

# AJR 5 - 2009

Introduced on: Mar 11, 2009

By Mortenson , Ohrenschall , Horne , Kihuen , Segerblom

***Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)***

DECLARED EXEMPT

Effect on Local Government: No.

Effect on State: Yes.

Most Recent History Action: File No. 92. Return to 2011 Session.

## Past Hearings

Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Mar-19-2009	No Action
Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Apr-09-2009	Do pass
Senate Legislative Operations and Elections	May-05-2009	No Action
Senate Legislative Operations and Elections	May-14-2009	Amend, and do pass as amended

## Votes

<a href="#">Assembly Final Passage</a>	Apr-14	Yea 28,	Nay 13,	Excused 1,	Not Voting 0,	Absent 0
<a href="#">Senate Final Passage</a>	May-22	Yea 17,	Nay 4,	Excused 0,	Not Voting 0,	Absent 0

Bill Text (PDF) [As Introduced](#) [1st Reprint](#) [As Enrolled](#) [Statutes of Nevada 2009 File 92](#)  
Amendments (PDF) [Amend. No.757](#)

## Bill History

Mar 11, 2009	Read first time. Referred to Committee on Elections, Procedures, Ethics, and Constitutional Amendments. To printer.
Mar 12, 2009	From printer. To committee.
Apr 10, 2009	From committee: Do pass. Placed on Second Reading File. Read second time.
Apr 13, 2009	Taken from General File. Placed on General File for next legislative day.
Apr 14, 2009	Read third time. Passed. Title approved. Preamble adopted. (Yeas: 28, Nays: 13, Excused: 1.) To Senate.
Apr 15, 2009	In Senate. Read first time. Referred to Committee on Legislative Operations and Elections. To committee.
May 21, 2009	From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. (Amend. No. 757.) To printer.
May 22, 2009	From printer. To engrossment. Engrossed. First reprint. Read third time. Passed, as amended. Title approved, as amended. Preamble adopted, as amended. (Yeas: 17, Nays: 4.) To Assembly.
May 23, 2009	In Assembly.
May 26, 2009	Senate Amendment No. 757 concurred in. To enrollment. Enrolled and delivered to Secretary of State. File No. 92.

Return to 2011 Session.



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

**SUMMARY**  
75<sup>th</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY JOINT RESOLUTION NO. 5 (Enrolled)**

Relates to Legislative Sessions

**Summary**

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to “midnight on the clock,” of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

**Effective Date**

If approved in identical form during the 2011 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

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

**Seventy-Fifth Session  
March 19, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Harry Mortenson at 3:52 p.m. on Thursday, March 19, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Harry Mortenson, Chair  
Assemblywoman Ellen Koivisto, Vice Chair  
Assemblyman Ty Cobb  
Assemblyman Marcus Conklin  
Assemblywoman Heidi S. Gansert  
Assemblyman John Hambrick  
Assemblyman William C. Horne  
Assemblyman Ruben J. Kihuen  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom  
Assemblyman James A. Settelmeyer  
Assemblywoman Debbie Smith

**COMMITTEE MEMBERS ABSENT:**

None

Minutes ID: 600



THE MOTION PASSED. (ASSEMBLYMEN HORNE, KOIVISTO, AND SMITH VOTED NO. ASSEMBLYMAN CONKLIN WAS ABSENT FOR THE VOTE.)

**Assemblyman Segerblom:**

I am concerned that Mr. Conklin was not here.

**Chairman Mortenson:**

I know which way he would have voted, and it would not have affected the vote. He would have voted "no," so it does not affect the majority. As this session continues, we will be voting more frequently with Committee members absent. It becomes more and more difficult to keep everyone in Committee because they frequently are in other committees trying to get their own bills passed.

**Assemblywoman Smith:**

I would like to note for the record that I did not support the bill because I think it marginalizes the northern part of the state and, in particular, the rural areas and Washoe County.

**Chairman Mortenson:**

Mrs. Smith, I understand and respect your statement. We are going to open the hearing on Assembly Joint Resolution 5. Mr. Guinan will present the bill.

**Assembly Joint Resolution 5: Proposes to amend the Nevada Constitution to authorize the Legislature to convene special sessions of the Legislature under certain circumstances. (BDR C-139)**

**Patrick Guinan, Committee Policy Analyst:**

As legislative staff and policy analyst with the Legislative Counsel Bureau I am not allowed to advocate for or against any measure or for or against any position on a measure. I am here today on Chairman Mortenson's behalf to present the bill and explain what it does.

Assembly Joint Resolution 5 is a measure that proposes to amend the *Nevada Constitution* to limit the duration of special sessions of the Legislature to 20 days, to limit the matters that may be considered during a special session, and to provide that a special session may be convened by a petition signed by two-thirds of the legislators of each House.

As background information, this is a resubmission of a prior resolution initially heard by the Legislature in 2003. It passed both Houses in 2003. It was heard

again in 2005 in its identical form and was passed then. It went to the voters in the 2006 General Election as statewide Question 10. It was defeated in that election by 52.37 percent to 47.63 percent—about 26,000 votes. This is identical to that measure; nothing has been changed in the bill. It simply allows the Legislature to call itself into a special session under special circumstances with a two-thirds vote of the full Legislature. It limits that special session to 20 days and it limits the matters that can be considered during that special session.

**Chairman Mortenson:**

As Mr. Guinan said, he cannot advocate for or against this measure, so as it is my bill, I would like to advocate for it.

**Assemblyman Ohrenschall:**

Mr. Guinan, that was a very close margin for a constitutional amendment. Is that one of the closest in recent history?

**Patrick Guinan:**

I would be answering without the statistical numbers at hand, but I have been looking at a lot of ballot questions for the past year or so and I would venture to say that it is one of the closer ones in recent history. I would be happy to look up those numbers for you and provide them to the Committee.

**Chairman Mortenson:**

There is essentially a 4 percent difference between the "ayes" and the "nays." Our *Constitution* is grounded on the principle of three equal branches of government, as our former Assembly Speaker, Mr. Perkins, stated a few minutes ago. We have three equal branches of government and the responsibility to enact necessary legislation is vested in the legislative branch. However, Nevada's constitutional language allows only the Governor to call a special legislative session. This impedes and is contrary to the constitutional provision that vests the legislative authority in the Legislature.

In order for the Legislature to operate with a reasonable degree of independence from the Executive and Judicial Branches as consistent with the separation of powers principle, it should be endowed to identify those topics that may require action and call the Legislature into special session. We in the United States have recently seen the rather heinous activities of one executive branch. It is alleged by the Justice Department that Governor Blagojevich of Illinois tried to sell a United States Senate seat. The Illinois House of Representatives voted 114-1 to impeach the Governor. The Illinois Senate essentially convicted him and removed him from office. What would happen if that had happened in this

state? I am not trying to compare our current Governor with the one from Illinois, but what would happen here if we had the same situation? We would have to go to the Governor and say, "Governor, will you call a special session so we can impeach you?" It does not work that way.

Richard Perkins also questioned how the Legislature that meets for 120 days can compete with an Executive Branch that is operating 365 days. If we are going to be the Legislative Branch, we really need to be able to call ourselves into session. In this bill we are limited in how long we can stay in session. The maximum is 20 days. Of course, we can always call a second session if we cannot do our business in 20 days, but still, we must stick to a specific subject that two-thirds of the Legislature agrees to. We do have good protections. Since this bill lost by only 4 percentage points in the former election, it deserves a chance to go to the people again. I think the experience in Illinois could be mentioned in the ballot explanation.

Are there any questions from the Committee for Mr. Guinan or myself? I see no questions, so we will take testimony from the public.

**David Schumann, Chairman, Nevada Committee for Full Statehood, Minden, Nevada:**

We support this. I think the Chairman mentioned all the safeguards that are in it. Certainly, you cannot get a better example than Governor Blagojevich. The Illinois Legislature was able to call itself into session, and we think this is a necessary condition for good government. We urge a "Yes" vote.

**Lynn Chapman, State Vice President, Nevada Families, Sparks, Nevada:**

We are in support of this bill. I really feel confidence in all of you. If two-thirds of the members of the Legislature decide to go into a special session, I believe that would be fine. I think you can police yourselves enough with a two-thirds majority, so we are in favor of this bill.

**Janine Hansen, representing the Independent American Party, Elko, Nevada:**

In 2001, we worked with Assemblywoman Koivisto on the Model Emergency Health Powers Act. That experience changed my point of view on this particular idea concerning special sessions. We supported this proposal last time, we supported it in our voter guide and on the ballot, and we will support it in the future. Under the Model Emergency Health Powers Act, in an emergency, a Governor essentially would become a virtual dictator. There would be no opportunity whatsoever for the Legislature to weigh-in on any of those emergency powers and emergency declarations. In fact, that particular law would allow the Governor to confiscate food, fuel, clothing, guns, property, and

vehicles, and while that would be going on, the Legislature would have no ability to respond to those emergencies.

We feel A.J.R. 5 is a good check and balance and would be convened only under, as it says, "extraordinary occasions." It has good safeguards with the two-thirds vote requirement and the 20-day limitation. Also, the will of the legislators would play a role as they must come together and believe it is important. Most of them, as citizen legislators, do not want to go into a special session unless it is absolutely necessary. With the experience of realizing that in an emergency a Governor might be a virtual dictator with no opportunity for the Legislature to respond, we feel that to protect the rights of the people, it is important for the Legislature to be able to call themselves into special session in extraordinary circumstances. We support this, as we have in the past.

**Chairman Mortenson:**

Does anyone else wish to speak on this measure?

**Assemblyman Settlemeyer:**

Does anyone know what other states currently do? Are we the only state in which only the Governor can call a special session? Is this common?

**Patrick Guinan:**

Right now, there are 32 state legislatures that have the ability to call themselves into a special session. The Nevada Legislature is one of only 18 in the country that cannot call a special session, and it is one of only 11 states that is allowed no input into the subject matter to be considered at a special session.

**Chairman Mortenson:**

In effect, two-thirds of the states allow their legislatures to call themselves into special session.

**Assemblyman Settlemeyer:**

I like the concept of the Legislature being involved, but before signing a petition, I would like to be able to see the bills that would be considered. I would like to see the subject matter narrowed down so I would know exactly what we would be agreeing to. If I signed on to a special session to look at the budget, I would like to know exactly what bills would be considered. I would not want to vote, not knowing the consequences and what that vote would entail. The same way that I have serious concerns at the ballot box when people are told to vote for a particular bill because "it will improve the quality of your life." They say "Yes"



and discover they have agreed to raise their sales tax or create a state income tax. Those issues concern me.

**Chairman Mortenson:**

Mr. Settlemeyer, before the vote is taken by each House, there must be an agenda in place. That is what the members will vote on—the agenda—and they must stick to that agenda. If the agenda does not list "sales tax" they cannot pass a sales tax. It is a strict agenda. Are there any other questions? I see none. We are going to recess for two minutes [at 5:12 p.m.].

I am going to reconvene the Committee [at 5:16 p.m.]. I wanted to confer with the author of A.J.R. 6, and he would prefer that we hold his bill for a future work session. I will also hold A.J.R. 5 for a future work session. Is there any other discussion?

**Assemblyman Settlemeyer:**

On the bill stating that the Legislature should be able to call itself into session, when was the last time that issue or concept was heard in the Legislature?

**Patrick Guinan:**

I would have to double check, but I do not believe there was a special session bill during the 2007 Session. There was a public vote on the previous resolution during the 2006 General Election and it lost.

**Chairman Mortenson:**

Are there any other matters to come before the Committee? I see none, so we are adjourned [at 5:17 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblyman Harry Mortenson, Chair

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

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

**Seventy-Fifth Session  
April 9, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Harry Mortenson at 3:55 p.m. on Thursday, April 9, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Ellen Koivisto, Chair  
Assemblyman Harry Mortenson, Chair  
Assemblyman Ty Cobb  
Assemblyman Marcus Conklin  
Assemblywoman Heidi S. Gansert  
Assemblyman John Hambrick  
Assemblyman William C. Horne  
Assemblyman Ruben J. Kihuen  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom  
Assemblyman James A. Settelmeyer  
Assemblywoman Debbie Smith

**COMMITTEE MEMBERS ABSENT:**

None

Minutes ID: 851



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Judie Fisher, Committee Manager  
Terry Horgan, Committee Secretary  
Cheryl McClellan, Committee Assistant

**OTHERS PRESENT:**

Alan Glover, Clerk/Recorder, Carson City, Nevada  
Matt Griffin, Deputy for Elections, Office of the Secretary of State  
Larry Lomax, Registrar of Voters, Clark County, Nevada

**Chairman Mortenson:**

[Roll was taken. Committee rules and protocol were explained.] We will open the hearing on Assembly Joint Resolution 5. Patrick, will you explain the bill and our past hearing on it, please?

**Assembly Joint Resolution 5: Proposes to amend the Nevada Constitution to authorize the Legislature to convene special sessions of the Legislature under certain circumstances. (BDR C-139)**

**Patrick Guinan, Committee Policy Analyst:**

Assembly Joint Resolution 5 was sponsored by Assemblyman Mortenson. This Committee first heard the bill on March 19. This resolution provides that the Legislature may call itself into special session "on extraordinary occasions" by a two-thirds vote of both Houses. It also stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits all special sessions to 20 calendar days. No amendments have been proposed. As with all constitutional amendment proposals, this would have to pass the Legislature in identical form in this session and again in 2011, and then it would go to a vote of the people in 2012.

**Chairman Mortenson:**

This bill passed through the Legislature twice in the past and was placed on a ballot for a vote of the people, but the people turned it down. We missed by only 4 percent of the vote. I have a feeling that might change due to current scandals, such as the Illinois Governor trying to sell a United States Senate seat.

In this state, we could not call a special session to remove our Governor from office, but I have a feeling the people may have more of an appetite to pass this the next time they have a chance.

**Assemblyman Settlemeyer:**

I completely agree with you. I would like to see an amendment that would limit the purpose of such a special session to only dealing with a Governor. Other than that, I really do not think the ability to call ourselves into special session on a whim is necessarily a good thing. I would be against the bill unless it only dealt with an impeachment or a situation of that nature.

**Assemblyman Horne:**

When an emergency rises to such a level, the Legislature would need to act. Two-thirds in each House would deem it necessary that they come together and act. I do not think we should limit ourselves solely to emergencies regarding a Governor. Some other type of emergency might require this body to do its duty. There would be no purpose in doing it solely for impeachment purposes.

**Assemblywoman Gansert:**

I am in agreement with Mr. Settlemeyer's amendment. A Governor would recognize if the Legislature needed to be brought into session, as has been done several times lately. But I do think we would have an issue if there was a problem with a Governor, so I would be in agreement with that amendment. Otherwise, I will be voting "no."

**Chairman Mortenson:**

At this time, I do not think I want to amend the bill. I can understand Mr. Settlemeyer's reasoning, but Mr. Horne has a very good point, too. We are the Legislature, and we make the laws, so it makes no sense that a Governor would have to call us into session during a legislative emergency. The Legislature should be able to call itself into session during a legislative emergency. If there are no further questions, I will take a vote on this measure.

ASSEMBLYWOMAN KOIVISTO MOVED TO DO PASS  
ASSEMBLY JOINT RESOLUTION 5.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN COBB, GANSERT,  
HAMBRICK, AND SETTELMAYER VOTED NO.)

I will close the hearing on A.J.R. 5, and open the hearing on Assembly Joint Resolution 6.

**Assembly Joint Resolution 6: Proposes to amend the Nevada Constitution to revise provisions concerning legislative sessions. (BDR C-67)**

**Patrick Guinan, Committee Policy Analyst:**

[Mr. Guinan read an explanation of the bill from prepared text Exhibit C.]

**Chairman Mortenson:**

Are there any comments from the Committee?

**Assemblyman Segerblom:**

I think this change is overdue for a lot of reasons, but primarily because Nevada is growing up. We are talking about an extra 60 days. This would not take effect until 2014, so that is five years away. You know how much difficulty we have now, and in five years we would have that much more growth in population and numbers of bills. I think it is impossible for us to get our work done in the time we have. Legislative sessions every year would be part of growing up, and I think Nevada is at that stage.

**Chairman Mortenson:**

Mr. Segerblom, this is your bill. Do you want us to amend the bill to remove the additional 60 days of pay?

**Assemblyman Segerblom:**

Yes. I did propose that amendment and do support it. The pay in odd years would be limited to 60 days, and the pay in even years would be for 60 days.

**Assemblyman Cobb:**

I think there is merit to having some type of review every year, so I understand the concept behind the proposal for the bill. However, I think this change would make it too hard for individuals, especially in the private sector, to be able to continue to be legislators and serve in this body. I think it is absolutely crucial to maintain our citizen Legislature, which has been a benefit to everyone in the state. We have people from many different and diverse backgrounds living under the laws we pass and experiencing the effects of the laws as well as, sometimes, the unintended consequences. We are able to come back every other year and make fixes to those laws, if need be. So I will be opposing the bill.

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

**Seventy-fifth Session  
May 5, 2009**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 1:46 p.m. on Tuesday, May 5, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Joyce Woodhouse, Chair  
Senator Bernice Mathews, Vice Chair  
Senator Valerie Wiener  
Senator William J. Raggio  
Senator Barbara K. Cegavske  
Senator Warren B. Hardy II

**COMMITTEE MEMBERS ABSENT:**

Senator John J. Lee (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Bernie Anderson, Assembly District No. 31  
Assemblyman Tick Segerblom, Assembly District No. 9  
Assemblywoman Debbie Smith, Assembly District No. 30

**STAFF MEMBERS PRESENT:**

Brenda Erdoes, Legislative Counsel  
Pepper Sturm, Committee Policy Analyst  
Makita Schichtel, Committee Secretary

**OTHERS PRESENT:**

Michael Pescetta

voted in an initiative petition to remove the annual Session right after the first one ended. The problem was that it fell in an election year. There were issues of campaigning and posturing and other manipulation during that Session. Your timing question is important. Citizens in 1960 did not approve of Legislators using that Session as a campaign forum.

CHAIR WOODHOUSE:

We will close the hearing on A.J.R. 6 and open the hearing on A.J.R. 5. We will bring this bill back to a work session and invite Assemblyman Harry Mortenson to address the committee but will allow testimony on it now.

**ASSEMBLY JOINT RESOLUTION 5:** Proposes to amend the Nevada Constitution to authorize the Legislature to convene special sessions of the Legislature under certain circumstances. (BDR C-139)

MR. SEGERBLOM:

I am on the Assembly Elections, Procedures, Ethics, and Constitutional Amendments Committee and I voted for this bill. It allows the Legislature to call a special session for 20 days by two-thirds of each house for any major but rare issues like impeachment of the Governor. A similar bill was defeated earlier but with a narrow defeat. Assemblyman Mortenson felt this bill was worth reexamining at this time. No matter what the Governor does, we have the ability to do nothing unless he calls us back, and I do not believe he would call us back to do something that would negatively affect him.

SENATOR WIENER:

I attended a meeting of handpicked legislators to go to Washington, D.C., to develop a model plan for bioterrorism. Many of us went through our state constitutions and statutory schemes. This topic became an issue addressed by that group. The governor may not agree with legislators' rationale to meet since he sets the agenda for special sessions. This was an eye opener to me. Some of the stories shared included states frozen in place that did not have the capacity to call a special session without the governor's approval.

MR. SEGERBLOM:

To pass, it would require a vote of the people, so the provision would not be available until 2013.

SENATOR CEGAVSKE:

According to this bill, a Legislator would have to get signatures from two-thirds of each house. What is the time line of that process? Would it not be easier to get the Governor to convene a special session? And if we could not find a solution in 20 days, would we have to start the entire process again? Has there been a time when a request for a special session has not been fulfilled?

MR. SEGERBLOM:

If the Governor would agree, it would be great. This is designed for the rare occasion when the Governor will not cooperate for whatever reason.

SENATOR WIENER:

We recall the 2003 Session. We had frequent recesses where the clock was stopped for parties to negotiate. Can the Governor mandate the subject matter if he agrees to a special session?

MS. KING:

We want a citizen's Legislature that will speak for us. I favor this because I want a voice. If you pass A.J.R. 5, then you could meet yearly for these types of situations and would not have to worry about getting a special session in action. The Legislature needs to be able to respond to the people in the timeliest manner. We support this bill.

SENATOR CEGAVSKE:

If we approve annual sessions, do you still support being able to call special sessions?

MS. KING:

No. We need the most expedient process. The voters should be able to choose. I would think A.J.R. 5 would be the most effective.

MS. CHAPMAN:

I support a bill that would allow the Legislature to police itself. It would be beneficial to have this in place over having annual sessions.

MS. HANSEN:

This is a good safeguard with the two-thirds approval requirement and a limited amount of days. Who knows who our Governor will be in the future? Years ago I worked with Senator Rawson on the issues of the Model State Emergency



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May 5, 2009  
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Health Powers Act. It basically allowed the Governor to become a dictator during an emergency, where he could confiscate food, fuel and property without legislative oversight.

CHAIR WOODHOUSE:

The meeting of the Senate Committee on Legislative Operations and Elections will adjourn at 3:42 p.m.

RESPECTFULLY SUBMITTED:

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Makita Schichtel,  
Committee Secretary

APPROVED BY:

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Senator Joyce Woodhouse, Chair

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

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

**Seventy-fifth Session**  
**May 14, 2009**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 2:53 p.m. on Thursday, May 14, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Joyce Woodhouse, Chair  
Senator Bernice Mathews, Vice Chair  
Senator Valerie Wiener  
Senator John J. Lee  
Senator William J. Raggio  
Senator Barbara K. Cegavske  
Senator Warren B. Hardy II

**GUEST LEGISLATORS PRESENT:**

Senator Dennis Nolan, Clark County Senatorial District No. 9  
Senator Maurice E. Washington, Washoe County Senatorial District No. 2  
Assemblyman Bernie Anderson, Assembly District No. 31

**STAFF MEMBERS PRESENT:**

Kevin Powers, Legislative Counsel  
Pepper Sturm, Committee Policy Analyst  
Karen Johansen, Committee Secretary

**OTHERS PRESENT:**

Susan Martinovich, Director, Nevada Department of Transportation

Senate Committee on Legislative Operations and Elections  
May 14, 2009  
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SENATOR HARDY SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT FOR THE VOTE.)

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CHAIR WOODHOUSE:

We will move on to Assembly Joint Resolution (A.J.R.) 5.

**ASSEMBLY JOINT RESOLUTION 5:** Proposes to amend the Nevada Constitution to authorize the Legislature to convene special sessions of the Legislature under certain circumstances. (BDR C-139)

MR. STURM:

Assembly Joint Resolution 5 proposes to amend the Nevada Constitution to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition by two-thirds of the members of both Houses. The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits all special sessions to 20 days. If the resolution passes the 2009 and 2011 Legislative Sessions in identical form, it will be placed before the voters for final approval or disapproval at the 2012 general election. There were no amendments proposed for this measure.

SENATOR RAGGIO:

Has a similar measure been before the voters and have they turned it down?

MR. POWERS:

A similar measure was before the voters this past general election.

SENATOR RAGGIO:

I have no problem putting this measure and A.J.R. 6 before the voters again. I would like to delete the archaic language in the Constitution in A.J.R. 6 allowing \$60 for postage and not getting paid for the full session. I will support the measures if the archaic language is deleted.

MR. POWERS:

I recommend an amendment for A.J.R. 5 for the Committee. If it goes forward,

I would suggest the following amendment: currently, the 120-day biennial Legislative Session requires the session end midnight Pacific Standard Time. That issue litigated in 2001 in the case of *Nevada Mining Association v. Erdoes* 117 Nev. 531, 26 p.3d 753 (2001). The Nevada Supreme Court concluded that midnight Pacific Standard Time meant 1 a.m. Pacific Daylight Time. This allows the Legislature to call itself into special sessions, and it says midnight Pacific Standard Time for the end day of the Legislative Session. The problem is the special session could be in daylight time or in standard time. Some special sessions could be forced to end at midnight or others could be forced to end at 1 a.m. My recommendation to the Committee is that we clean this up in regards to regular sessions and special sessions and make it clear it is midnight and not 1 a.m.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED  
A.J.R. 5.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS LEE AND MATHEWS WERE ABSENT  
FOR THE VOTE.)

\* \* \* \* \*

CHAIR WOODHOUSE:  
We will move on to A.J.R. 6.

**ASSEMBLY JOINT RESOLUTION 6 (1st REPRINT):** Proposes to amend the  
Nevada Constitution to revise provisions concerning legislative sessions.  
(BDR C-67)

MR. POWERS:  
I recommend we eliminate the midnight Pacific Standard Time for  
A.J.R. 6 because it will create the same problem. Instead, use midnight time on  
the clock.

MR. STURM:  
Assembly Joint Resolution 6 proposes to amend the Nevada Constitution to  
provide that the Legislature will convene regularly for 60 days in even-numbered  
years in addition to the regular 120-day sessions that are currently held in

# 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/75TH2009/JOURNAL/](http://www.leg.state.nv.us/session/75th2009/journal/)),  
WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*.  
CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

## THE SEVENTY-SECOND DAY

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CARSON CITY (Tuesday), April 14, 2009

Assembly called to order at 11: 24 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Christensen, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We thank You, Lord, that there is no weather in heaven. Let not the dullness of this day get into our hearts or minds. May we be warm and cheerful, secure in the knowledge that You are still here, that no clouds can blot You out, nor rain drive You away.

As winter lingers and blows her icy breath along the city's streets, our love goes out to all who need encouragement, to all who lack food and clothing, to all who are cold and cheerless, to all who long for home and friendship. Help us, in our blessedness, to be more willing to share the good things of life. Give us generosity and that concern for others that shall mark us as Your disciples.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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

*Madam Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 71, 314, 338, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

*Madam Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 56, 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 190, 293 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN M. KOIVISTO, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 97, 226, 305, 331, 377, 480, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Remarks by Assemblywomen Mastroluca and Parnell.

Roll call on Assembly Bill No. 487:

YEAS—39.

NAYS—Cobb, McArthur—2.

EXCUSED—Christensen.

Assembly Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 490 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Roll call on Assembly Bill No. 509:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblymen Conklin, Gansert, and Ocegüera.

Roll call on Assembly Bill No. 511:

YEAS—29.

NAYS—Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—12.

EXCUSED—Christensen.

Assembly Bill No. 511 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Mortenson and Settlemeyer.

Roll call on Assembly Joint Resolution No. 5:

YEAS—28.

NAYS—Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—13.

EXCUSED—Christensen.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblymen Segerblom, Cobb, Ocegüera, and Horne.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Joint Resolution No. 6:

YEAS—29.

NAYS—Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart—12.

EXCUSED—Christensen.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 232; Assembly Joint Resolutions Nos. 7, 10, 14; Senate Bills Nos. 38, 109; Senate Joint Resolution No. 9 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 469; Senate Concurrent Resolution No. 23.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Maurins and Sydney Coolbaugh.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pennell.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to John Andrews, Dean Allen Shreve, and Nicole Marie Harvey.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Walters.



**THE ONE HUNDRED AND NINTH DAY**

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CARSON CITY (Thursday), May 21, 2009

Senate called to order at 6:36 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Senator Carlton.

Infinite and ultimate Mystery, the citizens of Nevada call You by many names: God, Yahweh, Creator, Allah, Brahman, Goddess, Satnam, Creative Interchange, Void, Ahura Mazda, Ground of Being. These names planted and transplanted here the great traditions of the world now growing in our own garden.

We are joined as the sagebrush is joined to the desert while it reaches upward beyond itself. We are joined as the rivers and streams originating in the Sierra Nevada are joined as they travel to the oceans of the planets. We are joined as the Mountain Bluebird is joined with the sky.

So are we joined in this Chamber with the citizens on whose behalf we hold offices of trust, and joined with the past and future as we live together honoring You as the Eternal Spirit of Service.

You, who from ancient times has joined us in shapes like covenant, compact and constitution, as the means by which we may cocreate a humane, educated and prosperous society; You, Spirit of Generations, bless all those here and everywhere serving the public well in many ways. On this new day, accept us anew as we join, again, with the calls to stewardship, justice, righteousness and love.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford 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**

*Mr. President:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 149, 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

*Mr. President:*

Your Committee on Energy, Infrastructure and Transportation, to which was rereferred Assembly Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

*Mr. President:*

Your Committee on Finance, to which were referred Senate Bills Nos. 428, 430, 431; Assembly Bills Nos. 534, 549, 552, 556, 557, 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNICE MATHEWS, *Cochair*

prefiling of bills and that those measures were ready as we came in allowing the Legislature to get started much faster.

SENATOR TOWNSEND:

I believe it says that those restrictions we put on those groups who are not Legislators to get bills has had the sunset extended. Where we have narrowed it for district attorneys, school districts and counties, those will stay in place. That was something we worked out to help the Legislative Counsel Bureau manage the process. It would be helpful to have the answer by tomorrow.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 757.

"SUMMARY—Proposes to amend the Nevada Constitution to ~~authorize the Legislature to convene~~ revise provisions governing the convening and conduct of special sessions [of the Legislature under certain circumstances.] and the duration and adjournment of regular and special sessions. (BDR C-139)"

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 consecutive calendar days ~~[, limit matters]~~ with the exception of impeachment, removal and expulsion proceedings, to limit the types of bills which may be introduced, considered or passed during a special session ~~and~~ to provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each [house.] House and to provide that regular and special sessions must be adjourned on the final calendar day not later than midnight Pacific time based on the actual measure of time used and observed by the general population of Nevada."

Legislative Counsel's Digest:

Under the Nevada Constitution, only the Governor ~~[may]~~ is granted express power to convene a special session of the ~~[Nevada Legislature.]~~ Legislature on extraordinary occasions. (Nev. Const. Art. 5, § 9) The Nevada Constitution does not grant the Legislature express power to convene a special session on extraordinary occasions, such as when it is necessary to: (1) hold impeachment or removal proceedings against the Governor, Supreme Court Justices or other state and judicial officers who have committed misconduct in office; (2) hold expulsion proceedings against Legislators who have committed misconduct in office; (3) enact bills or appropriations to address unexpected conditions or emergency situations; or (4) reconsider bills vetoed by the Governor after the adjournment of a regular session. (Nev. Const. Art. 4, §§ 1, 6, 16-23, 35; Nev. Const. Art. 7, §§ 1-3).

This resolution proposes to amend the Nevada Constitution to authorize the Legislature on extraordinary occasions, to convene a special session ~~by signed petition of~~ upon a petition signed by two-thirds of the members of each House of the Legislature. ~~The~~ This resolution also provides that the only bills ~~introduced during the~~ the Legislature may introduce, consider or pass at any special session ~~must relate to the purpose of~~ are bills related to the business for which the special session, ~~except that~~ is convened and bills necessary to provide for the expenses of the session. ~~may also be introduced. Finally, the~~

In addition, this resolution limits the duration of any special session ~~of the Legislature~~ to 20 consecutive calendar days ~~if~~ , unless the special session is convened to conduct proceedings for: (1) impeachment or removal from office of the Governor, Supreme Court Justices or other state and judicial officers pursuant to Article 7 of the Nevada Constitution; or (2) expulsion from office of a Legislator pursuant to Section 6 of Article 4 of the Nevada Constitution. The exceptions for impeachment, removal and expulsion proceedings are necessary to ensure that such proceedings comport with the concepts of due process, substantial justice and fundamental fairness. (U.S. Const. Amend. XIV, § 1; Nev. Const. Art. 1, § 8)

Finally, the Nevada Constitution provides that regular sessions must be adjourned on the final calendar day not later than "midnight Pacific standard time." (Nev. Const. Art. 4, § 2) The Nevada Supreme Court has held that when the State is observing daylight saving time on the final calendar day of a session, the Legislature is not required to adjourn the session when the clock strikes midnight for the general population of Nevada but may continue the session until 1:00 a.m. Pacific daylight saving time because such time is equivalent to "midnight Pacific standard time." (Nevada Mining Ass'n v. Erdoes, 117 Nev. 531 (2001))

This resolution proposes to amend the Nevada Constitution to provide that regular and special sessions must be adjourned on the final calendar day not later than "midnight Pacific time," which must be determined based on the actual measure of time that is being used and observed by the general population of Nevada within the Pacific time zone or, in other words, the time on the clock. The resolution also provides that the Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the time on the clock for the purpose of extending the duration of the session.

If this ~~proposed~~ resolution is passed by the 2009 Legislature, it must also be passed by the next Legislature and then approved and ratified by the people in an election, before the proposed amendments to the Nevada Constitution become effective.

WHEREAS The Nevada Constitution does not grant the Nevada Legislature express power to convene a special session on extraordinary occasions; and

WHEREAS, There are extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to hold impeachment or removal proceedings pursuant to Article 7 of the Nevada Constitution against the Governor, Supreme Court Justices or other state and judicial officers who have committed misconduct in office, or when it is necessary to hold expulsion proceedings pursuant to Section 6 of Article 4 of the Nevada Constitution against Legislators who have committed misconduct in office; and

WHEREAS, There are other extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to enact bills or appropriations to address unexpected conditions or emergency situations, or when it is necessary to reconsider bills vetoed by the Governor after the adjournment of a regular session; and

WHEREAS, There are currently 32 state legislatures in the nation that have ~~the ability~~ express power to call a special ~~legislative~~ session when ~~deemed necessary;~~ there are extraordinary occasions; and

WHEREAS, The Nevada Legislature is ~~11 part of a group of only 18 state legislative bodies in the nation that may~~ legislatures that do not have express power to call a special session, and 11 part of a group of only 11 legislatures state 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~~ coequal 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~~ grants the Governor express power to call the Legislature into special session ~~is, impedes and is contrary to~~ but which does not grant such express power to the Legislature, diminishes the constitutional provision that vests the legislative authority of the State of Nevada in its separation of powers by impeding the authority of this State's elected Legislature to perform its constitutional functions of enacting necessary legislation and conducting impeachment, removal and expulsion proceedings on extraordinary occasions; and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as is consistent with the separation of powers principle, and should be empowered to identify those ~~topics~~ extraordinary occasions 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 a petition signed by two-thirds of the members ~~of~~ elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. ~~[No bills.]~~ At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any 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~~ convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition ~~calling for~~ convening the special session ~~[.]~~ pursuant to this section.

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

5. ~~[The]~~ Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific ~~standard time~~ ~~of~~ time at the end of the 20th consecutive calendar day of that session. ~~[.]~~, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific ~~standard time on~~ ~~time at the end of the 20th consecutive calendar day of that session~~ is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

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

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

6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ

any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 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 petition.*

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific ~~[-standard time 120 calendar days following its commencement.]~~ time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific ~~[-standard time on]~~ time at the end of the 120th consecutive calendar day of that session 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.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

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

Sec. ~~[-]~~ 33. The members of the Legislature shall receive for their services ~~[-]~~ 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]~~ 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]~~ business for which they have been specially 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,]~~ At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the ~~[purpose]~~ business 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]~~ Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific ~~[standard time off]~~ time at the end of the 20th consecutive calendar day of that session ~~[,]~~ , inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific ~~[standard time on]~~ time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:*

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

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

*4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The*

Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

Amendment No. 757 makes certain technical changes to Assembly Joint Resolution No. 5 to explain legislative intent concerning the resolution, to specify occasions when the Legislature might need to call itself into a special session and to clarify sine die provisions for special sessions.

Specifically, the amendment provides additional information about the need for the Legislature to call itself into special session for extraordinary occasions, such as impeachment or removal proceedings against the Governor, Supreme Court Justices or certain other state and judicial officers who have committed misconduct in office; for expulsion procedures against Legislators who have committed misconduct in office; for unexpected conditions and financial emergencies; or for reconsideration of vetoed measures after the adjournment of a legislative session.

Although the resolution currently specifies a 20-day limit for most of these special sessions, the amendment provides an exception to the 20-day limit if it is called for the purpose of impeachment, removal and expulsion procedures in order to allow for sufficient time for due-process considerations.

Finally, the resolution is amended to clarify that a special session convened under the act must be adjourned prior to "midnight on the clock," linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

Assembly Joint Resolution No. 6.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 756.

"SUMMARY—Proposes to amend the Nevada Constitution to revise provisions concerning legislative sessions. (BDR C-67)"

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for annual legislative sessions ~~[and]~~ of not more than 120 consecutive calendar days in odd-numbered years and 60 consecutive calendar days in even-numbered years, to provide for compensation for serving during each day of such regular legislative ~~[session.]~~ sessions, to revise the payment of certain allowances to Legislators during legislative sessions and to provide that regular legislative sessions must be adjourned on the final calendar day not later than midnight Pacific time based on the actual measure of time used and observed by the general population of Nevada."

Legislative Counsel's Digest:

~~[Existing provisions of the]~~ The Nevada Constitution ~~[provide]~~ provides for biennial legislative sessions ~~[of 120 days and authorize members of the]~~



**THE ONE HUNDRED AND TENTH DAY**

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CARSON CITY (Friday), May 22, 2009

Senate called to order at 9:25 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Senator Woodhouse.

Our Father, who art in heaven,  
hallowed be thy name.  
Thy Kingdom come,  
thy will be done,  
on earth as it is in heaven  
Give us this day our daily bread.  
And forgive us our trespasses,  
as we forgive those who trespass against us.  
And lead us not into temptation,  
but deliver us from evil.  
For thine is the kingdom,  
the power and the glory,  
for ever and ever.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford 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.

Senator Horsford moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bill No. 429.

Motion carried.

Mr. President announced that the Senate will convene the Committee of the Whole in the Senate Chamber with Senator Horsford as Chair and Senator Mathews as Vice Chair of the Committee of the Whole.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 9:29 a.m.

**IN COMMITTEE OF THE WHOLE**

At 11:44 a.m.

Senator Horsford presiding.

Senate Bill No. 429 considered.

Assembly Bill No. 474.

Bill read third time.

Roll call on Assembly Bill No. 474:

YEAS—21.

NAYS—None.

Assembly Bill No. 474 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 478.

Bill read third time.

Roll call on Assembly Bill No. 478:

YEAS—21.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 535.

Bill read third time.

Roll call on Assembly Bill No. 535:

YEAS—21.

NAYS—None.

Assembly Bill No. 535 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—21.

NAYS—None.

Assembly Bill No. 548 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 5.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 5:

YEAS—17.

NAYS—Amodei, Care, McGinness, Washington—4.

Assembly Joint Resolution No. 5 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

## THE ONE HUNDRED AND FOURTEENTH DAY

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CARSON CITY (Tuesday), May 26, 2009

Assembly called to order at 12:02 p.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

I read this morning from the Bible, Hebrews, Chapter 12:

“Therefore, since we have so great a cloud of witnesses surrounding us, let us also lay aside every encumbrance, and the sin which so easily entangles us, and let us run with endurance the race that is set before us . . .”

Lord, there is a race set before us, and we’ve been running for the last several months. There is also a great cloud of witnesses watching our every step. We still have some hurdles to go before the finish line. Help us to lay aside every encumbrance and overcome the difficulties. Please keep us focused, compassionate, and able to work together for the sake of the people. I pray in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

#### Assembly Joint Resolution No. 5.

The following Senate amendment was read:

Amendment No. 757.

SUMMARY—Proposes to amend the Nevada Constitution to ~~authorize the Legislature to convene~~ **revise provisions governing the convening and conduct of** special sessions ~~of the Legislature under certain circumstances.~~ **and the duration and adjournment of regular and special sessions.** (BDR C-139)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 **consecutive calendar** days. ~~to limit matters~~ **with the exception of impeachment, removal and expulsion proceedings, to limit the types of bills** which may be **introduced**, considered **or passed** during a special session ~~and~~ **, to provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each** ~~House~~ **House and to provide that regular and special sessions must be adjourned on the**

final calendar day not later than midnight Pacific time based on the actual measure of time used and observed by the general population of Nevada.

Legislative Counsel's Digest:

Under the Nevada Constitution, only the Governor ~~may~~ is granted express power to convene a special session of the ~~Nevada Legislature.~~ Legislature on extraordinary occasions. (Nev. Const. Art. 5, § 9) The Nevada Constitution does not grant the Legislature express power to convene a special session on extraordinary occasions, such as when it is necessary to: (1) hold impeachment or removal proceedings against the Governor, Supreme Court Justices or other state and judicial officers who have committed misconduct in office; (2) hold expulsion proceedings against Legislators who have committed misconduct in office; (3) enact bills or appropriations to address unexpected conditions or emergency situations; or (4) reconsider bills vetoed by the Governor after the adjournment of a regular session. (Nev. Const. Art. 4, §§ 1, 6, 16-23, 35; Nev. Const. Art. 7, §§ 1-3)

This resolution proposes to amend the Nevada Constitution to authorize the Legislature , on extraordinary occasions, to convene a special session ~~by signed petition of~~ upon a petition signed by two-thirds of the members of each House of the Legislature. ~~The~~ This resolution also provides that the only bills ~~introduced during the~~ the Legislature may introduce, consider or pass at any special session ~~must relate to the purpose of~~ are bills related to the business for which the special session is convened and bills necessary to provide for the expenses of the session. ~~may also be introduced. Finally, the~~

In addition, this resolution limits the duration of any special session ~~for the Legislature~~ to 20 consecutive calendar days ~~it~~ , unless the special session is convened to conduct proceedings for: (1) impeachment or removal from office of the Governor, Supreme Court Justices or other state and judicial officers pursuant to Article 7 of the Nevada Constitution; or (2) expulsion from office of a Legislator pursuant to Section 6 of Article 4 of the Nevada Constitution. The exceptions for impeachment, removal and expulsion proceedings are necessary to ensure that such proceedings comport with the concepts of due process, substantial justice and fundamental fairness. (U.S. Const. Amend. XIV, § 1; Nev. Const. Art. 1, § 8)

Finally, the Nevada Constitution provides that regular sessions must be adjourned on the final calendar day not later than "midnight Pacific standard time." (Nev. Const. Art. 4, § 2) The Nevada Supreme Court has held that when the State is observing daylight saving time on the final calendar day of a session, the Legislature is not required to adjourn the session when the clock strikes midnight for the general population of Nevada but may continue the session until 1:00 a.m. Pacific daylight

saving time because such time is equivalent to “midnight Pacific standard time.” (*Nevada Mining Ass’n v. Erdoes*, 117 Nev. 531 (2001))

This resolution proposes to amend the Nevada Constitution to provide that regular and special sessions must be adjourned on the final calendar day not later than “midnight Pacific time,” which must be determined based on the actual measure of time that is being used and observed by the general population of Nevada within the Pacific time zone or, in other words, the time on the clock. The resolution also provides that the Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the time on the clock for the purpose of extending the duration of the session.

If this ~~proposed~~ resolution is passed by the 2009 Legislature, it must also be passed by the next Legislature and then approved and ratified by the people in an election, before the proposed amendments to the Nevada Constitution become effective.

WHEREAS, The Nevada Constitution does not grant the Nevada Legislature express power to convene a special session on extraordinary occasions; and

WHEREAS, There are extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to hold impeachment or removal proceedings pursuant to Article 7 of the Nevada Constitution against the Governor, Supreme Court Justices or other state and judicial officers who have committed misconduct in office, or when it is necessary to hold expulsion proceedings pursuant to Section 6 of Article 4 of the Nevada Constitution against Legislators who have committed misconduct in office; and

WHEREAS, There are other extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to enact bills or appropriations to address unexpected conditions or emergency situations, or when it is necessary to reconsider bills vetoed by the Governor after the adjournment of a regular session; and

WHEREAS, There are currently 32 state legislatures in the nation that have ~~the ability~~ express power to call a special ~~legislative~~ session when ~~deemed necessary;~~ there are extraordinary occasions; and

WHEREAS, The Nevada Legislature is ~~the~~ part of a group of only 18 state ~~legislative bodies in the nation that may~~ legislatures that do not have express power to call a special session, and ~~the~~ part of a group of only 11 ~~legislatures~~ state 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~~ coequal 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 ~~follows only~~ grants the Governor express power to call the Legislature into special session ~~it impedes and is contrary to~~ but which does not grant such express power to the Legislature, diminishes the constitutional ~~provision that vests the legislative authority of the State of Nevada in its~~ separation of powers by impeding the authority of this State's elected Legislature ~~to perform its constitutional functions of enacting necessary legislation and conducting impeachment, removal and expulsion proceedings on extraordinary occasions;~~ and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as is consistent with the separation of powers principle, and should be empowered to identify those ~~topics~~ extraordinary occasions 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 a petition signed by two-thirds of the members ~~of~~ elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.*

*2. ~~[No bills.]~~ At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session. ~~it 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~~ convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition ~~calling for~~ convening the special session ~~it~~ pursuant to this section.*

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

*5. ~~[The]~~ Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific ~~standard time of~~ time at the end of the 20th consecutive calendar day of that session ~~it~~ , inclusive of the day on which that session commences. Any legislative action taken*

*after midnight Pacific ~~[standard time on]~~ time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:*

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

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

*6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.*

And be it further

RESOLVED, That Section 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 petition.*

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific ~~[standard time 120 calendar days following its commencement.]~~ *time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences.* Any legislative action taken after midnight Pacific ~~[standard time on]~~ *time at the end of the 120th consecutive calendar day of that session* 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.

*4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts,*

**evades or ignores this measure of time for the purpose of extending the duration of the session.**

And be it further

RESOLVED, That Section 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 ~~33~~ 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~~ **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~~ **business** for which they have been **specially** convened . ~~1, 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,]~~ At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the ~~[purpose]~~ business 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]~~ Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific ~~[standard time of]~~ time at the end of the 20th consecutive calendar day of that session ~~1, 1~~ , inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific ~~[standard time on]~~ time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:**



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

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

4. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

Assemblyman Mortenson moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 5.

Remarks by Assemblyman Mortenson.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 918.

SUMMARY—~~[Authorizes the Nevada Gaming Commission to prescribe the manner of regulating governmental entities that are involved in]~~ **Makes various changes relating to** gaming. (BDR 41-603)

AN ACT relating to gaming; authorizing the Nevada Gaming Commission to prescribe the manner of regulating governmental entities that are involved in gaming; **revising the definition of “sports pools”;** **revising the provisions relating to off-track pari-mutuel wagering;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, certain persons who are involved in gaming are required to be licensed, registered, found suitable or approved by the Nevada Gaming Commission, including, for example, persons who: (1) deal, operate, carry on, conduct, maintain or expose for play in this State any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool; (2) provide or maintain any information service; (3) operate a gaming salon; (4) receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool; (5) furnish any equipment of any gambling game for any interest, percentage or share of the money or property played; or (6) are employees, agents, guardians, personal representatives, lenders or holders of indebtedness of a

# BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE  
FOR COMPLETE TEXT

# AJR 5\* of the 75th (2009) Session

Introduced in the Assembly on Feb 07, 2011.

By: (Bolded name indicates primary sponsorship)

Mortenson, Ohrenschall, Horne, Kihuen, Segerblom

Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

DECLARED EXEMPT

## Fiscal Notes

Effect on Local Government: No.

Effect on State: Yes.

Most Recent History Action: File No. 33.  
(See full list below) On 2012 ballot.

## Upcoming Hearings

## Past Hearings

Assembly Legislative Operations and Elections	Feb 22, 2011	01:30 PM	No action
Assembly Legislative Operations and Elections	Mar 08, 2011	01:30 PM	Do pass
Senate Legislative Operations and Elections	May 17, 2011	03:30 PM	No Action
Senate Legislative Operations and Elections	May 19, 2011	03:30 PM	Do pass

## Final Passage Votes

<a href="#">Assembly Final Passage</a>	Mar 11, 2011	Yea 25, Nay 16, Excused 1, Not Voting 0, Absent 0
<a href="#">Senate Final Passage</a>	May 25, 2011	Yea 11, Nay 10, Excused 0, Not Voting 0, Absent 0

Bill Text   [As Introduced](#)   [As Enrolled](#)

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## Bill History

Feb 07, 2011

- Returned from Secretary of State.
- Read first time. Referred to Committee on Legislative Operations and Elections. To printer.
- From printer. To committee.

Mar 09, 2011

- From committee: Do pass.

Mar 10, 2011

- Read second time.

Mar 11, 2011

- Read third time. Passed. Title approved. Preamble adopted. (Yeas: 25, Nays: 16, Excused: 1.) To Senate.

Mar 14, 2011

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

May 20, 2011

- From committee: Do pass.

May 23, 2011

- Read second time.

May 25, 2011

- Read third time. Passed. Title approved. Preamble adopted. (Yeas: 11, Nays: 10.) To Assembly.

May 26, 2011

- In Assembly. To enrollment.

May 28, 2011

- Enrolled and delivered to Secretary of State.
- File No. 33.
  
- On 2012 ballot.



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

**SUMMARY**  
76<sup>th</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY JOINT RESOLUTION NO. 5 (Enrolled)**  
**OF THE 75TH SESSION**  
Relates to Legislative Sessions

**Summary**

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to “midnight on the clock,” of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

**Effective Date**

This measure was approved in identical form during the 2009 and 2011 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

# LEGISLATIVE HEARINGS

## MINUTES AND EXHIBITS

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session  
February 22, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:34 p.m. on Tuesday, February 22, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Tick Segerblom, Chair  
Assemblyman Marcus Conklin  
Assemblyman Richard (Skip) Daly  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman Crescent Hardy  
Assemblyman Pat Hickey  
Assemblyman William C. Horne  
Assemblyman Richard McArthur  
Assemblyman John Ocegüera  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Lucy Flores, Vice Chair (excused)  
Assemblywoman Marilyn K. Kirkpatrick (excused)  
Assemblyman James Ohrenschall (excused)

Minutes ID: 284



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Michael Smith, Committee Assistant

**OTHERS PRESENT:**

Harry Mortenson, Private Citizen, Las Vegas, Nevada

**Chair Segerblom:**

[Roll was taken.] Before we begin the hearing, I would like to be certain all Committee members received copies of this red book, *A Citizen's Guide to Redistricting* (Exhibit C). Our first meeting to talk about redistricting will be on March 10. If you could read this book and get prepared before that meeting, I would appreciate it.

I would like to open the hearing on Assembly Joint Resolution 5 of the 75th Session.

**Assembly Joint Resolution 5 of the 75th Session:** Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

**Harry Mortenson, Private Citizen, Las Vegas, Nevada:**

Last session I chaired this Committee. It had a different name, but its function was essentially the same.

The bill in front of you proposes to change the *Nevada Constitution* to allow the state Legislature to call itself into session. A constitutional change requires that a resolution pass both houses in two successive legislative sessions, and then it goes to the public for a vote.



This same joint resolution passed both legislative houses in 2009 and, hopefully, it will pass during the 2011 Session. This resolution passed the Legislature three times, because I introduced this exact same resolution during the 2003 Session. It passed in 2003 and again in 2005. It went to a vote of the people in 2006. Unfortunately, it failed to pass and become a constitutional amendment by just 4 percentage points. Because of recent events concerning governors, this bill has a much better chance to get a vote of the people, assuming it gets through the Legislature this session. I specifically call to attention the Governor of Illinois who allegedly attempted to sell a U.S. Senate seat. He was caught, the Legislature of Illinois called itself into session, and it impeached the Governor. That could not happen in our state. If we had a rogue governor who tried to sell a Senate seat, we could not impeach him because he certainly would not call a special session to have himself impeached.

In only 16 states can only a governor call the legislature into session. In the other 34 states, both the legislature and the governor can convene a session. This bill does not in any way impede the Governor in calling special sessions. It does not change his powers whatsoever, but it does allow the branch of government that is supposed to make laws call itself into session to make laws. I am hoping you will look positively at this resolution.

**Chair Segerblom:**

Could you walk us through the general concepts of the resolution? How would the Legislature vote to call itself into session, and how long could a session run?

**Harry Mortenson:**

A petition must be signed by two-thirds of both the Senate and the Assembly to call a special session. There must be a posted agenda, and the special session will consider only those measures that are on that agenda. There is a maximum of 20 days, but rarely does a special session last 20 days. According to the National Conference of State Legislatures, most special sessions are measured in hours.

**Assemblyman Stewart:**

There is a fiscal note for the state on the bill. Could you explain it?

**Harry Mortenson:**

Every time a special session is called, the legislators are paid, according to the *Constitution*. There are also the expenses of setting up a special session because additional staff is needed. It would be the normal expenses of a session.

**Assemblyman Stewart:**

So, there is no additional expense other than the actual cost of preparing for a special session.

**Harry Mortenson:**

To my knowledge, it would be just the normal costs for a session.

**Chair Segerblom:**

Are there any other questions?

**Assemblyman Hickey:**

I hope we would never have a governor with the moral problems you just mentioned, but please address the concern some people have that this, in effect, becomes an excuse to do something we do not do in regular session. In effect, it would substitute for the fact that we have biennial sessions and not yearly ones.

**Harry Mortenson:**

I think the pressure from the media would keep that from happening. The bill says the Legislature can call itself into session on "extraordinary occasions." I believe the Legislature would be crucified by the media if it tried to create annual sessions. Besides, the special session is limited to 20 days, but it could call successive sessions.

**Chair Segerblom:**

Are there any other questions? [There was no response.] Is anyone here to testify in favor of the bill? Anyone opposed to the bill? [There was no response.]

**Harry Mortenson:**

I am no longer a legislator, so if this bill gets through the Legislature, I will volunteer to be a member of the committee of three who write the ballot explanations. I will include some of the examples I just gave in that explanation.

**Chair Segerblom:**

Does anyone else want to testify in favor or in opposition? [There was no response.] I will close the hearing on A.J.R. 5 of the 75th Session. We are adjourned [at 1:46 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblyman Tick Segerblom, Chair

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

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session  
March 8, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:38 p.m. on Tuesday, March 8, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Tick Segerblom, Chair  
Assemblywoman Lucy Flores, Vice Chair  
Assemblyman Marcus Conklin  
Assemblyman Richard (Skip) Daly  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman Crescent Hardy  
Assemblyman Pat Hickey  
Assemblyman William C. Horne  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Richard McArthur  
Assemblyman John Ocegüera  
Assemblyman James Ohrenschall  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

**COMMITTEE MEMBERS ABSENT:**

None

Minutes ID: 450



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Michael Smith, Committee Assistant

**OTHERS PRESENT:**

Alan Glover, Clerk/Recorder, Carson City  
Ryan High, HAVA Administrator, Office of the Secretary of State  
Larry Lomax, Registrar of Voters, Clark County  
Terry Care, Member, Executive Committee, Uniform Law Commission,  
The National Conference of Commissioners on Uniform State Laws,  
Chicago, Illinois

**Chair Segerblom:**

[Roll was taken.] Today, we have two bills in our work session. Our Committee Policy Analyst will explain Assembly Joint Resolution 5 of the 75th Session to us (Exhibit C).

**Assembly Joint Resolution 5 of the 75th Session:** Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

**Patrick Guinan, Committee Policy Analyst:**

The Committee will remember that A.J.R. 5 of the 75th Session is a measure that proposes to amend the *Nevada Constitution* to provide that the Legislature can call itself into special session on extraordinary occasions by a petition that would be signed by two-thirds of the members of both houses. It delineates those occasions to include impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other state and judicial officers who have committed misconduct in office; expulsion procedures against legislators who have committed misconduct in office; unexpected conditions and financial emergencies; or reconsideration of vetoed measures after the adjournment of a legislative session.

Assembly Joint Resolution 5 of the 75th Session also stipulates that the Legislature may address only those issues named in the petition calling for the special session, and it limits most such sessions to 20 days. An exception to the 20-day limit is provided if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations.

Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight on the clock" of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session. The measure was approved by the 2009 Legislature. The final vote in the Assembly was 28 to 13 with 1 voter excused. The final vote in the Senate was 17 to 4 with no voters excused. The measure cannot be amended. If it is to be put before the voters at the 2012 election, it has to be passed by this Legislature in the exact form that it was passed by the 2009 Legislature.

**Assemblyman James Ohrenschall, Clark County Assembly District No. 12:**

I am here to speak in support of A.J.R. 5 of the 75th Session. This was sponsored last session by former Assemblyman Harry Mortenson, and I was privileged to be his chief cosponsor on this measure. It did pass last session and is here for its second time before this Legislature. If it passes, it will go before the voters at the next general election.

In 2006, a very similar measure was on the ballot before the voters. It was very narrowly defeated by the voters at that time: 52 percent to 48 percent. That was a margin of about 26,000 votes, which was one of the closest votes in our ballot-question history.

Thirty-two state legislatures now have the power to convene themselves into special session during extraordinary or emergency circumstances. The way this amendment is written, it would require two-thirds of the members of each house to sign on to such a measure, so I think it would need to be a bipartisan effort for the Legislature to convene itself into special session. During the 2008 interim when foreclosures were skyrocketing, especially in my district in Clark County, I hoped the Governor might call us into special session to address that problem. It did not happen, and we did not have the power to call ourselves into special session during the 2008 interim. I definitely support this measure and would take any questions.

**Chair Segerblom:**

Does anyone have any questions for Mr. Ohrenschall?

**Assemblyman Hardy:**

Has there been a need for this during past interims?

**Assemblyman Ohrenschall:**

That would depend on who you talk to. I, as a legislator who served during the years when the foreclosure crisis was probably at its peak, felt that it was needed. I felt it was something the Governor should have called us into special session to address. As it was, we had to wait until we came back into regular session in 2009. I am sure if you talk to other legislators; there were probably other situations they would have felt required a special session.

The good thing about this constitutional amendment is that it requires two-thirds of the members to bring it about. I do not think you will get two-thirds of the members of both houses to agree on a frivolous special session. Ideally, the three branches of government are supposed to be coequal, but here in Nevada, meeting once every two years for 120 days, we really are not coequal.

**Assemblyman Hickey:**

Assemblyman Ohrenschall, you mentioned that it would in all likelihood have to be bipartisan, but there certainly could be a scenario in the future where more than two-thirds of either party could constitute a majority that could easily call special sessions at its whim. Could that be a potential problem?

**Assemblyman Ohrenschall:**

That could be a problem if one party obtained supermajorities in both houses. However, I think the people who run for these offices are responsible enough not to let one party abuse the process.

**Assemblyman Stewart:**

This is more a comment than a question. When our Founding Fathers developed the *United States Constitution*, we had a separation of powers, and one of the separations was that the Executive Branch would have the power to call special sessions. When Nevada developed our *Constitution*, we followed that same example. I appreciate my colleague and his predecessor's hard work on this, and I appreciate that it needs a two-thirds vote—that is a good addition. I voted against this two years ago on the basis of separation of powers, and with that concept still in mind, I will continue to do so.

**Assemblywoman Smith:**

I want to comment about my support of this resolution and my support of it in the last session. I think it is very tightly constructed, which gives me comfort. We received a lot of email when we first heard the bill about this issue. I really

take that to heart, but I am not sure that everyone understood that it would be pretty hard to call the Legislature back into session with the two-thirds requirement. The reality is, in Nevada, there is not a history of having long, drawn out special sessions, as some states do, that meet for weeks or months on end. When we do have a special session, we get in and we get out, because it is very hard for the people of this state who are legislators to leave their homes and their jobs to serve in a special session. Having a citizen Legislature is a beautiful thing for that reason.

When Mr. Mortenson presented the bill, he used the example of the Illinois Governor and his outrageous actions. Their Legislature would have had no ability to do anything if they were in the situation we are in. It does not take the power away from the Governor because he still does retain ultimate power to call a special session.

I will continue to support it because I think it is so tightly constructed that I do not see possibilities of abuse. I think it makes sense and adds a layer of protection for our citizens.

**Assemblyman Conklin:**

I am also going to support this bill. I appreciate my colleague from Assembly District 22 and his views on the separation of powers that the *Constitution* provides—both the *U.S. Constitution* and the *Nevada Constitution*. I would argue that this bill actually strengthens that. As it currently stands, there is only one branch of government in power 18 months out of every 24. Some issues are big enough to warrant a look at the power of the purse and the power of the ability to write law. But that power is usurped from time to time because we are not around and there is absolutely no check on that. I agree with my colleague from Sparks. This is not something that would be used on a regular basis. It is there in the event of a dire situation in which the public's demand for a solution pushes this body to meet when the person at the helm, who is more of an ideologue, chooses to ignore it. I do not see any other way around it. Two-thirds is hard to get. It is hard to get when we are in session; it is going to be even harder to get when we are not in session. You have to assume that in order for this to actually take place; something would have to be pretty bad. I think this is the right thing for us to do and I think it would be the right thing for the public, so I am going to support it.

**Assemblyman Goicoechea:**

I have a question about the mechanics of it. Who calls the session we get the two-thirds vote in?



**Assemblyman Ohrenschall:**

According to A.J.R. 5 of the 75th Session, once two-thirds of the members of each house have signed the petition, it is transmitted to the Secretary of State. Then the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to the section of the *Constitution*, if amended.

**Assemblyman Goicoechea:**

So technically, after receiving the petition, the Secretary of State would call the session?

**Assemblyman Ohrenschall:**

Yes, that is correct.

**Chair Segerblom:**

Seeing no further questions, I will accept a motion.

ASSEMBLYMAN HORNE MOVED TO DO PASS ASSEMBLY JOINT RESOLUTION 5 OF THE 75th SESSION.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GOICOECHEA, GRADY, HARDY, HICKEY, McARTHUR, AND STEWART VOTED NO.)

The next bill on the agenda is Assembly Bill 100.

**Assembly Bill 100: Enacts the Uniformed Military and Overseas Absentee Voters Act. (BDR 24-327)**

**Patrick Guinan, Committee Policy Analyst:**

The next bill on the work session is A.B. 100. The Committee initially heard this bill on February 17.

Assembly Bill 100 proposes to enact the Uniformed Military and Overseas Voter Act, which authorizes members of the Armed Forces of the United States, their family members, and certain other Nevada voters who reside outside the country to register to vote, vote, and receive and return pertinent documents by approved electronic transmission, including email.

The Committee will remember that this bill was brought by the Chairman on behalf of the Uniform Law Commission. Testimony indicated that there were some amendments that would be proposed both by the Secretary of State and

**EXHIBITS**

**Committee Name:** Committee on Legislative Operations and Elections

**Date:** March 8, 2011

**Time of Meeting:** 1:38 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
<u>A.J.R. 5*</u>	C	Patrick Guinan	Work session document

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Assembly Committee on Legislative Operations and Elections  
This measure may be considered for action during today's work session.  
March 8, 2011

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**Assembly Joint Resolution No. 5\***

**Proposes to amend the *Nevada Constitution* to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions.**

**Sponsored by:** Assemblymen Mortenson, Ohrenschall, et al.  
**Date Heard:** February 22, 2011  
**Fiscal Impact:** Effect on Local Government: None  
Effect on the State: None

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have allegedly committed misconduct in office;
- Expulsion procedures against legislators who have allegedly committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight on the clock," of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

**Amendments:** AJR5\* cannot be amended.

**Special Note:** AJR5\* passed the Legislature in the 2009 Session and must pass the 2011 Legislature in identical form in order to be put before the voters at the 2012 General Election for approval or disapproval.

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

**Seventy-sixth Session  
May 17, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 4:22 p.m. on Tuesday, May 17, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Steven A. Horsford  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman Elliot T. Anderson, Assembly District No. 15  
Assemblyman David Bobzien, Assembly District No. 24

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Policy Analyst  
Eileen O'Grady, Counsel  
Michael Geissinger, Committee Secretary

**OTHERS PRESENT:**

Richard Perkins  
Thomas H. Little, Ph.D., via Telephone, Director, Curriculum Development and Research, State Legislative Leaders Foundation  
Bruce Feustel, via Telephone, Senior Fellow, Legislative Management, National Conference of State Legislatures  
Harry Mortenson, Ex-Assemblyman  
James R. Wells, Executive Officer, Public Employees' Benefits Program

new legislator orientation. Their requirement of mandatory participation, their giving of direction to the training faculty and their participation in the planning has strengthened new member orientations around the Country.

CHAIR PARKS:

We will close the hearing on A.B. 260 and open the hearing on Assembly Joint Resolution (A.J.R.) 5 of the 75th Session.

**ASSEMBLY JOINT RESOLUTION 5 of the 75th Session:** Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

HARRY MORTENSON (Ex-Assemblyman):

This bill was originally introduced in the 2003 Session as A.J.R. No. 13 of the 72nd Session. It passed both Houses in 2003, passed both Houses as required in 2005, and in 2007 it went to a vote of the people. The resolution lost by a slim margin of 4 percent. In the years between the defeat of A.J.R. No. 13 of the 72nd Session and the introduction of A.J.R. 5 of the 75th Session, there have been some incidents around the Country which may help push the voters to pass A.J.R. 5 of the 75th Session. In Illinois, the governor was discovered trying to sell a U.S. Senate seat. The Illinois legislature convened itself to proceed with impeachment of their governor. This could not happen in Nevada because our Governor is the only one who can call for a special session of the Legislature and he or she determines what issues will be discussed. Nevada is one of 18 states across the Country whose legislature cannot call themselves into session. Nevada is one of only 11 states in which the legislature cannot decide what issues need consideration in a special session.

We are a state with three independent Houses, the Legislature, the Judicial and the Executive Branches, yet we cannot call ourselves into special session to perform legislative business in an emergency situation. Having to get permission for a special session from the Governor diminishes the independence of the three branches of our government. Please consider A.J.R. 5 of the 75th Session for passage through this Committee.

SENATOR SETTELMAYER:

In the previous bill, A.J.R. No. 13 of the 72nd Session, I recall discussions on limiting the issues of which the Legislature could convene. Will this bill allow

Legislators to meet whenever they desire, or should we add language to limit a special session to specific issues?

ASSEMBLYMAN MORTENSON:

If language were to be changed in A.J.R. 5 of the 75th Session now, it would take five more years before passage. If passed now, it will still be two years before the bill goes on a ballot. The bill had a thorough investigation over the years. The members of both Houses must sign a petition of approval by a two-thirds majority, and they will have the business to be conducted listed on the petition. There is no option to discuss any other business, so if a Legislator does not like the issue, he or she can vote against convening. I do not think trivial issues will come up because the voters will be watching.

CHAIR PARKS:

We will close the hearing on A.J.R. 5 of the 75th Session and begin our work session with all members present. We will hold A.B. 80 until the Thursday meeting. We will begin with Senate Bill (S.B.) 206.

**ASSEMBLY BILL 80 (1st Reprint)**: Makes various changes relating to the Public Employees' Benefits Program. (BDR 23-496)

**SENATE BILL 206**: Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. (BDR 17-1004)

CAROL STONEFIELD (Policy Analyst):

Senate Bill 206 was sponsored by Senator Sheila Leslie. I have provided a work session document (Exhibit D) on this bill.

SENATOR CEGAVSKE:

Does this include advocacy groups?

CHAIR PARKS:

It does not apply to a specific advocacy group, only to those individuals who are lobbyists.

SENATOR CEGAVSKE:

If a group comes to lobby, would they be included?

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

**Seventy-sixth Session  
May 19, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 4:19 p.m. on Thursday, May 19, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Steven A. Horsford  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman Richard (Skip) Daly, Assembly District No. 31  
Assemblyman Tick Segerblom, Assembly District No. 9

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Policy Analyst  
Eileen O'Grady, Counsel  
Kathy Steinle, GIS Specialist, Information Technology Services Unit,  
Administrative Division  
Michael J. Stewart, Supervising Principal Research Analyst, Research Division  
Michelle Ené, Committee Secretary

**OTHERS PRESENT:**

Nicole Lamboley, Chief Deputy, Office of the Secretary of State  
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of  
Nevada  
Orrin J.H. Johnson, Deputy Public Defender, Washoe County

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR PARKS:

I would like to go back to A.B. 501. The bill provides for a study of the death penalty. The amendment proposes to change the study to an audit.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 501.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER  
VOTED NO.)

\* \* \* \* \*

CHAIR PARKS:

We will now move to Assembly Joint Resolution (A.J.R.) 5 of the 75th Session.

**ASSEMBLY JOINT RESOLUTION 5 OF THE 75TH SESSION**: Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. (BDR C-139)

MS. STONEFIELD:

Assembly Joint Resolution 5 of the 75th Session was sponsored by ex-Assemblyman Harry Mortenson and others. I have provided a work session document (Exhibit DD) on this bill. There are no amendments.

SENATOR DENIS MOVED TO DO PASS A.J.R. 5 OF THE 75TH SESSION.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER  
VOTED NO.)

\* \* \* \* \*



<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 81	C	Carol Stonefield	Work Session Document
A.B. 132	D	Carol Stonefield	Work Session Document
A.B. 260	E	Carol Stonefield	Work Session Document
A.B. 301	F	Carol Stonefield	Work Session Document
A.B. 337	G	Carol Stonefield	Work Session Document
A.B. 433	H	Carol Stonefield	Work Session Document
A.B. 452	I	Carol Stonefield	Work Session Document
A.B. 452	J	Secretary of State Ross Miller	Outline of Assembly Bill 452
A.B. 452	K	Secretary of State Ross Miller	Amendment to AB 452
A.B. 566	L	Kathy Steinle	Statewide Assembly Districts
A.B. 566	M	Kathy Steinle	Reno/Sparks Assembly Districts Reno/Sparks Detail
A.B. 566	N	Kathy Steinle	Las Vegas Assembly Districts Detail
A.B. 566	O	Michael J. Stewart	Proposed Assembly Plan Population Report
A.B. 566	P	Michael J. Stewart	Proposed Assembly Plan Racial Data Report
A.B. 566	Q	Kathy Steinle	Statewide Senate Districts
A.B.	R	Kathy Steinle	Reno/Sparks Senate

566			Districts Reno/Sparks Detail
A.B. 566	S	Kathy Steinle	Las Vegas Senate Districts Detail
A.B. 566	T	Michael J. Stewart	Proposed Senate Plan Population Report
A.B. 566	U	Michael J. Stewart	Proposed Senate Plan Racial Data Report
A.B. 566	V	Kathy Steinle	Statewide United States House of Representatives
A.B. 566	W	Kathy Steinle	United States House of Representatives Las Vegas Detail
A.B. 566	X	Michael J. Stewart	Proposed United States House of Representatives Plan Population Report
A.B. 566	Y	Michael J. Stewart	Proposed United States House of Representatives Plan Racial Data Report
A.B. 523	Z	Carol Stonefield	Work Session Document
A.B. 80	AA	Carol Stonefield	Work Session Document
A.B. 501	BB	Carol Stonefield	Work Session Document
A.B. 473	CC	Carol Stonefield	Work Session Document
<u>A.J.R. 5</u> of the 75th Session	DD	Carol Stonefield	Work Session Document

**Committee Action:**  
**Do Pass** \_\_\_\_\_  
**Amend & Do Pass** \_\_\_\_\_  
**Other** \_\_\_\_\_

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Senate Committee on Legislative Operations and Elections  
This measure may be considered for action during today's work session.  
May 19, 2011

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**Assembly Joint Resolution No. 5\***

**Proposes to amend the *Nevada Constitution* to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions.**

**Sponsored by:** Assemblymen Mortenson, Ohrenschall, et al.  
**Date Heard:** May 17, 2011  
**Fiscal Impact:** Effect on Local Government: No  
Effect on the State: Yes

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses.

The measure stipulates that the Legislature may only address those issues named in the petition and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment or expulsion procedures.

Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to "midnight Pacific time" of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session. This clarification is also applied to provisions relating to the regular biennial sessions and to special sessions called by the Governor.

**Amendments:** No amendments were offered.

**Special Note:** A.J.R. 5\* passed the Legislature in the 2009 Session and must pass the 2011 Legislature in identical form in order to be put before the voters at the 2012 General Election for approval or disapproval.

# 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/76TH2011/JOURNAL/](http://www.leg.state.nv.us/session/76th2011/journal/) ),  
WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*.  
CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

## THE THIRTY-THIRD DAY

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CARSON CITY (Friday), March 11, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Our Father, in times of confusion when men and women doubt their beliefs and believe their doubts and are victims of ideologies that seek to divide and conquer, give to the women and men of this house a true appreciation of the great affirmations that we hold in common.

Let us appreciate our agreements and have the courage and conviction to stand up for them, that we may stand united and fearless before the rest of this state and before this nation.

Direct those who govern in this great state, that they may make it as hard as possible to do wrong and as easy as possible to do right. To that end, incline the members of this house to eternal truths that You have revealed for today and for the rest of this legislative session.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2011

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 127; Senate Bills Nos. 86, 126, 157.

SHERRY L. RODRIGUEZ

*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ocegüera, Conklin, Smith, Kirkpatrick, Bobzien, Atkinson, Carrillo, Horne, Mastroluca, Pierce, Segerblom, and Sherwood:

Assembly Bill No. 260—AN ACT relating to the Legislature; requiring newly elected Legislators to attend training before the beginning of their first legislative session; providing a penalty for failure to attend the training sessions; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

proceedings; providing a civil penalty for certain violations of the rights of a peace officer; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Segerblom, Ohrenschall, and Daly:

Assembly Bill No. 266—AN ACT relating to public employees; providing the circumstances under which certain public employers may compel certain public employees to answer questions during an internal administrative investigation; requiring local government employers to provide for post-disciplinary hearings and providing certain procedures for such hearings; revising certain other procedures concerning post-disciplinary hearings for certain state and local government employees; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 86.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 126.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 157.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 217.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5 of the 75th Session.

Resolution read third time.

Remarks by Assemblymen Ohrenschall and Goicoechea.

Roll call on Assembly Joint Resolution No. 5 of the 75th Session:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

EXCUSED—Pierce.

Assembly Joint Resolution No. 5 of the 75th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblyman Hammond.

Roll call on Senate Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HAMBRICK:

Tuesday afternoon, I was able to fully appreciate how this building becomes professional and efficient. Unfortunately, I had to be driven to the hospital. Things are better now, so you are going to have to put up with me for awhile. I knew I was in good hands because my cardiologist who came in the following day was Susan O'Leary. This close to St. Patrick's Day, I knew I was in good hands.

On a more serious note, the EMTs in this building, the Legislative Police, and LCB did just a phenomenal, phenomenal job. They called my wife, picked her up, got her to the airport, and picked her up in Reno. I had a police officer at my bedside for several hours until they knew my wife was at the airport. I am very, very grateful for the professionalism. You will all be in my prayers.

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

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

# NEVADA LEGISLATURE

Seventy-sixth Session, 2011

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## SENATE DAILY JOURNAL

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THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 25, 2011

Senate called to order at 11:16 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God and Father, we come to You this morning seeking Your guidance to work for the good of the citizens of Nevada. As we met yesterday to discuss what directions to take, may we look closely that all decisions we make because they will have a lasting influence on the State's success in this fragile world.

Guide us today, especially as we might take positions that are not in agreement with those seated in this Chamber and the Assembly.

We also come to You again today asking for Your help and assistance to the brave people of the Midwest in our country who are reeling after more tornados in that area yesterday. Give comfort to those who have experienced great loss of any kind. May we, as the citizens of Nevada, rise up to give assistance that we truly be united together as one people in this United States.

All these things we bring to You trusting in Your love, grace and mercy, in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford 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

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 122, 283, 289, 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*



Roll call on Assembly Bill No. 477:

YEAS—21.

NAYS—None.

Assembly Bill No. 477 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 551.

Bill read third time.

Roll call on Assembly Bill No. 551:

YEAS—18.

NAYS—Halseth, McGinness, Roberson—3.

Assembly Bill No. 551 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 5 of the 75th Session.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 5 of the 75th Session:

YEAS—11.

NAYS—Brower, Cegavske, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson, Settlemeyer—10.

Assembly Joint Resolution No. 5 of the 75th Session having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 634.

"SUMMARY—Makes various changes to the Open Meeting Law. (BDR 19-288)"

"AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; ~~revising the definition of "public body" for the purposes of the Open Meeting Law;~~ *providing that meetings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law under certain circumstances;* requiring a public body to include certain notifications on an agenda for a public meeting; excluding a meeting held to consider an applicant for employment from certain notice requirements; making members of a public body subject to a civil penalty for

# BILLS AND AMENDMENTS

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FOR COMPLETE TEXT