*  
Research Division  
**SUBJECT:** **State Legislatures That Cannot Call Themselves into Special Session**

At the March 1, 2005, meeting of the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments, the Committee heard testimony concerning Assembly Joint Resolution No. 13 from the 72nd Legislative Session. That measure proposes to amend the *Nevada Constitution* to revise provisions regarding special sessions of the legislature.

During discussion of A.J.R. 13, Assemblyman Conklin asked how many of the state legislatures that cannot call themselves into special session are considered "citizen legislatures." Upon reviewing information from *The Book of the States*, 2004 Edition, Volume 36, only 12 state legislatures cannot call themselves into special session. The attached table, titled "State Legislatures That Are Not Able to Call Themselves into Special Session," lists these 12 states and details the frequency and length of their regular sessions and the salary of their legislators. Based upon this information, it appears eight of the 12 states that cannot call themselves into special session can be considered "citizen legislatures."

I hope this information is useful to the Committee. Please contact me at 775/684-6825 or mvangeel@lcb.state.nv.us if I may be of further assistance.

MLV/cs:W52237  
Enc.

Assembly Elections, Procedures, Ethics & Constitutional Amendments

Date: 3/1/2005 Exhibit: H Page 1 of 2

Submitted by: Michelle Van Geel

## STATE LEGISLATURES THAT ARE NOT ABLE TO CALL THEMSELVES INTO SPECIAL SESSION

| State       | Frequency of Regular Session | Limit to Length of Regular Session   | Salary of Legislators          | Considered Citizen Legislature* |
|-------------|------------------------------|--|--------------------------------|---------------------------------|
| Alabama     | Annual                       | 30 Legislative Days in 105 Calendar Days   | \$10/calendar day              | Yes                             |
| Arkansas    | Biennial                     | 60 Calendar Days   | \$12,976 annually              | Yes                             |
| California  | Annual                       | No limit   | \$99,000 annually              | No                              |
| Idaho       | Annual                       | No limit   | \$15,646 annually              | Yes                             |
| Indiana     | Annual                       | 61 Calendar Days in odd years<br>30 Calendar Days in even years                                      | \$11,600 annually              | Yes                             |
| Kentucky    | Annual                       | 30 Legislative Days in odd years<br>60 Legislative Days in even years                                | \$163.56/calendar day          | Yes                             |
| Michigan    | Annual                       | No limit   | \$77,400 annually              | No                              |
| Minnesota   | Biennial <sup>†</sup>        | 120 Legislative Days   | \$31,140 annually              | No                              |
| Mississippi | Annual                       | 90 Calendar Days, except first year of gubernatorial administration when they meet 125 Calendar Days | \$10,000 annually              | Yes                             |
| Nevada      | Biennial                     | 120 Calendar Days  | \$130/calendar day for 60 days | Yes                             |
| Texas       | Biennial                     | 140 Calendar Days  | \$7,200 annually               | Yes                             |
| Vermont     | Annual                       | No limit   | \$536/week during session      | No                              |

\* To be considered a citizen legislature, a legislature must either meet biennially or meet annually for less than 90 calendar days and pay members a salary less than \$15,000 annually.

† Legislature can divide the limited time, and in practice has divided, to meet in even-numbered years as well.

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session  
March 15, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:53 p.m., on Tuesday, March 15, 2005. Co-Chairman Harry Mortenson presided in Room 3142 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

Mr. Bob McCleary, Co-Vice Chairman (excused)  
Mrs. Sharron Angle (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Genie Ohrenschall, Assembly District No. 12,  
Clark County (part)

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Sheila Sease, Personal Attaché to Assemblyman Mortenson

**Assembly Joint Resolution 13 of the 72nd Session: Proposes to amend Nevada *Constitution* to revise provisions regarding special sessions of Legislature. (BDR C-313)**

**Michelle Van Geel, Committee Policy Analyst:**

[Submitted Exhibit D.] Assembly Joint Resolution 13 of the 72nd Session was presented to the Committee on March 1, 2005, by Assemblyman Mortenson. The measure 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. The measure also limits the length of the special session called by the Legislature or the Governor to 20 calendar days. There weren't any amendments offered during testimony.

**Co-Chairman Mortenson:**

One of the clauses in the bill says all but 12 of the states allow their legislatures to bring themselves into session. One of the Committee members asked to know which ones do not. Michelle got that information and distributed it. The interesting thing is that in the interim four other states moved that direction and hopefully, we will today.

ASSEMBLYMAN SEALE MOVED TO DO PASS ASSEMBLY JOINT RESOLUTION 13 OF THE 72ND SESSION.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Angle and Mr. McCleary were not present for the vote.)

**Co-Chairman Mortenson:**

We will close the hearing on A.J.R. 13 of the 72nd Session and open the hearing on A.J.R. 3.

**Assembly Joint Resolution 3: Proposes to amend Nevada *Constitution* to revise provisions governing certain constitutional officers. (BDR C-947)**

**Carole Vilardo, President, Nevada Taxpayers Association:**

This is the third or fourth time that we have supported this concept. There is a great deal of concern about the protection of public money collected on behalf of the taxpayers. Public money comes from the taxpayer to be spent. Obviously, you want a system of checks and balances. I have listened, each

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**ASSEMBLY JOINT RESOLUTION NO. 13 FROM THE 72<sup>ND</sup> SESSION**

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

Sponsored by: Assemblyman Mortenson

Discussion

Assemblyman Mortenson presented Assembly Joint Resolution No. 13 from the 72<sup>nd</sup> Session to the Committee on March 1, 2005. The measure 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. The measure also limits the length of special session called by the Legislature or the Governor to 20 calendar days.

Proposed Conceptual Amendments

No amendments offered.

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session  
April 7, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:05 p.m. on Thursday, April 7, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Barbara Cegavske, Chair  
Senator William J. Raggio, Vice Chair  
Senator Warren B. Hardy II  
Senator Bob Beers  
Senator Dina Titus  
Senator Bernice Mathews  
Senator Valerie Wiener

**GUEST LEGISLATORS PRESENT:**

Senator Steven Horsford, Clark County Senatorial District No. 4  
Senator John J. Lee, Clark County Senatorial District No. 1  
Assemblywoman Chris Giunchigliani, Assembly District No. 9  
Assemblyman Harry Mortenson, Assembly District No. 42

**STAFF MEMBERS PRESENT:**

Brenda J. Erdoes, Legislative Counsel  
Michael Stewart, Committee Policy Analyst  
Elisabeth Williams, Committee Secretary

**OTHERS PRESENT:**

Janine Hansen, Nevada Eagle Forum  
Lucille Lusk, Nevada Concerned Citizens  
Raymond Bacon, Nevada Manufacturers Association  
Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State  
Barbara Reed, Clerk/Treasurer, Douglas County

Senate Committee on Legislative Operations and Elections  
April 7, 2005  
Page 8

MR. STEWART:

As Senator Cegavske noted, this bill adds an option of "no preference" for ballot questions and other offices. This bill applies now to all races for candidates and ballot questions. An amendment was discussed by several Committee members to replace the term "none of these candidates" set forth in NRS 293.269 and make "no preference" apply for that as well. Under this amendment, the term "no preference" would appear on every primary and general election ballot for all candidates and ballot questions.

SENATOR HARDY MOVED TO AMEND AND DO PASS S.B. 329.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR CEGAVSKE:

I am going to open up the hearing on Assembly Joint Resolution (A.J.R.) 13 of the 72nd Session.

**ASSEMBLY JOINT RESOLUTION 13 OF THE 72ND SESSION:** Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)

ASSEMBLYMAN HARRY MORTENSON (Assembly District No. 42):

Assembly Joint Resolution 13 of the 72nd Session is a constitutional amendment which is returning for the second time. It passed in the 72nd Session, when the Assembly voted 41 votes in favor and 1 vote against and the Senate voted 21 votes in favor and zero votes against. This session, the Assembly voted 42 votes in favor and zero against.

The preamble says, "Whereas, There are currently 34 State Legislatures that have the ability to call a special legislative session when deemed necessary; and Whereas, The Nevada Legislature is 1 of only 16 state legislative bodies in the Nation that may not call a special session ...." It turns out that in the two-year interim, four other states passed laws saying their legislatures could call special sessions. Now there are only 12 states where the legislature cannot call a special session.



The Constitution is grounded on the principle that there are three equal branches of government: the executive, the judicial and the legislative. It never made sense to me that the Legislature can only be called into session in emergencies by the Executive Branch. Apparently, most other states feel the same way. That was the genesis of this bill. The bill is fairly tightly regulated. It requires a two-thirds majority of both Houses and sending a signed petition to the Secretary of State in order to convene. It also requires that the subject matter of any special session be highly regulated and pertain only to what the petitions say it will, unless two-thirds of the convened members decide they need to consider something else. It is a fairly straightforward bill. I would invite any questions.

SENATOR WIENER:

In section 2A, subsection 3, could you give us an example of what you had in mind with that? I do not know what the circumstance would be for that.

ASSEMBLYMAN MORTENSON:

Someone asked me that one time. What happens when the Governor wants to call a special session and the Legislature wants to call a special session? In this case, the Legislative branch has the privilege. This, incidentally, does not in any way interfere with the Governor's prerogative of calling a special session. That was the thought of that subsection.

SENATOR WIENER:

I understand that in the language. Could you think of an example?

ASSEMBLYMAN MORTENSON:

Suppose we had some tragic incident which happened and there was an emergency. Then the Governor says a special session must be called and the Legislature says a special session must be called. Who should call a special session of the Legislature? I think it should be the Legislature because they are the Legislative branch. In this case, the Legislature will call the special session and the Legislature will then dictate the agenda of that special session instead of the Governor.

SENATOR WIENER:

The Legislature controlling the agenda would be the advantage.

Senate Committee on Legislative Operations and Elections  
April 7, 2005  
Page 10

SENATOR BEERS:

I am reading Article 3 of the Constitution. Section 1 entitled "Three separate departments; separation of powers; legislative review of administrative regulations" says,

The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.

Your preamble would indicate that I should find the word equal there, not separate. The bill says, "Whereas, The Nevada Constitution is grounded on the principle of three equal branches of State Government ...."

ASSEMBLYMAN MORTENSON:

I will amend my statement from equal to separate.

SENATOR BEERS:

You cannot amend it. It has already been passed by the last Legislature.

ASSEMBLYMAN MORTENSON:

I am not talking about the bill. I am talking about my statements. Let me look at the bill. I guess the legal counsel did not catch that. Are we not equal? I do not know that.

SENATOR BEERS:

It is tough to be equal when you meet four months every two years.

ASSEMBLYMAN MORTENSON:

That is a moot question.

JANINE HANSEN (Nevada Eagle Forum):

I would point out for Senator Beers that on the top of page 2 of A.J.R. 13 of the 72nd Session, it says "Whereas, The Nevada 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 ....” That language is contained within the preamble.

We supported this bill last Session because it is so important. During the interim, before the last Session, Lynn Chapman and I spent 11 months working on the model for the Emergency Health Powers Act. We were very concerned it was mandated by the federal government. It would have, essentially, made a dictator out of the Governor. It would have allowed him to confiscate food, fuel, clothing and vehicles without the Legislature having anything to say about it. It is very important for the rights of the people and those concerned that they are represented. This is an important way of balancing that power—especially after that experience. We did have a good experience with that bill in the Legislature. We fixed it so it was a lot better than when it was introduced and better than what the law was originally.

I do support this because it gives the Legislature an equal voice. There are enough safeguards in it as well. We have some significant safeguards in terms of the agenda; two-thirds of both Houses have to support the calling of the special session. There are those issues. I really do think there may be times when the Legislature may need to call a session when the Governor is not willing to.

LUCILLE LUSK (Nevada Concerned Citizens):

We were here in support of this bill last Session. I will not belabor it much. We do think the Legislature should be in charge of the agenda for a special session. The Legislature needs to have that authority in order to be an equal branch. Incidentally, equal means equal in power, not necessarily equal in time. The Legislature has tremendous power, if it chooses to use it. Whatever you do during these four months can last for at least two years.

CHAIR CEGAVSKE:

We will now close the hearing on A.J.R. 13 of the 72nd Session. Committee, we need to look at S.B. 329. It has been brought to our attention that we had a section of it where there was some oversight. We need to go back and revisit it.

SENATOR RAGGIO MOVED TO RESCIND THE PREVIOUS ACTION  
TAKEN ON S.B. 329.

SENATOR BEERS SECONDED THE MOTION.

**MINUTES OF THE  
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session  
April 12, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:07 p.m. on Tuesday, April 12, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Barbara Cegavske, Chair  
Senator William J. Raggio, Vice Chair  
Senator Warren B. Hardy II  
Senator Bob Beers  
Senator Dina Titus  
Senator Bernice Mathews  
Senator Valerie Wiener

**STAFF MEMBERS PRESENT:**

Brenda J. Erdoes, Legislative Counsel  
Michael Stewart, Committee Policy Analyst  
Elisabeth Williams, Committee Secretary

**OTHERS PRESENT:**

Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State  
Christina Dugan, Las Vegas Chamber of Commerce  
John L. Wagner, Burke Consortium of Carson City  
Janine Hansen, Nevada Eagle Forum; Independent American Party  
Larry Lomax, Registrar of Voters, Elections, Clark County  
Barbara Reed, Clerk/Treasurer, Douglas County  
Richard L. Siegel, American Civil Liberties Union of Nevada  
Raymond Bacon, Nevada Manufacturers Association  
Cheri L. Edelman, City of Las Vegas  
Nicole J. Lambole, City of Reno  
J. David Fraser, Nevada League of Cities and Municipalities  
Derek Morse, Regional Transportation Commission of Washoe County

Senate Committee on Legislative Operations and Elections  
April 12, 2005  
Page 22

imposes a sufficient tax, not prohibited by the Constitution or otherwise constitutionally provides for the raising of necessary revenue.

What this basically does is add a constitutional amendment to this prohibition.

SENATOR RAGGIO:

This resolution has to be enacted. Does this have to be enacted by two successive Legislative Sessions? Then is it sent to the voters?

Ms. ERDOES:

That is correct.

SENATOR RAGGIO MOVED TO DO PASS S.J.R. 8.

SENATOR BEERS:

Do you want to entertain breaking S.J.R. 8 into three questions on the ballot?

SENATOR RAGGIO:

No.

SENATOR HARDY SECONDED THE MOTION.

SENATOR MATHEWS:

Looking at this bill at this moment, I will support it, but I may not support it on the Senate Floor. I want to put that on the record.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

CHAIR CEGAVSKE:

The next bill on our work session is Assembly Joint Resolution (A.J.R.) 13 of the 72nd Session.

**ASSEMBLY JOINT RESOLUTION 13 of the 72nd Session**: Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. (BDR C-313)

Senate Committee on Legislative Operations and Elections  
April 12, 2005  
Page 23

This was presented to us by Assemblyman Mortenson. It has already passed both Houses once. I do not know if there is any need for an explanation, but Mr. Stewart, go ahead and give a brief summary.

MR. STEWART:

You will recall A.J.R. 13 of the 72nd Session proposes to amend the Constitution to allow the Legislature to call itself into a special session. That is the short version.

SENATOR HARDY MOVED TO DO PASS A.J.R. 13 OF THE 72ND SESSION.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR TITUS WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

CHAIR CEGAVSKE:

There was one other bill we wanted to add to the work session. It is S.B. 346, Senator Lee's bill.

**SENATE BILL 346:** Revises provisions relating to Legislators' Retirement System. (BDR 17-970)

MR. STEWART:

This bill provides that a Legislator may voluntarily opt out of participation in the Legislators' Retirement System. Senator Lee presented this bill on April 7.

SENATOR HARDY MOVED TO DO PASS S.B. 346.

SENATOR BEERS SECONDED THE MOTION.

CHAIR CEGAVSKE:

There were no amendments to this bill, Committee.

SENATOR RAGGIO:

I will support the motion. This bill indicates a Legislator who terminates, as a member of the system, is not eligible thereafter to participate. We have an issue

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# WORK SESSION

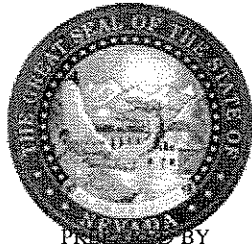
## Senate Committee on Legislative Operations and Elections

April 12, 2005

PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

- 
- ☐ Senate Bill 125 \_\_\_\_\_ pg 1a
  - ☐ Senate Bill 220 \_\_\_\_\_ pg 4
  - ☐ Senate Bill 224 \_\_\_\_\_ pg 6
  - ☐ Senate Bill 430 \_\_\_\_\_ pg 9
  - ☐ Senate Joint Resolution No. 8 \_\_\_\_\_ pg 11
  - ☒ Assembly Joint Resolution No. 13 of the 72<sup>nd</sup> Session \_\_\_\_\_ pg 12





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## WORK SESSION

### Senate Committee on Legislative Operations and Elections

April 12, 2005

The following measure will be considered for action by the Senate Committee on Legislative Operations and Elections during today's work session:

#### **ASSEMBLY JOINT RESOLUTION NO. 13 (72ND SESSION)**

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

**Sponsored by: Assemblyman Mortensen  
Date Heard: April 7, 2005**

Assembly Joint Resolution No. 13 of the 72nd Session proposes to amend the *Constitution of the State of Nevada* to allow the Nevada Legislature to call itself into a special session. The *Constitution* currently limits special sessions of the Legislature to those called by the Governor. This measure 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. This resolution specifies that during a special session, the Legislature may only consider matters for which it was called into session. Finally, A.J.R. 13 of the 72<sup>nd</sup> Session limits special sessions called by the Legislature or the Governor to 20 calendar days.

If approved in identical form during this session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2006 General Election.

#### **Proposed Conceptual Amendment(s)**

No specific amendments have been submitted.

# FLOOR ACTIONS

## AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

**NOTE:** THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS* ([HTTP://WWW.LEG.STATE.NV.US/SESSION/73RD2005/JOURNAL/](http://www.leg.state.nv.us/session/73rd2005/journal/)), WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2005

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

The prophet Micah said, “. . . what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?” (Micah 6:8). Our Heavenly Father, please enable our representatives to enact just laws, please guide us all to be kind to one another, and please allow us to walk beside You this day. In the Name of my Savior, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 23; Senate Bills Nos. 82, 174.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 11 of the 72nd Session.

Resolution read.

Remarks by Assemblymen Giunchigliani and McCleary.

Roll call on Assembly Joint Resolution No. 11 of the 72nd Session:

YEAS—29.

NAYS—Angle, Carpenter, Christensen, Gansert, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, McCleary, Sherer, Weber—13.

Assembly Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 p.m.

ASSEMBLY IN SESSION

At 11:35 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Joint Resolution No. 13 of the 72nd Session.

Resolution read.

Remarks by Assemblymen Mortenson, Arberry, McCleary, Buckley, and Christensen.

Roll call on Assembly Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 13 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 34.

Amend section 1, page 2, line 21, by deleting “\$30,000;” and inserting “[~~\$30,000;~~] \$35,000;”.

Amend section 1, page 2, line 24, by deleting “\$30,000.” and inserting “[~~\$30,000.]~~ \$35,000.”.

Amend the title of the bill to read as follows:

“AN ACT relating to residential contractors; revising provisions governing the Recovery Fund administered by the State Contractors’ Board; increasing the maximum amounts that the Board may pay from the Recovery Fund for individual claims and for multiple claims made against a single contractor;

**THE SIXTY-EIGHTH DAY**

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CARSON CITY (Friday), April 15, 2005

Senate called to order at 11:53 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

God of mercy, You have called us to dwell on the things that are true and honorable and just and pure and pleasing and commendable. Lead these, Your servants, in this pursuit today. Equip them as only You can to discern the truths by which this State and its people need to live. As they do their work, let Your justice pour out through them. In the difficulty of their task, give each person in this session the resolve to carry on for the sake of Your people. Grant them endurance when the hours are long and time to rest this weekend that they may return refreshed to do Your work.

We thank You for this week and all that has been accomplished. May it be for Your glory, we humbly pray.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

**REPORTS OF COMMITTEES**

*Madam President:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Commerce and Labor, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Madam President:*

Your Committee on Finance, to which were referred Senate Bills Nos. 438, 479, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

*Madam President:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 30, 107, 110, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, *Chair*

Assembly Joint Resolution No. 13 of the 72nd Session.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 13 of the 72nd Session:

YEAS—16.

NAYS—Amodei, Beers, Carlton, Mathews, Townsend—5.

Assembly Joint Resolution No. 13 of the 72nd Session having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 16.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Dilworth Middle School: Alex Balballero, Randee Davidson, Ray Dixon, Andrew Estabrook, Hector Estrada, David Franco, Devin Gamo, Adriana Garcia, Samatha Greco, Arielle Heinrich, Ryan Leach, Jacquelyn Lee, D. J. Martinez, Mayra Padilla, Luis Palma, Eddy Perez, Juan Rodriguez, Megan Salzirnis, Lupe Torres, Christian Zaragoza, Luis Aguirre, Cynthia Alcala, Fernando Alejo, Tania Camarene, Anthony Campanile, Taylor Carter, Chase Carthen, Richard Castro, Austin Dowell, Alma Gil, Jancy Hernandez, Mariela Martinez, Daniel Meza, Oscar Parra, Jamie Rodriguez, Maria Rodriguez, Efrin Segura, Edward Spalione, Malia Taufu, Jose Torres, Adriana Navidad Marcos, Sarah Bozman, Euseblo Castillo, Naomi Chavez, Cody Cotter, Isidro Esparza, Edgar Garcia, Brenda Gomez Estrada, Lacey Hampton, Edward Kaulitzke, Joseph Moore, Maribel Morales, Ana Nunez, Ralph Ortega, Corwin Owings, Consuelo Ramirez Candia, Hadriana Raymundo, Brenda Robledo, Erika Rojas, Amanda Sprague, Calli Stafford, Virginia Thomason, Janelle Voorhees, Rachel Wilde, Michael Abasta, Roberto Acosta, Eduardo Aguirre, Kenny Alcabedos, Nayeli Almanza, Giovana Armendariz, Cynthia Barajas, Victor Ian Baysa, Leonardo Hernandez, Andrea Lopez, Francisco Magana, Alma Martinez, Nico Lyle Millan, Miguel Padilla, Jesus Palomino, Karina Preciado, Christian Reyes, Marixa Rodriguez, Marcela Servin, Eduardo Torres, Ricardo Torres, Maritza Valencia, Monica Valle, Diana Acuna, Jose Arias-Soto, Adrianna Arroyo, Breanna Bailey, Sloan Igarta, Charles Kight, Jessica Koptke, Arik Marsh, Aubrey Martinez, William Martinez, Cassandra Morris, Jami Murga, Charles Patterson, Kyle Perez, Diego Saldierna, Samuel Stockton, Tiffany Sudberry, Stephanie Tinoco, Carlos Valencia, Vito Vitale, Brittany Williams, teachers: Tara Sala, Karin Hensel, Casey Carter, Nicolette Andrini, Renee Andrini and Shannon Kanekoa.

# BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE  
FOR COMPLETE BILL TEXT

**State of Nevada**

**Statewide  
Ballot Questions**

**2006**



**To Appear on the November 7, 2006  
General Election Ballot**

**Issued by  
Dean Heller  
Secretary of State**



# QUESTION NO. 10

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 13 of the 72nd Session

## CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to change the provisions regarding special sessions of the Legislature to provide that a special session may be convened by a petition signed by two-thirds of the Legislature of each house; to limit the duration of special sessions of the Legislature to 20 calendar days; and to limit the matters which may be considered during a special session?

|          |                                     |         |
|----------|-------------------------------------|---------|
| Yes..... | <input type="checkbox"/>            | 261,091 |
| No.....  | <input checked="" type="checkbox"/> | 287,088 |

## EXPLANATION (Ballot Question)

The proposed amendment to the *Nevada Constitution* would allow the Legislature to call itself into a special session. The proposal would provide 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 would be authorized only to consider matters for which it was called into session. Finally, this proposal would limit any special session to 20 calendar days.

Currently, language in Section 2 of Article 4 and Section 9 of Article 5 of the *Nevada Constitution* provides that only the Governor may call special sessions of the Legislature but does not limit the length of such sessions. The proposed amendment would add a new section to Article 4 and revise the existing language in both Articles 4 and 5 to provide that both the Legislature and the Governor may convene special sessions limited to 20 calendar days.

**A “Yes” vote would change the language in the *Nevada Constitution* to allow the Legislature to call itself into special session on extraordinary occasions and would limit the duration of special sessions to not more than 20 calendar days.**

**A “No” vote would allow the existing language to remain unchanged so that only the Governor may call special sessions and that special sessions not be limited in duration.**

## ARGUMENTS FOR PASSAGE

The *Nevada Constitution* establishes three co-equal branches of state government—Legislative, Executive and Judicial. The Legislative Branch has ultimate authority and responsibility to enact laws, subject to final approval by the Governor. However, Nevada’s existing constitutional language allows only the Governor to call the Legislature into special session. This limitation is

contrary to the constitutional provision that vests the lawmaking authority in the 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. The Legislature should be empowered to call a limited special session when deemed to be in the best interests of the people of the state.

The Legislature should have the authority to call itself into special session if the Governor is unwilling or incapable of calling a special session during a state emergency or executive crisis. Under the existing language in the *Nevada Constitution*, the Legislature is unable to call itself into special session to act in an emergency or to begin impeachment proceedings against a Governor or any other elected state official alleged to have violated provisions of the law.

Currently, 34 state legislatures have the ability to call a special legislative session. The Nevada Legislature is one of only 16 state legislative bodies in the nation that are not authorized to call a special session.

### **ARGUMENTS AGAINST PASSAGE**

Allowing the Legislature to call itself into special session shifts the existing balance of power among the three branches of state government by increasing the power of the Legislative Branch in relation to the Executive and Judicial Branches. Nevadans may be subject to the passage of an increasing number of laws and taxes if the Legislature can call itself into special session. Although this proposal limits the length of any one special session to 20 days, it does not limit the number of special sessions that can be called by the Legislature. The potential exists for the Legislature to become a full-time, professional body with significant cost to the taxpayers. Allowing the Legislature to call itself into special session attempts to get around the voters' past opposition to annual sessions.

Amendment of the *Nevada Constitution* should be a rare undertaking and constitutional language should not be changed simply to respond to the wishes of members of the Legislature. The framers of the *Constitution* created a part-time, "citizen legislature" by limiting the occurrence of regular sessions to once every two years. Nevada remains one of six states in the nation with biennial regular sessions. These states with biennial sessions are considered citizen legislatures and most do not allow their Legislatures to call themselves into special session. This proposal may move Nevada away from the tradition of a part-time legislature and toward a full-time legislature.

### **FISCAL NOTE**

#### **FINANCIAL IMPACT – CANNOT BE DETERMINED**

The proposal to amend the *Nevada Constitution* would provide a method for members of the Nevada Legislature to convene a special session of the Legislature. If this proposal is approved there would be costs associated with convening and holding a special session called by the Legislature, but the financial impact cannot be established with any degree of certainty because the number and duration of such special sessions cannot be predicted. It should be noted that the costs to organize and hold a special session convened by the Legislature would be the same as a special session convened by the Governor.

The state may incur minimal costs to develop and circulate the petition required to convene a special session under the provisions of the proposal, which should have no adverse fiscal impact on the State.

### **FULL TEXT OF THE MEASURE**

Assembly Joint Resolution No. 13–  
Assemblyman Mortenson

FILE NUMBER.....

**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.

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

WHEREAS, 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; and

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

WHEREAS, 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; and

WHEREAS, The Nevada 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 interest of the people of the State of Nevada; now, therefore, be it

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

***Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon petition signed by two-thirds of the members of 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. No bills, except those related to the business specified in the petition and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.*

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

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

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

And be it further

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

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

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

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

And be it further

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

Sec. ~~33~~ 33. The members of the Legislature shall receive for their services ~~a~~ a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60

days during any regular session of the legislature and not to exceed 20 days during any special session ; ~~[convened by the governor;]~~ but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

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

~~[Sec: 9. The]~~ *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 purpose for which they have been convened . ~~[, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~*

*2. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.*

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