

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

TWENTY-SEVENTH SPECIAL SESSION

THE FIRST DAY

CARSON CITY (Tuesday), June 4, 2013

Assembly called to order at 7:35 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Livermore and Pierce, who were excused.

Prayer by Assemblywoman Irene Bustamante Adams.

Good morning Heavenly Father,

Thank You for the opportunity to learn and grow.

AMEN.

Pledge of allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Carlton, Diaz, and Hardy as a committee to inform the Senate that the Assembly was organized and ready for business.

Madam Speaker appointed Assemblymen Horne, Frierson, and Hickey as a committee to inform the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 7:38 a.m.

ASSEMBLY IN SESSION

At 7:47 a.m.

Madam Speaker presiding.

Quorum present.

A committee from the Senate composed of Senators Cegavske, Atkinson, and Segerblom appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assemblywoman Carlton reported that her committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Horne reported that his committee had informed the Governor that the Assembly was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the reading of the Proclamation by the Governor convening the Legislature into a Special Session be dispensed with and that the Proclamation be entered into the Journal.

Motion carried.

COMMUNICATIONS

STATE OF NEVADA
OFFICE OF THE GOVERNOR

A PROCLAMATION BY THE GOVERNOR

WHEREAS, Section 9 of Article V of the Constitution of the State of Nevada provides that “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. 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”; and

WHEREAS, believing that an extraordinary occasion now exists which requires immediate action by the Legislature;

NOW, THEREFORE, I, BRIAN SANDOVAL, GOVERNOR OF THE STATE OF NEVADA, by virtue of the authority vested in me by the Constitution of the State of Nevada, do hereby convene the Legislature into a special session to consider the matters within Assembly Bill 496 (2nd Reprint), Assembly Bill 38 (3rd Reprint), Assembly Bill 162 (2nd Reprint), and Senate Bill 471 (1st Reprint) of the 77th Session of the Nevada Legislature, and to consider an appropriation to the Millennium Scholarship. A summary of those matters is as follows:

Assembly Bill 496 (2nd Reprint)

AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Assembly Bill 38 (3rd Reprint)

AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property purchased by a new or expanded business; and providing other matters properly relating thereto.

Assembly Bill 162 (2nd Reprint)

AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for certain grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Senate Bill 471 (1st Reprint)

AN ACT relating to the Account for Charter Schools; transferring the responsibility to administer the Account for Charter Schools from the Department of Education to the State Public Charter School Authority; revising the maximum total amount of a loan that may be made to a charter school; and providing other matters properly relating thereto.

The Legislature shall consider an appropriation to the Millennium Scholarship in the amount of two million dollars.

The Legislature may also consider an appropriation to pay for the cost of the special session and any other matters brought to the attention of the Legislature by the Governor during the special session. The special session shall begin at 4:30 a.m., on June 4, 2013, and shall end at 8:00 a.m. on June 4, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City this 4th day of June, in the year two thousand thirteen.

Brian Sandoval
Governor

Ross Miller
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Assembly Resolution No. 1—Adopting the Rules of the Assembly for the 27th Special Session of the Nevada Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following Rules of the Assembly for the 27th Special Session of the Legislature are hereby adopted:

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Assembly for the 27th Special Session of the Legislature are applicable only during the 27th Special Session of the Legislature.

II. OFFICERS AND EMPLOYEES

Rule No. 2. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly will be meeting, call the members to order and, upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution must not extend beyond one legislative day.

(e) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(f) Sign all bills and resolutions passed by the Legislature as provided by law.

(g) Sign all subpoenas issued by the Assembly.

(h) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(i) Represent the Assembly, declare its will and in all things obey its commands.

(j) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the Office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the Office of Speaker, the Assembly shall select a new Speaker.

Rule No. 3. Reserved

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

III. MEETINGS

Rule No. 10. Reserved.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

IV. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable electronic communication devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Legislative Ethics.

1. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her position upon the matter in question would be materially affected by:

- (a) His or her acceptance of a gift or loan;*
- (b) His or her private economic interest; or*
- (c) His or her commitment to a member of his or her household or his or her immediate family.*

2. Except as otherwise provided in subsection 3, if a Legislator knows he or she has a conflict of interest pursuant to subsection 1, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) *If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.*

(b) *If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.*

3. *If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.*

4. *In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 1, the Legislator should consider whether:*

(a) *The conflict impedes his or her independence of judgment; and*

(b) *His or her interest is greater than the interests of an entire class of persons similarly situated.*

5. *The provisions of this rule do not under any circumstances and regardless of any conflict of interest:*

(a) *Prohibit a Legislator from requesting or introducing a legislative measure; or*

(b) *Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.*

6. *If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.*

7. *The standards and procedures set forth in this rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 1:*

(a) *Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and*

(b) *Supersede and preempt all other standards and procedures with regard to such matters.*

The next rule is 30.

V. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. *The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.*

2. *The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.*

3. *When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.*

4. *When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.*

5. *The electronic roll call system may be used to determine the presence of a quorum.*

6. *The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.*

7. *Only a member who is physically present within the Assembly Chambers may cast a vote in the Assembly.*

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

VI. LEGISLATIVE BODIES

Rule No. 40. Committee of the Whole.

1. All bills and resolutions may be referred only to the Committee of the Whole or to such committees as may be appointed by the Speaker pursuant to Rule 41.

2. The Speaker shall preside as Chair of the Committee of the Whole or name a Chair to preside.

3. A member of the Committee of the Whole may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

4. The Chair may require any vote of the Committee of the Whole to be recorded in the manner designated by the Chair.

5. All amendments proposed by the Committee of the Whole:

(a) Must first be approved by the Committee of the Whole.

(b) Must be reported by the Chair to the Assembly.

6. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

Rule No. 40.5. Committees.

In addition to the Committee of the Whole, the Speaker may appoint such other committees of the Assembly as she determines is necessary.

Rule No. 41. Appointment of Committees.

All committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall determine the appropriate number of members for each committee and shall designate the chair and vice chair of each committee.

Rule No. 42. Committee Action.

1. A committee shall have meetings in accordance with the direction of the Assembly leadership. A quorum of the committee is a majority of its appointed members and may transact business except as limited by this rule.

2. Except as limited by this rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. *Definite action on a bill or resolution will require a majority of the entire committee.*
4. *A motion to reconsider action on a bill or resolution is not in order.*
5. *Committee introduction of legislative measures requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support final passage. A decision by a committee to request the drafting of an amendment for a bill requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support the amendment when it is considered on the floor of the Assembly.*
6. *The chair must be present when the committee votes to take any final action regarding bills or resolutions, but the chair is not required to vote.*
7. *No member of the committee may vote by proxy under any circumstances.*
8. *A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair has informed the Speaker of the intention of the committee to consider such a question.*

Rule No. 43. Subcommittees.

Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

Rule No. 44. Reserved.

Rule No. 45. Request for Drafting of Bill, Resolution or Amendment.

Except as otherwise provided in this Rule, the Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Assembly, unless it is submitted by the Committee of the Whole, such other committees as the Speaker may appoint or a conference committee. The Speaker may request the drafting of five bills for the 27th Special Session without seeking the approval of the Committee of the Whole or any other committee that the Speaker may appoint.

Rule No. 46. Committee Action.

Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

Rule No. 47. Committee Records.

The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

1. *The time and place of each meeting;*
2. *The attendance and absence of members;*
3. *The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and*
4. *The subjects or measures considered and action taken.*

Rule No. 48. Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen must be filed in the offices of the Legislative Counsel Bureau upon their completion.

Rule No. 49. Committee Hearings.

1. *The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.*

2. *Public hearings are opened by the chair, who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chair for permission to question the witness.*

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Reserved.

The next rule is 60.

VII. RULES GOVERNING MOTIONS

A. PROCEDURE

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer upon his or her own motion, or at the request of any member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

B. PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the 27th Special Session of the Legislature and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. To Reconsider.

No motion to reconsider a vote is in order.

The next rule is 80.

VIII. DEBATE**Rule No. 80. Speaking on Question.**

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

IX. CONDUCT OF BUSINESS**A. RULES AND PROCEDURE****Rule No. 91. Rescission, Change or Suspension of Rule.**

No rule or order of the Assembly for the 27th Special Session of the Legislature may be rescinded or changed without a majority vote of the members elected; but a rule or order may be suspended temporarily by a majority vote of the members present.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the daily history and be made available to the news media. The daily history must include the most current version of the notice that is available at the time the daily history is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

- (a) Meetings of the Committee of the Whole held on the floor of the Assembly;*
- (b) Other committee meetings held on the floor of the Assembly during a recess; or*
- (c) Conference committee meetings.*

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chamber may be used for or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

It shall be in order for members to make remarks and, subject to the approval of the majority of members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

- 1. The Constitution of the State of Nevada and judicial decisions thereon.*
- 2. The Rules of the Assembly for the 27th Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 27th Special Session of the Legislature.*
- 3. Custom, usage and precedence.*
- 4. The Statutes of the State of Nevada.*
- 5. Mason's Manual of Legislative Procedure.*

Rule No. 101. Reserved.**Rule No. 102. Privileged Questions.**

Privileged questions have precedence of all others in the following order:

- 1. A call of the House.*

2. *Motions to adjourn.*
3. *Recess.*
4. *Questions relating to the rights and privileges of the Assembly or any of its members.*

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

The next rule is 106.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is not authorized.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time after which they are reported by committee. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, engrossed and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Only amendments proposed by the Committee of the Whole, such committee as the Speaker may appoint or a conference committee may be considered on the floor of the Assembly. Such a motion to amend may be adopted on the floor of the Assembly by a majority vote of the members present. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with by a majority vote of the members present.

Rule No. 111. Consent Calendar.

1. A committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. *The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill and the date the bill is scheduled for consideration on final passage.*

3. *At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the consent calendar. If a member so requests, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.*

4. *During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.*

5. *When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and title and the vote must be taken on their final passage as a group.*

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either the Committee of the Whole, conference committee or other committee appointed by the Speaker, after receiving their second readings, must be placed upon a General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on General File. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reserved.

Rule No. 116. Vetoed Bills.

1. *Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:*

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. *When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.*

Rule No. 117. Reserved.

C. RESOLUTIONS**Rule No. 118. Treated as Bills—Joint Resolutions.**

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

- 1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and*
- 2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.*

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS**Rule No. 120. Order of Business.**

The Order of Business must be as follows:

- 1. Call to Order.*
- 2. Reading and Approval of Journal.*
- 3. Presentation of Petitions.*
- 4. Reports of Committees.*
- 5. Reports of Select Committees.*
- 6. Communications.*
- 7. Messages from the Senate.*
- 8. Motions, Resolutions and Notices.*
- 9. Introduction, First Reading and Reference.*
- 10. Consent Calendar.*
- 11. Second Reading and Amendment.*
- 12. General File and Third Reading.*
- 13. Unfinished Business of Preceding Day.*
- 14. Special Orders of the Day.*
- 15. Remarks from the Floor, limited to 10 minutes.*

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

X. MISCELLANEOUS

Rule No. 140. Reserved.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee of the Whole:

Assembly Resolution No. 2—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 27th Special Session of the Legislature of the State of Nevada: Robin Bates, Jason Hataway, McCall Miller, Bonnie Borda Hoffecker, Cinthia Zermeno, Gariety Pruitt, Michael Cabrera and Nate Helton.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee of the Whole:

Assembly Resolution No. 3—Providing that no allowances will be paid for the 27th Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

By the Committee of the Whole:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and the Assembly for the 27th Special Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the following Joint Rules of the Senate and Assembly for the 27th Special Session of the Legislature are hereby adopted:

APPLICABILITY OF JOINT RULES

Rule No. 1. Generally.

The Joint Rules for the 27th Special Session of the Legislature are applicable only during the 27th Special Session of the Legislature.

CONFERENCE COMMITTEES

Rule No. 2. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be

appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

2. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

3. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 3. Procedure Concerning.

1. Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

2. Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

3. Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 4. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 5. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 6. Joint Sponsorship.

1. A bill or resolution introduced by a committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the

committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. *The Legislative Counsel shall not cause to be printed the name of a committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 4.*

3. *Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.*

4. *Once a bill or resolution has been introduced, a primary joint sponsor or nonprimary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a committee as a primary joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.*

5. *An amendment that proposes to add or remove a primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor.*

PRINTING

Rule No. 7. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matters pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 8. Types, Usage and Approval.

1. *A joint resolution must be used to:*

- (a) Propose an amendment to the Nevada Constitution.*
- (b) Ratify a proposed amendment to the United States Constitution.*
- (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.*

2. *A concurrent resolution must be used to:*

- (a) Amend these joint rules, which requires a majority vote of each house for adoption.*
- (b) Request the return from the Governor of an enrolled bill for further consideration.*
- (c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.*
- (d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.*
- (e) Express facts, principles, opinion and purposes of the Senate and Assembly.*
- (f) Establish a joint committee of the two Houses.*

(g) *Direct the Legislative Commission to conduct an interim study.*

3. *A concurrent resolution or a resolution of one House may be used to:*

(a) *Memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.*

(b) *Congratulate or commend any person or organization for a significant and meritorious accomplishment.*

4. *A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.*

VETOES

Rule No. 9. Special Order.

1. *Bills which have passed the Legislature, and which are transmitted to the Legislature accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall:*

(a) *Be taken up and considered immediately upon the coming in of the message transmitting the same; or*

(b) *Become the subject of a special order.*

2. *When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message, and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.*

ADJOURNMENT

Rule No. 10. Limitations and Calculation of Duration.

1. *In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.*

2. *The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments may be taken to permit a committee or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.*

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 11. Manner of authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committees and Director.

1. *Each committee shall cause a record to be made of the proceedings of its meetings.*

2. *The secretary of a committee shall:*

- (a) *Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;*
- (b) *Keep the records in chronological order; and*
- (c) *Deposit the records upon their completion with the Director of the Legislative Counsel Bureau.*

3. *The Director of the Legislative Counsel Bureau shall:*

- (a) *Make the records available for accessing by any person during office hours under such reasonable conditions as he or she may deem necessary; and*
- (b) *Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he or she deems reasonable to ensure access to the record in the foreseeable future.*

**CONTINUATION OF LEADERSHIP OF THE SENATE
AND ASSEMBLY DURING THE INTERIM
BETWEEN SESSIONS**

Rule No. 13. Tenure and Performance of Statutory Duties.

1. *Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.*

2. *The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.*

3. *The Assemblymen designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.*

ANTI-HARASSMENT POLICY

Rule No. 14. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. *The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all Legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.*

2. *In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:*

- (a) *Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;*
- (b) *Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or*
- (c) *Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.*

3. *Each person subject to these Rules must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The*

following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

↳ when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he or she has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his or her emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he or she is being sexually harassed on the job, he or she may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

↳ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of Legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments of the Assembly or the Committee on Legislative Operations and Elections of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the

complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this Rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All Legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, Legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne.

Resolution adopted.

Assemblyman Horne moved that the Assembly suspend all rules and dispense with the reprinting of all bills and resolutions for the balance of the 27th Special Session.

Motion carried.

Assemblyman Horne moved that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and resolutions considered engrossed, declared emergency measures under the constitution and placed on the General File for final passage or adoption.

Motion carried.

Assemblyman Horne moved that Rule No. 92 of the Rules of the Assembly for the 27th Special Session, which pertains to notices of bills, topics, and public hearing, be suspended for the balance of the 27th Special Session.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Assembly Bill No. 1—AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property purchased by a new or expanded business; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee of the Whole.

Motion carried.

By the Committee of the Whole:

Assembly Bill No. 2—AN ACT relating to education; requiring the board of trustees of each school district to report to the Department of Education on a quarterly basis the average daily attendance of pupils and the ratio of pupils per licensed teacher for certain grades in elementary school that are required to maintain prescribed pupil-teacher ratios; revising the ratios of pupils per licensed teacher for kindergarten and grades 1, 2 and 3; requiring school districts that include one or more elementary schools which exceed the prescribed pupil-teacher ratios in a quarter to request a variance from the State Board of Education for the next quarter; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee of the Whole.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Bills Nos. 1 and 2.

Motion carried.

IN COMMITTEE OF THE WHOLE

At 7:54 a.m.

Chair Kirkpatrick presiding.

Quorum present.

Assembly Bill No. 1 considered.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 1 is a bill that we looked at in the 77th Session that had to do with abatements through the Office of Economic Development. The only provision that is changing has to do with data centers. It makes the parameters that they must make a commitment to invest at least \$100 million in our state and that the property and sales tax abatements cannot span more than 15 years.

CHAIR KIRKPATRICK:

Does anyone have any questions? To elaborate just a little bit, Assembly Bill 38 was heard in Taxation. It had foreign trade zones in it and cleaned up some of the economic development language. It also included the data centers, so it was an overall cleanup of one word from A.B. 449 of the last legislative session. Does anyone have any questions? At this time, the Chair will accept a motion.

Assemblywoman Bustamante Adams moved to do pass Assembly Bill No. 1.

Assemblyman Frierson seconded the motion.

Motion carried.

Assembly Bill No. 2 considered.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 2 is also a bill that we visited during the 77th Session concerning class-size reduction. It requires school districts to post on their websites and provide to the Department of Education a quarterly report on the average daily attendance in their schools and pupil-teacher ratios in grades 1, 2, and 3. It also must detail whether a school has an approved alternative class-size reduction plan.

The bill also increases the prescribed class-size ratios for kindergarten and grades 1 and 2 from 15 to 1 to 16 to 1, and from 15 to 1 to 18 to 1 in grade 3. It requires the State Board of Equalization to report quarterly to the Interim Finance Committee on each variance requested by school districts. If the State Board of Education grants a variance, the quarterly report must include the justification. This will take effect on July 1, 2013.

CHAIR KIRKPATRICK:

Does anyone have any questions?

ASSEMBLYMAN KIRNER:

I made this comment during the hearing, and I would like to repeat it here. When they calculate the ratio of pupils per licensed teacher, that should be a licensed teacher in the classroom.

CHAIR KIRKPATRICK:

I believe that was the crux of a bill similar to this in the last session, which was A.B. 162 of the 77th Session. I believe some numbers were somewhat skewed because they would count the roving teachers that were out there, so this makes it much more clear. You are absolutely correct.

Are there any other questions or comments from the committee? Are there any questions or comments from the public?

Assemblyman Elliot Anderson moved to do pass Assembly Bill No. 2.
Assemblyman Stewart seconded the motion.

Motion carried.

CHAIR KIRKPATRICK:

Assemblyman Duncan, did you have something?

ASSEMBLYMAN DUNCAN:

I just had a quick procedural question. I do note that the Proclamation that was issued by the Governor does expire at 8 a.m. I was not sure if I missed it, but is that in abeyance?

CHAIR KIRKPATRICK:

I understand that there is a timeframe. The Governor knows that we started late. We had a conversation in the wee hours of this morning about what it would take to get us up and running. There are a couple different things. We are just going to keep going. I believe that the Governor, if he feels the need, can extend the Proclamation. He is well aware that we are here. I believe that in the past, there has been some clarification on whether or not he can dictate how long we're here.

ASSEMBLYMAN HORNE:

This also being my ninth special session and having conferred with Legal, the Governor has the power to call us into special session. However, that power does not extend to setting the time when we actually start. Once we begin, as we have done this morning, the only thing that we cannot do is go beyond 20 days. The Proclamation is a suggestion. The *Nevada Constitution*

says “. . . 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 in which this session commences.” The Proclamation might say to end at 8 a.m., but we as a body can choose to go further than that up to 20 days.

CHAIR KIRKPATRICK:

Mr. Duncan, I do not foresee a problem since we met with the Governor at 3 a.m. We had hoped to get up sooner. For the freshmen who have not served in special session, I know Mr. Horne’s and Mr. Grady’s class have had nine, and I am sure Mrs. Carlton is right up there with nine, and I think this is my seventh. It is just reality most of the time, trying to hurry up and get the legislative business done. I am pretty sure we are close with the Governor on how we get out of here.

On motion of Assemblyman Horne, the Committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 8:04 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee of the Whole, to which were referred Assembly Bills Nos. 1, 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 1 makes several changes relating to abatements or deferments of taxes including removing provisions allowing abatements to be granted to businesses that further the development and refinement of intellectual property, patents, or copyrights into commercial projects; changing or clarifying conditions that must be met to qualify for abatements; allowing businesses locating within an activated foreign trade zone to receive a partial abatement of up to 75 percent of personal property taxes for up to ten years; increasing the minimum sales price to receive a deferral of sales taxes from \$100,000 to \$1 million and adding additional conditions that must be met in order to be eligible to receive the deferral; specifying limits on the partial abatements that may be received for new or expanding businesses locating in certain zones for economic development; and providing for additional abatements from property and sales taxes for not more than 15 years for data centers locating in those zones for economic development that commit to invest \$100 million during the effective period for the abatement.

Roll call on Assembly Bill No. 1:

YEAS—39.

NAYS—None.

EXCUSED—Livermore, Pierce, Woodbury—3.

Assembly Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 2 changes the reporting requirements for Nevada's K-12 education system for grades 1, 2, and 3 in regards to the average daily attendance and class size. This bill also changes the prescribed class size to 15 to 1 from 16 to 1 for kindergarten and grades 1 and 2, and from 15 to 1 to 18 to 1 for grade 3.

Roll call on Assembly Bill No. 2:

YEAS—39.

NAYS—None.

EXCUSED—Livermore, Pierce, Woodbury—3.

Assembly Bill No. 2 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 1, 2, 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblyman Horne moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 2.

Assemblyman Horne moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 3.

Assemblyman Horne moved that the bill be referred to the Committee of the Whole.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Senate Bills Nos. 1, 2, and 3.

Motion carried.

IN COMMITTEE OF THE WHOLE

At 8:15 a.m.

Chair Kirkpatrick presiding.

Quorum present.

Senate Bill No. 1 considered.

ASSEMBLYMAN HEALEY:

Senate Bill 1 is our “more cops” bill, which will do a couple of different things.

CHAIR KIRKPATRICK:

For the members, Senate Bill 1 is the same as Senate Bill 496 that was presented in the conference committee last night. Mr. Healey, do you have any details?

ASSEMBLYMAN HEALEY:

I can give you a few details on that. What is different from S.B. 496 is that this bill increases the sales tax by 0.15 percent and adds some additional reporting triggers where the police agencies have to provide reporting back. Essentially, it goes for a one-for-one; police agencies have to fill any of the current vacancies that they have in order to hire more cops and equip them. If they do not fill those unfilled, budgeted positions, then the monies can be diverted to other police agencies.

CHAIR KIRKPATRICK:

This bill is a little bit bigger than Senate Bill 496 and I do not want people to think that we are not going through the bill as a whole so let me give some background. The “more cops” program was put in place in 2005. It came about as an advisory question on the ballot in Clark County, and a sales tax of up to one-half of 1 percent passed overwhelmingly in most districts. Clark County came before the Legislature and the Legislature chose at that time to let them take half and see what they could come back with. They were allotted one-quarter of 1 percent. The Legislature also said they wanted more cops on the streets. Every session since then, we have had a “more cops” bill.

It always seems to come back due to some unintended consequences. That is why section 1 of this bill immediately refers to section 13.3 of the Clark County Sales and Use Tax Act of 2005. That Act allows the County Commission to impose up to fifteen-hundredths of 1 percent sales tax for the “more cops” program. Clark County must approve this by a two-thirds majority, I believe.

In the 2005, 2007, and 2009 Sessions, the Legislature as a whole said that the County could not supplant funds, meaning they could not take funds out of the General Fund and replace them

with the sales tax that was collected. Because of that, now many local governments in Clark County have a surplus that they cannot use because the economic times were bad, so they are kind of upside down. This now allows them to replace the funds one-for-one.

I do not know if that is too much detail, but I think we have to be clear on what we are trying to do, because it is important to have some clarity on the record.

ASSEMBLYMAN HEALEY:

To make the members of the body feel a little comfortable, you will see there is the reporting measure which I mentioned. That is an accountability trigger that we put in there.

CHAIR KIRKPATRICK:

Anyone else have any questions?

ASSEMBLYWOMAN SPIEGEL:

Do you know, or does someone know, approximately how many additional police are expected to be added over and above the approved but vacant positions?

CHAIR KIRKPATRICK:

I do not specifically know that answer, but I bet I could call Mr. Callaway and Mr. Hooten to the table, and they could give us an estimate. The one thing I also will tell you is that this bill requires some transparency and some verification that they must fill their current funded vacancies. I believe there are 60 or somewhere in that range. It also requires the Treasurer to do that before they release more dollars.

Good morning, Mr. Callaway and Mr. Hooten. If you could fill us in, that would be great.

CHUCK CALLAWAY, DIRECTOR OF INTERGOVERNMENTAL SERVICES, LAS VEGAS METROPOLITAN POLICE DEPARTMENT:

Thank you, Madam Speaker and members of the Assembly Committee of the Whole. Currently, it is my understanding that we have a little over 60 budgeted vacancies that, with this new language, we would have to fill before we would be able to get full utilization of the 0.15 percent revenue of the “more cops” money. Beyond that, our plan would be to run a 50-man academy in July to fill the current “more cops” vacancies that we have, and then we would run two 75-person academies the following year. Then moving into 2015-2016, we would look at running another 50-man academy, if my memory serves me correctly. All in all, it would be about 300 police officers being hired, but some of those police officers would be plugging in attrition spots, so they would end up as being part of that 67 that would need to be filled. So above and beyond the 67—I failed math in high school—I am guessing 150 to 200 officers.

CHAIR KIRKPATRICK:

Assemblywoman Spiegel, does that answer your question? I do not know that we are going to get specifics, but I do know that on NELIS [Nevada Electronic Legislative Information System], there were some specifics put out there. Those numbers may have changed a little bit when the budget changed. Recognize that Mr. Callaway and Mr. Hooten only represent Metro, which is a large piece, but there are Boulder City, North Las Vegas, Mesquite, and Henderson that also fall within that.

ASSEMBLYWOMAN SPIEGEL:

Just as a follow-up, could you please tell me approximately how many police officers Metro currently has? Round numbers are fine.

CHUCK CALLAWAY:

I think we have right now a little over 2,400. The number fluctuates, sometimes daily, because of folks leaving, but I think it is right around that number. I can get you an exact number if you need it.

ASSEMBLYWOMAN SPIEGEL:
No, that is okay. Thank you.

CHAIR KIRKPATRICK:

Are there any further questions? Mr. Hooten, did you have something that you wanted to add to the record? No? Are there any other questions? Is there anyone who would like to testify in the positive? Negative? Neutral? Anyone who would like to give public comment? Seeing none, I will close the hearing on Senate Bill 1.

Assemblyman Healey moved to do pass Senate Bill No. 1.
Assemblywoman Bustamante Adams seconded the motion.
Motion carried.

Senate Bill No. 2 considered.

CHAIR KIRKPATRICK:

Assemblyman Grady, can you help me out on Senate Bill 2? It is the Millennium Scholarship.

ASSEMBLYMAN GRADY:

I do not have a formal statement. I guess my only comment on this, if I may, is I am a little disappointed that we found \$2 million there but we could not find any money for the community colleges in the rural areas. I am disappointed in that. It is too late to do anything about that now. This is the bill that we have, and I guess this is the bill that we have to vote on.

CHAIR KIRKPATRICK:

Assemblyman Grady is correct. The bill specifically says that the \$2 million is for the Millennium Scholarship Trust Fund.

ASSEMBLYMAN HICKEY:

To add a little more background for those of you who were not on the Ways and Means Committee or who do not recall the discussion this body had, those monies were originally in the Governor's budget for the Teach for America program. That budget item was sent to the Senate in bill form and was amended last night by our Ways and Means Committee, changing it somewhat. Without getting into more detail than we need to, we had discussions last night, and it was concluded by members of this body who met with the Governor that the Millennium Scholarship is the one element that we all could agree upon. It is a worthwhile commitment that reflects being able to spend that money that was budgeted.

I share some of my colleague's regret that since we are moving that money from the DSA into college funding, we were not able to consider filling that hole for the community colleges. But it will be worthwhile, and I will be supporting the measure.

CHAIR KIRKPATRICK:

Does anyone else have any comments or questions? Is there anyone who would like to testify in support of Senate Bill 2? Is there anyone who is in opposition? Is there anyone who is neutral? Seeing none, I will close the hearing on Senate Bill 2.

Assemblyman Frierson moved to do pass Senate Bill No. 2.
Assemblyman Sprinkle seconded the motion.
Motion carried.

Senate Bill No. 3 considered.

ASSEMBLYMAN PAUL ANDERSON:

For the record, I am tired and ready to go home, as I am sure everyone else is.

Senate Bill 3 references an account that is currently under the Department of Education, and it transfers that account to the State Public Charter School Authority for management. There was an allocation made to this account through the appropriations budget, I believe. This bill simply moves the oversight of that account from the Department of Education over to the Charter School Authority, whose director currently is Steve Canavero. He runs that very well. Are there any other details, Madam Chair, you would like me to share?

CHAIR KIRKPATRICK:

There was \$750,000 within our budget that was allocated to the revolving loan account, which we have had in place for years but never funded. Section 2 of the bill is probably the meat and potatoes of the bill; subsection 2 talks about the amount a charter school can get through the revolving loan program. It establishes some of the policies in section 3 of the bill. Does anyone have any questions?

ASSEMBLYWOMAN CARLTON:

Madam Chair, just so the Committee of the Whole understands, this bill was not heard by Ways and Means, so this will be the first time it is having a hearing.

CHAIR KIRKPATRICK:

If there are any questions or concerns, let us take them now.

ASSEMBLYMAN WHEELER:

I am wondering if there is any difference in the new S.B. 3 than there was in the printed version of S.B. 471 from the 77th Session.

CHAIR KIRKPATRICK:

It is my understanding that there is no difference. I believe what happened was that language was just put in a different bill jacket with a different number. Is that correct, Mr. Anderson? I had you do the research on that for me.

ASSEMBLYMAN PAUL ANDERSON:

That is my understanding as well.

CHAIR KIRKPATRICK:

Are there any other questions, comments, or concerns?

ASSEMBLYMAN EISEN:

Again, because this bill was not heard in Assembly Ways and Means and we really did not have an opportunity to ask some of the fundamental questions, I think the basic question for this body to hear would be why these two changes: one, the change in authority, and two, the change in the maximum amount of the loan per school. I do not know if we have anyone who is available to answer either of those questions, hopefully both.

CHAIR KIRKPATRICK:

I do not believe that we have the Charter School Authority here. Do you think that I could send someone down to get Mr. Hammond? He seems to be pretty savvy on this issue.

ASSEMBLYMAN PAUL ANDERSON:

I could certainly look into that as well or somebody could grab him. This was a bill brought through the Department of Administration, and I believe it was their intention to put charter school stuff under charter school stuff and not under the Department of Education, but that is an assumption on my part.

CHAIR KIRKPATRICK:

Do you think you could instant message Mr. Hammond to see if he has the answer? I think the bulk of the question is why we are going from \$50,000 to \$200,000. The question I asked early this morning was if we put \$750,000 in the budget, then three people could pretty much use the bulk of it. Everyone said that was correct, so I am assuming that was the plan all along. I do not know the details. Mr. [Elliot] Anderson, do you have any questions?

ASSEMBLYMAN ELLIOT ANDERSON:

Madam Chair, I wanted to make a comment, if I may. When we were reviewing some other charter bills in Education, what we were doing was moving the responsibility for reviewing the sponsors to the Charter School Authority—moving it away from the Department of Education for the portions of this bill that do not deal with the money but rather the supervisory functions. I think that is in line with other charter bills this body has passed. I wanted to put that on the record.

ASSEMBLYMAN PAUL ANDERSON:

I also will clarify that as well. The thought was that the Charter Authority was better suited to determine the needs of those charter schools rather than the Department of Education. Also, the amount increases were more representative of the start-up costs. In S.B. 471 of the 77th Session on NELIS, there is an exhibit that goes through the general start-up costs of a charter school, and those increases were more representative of what those true costs were.

ASSEMBLYMAN EISEN:

I appreciate those responses and that information. I would not look to hold up this hearing any further for additional response to those questions.

CHAIR KIRKPATRICK:

There is no reason why, after this session—and both of you gentlemen are on IFC [Interim Finance Committee] as well as myself and many others—we could not have an agenda item before IFC or the Legislative Commission and ask them to come in and put on the record the justification for the increase in the number amount. The revolving loan process was set up with Business and Industry, so they have to work directly with Business and Industry. It is something that we do very little of, but the programs that we have with them are pretty good, and they have a pretty good return. I think we probably asked some of those questions when it came to the bonding bill, which I think was S.B. 384. I will work to get your answers, but I am pretty sure I am not going to have them to you this legislative special session.

ASSEMBLYMAN HORNE:

Also, could we find out if there was discussion in the Senate on that loan amount being different—let us say \$100,000 instead of \$200,000—and addressing concerns that only three schools could possibly take up the entire sum? I am curious.

CHAIR KIRKPATRICK:

Okay, we will get those.

ASSEMBLYMAN PAUL ANDERSON:

I will just add what I can to that, Madam Chair. The language is such that it is \$500 per pupil or up to \$200,000, whichever is less, so it certainly could be spread around a little bit. The Charter Authority has authority to spread those monies out as it deems appropriate, so it would not necessarily be a maximum amount for each charter school that applied. It would obviously be vetted through their process. Again, I will just reference the reasoning for the increase as I read through the notes in the presentation that was on S.B. 471 in NELIS. It is related to the projected upstart costs of some of those charter schools, and that was the reason for the increase.

CHAIR KIRKPATRICK:

Mr. [Paul] Anderson, from what I heard you say, if it was a charter school that only had ten kids, they could not get the full allotment; they would have to get the lesser amount, correct?

ASSEMBLYMAN PAUL ANDERSON:

That is correct. If you find a charter school that has ten kids, I would like to send my kids there. It sounds like they would get a lot of attention. It is the lesser amount; that is the language that is in the bill.

CHAIR KIRKPATRICK:

Does anyone have any other questions? I appreciate that we are having some discussion on some of these bills we did not hear. I think it is important to still do our due diligence and the work of the people.

Anyone wishing to testify in support of Senate Bill 3? Anyone in opposition to Senate Bill 3? Anybody who is neutral on Senate Bill 3? Any additional public comment? Seeing none, I will close the hearing on Senate Bill 3.

Assemblyman Paul Anderson moved to do pass Senate Bill No. 3.

Assemblyman Hansen seconded the motion.

Motion carried.

On motion of Assemblyman Horne, the Committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 8:43 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee of the Whole, to which were referred Senate Bills Nos. 1, 2, 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Healey and Madam Speaker.

ASSEMBLYMAN HEALEY:

I rise in support of Senate Bill 1. Senate Bill 1 grants the local jurisdiction the authority to raise the sales tax by 0.15 percent. This is for the “more cops” initiative. Senate Bill 1 also provides that open budgeted positions must be filled prior to activating the “more cops” initiative, and that fund will be monitored and distributed by the treasurer of the local jurisdiction.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

ASSEMBLYWOMAN KIRKPATRICK:

There was some discussion among leadership at 4:30 a.m. that they might want to change that, so I want to clarify that the record is correct and that they did not change it.

ASSEMBLYMAN HEALEY:

That is correct. The message I received from the Senate is they made no changes on that.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Perfect. I just wanted to be sure so that people understand the legislative intent.

Roll call on Senate Bill No. 1:

YEAS—34.

NAYS—Paul Anderson, Carlton, Carrillo, Duncan, Ellison, Wheeler—6.

EXCUSED—Livermore, Pierce—2.

Senate Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Roll call on Senate Bill No. 2:

YEAS—39.

NAYS—Ellison.

EXCUSED—Livermore, Pierce—2.

Senate Bill No. 2 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 3 transfers responsibility to administer the Account for Charter Schools from the Department of Education to the State Public Charter School Authority, revises the maximum total amount of the loan that may be made to a charter school, and provides other matters properly relating thereto.

Just to clarify on those numbers, it increases the amount the loan is not to exceed to the lesser of \$500 per pupil enrolled or to be enrolled at that charter school or \$200,000.

Roll call on Senate Bill No. 3:

YEAS—30.

NAYS—Carlton, Carrillo, Daly, Diaz, Dondero Loop, Eisen, Flores, Horne, Neal, Swank—10.

EXCUSED—Livermore, Pierce—2.

Senate Bill No. 3 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 1, 2.

Also, it is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Horne, Frierson, and Hickey as a committee to wait upon His Excellency, Governor Brian Sandoval, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Madam Speaker appointed Assemblymen Carlton, Diaz, and Hardy as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate consisting of Senators Cegavske, Atkinson, and Segerblom appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Hardy reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Horne reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Horne moved that the 27th Special Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 9:05 a.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly