

State of Nevada Ballot Questions 1998



A Compilation of Ballot Questions Which Will Appear
on the November 3, 1998, General Election Ballot

Issued by

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Secretary of State

NOTES TO VOTERS

Note No. 1

Ballot Question No. 7 relates to Nevada's sales tax. It is important that you understand this tax and the process by which it may be changed. As noted below, only a portion of this tax may be changed by you, the voter, pursuant to the attached ballot questions.

Nevada's statewide sales tax consists of three separate parts levied at different rates on the sale and use of tangible personal property in the state. The current statewide combined rate is 6.50 percent. In addition to these three parts, each county also may impose additional taxes, up to a combined rate of 1 percent, subject to the approval of the voters or governing body in that county. These additional taxes have, in seven counties, increased the rate of the sales tax above the 6.5 percent rate imposed statewide.

The tax includes:

	<u>TAX</u>	<u>RATE</u>
1.	The State Sales and Use Tax	2.00 percent
2.	The Local School Support Tax (LSST)	2.25 percent
3.	The City/County Relief Tax (CCRT)	2.25 percent
4.	Optional local taxes - not more than	1.00 percent

The State Sales and Use Tax may be amended or repealed only with the approval of the voters. The Local School Support Tax (LSST) and the City/County Relief Tax (CCRT) may be amended or repealed by the Legislature without the approval of the voters.

By your "yes" vote, Question No. 7 would impose the state 2.00-percent rate, and all of the other components of the sales and use tax would then be imposed by statute.

Note No. 2

Each ballot question includes a **Fiscal Note** that explains only the direct adverse effect on state and local governments (increased expenses or decreased revenues). Question Nos. 3 and 6 provide that the Legislature may take action but does not specify what that action may be. Therefore, the fiscal impact cannot be determined.

QUESTION NO. 1

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 13 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election?

Yes ----- 235,935
No ----- 161,491

EXPLANATION

It is possible to have more than one ballot question on the same topic at a statewide election. Currently, the Nevada Constitution provides for the resolution of conflicts if two or more amendments to the Constitution are sent to the voters by the Legislature. However, no similar procedures exist for resolving conflicts between proposed amendments to the Constitution or new state laws that are submitted to the voters by initiative petition. Further, procedures are lacking for resolving conflicts between legislative proposals and initiative proposals that are on the same ballot.

Assembly Joint Resolution No. 13 of the 68th Session proposes comprehensive procedures to address conflicting measures on the same ballot. In general, two or more proposals on the same topic that are approved by the voters at the same statewide election all go into effect if there is no contradiction in substance. If two or more proposals are approved by the voters that contradict in substance, only the proposal receiving the largest favorable vote goes into effect. Further, procedures are established to resolve an issue if competing proposals receive the same number of votes and to resolve conflicts between constitutional amendments that appear on consecutive general election ballots.

ARGUMENTS FOR PASSAGE

Although it is uncommon for separate ballot questions on the same topic to appear on the same statewide ballot, it happened as recently as 1996. This proposal establishes comprehensive procedures to deal with all possible events. It is better to have specific procedures as part of the Nevada Constitution than to leave such matters up to determination by the courts.

Further, this proposal is fair because it is based on the concept that when conflicting proposals are approved by the voters, only the one that receives the greatest number of votes goes into effect.

A “Yes” vote would amend the Nevada Constitution and establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election.

ARGUMENTS AGAINST PASSAGE

The Nevada Constitution should not be further complicated by adding procedures that are not really essential. If differing proposals are approved by the voters at the same election, the issues can be referred to the courts for a final determination. The operation of mechanistic rules may not be the best way to resolve conflicts between two ballot questions, both of which may have received the approval of the majority of voters.

A “No” vote would bar the establishment of constitutional procedures for resolving conflicts between constitutional amendments or new state laws that are approved by voters at the same statewide election.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Nevada Constitution would establish procedures for resolving conflicts between constitutional amendments or new state laws that are approved by the voters at the same statewide election. Approval of this proposal would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to provide for the resolution of conflicts between certain amendments of statutes and constitutional provisions.

RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 16 of the constitution of the State of Nevada be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding

the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 [,] or section 2 of article 19 of this constitution, become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people *pursuant to this section* at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other *ratified* amendment or amendments compatible with it, shall become a part of the constitution.

3. If, after the proposal of an amendment, another amendment is ratified *pursuant to this section* which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified *pursuant to this section* which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition,

whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. *If at the session of the legislature to which an initiative petition proposing an amendment to a statute is presented which the legislature rejects or upon which it takes no action, the legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the secretary of state in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.*

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes

disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, *unless precluded by subsection 5 or 6*, become a part of this constitution upon completion of the canvass of votes by the supreme court.

5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

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

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

6. If, at the same election as the first approval of a constitutional amendment pursuant to this section, another amendment is finally approved pursuant to this section, or an amendment proposed by the legislature is ratified, which affects the same section of the constitution but is compatible with the amendment given first approval, the secretary of state shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the secretary of state shall not submit the amendment given first approval to the voters again.

QUESTION NO. 2

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 33 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to revise the provisions regarding the Commission on Judicial Discipline?

Yes -----	<input checked="" type="checkbox"/>	221,205
No -----	<input type="checkbox"/>	168,480

EXPLANATION

The Commission on Judicial Discipline was created by constitutional amendment in 1976. The Commission's membership is comprised of two justices or judges appointed by the Nevada Supreme Court, two licensed Nevada attorneys, and three members of the public. Currently, the Commission may only consider matters that are formally brought to its attention by members of the public. The Nevada Supreme Court has sole jurisdiction to adopt rules for the operation of the Commission, including rules governing the confidentiality of proceedings, the grounds of censure and discipline, and the conduct of investigations and hearings. The proposed amendment to the Nevada Constitution redistributes the authority to establish the rules between the Legislature, the Nevada Supreme Court, and the Commission itself. Under the proposal, the Legislature will establish the grounds for judicial discipline that are in addition to violations of the Code of Judicial Conduct. The Legislature also will establish the other forms of discipline that may be imposed in addition to censure, retirement, and removal; the standards for investigations; and the provisions regarding the confidentiality of proceedings before the Commission.

Under the proposal, the Nevada Supreme Court will adopt a Code of Judicial Conduct and rules governing its handling of appeals of the Commission's decisions. The proposed amendment also requires the Commission to adopt rules of procedure for the conduct of its hearings and other activities deemed necessary to carry out its duties. Finally, the proposal would allow the Commission to consider matters relating to the fitness of a justice or judge on its own motion, even if a member of the public did not bring the matter before the Commission.

ARGUMENTS FOR PASSAGE

The regulation of justices and judges is important to ensure public confidence in the Nevada judicial system. The Commission was established to review and act on complaints from the public concerning justices and judges. Because the Justices of the Supreme Court establish the rules and procedures governing the Commission and hear appeals from the Commission's decisions, an appearance of partiality and bias in favor of the justices and judges is created. By removing the Supreme Court from the sole control over the Commission, as proposed in the amendment, the Commission's independence and ability to act effectively on valid complaints will be ensured. Authorizing the Legislature to establish the rules governing the grounds for discipline, the forms of discipline, and the standards for investigations and confidentiality of the Commission will remove any appearance of control and bias by the Supreme Court. It will also allow the public to participate in person or through their elected representatives in establishing the standards of conduct for judges.

A "Yes" vote would amend the Nevada Constitution to revise the provisions regarding the Commission on Judicial Discipline.

ARGUMENTS AGAINST PASSAGE

The Commission is created as an independent body under the Nevada Constitution and is authorized to investigate complaints and impose sanctions on judges without the involvement of the Supreme Court. The public is represented on the Commission by three of its seven members, who cannot be attorneys or judges. The chairman of the Commission cannot be an attorney or a judge. Although the Supreme Court is required to make the rules governing the operation of the Commission, the Court does not control the Commission. Transferring the Supreme Court's authority to make rules to the Legislature will not increase public participation or make the Commission any more independent than it is under existing provisions. Finally, the separation of powers between the executive, legislative, and judicial branches of government is a fundamental, constitutional principle. Transferring the authority to establish rules governing the Commission to the legislative branch may violate the spirit of this principle.

A "No" vote would retain the existing provisions regarding the Commission on Judicial Discipline under the Nevada Constitution.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Nevada Constitution would divide the authority to establish rules governing the Commission on Judicial Discipline between the Legislature, the Supreme Court, and the Commission. Approval of this proposal would have no adverse fiscal impact.

FULL TEXT OF THE MEASURE

ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to revise the provisions governing the commission on judicial discipline.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. [A] Pursuant to rules governing appeals adopted by the supreme court, a justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;
(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.
The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. [The supreme court shall make appropriate rules for:

(a)] *The legislature shall establish:*

(a) *In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;*

(b) *The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;*

(c) *The standards for the investigation of matters relating to the fitness of a justice or judge; and*

(d) *The confidentiality or nonconfidentiality, as appropriate, of [all] proceedings before the commission, except that, in any event, a decision to censure, retire or remove a justice or judge* [.

(b) *The grounds of censure and other forms of discipline which may be imposed by the commission.*

(c) *The conduct of investigations and hearings.] must be made public.*

6. *The supreme court shall adopt a code of judicial conduct.*

7. *The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.*

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

[7. Any person may bring to the attention of the commission any]

9. *Any matter relating to the fitness of a justice or judge [.] may be brought to the attention of the commission by any person or on the motion of the commission.* The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

[8.] 10. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

[9.] 11. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

QUESTION NO. 3

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 17 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to allow the Legislature to designate locations in the county other than the county seat for holding terms of the district court?

Yes -----	<input checked="" type="checkbox"/>	209,397
No -----	<input type="checkbox"/>	181,783

EXPLANATION

The Nevada Constitution divides the State into judicial districts based on counties, and authorizes the Legislature to alter, divide, increase, or decrease districts. Currently, there are nine judicial districts throughout the State, some of which encompass more than one county. The districts vary in number of square miles and population.

The Nevada Constitution requires that the district court for each county be located at the county seat. An exception is provided for the Legislature to designate the places for holding court if the county is divided into two or more districts. To date, counties have been combined to form districts, but not divided. Each county is responsible for the cost of establishing and operating the district court at the county seat. Depending upon the number of judges within each district, which is determined by the Legislature, judges may be required to divide their time between the county seats. In the Seventh Judicial District, for example, the two judges are responsible for holding court at the three county seats within the district.

The proposed amendment to the Nevada Constitution authorizes the Legislature to designate the places in the county at which the district court may be located, regardless of whether the county is divided into more than one district. If the Legislature does not designate the locations, the district court is held at the county seat.

ARGUMENTS FOR PASSAGE

In Nevada's larger counties, the county seat is several hundred miles away from many of the county's residents, and individuals must travel great distances to participate in court proceedings as plaintiffs, defendants, witnesses, and jurors. For example, the Seventh Judicial District includes the counties of Eureka, White Pine, and Lincoln and covers an area of approximately 23,688 square miles. The population within this district is approximately 16,000 people. In comparison, the Eighth Judicial District is comprised only of Clark County, which is an area of approximately 7,911 square miles with a population of approximately 1,116,000 people.

The proposed amendment to the Nevada Constitution would allow the Legislature to designate locations for holding court that are more convenient than the county seat. By authorizing other locations within the county for holding court, the proposal also may reduce certain costs associated with court cases that are incurred by the county and parties to a proceeding, such as the travel expenses for jurors and witnesses.

A "Yes" vote would authorize the Legislature to designate places other than the county seat for holding the district court.

ARGUMENTS AGAINST PASSAGE

The district court should remain at the county seat where other governmental agencies are located and the court records are maintained. In addition, because Nevada law requires each county to pay for the costs associated with the district court within its jurisdiction, designating additional locations for court hearings could increase the cost to the counties for maintaining the district courts if such additional cost is not outweighed by the cost savings to the court.

A "No" vote would retain the constitutional prohibition against designating places other than the county seat for holding district court, unless the county is divided into more than one district.

FISCAL NOTE

Financial Impact - Cannot be determined. The proposal to amend the Nevada Constitution would allow the Legislature to designate locations in counties other than the county seat for holding terms of the district court. Although the counties would incur the cost of providing facilities for holding terms of the district court, the fiscal effect would be determined by subsequent actions of the Legislature and the counties.

FULL TEXT OF THE MEASURE

ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to allow the legislature to designate places in the county other than the county seat for holding terms of the district court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 7 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. The terms of the District Courts shall be held at the County seats of their respective counties [; Provided, that in case any county shall be hereafter divided into two or more districts, the Legislature may by law, designate the places of holding Courts in such Districts.] *unless the Legislature otherwise provides by law.*

QUESTION NO. 4

Advisory Question

Assembly Bill No. 396 of the 69th Session

CONDENSATION (ballot question)

Should the Nevada Legislature pass a law to designate the last Friday of October as the legal holiday for observing Nevada Day?

Yes -----	<input checked="" type="checkbox"/>	214,653
No -----	<input type="checkbox"/>	193,875

EXPLANATION

Since 1939, state law has required that October 31 of each year be a legal state holiday commemorating Nevada's admission into the Union in 1864 as the 36th State. Further, the law specifies that the holiday must be observed on the preceding Friday if the 31st occurs on a Saturday, and on the following Monday when that date falls on a Sunday.

The results of this ballot question are not binding on the members of the Nevada Legislature, but will provide them with an indication of public opinion concerning the observance of Nevada Day. In summary, the proposal calls for the designation of the last Friday in October as the legal holiday honoring Nevada Day, instead of October 31. Subsequent approval of this proposal by the Legislature would result in a three-day weekend for many Nevadans at the end of each October. The proposal further suggests that the annual parade in Carson City to celebrate Nevada Day be held on Saturday following the last Friday in October.

ARGUMENTS FOR PASSAGE

The Legislature should designate the last Friday of October as Nevada Day to create a 3-day weekend for the celebration of Nevada's statehood. Currently, this legal holiday is observed on various weekdays, depending on which day October 31st falls on the calendar. The proposal would allow more Nevada students, marching bands, civic and historical organizations, and members of the general public to participate in the celebration of Nevada Day in Carson City and elsewhere in the state. It makes sense to observe Nevada Day on the same day of the week each year and allow more people to celebrate this important holiday as part of a 3-day weekend.

A "Yes" vote would encourage the Legislature to approve a law to change the date of Nevada Day.

ARGUMENTS AGAINST PASSAGE

The Legislature should not break with tradition and historical accuracy for the sake of creating another 3-day weekend. Such a change would be similar to changing America's Independence Day to the first Friday in July instead of the 4th of July. Nevadans have celebrated our state's admission into the Union on October 31 for many years, and it would be improper and confusing to change this holiday to another date.

A "No" vote would discourage the Legislature from passing a law to change the date of Nevada Day.

FISCAL NOTE

Financial Impact - No. The proposal would encourage the Nevada Legislature to designate the last Friday of October as a legal holiday for observing Nevada Day. Approval of this proposal would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

AN ACT relating to holidays; requiring the Secretary of State to include on the ballot for the next general election the advisory question of whether the Legislature of the State of Nevada should declare the last Friday in October as the legal holiday to observe Nevada Day; and providing other matters properly relating thereto.

Section 1. The Secretary of State shall include on the ballot for the general election held on November 3, 1998:

1. The advisory question of whether the Legislature of the State of Nevada should declare the last Friday in October as the legal holiday to observe Nevada Day thereby establishing a 3-day weekend during which the parade held in Carson City to celebrate Nevada Day would be held on the Saturday immediately following the last Friday in October.

2. A statement that the passage or defeat of the advisory question included on the ballot pursuant to subsection 1 is not binding upon:

- (a) The Legislature of the State of Nevada; or
- (b) Any member of the Legislature of the State of Nevada.

Sec. 2. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

QUESTION NO. 5

Amendment to the Nevada Constitution

Senate Joint Resolution No. 3 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to limit the length of Nevada's regular legislative sessions to not more than 120 calendar days and require the Governor to submit the proposed executive budget to the Legislature at least 14 days before the start of each regular session?

Yes ----- 283,413
No ----- 117,466

EXPLANATION

Before 1960, regular legislative sessions in Nevada were conducted in odd-numbered years (biennial) and were limited by the Nevada Constitution to no more than 60 calendar days. However, from 1909 through 1959, the Legislature required additional time each session to complete its business. Typically, the "clock was covered" on the 60th day so that the session could be extended a few extra days.

As the result of constitutional amendments in 1958 and 1960, the Legislature continues to meet in regular session in odd-numbered years, but there currently is no limit on the length of a session. Members of the Legislature are paid a salary only for the first 60 days of session, regardless of its length. The last five regular sessions all exceeded 160 calendar days: 1989, 167 days; 1991, 161 days; 1993, 166 days; 1995, 169 days; and 1997, 169 days.

This proposed amendment to the Nevada Constitution would limit future regular sessions to not more than 120 calendar days, starting with the 1999 session. Under this proposal, regular sessions remain biennial, but would start on the first Monday of February of each odd-numbered year instead of on the third Monday of January. Legislators would continue to receive salary for only the first 60 days of session.

Additionally, the proposal would specifically make void any legislative action taken after midnight Pacific standard time on the 120th calendar day. Finally, the proposal requires the Governor to submit the proposed executive budget to the Legislature at least 14 calendar days before the start of each regular session. Under current practice, the budget is not received by the Legislature until after the start of the session.

ARGUMENTS FOR PASSAGE

The proposed amendment to the Nevada Constitution would require the Legislature to operate more efficiently and enact necessary legislation in a timely manner. In addition, by limiting future regular sessions to no more than 120 calendar days, the proposal would save the taxpayers several million dollars each session. Limited sessions would compel the Legislature to streamline its procedures. For example, the power of committee chairmen to hold legislation for processing until the end of the session may be restricted by rules requiring that bills be heard and acted upon within a certain time frame. Finally, by requiring the executive budget to be submitted before the start of session, the proposal will allow the Legislature to begin its work on the budget earlier.

Most other states conduct legislative sessions that are limited in length. Of the six other states that conduct biennial sessions (like Nevada), four are limited to sessions that are less than the proposed 120 days. A majority of the state legislatures that meet in annual, limited session also conduct their business in less than 120 days.

Because the proposed amendment will place the limitation on the length of session in the Nevada Constitution, the Legislature will not be able to alter the 120-day limit without voter approval of another constitutional amendment.

A “Yes” vote would limit the length of Nevada’s regular legislative sessions to not more than 120 calendar days and require the Governor to submit the proposed executive budget to the Legislature at least 14 days before the start of each regular session.

ARGUMENTS AGAINST PASSAGE

Nevada has been the fastest growing state in the nation for many years. The complexity of issues facing a rapidly growing state requires the Legislature to take whatever time is required to accomplish its business. Further, nothing prevents the Legislature from revising its procedures and adjourning within 120 days.

If the Legislature is not able to complete its business within the specified 120 days, the Governor may be required to call a special session of the Legislature at a substantial cost to the taxpayers. A limited session also may decrease the amount of public participation as bills are processed more rapidly and citizens may not receive sufficient notice to attend hearings. Finally, the people of the state should not force the Legislature to conduct its business in a hurried manner or leave important matters unfinished for lack of time.

A “No” vote would retain the existing system under which there is no limit on the length of a regular legislative session, and the Nevada Constitution would not require the Governor to submit the proposed executive budget prior to the start of session.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Nevada Constitution would limit the length of Nevada's regular legislative sessions to not more than 120 calendar days. Approval of this proposal would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

SENATE JOINT RESOLUTION—Proposing to amend the Nevada constitution to commence each regular session of the legislature in February, to limit the length of each regular session and to require the governor to submit a proposed executive budget before the commencement of each regular session.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. *1.* The sessions of the Legislature shall be biennial, and shall commence on the [3rd] *1st* Monday of [January next ensuing] *February following* the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

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

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

And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be amended to read as follows:

Sec: 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially . [, commencing on the first Monday of January.]

QUESTION NO. 6

Amendment to the Nevada Constitution

Senate Joint Resolution No. 14 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to authorize an abatement of taxes on property used in a manner that conserves water?

Yes -----	<input type="checkbox"/>	165,135
No -----	<input checked="" type="checkbox"/>	234,093

EXPLANATION

The proposed amendment to the Nevada Constitution authorizes the Legislature to provide for the reduction or elimination of taxes on property developed in a manner that conserves water. For example, water efficient landscaping, such as xeriscaping or other similar features, may qualify for a reduction or elimination of property taxes. If the amendment is approved, the Legislature may establish guidelines for the uses of property that qualify for a reduction of taxes.

ARGUMENTS FOR PASSAGE

Nevada is the driest state in the nation. Water conservation is essential, especially as the population continues to increase. Rather than governments mandating conservation measures, the proposed amendment allows the Legislature to provide a tax incentive to encourage people to conserve water voluntarily. Conservation of currently available water reduces the need to seek expensive new water supplies from outside the state and reduces the costs of infrastructure to transport and treat this water. Finally, any possible loss in the property tax base may be compensated by the cost savings realized by local government through the reduced demand for water which alleviates the need for changes in infrastructure based on the water supply.

A "Yes" vote would allow the Legislature to authorize a reduction or elimination of taxes on property used in a manner that conserves water.

ARGUMENTS AGAINST PASSAGE

If the savings from conservation are not greater than the undetermined loss to the property tax base, passage of the amendment would result in an overall decrease in the property tax revenue of state and local governments.

A “No” vote would prohibit the Legislature from authorizing a reduction or elimination of taxes on property used in a manner that conserves water.

FISCAL NOTE

Financial Impact - Cannot be determined. The proposal to amend the Nevada Constitution would provide for a reduction or elimination of taxes on property used in a manner that conserves water. Approval of this proposal could result in an indeterminate loss of property tax base to the state and local governments.

FULL TEXT OF THE MEASURE

SENATE JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to authorize the legislature to provide for the abatement of taxes on property used in a manner that conserves water.

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. 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, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used 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.

9. *The legislature may by law provide for the abatement of taxes on property used, in whole or in part, in a manner that conserves water.*

10. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

QUESTION NO. 7

Amendment to the Sales and Use Tax Act of 1955

Assembly Bill No. 611 of the 69th Session

CONDENSATION (ballot question)

Shall the Sales and Use Tax Act of 1955 be amended to impose the sales and use tax upon items purchased by this state or by a local government or local governmental agency for resale to the public by the governmental entity?

Yes -----	<input type="checkbox"/>	164,780
No -----	<input checked="" type="checkbox"/>	227,059

EXPLANATION

The proposed amendment to the Sales and Use Tax Act of 1955 would impose the tax upon the gross receipts from the sale of tangible personal property purchased by the state or a local government or local governmental agency for resale to the public.

State law requires that private businesses collect sales taxes on items that they sell to the public. Some state agencies and local governments have shops or restaurants in which they also sell items to the public. These government-owned establishments, often operated in connection with public museums, ski slopes, or beaches, are not required to collect sales taxes from their customers. The proposed amendment to the Sales and Use Tax Act of 1955 would require that the state and local governments collect sales taxes on items that they purchase for resale to the public.

ARGUMENTS FOR PASSAGE

Stores and shops operated by agencies of state or local government often sell items such as posters, magazines, meals, and golf and ski accessories that are also offered for sale in private stores and restaurants. Because these government-run shops do not collect sales taxes from their customers, they enjoy an unfair advantage over their private competitors. This amendment would allow private businesses to compete on equal terms with governmental agencies. In addition, by ending the governmental exemption and thereby requiring governmental shops to collect sales taxes from their customers, the proposed amendment would modestly increase public revenues.

A "Yes" vote would amend the Sales and Use Tax Act of 1955 to impose sales and use tax upon items purchased by this state or by a local government or local governmental agency for resale to the public by the governmental entity.

ARGUMENTS AGAINST PASSAGE

Shops and restaurants operated by state and local governmental agencies provide money to help support public museums, parks, and other places for public recreation. Therefore, it is appropriate that customers in governmental shops not be required to pay taxes on their purchases. In addition, certain private nonprofit agencies that sell items to the public are currently exempt from these taxes. Shops operated by governmental agencies are similar, in some ways, to those nonprofit shops and should therefore be treated the same by continuing to receive the same exemption.

A "No" vote would continue the current practice under the Sales and Use Tax Act of 1955 which prohibits the imposition of a sales and use tax upon items purchased by this state or by a local government or local governmental agency for resale to the public by the governmental entity.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Sales and Use Tax Act of 1955 would provide that state or local governments or governmental agencies must impose sales and use tax upon items sold to the public. The state or local governments or governmental agencies would be collecting the sales tax, not paying it. Approval of this proposal would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to impose the tax on sales of items purchased by this state and local governments for resale to the public; contingently imposing analogous taxes on such sales; and providing other matters properly relating thereto.

Section 1. At the general election on November 3, 1998, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 2. At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 3. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 3, 1998, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

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. Section 14 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 765, is hereby amended to read as follows:

Sec. 14. "Seller" includes every person, *the State of Nevada, its unincorporated agencies and instrumentalities, any county, city, district or other political subdivision of this state* engaged in the business of selling tangible personal property of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

Sec. 2. Section 50 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 771, is hereby amended to read as follows:

Sec. 50. 1. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to:

[1.] (a) The United States, its unincorporated agencies and instrumentalities.

[2.] (b) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

[3.] (c) The State of Nevada, its unincorporated agencies and instrumentalities.

[4.] (d) Any county, city, district or other political subdivision of this state.

2. *Except as otherwise provided in subsection 2, there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property by:*

(a) *The State of Nevada, its unincorporated agencies and instrumentalities.*

(b) *Any county, city, district or other political subdivision of this state.*

3. *The provisions of subsection 2 do not apply to the sale of items of tangible personal property which are purchased by the governmental entity for resale to the public.*

Sec. 3. Section 3 of the above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 763, is hereby repealed.

Sec. 4. This act becomes effective on January 1, 1999.

Sec. 4. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to impose the sales and use tax upon items purchased by this state or by a local government or local governmental agency for resale to the public by the governmental entity?

Yes No

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would impose the tax upon the gross receipts from the sale of tangible personal property purchased by the state or a local government or local governmental agency for resale to the public.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 1999. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 9. NRS 374.075 is hereby amended to read as follows:

374.075 "Seller" includes every person, *the State of Nevada, its unincorporated agencies and instrumentalities, any county, city, district or other political subdivision of this state* engaged in the business of selling tangible personal property of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

Sec. 10. NRS 374.330 is hereby amended to read as follows:

374.330 1. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to:

[1.] (a) The United States, its unincorporated agencies and instrumentalities.

[2.] (b) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

[3.] (c) The State of Nevada, its unincorporated agencies and instrumentalities.

[4.] (d) Any county, city, district or other political subdivision of this state.

2. *Except as otherwise provided in subsection 3, there are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property by:*

(a) *The State of Nevada, its unincorporated agencies and instrumentalities.*

(b) *Any county, city, district or other political subdivision of this state.*

3. *The provisions of subsection 2 do not apply to the sale of items of tangible personal property which are purchased by the governmental entity for resale to the public.*

Sec. 11. Sections 9 and 10 of this act become effective on January 1, 1999, only if the proposal submitted pursuant to sections 1 to 5, inclusive, of this act is approved by the voters at the general election on November 3, 1998.

QUESTION NO. 8

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 14 of the 68th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to replace the Lieutenant Governor as Senate President with a senator elected by the Senate, who will also serve as the next official in the line of succession to the Governor following the Lieutenant Governor; and to abolish the expense allowance paid to the Senate President and the Assembly Speaker.

Yes -----	<input type="checkbox"/>	150,780
No -----	<input checked="" type="checkbox"/>	241,246

EXPLANATION

The Nevada Constitution requires the Lieutenant Governor to serve as President of the Senate. As President, the Lieutenant Governor presides over the Senate and chairs the conduct of its business, but is not a member of the body. The President decides questions of parliamentary procedure and signs all acts, addresses, joint resolutions, writs, warrants, and subpoenas. The President does not vote on any question, except to break a tie vote.

Further, the Senate elects a President Pro-Tempore who presides over the Senate in the absence of the President and who also serves as third in line of succession to the Governor if both the offices of Governor and Lieutenant Governor become vacant.

The proposed amendment would eliminate the duty of the Lieutenant Governor to serve as President of the Senate and allow the Senate to elect one of its own members as President. The elected President would also serve as third in line of succession to the office of Governor. The amendment does not abolish the office of Lieutenant Governor.

Finally, the Nevada Constitution provides that the Speaker of the Assembly and the President of the Senate be paid an additional allowance of two dollars for each day they preside over their respective houses during the legislative session. This amendment proposes to eliminate the allowance.

ARGUMENTS FOR PASSAGE

Allowing the Senate to elect a Senator as President is consistent with the method used by the Assembly to elect its Speaker. Instead of assigning the duties of the President to an elected official in the executive branch, it is more efficient to elect as President a qualified Senator who is familiar with parliamentary procedure and the legislative process. In addition, the Lieutenant Governor should not serve as President of the Senate because the involvement of an executive branch official in the conduct of legislative business is contrary to the constitutional separation of powers principle. Finally, removal of the Lieutenant Governor as President of the Senate will allow the Lieutenant Governor to devote his full time to the other duties of his office.

The additional allowance provided to the presiding officers of the Senate and Assembly should be eliminated because this minuscule amount of \$2 per day, which has not changed since its inclusion in the original Nevada Constitution approved in 1864, is now outdated. Also, by statute, both officers receive an additional allowance of not more than \$900 each session to cover their additional expenses for postage, telephone calls, and other communication costs.

A “Yes” vote would remove the Lieutenant Governor as President of the Senate, authorize the Senate to elect one of its members to serve as President, and eliminate the \$2 per day expense allowance paid to the Senate President and Assembly Speaker.

ARGUMENTS AGAINST PASSAGE

The Lieutenant Governor should continue to serve as President of the Senate because that officer provides a neutral presence in conducting the daily business of that house. An elected President may be partial to the members of the Senate and may make partisan decisions, especially in situations where the President must break a tie vote. In addition, the operation of Nevada’s Legislature in which the Lieutenant Governor serves as President of the Senate is consistent with Congressional procedures under which the Vice-President also serves as President of the Senate, as required by the *United States Constitution*.

In addition, the President and Speaker should retain the extra per diem allowance. Over the course of a session, the total can exceed \$200. Even though the amount is not large, it is important that the house leaders receive some compensation for the extra duties imposed on them.

A “No” vote would retain the Lieutenant Governor as President of the Senate and continue the \$2 per day expense allowance paid to the Speaker of the Assembly and the President of the Senate.

FISCAL NOTE

Fiscal Impact - No. The proposal to amend the Nevada Constitution would replace the Lieutenant Governor as Senate President with a Senator elected by the Senate and abolish the \$2 per day expense allowance paid to the Senate President and Assembly Speaker. Approval of this proposal would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to remove the Lieutenant Governor from the position of President of the Senate, and to abolish the additional expense allowance paid to the Speaker of the Assembly and President of the Senate.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 6 and 33 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec. 6.* Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, [(except the President of the Senate),] determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

[Sec:] *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 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 17 of article 5 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec. 17.* A Lieutenant Governor shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. [He shall be President of the Senate, but shall only have a casting vote therein.] If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President [*pro-tempore*] of the Senate shall act as Governor until the vacancy [be] is filled or the disability [cease.] ceases.

QUESTION NO. 9

Amendment to the Nevada Constitution

An Initiative relating to the use of a plant of the genus Cannabis for medical purposes

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to allow the possession and use of a plant of the genus Cannabis (marijuana) for the treatment or alleviation of certain illnesses upon advice of a physician, to require parental consent for such use by minors, and to authorize appropriate methods of supply to patients authorized to use it?

Yes -----	<input checked="" type="checkbox"/>	241, 463
No -----	<input type="checkbox"/>	170, 234

EXPLANATION

The proposed amendment to the Nevada Constitution would add a new section providing for the use by a patient, upon advice of his or her physician, of a plant of the genus Cannabis for the treatment or alleviation of cancer; glaucoma; acquired immunodeficiency syndrome; severe, persistent nausea or cachexia resulting from these or other chronic or debilitating medical conditions; epilepsy and other disorders characterized by seizure; multiple sclerosis and other disorders characterized by muscle spasticity; or other conditions approved by law for such treatment. The amendment would restrict the medical use by a minor by requiring diagnosis and a written authorization by a physician, parental consent, and parental control of the acquisition and use of the plant.

The proposed amendment would provide for a confidential registry of patients authorized to use the plant which would be available only to law enforcement officials; would authorize appropriate methods of supply to authorized patients; and would protect plant and property related to the plant's use from forfeiture except on conviction or a guilty or nolo contendere plea of unauthorized possession or use.

The proposal does not authorize the use or possession of the plant for use other than medical nor for medical use in a public place. The amendment does not require reimbursement by an insurer for medical use nor accommodation of medical use in a place of employment.

ARGUMENTS FOR PASSAGE

Proponents of the proposal argue that scientific research indicates that marijuana has medicinal value for some patients with the illnesses enumerated in the proposal. However, current Nevada law classifies possession of marijuana as a felony. The proposal would protect patients from criminal penalties if they use Cannabis with the knowledge and consent of a physician to treat these illnesses. The initiative would require the legislature to impose additional restrictions on the medical use by minors, requiring written authorization by a physician and parental consent. A confidential registry of authorized users shall be created and available to law enforcement agencies to verify a claim of authorization. With the safeguards included to protect the concerns of society, this proposal can make a difference in the lives of thousands of persons suffering from these serious illnesses. The initiative is an attempt to balance the needs of patients with the concerns of society about marijuana use.

ARGUMENTS AGAINST PASSAGE

Opponents of the proposal dispute the medicinal value of marijuana, arguing that its effects can be achieved with present medications distributed through legal channels. They also cite medical evidence that marijuana is addictive and that its use may cause birth defects. Most law enforcement agencies oppose the proposal based on their belief that its passage will increase the use of marijuana and be an introduction to more harmful and illegal hard drugs. Federal law making the possession or use of marijuana a crime will prevent physicians from prescribing marijuana and suppliers and druggists from dispensing it through legal channels. Thus, its production and distribution will be largely uncontrolled, thereby offering an attractive opportunity for organized crime and gang distribution.

Opponents also argue the fact that because production and distribution of marijuana would still be illegal under federal law, effective regulation will be impossible to enact and enforce.

FISCAL NOTE

Financial Impact - None. This proposal should have no negative fiscal impact.

FULL TEXT OF THE MEASURE

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

Article 4 of the constitution of the State of Nevada is hereby amended by adding thereto a new section to read as follows:

Sec. 38. 1. The legislature shall provide by law for:

(a) The use by a patient, upon the advice of his physician, of a plant of the genus Cannabis for the treatment or alleviation of cancer, glaucoma, acquired immunodeficiency syndrome; severe, persistent nausea or cachexia resulting from these or other chronic or debilitating medical conditions; epilepsy and other disorders characterized by seizure; multiple sclerosis and other disorders characterized by muscular spasticity; or other conditions approved pursuant to law for such treatment.

(b) Restriction of the medical use of the plant by a minor to require diagnosis and written authorization by a physician, parental consent, and parental control of the acquisition and use of the plant.

(c) Protection of the plant and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere for possession or use not authorized by or pursuant to this section.

(d) A registry of patients, and their attendants, who are authorized to use the plant for a medical purpose, to which law enforcement officers may resort to verify a claim of authorization and which is otherwise confidential.

(e) Authorization of appropriate methods for supply of the plant to patients authorized to use it.

2. This section does not:

(a) Authorize the use or possession of the plant for a purpose other than medical or use for a medical purpose in public.

(b) Require reimbursement by an insurer for medical use of the plant or accommodation of medical use in a place of employment.

**THERE ARE
NO
BALLOT QUESTION NUMBERS 10 THROUGH 16.**

QUESTION NO. 17

An Initiative Relating to Term Limits

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to instruct Nevada's Congressional delegation and members of the State Legislature to provide for term limits for members of the U.S. House of Representatives and the U.S. Senate through action of the Congress or through a Constitutional Convention, and shall the Nevada Constitution be further amended to inform voters how their elected representatives have acted in regard to this issue?

Yes..... 224,603
No..... 171,242

EXPLANATION

Neither the U.S. Constitution nor the Nevada Constitution limits the number of terms to which a person may be elected to the U.S. House of Representatives or the U.S. Senate. This amendment proposes to limit a Representative to no more than three (3) terms in office or six (6) years and to limit a Senator to no more than two (2) terms in office or twelve (12) years. If a person holds one of these offices at the time of ratification of this amendment, that term will count as one (1) of those allowed by the amendment. Members of Nevada's Congressional delegation are instructed to pass the Congressional term limits amendment to the U.S. Constitution. The Nevada State Legislature is also instructed to make application to the U.S. Congress to call a Constitutional Convention for proposing amendments to the U.S. Constitution. All candidates for the U.S. Senate, the U.S. House of Representatives, and the Nevada State Legislature would be judged on mandated criteria to determine if each worked fully to ensure enactment of the Congressional term limits amendment. The Nevada Secretary of State would inform voters of a candidate's failure to act accordingly by placing an informational statement next to that candidate's name on the ballot.

ARGUMENTS FOR PASSAGE

Proponents argue that term limits are necessary to remove career politicians from the U.S. Congress and to reduce the power of the seniority system so that all members of Congress, whether old or new, have the same amount of power. Enactment of term limits may lessen the power of lobbyists and special interest groups because these elected officials will only be in office for a limited amount of time. Members of Congress would have the opportunity to focus on the issues instead of their own reelection campaigns. The proposal would ensure that term limits are enacted by one of the methods for amending the U.S. Constitution: direct action of Congress to be ratified by the states, or a Constitutional Convention. Proponents argue that citizens have a right to know whether or not their elected representatives have followed the instructions contained in this term limits proposal so informed decisions can be made at subsequent elections.

ARGUMENTS AGAINST PASSAGE

Opponents argue that the proposal contains methods for calling a Constitutional Convention, a process which is viewed as a dangerous and unsatisfactory method of effecting change. Opponents argue that such a convention could not be limited to consideration of just term limits as an issue, but would leave the U.S. Constitution open to wholesale revision. Others argue that voters already have the power to limit the terms of members of Congress through the act of voting. Experienced members of Congress will not be allowed to run for reelection. Members who have done a good job and been responsive to the voters would nonetheless be ineligible to continue to serve. Since they cannot be reelected, Senators and Congressmen will not be accountable to the voters in their final terms in office. Opponents argue that the printed informational statement to appear on the ballots would be unfair to the candidates and misleading to the voters.

FISCAL NOTE

Fiscal Impact-No. The proposal to amend the Nevada Constitution would require action by Nevada's Congressional delegation, State Legislature and the Secretary of State's Office regarding term limits. The proposed requirements would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

SECTION A. BALLOT TITLE

THE CONGRESSIONAL TERM LIMITS ACT OF 1996. THIS AMENDMENT TO THE CONSTITUTION OF NEVADA INFORMS CITIZENS ON THE VOTING RECORD OF INCUMBENT STATE AND FEDERAL LEGISLATORS ON A FEDERAL CONSTITUTIONAL AMENDMENT LIMITING THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO THREE TERMS AND MEMBERS OF THE UNITED STATES SENATE TO TWO TERMS. THIS AMENDMENT ALSO INFORMS THE VOTERS ABOUT THE POSITION OF NON-INCUMBENT CANDIDATES TOWARD THE SAME CONGRESSIONAL TERM LIMITS. THIS AMENDMENT INSTRUCTS STATE LEGISLATORS TO APPLY TO THE CONGRESS TO CONVENE AN ARTICLE 5 CONVENTION UPON THE APPLICATIONS OF TWO-THIRDS OF THE STATES (34) FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO LIMIT CONGRESSIONAL TERMS TO THREE TERMS IN THE UNITED STATES HOUSE OF REPRESENTATIVES AND TWO TERMS IN THE UNITED STATES SENATE. THIS AMENDMENT INSTRUCTS MEMBERS OF CONGRESS FROM NEVADA TO WORK TO PROPOSE A CONGRESSIONAL TERM LIMITS AMENDMENT TO THE CONSTITUTION. A TERM LIMITS AMENDMENT PROPOSED EITHER BY CONGRESS OR BY AN ARTICLE 5 CONVENTION WOULD BECOME PART OF THE UNITED STATES CONSTITUTION UPON RATIFICATION BY THREE-FOURTHS OF THE STATES (38).

SECTION B. PREAMBLE

The People of the State of Nevada want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established term limits for over 2,000 state legislators as well as over 17,000 local officials across the country. Nevada voters have supported such limits.

Nevertheless Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine Congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the 104th Congress voted against a constitutional amendment containing the term limits passed by a wide margin of Nevada voters.

The People, not Congress, should set Term Limits. We hereby establish as the official position of the Citizens and State of Nevada that our elected officials should enact by Constitutional Amendment congressional Term Limits of three (3) terms in the United States House of Representatives, and of two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for term limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

We hereby state our intention on behalf of the People of Nevada, that this Amendment lead to the adoption of the following Constitutional Amendment:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section 1. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several States.

Therefore, We, the People of the State of Nevada, have chosen to amend the state constitution to inform voters regarding incumbent and non-incumbent federal and state legislative candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT.

SECTION C. VOTER INSTRUCTION ON TERM LIMITS FOR MEMBERS OF CONGRESS

1. We, the Voters of Nevada, hereby instruct each member of our congressional delegation to use all of his or her delegated powers to pass the Congressional Term Limits Amendment set forth above.

2. All primary and general election ballots shall have printed the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who:

- a. fails to vote in favor of the proposed Congressional Term Limits Amendment set forth above when brought to a vote or;
- b. fails to second the proposed Congressional Term Limits Amendment set forth above if it lacks for a second before any proceeding of the legislative body or;
- c. fails to propose or otherwise bring to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above or;
- d. fails to vote in favor of all votes bringing the proposed Congressional Term Limits Amendment set forth above before any committee or subcommittee of the respective house upon which he or she serves or;
- e. fails to reject any attempt to delay, table or otherwise prevent a vote by the full legislative body of the proposed Congressional Term Limits Amendment set forth above or;
- f. fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth above regardless of any other actions in support of the proposed Congressional Term Limits Amendment set forth above or;

- g. sponsors or cosponsors any proposed constitutional amendment or law that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth above, or;
- h. fails to ensure that all votes on Congressional Term Limits are recorded and made available to the public.

3. The information **DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS** shall not appear adjacent to the name of any incumbent candidates for Congress if the Congressional Term Limits Amendment set forth above is before the states for ratification or has become part of the United States Constitution.

SECTION D. VOTER INSTRUCTION ON TERM LIMIT PLEDGE FOR NON-INCUMBENTS

1. Non-incumbent candidates for United States Senator and Representative, and the Nevada Legislature shall be given an opportunity to take a "Term Limits" pledge regarding Term Limits each time he or she files to run for such office. Any such candidate who declines to take the "Term Limits" pledge shall have the information "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to his or her name on every primary and general election ballot.

2. The "Term Limits" pledge shall be offered to non-incumbent candidates for United States Senator and Representative, and the Nevada Legislature until a Constitutional Amendment which limits the number of terms of United States Senators to no more than two and United States Representatives to no more than three shall have become part of our United States Constitution.

3. The "Term Limits" pledge that each non-incumbent candidate, set forth above, shall be offered is as follows:

I support term limits and pledge to use all my legislative powers to enact the proposed Constitutional Amendment set forth in the Term Limits Act of 1996. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

Signature of Candidate

SECTION E. VOTER INSTRUCTION ON TERM LIMITS FOR STATE LEGISLATORS

1. We, the Voters of Nevada, hereby instruct each member of the Nevada Legislature to use all of his or her delegated powers to pass the Article 5 application to Congress set forth herein, and to ratify, if proposed, the Congressional Term Limits Amendment set forth above.

2. Application:

We, the People and Legislature of the State of Nevada, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article 5, to call a convention for proposing amendments to the Constitution.

3. All primary and general election ballots shall have the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any respective member of the Nevada Legislature who:

- a. fails to vote in favor of the application set forth above when brought to a vote or;
- b. fails to second the application set forth above if it lacks for a second or;
- c. fails to vote in favor of all votes bringing the application set forth above before any committee or subcommittee upon which he or she serves;
- d. fails to propose or otherwise bring to a vote of the full legislative body the application set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application set forth above or;
- e. fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body of the application set forth above or;
- f. fails in any way to ensure that all votes on the application set forth above are recorded and made available to the public or;
- g. fails to vote against any change, addition or modification to the application set forth above or;
- h. fails to vote in favor of the amendment set forth above if it is sent to the states for ratification or;
- i. fails to vote against any term limits amendment, with longer terms if such an amendment is sent to the states for ratification.

4. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (a) through 3 (g) if the State of Nevada has made an application to Congress for a convention for proposing amendments to the Constitution pursuant to this act and such application has not been withdrawn or, the Congressional Term Limits Amendment set forth in this act has been submitted to the states for ratification.

5. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (h) through 3 (i) if the State of Nevada has ratified the proposed Congressional Term Limits Amendment set forth in this act.

6.. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (a) through 3 (i) if the proposed Congressional Term Limits Amendment set forth above has become part of the United States Constitution.

SECTION F. DESIGNATION

1. The Secretary of State shall be responsible to make an accurate determination as to whether a candidate for the federal or state legislature shall have placed adjacent to his or her name on the election ballot the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS."

2. The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (1) of this section and may rely on such

comments and any information submitted by the candidates in making the determination required in subsection (1).

3. The Secretary of State, in accordance with subsection (1) of this section shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent federal legislator if he or she was to be a candidate in the next election. In the case of United States Representatives and United States Senators, this determination and declaration shall be made in a fashion necessary to ensure the orderly printing of primary and general election ballots with allowance made for all legal action provided in section (5) and (6) below, and shall be based upon each member of Congress's action during their current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election. In the case of incumbent state legislators, this determination and declaration shall be made not later than (30) days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election.

4. The Secretary of State shall determine and declare what information, if any, will appear adjacent to the names of non-incumbent candidates for the state and federal legislatures, not later than five (5) business days after the deadline for filing for the office.

5. If the Secretary of State makes the determination that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be placed on the ballot adjacent to the name of a candidate for the federal or state legislature, any elector may appeal such decision within five (5) business days to the Nevada Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this Act and therefore should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

6. If the Secretary of State determines that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be placed on the ballot adjacent to a candidate's name, the candidate may appeal such decision within (5) business days to the Nevada Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that he or she should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

7. The Supreme Court shall hear the appeal provided for in subsection (5) and issue a decision within 60 days. The Supreme Court shall hear the appeal provided for in subsection (6) and issue a decision not later than 61 days before the date of the election.

SECTION G. AUTOMATIC REPEAL

At such time as the Congressional Term Limits Amendment set forth above has become part of the U.S. Constitution, sections A through section I of this Article automatically shall be repealed.

SECTION H. JURISDICTION

Any legal challenge to this amendment shall be filed as an original action before the Supreme Court of this state.

SECTION I. SEVERABILITY

If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.