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Office of the Governor

JIM GIBBONS
GOVERNOR

July 2, 2010

Senate Majority Leader Steven A. Horsford
Senate Minority Leader William J. Raggio
Assembly Majority Leader John Ocequera
Assembly Minority Leader Pete Goicoechea

Nevada Legislative Leadership
Legislative Building
401 South Carson Street
Carson City, NV 89701

To the Legislative Leadership:

I am in receipt of your letter dated June 24, 2010 wherein you state that if the Executive Department and its officers and employees fail to cooperate with the Legislative Committee for the Fundamental Review of the Base Budgets of State Agencies (Committee), they "will have breached their constitutional duty to see that the laws are faithfully executed."

This is not my first dance! Not only am I trained in the law, but as some of you may recall, I too served in the Nevada Legislature so I am intimately familiar with the Nevada Constitution as it relates to the authority granted to the Legislative Department. Similarly, as a former United States Congressman, I understand the delicate balance that is required between the co-equal branches of government. This experience enables me to recognize when an encroachment by one branch of government upon another exists. As a reminder of the extent of constitutional authority granted to the separate branches of government, I have attached the pertinent sections of the Nevada Constitution relating to the Legislative and Executive Branches, including Article 4 which *limits* legislative power vested in the senate and assembly to a biennial session of 120 days. (Art. 4, Sec. 1 and 2).

In the same spirit of mutual respect and cooperation mentioned in your letter, I ask that you consider a meeting with me to enlighten me as to how the Interim Finance Committee's (IFC) Committee represents a constitutional delegation of legislative power considering that the IFC is *not* the Legislature as contemplated by the Constitution but rather, a committee under the Legislative Counsel Bureau (LCB) which is headed by the Director of the LCB.

As I see it, had the Legislature wanted to review the base budgets of the agencies currently under review, it would have provided for it by a concurrent resolution during the 2009 Session, instead of the Legislature delegating such review to the LCB vis-à-vis the IFC, its subcommittee, and IFC further delegating it to the Committee. In my opinion, this unlimited and uncontrolled discretion to decide what shall be investigated is an unlawful delegation of the Legislature's power.

The current exercise of reviewing certain Executive Branch agencies appears to be more of a "witch hunt" than an endeavor to find a solution to the general fund problem. One example of this is the Committee's request for information from the Department of Business and Industry Division of Housing. The Division of Housing is charged with administering the weatherization program. As you are aware, Senate Majority Leader Horsford was instrumental in the passage of S.B. 152 in the 2009 Session. S.B. 152 requires the Housing Division to establish contractual relationships with nonprofit collaboratives to provide training in the areas of weatherization, energy retrofit applications and performing energy audits as it relates to funds from the American Reinvestment and Recovery Act of 2009 (ARRA). Senator Horsford's employer is the Culinary Training Institute, a union company who has a vested interest in ensuring the funds are designated only to union-based training collaboratives. Despite this conflict, Senator Horsford continues to regularly participate in hearings and meetings regarding the implementation of S.B. 152. Additionally, he continues to express his displeasure that the Housing Division allows non-union training collaboratives and non-union workers to participate in these programs. Senator Horsford went so far as to accuse the Housing Division Administrator Charles Horsey of breaking the law on the record in a public meeting. Clearly, certain legislators are using their office to inappropriately interfere with the Executive Branch's faithful and lawful execution of both S.B. 152 and ARRA.

Another example of the unnecessary review of the affairs of the Executive Branch is LCB Audit Division's request to the Division of Insurance concerning 25 life insurance companies. The audit by LCB is of the Department of Taxation. (See attachment for sample letter). Any information necessary to verify the Taxation audit should be obtained through the authority of the Department of Taxation. Yet, the LCB Audit Division is attempting to force the interim Insurance Commissioner to use his office as a way to bypass the regular audit process of insurance companies. LCB Audit Division is attempting to do this by having the interim Insurance Commissioner request the information from insurers and thereby usurp the insurer's right to confidentiality as well as cherry pick which insurers get audited.

Pursuant to A.B. 6 of the 2010 Special Session, this week the Division of Insurance began its 7-year audits of insurers. As part of its first phase, the Division of Insurance plans to audit life insurers and, more specifically, the issues raised during the Special Session regarding front end versus back end premium tax elections relating to the purchase of annuities. Thus, not only does the LCB Audit Division's request duplicate the Executive Branch duties already in process, but the request of the interim Insurance Commissioner to use his statutory power to gather more information than would be allowed through Taxation's process or that would be provided to Taxation is tantamount to a legislative fishing expedition designed to circumvent

Page 3
Letter to Legislative Leadership
July 2, 2010

state laws that dictate who has authority to request information from insurers and the extent of that authority. I will not allow the Insurance Commissioner to breach his statutory duties in this matter.

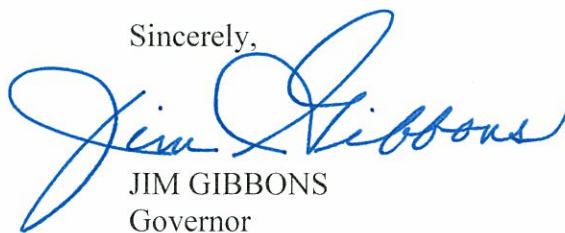
Yet another example of the unreasonable inquiries made by LCB and the interim committees and in my opinion, a violation of separation of powers principles is the inquisitions into the Department of Public Safety's (DPS) police dogs. The committees continue to administer, on behalf of DPS, the number of dogs it shall have, train and care for—a core Executive Branch duty. What is more, the funds surrounding the DPS dogs are not general funds. Rather, they are forfeiture funds which are set up and administered under federal authority.

The Committee's actions do not amount to basic studies in preparation for the next legislative session. These inquiries are not reasonably necessary for budget decisions. The LCB has the most current budget information available, which is the legislatively approved budget authorized by the 2009 Legislature and amended in the 2010 Special Session. If the Legislature truly wants information reasonably necessary for budget decisions, that information is already in LCB's possession.

These probes impede the Executive Branch in fulfilling its core duties and attempt to force the Executive Branch to violate law. On February 11, 2010, in order to help balance the state's budget, I ordered that all employee overtime cease with the exception of certain dire circumstances. The LCB's onerous requests for information from agencies are causing employees to have to work overtime in order to accomplish these requests resulting in both a violation of my direct order and a breach of the requirement for a balanced budget. LCB's requests continue to raise overtime costs, divert agencies from their core mission and cost the citizens of Nevada at a time when it is neither affordable nor feasible.

This is about nothing else than restoring the balance in government. We can agree that as elected officials in Nevada it is our duty to uphold the Constitution. This also means that we should, as you have in the recent past, challenge what may very well be an unconstitutional delegation of power and violation of separation of powers principles.

Therefore, please be advised that those Executive Branch employees that have been asked to attend the Committee's meeting next week will not be in attendance. I truly hope that we can amicably settle this impasse.

Sincerely,

JIM GIBBONS
Governor

cc: Lorne Malkiewich, Legislative Counsel Bureau

THE CONSTITUTION OF THE STATE OF NEVADA

[The Nevada constitution was framed by a convention of delegates chosen by the people. The convention met at Carson City on July 4, 1864, and adjourned on July 28 of the same year. On the 1st Wednesday of September 1864, the constitution was approved by the vote of the people of the Territory of Nevada, and on October 31, 1864, President Lincoln proclaimed that the State of Nevada was admitted into the Union on an equal footing with the original states.]

The literal text of the original, signed copy of the constitution filed in the office of the secretary of state has been retained, unless it has been repealed or superseded by amendment. Where the original text has been amended or where a new provision has been added to the original constitution, the source of the amendment or addition is indicated in the source note immediately following the text of the amended or new section. Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada.]

[Preliminary Action.]

Ordinance.

Preamble.

Article.

1. Declaration of Rights.
2. Right of Suffrage.
3. Distribution of Powers.
4. Legislative Department.
5. Executive Department.
6. Judicial Department.
7. Impeachment and Removal From Office.
8. Municipal and Other Corporations.
9. Finance and State Debt.
10. Taxation.
11. Education.
12. Militia.
13. Public Institutions.
14. Boundary.
15. Miscellaneous Provisions.
16. Amendments.
17. Schedule.
- XVIII. [Right of Suffrage.] Repealed in 1992.
19. Initiative and Referendum.

[Election Ordinance.]

[PRELIMINARY ACTION.]

WHEREAS,

The Act of Congress Approved March Twenty First A.D. Eighteen Hundred and Sixty Four "To enable the People of the Territory of Nevada to form a Constitution and State Government and for the admission of such State into the Union on an equal footing with the Original States," requires that the Members of the Convention for framing said Constitution shall, after Organization, on behalf of the people of said Territory, adopt the Constitution of the United States.—Therefore, Be it Resolved,

That the Members of this Convention, elected by the Authority of the aforesaid enabling Act of Congress, Assembled in Carson City the Capital of said Territory of Nevada, and immediately subsequent to its Organization, do adopt, on behalf of the people of said Territory the Constitution of the United States[.]

ORDINANCE

Slavery prohibited; freedom of religious worship; disclaimer of public lands. [Effective until the date Congress consents to amendment or a legal determination is made that such consent is not necessary.] In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the

United States, unless otherwise provided by the congress of the United States.

[Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 718; Statutes of Nevada 1955, p. 926.]

Slavery prohibited; freedom of religious worship; taxation of certain property. [Effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary.] In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the Congress of the United States.

[Amended in 1956 and 1996. The first amendment was proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 718; Statutes of Nevada 1955, p. 926. The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election, effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary. See: Statutes of Nevada 1993, p. 3136; Statutes of Nevada 1995, p. 2917.]

PREAMBLE.

We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this CONSTITUTION.

ARTICLE. 1. - Declaration of Rights.

- Sec. 1. Inalienable rights.
2. Purpose of government; paramount allegiance to United States.
3. Trial by jury; waiver in civil cases.
4. Liberty of conscience.
5. Suspension of habeas corpus.
6. Excessive bail and fines; cruel or unusual punishments; detention of witnesses.
7. Bail; exception for capital offenses and certain murders.
8. Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain. [Effective through November 22, 2010, and after that date unless the proposed amendment is approved and ratified by the voters at the 2010 General Election.]
8. Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain. [Effective November 23, 2010, if the proposed amendment is approved and ratified by the voters at the 2010 General Election.]
9. Liberty of speech and the press.
10. Right to assemble and to petition.
11. Right to keep and bear arms; civil power supreme.
12. Quartering soldier in private house.
13. Representation apportioned according to population.
14. Exemption of property from execution; imprisonment for debt.
15. Bill of attainder; ex post facto law; obligation of contract.
16. Rights of foreigners. [Repealed in 1924.]
17. Slavery and involuntary servitude prohibited.
18. Unreasonable seizure and search; issuance of warrants.
19. Treason.
20. Rights retained by people.
21. Limitation on recognition of marriage.
22. Eminent domain proceedings: Restrictions and requirements. [Effective through November 22, 2010, and after that date unless the proposed repeal is approved and ratified by the voters at the 2010 General Election.]

Section. 1. **Inalienable rights.** All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]

Sec: 2. **Purpose of government; paramount allegiance to United States.** All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair[.] subvert, or resist the Supreme Authority of the government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and Perpetuate its existence [existence], and whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.

Sec: 3. **Trial by jury; waiver in civil cases.** The right of trial by Jury shall be secured to all and remain inviolate forever; but a Jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law; and in civil cases, if three fourths of the Jurors agree upon a verdict it shall stand and have the same force and effect as a verdict by the whole Jury, Provided, the Legislature by a law passed by a two thirds vote of all the members elected to each branch thereof may require a unanimous verdict notwithstanding this Provision.

2. The Legislature shall provide by law for the limitation of the total contribution by any natural or artificial person to the campaign of any person for election to any office, except a federal office, to \$5,000 for the primary and \$5,000 for the general election, and to the approval or rejection of any question by the registered voters to \$5,000, whether the office sought or the question submitted is local or for the State as a whole. The Legislature shall further provide for the punishment of the contributor, the candidate, and any other knowing party to a violation of the limit, as a felony.

[Added in 1996. Proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

ARTICLE. 3. - Distribution of Powers.

SEC. 1. Three separate departments; separation of powers; legislative review of administrative regulations.

Section 1. Three separate departments; separation of powers; legislative review of administrative regulations.

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

2. If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:

(a) The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;

(b) The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and

(c) The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.

[Amended in 1996. Proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada 1993, p. 3082; Statutes of Nevada 1995, p. 2972.]

ARTICLE. 4. - Legislative Department

- SEC. 1. Legislative power vested in senate and assembly.
2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]
2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]
- 2A. Special sessions of Legislature: Procedure for convening; precedence; limitations on business and duration; void actions. [Effective November 27, 2012, if the proposed addition is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]
3. Members of assembly: Election and term of office; eligibility for office.
4. Senators: Election and term of office; eligibility for office.
5. Number of Senators and members of Assembly; apportionment.
6. Power of houses to judge qualifications, elections and returns of members; selection of officers; rules of proceedings; punishment of members.
7. Punishment of nonmember.
8. Senators and members of Assembly ineligible for certain offices.
9. Federal officers ineligible for state office; exceptions.
10. Embezzler of public money ineligible for office; disqualification for bribery.
11. Privilege of members: Freedom from arrest on civil process.
12. Vacancy.
13. Quorum; compelling attendance.
14. Journal.
15. Open sessions and meetings; adjournment for more than 3 days or to another place.
16. Bills may originate in either house; amendment.
17. Act to embrace one subject only; title; amendment.
18. Reading of bill; voting on final passage; number of members necessary to pass bill or joint resolution; signatures; referral of certain measures to voters; consent calendar.
19. Manner of drawing money from treasury.
20. Certain local and special laws prohibited.
21. General laws to have uniform application.
22. Suit against state.
23. Enacting clause; law to be enacted by bill.
24. Lotteries.
25. Uniform county and township government.
26. Boards of county commissioners: Election and duties.
27. Disqualification of jurors; elections.
28. Compensation of legislative officers and employees; increase or decrease of compensation.
29. Duration of regular and special sessions. [Repealed in 1958.]
30. Homesteads: Exemption from forced sale; joint consent required for alienation; recording of declaration.
31. Property of married persons.
32. County officers: Power of legislature; election, duties and compensation; duties of county clerks.
33. Compensation of members of Legislature; payment for postage, stationery and other expenses; additional allowances for officers. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]
33. Compensation of members of Legislature; payment for postage, stationery and other expenses; additional allowances for officers. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]
34. Election of United States Senators. [Repealed in 2004.]
35. Bills to be presented to governor; approval; disapproval and reconsideration by legislature; failure of governor to return bill.
36. Abolishment of county; approval of voters in county.
37. Continuity of government in case of enemy attack; succession to public offices; legislative quorum requirements; relocation of seat of government.

- 37[A]. Consolidation of city and county containing seat of government into one municipal government; separate taxing districts.
38. Use of plant of genus Cannabis for medical purposes.

Section. 1. Legislative power vested in senate and assembly. The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of Nevada" and the sessions of such Legislature shall be held at the seat of government of the State.

Sec. 2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless the Governor of the State 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.

[Amended in 1889, 1958, 1960 and 1998. The first amendment was proposed and passed by the 1885 Legislature; agreed to and passed by the 1887 Legislature; and approved and ratified by the people at a special election held February 11, 1889. See: Statutes of Nevada 1885, p. 151; Statutes of Nevada 1887, p. 165. The second amendment was proposed and passed by the 1955 Legislature; agreed to and passed by the 1957 Legislature; and approved and ratified by the people at the 1958 General Election. See: Statutes of Nevada 1955, p. 946; Statutes of Nevada 1957, p. 793. The third amendment was proposed by initiative petition and approved and ratified by the people at the 1960 General Election. The fourth amendment was proposed and passed by the 1995 Legislature; agreed to and passed by the 1997 Legislature; and approved and ratified by the people at the 1998 General Election. See: Statutes of Nevada 1995, p. 2971; Statutes of Nevada 1997, p. 3725.]

Sec. 2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

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

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of that session is void, unless the legislative action is conducted during a special session.

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

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

[Amended in 1889, 1958, 1960 and 1998. The first amendment was proposed and passed by the 1885 Legislature; agreed to and passed by the 1887 Legislature; and approved and ratified by the people at a special election held February 11, 1889. See: Statutes of Nevada 1885, p. 151; Statutes of Nevada 1887, p. 165. The second amendment was proposed and passed by the 1955 Legislature; agreed to and passed by the 1957 Legislature; and approved and ratified by the people at the 1958 General Election. See: Statutes of Nevada 1955, p. 946; Statutes of Nevada 1957, p. 793. The third amendment was proposed by initiative petition and approved and ratified by the people at the 1960 General Election. The fourth amendment was proposed and passed by the 1995 Legislature; agreed to and passed by the 1997 Legislature; and approved and ratified by the people at the 1998 General Election. See: Statutes of Nevada 1995, p. 2971; Statutes of Nevada 1997, p. 3725.]—(Proposed amendment passed by the 2009 Legislature; effective November 27, 2012, if agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election. See Statutes of Nevada 2009, p. 3285.)

Sec. 2A. Special sessions of Legislature: Procedure for convening; precedence; limitations on business and duration; void actions. [Effective November 27, 2012, if the proposed addition is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

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

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

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

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

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

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

(Proposed addition passed by the 2009 Legislature; effective November 27, 2012, if agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election. See Statutes of Nevada 2009, p. 3284.)

Sec. 3. Members of assembly: Election and term of office; eligibility for office.

1. The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the Tuesday next after the

first Monday in November and their term of Office shall be two years from the day next after their election.

2. No person may be elected or appointed as a member of the Assembly who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.

[Amended in 1996. Proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

Sec. 4. Senators: Election and term of office; eligibility for office.

1. Senators shall be chosen at the same time and places as members of the Assembly by the qualified electors of their respective districts, and their term of Office shall be four years from the day next after their election.

2. No person may be elected or appointed as a Senator who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.

[Amended in 1996. Proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

Sec. 5. Number of Senators and members of Assembly; apportionment. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.

[Amended in 1950 and 1970. The first amendment was proposed and passed by the 1947 legislature; agreed to and passed by the 1949 legislature; and approved and ratified by the people at the 1950 general election. See: Statutes of Nevada 1947, p. 881; Statutes of Nevada 1949, p. 685. The second amendment was proposed and passed by the 1967 legislature; agreed to and passed by the 1969 legislature; and approved and ratified by the people at the 1970 general election. See: Statutes of Nevada 1967, p. 1797; Statutes of Nevada 1969, p. 1723.]

Sec. 6. Power of houses to judge qualifications, elections and returns of members; selection of officers; rules of proceedings; punishment of members. 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. 7. Punishment of nonmember. Either House, during the session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

Sec. 8. Senators and members of Assembly ineligible for certain offices. No Senator or member of Assembly shall, during the term for which he shall have been elected, nor for one year thereafter be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by elections by the people.

Sec. 9. Federal officers ineligible for state office; exceptions. No person holding any lucrative office under the Government of the United States or any other power, shall be eligible to any civil office of Profit under this State; Provided, that Post-Masters whose compensation does not exceed Five Hundred dollars per annum, or commissioners of deeds, shall not be deemed as holding a lucrative office.

Sec. 10. Embezzler of public money ineligible for office; disqualification for bribery. Any person who shall be convicted of the embezzlement, or defalcation of the public funds of this State or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State; and the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

Sec. 11. Privilege of members: Freedom from arrest on civil process. Members of the Legislature shall be privileged from arrest on civil process during the session of the Legislature, and for fifteen days next before the commencement of each session.

Sec. 12. Vacancy. In case of the death or resignation of any member of the legislature, either senator or assemblyman, the county commissioners of the county from which such member was elected shall appoint a person of the same political party as the party which elected such senator or assemblyman to fill such vacancy; *provided*, that this section shall apply only in cases where no biennial election or any regular election at which county officers are to [be] elected takes place between the time of such death or resignation and the next succeeding session of the legislature.

[Amended in 1922 and 1944. The first amendment was proposed and passed by the 1919 legislature; agreed to and passed by the 1921 legislature; and approved and ratified by the people at the 1922 general election. See: Statutes of Nevada 1919, p. 478; Statutes of Nevada 1921, p. 412. The second amendment was proposed and passed by the 1941 legislature; agreed to and passed by the 1943 legislature; and approved and ratified by the people at the 1944 general election. See: Statutes of Nevada 1941, p. 563; Statutes of Nevada 1943, p. 311.]

Sec. 13. Quorum; compelling attendance. A majority of all the members elected to each House shall constitute a quorum to transact business, but a smaller number may adjourn, from day to day and may compel the attendance of absent members, in such manner, and under such penalties as each house may prescribe[.]

Sec. 14. Journal. Each House shall keep a journal of its own proceedings which shall be published and the yeas and nays of the members of either house on any question shall at the desire of any three members present, be entered on the journal.

Sec. 15. Open sessions and meetings; adjournment for more than 3 days or to another place. The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

[Amended in 1994. Proposed and passed by the 1991 legislature; agreed to and passed by the 1993 legislature; and approved and ratified by the people at the 1994 general election. See: Statutes of Nevada 1991, p. 2573; Statutes of Nevada 1993, p. 2974.]

Sec. 16. Bills may originate in either house; amendment. Any bill may originate in either House of the Legislature, and all bills passed by one may be amended in the other.

Sec. 17. Act to embrace one subject only; title; amendment. Each law enacted by the Legislature shall embrace but one subject, and matter, properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title

only; but, in such case, the act as revised or section as amended, shall be re-enacted and published at length.

Sec. 18. Reading of bill; voting on final passage; number of members necessary to pass bill or joint resolution; signatures; referral of certain measures to voters; consent calendar.

1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

[Amended in 1976 and 1996. The first amendment was proposed and passed by the 1973 Legislature; agreed to and passed by the 1975 Legislature; and approved and ratified by the people at the 1976 General Election. See: Statutes of Nevada 1973, p. 1946; Statutes of Nevada 1975, p. 1900. The second amendment was proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

Section 19. Manner of drawing money from treasury. No money shall be drawn from the treasury but in consequence of appropriations made by law.

[Amended in 1954. Proposed and passed by the 1951 legislature; agreed to and passed by the 1953 legislature; and approved and ratified by the people at the 1954 general election. See: Statutes of Nevada 1951, p. 584; Statutes of Nevada 1953, p. 717.]

Section 20. Certain local and special laws prohibited. The legislature shall not pass local or special laws in any of the following enumerated cases—that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables, and fixing their compensation;

For the punishment of crimes and misdemeanors;

Regulating the practice of courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

Vacating roads, town plots, streets, alleys, and public squares;

Summoning and impaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers;

For the assessment and collection of taxes for state, county, and township purposes;

Providing for opening and conducting elections of state, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities;

Giving effect to invalid deeds, wills, or other instruments;

Refunding money paid into the state treasury, or into the treasury of any county;

Releasing the indebtedness, liability, or obligation of any corporation, association, or person to the state, or to any county, town, or city of this state; but nothing in this section shall be construed to deny or restrict the power of the legislature to establish and regulate the compensation and fees of county officers, to authorize and empower the boards of county commissioners of the various counties of the state to establish and regulate the compensation and fees of township officers in their respective counties, to establish and regulate the rates of freight, passage, toll, and charges of railroads, tollroads, ditch, flume, and tunnel companies incorporated under the laws of this state or doing business therein.

[Amended in 1889 and 1926. The first amendment was proposed and passed by the 1885 legislature; agreed to and passed by the 1887 legislature; and approved and ratified by the people at a special election held February 11, 1889. See: Statutes of Nevada 1885, p. 152; Statutes of Nevada 1887, p. 166. The second amendment was proposed and passed by the 1923 legislature; agreed to and passed by the 1925 legislature; and approved and ratified by the people at the 1926 general election. See: Statutes of Nevada 1923, p. 411; Statutes of Nevada 1925, p. 357.]

Sec: 21. General laws to have uniform application. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Sec: 22. Suit against state. Provision may be made by general law for bringing suit against the State as to all liabilities originating after the adoption of this Constitution[.]

Sec: 23. Enacting clause; law to be enacted by bill. The enacting clause of every law shall be as follows: "The people of the State of Nevada represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

Sec: 24. Lotteries.

1. Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.

2. The State and the political subdivisions thereof shall not operate a lottery. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

[Amended in 1990. Proposed and passed by the 1987 legislature; agreed to and passed by the 1989 legislature; and approved and ratified by the people at the 1990 general election. See: Statutes of Nevada 1987, p. 2468; Statutes of Nevada 1989, p. 2249.]

Sec: 25. Uniform county and township government. The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State.

Sec: 26. Boards of county commissioners: Election and duties. The Legislature shall provide by law, for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law.

Sec. 27. Disqualification of jurors; elections. Laws shall be made to exclude from serving on juries, all persons not qualified electors of this State, and all persons who shall have been convicted of bribery, perjury, forgery [forgery,] larceny or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Sec. 28. Compensation of legislative officers and employees; increase or decrease of compensation. No money shall be drawn from the State Treasury as salary or compensation to any officer or employee of the Legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employee; and the salary or compensation so fixed, shall neither be increased nor diminished so as to apply to any officer or employee of the Legislature, or either branch thereof at such Session; Provided, that this restriction shall not apply to the first session of the Legislature.

Sec. 29. Duration of regular and special sessions. [Repealed in 1958.]

[Sec. 29 of Art. 4 of the original constitution was repealed by vote of the people at the 1958 general election. See: Statutes of Nevada 1955, p. 945; Statutes of Nevada 1957, p. 793. The original section read: "The first regular session of the Legislature under this Constitution may extend to Ninety days, but no subsequent regular session shall exceed sixty days, nor any special session convened by the Governor exceed twenty days."]

Sec. 30. Homesteads: Exemption from forced sale; joint consent required for alienation; recording of declaration. A homestead as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife when that relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; Provided, the provisions of this Section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, and laws shall be enacted providing for the recording of such homestead within the County in which the same shall be situated[.]

Sec. 31. Property of married persons. All property, both real and personal, of a married person owned or claimed by such person before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of such person. The legislature shall more clearly define the rights of married persons in relation to their separate property and other property.

[Amended in 1978. Proposed and passed by the 1975 legislature; agreed to and passed by the 1977 legislature; and approved and ratified by the people at the 1978 general election. See: Statutes of Nevada 1975, p. 1917; Statutes of Nevada 1977, p. 1703.]

Sec. 32. County officers: Power of legislature; election, duties and compensation; duties of county clerks. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

[Amended in 1889 and 1972. The first amendment was proposed and passed by the 1887 legislature; agreed to and passed by the 1889 legislature; and approved and ratified by the people at a special election held February 11, 1889. See: Statutes of Nevada 1887, p. 161; Statutes of Nevada 1889, p. 151. The second amendment was proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; and approved and ratified by the people at the 1972 general election. See: Statutes of Nevada 1969, p. 1723; Statutes of Nevada 1971, p. 2232.]

Sec. 33. Compensation of members of Legislature; payment for postage, stationery and other expenses; additional allowances for officers. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 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.

[Amended in 1958. Proposed and passed by the 1955 Legislature; agreed to and passed by the 1957 Legislature; approved and ratified by the people at the 1958 General Election. See: Statutes of Nevada 1955, p. 946; Statutes of Nevada 1957, p. 794.]

Sec. 33. Compensation of members of Legislature; payment for postage, stationery and other expenses; additional allowances for officers. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 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; 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.

[Amended in 1958. Proposed and passed by the 1955 Legislature; agreed to and passed by the 1957 Legislature; approved and ratified by the people at the 1958 General Election. See: Statutes of Nevada 1955, p. 946; Statutes of Nevada 1957, p. 794.]—(Proposed amendment passed by the 2009 Legislature; effective November 27, 2012, if agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election. See Statutes of Nevada 2009, p. 3285.)

Sec. 34. Election of United States Senators. [Repealed in 2004.]

[Sec. 34 of the original constitution was repealed by vote of the people at the 2004 General Election. See: Statutes of Nevada 2001, p. 3470; Statutes of Nevada 2003, p. 3727. The original section read: "In all elections for United States Senators, such elections shall be held in joint convention of both Houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in Session or at the succeeding Session thereof, to supply such vacancy[.] If the Legislature shall at any time as herein provided, fail to unite in a joint convention within twenty days after the commencement of the Session of the Legislature for the election [of] such Senator it shall be the duty of the Governor, by proclamation to convene the two Houses of the Legislature in joint convention, within not less than five days nor exceeding ten days from the publication of his proclamation, and the joint convention when so assembled shall proceed to elect the Senator as herein provided.]

Sec. 35. Bills to be presented to governor; approval; disapproval and reconsideration by legislature; failure of governor to return bill.

Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governors objections. If any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as

if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

[Sec. 36.] **Abolishment of county; approval of voters in county.** The legislature shall not abolish any county unless the qualified voters of the county affected shall at a general or special election first approve such proposed abolishment by a majority of all the voters voting at such election. The legislature shall provide by law the method of initiating and conducting such election.

[Added in 1940. Proposed and passed by the 1937 legislature; agreed to and passed by the 1939 legislature; and approved and ratified by the people at the 1940 general election. See: Statutes of Nevada 1937, p. 564; Statutes of Nevada 1939, p. 360.]

Section 37. **Continuity of government in case of enemy attack; succession to public offices; legislative quorum requirements; relocation of seat of government.** The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for immediate and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations, including changes in quorum requirements in the legislature and the relocation of the seat of government. In the exercise of the powers hereby conferred, the legislature shall conform to the requirements of this constitution except to the extent that in the judgment of the legislature so to do would be impracticable or would admit of undue delay.

[Added in 1964. Proposed and passed by the 1961 legislature; agreed to and passed by the 1963 legislature; and approved and ratified by the people at the 1964 general election. See: Statutes of Nevada 1961, p. 831; Statutes of Nevada 1963, p. 1416.]

Sec. 37[A]. **Consolidation of city and county containing seat of government into one municipal government; separate taxing districts.** Notwithstanding the general provisions of sections 20, 25, 26, and 36 of this article, the legislature may by law consolidate into one municipal government, with one set of officers, the city designated as the seat of government of this state and the county in which such city is situated. Such consolidated municipality shall be considered as a county for the purpose of representation in the legislature, shall have all the powers conferred upon counties by this constitution or by general law, and shall have such other powers as may be conferred by its charter. Notwithstanding the general provisions of section 1 of article 10, the legislature may create two or more separate taxing districts within such consolidated municipality.

[Added in 1968. Proposed and passed by the 1965 legislature; agreed to and passed by the 1967 legislature; and approved and ratified by the people at the 1968 general election. See: Statutes of Nevada 1965, p. 1515; Statutes of Nevada 1967, p. 1797.]

Sec. 38. **Use of plant of genus Cannabis for medical purposes.**

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 of 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.

[Added in 2000. Proposed by initiative petition and approved and ratified by the people at the 1998 and 2000 general elections.]

ARTICLE. 5. - Executive Department.

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| SEC. | <ol style="list-style-type: none"> 1. Supreme executive power vested in governor. 2. Election and term of governor. 3. Eligibility; qualifications; number of terms. 4. Returns of general election transmitted to secretary of state; canvass by supreme court; declaration of election. 5. Governor is commander in chief of state military forces. 6. Transaction of executive business; reports of executive officers. 7. Responsibility for execution of laws. 8. Vacancies filled by governor. 9. Special sessions of Legislature; business at special session. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 9. Special sessions of Legislature: Authority of Governor; limitations on business and duration; void actions. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 10. Governor's message. 11. Adjournment of legislature by governor. 12. Person holding federal office ineligible for office of governor. 13. Pardons, reprieves and commutations of sentence; remission of fines and forfeitures. 14. Remission of fines and forfeitures; commutations and pardons; suspension of sentence; probation. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 14. Clemency Board; remission of fines and forfeitures; commutations and pardons; suspension of sentence; probation. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] 15. The Great Seal. 16. Grants and commissions: Signatures and seal. |
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17. Election, term, qualifications and duties of Lieutenant Governor; President of Senate; President Pro-tempore of Senate to act as Governor in certain circumstances.
18. Vacancy in office of governor; duties to devolve upon lieutenant governor.
19. Other state officers: Election and term of office; eligibility for office.
20. Secretary of State: Duties.
21. Board of state prison commissioners; board of examiners; examination of claims.
22. Duties of certain state officers.

Section. 1. Supreme executive power vested in governor. The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada.

Sec: 2. Election and term of governor. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Legislature, and shall hold his office for Four Years from the time of his installation, and until his successor shall be qualified.

Sec. 3. Eligibility; qualifications; number of terms. No person shall be eligible to the Office of Governor, who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty five years; and who shall not have been a citizen resident of this State for two years next preceding the election; nor shall any person be elected to the Office of Governor more than twice; and no person who has held the Office of Governor, or acted as Governor for more than two years of a term to which some other person was elected Governor shall be elected to the Office of Governor more than once.

[Amended in 1970. Proposed and passed by the 1967 Legislature; agreed to and passed by the 1969 Legislature; and approved and ratified by the people at the 1970 General Election. See: Statutes of Nevada 1967, p. 1794; Statutes of Nevada 1969, p. 1668.]

Section 4. Returns of general election transmitted to secretary of state; canvass by supreme court; declaration of election. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. The persons having the highest number of votes for the respective offices shall be declared elected, but in case any two or more have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of said persons to fill said office.

[Amended in 1940. Proposed and passed by the 1937 legislature; agreed to and passed by the 1939 legislature; and approved and ratified by the people at the 1940 general election. See: Statutes of Nevada 1937, p. 553; Statutes of Nevada 1939, p. 361.]

Sec: 5. Governor is commander in chief of state military forces. The Governor shall be Commander in Chief of the Military forces of this State except when they shall be called into the service of the United States.

Sec: 6. Transaction of executive business; reports of executive officers. He shall transact all executive business with the Officers of the Government Civil and Military; and may require information in writing, from the Officers of the Executive Department, upon any subject relating to the duties of their respective Offices.

Sec: 7. Responsibility for execution of laws. He shall see that the laws are faithfully executed.

Sec: 8. Vacancies filled by governor. When any Office shall, from any cause become vacant and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission which shall expire at the next election and qualification of the person elected to such Office.

Sec: 9. Special sessions of Legislature; business at special session. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.] The Governor may on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.

Sec. 9. Special sessions of Legislature: Authority of Governor; limitations on business and duration; void actions. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.

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

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

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

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

(Proposed amendment passed by the 2009 Legislature; effective November 27, 2012, if agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election. See Statutes of Nevada 2009, p. 3286.)

Sec: 10. Governor's message. He shall communicate by Message to the Legislature at every regular Session the condition of the State and recommend such measures as he may deem expedient[.]

Sec: 11. Adjournment of legislature by governor. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; Provided, it be not beyond the time fixed for the meeting of the next Legislature.

Sec: 12. Person holding federal office ineligible for office of governor. No person shall, while holding any office under the United States Government hold the office of Governor, except as herein expressly provided.

Sec: 13. Pardons, reprieves and commutations of sentence; remission of fines and forfeitures. The Governor shall have the power to suspend the collection of fines and forfeitures and grant reprieves for a period not exceeding sixty days dating from the time of conviction, for all offenses, except in cases of impeachment. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. And if the Legislature should fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the Governor by his order may direct. The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon, or commutation granted, stating the name of the convict, the crime of which he was convicted, the Sentence, its date, and the date of the remission, commutation, pardon or reprieve.

Sec. 14. Remission of fines and forfeitures; commutations and pardons; suspension of sentence; probation. [Effective through November 26, 2012, and after that date unless the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

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

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

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

[Amended in 1950 and 1982. The first amendment was proposed and passed by the 1947 legislature; agreed to and passed by the 1949 legislature; and approved and ratified by the people at the 1950 general election. See: Statutes of Nevada 1947, p. 875; Statutes of Nevada 1949, p. 684. The second amendment was proposed and passed by the 1979 legislature; agreed to and passed by the 1981 legislature; and approved and ratified by the people at the 1982 general election. See: Statutes of Nevada 1979, p. 2005; Statutes of Nevada 1981, p. 2097.]

Sec. 14. Clemency Board; remission of fines and forfeitures; commutations and pardons; suspension of sentence; probation. [Effective November 27, 2012, if the proposed amendment is agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election.]

1. There is hereby created a Clemency Board.

2. The Clemency Board consists of nine members, at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The legislature shall provide by law for:

(a) The organization of the Clemency Board, including, without limitation, the qualifications and terms of the members of the Clemency Board; and

(b) The duties of the Clemency Board and its members.

3. The Clemency Board may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection 4, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

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

5. The Clemency Board shall meet at least quarterly.

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

[Amended in 1950 and 1982. The first amendment was proposed and passed by the 1947 legislature; agreed to and passed by the 1949 legislature; and approved and ratified by the people at the 1950 general election. See: Statutes of Nevada 1947, p. 875; Statutes of Nevada 1949, p. 684. The second amendment was proposed and passed by the 1979 legislature; agreed to and passed by the 1981 legislature; and approved and ratified by the people at the 1982 general election. See: Statutes of Nevada 1979, p. 2005; Statutes of Nevada 1981, p. 2097.]—(Proposed amendment passed by the 2009 Legislature; effective November 27, 2012, if agreed to and passed by the 2011 Legislature and approved and ratified by the voters at the 2012 General Election. See Statutes of Nevada 2009, p. 3259.)

Sec: 15. The Great Seal. There shall be a Seal of this State, which shall be kept by the Governor and used by him Officially, and shall be called "The Great Seal of the State of Nevada."

Sec: 16. Grants and commissions: Signatures and seal. All grants and commissions shall be in the name and by the authority of the State of Nevada, sealed with the Great Seal of the State, signed by the Governor and counter-signed by the Secretary of State.

Sec: 17. Election, term, qualifications and duties of Lieutenant Governor; President of Senate; President Pro-tempore of Senate to act as Governor in certain circumstances. 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 filled or the disability cease.

Sec: 18. Vacancy in office of governor; duties to devolve upon lieutenant governor. In case of the impeachment of the Governor, or his removal from Office, death, inability to discharge the duties of the said Office, resignation or absence from the State, the powers and duties of the Office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall with the consent of the Legislature be out of the State, in time of War, and at the head of any military force thereof, he shall continue Commander in

BRETT J. BARRATT
Acting Commissioner of Insurance

DIANNE CORNWALL
Director



DEPARTMENT OF BUSINESS AND INDUSTRY
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June 25, 2010

Robert R. Lynch
Metropolitan Life Insurance Company
1095 Avenue of the Americas
New York, New York 10036

Dear Mr. Lynch:

The Nevada Legislative Counsel Bureau Audit Division is conducting an audit of the Department of Taxation and Metropolitan Life Insurance Company has been selected for testing. This letter serves as a request for Metropolitan Life Insurance Company to provide documentation supporting amounts reported on Nevada insurance premium tax returns for calendar years 2007, 2008, and 2009.

Pursuant to the authority granted to the Commissioner of the Division of Insurance under Nevada Revised Statute 679B.230, the Commissioner is authorized to examine the affairs, transactions, accounts, records, and assets of each authorized insurer to determine compliance with the law. Nevada Revised Statute 680B.027 requires insurers to pay a tax to the Department of Taxation upon net direct premiums and considerations written and authorizes the Commissioner or Executive Director of the Department of Taxation to obtain supplemental statements pertinent to the proper assessment of the tax.

Please assist the auditors by providing the following documentation to support the amounts reported on your 2007, 2008, and 2009 Nevada insurance premium tax returns, as applicable:

1. In reference to your election to pay insurance premium tax upon receipt (front end) or upon the actual application of the funds to the purchase of annuities (back end), please indicate and explain how the Company's current election was filed. If the Company has changed its election, please provide us the year in which the Company's change was made and the documentation approving such change from the Commissioner.

Robert R. Lynch
June 25, 2010
Page 2

2. Please provide an electronic copy of the detailed ledgers/premium registers listing annuity considerations reported as non-taxable, qualified retirement plans on the Nevada tax return for returns submitted for calendar years 2007, 2008, and 2009. Provide sufficient information to determine the type, by U.S. Internal Revenue Code designation, of retirement plans reported as qualified.
3. Please provide an electronic copy of the detailed ledgers/premium registers for which money was received either to purchase an immediate annuity or an annuity at a future date (front end) in the 2007, 2008, and 2009 calendar years. Provide sufficient detail to separately identify the immediate annuities.
4. Please provide an electronic copy of the detailed ledgers/ premium registers for funds applied to the purchase of annuities (back end) during calendar years 2007, 2008, and 2009. Please provide sufficient information to show amounts paid by the policy holder for the annuity policy, interest, dividends, and charges credited to accounts during the accumulation period. Please note, if the Company has NEVER elected to pay insurance premium taxes when annuities are purchased (back end), this information is not required to be submitted.
5. Please provide contact information for the appropriate Company official who can be reached if there are questions on the information provided and related tax returns.

If possible, please remove any confidential data from the requested information. Preferably, record the information in a password protected file on a CD and provide a contact number from which the password may be obtained.

Your response would be appreciated before July 15, 2010. Please send the information to the attention of Dan Crossman, Legislative Counsel Bureau Audit Division, 401 S. Carson Street, Carson City, Nevada, 89701. If you have any questions or concerns regarding this request, please contact Dan Crossman or Shannon Ryan at the Legislative Counsel Bureau Audit Division at 775-684-6815.

Regards,

Brett Barratt, Esq.
Acting Insurance Commissioner
State of Nevada

BB:da