

STATE OF NEVADA
DEPARTMENT OF STATE

**Questions to Be Voted Upon in State of
Nevada at General Election,
November 2, 1982**



Compiled by

WM. D. SWACKHAMER
SECRETARY OF STATE

Questions to Be Voted Upon in State of Nevada at the General Election, November 2, 1982

I, Wm. D. Swackhamer, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following Constitutional Amendments are to appear on the 1982 General Election Ballot:

QUESTION NO. 1.

Amendment to the Constitution

Senate Joint Resolution No. 19 of the 60th Session

Senate Joint Resolution—Proposing to amend section 1 of article 10 of the Nevada constitution by permitting an exemption from property tax for the conservation of energy by using nonfossil resources.

Resolved by the Senate and Assembly of the State of Nevada, jointly, That section 1 of article 10 of the constitution of the State of Nevada be amended to read as follows:

Section 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds; shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. **[Notwithstanding the provisions of this section, the]** *The* legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a

warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock. No inheritance or estate tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes [.] , *or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.*

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 1.

Amendment to the Constitution.

Shall the Nevada constitution be amended to permit exemptions from property tax to encourage the conservation of energy or the substitution of other sources for fossil sources?

Yes 142,095 ☒
No 83,280 ☐

(Explanation to Question No. 1)

The constitution narrowly limits the permissible exemptions from property tax. This amendment, if ratified, will permit the legislature to provide such exemptions to encourage the reduction of total energy consumed or the substitution of renewable or abundant sources of energy for fossil sources which are being depleted. For example, the use of the wind or of solar energy, or the production of energy from farm crops or byproducts, could be so encouraged.

ARGUMENT FOR PASSAGE

This proposed amendment, if passed, would allow the legislature to adopt property tax exemptions to encourage the conservation of energy

and use of energy sources other than fossil fuels. This could help reduce U.S. dependence on imported oil and gas.

ARGUMENT AGAINST PASSAGE

Allowing the legislature to adopt additional property tax exemptions could reduce tax revenues available to local governments.

QUESTION NO. 2

Amendment to the Constitution

Assembly Joint Resolution No. 6 of the 60th Session

Assembly Joint Resolution—Proposing to amend the constitution of the State of Nevada by conferring a right upon private citizens to keep and bear arms for their defense and security and other lawful purposes.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 11 of article 1 of the constitution of the State of Nevada be amended to read as follows:

【Sec:】 *Sec. 11. 1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.*

2. The military shall be subordinate to the civil power; No standing army shall be maintained by this State in time of peace, and in time of War, no appropriation for a standing army shall be for a longer time than two years.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 2.

Amendment to the Constitution.

Shall the Nevada constitution be amended to confer a right upon private citizens to keep and bear arms for their defense and security and other lawful purposes?

Yes 162,460 ☒
No 66,385 ☐

(Explanation to Question No. 2)

This amendment, if approved, will add to the declaration of the rights of citizens of this state a specific provision for keeping and bearing arms for security and defense, lawful hunting and recreation, and other lawful purposes. The legislature could not restrict the enumerated purposes, but

could make others lawful. Similar language in other state constitutions has not been interpreted by the courts to prevent prohibiting (1) the carrying of concealed weapons or (2) the possession of weapons by convicted felons.

ARGUMENT FOR PASSAGE

This proposed amendment would strengthen the right of private citizens to keep and bear arms by specifying security and defense, hunting and recreational uses, and other lawful purposes. It has been argued that the U.S. Constitution does not restrict the states from passing laws controlling the possession of firearms. Passage of this amendment would prohibit the state legislature from enacting restrictive gun control laws.

ARGUMENT AGAINST PASSAGE

It has been argued that the U.S. Constitution already guarantees to private citizens the right to keep and bear arms. This amendment should be defeated because it limits the state's ability to control the possession of firearms even if a change in conditions might warrant such control.

QUESTION NO. 3

Amendment to the Constitution

Senate Joint Resolution No. 18 of the 60th Session

Senate Joint Resolution—Proposing to amend section 14 of article 5 of the constitution of the State of Nevada to permit the legislature to authorize courts inferior to the district courts to defer the imposition of sentences and to suspend sentences.

Resolved by the Senate and Assembly of the State of Nevada, jointly, That section 14 of article 5 of the constitution of the State of Nevada be amended to read as follows:

Sec. 14. The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one, may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons. The legislature **[is authorized to]** *may* pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in **[said]** those courts. *The legislature may pass laws conferring upon courts inferior to the district courts authority to defer the imposition of sentences and to suspend the execution of sentences. The legislature may limit*

the authority which it confers upon the courts pursuant to this section.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 3.

Amendment to the Constitution.

Shall the Nevada constitution be amended to authorize the legislature to provide for deferred and suspended sentences in justices' and municipal courts?

Yes.....87,237.....☐
No.....135,146.....☒

(Explanation to Question No. 3)

The constitution now authorizes the legislature to provide for probation and suspended sentences in the district courts but forbids any such programs in the lower trial courts. This amendment, if ratified, will permit the legislature to provide for deferred and suspended sentences in these courts and to limit the extent to which the justices of the peace and police judges may impose them.

ARGUMENT FOR PASSAGE

This amendment, if ratified, would add to the range of options now available to municipal and justices' courts in dealing with persons convicted of minor offenses or misdemeanors. These new options, including suspended or deferred sentences with whatever terms and conditions the court may impose, could give leverage to the lower courts in ensuring the rehabilitation of offenders and the protection of society.

ARGUMENT AGAINST PASSAGE

Existing law gives lower trial courts sufficient sentencing options for convicted offenders. Adding deferred or suspended sentences to lower courts could add additional expenses for investigation and supervision of offenders considered for or given these sentences.

QUESTION NO. 4

Amendment to the Constitution

Assembly Joint Resolution No. 30 of the 60th Session

Assembly Joint Resolution—Proposing to amend section 14 of article 5 of the constitution of the State of Nevada, relating to commutations of sentences, by prohibiting the commutation of a sentence of death or life

imprisonment without possibility of parole to a sentence which would allow parole.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 14 of article 5 of the constitution of the State of Nevada be amended to read as follows:

Sec. 14. 1. The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one, may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, *except as provided in subsection 2*, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

2. *Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.*

3. The legislature is authorized to pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in said courts except as may be provided by law.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 4.

Amendment to the Constitution.

Shall the Nevada constitution be amended to allow the legislature to prevent the granting of parole to an offender whose original sentence does not allow it:

Yes.....132,533.....☒
No.....93,856.....☐

(Explanation to Question No. 4)

Under the present constitution, after an offender has been sentenced for his crime to death or to life imprisonment without possibility of parole, the state board of pardons commissioners may commute the sentence to allow him later to be released on parole. This amendment will, if ratified, remove that power of the board unless the legislature chooses to restore it. The legislature could then impose conditions upon its use, but could not itself exercise any power to commute sentences.

ARGUMENT FOR PASSAGE

Some offenders sentenced to death or to life imprisonment without possibility of parole have their sentences commuted which allows them to be

released on parole. This makes such sentences meaningless to offenders and a disservice to the public who expects sentences to be carried out. The courts provide sufficient opportunity for offenders to appeal sentences. Even if the amendment is passed, the legislature could still provide a mechanism for commuting sentences of death or imprisonment without possibility of parole to sentences allowing parole if unusual situations warranted such procedures.

ARGUMENT AGAINST PASSAGE

The state board of pardons commissioners should continue to have the power to commute the sentences of offenders sentenced to death or to life imprisonment without possibility of parole to sentences allowing release on parole. The prison system deals with a wide range of offenders and circumstances. The case has not been made that the board has abused this power. The court system is not infallible. Certain offenders are rehabilitated in prison and should be given another chance. Taking all hope of possible release away from offenders would increase management problems in the prison system.

QUESTION NO. 5

Amendment to the Constitution

Assembly Joint Resolution No. 24 of the 60th Session

Assembly Joint Resolution—Proposing an amendment to section 1 of article 14 of the constitution of the State of Nevada, relating to the state boundary, to adjust the constitutional boundary of the state to the actual boundary.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 1 of article 14 of the constitution of the State of Nevada be amended to read as follows:

Section 1. The boundary of the State of Nevada [shall be] is as follows:

Commencing at a point formed by the intersection of the [thirty eighth degree of Longitude West from Washington with the Thirty Seventh degree of North latitude; Thence due West along said thirty seventh degree of North latitude to the eastern boundary line of the State of California;] *forty-third degree of longitude West from Washington with the forty-second degree of North latitude; thence due East along the forty-second degree of North latitude to its intersection with the thirty-seventh degree of longitude West from Washington; thence South on the thirty-seventh degree of longitude West from Washington to its intersection with the middle line of the Colorado River of the West; thence down the middle line of the Colorado River of the West to its intersection with the Eastern boundary of the*

State of California; thence in a North Westerly direction along [said] *the* Eastern boundary line of the State of California to the [forty third] *forty-third* degree of Longitude West from Washington; Thence North along [said forty third] *the forty-third* degree of West Longitude, and [said] *the* Eastern boundary line of the State of California to the [forty second degree of North Latitude; Thence due East along the said forty second degree of North Latitude to a point formed by its intersection with the aforesaid thirty eighth degree of Longitude west from Washington; Thence due South down said thirty eighth degree of West Longitude to the] place of beginning. [And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the Easterly border of the foregoing defined limits, not exceeding in extent one degree of Longitude, the same shall thereupon be embraced within, and become a part of this State. And furthermore Provided, that all such] All territory [,] lying West of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this State.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 5.

Amendment to the Constitution.

Shall the Nevada constitution be amended to adjust the constitutional boundary of the state to the actual boundary?

Yes 147,584 ☒
No 76,635 ☐

(Explanation to Question No. 5)

The state constitution as adopted in 1864 provided flexibility for the eastern and western boundaries of the state to accommodate future Acts of Congress, but not for the northern or southern boundaries. When Congress did in fact offer Nevada the triangular territory lying south of the 37th parallel (all of present Clark County and parts of Lincoln and Nye counties), the legislature accepted it but did not propose to correct the description of the boundaries in the constitution. This amendment, if ratified, will officially bring in the described territory.

ARGUMENT FOR PASSAGE

Although Clark County and parts of Lincoln and Nye counties have long been accepted as being part of Nevada, the boundary description in the state constitution does not specifically include this area. Passage of this amendment would conform the constitutional boundary description of Nevada to the actual boundary.

ARGUMENT AGAINST PASSAGE

That portion of southern Nevada in question has been a recognized part of the state for over 100 years without this constitutional language. Therefore, this proposed amendment is not necessary.

QUESTION NO. 6

Amendment to the Constitution

Senate Joint Resolution No. 6 of the 60th Session

Senate Joint Resolution—proposing to amend article 10 of the constitution of the State of Nevada, relating to taxation, by authorizing the imposition of an estate tax not greater than the credit allowable for such a tax against the federal estate tax, reduced by the amount paid to any other state.

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That article 10 of the constitution of the State of Nevada be amended by adding thereto a new section which shall read as follows:

The legislature may provide by law for the taxation of estates taxed by the United States, but only to the extent of any credit allowed by federal law for the payment of such a state tax. The combined amount of these federal and state taxes may not exceed the estate tax which would be imposed by federal law alone. If another state of the United States imposes and collects death taxes against an estate which is taxable by the State of Nevada under this section, the amount of estate tax to be collected by the State of Nevada must be reduced by the amount of the death taxes collected by the other state. Any lien for the estate tax attaches no sooner than the time when the tax is due and payable, and no restriction on possession or use of a decedent's property may be imposed by law before the time when the tax is due and payable. The State of Nevada shall accept the determination of the United States of the taxable estate without further audit.

and be it further

Resolved, That section 1 of article 10 of the constitution of the State of Nevada be amended to read as follows:

Section 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds;

shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. Notwithstanding the provisions of this section, the legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock. No inheritance [or estate] tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

and be it further,

Resolved, That the secretary of state shall assign the next consecutive section number in article 10 of the constitution of the State of Nevada to the new section set forth in this resolution upon its approval and ratification by the people.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 6.

Amendment to the Constitution.

Shall the Nevada constitution be amended to authorize the imposition of an estate tax limited to the credit allowable against the federal estate tax?

Yes 86,729 ☐
No 134,378 ☒

(Explanation to Question No. 6)

Under federal law, a credit is allowed against the federal estate tax for the amount of any death tax imposed by a state, up to a certain amount for each estate. This amendment will, if ratified, authorize the legislature to impose a tax for the benefit of this state equal to that maximum amount. The tax can be imposed only on an estate which is subject to the federal estate tax, and if that estate is also subject to a death tax imposed by any other state, the Nevada tax is reduced by that amount, so the total can never exceed the federal tax otherwise payable.

ARGUMENT FOR PASSAGE

The federal government already imposes an estate tax on property in Nevada. Every state in the United States, except Nevada, claims a share of this federal tax. Adoption of this amendment would allow the Nevada legislature to establish a state tax which would pick up a portion of the federal estate tax. This type of "pick-up" tax does not increase the tax payable by the estate. In a time of tight budgets, Nevada cannot afford to neglect the opportunity to claim a portion of an existing federal tax.

ARGUMENT AGAINST PASSAGE

Some residents have moved into Nevada specifically because of its few taxes. If this amendment passed and the legislature acted upon it, the state could no longer be advertised as being "income and estate tax-free." Because of the nature of the estate tax, the expected revenue could vary considerably from year to year. Due to recent congressional actions, the number of estates subject to the tax will decrease over the next few years and revenue from the tax might decrease correspondingly.

QUESTION NO. 7

Proposal to Amend the Sales and Use Tax Act

Assembly Bill No. 20

An Act to amend an act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.

The People of the State of Nevada do enact as follows:

Section 1. The above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 62, which shall immediately follow section 61 and shall read as follows:

Sec. 62. 1. *The tax imposed by this chapter must:*

(a) When imposed on the privilege of selling a new mobile home, be imposed on the sale of the materials used in constructing the mobile home. For the purposes of this paragraph, the cost of the materials used in constructing a mobile home is 60 percent of the cost of the mobile home.

(b) Not be collected on the sale of any mobile home if the sale of the mobile home or the materials used in constructing it have been previously taxed pursuant to this chapter.

2. *As used in this section, "mobile home" means a vehicular structure which is:*

(a) Built on a permanent chassis;

(b) Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;

(c) Transportable in one or more sections; and

(d) More than 8 feet in body width and more than 32 feet in body length. Neither the width nor the length includes bay windows, porches, drawbars, couplings, hitches, wall or roof extensions or other attachments.

The term does not include a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon, or drawn by, a motor vehicle.

Sec. 2. This act shall become effective on January 1, 1983.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 7.

Proposal to Amend the Sales and Use Tax Act.

Shall the Sales and Use Tax Act be amended to provide for collection of the tax on the materials used in constructing a new mobile home and to exempt certain used mobile homes from the tax?

Yes 101,953 ☐
No 117,762 ☒

(Explanation of Question 7)

The proposed amendment to the Sales and Use Tax Act would provide for collecting the tax on the materials used to construct a new mobile home and set the cost of materials at 60 percent of the price of the new mobile home. It would also exempt used mobile homes from the sales and

use tax if a prior sale was taxed in this state. If this proposal is adopted, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same reduction and exemption. A "Yes" vote is to provide for collecting the sales and use tax on 60 percent of the price of new mobile homes and to exempt certain used mobile homes. A "No" vote is a vote to maintain the tax on the full value of each mobile home each time it is sold.

ARGUMENT FOR PASSAGE

This amendment would provide equity between the sales tax treatment of mobile homes and conventional homes. Now, sales tax is paid on the full value of mobile homes. Only the materials in conventional homes are subject to sales tax. The amendment would remove that disparity and make the sales tax treatment similar. This would reduce the sales tax burden for persons buying new mobile homes or mobile homes on which sales tax has previously been paid. This reduction in sales tax would partially offset increased property tax which owners of newer mobile homes will have to pay because of actions taken by the 1981 legislature.

ARGUMENT AGAINST PASSAGE

If ratified, this amendment would cause a revenue loss of approximately \$3 million annually to the state and local governments. Although conventional homes are subject to sales tax only on the cost of the materials in them, they are also subject to real property transfer taxes which do not apply to most mobile homes. Because of the method in which mobile homes have been valued for property tax purposes, the owners have enjoyed certain tax advantages for many years up to June 30, 1982.

QUESTION NO. 8

Initiative Petition to Amend the Constitution

A sufficient number of registered voters of the State of Nevada to meet the requirements of Sections 2 and 3 of Article XIX of the constitution of the State of Nevada propose by initiative petition an amendment to the constitution of the State of Nevada by the addition of a new section to Article 10 exempting household goods and furniture of a single household from taxation.

The People of the State of Nevada do enact as follows:

Article 10 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section which shall read as follows:

(New Section) All household goods and furniture used by a single household and owned by a member of that household are exempt from taxation.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 8.

Amendment to the Constitution.

Shall—An amendment to Article 10 of the Nevada Constitution exempting from taxation all household goods and furniture used by a single household and owned by a member of that household be approved?

Yes 16,915 ☒
No 54,371 ☐

(Explanation to Question No. 8)

This question would amend the state constitution by providing that all household goods and furniture used by a single household and owned by a member of that household would be permanently exempted from state taxation. A "Yes" vote would be in favor of this proposed amendment and a "No" vote would be opposed to this proposed amendment.

(Special Note of Explanation)

An initiative measure to amend the Constitution of the State of Nevada must, by law, be approved by a majority of voters at two consecutive general elections. This measure was approved by the voters in the 1980 election, and if again approved in this 1982 election it will become a part of the constitution.

ARGUMENT FOR PASSAGE

Taxing household goods and furniture is a burden on every homemaker in this State. Removing this burden would reduce the homemaker's cost of living. A just and equitable administration of this type of tax could cost more than the tax would produce. By placing this tax limitation in the Constitution, it could not be changed by the will of the legislature.

ARGUMENT AGAINST PASSAGE

State revenues, already in decline, would be further diminished with the passage of this amendment. Partial reduction or loss of current services provided by state revenues is possible. Placing this type of legislation in the constitution denies the legislature the ability to respond to changing situations in a prompt manner.

QUESTION NO. 9

Initiative Petition to Amend the Constitution

A sufficient number of registered voters of the State of Nevada to meet the requirements of Sections 2 and 3 of Article XIX of the constitution of

the State of Nevada propose by initiative petition an amendment to the constitution of the State of Nevada by the addition of a new section to Article 10 directing the legislature to provide by law for the exemption of food for human consumption from sales and use taxes.

The People of the State of Nevada do enact as follows:

Article 10 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section which shall read as follows:

(New Section) The legislature shall provide by law for the exemption of food for human consumption from any tax upon the sale, storage, use or consumption of tangible personal property.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 9.

Amendment to the Constitution.

Shall—An amendment to Article 10 of the Nevada Constitution directing the legislature to provide by law for the exemption of food for human consumption from taxation be approved?

Yes.....94,014.....☐
No.....133,999.....☒

(Explanation to Question No. 9)

This question would amend the state constitution by providing that the Legislature shall provide by law for the exemption of food for human consumption from any state tax on the sale, storage, use or consumption of tangible personal property. A "Yes" vote would be in favor of this proposed amendment and a "No" vote would be opposed to this proposed amendment.

(Special Note of Explanation)

An initiative measure to amend the Constitution of the State of Nevada must, by law, be approved by a majority of voters at two consecutive general elections. This measure was approved by the voters in the 1980 election, and if again approved in this 1982 election it will become a part of the constitution.

ARGUMENT FOR PASSAGE

Passage of this amendment at two consecutive general elections would assure that tax on food for human consumption would be exempt. Only by vote of a majority of the state's voters could tax on food be restored. Exemption from taxation on food lowers everyone's cost of living. This would broaden the exemption to include meals served in restaurants.

ARGUMENT AGAINST PASSAGE

There could be serious fiscal consequences on the passage of this proposal. It certainly broadens the exemption to include meals served in restaurants. A substantial percentage of all sales tax revenue is produced by eating places.

QUESTION NO. 10

Proposal to Issue Bonds for Library Use

Senate Bill No. 23

An Act relating to public libraries; directing that a proposal to issue state general obligation bonds for building and expanding public libraries be submitted to a vote of the people; providing for construction grants to local governmental entities from the proceeds of the bonds if the issue is approved; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the general election to be held in the state of Nevada in 1982, there shall be submitted to the voters of the state in the manner prescribed by chapter 349 of NRS a proposal to issue general obligation bonds of the State of Nevada for the purposes of building and expanding public libraries in this state in an amount of not more than \$10,000,000. If the proposal is carried, the bonds may be issued at one time or from time to time.

SEC. 2. 1. If, on the application of the state librarian with the approval of the Nevada council on libraries, the interim finance committee finds that one or more state-supported construction projects for public libraries ought to be commenced, it may direct:

(a) The state board of examiners to issue a sufficient amount of the bonds authorized pursuant to section 1 of this act; and

(b) The state librarian to make grants from the proceeds of the bonds to local government entities for construction projects for public libraries, computing the adjusted state and local shares according to the provisions of section 4 of this act.

2. The state librarian shall not expend more than the amount authorized unless he has obtained prior approval from the interim finance committee.

3. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds under this act.

SEC. 3. The state librarian shall administer the program of grants to local governmental entities for construction projects for public libraries, and he may adopt regulations as necessary to carry out the program. The Nevada council on libraries shall review applications

for individual grants and may make recommendations concerning those applications. All applications must be forwarded to the interim finance committee, together with the recommendations of the council. The interim finance committee has final authority to approve or disapprove grants.

SEC. 4. In order to be eligible for a grant from the proceeds of the bonds, a local governmental entity planning a state-supported construction project must provide a local share to match the state share. The basic local share is equal to the state share and is adjusted in each case to reflect local financial ability. The amount of the adjusted local share is computed according to the following formula:

1. The total assessed valuation of the local governmental entity, as certified by the department of taxation for the most recent tax year, is divided by the population of that entity to determine the local assessed valuation per capita.

2. The total assessed valuation of the state, as certified by the department of taxation for the most recent tax year, is divided by the population of the state to determine the statewide assessed valuation per capita.

3. The local assessed valuation per capita is divided by the statewide assessed valuation per capita to determine what percentage the local average is of the statewide average.

4. The basic local share (50 percent of the estimated total cost of the state-supported project) is multiplied by the quotient computed in subsection 3 to determine the adjusted local share which must be provided in order to receive a construction grant. The adjusted state share of the project is determined by subtracting the adjusted local share from the estimated total cost.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 10.

Proposal to Issue Bonds for Library Use.

Shall the State of Nevada be authorized to issue general obligation bonds, up to the amount of \$10,000,000 to build and expand public libraries?

Yes.....104,882.....☐
No.....119,484.....☒

(Explanation to Question No. 10)

If the issuance of these bonds is approved, each project on which part of their proceeds is to be spent must be recommended by the state librarian, reviewed by the Nevada council on libraries, and approved by the interim finance committee. Each locality in which such a project is to be carried out must contribute a share of the cost determined according to its

assessed valuation per capita compared to that of the whole state, but approximating half of the total cost.

ARGUMENT FOR PASSAGE

This bond issue, if approved, would allow the state to issue general obligation bonds for the purposes of building new libraries and expanding existing ones throughout the state. Each locality applying for funds under this measure must provide a matching share which is based upon its financial capability. Previously, major funding for construction and expansion of libraries was provided to local governments by the Fleischmann Foundation. The foundation was dissolved in 1981.

ARGUMENT AGAINST PASSAGE

Approval of this bond issue will increase the state's indebtedness. This bond issue also fails to consider the need for other public facilities which may have a higher priority.

Further Explanation of the Relations Between Questions 11 and 12

Under article XI of the Nevada constitution, if only the initiated measure (Question 12) or only the legislative substitute (Question 11) is approved, the one so approved becomes or remains law. If both are approved, the one which receives the greater majority becomes or remains law. If neither is approved, there is no law on this subject.

The voter can therefore (1) vote "Yes" on both questions, (2) vote "Yes" on one and "No" on the other, or (3) vote "No" on both.

QUESTION NO. 11

An Act Relating to Public Utilities

Assembly Bill No. 473

An Act relating to public utilities; creating the office of advocate for customers of public utilities within the office of the attorney general; defining his powers and duties; imposing an annual assessment upon public utilities for the support of his office; creating the fund for the consumer's advocate and transferring money to that fund; creating a legislative committee to review the performance of his office; providing for independent counsel for the public service commission; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

SEC. 2. 1. *“Consumer’s advocate” means the advocate for customers of public utilities.*

2. *“Cooperative utility” means a cooperative association or non-profit corporation or association which supplies utility services for the use of its own members only.*

3. *“Public interest” means the interest or rights of the State of Nevada and of the citizens of the state, or a broad class of those citizens, which arise from the constitutions, court decisions and statutes of this state and of the United States and from the common law. As used in sections 2 to 12, inclusive, of this act, the term refers to those interests and rights as they relate to the regulation of public utilities.*

SEC. 3. *The office of advocate for customers of public utilities is hereby created within the office of the attorney general. The advocate for customers of public utilities may be known as the consumer’s advocate.*

SEC. 4. 1. *The attorney general shall appoint the consumer’s advocate for a term of 4 years. the consumer’s advocate is in the unclassified service of the state. The person appointed:*

(a) Must be knowledgeable in the various areas of the regulation of public utilities;

(b) Must be independent of and have no pecuniary interest in any utility or industry regulated by the public service commission;

(c) Shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit; and

(d) Must not be a member of any political convention or a member of any committee of any political party.

2. *The attorney general may remove the consumer’s advocate from office for inefficiency, neglect of duty or malfeasance in office.*

SEC. 5. *The consumer’s advocate may:*

1. *Employ the staff necessary to carry out his duties and the functions of his office, in accordance with the personnel practices and procedures established within the attorney general’s office. The staff shall include:*

(a) A person licensed to practice law in this state, who shall serve as staff counsel;

(b) A person knowledgeable in ratemaking and principles and policies of rate regulation;

(c) A specialist in public utilities knowledgeable in accounting or finance or economics or one or more related disciplines; and

(d) An administrative assistant, who must be in the unclassified service of the state. The consumer’s advocate has sole discretion to employ and remove the members of his staff who are in the unclassified service.

2. *Purchase necessary equipment.*

3. *Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be*

reviewed and approved by a majority of the members of the state board of examiners.

4. *Apply for an order or subpoena for the appearance of witnesses or the production of books, papers and documents in any proceeding in which he is a party or intervener, in the same manner as any other party or intervener, and make arrangements for and pay the fees or costs of any witnesses and consultants necessary to the proceeding. If any person ordered by the public service commission to appear before it as a witness pursuant to this subsection fails to obey the order, the commission shall apply for a subpoena commanding the attendance of the witness.*

5. *Perform such other functions and make such other arrangements as may be necessary to carry out his duties and the functions of his office.*

SEC. 6. 1. *The fund for the consumer's advocate is hereby created as a special revenue fund. All money collected for the use of the consumer's advocate must be deposited in the state treasury for credit to the fund.*

2. *Money in the fund may be used only to defray the costs of maintaining the office of the consumer's advocate and for carrying out the provisions of sections 2 to 12, inclusive, of this act.*

3. *All claims against the fund must be paid as other claims against the state are paid.*

SEC. 7. *All gifts or grants of money which the consumer's advocate is authorized to accept must be deposited with the state treasurer for credit to the fund for the consumer's advocate.*

SEC. 8. *The consumer's advocate may, with respect to all public utilities except railroads, common and contract motor carriers and cooperative utilities, and except as provided in section 10 of this act:*

1. *Conduct or contract for studies, surveys, research or expert testimony relating to matters affecting the public interest or the interests of utility customers.*

2. *Examine any books, accounts, minutes, records or other papers or property of any public utility subject to the regulatory authority of the public service commission in the same manner and to the same extent as authorized by law for members of the public service commission and its staff.*

3. *Petition for, request, initiate, appear or intervene in any proceeding concerning rates, charges, tariffs, modifications of service or any related matter before the public service commission or any court, regulatory body, board, commission or agency having jurisdiction over any matter which the consumer's advocate may bring before or has brought before the public service commission or in which the public interest or the interest of any particular class of utility customers are involved. The consumer's advocate may represent the public interest or the interests of any particular class of utility customers in any such proceeding, and he is a real party in interest in the proceeding.*

SEC. 9. *All public utilities, except railroads, common and contract motor carriers and cooperative utilities, and except as provided in section 10 of this act, shall provide the consumer's advocate with copies of any proposed changes in rates or service, correspondence, legal papers and other documents which are served on or delivered or mailed to the public service commission.*

SEC. 10. *The powers of the consumer's advocate do not extend to matters directly relating to the consideration of tariffs requested by a telephone utility for products or equipment which the utility certifies under oath are subject to competition.*

SEC. 11. 1. *The consumer's advocate has sole discretion to represent or refrain from representing the public interest and any class of utility customers in any proceeding.*

2. *In exercising his discretion, the consumer's advocate shall consider the importance and extent of the public interest or the customers' interest involved and whether those interests would be adequately represented without his participation.*

3. *If the consumer's advocate determines that there would be a conflict between the public interest and any particular class of utility customers or any inconsistent interest among the classes of utility customers involved in a particular matter, he may choose to represent one of the interests, to represent no interest, or to represent one interest through his office and another or others through outside counsel engaged on a case basis.*

SEC. 12. 1. *There is hereby created an interim committee of the legislature to review the performance of the office of the consumer's advocate.*

2. *The committee consists of:*

(a) *Two members of the senate from the majority political party, designated by the majority leader of the senate;*

(b) *One member of the senate from the minority political party, designated by the minority leader of the senate;*

(c) *Three members of the assembly from the majority political party, designated by the speaker of the assembly; and*

(d) *Two members of the assembly from the minority political party, designated by the minority leader of the assembly.*

3. *The members from the assembly shall select a chairman from among their number to serve for the period ending with the convening of the 62d session of the legislature. The members from the senate shall select a chairman from among their number to serve during the next legislative interim, and the chairmanship shall continue to alternate between the houses of the legislature according to this pattern.*

4. *The committee exists only when the legislature is not in regular or special session. The committee shall meet at the call of the chairman to review and evaluate the effectiveness and functioning of the office of the consumer's advocate. It may make recommendations to*

the consumer's advocate, the attorney general, the legislative commission, the interim finance committee and the legislature.

5. *The director of the legislative counsel bureau shall provide a secretary for the committee. Each member of the committee is entitled to receive out of the legislative fund a salary for each day or portion of a day of attendance at a meeting of the committee, in an amount equal to the salary established for members of the legislative commission, and the per diem allowance and travel expenses provided by law.*

SEC. 13. NRS 703.147 is hereby amended to read as follows:

703.147 1. The public service commission regulatory fund is hereby created as a special revenue fund. All money collected by the commission pursuant to law must be deposited in the state treasury for credit to the fund. *Money collected for the use of the consumer's advocate must be transferred pursuant to the provisions of subsection 8 of NRS 704.035.*

2. Money in the fund *which belongs to the commission* may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the commission.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

SEC. 14. NRS 703.210 is hereby amended to read as follows:

703.210 1. The **attorney general** *commission may employ, or retain on a contract basis, legal counsel who shall:*

(a) Except as provided in subsection 2, be counsel and attorney for the commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the **State** *public service commission* of Nevada all civil actions for the enforcement of chapters 704, 704A, 705, 706, 708, 711 and 712 of NRS and for the recovery of any penalty or forfeiture provided for therein.

(c) **If** the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities and motor carriers under the jurisdiction of the commission and their officers, agents and employees.

(d) **Generally** aid the commission in the performance of its duties and the enforcement of chapters 704, 704A, 705, 706, 708, 711 and 712 of NRS.

2. Each district attorney shall:

(a) Prosecute any violation of chapters 704, 704A, 705, 706, 708, 711 or 712 of NRS for which a criminal penalty is provided and which occurs in his county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapters 704, 704A, 705, 706, 708, 711 or 712 of NRS and, at the request of the [attorney general or the] commission [.] or its legal counsel, act as counsel and attorney for the commission.

3. *The attorney general shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities and motor carriers under the jurisdiction of the commission and their officers, agents and employees.*

4. *The attorney general is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the commission is a party and is represented by independent counsel.*

SEC. 15. NRS 704.033 is hereby amended to read as follows:

704.033 1. The commission shall levy and collect an annual assessment from all public utilities subject to the jurisdiction of the commission.

2. [The] *Except as otherwise provided in subsection 3, the annual assessment [shall] must be [not more than 4 mills] :*

(a) *For the use of the commission, not more than 3.50 mills; and*

(b) *For the use of the consumer's advocate, 0.75 mills,*

on each dollar of gross operating revenue derived from the intrastate operations of such utilities in the State of Nevada, except that the minimum assessment in any 1 year [shall] must be \$10. The total annual assessment must be not more than 4.25 mills.

3. *For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2. The levy for the use of the consumer's advocate must not be assessed against railroads.*

4. The gross operating revenue of [such] the utilities [shall] *must be determined for the preceding calendar year. In the case of:*

(a) Telephone utilities, such revenue shall be deemed to be local service revenues plus intrastate toll revenues.

(b) Railroads [and airlines,] , such revenues shall be deemed to be revenue received only from freight and passenger intrastate movements.

(c) All public utilities, such revenue [shall] *does not include the proceeds of any commodity, energy or service furnished to another public utility for resale.*

SEC. 16. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 1 of each year, the commission shall mail revenue report forms to all public utilities under its jurisdiction, to the address of [such] those utilities on file with the commission. [Such] *The revenue report form [shall serve] serves as*

notice of the commission's intent to assess the utilities, but failure to notify any [such] utility [shall] *does* not invalidate the assessment with respect thereto.

2. Each public utility subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the commission accompanied by payment of the assessment and any penalty due, pursuant to the provisions of subsection 5.

3. The assessment [shall be] *is* due and payable on July 1 of each year, but may, at the option of the public utility, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the utility is subject to review and audit by the commission, and the amount of the assessment may be adjusted by the commission as a result of [such] *the* audit and review.

5. Any public utility failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment a penalty of 1 percent of the total unpaid balance for each month or portion thereof that [said] *the* assessment is delinquent, or \$10, whichever is greater, but no penalty [shall] *may* exceed \$1,000 for each delinquent payment.

6. When a public utility sells, transfers or conveys substantially all of its assets or certificate of public convenience and necessity, the commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after [such] *the* sale, transfer or conveyance, unless the transferee has assumed liability for [such] *the* assessment. For purposes of this subsection the jurisdiction of the commission over the selling, transferring or conveying public utility [shall continue] *continues* until it has paid [such] *the* assessment.

7. The commission may bring an appropriate action in its own name for the collection of any assessment and penalty which is not paid as provided in this section.

8. *The commission shall, on a quarterly basis, transfer to the fund for the consumer's advocate that portion of the assessments collected which belongs to the consumer's advocate.*

SEC. 17. NRS 704.675 is hereby amended to read as follows:

704.675 Every cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the commission for the purposes of NRS 703.191, [704.033, 704.035,] 704.330, 704.350 to 704.430, inclusive, but not to any other jurisdiction, control and regulation of the commission or to the provisions of any section not specifically mentioned in this section.

SEC. 18. NRS 705.360 is hereby amended to read as follows:

705.360 1. Every company, corporation lessee, manager or receiver, owning or operating a railroad in this state, shall equip, maintain, use and display at night upon each locomotive being operated in road service in this state an electric or other headlight of at least 1,500-candlepower, measured without the aid of a reflector. Any electric headlight which will pick up and distinguish a man dressed in dark clothes upon a dark, clear night at a distance of 1,000 feet is deemed the equivalent of a 1,500-candlepower headlight measured without the aid of a reflector.

2. This section does not apply to:

- (a) Locomotive engines regularly used in switching cars or trains.
- (b) Railroads not maintaining regular night train schedules.
- (c) Locomotives going to or returning from repair shops when ordered in for repairs.

3. Any railroad company, or the receiver or lessee thereof, which violates the provisions of this section is liable to the [State] *public service commission* of Nevada for a penalty of not more than \$1,000 for each [offense.] *violation*.

SEC. 19. NRS 705.370 is hereby amended to read as follows:

705.370 1. Each railroad company or corporation or its receiver, owning or operating any railroad within this state, shall equip and maintain in each of its passenger trains, cabooses, locomotives, motors or diesel engines used in the propelling of trains or switching of cars an emergency first aid kit whose contents must be those prescribed by the public service commission of Nevada. Each passenger train and each caboose must be equipped with at least one stretcher. All of the contents of the emergency first aid kits, except the stretchers, must be stored on each passenger train, caboose, locomotive, motor or diesel engine, in a clean, sanitary and sterile container and in an accessible place at all times, which places, including the storage places of stretchers, must be plainly designated.

2. The employee of any railroad company or corporation or its receiver, having charge of any passenger train, caboose, locomotive, motor or diesel engine, shall as soon as possible report in writing to the office or officer designated by the company, corporation or receiver for the purpose, whenever any of the emergency first aid kit has been used or has been found missing. The emergency first aid kit must only be used to render first medical or surgical aid to injured passengers, employees or other injured persons requiring first aid.

3. Any railroad company or corporation or its receiver, which refuses, neglects or fails to comply with the provisions of this section is liable for a penalty to the [State] *public service commission* of Nevada of \$25 for each failure to equip a passenger train, caboose, locomotive or motor or diesel engine with the emergency first aid kit specified in subsection 1.

4. Any person who removes, carries away from its proper place or uses any emergency first aid kit provided in this section, except for the purpose of administering first aid in the event of injury to any

passenger, employee or other person is guilty of a misdemeanor and may be punished by a fine of not more than \$500.

SEC. 20. NRS 705.420 is hereby amended to read as follows:

705.420 Any railroad company or receiver of any railroad company, and any person, firm, company or corporation engaged in the business of common carrier doing business in the State of Nevada, which violates any of the provisions of NRS 705.390 to 705.410, inclusive, is liable to the [State] *public service commission* of Nevada for a penalty of \$500 for each [offense.] *violation*.

SEC. 21. The attorney general shall appoint the first consumer's advocate pursuant to section 4 of this act for a term ending December 31, 1984.

SEC. 22. 1. There is hereby transferred from the public service commission regulatory fund existing pursuant to the provisions of NRS 703.147 to the fund for the consumer's advocate created by section 6 of this act the sum of \$200,000.

2. On or before March 31, 1983, the consumer's advocate shall repay from the fund for the consumer's advocate to the public service commission regulatory fund the amount transferred pursuant to subsection 1.

SEC. 23. The office of the consumer's advocate is hereby authorized to expend from the fund for the consumer's advocate the sum of \$64,534 during the period commencing on the effective date of this act and ending on June 30, 1981.

SEC. 24. At the general election on November 2, 1982, the provisions of sections 1 to 22, inclusive, of this act must be submitted to the registered voters of this state, pursuant to section 2 of article XIX of the Nevada constitution, as a different measure enacted by the legislature on the same subject as the initiative petition presented to the legislature by the secretary of state on January 19, 1981.

SEC. 25. This act shall become effective upon passage and approval.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 11.

An Act Relating to Public Utilities.

Shall the legislative act creating the office of advocate for customers of public utilities be approved?

Yes 158,339 ☒
No 62,817 ☐

(Explanation to Question No. 11)

In 1980 there was filed an initiative petition to create a division of consumer advocacy in the office of the attorney general. The legislature did

not enact this measure, but instead enacted its own law providing for a consumer's advocate within the office of the attorney general and submitted this act for approval by the people. The duties provided for the advocate under this legislative act are to represent the public interest, or the interest of a particular class of customers affected, in any proceeding before the public service commission for a change of rates or services. The legislative act is now in effect.

ARGUMENT FOR PASSAGE

If approved, this legislative measure provides for representation of customers of public utilities before the public service commission which reviews requests for rate changes. Such representation will guarantee that all classes of ratepayers (including residential, commercial and industrial) are fairly heard. The efforts of the consumer's advocate are to be directed toward curtailment of escalating utility rates. This legislative measure goes beyond the initiative petition by establishing a more definitive administrative structure, including a legislative oversight committee to review the performance of the consumer's advocate.

ARGUMENT AGAINST PASSAGE

The establishment of a consumer's advocate adds fractionally to the mill tax on public utilities which is passed on to the consumer to finance the advocate's office.

QUESTION NO. 12

An Initiative Relating to Public Utilities

An Initiative relating to public utilities; creating a division in the office of the Attorney General for the protection of utility customers; requiring the Public Service Commission to pay the expenses of this division; authorizing the Public Service Commission to employ independent counsel in certain circumstances; and providing other matters properly relating thereto.

The People of the State of Nevada do enact as follows:

SECTION 1. Chapter 228 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The division of consumer advocacy is hereby created in the office of the Attorney General. The division shall:

- 1. Review all applications filed with the Public Service Commission of Nevada by all electric, natural gas, water and telephone utilities proposing changes in rates, construction of utility facilities, or regulations which may affect rates or construction of utility facilities.*
- 2. Move to intervene before the Public Service Commission of Nevada and any and all Federal and state regulatory agencies in all matters relating to subsection 1 which the division deems to be of potentially significant impact upon the consuming public.*

3. *Where warranted, commence or intervene in action in a court of competent jurisdiction to obtain judicial review of, or extraordinary relief from, any final order or other official act of the Public Service Commission of Nevada issued in proceedings relating to any application mentioned in subsection 1 or relating to any order or regulation of any other state or any Federal agency.*

4. *Where warranted and allowed by law, take or participate in appeals from district court decisions relating to orders of the Public Service Commission of Nevada issued in proceedings relating to any application mentioned in subsection 1 or any other rule or regulation affecting rates.*

5. *Represent the interests of the people of Nevada and the rate-paying public in all hearings and other proceedings in which the office participates pursuant to subsection 2 and in all actions and appeals brought pursuant to subsections 3 and 4.*

SEC. 2. NRS 703.147 is hereby amended to read as follows:

703.147 1. The Public Service Commission regulatory fund is hereby created as a special revenue fund. All money collected by the Commission pursuant to law must be deposited in the state treasury for credit to the fund.

2. Money in the fund may be used only to defray the costs of:

(a) Maintaining staff and equipment to regulate adequately public utilities and other persons subject to the jurisdiction of the Commission.

(b) Participating in all rate cases involving those persons.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that regulation and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Commission.

(e) *The salaries, expenses, expert witness fees and costs, and allowances of the division of consumer advocacy of the office of the Attorney General pursuant to the budget submitted to and approved by the Nevada State Legislature.*

3. All claims against the fund must be paid as other claims against the state are paid.

4. The Commission must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

SEC. 3. NRS 703.210 is hereby amended to read as follows:

703.210 1. **[The]** *Except as provided in subsection 3, the Attorney General shall:*

(a) Be counsel and attorney for the Commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the State of Nevada all actions for enforcement of chapter 704 of NRS and for the recovery of any penalty or forfeiture provided for therein.

(c) Prosecute all violations of the laws of this state by public utilities, their officers, agents and employees.

(d) Generally aid the Commission in the performance of its duties and the enforcement of chapter 704 of NRS.

2. The district attorney of the proper county, in the aid of any investigation, prosecution, hearing or trial had under the provisions of chapter 704 of NRS, shall, upon the request of the Attorney General or the Commission, act as counsel for the Commission.

3. *The Commission may retain independent counsel for any legal action commenced by the division of consumer advocacy of the office of the Attorney General pursuant to NRS 704.540 to 704.580, inclusive, or NRS 704.895.*

4. *The Attorney General shall submit to the Commission prior to the start of each fiscal year the budget approved by the legislature in the Attorney General's administrative fund for the operation of the division of consumer advocacy of the office of the Attorney General relating to the activities of the division in the next ensuing fiscal year pertaining to the review, interventions, and legal actions generated by the applications of electric, natural gas, water and telephone utilities for changes in rates, the construction of utility facilities, or regulations proposed in connection therewith.*

SEC. 4. Chapter 703 is hereby amended by adding thereto a new section which shall read as follows:

The Commission shall pay from the fund created hereby all claims and bills submitted by the Attorney General for operation of the division of consumer advocacy of the office of the Attorney General pursuant to the budget submitted to the Commission in a total amount no less than ½ mil and no more than 1 mil on each dollar of gross operating revenue derived from the intrastate operations of the electric, natural gas, water and telephone utilities in the State of Nevada in the calendar year immediately preceding the fiscal year in question.

SEC. 5. Chapter 703 is hereby amended by adding thereto a new section which shall read as follows:

The director of the division of consumer advocacy of the office of the Attorney General shall be nominated by the Attorney General. Such nomination shall be confirmed by the Legislature meeting in regular session, or by the Legislative Commission if such nomination is made more than 30 days prior to the start of a regular session.

The director of the division of consumer advocacy of the office of the Attorney General shall serve at the pleasure of the Attorney General.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 12.

An Initiative Relating to Public Utilities.

Shall an initiative petition creating the office of Consumer Advocate be approved?

Yes 93,525 ☐
No 124,955 ☒

(Explanation to Question No. 12)

This petition to create the office of Consumer Advocate in the office of Attorney General was filed in 1980. As the legislature did not enact it (but instead proposed an alternative) it must go on the General Election ballot. Its purpose is to represent the public interest before regulatory bodies. If both questions 11 and 12 are approved, the one with the highest number of votes prevails.

ARGUMENT FOR PASSAGE

Utility services have become such a basic part of modern life that their rates are a matter of concern to all citizens. Passage of this initiative will provide an additional layer of review to protect the public interest. The maximum contribution to the regulatory fund could be marginally lower than in question 11.

ARGUMENTS AGAINST PASSAGE

Enactment of this initiative would entail another layer of government. If enacted it could not be amended or repealed for three years even if it was found to be defective.

(End of Form of Ballot Label)

Section 293.253 of Nevada Revised Statutes places a duty upon the Secretary of State as well as upon the county clerks. NRS 293.253 provides:

293.253 Publication of constitutional amendments, statewide measures: Duties of secretary of state, county clerks; costs.

1. The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot together with the explanation prepared pursuant to NRS 293.250.

2. Whenever feasible, he shall provide such copies on or before the 1st Monday in August of the year in which such proposals will appear on the ballot. Copies of any additional proposals shall be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of any such constitution, amendment or measure and its explanation to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the 1st Monday in October. If no such newspaper is published in the county, then the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. When a copy is furnished by the secretary of state too late to be published at 7-day intervals, it shall be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions and explanations of proposed constitutions, constitutional amendments or statewide measures is a charge against the state and shall be paid from the reserve for statutory contingency fund upon recommendation by the secretary of state and approval by the state board of examiners.

(Added to NRS by 1960, 250; A 1967, 846; 1975, 938; 1977, 1010)

Pursuant to NRS 293.247, the Secretary of State has promulgated rules and regulations for the conduct of elections. Rules A-9, A-10 and A-11 read as follows:

A-9. *Ballot questions to be numbered.* Before every question or constitutional amendment to be voted upon there shall be placed a number, to be designated by the Secretary of State, in boldface type not smaller than 24-point.

A-10. *Ballot questions to be answerable by "Yes" or "No."* Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot or ballot page assembly in such manner as to enable the electors to vote "Yes" or "No" upon the question submitted in the manner provided by law.

A-11. *Ballot questions to be explained.* A brief statement of the purport of the question, in plain language readily understandable by the ordinary lay person, shall be enclosed with each mailed copy of the sample ballot and posted at convenient locations in each polling place.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at my office in Carson City, Nevada, this 1st day of May, 1982.



Secretary of State

(SEAL)