

QUESTION NO. ____

Amendment to the *Nevada Constitution*

Assembly Joint Resolution No. 5 of the 75th Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to expressly provide that the Legislature may, on extraordinary occasions, convene a special legislative session upon a petition signed by two-thirds of the Legislators of each House; to limit the subject matter of bills passed at a special session; to limit the duration of a special session to 20 consecutive calendar days except for proceedings involving impeachment, removal or expulsion from office; and to require the Legislature to adjourn all sessions on their final day not later than midnight based on the actual time on the clock?

Yes ☐ No ☐

EXPLANATION

This ballot measure would amend the *Nevada Constitution* to expressly provide that the Legislature may call itself into special session on extraordinary occasions by a petition signed by two-thirds of the members of both the Assembly and Senate. Given the current size of the Legislature, 14 of the 21 Senators and 28 of the 42 members of the Assembly would have to sign the petition. Extraordinary occasions may include instances when it is necessary to address unexpected conditions or emergency situations, to conduct impeachment, removal or expulsion proceedings for misconduct in office, or to reconsider bills vetoed by the Governor after the adjournment of a regular session.

This measure provides that the Legislature may not introduce, consider or pass any bills at a special session, whether convened by the Legislature or the Governor, except for bills related to the business specified in the petition or Governor's proclamation and bills necessary to pay for the cost of the special session. This measure also limits a special session to 20 consecutive calendar days unless the special session is called for the purpose of impeachment, removal or expulsion from office. Under these circumstances, an exception is provided to allow sufficient time for due process considerations.

Currently, the *Nevada Constitution* provides that regular sessions of the Legislature must be adjourned on the final day of the session not later than "midnight Pacific standard time." When the state is observing daylight saving time on the final day of a session, the Legislature is not required to adjourn the session when the clock strikes midnight, but may continue the session until 1:00 a.m. Pacific daylight saving time because such time is equivalent to "midnight Pacific standard time." This measure provides that regular sessions and special sessions must be adjourned on the final day before "midnight Pacific time," which is defined to mean the actual time on the clock.

A “Yes” vote would amend the *Nevada Constitution* to: (1) give the Legislature express power to call itself into special session on extraordinary occasions; (2) limit the subject matter of bills passed at a special session; (3) limit the duration of a special session except for a special session called to conduct proceedings for impeachment, removal or expulsion from office; and (4) provide that regular and special sessions must be adjourned on the final day not later than “midnight Pacific time,” which is defined to mean the actual time on the clock.

A “No” vote would retain the provisions of the *Nevada Constitution* in their current form, which give only the Governor express power to convene the Legislature into special session and which provide that regular sessions of the Legislature must be adjourned on the final day not later than “midnight Pacific standard time,” which has been interpreted by the Nevada Supreme Court to be 1:00 a.m. Pacific daylight saving time.

ARGUMENTS FOR PASSAGE

Because there are extraordinary occasions when immediate action is critical, it is imperative for the Legislature to have express power to call itself into special session. For example, should a governor act in self-interest or defy the will of the people, the Legislature has no express power to address the situation. It is unwise for only one elected official to have the express power to convene special sessions. If a Nevada governor were accused of serious misconduct, it is highly unlikely that the governor would convene a special session for his or her own impeachment. Under such circumstances, the governor could remain in office until the next regular session, which could be a period of nearly 20 months. This measure would ensure that such a situation never occurs in Nevada.

This express legislative power is not unusual. Currently, legislatures in 34 states are authorized to call a special session. The measure provides the Legislature with a safety mechanism to address extraordinary occasions that is already available to legislatures in two-thirds of the states.

This measure includes strict safeguards to ensure that the Legislature does not abuse the special-session power. It is extremely difficult to reach a two-thirds supermajority of the members from both Houses, especially to take extraordinary action to convene a special session. The supermajority would have to specify in the petition the business to be transacted at the special session, and the Legislature could not pass any bills except those related to the business specified in the petition and those necessary to fund the session. The Legislature also could not stay in session longer than 20 consecutive calendar days except for proceedings involving impeachment, removal or expulsion from office. These safeguards will make such special sessions rare.

Finally, this measure would provide that regular and special sessions must be adjourned on the final day before “midnight Pacific time,” which is defined to mean the actual time on the clock. Midnight means midnight, not 1:00 a.m. The Legislature should not be allowed to follow a different clock than the citizens of this state.

ARGUMENTS AGAINST PASSAGE

When extraordinary situations have arisen in the past, Nevada's governors have convened 26 special sessions to address those situations. The Legislature has never had to impeach a Nevada governor. In fact, there has only been one impeachment proceeding involving a state officer in Nevada's history. Furthermore, this measure is not limited to situations involving impeachment, removal or expulsion from office.

Nevada's biennial regular sessions are intended to curtail the amount of time the Legislature may engage in law-making. The framers of the *Nevada Constitution* created a part-time "citizen Legislature" by limiting the occurrence of regular sessions to once every two years. This measure may move Nevada away from the tradition of a part-time Legislature. Although the length of any one special session is limited to 20 consecutive calendar days, this measure does not limit the number of special sessions that can be called by the Legislature. Nevadans may be subject to the passage of an increasing number of laws if the Legislature can call itself into special session.

Lastly, the *Nevada Constitution* gives the Legislature 120 consecutive calendar days of 24 hours each to complete its legislative business during a regular session. When Nevada advances its clocks to daylight saving time during a regular session, one of those days is shortened to 23 hours. To account for the lost hour because of the time change, it makes sense for the Legislature to adjourn on the final day of the session one hour later at 1:00 a.m. Pacific daylight saving time.

FISCAL NOTE

Financial Impact—Cannot Be Determined

The proposed amendment to the *Nevada Constitution* would expressly provide a method for members of the Nevada Legislature to convene a special session of the Legislature. If this proposal is approved there would be costs associated with convening and holding a special session called by the Legislature, but the financial impact cannot be established with any degree of certainty because the number and duration of such special sessions cannot be predicted. It should be noted that the costs to organize and hold a special session convened by the Legislature would be the same as a special session convened by the Governor. The state may incur minimal costs to develop and circulate the petition required to convene a special session under the proposal, which should have no adverse fiscal impact on the state.

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