

Journal

OF THE

SENATE OF THE STATE

OF NEVADA

TWENTY-SEVENTH SPECIAL SESSION

THE FIRST DAY

CARSON CITY (Monday), JUNE 4, 2013

Senate called to order at 6:46 a.m.

President Krolicki presiding.

Prayer by the Chaplain, Minister Clarence Brooks Jr.

Father, we come before You this morning, feeling Your precious mercy and grace.

Father God, we have praise and gratitude and thanksgiving in our hearts. Father God, we thank You for another day. Father God, we know that we have been awake for most of yesterday and this morning, but we know every breath we take and every step we take comes from You. We thank You for these precious moments, Lord.

As we move forward in this Special Session, Lord, we pray for these leaders whom You have entrusted with governing Your people; there are laws and things that must be carried out. We know that You rule over all the heavens and the earth. We pray for these leaders, Lord, that You would give them wisdom, guidance and direction. We pray that You hold us accountable for the governing of Your people.

We acknowledge this morning that we have come short of Your glory, we have missed the mark. We pray that You would forgive us and that You would restore us Father God. Please continue to lead us and guide us that we may be the godly people You have called us to be.

We thank You this morning in the precious Name of our Lord and Savior Jesus Christ who redeemed us and brought us back into Your presence, the One we have been separated from, but through the cross we have been brought back. We thank You for the resurrection. We pray that what will be said and done will be pleasing in Your sight. We pray that the business carried out will bring praise, honor and glory to Your holy Name.

We ask it all in the powerful mighty Name of Jesus Christ, our Lord, our Savior, our Redeemer; and for our sakes we pray.

AMEN.

Pledge of Allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President requested Mr. David A. Byerman to serve as temporary Secretary of the Senate and Mr. Jerry S. Pieretti to serve as temporary Sergeant at Arms.

Mr. President instructed the temporary Secretary to call the roll of the Senators.

Roll called.

All present except for Senator Woodhouse, who was excused.

Senator Denis moved that the organization of the Senate of the Seventy-seventh Session of the Nevada Legislature be designated as the organization of the Senate for the Twenty-seventh Special Session of the Nevada Legislature.

Motion carried.

Senator Denis moved that the Secretary of the Senate be instructed to insert the Organization of the Twenty-seventh Special Session into the Journal of the Senate as outlined in the handout located on each Senator's desk.

Motion carried.

PRESIDENT PRO TEMPORE OF THE SENATE—

SENATOR DAVID R. PARKS

MAJORITY FLOOR LEADER—

SENATOR MOISES A. DENIS

ASSISTANT MAJORITY FLOOR LEADER—

SENATOR DEBBIE SMITH

MAJORITY WHIP—

SENATOR RUBEN J. KIHUEN

ASSISTANT MAJORITY WHIP—

SENATOR JUSTIN C. JONES

MINORITY FLOOR LEADER—

SENATOR MICHAEL ROBERSON

ASSISTANT MINORITY FLOOR LEADER—

SENATOR BEN KIECKHEFER

MINORITY WHIP—

SENATOR JOE P. HARDY, M.D.

SECRETARY OF THE SENATE—

DAVID A. BYERMAN

Mr. President appointed Senators Segerblom, Atkinson and Cegavske as a committee of three to inform the Assembly that the Senate is organized and ready for business.

Mr. President appointed Senators Manendo, Jones and Gustavson as a committee of three to inform the Governor that the Senate is organized and ready for business.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 6:54 a.m.

SENATE IN SESSION

At 7:04 a.m.

President Krolicki presiding.

Quorum present.

Senator Cegavske reported that her committee had informed the Assembly that the Senate is organized and ready for business.

Senator Manendo reported that his committee had informed the Governor that the Senate is organized and ready for business.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE ORDER

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

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 7:09 a.m.

SENATE IN SESSION

At 7:40 a.m.

President Krolicki presiding.

Quorum present.

A committee from the Assembly composed of Assemblymen Carlton, Diaz and Hardy appeared before the bar of the Senate and announced that the Assembly was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that for the remainder of the 27th Special Session, all necessary rules be suspended, reading so far had considered first reading, rules further suspended and that all bills declared emergency measures under the Constitution and be placed on third reading and final passage.

Motion carried.

Senator Denis moved that for the remainder of the 27th Special Session all bills and resolutions that have been passed or adopted be immediately transmitted to the Assembly, time permitting.

Motion carried.

By the Committee of the Whole:

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

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

I. APPLICABILITY

Rule No. 1. Generally.

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

II. OFFICERS AND EMPLOYEES DUTIES OF OFFICERS

Rule No. 2. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting. The President shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. The President may speak to points of order in preference to members, rising from his or her seat

for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave of the Senate. The President shall sign all acts, addresses and joint resolutions, and all writs, warrants and subpoenas issued by order of the Senate; all of which must be attested by the Secretary. The President has general direction of the Senate Chamber.

Rule No. 3. *President pro Tempore.*

The President pro Tempore has all the power and shall discharge all the duties of the President during his or her absence or inability to discharge the duties of his or her office. In the absence or inability of the President pro Tempore to discharge the duties of the President's office, the Senate shall elect one of its members as the presiding officer for that occasion. A member who is serving as the presiding officer has all the power and shall discharge all the duties of the President until the absence or inability which resulted in the member serving as the presiding officer has ended.

Rule No. 4. *Secretary.*

1. The Secretary of the Senate is elected by the Senate, and shall:

(a) Interview and recommend persons to be considered for employment to assist the Secretary.

(b) See that these employees perform their respective duties.

(c) Administer the daily business of the Senate, including the provision of secretaries as needed.

(d) Unless otherwise ordered by the Senate, transmit as soon as practicable those bills and resolutions upon which the next action is to be taken by the Assembly.

2. The Secretary is responsible to the Majority Leader.

Rule No. 5. *Sergeant at Arms.*

1. The Sergeant at Arms shall attend the Senate during its sittings, and execute its commands and all process issued by its authority. He or she must be sworn to keep the secrets of the Senate.

2. The Sergeant at Arms shall:

(a) Superintend the upkeep of the Senate's Chamber, private lounge, and meeting rooms.

(b) Interview and recommend persons to be considered for employment to assist the Sergeant at Arms.

3. The Sergeant at Arms is responsible to the Majority Leader.

Rule No. 6. *Assistant Sergeant at Arms.*

The Assistant Sergeant at Arms shall be doorkeeper and shall preserve order in the Senate Chamber and shall assist the Sergeant at Arms. He or she shall be sworn to keep the secrets of the Senate.

III. SESSIONS AND MEETINGS

Rule No. 7. *Call of Senate—Moved by Three Members.*

A Call of the Senate may be moved by three Senators, and if carried by a majority of all present, the Secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called over. The doors shall then be closed and the Sergeant at Arms directed to take into custody all who may be absent without leave, and all Senators so taken into custody shall be presented at the bar of the Senate for such action as to the Senate may seem proper.

Rule No. 8. *Absence—Leave Required.*

No Senator shall absent himself or herself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall so absent himself or herself, his or her per diem shall not be allowed.

Rule No. 9. *Open Meetings.*

1. Except as otherwise provided in the Constitution of the State of Nevada and in subsection 2 of this rule, all meetings of the Senate and the Committee of the Whole or a standing committee must be open to the public.

2. A meeting may be closed to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

IV. DECORUM AND DEBATE

Rule No. 10. *Points of Order.*

1. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any Senator may, call the member to order. If a Senator is so called to order, he or she shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That the Senator be allowed to proceed in order," and the Senator shall confine himself or herself to the question under consideration and avoid personality.

2. Every decision of points of order made by the President is subject to appeal, and a discussion of a question of order may be allowed only upon the appeal of two Senators. In all cases of appeal, the question must be, "Shall the decision of the Chair stand as the judgment of the Senate?"

Rule No. 11. Breaches of Decorum.

1. In cases of breaches of decorum or propriety, any Senator, officer or other person is liable to such censure or punishment as the Senate may deem proper.

2. If any Senator is called to order for offensive or indecorous language or conduct, the person calling the member to order shall report the offensive or indecorous language or conduct to the presiding officer. No member may be held to answer for any language used on the floor of the Senate if business has intervened before exception to the language was taken.

3. Indecorous conduct or boisterous or unbecoming language is not permitted in the Senate Chamber.

Rule No. 11.5. 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 Senate, 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 Senate, 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 Senate, 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. Except as otherwise provided in the Joint Rules of the 27th Special Session, the standards and procedures set forth in this rule which govern whether and to what extent a Senator 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 Senator has a conflict of interest pursuant to subsection 1:

(a) Are exclusive and are the only standards and procedures that apply to Senators with regard to such matters; and

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

V. QUORUM, VOTING, ELECTIONS

Rule No. 12. Action Required to Be Taken in Senate Chamber.

Any action taken by the Senate must be taken in the Senate Chamber.

Rule No. 13. Recorded Vote—Three Required to Call For.

1. A recorded vote must be taken upon final passage of a bill or joint resolution, and in any other case when called for by three members. Every Senator within the bar of the Senate shall vote "yea" or "nay" or record himself or herself as "not voting," unless excused by unanimous vote of the Senate.

2. The votes and names of those absent or recorded as "not voting" and the names of Senators demanding the recorded vote must be entered in the Journal.

Rule No. 14. President to Decide—Tie Vote.

A question is lost by a tie vote, but when the Senate is equally divided on any question except the passage of a bill or joint resolution, the President may give the deciding vote.

Rule No. 15. Manner of Election—Voting.

1. In all cases of election by the Senate, the vote must be taken viva voce. In other cases, if a vote is to be recorded, it may be taken by oral roll-call or by electronic recording.

2. When a recorded vote is taken, no Senator may:

(a) Vote except when at his or her seat;

(b) Explain his or her vote or discuss the question while the voting is in progress; or

(c) Change his or her vote after the result is announced.

3. The announcement of the result of any vote must not be postponed.

VI. LEGISLATIVE BODIES

Rule No. 16. Committee of the Whole.

1. All bills and resolutions may be referred only to the Committee of the Whole or to such standing committee as may be appointed pursuant to Rule No. 16.5.

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

3. Any meeting of the Committee of the Whole may be conducted outside the Senate Chamber, as designated by the Chair of the Committee.

4. A member of the Committee of the Whole may speak only once on an item listed on the Committee's agenda, for a period of not more than 10 minutes, unless he or she is granted leave of the Chair to speak for a longer period or more than once. If a member is granted leave to speak for a longer period or more than once, the Chair may limit the length of additional time that the member may speak.

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

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

(a) Must first be approved by the Committee.

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

7. The minutes of the Committee's meetings must be entered in the final Journal.

Rule No. 16.5. Standing Committees.

In addition to the Committee of the Whole, such standing committees may be appointed as may be deemed necessary.

Rule No. 17. Rules Applicable to Standing Committees and Committee of the Whole.

The Rules of the Senate shall apply to proceedings in Committee of the Whole and such standing committees as may be appointed, except that the previous question shall not be ordered. Messages may be received by the President while the Committee is sitting; in which case the President shall resume the chair and receive the message. After receiving the message, the President shall vacate the chair in favor of the Chair of the Committee. The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern such

committees in all cases in which they are applicable and in which they are not inconsistent with the rules and orders of the Senate.

Rule No. 18. *Motion to Rise Committee of the Whole.*

A motion that the Committee of the Whole rise shall always be in order, and shall be decided without debate.

VII. RULES GOVERNING MOTIONS

A. MOTIONS GENERALLY

Rule No. 19. *Entertaining.*

1. No motion may be debated until it is announced by the President.
2. By consent of the Senate, a motion may be withdrawn before amendment or decision.

Rule No. 20. *Precedence of Motions.*

When a question is under debate, no motion shall be received but the following, which shall have precedence in the order named:

1. To adjourn.
2. For a call of the Senate.
3. To recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a day certain.
7. To commit.
8. To amend.
9. To postpone indefinitely.

↳ The first four shall be decided without debate.

Rule No. 21. *When Not Entertained.*

1. When a motion to commit, to postpone to a day certain, or to postpone indefinitely has been decided, it must not be again entertained on the same day.
2. When a question has been postponed indefinitely, it must not again be introduced during the Special Session.
3. There must be no reconsideration of a vote on a motion to postpone indefinitely.

B. PARTICULAR MOTIONS

Rule No. 22. *To Adjourn.*

A motion to adjourn shall always be in order. The name of the Senator moving to adjourn, and the time when the motion was made, shall be entered in the Journal.

Rule No. 23. *Lay on the Table.*

A motion to lay on or take from the table shall be carried by a majority vote.

Rule No. 24. *To Strike Enacting Clause.*

A motion to strike out the enacting clause of a bill or resolution has precedence over a motion to commit or amend. If a motion to strike out the enacting clause of a bill or resolution is carried, the bill or resolution is rejected.

Rule No. 25. *Division of Question.*

1. Any Senator may call for a division of a question.
2. A question must be divided if it embraces subjects so distinct that if one subject is taken away, a substantive proposition remains for the decision of the Senate.
3. A motion to strike out and insert must not be divided.

Rule No. 26. *Explanation of Motion.*

Whenever a Senator moves to change the usual disposition of a bill or resolution, he or she shall describe the subject of the bill or resolution and state the reasons for requesting the change in the processing of the bill or resolution.

VIII. DEBATE

Rule No. 27. *Speaking on Question.*

1. Every Senator who speaks shall, standing in his or her place, address "Mr. or Madam President," in a courteous manner, and shall confine himself or herself to the question before the Senate. When the member has finished, he or she shall sit down.
2. Except as otherwise provided in Senate Rules Nos. 10 and 45 of the 27th Special Session, a Senator may speak only once on a question before the Senate, for a period of not more than 10 minutes, unless he or she is granted leave of the President to speak for a longer period or

more than once. If a Senator is granted leave to speak for a longer period or more than once, the President may limit the length of additional time that the member may speak.

3. *Incidental and subsidiary questions arising during debate shall not be considered the same question.*

Rule No. 28. *Previous Question.*

The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be now put?" When sustained by a majority of Senators present, it shall put an end to all debate and bring the Senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. A person who is speaking on a question shall not while he or she has the floor move to put that question.

IX. CONDUCT OF BUSINESS

A. GENERALLY

Rule No. 29. *Mason's Manual.*

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the rules and orders of the Senate 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.

Rule No. 30. *Suspension of Rule.*

No rule or order of the Senate for the 27th Special Session of the Legislature shall be rescinded or changed without a majority vote of the Senate; but, except as otherwise provided in Senate Rule No. 39 of the 27th Special Session of the Legislature, a rule or order may be temporarily suspended for a special purpose by a majority vote of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, the President can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Rule No. 39 of the 27th Special Session of the Legislature relating to the third reading of bills, which cannot be suspended.

Rule No. 31. *Protest.*

Any Senator, or Senators, may protest against the action of the Senate upon any question, and have such protest entered in the Journal.

Rule No. 32. *Privilege of the Floor.*

1. *To preserve decorum and facilitate the business of the Senate, only the following persons may be present on the floor of the Senate during formal sessions:*

- (a) *State officers;*
- (b) *Officers and members of the Senate;*
- (c) *Employees of the Legislative Counsel Bureau;*
- (d) *Attaches and employees of the Senate; and*
- (e) *Members of the Assembly whose presence is required for the transaction of business.*

2. *Guests of Senators must be seated in a section of the upper or lower gallery of the Senate Chamber to be specially designated by the Sergeant at Arms. The Majority Leader may specify special occasions when guests may be seated on the floor of the Senate with a Senator.*

3. *A majority of Senators may authorize the President to have the Senate Chamber cleared of all persons except Senators and officers of the Senate.*

4. *The Senate Chamber may not be used for any business other than legislative business during a legislative session.*

Rule No. 33. *Material Placed on Legislators' Desks.*

1. *Only the Sergeant at Arms and officers and employees of the Senate may place papers, letters, notes, pamphlets and other written material upon a Senator's desk. Such material must contain the name of the Legislator requesting the placement of the material on the desk or a designation of the origin of the material.*

2. *This rule does not apply to books containing the legislative bills and resolutions, the daily histories and daily journals of the Senate or Assembly, or Legislative Counsel Bureau material.*

Rule No. 34. *Petitions and Memorials.*

The contents of any petition or memorial shall be briefly stated by the President or any Senator presenting it. It shall then lie on the table or be referred, as the President or Senate may direct.

Rule No. 35. Objection to Reading of Paper.

Where the reading of any paper is called for, and is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

Rule No. 36. Questions Relating to Priority of Business.

All questions relating to the priority of business shall be decided without debate.

B. BILLS

Rule No. 37. Requests for the Drafting of Bills, Resolutions and Amendments.

The Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Senate unless it is submitted by the Committee of the Whole, a standing committee, a Conference Committee or the Governor.

Rule No. 38. Introduction of Bills.

1. Except as otherwise provided in this rule, no bill or resolution may be introduced in the Senate unless it is first approved by the Committee of the Whole or a standing committee.

2. The provisions of subsection 1 do not apply to a bill or resolution that is:

(a) Required to carry out the business of the Senate or the Legislature; or

(b) Requested by the Governor.

3. Skeleton bills may not be introduced.

Rule No. 39. Reading of Bills.

1. Every bill must receive three readings before its passage, unless, in case of emergency, this rule is suspended by a two-thirds vote of the members elected to the Senate.

2. The first reading of a bill is for information, and if there is opposition to the bill, the question must be, "Shall this bill receive no further consideration?" If there is no opposition to the bill, or if the question to reject is defeated, the bill must then take the usual course.

3. No bill may be committed until once read, nor amended until twice read.

4. The third reading of every bill must be by sections.

Rule No. 40. Second Reading File—Consent Calendar.

1. All bills or joint resolutions reported by the Committee of the Whole or a standing committee must be placed on a Second Reading File unless recommended for placement on the Consent Calendar.

2. The Committee of the Whole or a standing committee shall not recommend a bill or joint resolution for placement on the Consent Calendar if:

(a) An amendment of the bill or joint resolution is recommended;

(b) It contains an appropriation;

(c) It requires a two-thirds vote of the Senate; or

(d) It is controversial in nature.

3. A bill or joint resolution must be removed from the Consent Calendar at the request of any Senator. A bill or joint resolution so removed must be immediately placed on the Second Reading File for consideration in the usual order of business.

4. When the Consent Calendar is called, the bills remaining on the Consent Calendar must be read by number and summary, and the vote must be taken on their final passage as a group.

Rule No. 41. Reading of Bills—General File.

1. Upon reading of bills on the Second Reading File, Senate and Assembly bills reported without amendments must be placed on the General File.

2. Only amendments proposed by the Committee of the Whole may be considered.

3. Amendments proposed by the Committee of the Whole and reported with bills may be adopted by a majority vote of the members present. Bills so amended must be reprinted, engrossed or reengrossed, and placed on the General File. The File must be made available to members of the public each day by the Secretary.

Rule No. 42. Reconsideration of Vote on Bill.

No motion to reconsider a vote is in order.

C. RESOLUTIONS

Rule No. 43. Treated as Bills.

Resolutions addressed to Congress, or to either House thereof, or to the President of the United States, or the heads of any of the national departments, or proposing amendments to the State Constitution are subject, in all respects, to the foregoing rules governing the course of bills. A joint resolution proposing an amendment to the Constitution shall be entered in the Journal in its entirety.

Rule No. 44. Treated as Motions.

Resolutions, other than those referred to in Senate Rule No. 43 of the 27th Special Session of the Legislature, shall be treated as motions in all proceedings of the Senate.

Rule No. 45. Order of Business.

1. *Roll Call.*
2. *Prayer and Pledge of allegiance to the Flag.*
3. *Reading and Approval of the Journal.*
4. *Reports of Committees.*
5. *Messages from the Governor.*
6. *Messages from the Assembly.*
7. *Communications.*
8. *[Reserved.]*
9. *Motions, Resolutions and Notices.*
10. *Introduction, First Reading and Reference.*
11. *Consent Calendar.*
12. *Second Reading and Amendment.*
13. *General File and Third Reading.*
14. *Unfinished Business.*
15. *Special Orders of the Day.*
16. *Remarks from the Floor; Introduction of Guests. A member may speak under this order of business for a period of not more than 5 minutes each day.*

Rule No. 46. Privilege.

Any Senator may rise and explain a matter personal to the member by leave of the President, but he or she shall not discuss any pending question in such explanation.

Rule No. 47. Preference to Speak.

When two or more Senators rise at the same time, the President shall name the one who may first speak—giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule No. 48. Special Order.

The President shall call the Senate to order on the arrival of the time fixed for the consideration of a special order, and announce that the special order is before the Senate, which shall be considered, unless it be postponed by a two-thirds vote, and any business before the Senate at the time of the announcement of the special order shall go to Unfinished Business.

Senator Denis moved the adoption of the resolution.

Resolution adopted unanimously.

By the Committee of the Whole:

Senate Resolution No. 2—Providing that no allowances will be paid for the 27th Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That for the 27th Special Session of the Nevada Legislature, no allowances will be paid for members of the Senate for periodicals, stamps, stationery or the use of telephones and no allowances will be paid for the President Pro Tempore, Majority Leader, Minority Leader or chair of a committee of the Senate for postage, telephone tolls or other charges for communications.

Senator Denis moved the adoption of the resolution.

Resolution adopted unanimously.

By the Committee of the Whole:

Senate Resolution No. 3—Providing for the appointment of Senate staff.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as Senate staff for the 27th Special Session of the Legislature of the State of Nevada: Judith Anker-Nissen, Karen Baggett, Shelle Grim-Brooks, Leah L. Jones, Lydia J. Lee, Julie Mogensen, Alysia K. Peters, Jerry S. Pieretti, Jodi Poley, Steve Pozzi, Lora R. Robb, Sherry L. Rodriguez, Timothy K. Taycher, Todd Westergard and Susan S. Whitford.

Senator Denis moved the adoption of the resolution.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Senate Bill No. 1—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; imposing certain conditions on the allotment and use of the proceeds of the increase of the tax; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

By the Committee of the Whole:

Senate Bill No. 2—AN ACT making an appropriation to the Millennium Scholarship Trust Fund; and providing other matters properly relating thereto.

By the Committee of the Whole:

Senate Bill No. 3—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.

GENERAL FILE AND THIRD READING

Senate Bill No. 1

Bill read third time.

Remarks by Senators Parks and Hardy.

SENATOR PARKS:

Thank you, Mr. President. Senate Bill No. 1 makes various changes to the Clark County Sales and Use Tax Act of 2005. These changes include: (1) temporarily suspending the provisions which prohibit these tax revenues from supplanting or replacing existing funding for police departments until July 1, 2016; (2) requiring additional reports to be filed relating to the expenditure of revenues during the period which these provisions are suspended; (3) resetting the base year for determining when the use of these sales tax revenues supplant or replace existing revenues; and (4) authorizing the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County, which may be imposed on or after October 1, 2013, but before July 1, 2016. In order to become effective, the rate must be approved by a two-thirds majority of the Clark County Commission. The bill establishes provisions for the expenditure of the proceeds from the 0.15 percent tax rate dependent upon employing an equal number of police officers in unfilled budgeted positions using money other than the proceeds from the 0.15 percent sales tax rate. The County Treasurer must be satisfied that the police department meets these requirements to allocate the money. The bill establishes provisions for the police

department to apply for and be granted a waiver by the Committee on Local Government Finance from the unfilled budgeted positions requirements under certain conditions. It allows any other police department, that meets the unfilled budgeted positions requirements or has been granted a waiver, to apply for the allotment of any proceeds from the 0.15 percent tax rate that the County Treasurer determines should not be allocated to a police department that fails to meet the positions' requirements or is granted a waiver. Finally, Senate Bill No. 1 requires the Committee on Local Government Finance to submit a report on or before September 1 of each year to the Legislative Commission regarding the number of waivers granted during the preceding fiscal year and the reason for the waivers. The measure becomes effective upon passage and approval and expires by limitation on October 1, 2025.

SENATOR HARDY:

Thank you, Mr. President. Are there any changes in Senate Bill No. 1 from the version we considered during the 77th Legislative Session? Also, when it says "other cities," does that apply to cities that have yet to be created or does it refer to cities outside of Clark County?

SENATOR PARKS:

Thank you, Mr. President. To my colleague from Boulder City, Senate Bill No. 1 is different than Assembly Bill No. 496 that was sent to the Assembly from the Senate some weeks ago. The basic bill is the same: the 0.15 percent sales tax rate remains unchanged. It allows for waiving the supplanting prohibition. As you are aware, the tax rate is across Clark County so that it applies to all jurisdictions within the County. It affects all police departments in Clark County.

SENATOR HARDY:

Thank you, Mr. President. I was slightly confused by the language "other cities could apply" if they became eligible. In the bill digest it talks about all of the cities in Clark County; is there another city contemplated by Senate Bill No. 1? Or is it another city that is not yet named?

SENATOR PARKS:

Thank you, Mr. President. To my colleague from Boulder City, Senate Bill No. 1 only affects jurisdictions within Clark County. The additional language is for the case where one governmental entity failed to qualify for the revenue, it could be allocated by the County Treasurer to one or more of the other incorporated cities.

SENATOR HARDY:

Thank you very much.

Roll call on Senate Bill No. 1:

YEAS—17.

NAYS—Cegavske, Gustavson, Settlemeyer—3.

EXCUSED—Woodhouse.

Senate Bill No. 1 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 2 makes a General Fund appropriation totaling \$2 million to the Governor Guinn Millennium Scholarship program to improve the financial soundness of the Millennium Scholarship Trust Fund. It becomes effective July 1, 2013.

Mr. President, I would have preferred to see this \$2 million, which was taken from K-12 funding allocated during the 77th Legislative Session, remain with K-12 funding; however, this is now where it is going.

Roll call on Senate Bill No. 2:

YEAS—15.

NAYS—Cegavske, Gustavson, Hammond, Settelmeyer, Smith—5.

EXCUSED—Woodhouse.

Senate Bill No. 2 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Senate Bill No. 3 transfers the responsibility for managing the Account for Charter Schools from the Department of Education to the State Public Charter School Authority. Pursuant to statute, the Account for Charter Schools is a revolving loan account, the money in which may only be used to make loans at or below market rate to new and existing charter schools. The measure further specifies that a loan made to a charter school from the Account for Charter Schools must not exceed the lesser of an amount equal to \$500 per pupil enrolled, or proposed to be enrolled, in the school or \$200,000. The bill is required to implement the Public School Loan budget as recommended by the Governor. The act becomes effective upon passage and approval.

Roll call on Senate Bill No. 3:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Senate Bill No. 3 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 7:58 a.m.

SENATE IN SESSION

At 8:06 a.m.

President Krolicki presiding.

Quorum present.

REMARKS FROM THE FLOOR

PRESIDENT KROLICKI:

When the voters adopted Assembly Joint Resolution No. 5 at the 2012 General Election, they approved an amendment to Article V, Section 9, which now expressly provides that when the Governor calls a special session of the Legislature pursuant to that section, the Legislature shall adjourn *sine die* the special session convened pursuant to the 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.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 8:07 a.m.

SENATE IN SESSION

At 8:12 a.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 4, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1.

BONNIE HOFFECKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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.*

Senator Denis moved the adoption of the resolution.
Resolution adopted unanimously.
Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 4, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 1, 2.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 1, 2, 3.

BONNIE HOFFECKER

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

Bill read first time.

Assembly Bill No. 2.

Bill read first time.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Senators Kieckhefer, Cegavske and President Krolicki.

SENATOR KIECKHEFER:

Thank you, Mr. President. Assembly Bill No. 1 is the renewed version of Assembly Bill No. 38 of the 77th Legislative Session. This is the Governor's Office of Economic Development bill. It will make the following changes relating to abatements or deferments of taxes allowed under law: (1) removing provisions allowing abatements to be granted to businesses that further the development and refinement of intellectual property patents or copyrights into commercial projects; (2) changing or clarifying conditions that must be met to qualify for abatements; (3) allowing businesses locating within an active foreign trade zone to receive a partial abatement of up to 75 percent of personal property taxes for up to 10 years; (4) increasing the minimum sales price to receive a deferral of sales tax from \$100,000 to \$1 million; (5) adding additional conditions that must be met in order to become eligible to receive the deferral; (6) specifying limits on the partial abatements that may be received for new or expanding businesses locating in certain zones for economic development; and (7) providing 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 of the abatement. Assembly Bill No. 1 will become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and on July 1, 2013 for all other purposes. The provisions of the bill relating to the abatements in activated foreign trade zones expire by limitation on June 30, 2017. The provisions changing or clarifying provisions relating to certain existing abatements expire by limitation on June 30, 2032.

This was a piece of legislation that passed our House with overwhelming support yesterday. It is an attempt to bring more balance between economic development efforts to recruit out-of-state businesses and encourage growth from within—this is an important balance to strike. It enhances some key provisions that will allow new areas for economic development. I encourage all of my colleagues to support Assembly Bill No. 1.

SENATOR CEGAVSKE:

Thank you, Mr. President. Could someone please indicate the changes from Assembly Bill No. 38 of the 77th Legislative Session to Assembly Bill No. 1 of the 27th Special Session?

SENATOR KIECKHEFER:

Thank you, Mr. President. There are no differences between Assembly Bill No. 38 of the 77th Legislative Session and Assembly Bill No. 1 of the 27th Special Legislative Session other than, on page 27 of Assembly Bill No. 1, line 18 increases the minimum to \$100 million from \$75 million. That is the only change.

PRESIDENT KROLICKI:

For purposes of clarity, part of the conversation on those figures in the bill—the \$100 million as well as the 15-year term—was from the Director of the Governor's Office of Economic Development. The time frame of 15 years is of particular importance. That was the conversation that was had when this bill draft was prepared.

SENATOR CEGAVSKE:

Thank you, Mr. President. In order to be clear: between the time the Senate passed Assembly Bill No. 38 of the 77th Legislative Session and the start of the 27th Special Legislative Session, we made two changes to the bill? I want clarification around why we did that.

SENATOR KIECKHEFER:

Thank you, Mr. President. One change was made: the bill increases from \$75 million to \$100 million the level of investment that is required in order to qualify for the abatement. That change was made due to a certain level of disagreement between this Chamber and that of the Assembly. This reflects a happy medium. When we originally received Assembly Bill No. 38 of the 77th Legislative Session, the abatement structure for these data centers was a 10-year limit at \$200 million minimum investment—the bill we received from the Assembly during the 77th Legislative Session was significantly more restrictive. This Body felt it was too restrictive. Therefore, it had been changed to 15 years and \$75 million. In preparing Assembly Bill No. 1 for the 27th Special Session, we tried to come up with something that could pass without amendment to expedite the process. Fifteen years and \$100 million was the happy medium.

Roll call on Assembly Bill No. 1:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 1 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2.

Bill read third time.

Remarks by Senators Smith, Jones, Denis, Spearman and Cegavske.

SENATOR SMITH:

Thank you, Mr. President. Assembly Bill No. 2 requires school districts to post on their websites and to provide to the Department of Education a quarterly report of the average daily attendance in their schools and the ratio of pupils per licensed teacher in grades 1, 2 and 3. The report must also detail whether a school has an approved alternative class-size reduction plan and if there are any variances from the authorized class-size ratios. The bill also increases the statutorily-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. For purposes of calculating the pupil-to-teacher ratios in grades 1, 2 and 3, a teacher who teaches multiple classes may only be counted once. School districts that exceed the prescribed ratio in any quarter must request a variance from the State Board of Education for the following quarter. The bill further requires the State Board of

Education to report quarterly to the Interim Finance Committee on each variance requested by a school district during the preceding quarter. Accordingly, if the State Board of Education grants a variance, the quarterly report must include the justification and the identification of the school for which the variance was granted.

Assembly Bill No. 2 is an important piece of the education legislation we passed during the 77th Legislative Session. It allows more accountability and openness to our class-size reduction system by parents being able to go on their school's website to see the actual class-size numbers for their schools. They will have accurate information. You may know that currently the reporting is district-wide. That is why it can seem that schools are in compliance when they are not. This should bring us more clarity and information. It is also a lot tighter in that educators, who are not in the classroom with the students, will not be counted in class-size numbers. That should bring more truth in reporting to the class-size reduction plan. I look forward to seeing the information it will bring us so we can make better decisions going forward.

SENATOR JONES:

Thank you, Mr. President. I rise in strong support of Assembly Bill No. 2. This is a tremendous step forward, at least in information gathering. We made some progress during the 77th Legislative Session with respect to class-size reduction, but we still have a long way to go. With the information gathered from implementation of this bill, we should be able to have a better grasp for the true numbers as we go into the next Legislative Session. Too often over the last year, I heard people like Dr. Guthrie talk about what they thought the class-size numbers were; then parents, students, teachers and principals would tell me over and over again in my district that their class sizes were 35, 40 and 50 students per class. We need better reporting. We need to know what the real numbers are, especially in growth districts like Senate District No. 9. I urge my colleagues' support.

SENATOR DENIS:

Thank you, Mr. President. I do stand in support of Assembly Bill No. 2. This gives us an opportunity to take a look at class sizes. It lets us look at numbers throughout the year instead of just once, and at the school-level instead of district-wide. This is good. This is the policy side of some of the budget work we did during the 77th Legislative Session. I urge your support.

SENATOR SPEARMAN:

Thank you, Mr. President. I rise in strong support of Assembly Bill No. 2. The empirical data we gather during this interim period will support what we already know anecdotally. It will help us move forward. I urge my colleagues to support it.

SENATOR CEGAVSKE:

Thank you, Mr. President. In the report, is there any other information that is being ascertained and put on the websites? Also, does this information already exist on the website? What I mean is, do they already have the mechanism in place to do the reporting, or is it something new that has to be developed?

SENATOR SMITH:

Thank you, Mr. President. This is a new requirement. It is not a special report. It really is just posting the information on the school's website. When we developed the legislation, we concluded it would not be particularly onerous because each school can count kids and count teachers for reporting online. The quarterly reporting is new and more significant than what they have been doing in the past. There is no other reporting involved beyond that. This is strictly focused on class sizes.

I think we all know from the media and other occurrences just how frequently we hear the stories that my colleague referred to earlier—35 kids in the classroom when we have class-size reduction initiatives. This is really going to start bringing some clarity to those numbers. This bill is strictly focused on class sizes.

Roll call on Assembly Bill No. 2:

YEAS—20.

NAYS—None.

EXCUSED—Woodhouse.

Assembly Bill No. 2 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Roberson requested that the following remarks be entered in to the Journal.

SENATOR ROBERSON:

Thank you, Mr. President. I want to be somber for a moment and ask everyone to remember our colleague from Senate District No. 5 and all that she is going through right now. It is a lot more difficult than what we are going through. Please keep Joyce Woodhouse and her husband in your thoughts.

SENATOR JONES:

Thank you, Mr. President. I want to recognize my Committee Manager Linda Gentry. She has been fantastic all Session. She volunteered to make sure I got an hour's rest last night, and she even got me a toothbrush this morning. I really appreciate all she has done for me this Session.

Mr. President appointed Senators Segerblom, Atkinson and Cegavske as a committee of three to inform the Assembly that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Manendo, Jones and Gustavson as a committee of three to inform the Governor that the Senate is ready to adjourn *sine die*.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 8:42 a.m.

SENATE IN SESSION

At 8:53 a.m.

President Krolicki presiding.

Quorum present.

A committee from the Assembly composed of Assemblymen Carlton, Diaz and Hardy appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

Senator Manendo reported that his committee had informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Cegavske reported that her committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

REMARKS FROM THE FLOOR

President Krollicki requested that the following remarks be entered in to the Journal.

SENATOR CEGAVSKE:

Thank you, Mr. President. I want to thank you all one last time—each and every one of you. I did not think you would make me stay for one more day. I want to tell you it was very unusual sleeping on the floor or on a couch, if you were lucky. God bless you, and Godspeed to each and every one of you today—safe travels home.

SENATOR ROBERSON:

Thank you, Mr. President. I am sure the Majority Leader will also echo this: we have put the staff through quite an ordeal the last several hours. The staff does not hear it enough, but thank you, thank you, thank you for all of the work you have done. You are true public servants. To my colleagues, it has been fun and we have accomplished a lot of great things. We can always do better, and the people expect us to do better—as they should. It should not have taken us until 9:00 a.m. today to get the job done. But, we got it done. Congratulations to all of you. I have enjoyed working with you this Session. God bless you. God bless you, Senator Woodhouse.

SENATOR ATKINSON:

Thank you, Mr. President. I, too, want to echo the same sentiments. I want to thank my colleagues who I caucus with, but also my other colleagues who I was never invited to caucus with. As some of them spoke earlier about me, coming over here from the Assembly I did not know what to expect. I have been awed by the cooperation in this House and the cooperation with my Committee and its members. I sometimes get teary-eyed thinking about how respectfully I have been treated this Session as the leader of the Senate Committee on Commerce, Labor and Energy. I cannot thank them enough. It meant a lot to me. Folks who know me around the building have told me that I have changed a lot this Session. It was easy to change. I felt something for the first time in 11 years that I hadn't felt before, and it was quite comforting.

MR. PRESIDENT:

I will miss you all terribly. Thank you again for the friendship, the courtesy, the warmth and the gifts from yesterday. Senator Cegavske, we will always be watching over this crew. Thank you for letting me—as the Executive Branch guy who comes over for a while every couple of years be part of this amazing group of people.

Senator Denis moved that the 27th Special Session of the Senate of the Legislature of the State of Nevada adjourn *sine die* and it do so with thoughts for the Woodhouse family.

Motion carried.

Senate adjourned *sine die* at 9:03 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate