

Journal  
OF THE  
SENATE OF THE STATE  
OF NEVADA

---

SEVENTY-FIFTH SESSION

---

THE FIRST DAY

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CARSON CITY (Monday), February 2, 2009

Senate called to order at 12:22 p.m.

President Krolicki presiding.

Prayer by the Chaplain, Dr. Robert Fowler.

Eternal God and Heavenly Father, we are grateful to You for this day You have given us to live, and we thank You for the life that You allow each and every one of us to possess on this day.

Thank You for giving us not only the strength to live this life but the ability to enjoy the life You have given us as well. We appreciate it, and we thank You.

Eternal God, we beseech You, today, on behalf of the public servants who have gathered in this marvelous hall among this august assembly. Thank You for them and for their desire to serve the citizens of the State of Nevada. We pray their hearts' desire is to see the people of this State prosper and live in peace.

Furthermore, we thank You for their families that provide support to them, the husbands, wives and children, who spend countless hours and days without the opportunity to see their loved ones as they serve our State. Yet, they understand how great the need is within our State. So, we thank You for them.

Our State needs Your help. Our State needs Your guidance. The Bible says unless the Lord builds the house, the laborers labor in vain. Our State needs Your direction. We are a blessed State. We are a world-renowned State. We are a powerful State. Our State has national and international impact and influence; and for that impact and for that influence, we express our appreciation to You. But, we need You to use it in a proper and upright fashion.

This Legislature must make decisions about life, about direction. There are decisions to make about our economy and about the infrastructure of our State. There are decisions to make about the educational system within our State. There are decisions to make about our families and our children and their health care and emotional conditions. There are decisions to make about the reduction of crime and the elevation of peace. Therefore, we beseech Your help today.

We thank You, God, for the collective wisdom in this hall today. We pray that wisdom rain down in a spirit of cooperation and collaboration to bring forth the solutions to cause our State to be both productive and peaceful.

I ask these things in the name of the One who gave me life and gave His life for me. The Bible calls him the Rose of Sharon, Lily of the Valley, the Bright Morning Star. My grandmother called Him a doctor in a sick room and a lawyer in a courtroom. I call Him my rock in a weary land, My Saviour, my Christ.

AMEN.

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

Senate in recess at 12:26 p.m.

#### SENATE IN SESSION

At 12:27 p.m.

President Krolicki presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

PRESIDENT KROLICKI:

We are delighted to have the Carson City Fire Department Color Guard whose members include the following: Captain Scott Baker, Firefighter/Paramedic John Easterling, Firefighter/Paramedic Jeff Linscott and Firefighter/Paramedic Bryan Hunt. They will present the colors.

Presentation of the Colors by the Carson City Fire Department Color Guard.

Pledge of Allegiance to the Flag.

PRESIDENT KROLICKI:

It is my pleasure to announce that the National Anthem will be presented by Harmonium from Carson High School. Members are: Brynn Garrett, Sarah Irvin, Stephanie Kulla and Nidsa Mourtsen.

President Krolicki requested that his remarks be entered in the Journal.

Good afternoon, Senators. I extend an especially warm greeting to your family members and special guests, who have joined you on the floor today.

Additionally, it is a great pleasure to be once again working with our capable and dedicated staff.

We also welcome our other assembled guests and visitors today as we convene the Seventy-fifth Session of the Nevada Legislature.

We do so with our State facing a variety of pivotal challenges, due primarily to the historic decline in our normally robust economy. This will cause the weighty decisions that will be made in this Chamber to be among the most profound and impacting as any of those made during the past three-quarters of a century.

The good citizens of Nevada have elected you to conduct the business of this State at this critical juncture. May you do so with ample grace and wisdom, with humor and tolerance being regular companions. Your days here are an opportunity to pursue those causes you believe to be just and good.

There will be individual successes and failures along the way, but as statesmen and women, I know you will collectively remain focused on the novel purpose of your gathering—the betterment of the people we serve.

It is my privilege to share this process with you in my role as President of this Senate. I assure you that I will strive to comport myself in a manner which will serve your deliberations well and fairly. I am grateful for the camaraderie that already exists within this Senate Chamber.

May the smiles and goodwill exhibited today in abundance, be of such fortitude that they continue to guide us during the next 120 days, and may our good health and temperaments be durable enough to outlast the rigorous tolls brought on by the heart-wrenching decisions which lie ahead.

Finally, I wish to thank in advance those individuals who have chosen to provide care and service to this Senate, some of whom have done so for their entire professional careers. The staff at this Front Desk, within this room, and throughout this building are extraordinarily dedicated

and skilled in their respective roles, and may they have the patience of Job with us as our days together grow less and the pressures of the pending difficult issues increase.

Now, let us be about our business.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President requested Mrs. Claire J. Clift to serve as temporary Secretary of the Senate and Mr. Dave Goodheart to serve as temporary Sergeant at Arms.

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

Roll called.

All Senators present.

Mr. President appointed Senators Wiener, Lee and Amodei to escort Chief Justice James W. Hardesty of the Supreme Court of Nevada to the rostrum to sign the Certificates of Election.

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

Senate in recess at 12:39 p.m.

SENATE IN SESSION

At 12:52 p.m.

President Krolicki presiding.

Quorum present.

Senator Care moved that Chief Justice Hardesty be extended a unanimous vote of thanks for signing the Certificates of Election.

Motion carried unanimously.

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

Motion carried.

Senator Horsford moved that the Secretary of the Senate be instructed to insert the Seventy-fifth Session organization in the Journal of the Senate, as outlined in the handout located on each Senator's desk.

PRESIDENT PRO TEMPORE OF THE SENATE—

SENATOR MICHAEL A. SCHNEIDER

MAJORITY FLOOR LEADER—

SENATOR STEVEN A. HORSFORD

ASSISTANT MAJORITY FLOOR LEADER—

SENATOR TERRY CARE

MAJORITY WHIP—

SENATOR VALERIE WIENER

ASSISTANT MAJORITY WHIP—

SENATOR JOHN J. LEE

MINORITY FLOOR LEADER—

SENATOR WILLIAM J. RAGGIO

ASSISTANT MINORITY FLOOR LEADER—

SENATOR DENNIS NOLAN

MINORITY WHIP—

SENATOR BARBARA K. CEGAVSKE

SECRETARY OF THE SENATE—

CLAIRE J. CLIFT

Mr. President appointed Senators Carlton, Copening and Hardy as a committee of three to inform the Assembly that the Senate is organized and ready for business.

Mr. President appointed Senators Woodhouse, Breeden and Nolan as a committee of three to inform the Governor that the Senate is organized and ready for business.

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ASSOCIATED PRESS: Cathy Bussewitz, Brendan Riley; KKOH RADIO/CITADEL BROADCASTING CORP.: Ian L. Perry; KLAS-TV: Rich Czarny, Mark Mutcher; KNPB-TV: Michael Hagerty, Elizabeth Welti; KOLO-TV: Edward Barnett, Thomas Goepner; KRNV-TV: John Barrette, Charles Benn, Jack Brown, Victoria Campbell, Ryan Coleman, Ford Ryan Corl, Jeff Deitch, Roger Du Plessis, Kirk Frosdick, Joe Hart, Elizabeth Heywood, Kenny Holmes, Chuck King, Sherry Kudelka, Adam Randall, Bryan Samudio, Lemor Shlomof, Kimberly Strow, Lawrence Vosper; KTVN-TV: Jeffrey Foss, Darrell McComb, Jay Nobles, Brandon Rittiman; KUNR PUBLIC RADIO: Pam Dupree; LAHONTAN VALLEY NEWS: Christiane Lattin; LAS VEGAS SUN: J. Patrick Coolican, David Schwartz; NEVADA APPEAL: Niki Gladys, Peggy Santoro, Geoff Dorman; NEVADA BROADCASTERS ASSOCIATION: Adrienne Abbott-Gutierrez, Robert D. Fisher; RENO GAZETTE-JOURNAL: Guy Clifton, Anjeanette Damon; REYNOLDS SCHOOL OF JOURNALISM (UNR): Jessica Estepa; SENIOR SPECTRUM NEWSPAPER: Connie McMullen; SIERRA NEVADA MEDIA GROUP: Scott McElhaney; TASMAN PACIFIC MEDIA GROUP: Peter J. Hutchinson; TRUCKEE MEADOWS COMMUNITY COLLEGE/ JOURNALISM: Timothy Carlton III; THE VOICEBOX/THE COLLEGE RADIO SHOW: Donnell Pike-Anuken and WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

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

Senate in recess at 12:55 p.m.

## SENATE IN SESSION

At 1:17 p.m.

President Krolicki presiding.

Quorum present.

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

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

A committee from the Assembly composed of Assemblymen Conklin, Stewart and Assemblywoman Leslie appeared before the bar of the Senate and announced that the Assembly was organized and ready for business.

## REMARKS FROM THE FLOOR

Senator Horsford requested that his remarks be entered in the Journal.

Mr. President and my colleagues of the Nevada Senate, today marks the beginning of another defining moment in Nevada's history. We are confronted with enormous challenges. One hundred, twenty-five thousand Nevadans are out of work. Thousands of families are losing their homes. Our education system is at risk of failing our most prized possessions, our children. On these things, there is agreement. But, it is not enough to simply recognize the challenges; the people of Nevada are looking to us to solve them as well. They do not want to see their University System dismantled. They do not want us to balance the budget on the backs of teachers. They do not want children and seniors to pay the price of economic turmoil by having this Legislature and Nevada's Governor tear down everything that has been built up over the years. We cannot allow this defining moment to undo the work many in this Chamber have accomplished despite the economic challenges before us.

The people we represent want us to chart a different economic course; one that attracts new industries and lessens our reliance on tourism to sustain ourselves as a state. They want solutions that put Nevadans back to work and provide adequate revenues to support education, health care and other vital services.

There can be no doubt we face enormous challenges, but those challenges also provide us with an opportunity, an opportunity to choose the kind of future we want for ourselves, but, more importantly, for our children. We can, and must, seize the opportunity to make Nevada great in this new Century.

What we do in the next 120 days can set a new course for Nevada. We can begin to diversify our economy by developing our abundant renewable energy resources, creating jobs and giving consumers an ability to reduce their energy costs over time. We can fight for our educational system by keeping the best and brightest teachers in Nevada and by providing for smaller class sizes and demanding better outcomes in student achievement. We can align the resources and infrastructure of our colleges and universities to better meet our State's economic opportunities without forcing students to pay three times as much in tuition. We can make health care a priority and ensure programs like Nevada Check-up and Medicaid services for families and seniors are preserved. And, we can reward the hard working people of Nevada by making government work harder and smarter for them.

Now, the economic stimulus package pending in Congress will help us solve some of our budget problems and lay the groundwork for a new economic future, improving our infrastructure, augmenting our education system and social services, developing our renewable energy resources and creating new industries. And, it will be up to us to make sure that money is wisely spent. But, we must all remember the federal stimulus will not solve all of our problems. We will still need to make cuts and even eliminate some programs that are ineffective or have simply run their course. Every state agency and every program needs to be on notice that they will be audited for efficiency and that everyone will have to make sacrifices in order to help us

get through this critical budget shortfall and beyond that to survive in the new economy. But, we can and will protect what matters most—the future of our children and the opportunity to make Nevada great.

While the task ahead may seem daunting, we know it can be done. It can be done because we have faced challenges before. It has been people like the Senate Minority Leader who have provided leadership for our State for many years and his experience and compassion for the working people of this State are guideposts by which we should all measure our actions.

It can be done because each of you in this Chamber brings a set of strengths and talents that will serve the people of Nevada well. Last week, Speaker Buckley and I put forth the initial elements of a legislative agenda, and we will be adding to it in the next few weeks. I hope and trust you will help us.

I am humbled by the position I now hold as the Senate Majority Leader and mindful of both the responsibility it brings and the change it represents. But, I want to say to each of you that I also know I cannot do this alone. I welcome your ideas and proposals, whether you are a Democrat or a Republican. The challenges we face cannot be met by one person or one party alone. The challenges are too great. We come to this Legislature as Democrats and Republicans but must leave it as Nevadans who have done their job for our fellow citizens. History has shown that Nevada's citizen Legislators possess the capacity to do the best when they are asked. Ladies and gentlemen, I am asking. The people of Nevada are asking: Will we make Nevada great again?

I tell you, it can be done. Thank you, Mr. President.

Senator Horsford requested that Senator Townsend remarks be entered in the Journal.

This is a unique day for many of us. We have many friends who have served together for many years. To my good friend, Senator Coffin, this Session will be the last time we will address you due to the new rules. We are all going to give our best. We will give 100 percent.

I would like to acknowledge some people who are here. First, Betty Jacobsen whose husband was my mentor when I came here. There was another mentor here who is sitting in front of her, Senator Joe Neal, and as you all know, there is the ultimate mentor Senator Raggio. When Senator Raggio retires, he will be the longest serving Senator ever and forever, unless they change the rules again in the Senate. Senator Neal will be number two. Unfortunately, Senator Jacobsen retired, leaving me to be number three. Those three people were kind to a new, young, ambitious, wild-eyed person who could not understand why you just could not get things done. Hopefully, because of them, I became a substantially better Senator.

I hope that to all the new people who are joining us here, today, you will find people who have expertise and experience and that they will share their knowledge with you. As society has evolved, it has not always gone in the best ways. We have lost from the old days some of the better things. Not all of you will have a Senator Jacobsen, a Senator Neal or a Senator Raggio. Seek those out who will be helpful to you. This is a very small group, just 21 of us.

I have been interviewed many times about what I thought our new Majority Leader would be like as a leader. I say this is a team. We will have our differences. That is fine. That is how we all got here, but at the end of the day, we are all friends; we are all Nevadans. We will work together, open up our minds to other views in the world and try to work within what we call the Nevada process in the Senate. We will have a very good product. Yes, it will be tough, but to be honest, why would you come here if it were not going to be tough? We could all stay doing what we had been doing, but we came here because of the challenges.

I want to thank Senator Raggio and my friend Senator Neal. I remember Senator Neal's speeches, and they were something. This is someone who could get you fired up over a cube of ice. He is a special person, and I respect everything he has ever said on this floor. There were many wonderful "Jake" stories about my friend Senator Jacobsen, and many of them happened here on this Senate floor. Because of the three of them, I have had a unique experience, and it has been an honor and a privilege to serve with them. They helped to guide me to be a better Nevadan and a better Senator. Thank you and your families.

Senate in recess at 2:03 p.m.

## SENATE IN SESSION

At 2:45 p.m.

President Krolicki presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

By Senators Horsford and Raggio:

Senate Resolution No. 1—Adopting the Standing Rules of the Senate for the 75th Session of the Legislature.

Resolved by the Senate of the State of Nevada, That the Senate Standing Rules are hereby adopted for the 75th Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

*Duties of Officers*

*Rule No. 1. President.*

*The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and if a quorum is present shall cause the Journal of the preceding day to be read. He 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. He may speak to points of order in preference to members, rising from his 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. He 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. He has general direction of the Senate Chamber.*

*Rule No. 2. President Pro Tem and Other Presiding Officers.*

*1. Except as otherwise provided in subsection 2:*

*(a) The President Pro Tem has all the power and shall discharge all the duties of the President during his absence or inability to discharge the duties of his office.*

*(b) In the absence or inability of the President Pro Tem to discharge the duties of the President's office, the Chair of the Standing Committee on Legislative Operations and Elections shall serve as the presiding officer. In the absence or inability of the Chair, the Vice Chair of the Standing Committee on Legislative Operations and Elections shall serve as the presiding officer. In the absence or inability of the Vice Chair of the Standing Committee on Legislative Operations and Elections, the Senate shall elect one of its members to serve as the presiding officer. 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.*

*2. When the President Pro Tem or another member is serving as the presiding officer, the President Pro Tem or other member may vote on any question for which he is otherwise qualified to vote as a member. If the Senate is equally divided on the question, the President Pro Tem or other member may not give an additional deciding vote or casting vote pursuant to Senate Standing Rule No. 31 or Section 17 of Article 5 of the Nevada Constitution.*

*Rule No. 3. Secretary.*

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

*(a) Interview and recommend to the Standing Committee on Legislative Operations and Elections 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 to its committees.*

*(d) Unless otherwise ordered by the Senate, transmit at the end of each working day 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. 4. 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 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 for committees.*

(b) *Interview and recommend to the Standing Committee on Legislative Operations and Elections 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. 5. 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 shall be sworn to keep the secrets of the Senate.*

*Rule No. 6. Reserved.*

*The next rule is 10.*

## II. SESSIONS AND MEETINGS

*Rule No. 10. Time of Meeting.*

*The President shall call the Senate to order each day of sitting at 11:00 o'clock a.m., unless the Senate has adjourned to some other hour.*

*Rule No. 11. 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. 12. Absence—Leave Required.*

*No Senator shall absent himself 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 his per diem shall not be allowed him.*

*Rule No. 13. Open Meetings.*

1. *Except as provided in the Constitution of the State of Nevada and in subsection 2 of this Rule, all meetings of the Senate and its committees must be open to the public.*

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

*The next rule is 20.*

## III. DECORUM AND DEBATE

*Rule No. 20. 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 him to order. If a Senator is so called to order, he shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That he be allowed to proceed in order," and the Senator shall confine himself 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. 21. 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 him 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. 22. Reserved.*

*Rule No. 23. Committee on Ethics; Legislative Ethics.*

1. *The Committee on Ethics consists of:*

(a) *Two members of the Senate appointed by the Majority Leader from the majority political party;*

(b) *One member of the Senate appointed by the Minority Leader from the minority political party; and*

(c) *Four qualified electors of the State, two of whom are appointed by the Majority Leader, one who is appointed by the Minority Leader, and one who is appointed by the other members appointed to the Committee, and none of whom is a present member of the Legislature or employed by the State of Nevada.*

↳ *Not more than four members of the Committee may be members of the same political party.*

2. *The Majority Leader shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.*

3. *The Majority Leader shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The members of the Committee shall appoint an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Committee during the consideration of the specific question.*

4. *A member of the Committee is disqualified to serve during the consideration of a specific question if:*

(a) *The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or*

(b) *A reasonable person in the member's situation could not exercise independent judgment on the matter in question.*

5. *The Committee:*

(a) *May hear requests brought by Senators for advice on specific questions of potential breaches of ethics and conflicts of interest; and*

(b) *Shall hear complaints brought by Senators and others on specific questions of alleged breaches of ethics and conflicts of interest.*

6. *All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:*

(a) *Against whom a complaint is brought requests a public hearing;*

(b) *Discloses the content of an opinion of the Committee at any time after his hearing; or*

(c) *Discloses the content of an advisory opinion issued to him by the Committee.*

7. *A complaint which alleges a breach of ethics or a conflict of interest must be:*

(a) *Made in writing on a form provided by the Secretary of the Senate;*

(b) *Signed and verified under penalty of perjury by the person making the allegation; and*

(c) *Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.*

8. *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 position upon the matter in question would be materially affected by:*

(a) *His acceptance of a gift or loan;*

(b) *His private economic interest; or*

(c) *His commitment to a member of his household or his immediate family.*

9. Except as otherwise provided in subsection 10, if a Legislator knows he has a conflict of interest pursuant to subsection 8, 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.

10. 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.

11. 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 8, the Legislator should consider whether:

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

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

12. 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.

13. 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 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.

14. Except as otherwise provided in the Joint Standing Rules, 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 8:

(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.

The next rule is 30.

#### IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. 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 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. 31. 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. 32. 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 seat;

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

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

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

The next rule is 40.

## V. LEGISLATIVE BODIES

## Rule No. 40. Standing Committees.

1. Except as otherwise provided in subsection 2, the standing committees of the Senate and their respective jurisdiction for the reference of bills and resolutions are as follows:

(a) Commerce and Labor, seven members, with jurisdiction over measures affecting primarily titles 52-56 of NRS, and chapters 118B, 461, 461A, 489, 679A-693A and 694A-697 of NRS, except measures affecting primarily state and local revenue.

(b) Finance, seven members, with jurisdiction over measures primarily affecting chapters 286, 387 and 400 of NRS, appropriations, operating and capital budgets, state and federal budget issues and bonding, except measures affecting primarily state and local revenue, and over any measures carrying or requiring appropriations and favorably reported by any other committee.

(c) Government Affairs, seven members, with jurisdiction over measures affecting primarily the districts from which members of the Legislature are elected, and titles 18, 20-22, 25, 27, 28, 30 and 31 of NRS, and chapters 234-239B, 240-242, 407, 472-474, 477 and 720 of NRS, except measures affecting primarily state and local revenue, state and federal budget issues, the Tahoe Regional Planning Compact and the Nevada Tahoe Regional Planning Agency.

(d) Health and Education, seven members, with jurisdiction over measures primarily affecting titles 33 and 37-39 of NRS, and chapters 385, 386, 388-399, 439-444, 446-458A, 459A, 460 and 583-585 of NRS, except measures affecting primarily state and local revenue.

(e) Judiciary, seven members, with jurisdiction over measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, titles 1-9, 11-16 and 41 of NRS, and chapters 111-118A, 119-120A, 219, 289, 475 and 719 of NRS, except measures affecting primarily state and local revenue.

(f) Legislative Operations and Elections, seven members, with jurisdiction over measures affecting primarily titles 24 and 29 of NRS, and chapters 218, 220, 281-285, 287 and 288 of NRS, and the operation of the legislative session, except measures affecting primarily the districts from which members of the Legislature are elected and their qualifications, resignations and privileges, the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases and state and local revenue.

(g) Natural Resources, seven members, with jurisdiction over measures primarily affecting titles 26 and 45-50 of NRS, and chapters 444A-445D, 488, 581, 582 and 586-590 of NRS, the Colorado River Commission of Nevada, the Tahoe Regional Planning Compact and the Nevada Tahoe Regional Planning Agency, except measures affecting primarily state and local revenue.

(h) Taxation, seven members, with jurisdiction over measures affecting primarily title 32 of NRS and state and local revenue.

(i) Energy, Infrastructure and Transportation, seven members, with jurisdiction over measures affecting primarily titles 36, 44 and 58 of NRS, and chapters 239C, 403-405, 408, 410, 459, 476, 480-487, 490 and 693B of NRS, except measures affecting primarily state and local revenue.

2. The Chair of the Standing Committee on Finance may assign any portion of a proposed executive budget to any of the other standing committees of the Senate for review. Upon receiving such an assignment the standing committee shall complete its review expeditiously and report its findings and any recommendations to the Standing Committee on Finance for its independent evaluation.

## Rule No. 41. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his duties, the Majority Leader shall appoint an alternate of the same political party to serve in his place for such time as is determined by the Majority Leader.

## Rule No. 42. Committee Expenses.

No committee shall employ assistance or incur any expense, except by permission of the Senate previously obtained.

## Rule No. 43. Duties of Committees.

The several committees shall acquaint themselves with the interests of the State specially represented by the committee and shall present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the State.

*Rule No. 44. Committee on Legislative Operations and Elections.*

*The Standing Committee on Legislative Operations and Elections shall recommend by resolution the appointment of all attaches and employees of the Senate not otherwise provided for by law. It may suspend any attaché or employee for incompetency or dereliction of duty, pending final action by the Senate.*

*Rule No. 45. Reserved.**Rule No. 46. Forming Committee of the Whole.*

*In forming the Committee of the Whole, the Senator who has so moved shall name a Chair to preside. All amendments proposed by the Committee shall be reported by the Chair to the Senate.*

*Rule No. 47. Rules Applicable to Committee of the Whole.*

*The Rules of the Senate shall apply to proceedings in Committee of the Whole, except that the previous question shall not be ordered, nor the yeas and nays demanded, but the Committee may limit the number of times that any member may speak, at any stage of proceedings, during its sitting. 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.*

*Rule No. 48. Motion to Rise Committee of the Whole.*

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

*Rule No. 49. Reference to Committee.*

*When a motion is made to refer any subject, and different committees are proposed, the subject may be referred to the committee with jurisdiction over the subject as set forth in Senate Standing Rule No. 40, or to a different committee, upon a majority vote of the Senate.*

*Rule No. 50. Return From Committee.*

*1. Any bill or other matter referred to a committee of the Senate must not be withdrawn or ordered taken from the committee for consideration by the Senate, for re-referral, or for any other reason without a two-thirds vote of the Senate, and at least one day's notice of the motion therefor.*

*2. No such motion is in order:*

*(a) If the bill to be withdrawn or ordered taken from the committee may no longer be considered by the Senate; or*

*(b) On the last day of the session, or on the day preceding the last day of the session.*

*3. This rule does not take from any committee the rights and duties of committees provided for in Senate Standing Rule No. 43.*

*Rule No. 51. Reserved.**Rule No. 52. Reserved.**Rule No. 53. Committee Rules.*

*1. The rules of the Senate, as far as applicable, are the rules of committees of the Senate. Procedure in committees, where not otherwise provided in this rule, must follow the procedure of the Senate. For matters not included in the rules of the Senate or these rules, Mason's Manual of Legislative Procedure must be followed.*

*2. A majority of any committee constitutes a quorum for the transaction of business.*

*3. A meeting of a committee may not be opened without a quorum present.*

*4. In addition to regularly scheduled meetings of a committee or those called by the chair of the committee, meetings may be set by a written petition of a majority of the committee and filed with the chair of the committee.*

*5. A bill may be passed from a committee only by a majority of the committee membership. A simple majority of those present and voting is sufficient to adopt committee amendments.*

*6. Subcommittees may be appointed by the chair of a committee to consider subjects specified by the committee and shall report back to the committee. If a subcommittee is so appointed, the committee shall determine whether the subcommittee shall keep minutes of its meetings. Any minutes required to be kept pursuant to this subsection must comply with the provisions of subsection 12.*

*7. A committee shall act only when together, and all votes must be taken in the presence of the committee. A member shall not be recorded as voting unless he was actually present in the*

committee at the time of the vote. The chair of the committee must be present when the committee votes to take any final actions on bills or resolutions, but the chair is not required to vote. The provisions of this subsection do not prohibit the prefilings of legislative bills and resolutions on behalf of a committee in the manner prescribed by the Legislative Commission.

8. All committee and subcommittee meetings are open to the public, except as otherwise provided in Senate Standing Rule No. 13.

9. Before reporting a bill or resolution to the Senate, a committee may reconsider its action. A motion to reconsider must be made by a member who voted with the prevailing side.

10. The chair of a committee shall determine the agenda of each meeting of the committee except that a member of the committee may request an item for the agenda by communicating with the chair at least 4 days before the meeting. A majority of a committee may, by vote, add an item to the agenda of the next regularly scheduled meeting.

11. Secretaries to committees shall give notices of hearings on bills to anyone requesting notices of particular bills.

12. All committees shall keep minutes of meetings. The minutes must cover members present and absent, subjects under discussion, witnesses who appear, committee members' statements concerning legislative intent, action taken by the committee, as well as the vote of individual members on all matters on which a vote is taken. Any member may submit to the secretary additional remarks to be included in the minutes and records of committee meetings. At the conclusion of the legislative session, the Secretary of the Senate shall deliver all minutes and records of committee meetings in her possession to the Director of the Legislative Counsel Bureau.

13. In addition to the minutes, the committee secretary shall maintain a record of all bills, including:

- (a) Date bill referred;
- (b) Date bill received;
- (c) Date set for hearing the bill;
- (d) Date or dates bill heard and voted upon; and
- (e) Date report prepared.

14. Each committee secretary shall file the minutes of each meeting with the Secretary of the Senate as soon as practicable after the meeting.

15. All committee minutes and any subcommittee minutes required to be kept pursuant to subsection 6 are open to public inspection upon request and during normal business hours.

Rule No. 54. Review of State Agency Programs.

In addition to or concurrent with committee action taken on specific bills and resolutions during a regular session of the Legislature, each standing committee of the Senate is encouraged to plan and conduct a general review of selected programs of state agencies or other areas of public interest within the committee's jurisdiction.

The next rule is 60.

## VI. RULES GOVERNING MOTIONS

### A. Motions Generally

Rule No. 60. 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. 61. 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 lay on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To refer to committee.
7. To amend.
8. To postpone indefinitely.

The first four shall be decided without debate.

*Rule No. 62. When Not Entertained.*

1. *When a motion to refer to committee, 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 session unless this rule is suspended by a two-thirds vote.*
3. *There must be no reconsideration of a vote on a motion to postpone indefinitely.*

*B. Particular Motions**Rule No. 63. 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. 64. Lay on the Table.*

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

*Rule No. 65. Reserved.**Rule No. 66. To Strike Enacting Clause.*

*A motion to strike out the enacting clause of a bill or resolution has precedence over a motion to refer to committee or to 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. 67. 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. 68. To Reconsider—Precedence of.*

1. *A motion to reconsider has precedence over every other motion, except a motion to adjourn. When the Senate adjourns while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move for reconsideration continues to the next day of sitting.*

2. *No notice of reconsideration of any final vote is in order on the day preceding the last day of the session.*

*Rule No. 69. Explanation of Motion.*

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

*The next rule is 80.*

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

1. *Every Senator who speaks shall, standing in his place, address "Mr. or Madam President," in a courteous manner, and shall confine himself to the question before the Senate. When he has finished, he shall sit down.*

2. *No Senator may speak:*

(a) *More than twice during the consideration of any one question on the same day, except for explanation.*

(b) *A second time without leave when others who have not spoken desire the floor.*

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

*Rule No. 81. 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 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 has the floor move to put that question.*

*The next rule is 90.*

*VIII. CONDUCT OF BUSINESS**A. Generally**Rule No. 90. 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 standing rules and orders of the Senate, and the joint rules of the Senate and Assembly.*

*Rule No. 91. Suspension of Rule.*

*No standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds of the Senate and one day's notice of the motion therefor; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, he can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Standing Rule No. 109 relating to the third reading of bills, which cannot be suspended.*

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

*Adequate notice shall be provided to the Legislators and the public by posting information relative to the bills, topics and public hearings which are to come before committees. Notices shall include the date, time, place and agenda, and shall be posted conspicuously in the legislative building, shall appear in the daily history, and shall be made available to the news media.*

*This requirement of notice may be suspended for an emergency by the affirmative vote of two-thirds of the committee members appointed.*

*Rule No. 93. 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. 94. 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. 95. 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. 96. Reserved.*

*Rule No. 97. 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. 98. Reserved.*

*Rule No. 99. Reserved.*

*Rule No. 100. Reserved.*

*Rule No. 101. Reserved.*

*Rule No. 102. 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. 103. *Questions Relating to Priority of Business.*

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

B. *Bills and Resolutions*

Rule No. 104. *Reserved.*

Rule No. 105. *Reserved.*

Rule No. 106. *Skeleton Bills.*

*Skeleton bills may be introduced after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.*

Rule No. 107. *Information Concerning Bills.*

1. *Bills introduced may be accompanied by information relative to witnesses and selected persons of departments and agencies who should be considered for committee hearings on the proposed legislation. At the time of or after introduction of a bill, a list of witnesses who are proponents of the bill together with their addresses and telephone numbers may be given to the secretary of the committee to which the bill is referred. This information may be provided by:*

- (a) *The Senator introducing the bill;*
- (b) *The person requesting a committee introduction of the bill; or*
- (c) *The chair of the committee introducing the bill.*

2. *The secretary of the committee shall deliver this information to the chair of the committee to which the bill is referred. Members of the committee may suggest additional names for witnesses.*

3. *The Legislator may provide an analysis which may describe the intent, purpose, justification and effects of the bill, or any of them.*

Rule No. 108. *Reserved.*

Rule No. 109. *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 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 be rejected?" 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 referred to committee until once read, nor amended until twice read.*

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

Rule No. 110. *Second Reading File—Consent Calendar.*

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

2. *A 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 recommended for placement on the Consent Calendar must be included in the Daily File listed in the Daily History of the Senate at least 1 calendar day before it may be considered.*

4. *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.*

5. *When the Consent Calendar is called:*

(a) *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.*

(b) *No remarks or questions are in order and the bills remaining on the Consent Calendar must be voted upon without debate.*



*Rule No. 111. Printing.*

*An appropriate number of copies of all bills and resolutions of general interest must be printed for the use of the Senate and Assembly. Such other matter must be printed as may be ordered by the Senate.*

*Rule No. 112. Sponsorship.*

*1. A Senator may rise and request that his name be added as a sponsor of a bill or resolution that is introduced in the Senate if the Senator has submitted to the Secretary of the Senate a statement approving the request signed by the Senator who introduced the bill or resolution. A Senator may make a request to have his name added as a sponsor of:*

*(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.*

*(b) A bill or a joint or concurrent resolution:*

*(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and*

*(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.*

*2. A Senator who is a sponsor of a bill or resolution that is introduced in the Senate may rise and request that his name be removed as a sponsor of the bill or resolution. A Senator may make a request to have his name removed as a sponsor of:*

*(a) A resolution of the Senate, at any time after the resolution is introduced in the Senate and before the resolution is passed by the Senate.*

*(b) A bill or a joint or concurrent resolution:*

*(1) At any time after the bill or resolution is introduced in the Senate and before the bill or resolution is passed out of the Senate to the Assembly; and*

*(2) At any time after the bill or resolution is returned to the Senate following passage by the Assembly and before the bill or resolution is enrolled.*

*Rule No. 113. Reading of Bills—General File.*

*1. Upon reading of bills on the Second Reading File, Senate and Assembly bills reported without amendments must be ordered to the General File. Committee amendments reported with bills must be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Bills so amended must be reprinted, engrossed or reengrossed, and ordered to the General File. The File must be made available to members of the public each day by the Secretary.*

*2. Any member may move to amend a bill during its reading on the Second Reading File or during its third reading and the motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and engrossed or reengrossed.*

*3. An appropriate number of copies of all amended bills must be printed.*

*Rule No. 114. Referral of Bill With Special Instructions.*

*A bill may be referred to committee with special instructions to amend at any time before taking the final vote.*

*Rule No. 115. Reconsideration of Vote on Bill.*

*1. On the day after the final vote on any bill, the vote may be reconsidered on motion of any member if notice of intention to move for reconsideration was given on the day the final vote was taken by a Senator who voted on the prevailing side. No motion to reconsider is in order on the day the final vote was taken, except by unanimous consent.*

*2. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.*

*Rule No. 116. Reserved.*

*Rule No. 117. Different Subject Not Admitted as Amendment.*

*No subject different from that under consideration shall be admitted as an amendment; and no bill or resolution shall be amended by incorporating any irrelevant subject matter or by association or annexing any other bill or resolution pending in the Senate, but a substitute may be offered at any time so long as the original is open to amendment.*

*Rule No. 118. Certain Resolutions Treated as Bills.*

1. 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.

2. A joint resolution proposing an amendment to the Constitution must be entered in the Journal in its entirety.

Rule No. 119. *Certain Resolutions Treated as Motions.*

Resolutions, other than those referred to in Senate Standing Rule No. 118, must be treated as motions in all proceedings of the Senate.

Rule No. 119.2. *Return From the Secretary of State.*

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

C. *Order of Business, Special Orders and Other Matters*

Rule No. 120. *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. Waivers and Exemptions.
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 Senator may speak under this order of business for a period of not more than 10 minutes.

Rule No. 121. *Privilege.*

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

Rule No. 122. *Reserved.*

Rule No. 123. *Reserved.*

Rule No. 124. *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. 125. *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.

Rule No. 126. *Reserved.*

Rule No. 127. *Reserved.*

Rule No. 128. *Reserved.*

Rule No. 129. *Reserved.*

D. *Contests of Elections*

Rule No. 130. *Procedure.*

1. The Senate shall not dismiss a statement of contest for want of form if any ground of contest is alleged with sufficient certainty to inform the defendant of the charges he is required to meet. The following grounds are sufficient, but are not exclusive:

- (a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That illegal votes were cast and counted for the defendant, which, if taken from him, will reduce the number of his legal votes below the number necessary to elect him.

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his election.

(f) That there was a possible malfunction of any voting or counting device.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Senate may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 5 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Senate or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The contestant has the burden of proving that any irregularities shown were of such nature as to establish the probability that the result of the election was changed thereby. After consideration of all the evidence, the Senate shall declare the defendant elected unless the Senate finds from the evidence that a person other than the defendant received the greatest number of legal votes, in which case the Senate shall declare that person elected.

The next rule is 140.

#### IX. LEGISLATIVE INVESTIGATIONS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Senate, or any of its committees, shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Senator Horsford moved the adoption of the resolution.

Resolution adopted unanimously.

By Senators Horsford and Raggio.

Senate Resolution No. 2—Providing allowances to the leadership and other members of the Senate for periodicals, stamps, stationery and communications.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Thank you, Mr. President. This resolution provides an allowance for leadership and other members of the Senate for periodicals, postage, stationery and communications.

Resolution adopted unanimously.

By the Committee on Legislative Operations & Elections.

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

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Senate for the 75th Session of the Legislature of the State of Nevada: Laura Adler, Carol L. Allen, Judi Anker-Nissen, Michael Archer, Sandra Arraiz, Chuck Askey, Frank Baird, Jeanne Baret, Ricka Benum, Stella Blood, Michael Bohling, Billie Brinkman, Kyle Casci, Marie Cavin, Cindy Clampitt, Cynthia Cook, Pat Devereux, Molly Dondero, Maureen Duarte, Guy Duensing, Deanna Duncan, Suzanne Efford, Vicki J. Folster, Susan Gaither, Linda Gentry, Jane Gill, David Goodheart, Ted Goodson, Louis Granier, Randy

Halligan, Lynn Hendricks, Gail Herstead, Joyce Hollister, Barbara Honey, Sandra Hudgens, Betty Ihfe, Judy Jackson, Karen Johansen, Delia John, Ardyss Johns, Betty Kaminski, Alyce King, Shauna Kirk, John A. La Rue, Lydia Lee, Mary Lee, Olivia Lodato, Sherry Loncar, Maudie Long, Josh Martinmaas, Evelyn Matheus, Roberta McCollum, Janet Meredith, Terri Miller, Julie Mogensen, Arzella Moots, Ann-Berit Moyle, Stephen Myers, Juliet Newman, Patricia O'Flinn, Shirley Parks, Lyndl Payne, John Perondi, Elisa Pfister, Mary Phillips, Jerry Pieretti, Ruth Pierini, Gena Plummer, Gina Rasner, Bobbie Richards, Sherry L. Rodriguez, Cynthia Ross, Marion Sandoval, Paula M. Saponaro, Makita Schichtel, Sandra Small, Adam Stryker, Kathleen Swain, Joan Thran, Judith Toscano, Candy Trenoweth, Lela Uptergrove, JoAnn Wessel, Norm Wessel, Fred White, Susan Whitford, Mike Wiley, Leticia Wischmeier, Jeanine M. Wittenberg, Carolyn Wood, Jack Wood and Sharlyn Woolley.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Mr. President, we are fortunate to have an excellent staff to work for us this Session. We value their expertise and knowledge.

Resolution adopted unanimously.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senators Horsford and Raggio:

Senate Bill No. 1—AN ACT making an appropriation to the Legislative Fund for the costs of the 75th Legislative Session; and providing other matters properly relating thereto.

Senator Horsford moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, and that Senate Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Horsford.

This bill is the General Appropriations bill for the cost of the 75th Legislative Session.

Motion carried unanimously.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—21.

NAYS—None.

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

Senator Horsford moved that all necessary rules be suspended and that Senate Bill No. 1 be immediately transmitted to the Assembly.

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

January 30, 2009

THE HONORABLE STEVEN HORSFORD  
THE HONORABLE BARBARA BUCKLEY  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

DEAR MAJORITY LEADER HORSFORD AND SPEAKER BUCKLEY:

Enclosed please find my message to the 75th Session of the Nevada Legislature. As you know, I delivered the message, as required by Article 5, Section 10, of the *Nevada Constitution*, on Thursday, January 15, 2009, to a gathering of your colleagues and other guests in the Assembly Chambers in Carson City.

My staff and I look forward to working with all of you during the 75th Legislative Session.

Sincerely,  
JIM GIBBONS  
*Governor of Nevada*

MESSAGES FROM THE ASSEMBLY  
ASSEMBLY CHAMBER, Carson City, February 2, 2009

*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.

DIANE M. KEETCH  
*Assistant Chief Clerk of the Assembly*

COMMUNICATIONS  
MESSAGES FROM THE SECRETARY OF STATE  
STATE OF NEVADA  
DEPARTMENT OF STATE

January 9, 2009

CLAIRE JESSE CLIFT, *Secretary of the Senate*, 401S. Carson S. Carson Street, Carson City,  
Nevada 89701-4747

DEAR MRS. CLIFT:

This letter is in acknowledgement of the transfer of Senate Joint Resolutions Nos. 1, 2, 3, 4 and 9 of the 74th Legislative Session pursuant to NRS 218.390(2)

In addition, this is also a transmittal letter for Senate Bill No. 146 of the 74th Session which was vetoed by the Governor in the 74th Legislative Session. The enclosed, engrossed and enrolled copy of Senate Bill No. 146 of the 74th Session is being transferred to the 75th Legislative Session pursuant to NRS 218.430(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,  
ROSS MILLER  
*Secretary of State*

February 2, 2009

CLAIRE JESSE CLIFT, *Secretary of the Senate*, 401S. Carson S. Carson Street, Carson City,  
Nevada 89701-4747

DEAR MRS. CLIFT:

Pursuant to the Nevada Constitution Article 19, Section 2, this office is required to transmit any statutory Initiative Petition to the Nevada Legislature once it convenes. In compliance with the laws of the State of Nevada, enclosed is the statutory Initiative Petition entitled "Support our Schools."

Respectfully,  
ROSS MILLER  
*Secretary of State*  
By: MATTHEW M. GRIFFIN  
*Deputy Secretary for Elections*

CARSON CITY, NEVADA  
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL  
201 NORTH CARSON STREET, SUITE #2  
CARSON CITY, NV 89701

February 2, 2009

DEAR MAJORITY LEADER HORSFORD AND MEMBERS OF THE SENATE:

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2009 Legislative Session.

Our community, like so many areas of Nevada, is rich in history and famous for its colorful past. We are extremely proud to carry the designation "Capital City." We understand that you have many difficult issues to tackle this session, and we want to ensure that your work is complimented by an enjoyable stay in our City.

We would like to invite you to attend a "welcome" reception on February 3, 2009, between 5:30–7:00 p.m. to be held at City Hall, 201 North Carson Street. I want to assure you we are planning a relatively low-key and casual event. Our objectives are to say hello and welcome you to Carson City and also provide an opportunity to introduce you to other elected officials and city staff—there will be no complaining! We are easy to find as we are located next to and just north of the Capitol and its silver dome, which can be seen for miles, representative of government for the citizens of the Great State of Nevada.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on February 3rd. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our City's staff. Best wishes for a successful session, and thank you for allowing us to be your host these next few months.

Sincerely,  
ROBERT L. CROWELL  
*Mayor*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that in accordance with the provisions of Article 5, Section 10 of the Nevada Constitution, that Governor Gibbons' State of the State Address to the Nevada Legislature, as presented to the special committee to receive the Governor's State of the State Address on January 15, 2009, be entered in the Senate Journal for this legislative day.

Motion carried.

## STATE OF THE STATE ADDRESS TO THE NEVADA LEGISLATURE

Speaker Buckley, Majority Leader Horsford, Lieutenant Governor Krolicki, members of the Senate and Assembly, honorable Justices of the Supreme Court, constitutional officers, distinguished guests and my fellow citizens:

I stand here before you today resolved to uphold the responsibility you entrusted to me to lead Nevada through good times and turbulent times. I am here to discuss the state of our State and our plan to address the challenges we are facing.

But, first, I would like to recognize some special Nevadans. We have ten newly-elected members of the Assembly and the Senate with us, and I would like to welcome: Shirley Breeden, Allison Copening, Paul Aizley, Marilyn Dondero Loop, Don Gustavson, John Hambrick, April Mastroluca, Richard McArthur, Ellen Spiegel and Melissa Woodbury.

I look forward to working with each of you in this Session. And, Senator Parks, I wish you the best in your new role as well.

For seventeen of you, this will be your last session, as term limits will require your retirement from your current positions. Nevada has benefited tremendously from your service, and I look forward to working with you to ensure that your final session is also your finest one.

Charles Hansen, Director of Nevada State Friends for K-9, is also here, tonight. Nevada State Friends for K-9 obtained private donations from corporations and individuals to allow the Nevada Department of Public Safety to purchase its only specially trained dogs that are used to halt the flow of drugs and drug money on our highways, a vital step in our on-going efforts to keep meth and other drugs out of the hands of our children. Since the program's inception last month, the Nevada Department of Public Safety has reported it already seized more than 6 pounds of meth, 20 pounds of marijuana, 7 pounds of ecstasy, 2 pounds of cocaine and \$450,000 in cash.

This money is being deposited into a State Seizure Account that, over time, will allow the K-9 program to be self-funded and to become a revenue source for the State. Please join me in thanking Charles Hansen and the Nevada Friends for K-9 for their great work.

I would also like to take a moment to recognize the fine work done by the members of the California-Nevada Tahoe Basin Fire Commission over the past year and a half. That Commission was formed in response to the devastating Angora fire at Lake Tahoe during the summer of 2007. The Commission made ninety detailed recommendations, and I will be promoting legislation during the upcoming session to implement them. Several of the Commissioners: Allen Biaggi, Bud Hicks, Pete Anderson and Leo Drozdoff, are with us tonight. On behalf of Nevada, I would like to thank them, Commission cochair, Sig Rogich; and all the other Commissioners and staff for their efforts to help preserve and protect the Lake Tahoe Basin.

We also have with us Lieutenant Colonel Daniel Waters of the Nevada Army Guard, who has served in Panama, Kosovo and Afghanistan. Lieutenant Colonel, thank you for a job well done. Our Country has been safe because of you and thousands of other brave members of our military forces. I salute you.

I would like to ask now that the veterans in our audience please stand and be recognized. As a veteran of two wars myself, I thank you on behalf of a grateful State and a grateful Nation.

I also want to take a moment to acknowledge the sacrifices of those who can not be here tonight, Nevada military service personnel overseas fighting the war on terror. These members of our Armed Forces and their families endure great hardships to protect our Country and deserve our respect and thanks.

I also want to take this time to express our thanks to the members of Nevada Army Guard, 1st Squadron, 221st Cavalry. This armored reconnaissance squadron, led by Lieutenant Colonel John Cunningham, is in the process of preparing for deployment to Afghanistan in late April. This deployment of 600 soldiers will be the Nevada Army Guard's largest international deployment of one unit since World War II, and the fourth major mission for the 1st and 221st since 2001.

In addition, about 140 soldiers from the Las Vegas-based 1864th Transportation Company will be deploying to Iraq and Kuwait in April. Our prayers go with all of you.

Finally, I want us all to take a moment to remember our injured and fallen heroes. Many of Nevada's finest have suffered greatly while serving our Country, and some have made the

ultimate sacrifice for our freedom. We cannot and do not forget their sacrifices for our Nation. Thank you.

Today, Nevada faces historic challenges. Every day, people in our communities are seeing their work hours cut, their benefits and retirement programs reduced or eliminated, their tip and commission income shrinking, or their jobs eliminated altogether.

Many of our fellow citizens are losing their homes, losing their retirement savings and losing their ability to continue to work and prosper in our State.

For years, Nevada led the Nation in population growth, led the Nation in small business growth and led the Nation in job creation. Economic expansion brought prosperity to every sector of the economy, and our State was the envy of many.

We have been that "beacon on the hill" of hope for those who wanted to work hard and prosper. While, right now, our beacon may not be as easy to see, it is our responsibility to ensure that we can help bring back the bright light of success to shine across the State.

As we struggle through these tough times, we need to ensure that we are positioned to regain those lofty heights that we came to take for granted for years.

For many years, people believed that our State was "recession-proof." Unfortunately, this economic downturn has shown that this simply is not the case. When the Nation and, indeed the world, are in economic turmoil, Nevada is also shaken by the tremors. In fact, Nevada has actually fared worse in this national and worldwide economic crisis than many other states. The combination of tight credit markets, sharp declines in discretionary spending and record-low consumer confidence has caused our two major industries, construction and tourism, to suffer drastic reductions. The numbers are daunting.

The visitor count to our State normally increases every year. Instead, during the past twelve months, our visitor count to Las Vegas declined by over one million people, or 3.5 percent. To visualize that number, just look at the news clips of New Years Eve on the Strip. Officials estimate that over 290,000 people visited Las Vegas to bring in the New Year. Now, imagine it empty, and you will have a good notion of how much our visitor count deteriorated just in November alone.

Our tourism destinations in other parts of the State have seen similar or worse declines as well. The Reno-Sparks area, for example, saw declines of nearly 10 percent during the past year.

The fact is that when we have declining numbers of visitors, and they are spending less money when they are here, that impacts the incomes of people who work in the tourist industry as well as those who sell goods and services to those workers. It is a snowball effect that continues to impact the entire economy.

The national credit crisis has also had a huge impact on Nevada's economy. For a long time, the joke was that the State bird of Nevada was the building crane. Now, many construction projects have been scaled back or deferred because credit has dried up. Again, the loss of those construction projects has rippled through our economy.

Even our mining industry has slowed down following worldwide decreases in the price of minerals, such as copper, molybdenum and lithium. Copper, for example, has fallen from \$4.10 per pound to less than \$1.50 per pound in just six months, and some Nevada mines have slowed production and laid off workers.

With major declines in our premier industries, our State's unemployment rate has nearly doubled in the last year alone. While normally we enjoy an unemployment rate that is lower than the national average, our unemployment rate at the end of November was eight percent and significantly higher than the national average. Every 1-percent increase in unemployment means another 14,000 Nevadans have lost their jobs. Last year alone, more than 42,000 of our fellow citizens lost their livelihoods. And, many of those who kept their jobs did so with reduced hours, lower wages and fewer benefits.

Reduced income for our residents has compounded our economic downturn. Business in our local restaurants is down significantly as is business in many of our retail establishments and service industries. Some companies and casinos that have been here for decades are closing their doors or scaling back their operations. We have even seen some of our state banks file for bankruptcy or be taken over by federal regulators.

The simple fact is that for most of the last year, our residents have paid more for gas, more for food, more to heat and cool their homes, and more for nearly every necessity of life. When you



need to use every dollar to provide the basic necessities for your family, you do not have money for the "extras" in life. Too many do not even have money for the basics and are making decisions between heating their homes and buying needed medications.

I was particularly struck by a recent story in the Wall Street Journal about pawnshops and how good business was. It came as little surprise that the story talked about people selling or pawning items for short term loans to pay their bills. What was a surprise was that businesses were doing the very same thing, in some cases, pawning large and expensive equipment in order to obtain the funds needed to cover payroll and other expenses.

These are extraordinary times. As Governor, I must, first and foremost, look at the economic situation of our people in order to ensure that our state government does not "pile on" and make our citizens' problems worse.

Nevada government should meet the needs of the people; people should not meet the needs of Nevada government.

Many of Nevada's families and businesses are being stretched to their breaking point and making remarkable sacrifices in the face of the most difficult economic downturn of our lifetimes. Ladies and gentlemen, I will not ask these businesses and individuals to pay more when they have less.

Make no mistake about it, higher taxes will cost more Nevadans their jobs. It is not the role of the state government to put people out of work. Because when all is said and done, the prosperity of our State can only be truly measured by the prosperity of our people.

This does not mean we can turn a blind eye to our challenges or our responsibilities. State revenues are down thirty percent, and we must determine how best to live within our means, just like Nevada's families and its small and large businesses are doing across the State.

We are not the only state facing tough times, and I am not the only Governor who is balancing a tough budget. Governors across the Nation are coping with declining revenues. Some Governors are looking to raise income taxes, gas taxes, property taxes, sales taxes, taxes on nearly anything that people need, buy or own. Others are recommending that school days be limited, releasing thousands of prisoners early, drastically cutting state workforces or saddling future generations with significant debt.

These are solutions that I just cannot accept and that Nevadans should not accept. In our State, tough times mean we work harder to stretch our resources.

We showed that resourcefulness with transportation projects during the past two years. In 2007, the Legislature agreed with my proposal to increase transportation funding by reallocating existing tax revenues, instead of imposing higher fuel taxes. The widening of I-15 in Las Vegas is well underway using those revenues. Future revenues from the 2007 transportation plan will allow expansions on US 95 and 395.

In the upcoming Session, I will also ask the Legislature to endorse other creative and innovative ways to build critical infrastructure without raising taxes, such as public-private partnerships to add much-needed traffic-reduction programs throughout the State and particularly in Southern Nevada where traffic problems are the most severe.

Tough times always require tough choices, and we are definitely making tough choices in this Legislative Session.

Recently, the Economic Forum met and forecasted General Fund Revenues for the next biennium of \$5.7 billion. By law, as Governor, I am required to use those numbers in setting a budget for submission to the Legislature.

The budget that I submit today reflects our current economic realities. It is \$2.2 billion smaller than the one we submitted just two years ago. It is also a budget based on the money we have, without taking more from residents and businesses that are already making do with less. It is a budget that requires us to live within our means.

I take no joy in submitting a budget that eliminates, reduces or changes many things that we have grown to expect in Nevada, many things we have taken for granted when times have been good and many programs we have added when times have been great.

Many of these decisions have been agonizingly difficult. We have spent hundreds of hours working on these numbers to create a fiscally responsible budget that sustains us through the next two years and positions the State to regain our economic footing when the national and international economy rebounds.

We also worked to ensure that we gain the greatest possible efficiencies in government, prioritizing services and making certain that each available dollar is spent wisely. And, for the first time in Nevada history, all the people of our State can view this budget themselves. The entire budget has been posted online at [www.NevadaSpending.com](http://www.NevadaSpending.com).

I promised to bring transparency to your state government, and this is one of many steps we are taking to keep that promise. I encourage all Nevadans to look at this budget and offer your suggestions to your Legislators and to my Office. This is your tax money and you deserve a voice in how it is spent.

This budget does not rely on creating an entirely new tax system for our State. Our existing tax system brought us record job growth and prosperity for decades. And, quite frankly, I have yet to see an example of any state that has a tax system that brings growth during good times and remains stable during downturns.

For those who suggest that we need a new tax system, I would ask them to show me a state that has what some call a more dependable, diversified tax system and that is not having the same kinds of revenue problems that we have.

I do propose that we establish a new spending system in our State, one that requires that we place a stronger cap on our budget increases in good times so that we have the additional reserves needed to get us through the inevitable tough times without raising taxes.

The simple fact is that higher taxes kill economic growth and job creation. And, I will not raise taxes today on people and businesses that are already struggling to get through these times, jeopardizing our State's growth and prosperity tomorrow. Higher taxes will just fuel the downward spiral, leading to more business closings, more job losses and more foreclosures, nor will I support a tax that targets only our profitable companies and industries. We need to retain and attract companies that offer stable, high-paying jobs, not send them to other states. I will not do it.

When I ran for Governor, I told the people of this State my views on taxes. I am honored that they elected me and trusted me to keep my promise to them.

Likewise, I will not unfairly balance this budget on the backs of those in our society who can least afford to shoulder the burden, either. We have an obligation to preserve needed services for our children, our families, our seniors and our veterans.

For example, our Health and Human Services budget preserves benefits for those who need state services. In fact, our Health and Human Services' expenditures now encompass 34 percent of our General Fund expenditures compared to 28 percent in the prior budget.

We have maintained Nevada Check-Up so low-income children can receive the health care they need and deserve. We have protected the eligibility limits for our Long-Term Care Program to ensure elderly Nevadans are cared for with the respect and dignity they have earned. We have sustained our Medicaid Pharmacy Program to ensure people can receive the prescription drugs they need to manage their health according to their doctors' orders.

While we have had to reduce the intensity of service, our budget recognizes the value of personal-care attendants who assist our elderly and disabled citizens so they can live in their homes instead of institutions.

We protected the Senior Property Tax Rebate Program because so many of our most economically vulnerable seniors rely on this benefit.

We have also protected Juvenile Justice Programs and Child Welfare Programs. For example, Nevada's Early Intervention Services provides care for children up to age three who have developmental delays and disabilities. Unfortunately, growth in this program has exceeded its funding, and we have hundreds of children waiting to receive needed services. So, I have included in my budget an additional \$6 million over the biennium to absorb this waiting list and accommodate the increased caseload we expect to see in each of the next two years.

It is difficult to add to some programs while we are taking from others, but without Early Intervention Services, many of these children would never be able to achieve their full potential. Nevada's children are our most precious resource, and I will not allow those who need our help most to go without essential services. I will not allow these children to fall through the cracks.

This budget also maintains funding for the State's Child Care Assistance Program, which helps pay a portion of the cost of child care for low-income workers.

This budget also preserves programs for mentally-challenged children and adults, health programs for women, benefits for seniors and programs for our State's veterans, to whom we all owe a great debt of gratitude.

I also insisted that we protect the All-Day Kindergarten Programs that we have in place in at-risk schools.

These programs are expensive, but we cannot responsibly cut them either. We have an obligation to ensure that we take care of those who must depend on such vital state services.

We also have an obligation to make the best use of every tax dollar we spend. One prime example of stretching our dollars is how we have managed medications for the State's mental-health programs. To this end, we are utilizing a better process for identifying clients with Medicaid, Medicare Part D and private insurance options that will pay for prescription drugs instead of the State bearing the burden of those costs.

We also negotiated for more free medications from pharmaceutical companies, and we are working with our physicians to ensure they are prescribing the most economical and effective medications.

These and other measures let us save \$11.4 million during the current fiscal year, and I have budgeted similar savings for each of the next two years as well. Finding savings this way has helped us avoid major service cuts in mental health.

Our budget also recognizes that the weak economy will result in caseload increases for core services from the State. As I noted earlier, we estimate that for every 1 percent our State unemployment rate climbs, another 14,000 Nevadans will have lost their jobs. Aside from the stark effect the loss of work has on these individuals and families, there is a tremendous impact on state programs. For example, for each 1 percent of growth in unemployment, we expect nearly 17,000 new enrollees in Medicaid.

This budget projects that the number of Medicaid enrollees will climb by more than 43,000 between today and the end of the next biennium. We expect Temporary Assistance for Needy Families to increase its enrollees by nearly one-third during that same period. All such increases in caseloads are fully funded in this budget.

I am proud that we have been able to protect and preserve core Health and Human Services.

This budget also reflects my belief that public safety must remain a top priority, and we did not reduce funding that keeps Nevadans safe. In some cases, this meant that we had to restore some program funding, like funding for parole and probation officers, or we would be jeopardizing the safety of our citizens.

In order to be able to maintain funding for K-12 Education and Health and Human Services at viable levels, and to maintain public safety, we have had to make spending reductions in other areas.

For example, we had had to reduce state funding for Nevada State Higher Education, but we kept intact our Millennium Scholarship Program. While higher education reductions will bring challenges to the system, I want to note that we are still spending 13.7 percent of our total General Fund budget on higher education, as compared to the national average of 11.2 percent.

We also had to make funding reductions to our state parks and museums. However, our State and our people would lose too much if we closed these places completely. We kept at least partial funding for these facilities so that our families and schools can still access our parks and museums, even though during reduced hours or only during historic peak-usage times.

The largest budget item in our State is personnel costs. We simply cannot afford to keep payroll costs at their current level, much less increase them.

Private businesses across the Nation are laying off workers that they cannot afford to retain with their reduced revenues. In just the last six months, our Nation has escalated from an annual job-loss figure of 8,000 workers to an annual job-loss figure of 2.6 million workers. There are more displaced workers than at any point in modern history, surpassing the losses reported in every recession since 1950. Some private companies are also reducing wages and salaries by as much as 20 percent. Companies just do not have the money to maintain existing payroll costs.

Likewise, our state government also does not have the revenue to maintain its current payroll costs. But instead of massive layoffs, I want to keep our people working and minimize the financial impact as much as possible.

We really have only two choices: we can either lay people off, or we can keep Nevadans working. My philosophy as Governor has been and continues to be that we are served best by keeping Nevadans working. This is why we instituted a hiring freeze in the fall of 2007, when the first indications of our revenue shortfall materialized. That hiring freeze and other budget-reducing methods allowed us to preserve state jobs and minimize layoffs of our valued state workers and save money. I believed then and still believe now that this approach is best for our state workers and for our people.

Today, to balance our need to reduce personnel costs with our goal of saving jobs, our budget includes a temporary 6-percent pay reduction for state employees instead of wide-scale layoffs. I take no joy in asking state employees to work just as hard for the people of Nevada but for less money. And, I make this pledge to our state employees and teachers: I will restore salary levels as soon as we can.

I am also taking the same 6-percent reduction in my own salary and am asking the other Constitutional Officers and other branches of government to do the same.

We are also forced to freeze step increases and longevity pay. We cannot give raises with money we do not have. These increases, too, will be reinstated when we have the revenue to do so.

Only by taking these steps, now, can we preserve vital state services, take care of our most vulnerable citizens and protect jobs. If we do not take the measures proposed in this budget, we will need to lay off thousands of state workers. I do not want to do that. We must keep Nevada working.

We are also going to reduce state government expenses through agency consolidations and by elimination of duplicate service providers. For example, we eliminate redundancy and provide better services for our citizens by bringing all the various Consumer Affairs offices into one agency and by combining government agencies, such as Tourism with Economic Development and the Division of Housing with the Division of Manufactured Housing.

Quite frankly, these consolidations work in the best interests of our State and should be undertaken regardless of our State's current economic condition. In good times or tough times, wasting taxpayer money is wrong.

That is why I am also proposing legislation creating a Sunset Commission to systematically review agencies, boards and commissions to ensure that their ongoing operations and budgets are justified. The Sunset Commission will also review existing tax exemptions and abatement programs. Accountability and transparency in government is always needed, and the Sunset Commission will ensure that the SAGE Commission's work continues even after the SAGE Commission expires.

But, we also need creative solutions to protect the State General Fund in the short term. That is why I am also proposing a temporary reallocation of some revenues from our most populous counties to the State General Fund to help us through these challenging times. Our state employees and teachers are being asked to do their part to help the State through this recession, and it simply would not be fair to ask them to shoulder that responsibility alone.

However, we must also remember that many of our local governments have invested significant sums in the Local Government Investment Pool, and in December, the Legislature and I agreed to use that pool as collateral for a line of credit to get the State through the first part of 2009. It is imperative that we stand by our commitment to preserve the integrity and solvency of that pool, and that is why I have included in my budget sufficient funds to repay half of that line of credit with the understanding that the other half will be repaid in the 2012-2013 biennium.

At the beginning of this budget process, I stated, "Everything is on the table." We had a responsibility to look at the needs of our State and the effectiveness of each and every program in order to determine how we could get where we needed to be and still provide needed services. We did that.

Last year, I also established the SAGE Commission to look, in detail, at how we could save money, streamline programs and make our State more efficient. To date, this bipartisan group of people has made outstanding cost-saving recommendations, and I am proud to announce that this budget has benefited greatly from those recommendations.

By adopting SAGE Commission recommendations, the taxpayers of Nevada will save approximately \$269 million in this budget and in excess of \$600 million over the next five years. We save \$157 million over the biennium just in changes to our benefits packages and also dramatically decrease our unfunded liabilities.

These are real savings for Nevada and allow us to ensure that our vital public services continue. I look forward to further recommendations from the SAGE Commission and will work to immediately implement further cost savings during the next two years.

When I selected the members of the SAGE Commission, I admit that I expected such a stellar group to produce wonderful results. They are surpassing even my high expectations. This bipartisan group is volunteering their time and significant expertise for the betterment of our State. They are earning thanks from every Nevadan, and I want to make sure that my thanks are added now.

I chose the members of the SAGE Commission based on recommendations from the leaders of both parties, and we ensured that the Commission's membership included people from various political and professional backgrounds. Consequently, the SAGE Commission is an excellent example of how a bipartisan, diverse group of people can work together to solve problems and identify creative solutions. I hope that we can follow that example during the upcoming Legislative Session.

We needed two Special Sessions in the past year to address revenue shortfalls from the last budget. Many said we could not account for nearly \$1.5 billion in shortfalls without raising taxes or harming government services. But, we did.

We started by making across-the-board reductions, and our government agencies absorbed those reductions. We also worked on raising revenues through existing taxes.

Our Tax Amnesty Program brought in over \$40 million. Of those funds, almost \$9 million of delinquent Local School Support Taxes were collected, providing much needed relief to education funding.

But, as the National and State economy continued to deteriorate, even those steps were not enough. We needed to take additional measures to balance our budget, as required by our Constitution, which is when I asked the Legislature to work with me.

I reached across the aisle to work with leaders of both parties just last month to ensure that the solutions we implemented were the best possible for our State. I pledge to do the same now. And, I ask that members of the Legislature look at this budget with an open mind and in good faith.

As we proved in December's Special Session, Nevada is served best by cooperation among her elected leaders. Grandstanding and partisan bickering help no one in this State, and Nevadans deserve better.

I believe this budget provides a fair and responsible solution that balances the need to provide vital services with the need to reduce our spending to the level our State can afford.

I also want to let the people of our State know that we are looking beyond our borders for ways to jump-start our economy. For example, Governor Schwarzenegger and I have discussed working together to obtain federal assistance to build a high-speed train to connect our States, which we agree will be mutually beneficial to our citizens.

I am also reaching out to our federal representatives for help. Along with the Governors of other states, I met with President-elect Obama to discuss how the federal government can best help ensure that the Country recovers quickly from the economic downturn. During that meeting, I stressed that federal spending on important infrastructure projects is needed to get people back to work quickly. I also stressed that time is of the essence and that this is no time for the red tape that can delay needed action.

I would also like to take this opportunity to wish President-elect Obama every success. He will be dealing with an economic environment that is, at best, challenging, and we will all benefit when our Nation's economy turns around.

I have also had numerous communications with members of our federal delegation concerning how federal aid and Medicaid reimbursement increases can help our State, and I am encouraged by those discussions.

While we built this budget assuming certain levels of federal funding, we are hopeful that we can obtain increased federal funding to defray some of our expenses, particularly given the

severe impact of the national downturn on Nevada's economy. If this funding materializes, we can put back into our budget funding for many educational and other programs that we simply cannot afford with existing revenues.

I also pledge to you that if our economy turns around during this budget cycle, I will restore funding to programs and salary levels to our State personnel. Special sessions can be called in good times, too.

I would like to take a moment to thank all of the agency heads, department heads and cabinet members who worked so hard with me during the past few months to create this budget. I also want to single out Budget Director Andrew Clinger and his entire staff for their tireless work putting together a balanced budget under trying circumstances. We have had to make some very tough decisions, and I thank you for all your hard work.

We remain resolved to do our best to serve the needs of the people of our State, and I commend each person who worked with me to find these solutions.

I also commend the Legislature for your efforts to reduce the cost of government. Initially, the budget for this upcoming Session was set at \$20.5 million. But you agreed to reduce the amount appropriated in Senate Bill 1 for legislative session costs to \$15 million, and I commend you for that.

Now, I resolve to work with each and every one of you to meet our common goal: to ensure that Nevada provides vital services for our people while regaining positive levels of economic growth, job creation and prosperity.

I ask that each and every one of us remember that we are all in this fiscal crisis together, and we will find the solutions together.

I also want to remind everyone that this is not the first time that Nevada has faced major economic challenges. For example, Nevada faced worse problems during the mining depression of the 1880-1890s and during the Great Depression.

We pulled out of the mining depression in large part based on reclamation projects that allowed agricultural development.

We pulled out of the Great Depression with a combination of federal assistance, legalized gaming and the "one sound state" campaign, which focused on attracting businesses to Nevada by publicizing our business-friendly climate.

We also weathered the downturns in the 1980s, early 1990s and survived the aftermath of September 11, 2001. Historically, we have emerged from economic challenges stronger through diversification.

We can do the same now by focusing on developing our bountiful renewable energy resources and becoming an energy exporting state. Nevada has the talent, expertise, resources and creativity within its borders to not just meet our own power demands but to export clean electricity to our neighbors.

Northern Nevada is our geothermal capital and southern Nevada is our solar capital and everywhere in between we can harness our wind resources. Our opportunities in this area are endless.

What we must do and what I am focused on is bridging the gap between our current capabilities and our renewable-powered future while economically meeting our current power needs.

To move to this future, we need to overcome the challenges caused by long permitting processes, inadequate transmission infrastructure and limited incentives. We need to overcome those challenges now, or in ten years, Nevada's powerful energy future will still be just talk here but reality in other states.

I spoke two years ago about making Nevada an energy-producing state, and we have not been idle since then. We are making progress in all of our major challenge areas, and my energy bill will bring us even closer to our goal.

We have already streamlined Nevada's permitting process for the development of renewable energy.

We also created the Renewable Energy Transmission Access Advisory Committee to identify renewable-energy zones, review our current transmission capabilities, and identify ways to ensure that our renewable resources are brought efficiently and cost effectively to the market. Additionally, my 2009 energy bill is designed to push us to the leading edge of this growth

industry. It includes provisions to further streamline the permitting process, particularly for small projects.

Over the years, we have learned that incentives work to help foster renewable-energy investments. Hence, as part of my energy bill, I propose to increase our renewable-portfolio-standards' requirements and to extend our renewable energy tax credits by five more years.

I also propose that we implement other much-needed incentives to bring renewable-energy development to Nevada, including economic incentives such as tax abatements for renewable-energy manufacturers, renewable-energy research and development, and for companies that actually build the much-needed transmission lines.

Finally, we are currently in the process of creating a public-private partnership to pursue funding to build needed transmission lines. That partnership will include voices from the Executive Branch, the Legislative Branch, local government and private industry, working together to ensure that renewable-energy transmission lines are built and built soon.

These kinds of economic incentives for diversification have helped Nevada pull out of recessions in the past, and I have no doubt they will bring businesses and jobs to our State now.

Considering the importance of renewable energy to our economic future and to job creation in our State, I am hoping that legislative leaders and private industry will work with me to make Nevada a world leader in producing clean and renewable energy.

We always do our best for the people of this State when a united government works with business leaders to create growth industries. Ladies and gentlemen, energy is an essential element of Nevada's future.

Even in these most trying of times, I see a future filled with promise and possibilities. I see a future in which we build for a better tomorrow but never forget about the good works and endless sacrifices that provide our solid foundation.

I see a future in which a pro business and pro resident tax structure keeps Nevadans working and a future where a smaller government means more efficient government.

I see a future in which a resilient and resourceful Nevada, a Battle Born Nevada, proves once again that her prosperity has been no accident. Her prosperity is a result of the creative spirit of her people.

I am not going to stand before you this evening and tell you that the road ahead is easy or that we will all agree about how to address the real challenges that confront us. What I will tell you is that I believe in Nevada and its people, and I am willing to work for you and with you to preserve what we all hold dear.

While no one knows exactly when this economic downturn will end, I assure you it will end. Growth, investment and renewed consumer confidence are not going to come from my office or this chamber. They will come from you, the people of Nevada, and businesses who also believe in our State.

My pledge to you this evening is simple; I will take down whatever barriers I can; I will keep as many people working as I can, and I will do everything in my power to make tomorrow better than today.

Two years ago, I stood before you and spoke of one Nevada. A Nevada united, not one divided by regional or partisan differences.

I stand here, tonight, and ask, again, that we work together as one Nevada for our common good. Only together can we ensure that our State weathers the economic storm and moves quickly to economic recovery and prosperity.

Thank you; God bless you; God bless Nevada and good night.

Senator Horsford moved that vetoed Senate Bill No. 146 of the 74th Session of the Nevada Legislature, which has been returned by the Governor, be made a Special Order of Business for Wednesday, February 11, 2009, at 11:15 a.m.

Remarks by Senator Horsford.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Joint Resolution No. 1 of the 74th Session—Proposing to amend the Nevada Constitution to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 3 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 3. 1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document. ~~[but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada.]~~ The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:"

2. The Legislature may authorize the Secretary of State and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

Senator Woodhouse moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Raggio, Hardy, Care, Coffin, Carlton, Amodei, Mathews, Nolan, Titus and Townsend:

Senate Joint Resolution No. 2 of the 74th Session—Proposing to amend the Nevada Constitution to provide for the initial appointment by the Governor of justices and judges and any subsequent retention of those justices and judges by election.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 22, be added to Article 6 of the Nevada Constitution to read as follows:

*Sec. 22. 1. Commencing with a term of office that expires on or after December 31, 2011, each justice of the Supreme Court, judge of the court of appeals, if established by the Legislature, or judge of the district court who desires to succeed himself must, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in the manner provided by law. With respect to each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself.*

*2. If 55 percent or more of the votes cast on the question are cast in favor of the justice or judge succeeding himself, the justice or judge shall succeed himself. The term of office of each justice or judge who succeeds himself is 6 years, and that term begins on the first Monday of January next following the general election at which the justice or judge was chosen to succeed himself.*

*3. If a justice or judge does not declare his candidacy, or if less than 55 percent of the votes cast on the question are cast in favor of the justice or judge succeeding himself, a vacancy is created at the expiration of his term which must be filled by appointment pursuant to Section 20 of this Article.*



4. Each justice or judge who declares his candidacy to succeed himself must be reviewed by a commission on judicial performance. The review must consist of an examination of the record of the justice or judge and at least one interview of the justice or judge at which the commission discusses with the justice or judge any areas of performance in which the justice or judge needs to improve. At the conclusion of the review, the members of the commission must vote on the question of whether the commission recommends that the justice or judge succeed himself. Not later than 6 weeks before the general election at which the question of whether the justice or judge shall succeed himself is presented, the commission shall prepare and release to the public a report which provides a summary of the findings of the commission, the recommendation of the commission on the question of whether the justice or judge should succeed himself, the rationale for the recommendation and the result of the vote by which the commission made the recommendation. The vote of an individual member of the commission must not be disclosed to the public.

5. Each justice of the Supreme Court and judge of the court of appeals, if established by the Legislature, must be reviewed by the permanent Commission on Judicial Performance, composed of:

(a) The Chief Justice or an associate justice designated by him, but if the Commission is reviewing a justice of the Supreme Court, the Chief Justice or associate justice designated to be a member of the Commission is disqualified and the other members of the Commission shall select a judge of the district court to take the place of the disqualified member of the Commission for the sole purpose of reviewing justices of the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Two persons, not members of the legal profession, appointed by the Governor.

6. Each judge of the district court must be reviewed by a temporary commission on judicial performance, composed of:

(a) The permanent Commission on Judicial Performance;

(b) Two members of the State Bar of Nevada resident in the judicial district of the judge being reviewed, appointed by the Board of Governors of the State Bar of Nevada; and

(c) Two residents of the judicial district of the judge being reviewed, not members of the legal profession, appointed by the Governor.

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

8. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a review is required, and their terms expire when the review has been completed.

9. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) One member of the same political party.

No member of the permanent Commission may be a member of a commission on judicial selection or the Commission on Judicial Discipline.

And be it further

RESOLVED, That Section 3 of Article 6 of the Nevada Constitution be amended to read as follows:

~~{Sec. 3. The justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively,~~

~~from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]~~

*Sec. 3. The justice of the Supreme Court who is senior in commission shall be Chief Justice. If the commissions of any two or more justices bear the same date, they shall determine by lot who is Chief Justice.*

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the ~~office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess} office of district judge. In a judicial district with more than one district judge, each judge possesses co-extensive and concurrent jurisdiction, and [who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said] any of those judges may preside on the [empanneling [empanneling]] empanneling of grand juries and the presentment and trial on indictments [under such rules and regulations as may be] in the manner prescribed by law.~~

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. ~~[}]~~ 15. The justices of the Supreme Court and district judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be increased or diminished during the term for which they shall have been elected ~~[}]~~ or appointed, unless a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money, to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs ~~[before the expiration of any term of office] for any reason~~ in the Supreme Court or the court of appeals, if established by the Legislature, or among the district judges, ~~[the Governor shall appoint a justice or judge from among three~~

~~nominees selected for such individual vacancy by~~ the Commission on Judicial Selection ~~]~~ shall select three nominees for the vacancy within 60 days after the vacancy occurs. The Commission shall provide the names of the three nominees to the Governor and the public. The Governor may:

(a) Appoint a justice or judge from among the three nominees selected for the vacancy by the Commission on Judicial Selection; or

(b) Reject all three nominees.

2. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not appointed a justice or judge or rejected all the nominees, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

3. If the Governor rejects all three nominees selected for the vacancy by the Commission on Judicial Selection, the Commission shall select three additional nominees for the vacancy within 60 days after the date of the rejection. The Commission shall provide the names of the three additional nominees to the Governor and the public. The Governor must appoint a justice or judge from among the three additional nominees selected for the vacancy by the Commission on Judicial Selection.

4. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of additional nominees for any vacancy, if the Governor has not made the appointment required by subsection 3, he shall make no other appointment to any public office until he has appointed a justice or judge from the list of additional nominees submitted by the Commission on Judicial Selection.

5. The initial term of office of any justice or judge ~~so~~ appointed pursuant to this Section expires on the first Monday of January following the ~~next general election~~

~~3]~~ first general election that is held at least 12 calendar months after the date on which the appointment was made.

6. Each nomination for the Supreme Court shall be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) ~~Three~~ Four members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) ~~Three~~ Four persons, not members of the legal profession, appointed by the Governor.

~~4]~~ 7. Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent Commission;

(b) ~~A member~~ Two members of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) ~~A resident of such~~ Two residents of that judicial district, not ~~a member~~ members of the legal profession, appointed by the Governor.

~~5]~~ 8. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~6]~~ 9. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the Governor.

~~7]~~ 10. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of a *commission on judicial performance or the Commission on Judicial Discipline*.

~~{8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.~~

~~↪ If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

- (a) Two justices or judges appointed by the Supreme Court;
  - (b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
  - (c) Three persons, not members of the legal profession, appointed by the Governor.
- The Commission shall elect a Chairman from among its three lay members.

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

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

5. The Legislature shall establish:

- (a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;
- (b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;
- (c) The standards for the investigation of matters relating to the fitness of a justice or judge; and
- (d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

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

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

- (a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or
- (b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

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

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

11. The Commission may:

- (a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;
- (b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;
- (c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and
- (d) Exercise such further powers as the Legislature may from time to time confer upon it.

Senator Care moved that the resolution be referred to the Senate Committee on Judiciary.

Motion carried.

By Senators Rhoads, Amodei and McGinness:

Senate Joint Resolution No. 3 of the 74th Session—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election, to require that an initiative petition be proposed by a number of registered voters equal to a certain percentage of registered voters who voted in the last preceding election and to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state ~~[six months,]~~ and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on

account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

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

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a *total* number of registered voters equal to *at least* 10 percent ~~for more~~ of the number of voters who voted at the last preceding general election ~~[in not less than 75 percent of the counties]~~ in the State. ~~[, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.]~~

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation

and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

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

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

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

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

And be it further

RESOLVED, That Section 3 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 3. 1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document . ~~[- but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:"]~~

2. The Legislature may authorize the Secretary of State and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

And be it further

RESOLVED, That the provisions of Assembly Joint Resolution No. 10 of the 73rd Session of the Nevada Legislature are hereby repealed.

And be it further

RESOLVED, That the provisions of Senate Joint Resolution No. 1 of the 74th Session of the Nevada Legislature are hereby repealed.

Senator Woodhouse moved that the resolution be referred to the Senate Committee on Legislative Operations and Elections.

Motion carried.

By Senators Raggio, Townsend and Nolan:

Senate Joint Resolution No. 4 of the 74th Session—Proposing to amend the Nevada Constitution to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

~~Sec. 7. The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute~~

*Sec. 7. 1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law.*  
~~[But the]~~

*2. The Legislature shall [at its regular session next preceding the expiration of the term of office of said Board of Regents] provide by law for [the election of a new]* :

*(a) The organization of the Board of Regents [and define their duties], including, but not limited to, the number of members of the Board of Regents and the qualifications and terms of office of the members of the Board of Regents;*

*(b) The appointment of the members of the Board of Regents by the Governor; and*

*(c) The duties of the Board of Regents and its members.*

And be it further

RESOLVED, That if the constitutional amendment included in this joint resolution is ratified by the voters at the general election on November 2, 2010, and the votes for and against the constitutional amendment are canvassed by the Supreme Court of Nevada pursuant to NRS 293.395, the Legislature may, in implementing the provisions of the constitutional amendment, terminate the terms of office of the members of the Board of Regents if the Legislature determines such action is in the best interests of the people of this State.

Senator Woodhouse moved that the resolution be referred to the Senate Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Judiciary:

Senate Joint Resolution No. 9 of the 74th Session—Proposing to amend the Nevada Constitution to allow the Legislature to establish an intermediate appellate court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the Nevada Constitution to read as follows:

*Sec. 3A. 1. The Legislature may provide by law for the creation of a court of appeals.*

*2. If the Legislature creates a court of appeals pursuant to subsection 1, then:*



(a) *The court of appeals must consist of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court may provide by rule for the assignment of any appeal to a panel of three judges for decision.*

(b) *Except as otherwise provided in paragraph (c) and unless the Legislature provides for a term of fewer years pursuant to paragraph (d), each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges of the court of appeals must be elected by the qualified electors of this State at the first general election following the creation of the court of appeals.*

(c) *Notwithstanding the provisions of paragraph (b), if, at the time that the Legislature establishes a court of appeals, this Article provides for the appointment of each justice of the Supreme Court and judge of the district court by the Governor, each judge of the court of appeals must be appointed by the Governor in the manner and for the term provided in Section 20 of this Article.*

(d) *Except as otherwise provided in paragraph (e), if there is an increase in the number of judges of the court of appeals, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term beginning on the first Monday of January next after the election. The Legislature shall provide for an initial term of 6 or fewer years for each additional judge so that the terms of all judges of the court of appeals expire at the same time.*

(e) *Notwithstanding the provisions of paragraph (d), if, at the time that there is an increase in the number of judges of the court of appeals, this Article provides for the appointment of each justice of the Supreme Court and judge of the district court by the Governor, each additional judge must be appointed by the Governor in the manner and for the term provided in Section 20 of this Article.*

(f) *The Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.*

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. The judicial power of this State ~~shall be~~ is vested in a court system, comprising a Supreme Court, *a court of appeals, if established by the Legislature*, district courts ~~and~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. 1. The Supreme Court ~~shall~~ and the court of appeals, if established by the Legislature, have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. *If the Legislature establishes a court of appeals, the Supreme Court shall fix the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the court of appeals.* The ~~court shall~~ Supreme Court and the court of appeals also have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~and~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~its appellate~~ their jurisdiction. Each ~~of the justices shall have power to~~ justice of the Supreme Court and judge of the court of appeals may issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~in this State~~ and may make such writs returnable ~~before himself~~ before the issuing justice or judge or the ~~Supreme Court~~ court of which the justice or judge is a member, or before any district court in the State or ~~before~~ any judge of ~~said courts~~ a district court.

2. In case of the disability or disqualification, for any cause, of ~~the Chief Justice or one of the associate justices~~ a justice of the Supreme Court, ~~for any two of them,~~ the Governor ~~is authorized and empowered to designate any~~ may designate a judge of the court of appeals or a district judge ~~or judges~~ to sit in the place ~~or places of such~~ of the disqualified or

disabled justice . ~~for justices, and said judge or judges so designated shall receive their~~ *The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court.*

3. *In case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge that the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.*

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court , *the court of appeals, if established by the Legislature, and the district courts* ~~shall~~ *must* be as fixed by law. The terms of the Supreme Court ~~shall~~ *must* be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. *The terms of the court of appeals, if established by the Legislature, must be held at the place provided by law.* The terms of the district courts ~~shall~~ *must* be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~and~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~and~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases , in which appeals may be taken from justices and other courts. The Supreme Court, *the court of appeals, if established by the Legislature,* the district courts ~~and~~ and such other courts ~~as~~ as the Legislature shall designate ~~shall be~~ *are* courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court , *the judges of the court of appeals, if established by the Legislature,* and the district judges ~~shall be~~ *are* ineligible to any office, other than a judicial office, during the term for which they ~~shall~~ have been elected or appointed . ~~and all~~ All elections or appointments of any such judges by the people, Legislature ~~and~~ or otherwise ~~shall~~ during said period ~~shall~~ to any office other than judicial ~~shall be~~ *are* void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ Sec. 15. The justices of the Supreme Court , *the judges of the court of appeals, if established by the Legislature,* and the district judges ~~shall~~ *are* each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~shall~~ *must* not be increased or diminished during the term for which they ~~shall~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~shall~~ *is* entitled to receive only such salary as may be provided by law at the time of his election or appointment . ~~and provision shall~~ A provision *must* be made by law for setting apart from each year's revenue a sufficient amount of money ~~shall~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court *or the court of appeals, if established by the Legislature,* or among the district

judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~shall~~ or the court of appeals, if established by the Legislature, must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~shall~~ must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

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

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~shall~~ must be appointed when a vacancy occurs, and their terms ~~shall~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of ~~the~~ the Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a judge of the court of appeals, if established by the Legislature, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

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

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

5. The Legislature shall establish:

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

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

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

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

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

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

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

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

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

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

11. The Commission may:

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

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

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

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

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ *Sec. 3.* For any reasonable cause to be entered on the journals of each House, which may ~~be~~ or may not be sufficient grounds for impeachment, the ~~Chief Justice and associate~~ justices of the Supreme Court, *the judges of the court of appeals, if established by the Legislature,* and the judges of the district courts ~~shall~~ must be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. ~~and the~~ The justice or judge complained of ~~shall~~ must be served with a copy of the complaint against him ~~and shall~~ and have an opportunity of being heard in person or by counsel in his defense. ~~provided, that no~~ No member of either branch of the Legislature ~~shall be~~ is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ *Sec. 8.* The Legislature shall provide for the speedy publication of all statute laws of a general nature ~~and~~ and such decisions of the Supreme Court ~~and the court of appeals, if established by the Legislature,~~ as it may deem expedient. ~~and all~~ All laws and judicial decisions ~~shall~~ must be free for publication by any person. ~~provided, that no~~ No judgment of the Supreme Court or the court of appeals shall take effect and be operative until the opinion of the court in such case ~~shall be~~ is filed with the clerk of said court.

Senator Care moved that the resolution be referred to the Senate Committee on Judiciary.

Motion carried.

By Senator Parks:

Senate Joint Resolution No. 1—Proposing to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board appointed by the Governor and to require the Legislature to provide for the organization and duties of the Clemency Board.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 14 of Article 5 of the Nevada Constitution be amended as follows:

Sec. 14. 1. ~~{The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one,}~~ *There is hereby created a Clemency Board.*

2. *The Clemency Board consists of nine members appointed by the Governor, at least five of whom must have experience working in the criminal justice system. The legislature shall provide by law for:*

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

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

3. *The Clemency Board may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection ~~2~~ 4, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.*

~~2.~~ 4. Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

~~3.~~ 5. *The Clemency Board shall meet at least quarterly.*

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

Senator Care moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Senate Concurrent Resolution No. 1—Directing the Nevada Tax Commission to conduct a study concerning the proper determination of property capitalization rates for certain taxpayers.

Senator Coffin moved that the resolution be referred to the Committee on Taxation.

Motion carried.

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 2—Encouraging entities that are engaged in monitoring the water quality of the Truckee River to coordinate certain activities.

Senator Parks moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 3—Expressing disapproval of certain civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada.

Senator Parks moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Health and Education:

Senate Concurrent Resolution No. 4—Urging certain agencies which provide child welfare services to develop a standardized practice model and to address certain issues related to child and family services.

Senator Wiener moved that the resolution be referred to the Committee on Health and Education.

Motion carried.

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 75th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 75th Session of the Legislature are hereby adopted as follows:

## CONFERENCE COMMITTEES

*Rule No. 1. 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.

2. 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.

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

4. 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. 2. Biennial Message of the Governor.*

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

*Rule No. 2.2. Other Messages From the Governor.*

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

*Rule No. 2.4. Proclamation by the Governor Convening Special Session.*

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.

*Rule No. 2.6. Messages Between Houses.*

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 Assistant Chief Clerk.

## NOTICE OF FINAL ACTION

*Rule No. 3. 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. 4. 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. 5. Joint Sponsorship.*

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chairman of the committee, set forth the name of a standing 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. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his 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 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed 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 5.

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

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary 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 or non-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 Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a 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.

6. An amendment that proposes to add or remove a primary joint sponsor or non-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 or non-primary joint sponsor.

#### PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter 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. 7. 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.
  - (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 death.
  - (b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Operations and Elections or the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments before submission to the Legislative Counsel.
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. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after 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 the 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?"
3. 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. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and 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, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

##### Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.
2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.
3. Any action taken in violation of subsection 2 shall be deemed out of order.

*EXPENDITURES FROM THE LEGISLATIVE FUND**Rule No. 10. 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.*

*LEGISLATIVE COMMISSION**Rule No. 11. Membership and Organization.*

*1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:*

*(a) One, if such membership is less than one-fifth of the total number elected to that House.*

*(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.*

*2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.*

*3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.*

*4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chairman of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.*

*5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.*

*6. The Chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.*

*RECORDS OF COMMITTEE PROCEEDINGS**Rule No. 12. Duties of Secretary of Committee and Director.*

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

*2. The secretary of a standing 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 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 may deem necessary;*

*(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 deems reasonable to ensure access to the record in the foreseeable future.*

*LIMITATIONS ON INTRODUCTION AND REQUESTS**FOR DRAFTING OF LEGISLATIVE MEASURES**Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.*

*1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:*

- (a) Two requests from each Assemblyman; and
- (b) Four requests from each Senator,

↳ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

↳ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d), whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15<sup>th</sup> calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d), whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

#### SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

➤ No notice of reconsideration of any final vote on a bill or joint resolution is in order on the last day on which final action is allowed.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) *Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.*

3. *The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.*

4. *The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.*

*Rule No. 14.5. Waivers.*

1. *At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.*

2. *A waiver granted pursuant to subsection 1:*

(a) *Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.*

(b) *Must indicate the date on which the waiver is granted.*

(c) *Must indicate the Legislator or committee on whose behalf the waiver is being granted.*

(d) *Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.*

(e) *Must indicate the provisions to which the waiver applies.*

(f) *May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.*

3. *The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.*

4. *Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.*

5. *The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.*

6. *No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.*

*Rule No. 14.6. Exemptions.*

1. *Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:*

(a) *Contains an appropriation; or*

(b) *Has been determined by the Fiscal Analysis Division to:*

(1) *Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;*

(2) *Create or increase any significant fiscal liability of the State;*

(3) *Implement a budget decision; or*

(4) *Significantly decrease any revenue of the State,*

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

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

Rule No. 15. 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.

Rule No. 16. Reserved.

## DATE OF FIRST JOINT BUDGET HEARING

## Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES  
OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR  
CERTAIN TREATMENT OR SERVICES

## Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;
5. The effect the required coverage will have on the cost of health care provided in this State; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS  
OF LEGISLATIVE COMMITTEES

## Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

POLICY AND PROCEDURES REGARDING  
SEXUAL HARASSMENT

## Rule No. 20. 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 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 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 has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he is being sexually harassed on the job, he 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.



*VOTE ON GENERAL APPROPRIATION BILL*

*Rule No. 21. Waiting Period Between Introduction and Final Passage.*

*A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.*

*USE OF LOCK BOXES BY STATE AGENCIES*

*Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.*

*To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.*

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered into the Journal.

These are the Joint Standing Rules between the Senate and Assembly for this session.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

## INTRODUCTION, FIRST READING AND REFERENCE

Senator Horsford requested that his remarks be entered into the Journal.

Mr. President, in the interest of time, I move that the Secretary read through all of the bill summaries noting the appropriate committee referrals. Once that has been completed, Senator Care will make a motion that all bills previously read be referred to the committees as indicated all in one motion rather than have a senator stand and move their own bills individually. If a senator has an objection to a referral, it will be addressed after the reading of all prefiled bill summaries has been completed.

These bills have been prefiled and are available for everyone to review. A list of the prefiled bills is located in the addendum section of today's Agenda. If there are no objections, by the members, this will save us a great deal of time due to the number of bills we have ready.

The bills will be read in consecutive order.

By Senator Schneider:

Senate Bill No. 2—AN ACT relating to public education; making an appropriation to the State Distributive School Account to ensure that the amount of money expended per pupil in this State for the 2009-2011 biennium meets or exceeds the national average; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 3—AN ACT relating to legislative affairs; creating the Legislative Committee on Child Welfare and Juvenile Justice; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 4—AN ACT relating to public welfare; requiring the Department of Health and Human Services to establish and maintain a system for the electronic submission of applications for Medicaid and the Children's Health Insurance Program; requiring certain agencies to use the system to forward such applications to the Department; requiring the transfer of money from the Abandoned Property Trust Account for the Department to establish and maintain the system; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 5—AN ACT relating to courts; requiring the clerk of a district court, under certain circumstances, to publish the written opinions of a business court; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Lee:

Senate Bill No. 6—AN ACT relating to occupational diseases; revising certain provisions concerning heart disease as an occupational disease of volunteer firefighters; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Wiener:

Senate Bill No. 7—AN ACT relating to public health; making various changes relating to the Advisory Council on the State Program for Fitness and Wellness; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 8—AN ACT relating to medical professions; revising the process for appointing members of the Board of Medical Examiners, the Board of Homeopathic Medical Examiners and the State Board of Osteopathic Medicine; requiring these boards to retain copies of acknowledgments related to conflict of interest provisions; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Carlton:

Senate Bill No. 9—AN ACT relating to taxicabs; extending the period that a hybrid electric vehicle may be used as a taxicab; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 10—AN ACT relating to the Commission on Special License Plates; providing for the payment of certain compensation to members of the Commission; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Care:

Senate Bill No. 11—AN ACT relating to counties; prohibiting the county commissioners of certain larger counties from holding certain other employment; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 12—AN ACT relating to education; revising provisions governing allocations of money from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; revising the duties of the Legislative Auditor in conducting the biennial audit of programs funded from the Account; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 13—AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to issue certain special license plates for use on motorcycles; prescribing the fees for special license plates for use on vehicles other than passenger cars and light commercial vehicles; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Mathews:

Senate Bill No. 14—AN ACT relating to marriage; increasing the portion of the fee for a marriage license that funds the Account for Aid for Victims of Domestic Violence; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 15—AN ACT relating to real estate; ratifying corrections of certain errors in real estate provisions and revising related provisions in a legislative enactment from a previous session; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Washington:

Senate Bill No. 16—AN ACT relating to regional transportation commissions; revising the composition of commissions in larger counties; requiring the recommendation of the commission before the termination of employment of its nonunion employees; and providing other matters properly relating thereto.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Wiener:

Senate Bill No. 17—AN ACT relating to health care; revising provisions governing the retention and destruction of health care records; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Washington:

Senate Bill No. 18—AN ACT relating to traffic laws; revising provisions governing speed limits in school zones and school crossing zones; providing for different school zone speed limits based on the grade level of students attending the school; authorizing local school and law enforcement personnel to adjust school zone and school crossing zone speed limits in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 19—AN ACT relating to education; revising provisions governing the award of grants of money from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 20—AN ACT relating to education; revising provisions governing the contents of the reports of accountability submitted by the State Board of Education and school districts; prescribing a program of training for substitute teachers; revising provisions governing educational personnel; revising provisions governing the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 21—AN ACT relating to commodities; prohibiting the sale or offer for sale of certain drugs, infant formula or baby food if the expiration date for those items has passed; making certain violations deceptive trade practices; providing remedies and penalties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 22—AN ACT relating to dairy products; prohibiting certain acts concerning the production, distribution and sale of certain dairy and raw milk products; authorizing the State Dairy Commission to adopt regulations establishing the maximum civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 23—AN ACT relating to the Department of Health and Human Services; transferring from the Governor to the Director of the Department the authority to appoint the Administrator of the Division of Mental Health and Developmental Services; providing greater flexibility in the appointment of administrative personnel; repealing certain provisions relating to the designation of deputy administrative officers; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 24—AN ACT relating to public welfare; providing for the presumptive eligibility for Medicaid of certain applicants for assistance under the Supplemental Security Income Program; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 25—AN ACT relating to dairy products; authorizing the State Dairy Commission to adopt regulations establishing the maximum civil penalty for certain violations; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 26—AN ACT relating to chiropractic physicians; including certain activities within the scope of unprofessional conduct; allowing the Chiropractic Physicians' Board of Nevada to impose a fine for each act which constitutes a ground for disciplinary action under chapter 634 of NRS; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 27—AN ACT relating to motor carriers; revising provisions relating to persons required to obtain a certificate of public convenience and necessity; setting forth requirements for the issuance of a certificate of public convenience and necessity to an owner or operator of a charter bus; authorizing the Nevada Transportation Authority to dispense

with a hearing on an application for a permit in the absence of a petition to intervene; revising the requirements for the release of a vehicle from impoundment; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 28—AN ACT relating to public safety; revising reporting requirements concerning missing persons and unidentified dead bodies; and providing other matters properly relating thereto.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 29—AN ACT relating to taxicabs; providing that a taxicab driver shall not alter or otherwise change a medallion; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Finance:

Senate Bill No. 30—AN ACT relating to education; eliminating the requirement that a school district publish its quarterly list of expenditures in a newspaper and instead requiring the school district to post the list on the Internet website of the school district; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 31—AN ACT relating to state governmental administration; revising provisions governing independent contractors with the State; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 32—AN ACT relating to the Open Meeting Law; authorizing certain public bodies to hold closed meetings to consider the character, alleged misconduct or professional competence of certain persons; requiring such a public body to publicize certain information within 30 days after holding such a closed meeting; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 33—AN ACT relating to traffic laws; revising the provisions relating to the supervision of certain offenders who undergo a program of treatment for alcoholism or drug abuse; revising the provisions governing the administration of programs of treatment for alcoholism or drug abuse for certain offenders; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 34—AN ACT relating to courts; authorizing a magistrate to appoint a person to use sound recording equipment instead of employing a certified court reporter in certain proceedings in a justice court; providing for the use of transcripts produced from such recordings made by sound recording equipment; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 35—AN ACT relating to criminal procedure; repealing the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 36—AN ACT relating to the State Personnel System; revising the requirements for conducting certain competitive examinations for positions in the classified service of the State; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations & Elections.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 37—AN ACT relating to water pollution; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to award subgrants for set-aside



programs authorized by the federal Safe Drinking Water Act; authorizing the Director of the Department to award subgrants for certain purposes relating to the control of water pollution; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 38—AN ACT relating to pesticides; revising the provisions governing the issuance of certificates to apply or supervise the application of restricted-use pesticides; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 39—AN ACT relating to agriculture; eliminating the requirement that the State Department of Agriculture provide annual proposed programs for the control of invasive species and certain endemic pests and weeds to counties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 40—AN ACT relating to psychologists; revising provisions relating to applications for licensure as a psychologist to require the submission of fingerprints; revising provisions relating to examinations for licensure; eliminating the right of an applicant to request a review of his examination by the Board; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Finance:

Senate Bill No. 41—AN ACT relating to public retirement systems; requiring public employers that participate in the Public Employees' Retirement System to select a liaison officer to certify records and coordinate certain matters between the System and members or public employers; clarifying provisions relating to the penalty that is assessed against a participating public employer for failing to file payroll reports or remit public employer contributions in a timely manner; providing a deadline for certain

justices of the peace and municipal judges who are members of the System to withdraw from the System and become members of the Judicial Retirement Plan; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 42—AN ACT relating to the State Public Works Board; transferring final authority over the acceptance of certain public buildings and structures from the Board to the deputy manager for compliance and code enforcement; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 43—AN ACT relating to public works; revising the criteria that the State Public Works Board is required to adopt to determine the qualification of bidders on contracts for public works; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 44—AN ACT relating to peace officers; designating certain employees of the Department of Corrections as category II peace officers; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 45—AN ACT relating to crimes; allowing a prospective witness who is an older person or a vulnerable person to have his deposition taken for use at a trial or hearing under certain circumstances; providing for a civil penalty against a person convicted of certain crimes against an older person; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 46—AN ACT relating to the State Personnel System; authorizing an additional method for providing notification to state employees of certain personnel actions; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 47—AN ACT relating to state personnel; authorizing the Director of the Department of Corrections to request that certain employees of the Department submit to random drug and alcohol screening tests; providing that an employee's refusal to submit to such a screening test may result in his dismissal or in other disciplinary action being taken against him; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 48—AN ACT relating to tobacco; repealing certain requirements regarding the delivery of cigarettes sold to consumers; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 49—AN ACT relating to design professions; creating a requirement for a written contract for professional services between a client and an architect, registered interior designer or residential designer in certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 50—AN ACT relating to contractors; revising provisions relating to complaints against contractors; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 51—AN ACT relating to regulation of public utilities; revising provisions relating to the subpoenaing of certain public utility records by a law enforcement agency; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 52—AN ACT relating to transportation; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards to comport with the federal Real ID Act of 2005; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 53—AN ACT relating to the Office of the Secretary of State; requiring the establishment of an electronic registry for the storage of wills and other documents; revising provisions regarding fees collected for certain services; revising the job classification of the Administrator of the Securities Division within the Office; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 54—AN ACT relating to public health; revising the qualifications of the State Health Officer; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 55—AN ACT relating to business entities; revising the provisions relating to the appointment of a registered agent; providing that business entities may cancel filings made with the Secretary of State under certain circumstances; providing for the dissolution of certain business entities under certain circumstances; revising the provisions relating to the filing of certain lists by business entities; clarifying the provisions relating to the applicability of certain provisions concerning taxation of a business; making various other changes pertaining to business entities; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Finance:

Senate Bill No. 56—AN ACT relating to education; authorizing the board of trustees of a school district to request a waiver of the required minimum expenditure for textbooks, instructional supplies and instructional hardware

during an economic hardship; and providing other matters properly relating thereto.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 57—AN ACT relating to veterinary medicine; revising the list of activities that may be performed without a veterinary license; authorizing the Nevada State Board of Veterinary Medical Examiners to approve foreign equivalency programs; authorizing the Board to grant a license without examination to veterinarians licensed in another state; requiring the renewal of licenses and certificates of registration biennially rather than annually; authorizing the Board to adopt regulations establishing grounds for disciplinary action against certain facilities and veterinarians; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 58—AN ACT relating to the Board of Examiners for Audiology and Speech Pathology; exempting certain doctoral students in audiology from the provisions governing the licensure and regulation of audiologists and speech pathologists; revising the qualifications for a license to practice audiology; revising provisions relating to certain temporary licenses; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 59—AN ACT relating to counties; revising provisions governing telephone systems used for reporting emergencies in certain larger counties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 60—AN ACT relating to public health; requiring the district board of health in certain counties and the State Board of Health in all other counties to monitor the removal and remediation of methamphetamine and certain other substances; requiring the disclosure of certain information upon the sale of a motor vehicle used in the manufacture, sale or use of a substance containing methamphetamine; requiring the adoption of certain

regulations; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 61—AN ACT relating to revenue and taxation; revising provisions governing the authorized uses of money in a school district mitigation fund; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Finance:

Senate Bill No. 62—AN ACT relating to education; revising provisions governing the use of special education program units from the State Distributive School Account; authorizing the provision of early intervening services for certain pupils; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 63—AN ACT relating to public financial administration; eliminating the requirement to submit certain reports and statements to the State Controller; moving certain accounts to different funds; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 64—AN ACT relating to taxes; revising provisions governing refunds of property taxes for senior citizens who meet certain income limitations and other requirements; requiring a county assessor who receives a claim for such a refund to determine the amount of the property taxes accrued on the property; requiring the amount of the property taxes accrued on the property to be reduced by certain exemptions under certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 65—AN ACT relating to elder care; creating the Office of the State Long-Term Care Ombudsman in the Aging Services Division of the Department of Health and Human Services; setting forth the duties of the

Ombudsman; revising provisions relating to advocacy for residents of facilities for long-term care; abolishing the Office of Ombudsman for Aging Persons; creating the Office of the Community Advocate for Elder Rights; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 66—AN ACT relating to water; allowing longer periods for the completion of work and the application of water to a beneficial use for certain municipal and quasi-municipal uses; authorizing the State Engineer to grant extensions of time for not more than a certain period to complete the work or apply the water to those uses; revising the circumstances under which the fee for filing an application for an extension of time must be paid; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 67—AN ACT relating to declarations of homestead; requiring the Real Estate Division of the Department of Business and Industry to prescribe a form for such declarations; exempting declarations made on the prescribed form from certain formatting requirements for documents submitted for recording; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Schneider:

Senate Bill No. 68—AN ACT relating to real property; establishing the responsibility for the maintenance of certain security walls within common-interest communities, subdivisions and developments; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Schneider:

Senate Bill No. 69—AN ACT relating to health; creating the Board of Complementary Integrative Medical Examiners; setting forth the powers and duties of the Board; providing for the membership of the Board; setting forth the requirements for the issuance of a license as a complementary integrative medical physician and the issuance of a certificate as an advanced

practitioner of complementary integrative medicine, complementary integrative medical assistant and complementary integrative medical nutritionist; abolishing the Board of Homeopathic Medical Examiners; transferring its powers and duties to the Board of Complementary Integrative Medical Examiners; repealing and revising other provisions governing homeopathy; imposing certain requirements upon a provider of insurance; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 70—AN ACT relating to public health; requiring certain offices of physicians and related facilities to obtain a permit before providing certain services involving anesthesia and sedation; requiring annual inspections of such offices and facilities; requiring annual inspections of surgical centers for ambulatory patients; requiring that copies of certain reports relating to the use of anesthesia and sedation by physicians and osteopathic physicians be submitted to the Health Division of the Department of Health and Human Services; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 71—AN ACT relating to veterans; providing a definition of "veteran" for general application to Nevada Revised Statutes; revising certain obsolete and inaccurate terms; expanding the eligibility of certain veterans for certain tax exemptions and governmental programs; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Cegavske (by request):

Senate Bill No. 72—AN ACT relating to pharmacy; authorizing a registered pharmacist to perform blood glucose tests in a pharmacy; requiring the State Board of Pharmacy to adopt regulations governing the performance of such tests; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.



By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 73—AN ACT relating to energy; revising the role of local governing bodies in enforcing standards for conservation of energy and energy efficiency; revising provisions relating to the use of electric resistance for heating spaces; requiring that applications for a partial abatement of certain property taxes be filed with various offices; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 74—AN ACT relating to assistance to finance housing; removing the prospective expiration of certain provisions relating to the use of various financial techniques by the Housing Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 75—AN ACT relating to the State Public Works Board; requiring that each public building sponsored or financed by a public body meet the standards set forth in the plumbing code adopted by the State Public Works Board; requiring the Board to adopt the plumbing code by regulation on or before January 1, 2010; requiring that the construction, alteration or change in the use of a building or structure in this State comply with the standards set forth in the plumbing code adopted by the Board; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 76—AN ACT relating to administrative procedure; revising provisions governing the summary suspension of a license by certain agencies of the Executive Department of State Government; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 77—AN ACT relating to education; authorizing the board of trustees of each school district to adopt a policy for a program of teen mentoring for public high schools within the school district; authorizing the

principal of each public high school to establish a program of teen mentoring in accordance with the policy or a plan approved by the board of trustees of the school district; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 78—AN ACT relating to mental retardation; authorizing the Division of Mental Health and Developmental Services of the Department of Health and Human Services to regulate the provision of jobs and day training services to persons with mental retardation and persons with related conditions; prohibiting the provision of such services without a certificate issued by the Division; authorizing the Division to prescribe fees for the issuance or renewal of a certificate; deleting provisions governing community centers for training persons with mental retardation and persons with related conditions; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 79—AN ACT relating to health; creating the Nevada Commission on Services for Persons with Disabilities and providing its duties; restructuring certain committees into subcommittees of the Commission; authorizing the State Board of Health to appoint the members of the Advisory Committee in the Office of Minority Health of the Department of Health and Human Services, the Advisory Board on Maternal and Child Health and the Committee on Emergency Medical Services; repealing provisions creating and governing the Committee on Co-Occurring Disorders, the Task Force on Prostate Cancer and the Task Force on Cervical Cancer; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By Senator Cegavske:

Senate Bill No. 80—AN ACT relating to education; transferring the duty to provide certain support to the P-16 Advisory Council from the Office of the Governor to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Cegavske:

Senate Bill No. 81—AN ACT relating to education; establishing the Special Needs Scholarship Program; authorizing the parents and legal guardians of certain pupils with disabilities to apply for participation in the Scholarship Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Scholarship Program; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 82—AN ACT relating to crimes; revising the provisions relating to the disclosure of certain electronic information by certain providers of certain technological services during investigations involving technological crimes; revising the provisions relating to the forfeiture of property and proceeds attributable to technological crimes; making technical corrections to provisions relating to disclosure of financial transactions; authorizing suspension or revocation of a license to operate a financial institution in certain circumstances; making various other changes relating to technological crimes; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 83—AN ACT relating to gaming; revising the provisions concerning the establishment of branch offices of the State Gaming Control Board; revising the provisions relating to the confidentiality of certain information and data provided to the Board and the Nevada Gaming Commission; authorizing the Board and Commission to require the operators of certain call centers to be found suitable or licensed; making changes relating to the registration of gaming employees; making changes concerning disseminators of live broadcasts of racing; making various other changes relating to the regulation of gaming; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 84—AN ACT relating to sentencing; authorizing a city to create a department of alternative sentencing; revising provisions relating to the administration of certain programs of supervision for persons with suspended sentences or persons sentenced to residential confinement; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 85—AN ACT relating to juvenile justice; revising provisions relating to the financial support of regional facilities for the detention of children; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 86—AN ACT relating to children; revising provisions governing the detention of juveniles; revising provisions governing the placement of children into foster care by the juvenile court; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 87—AN ACT relating to programs for public personnel; revising the manner in which the rates and coverage of retired officers and employees who continue, upon retirement, or reinstate coverage under certain health plans of their local governmental employer are required to be determined; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 88—AN ACT relating to taxation; revising the formula for the allocation in certain counties of money distributed from the Local Government Tax Distribution Account; increasing the base allocation to the City of Reno; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 89—AN ACT relating to manufactured housing; providing for the licensure of distributors of new manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing for resale; providing for the regulation of dealers, manufacturers, salesmen, general servicemen and specialty servicemen with respect to manufactured buildings and factory-built housing; imposing certain requirements on escrows involving transactions relating to manufactured housing; authorizing the auditing of the financial accounts of dealers and distributors; requiring

the adoption of regulations concerning continuing education requirements for dealers and distributors; revising the procedure for determining the fair market value and cost of moving manufactured homes from manufactured home parks under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 90—AN ACT relating to the State Board of Architecture, Interior Design and Residential Design; creating an emeritus title for certain architects, registered interior designers and residential designers; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 91—AN ACT relating to the State Board of Architecture, Interior Design and Residential Design; revising certain names related to examinations and national organizations; requiring that certain businesses and associations employ a person licensed or registered by the Board; revising provisions governing civil penalties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 92—AN ACT relating to notaries public; providing for electronic notarization; authorizing the Secretary of State to appoint electronic notaries public; revising provisions for the appointment of resident and nonresident notaries public; providing penalties; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 93—AN ACT relating to the judiciary; excluding certain judicial entities from certain provisions concerning access to public records; excluding certain judicial entities from certain provisions concerning the handling of personal information in the possession of governmental agencies and public bodies; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 94—AN ACT relating to fire protection; imposing various requirements relating to fire protection in the area of the Lake Tahoe Basin located in this State; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 95—AN ACT relating to local governmental finances; providing for the imposition of a property tax in the unincorporated area of certain counties to support the provision of municipal services by a city to the residents of that area; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 96—AN ACT relating to public administrators; making the District Attorney of Humboldt County the ex officio Public Administrator of Humboldt County; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 97—AN ACT relating to taxicabs; prohibiting a taxicab driver from using a cellular phone or other similar device while carrying a passenger in his taxicab; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Energy, Infrastructure and Transportation:

Senate Bill No. 98—AN ACT relating to taxicabs; requiring the Taxicab Authority to determine the geographical area of operation of any additional taxicabs that are temporarily allocated; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 99—AN ACT relating to peace officers; limiting the peace officer powers of field investigators designated by the Taxicab Administrator to the enforcement of certain provisions of NRS, certain regulations relating thereto, and certain city and county ordinances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 100—AN ACT relating to driving under the influence; revising the provisions governing the period of revocation of a driver's license upon conviction of certain offenses involving driving under the influence; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 101—AN ACT relating to securities; revising the definition of "investment adviser"; revising the provisions governing the examination of certain records by the Administrator of the Securities Division of the Office of the Secretary of State; increasing the amount of certain civil penalties for certain violations relating to securities; revising the provisions governing recovery of the costs of investigation and prosecution of certain violations; authorizing the Department of Motor Vehicles to issue a driver's license to a criminal investigator employed by the Secretary of State who is engaged in an undercover investigation; making various other changes relating to securities; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 102—AN ACT relating to state personnel; revising provisions relating to state officers and employees who are not subject to the requirements of the federal Fair Labor Standards Act pertaining to overtime compensation; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 103—AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 104—AN ACT relating to ethics in government; making various changes to provisions relating to ethics in government; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 105—AN ACT relating to water; revising the requirements for determining the amount of matching funds required for certain grants awarded by the Board for Financing Water Projects; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 106—AN ACT relating to real property; requiring the seller of a home or improved lot that is adjacent to open range to disclose to the purchaser the presence of certain roads or rights-of-way; requiring the seller to file a copy of the disclosures with the county recorder and provide a copy to the purchaser; providing that compliance with the requirement of disclosure constitutes an affirmative defense in certain actions brought against the seller; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hardy:

Senate Bill No. 107—AN ACT relating to civil liability; limiting the liability of certain nonprofit organizations and their agents, employees and volunteers under certain circumstances; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.



By the Committee on Natural Resources:

Senate Bill No. 108—AN ACT relating to mining claims; requiring the replacement of durable plastic pipe and hollow metal post markers with solid metal post markers on lode mining claims; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 109—AN ACT relating to state grazing boards; deleting the provisions that place such boards within the State Department of Agriculture; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 110—AN ACT relating to noxious weeds; authorizing the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds; authorizing the State Quarantine Officer to require a violator to take certain corrective actions; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 111—AN ACT relating to water; revising the membership of the Western Regional Water Commission to allow for the inclusion of the Mayor of the City of Sparks; revising the membership of the Northern Nevada Water Planning Commission to include a representative of the Indian reservation which is the largest in area and contiguous to the planning area of the Western Regional Water Commission and to include a member of the Washoe County Water Conservation District; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Carlton:

Senate Bill No. 112—AN ACT relating to employee leasing companies; revising provisions relating to the provision of health benefits by employee leasing companies; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Horsford:

Senate Bill No. 113—AN ACT relating to the criminal justice system; creating statutory subcommittees of the Advisory Commission on the Administration of Justice; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Senate in recess at 3:12 p.m.

#### SENATE IN SESSION

At 3:18 p.m.

President Krolicki presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

Mr. President announced that the following standing committees had been appointed, the first-named Senator being the chair and the second-named Senator being the vice chair, except the Committee on Finance, the first-and second-named Senators are cochairs.

#### COMMERCE AND LABOR—

Carlton, Schneider, Copenig, Parks, Rhoads, Amodei, Hardy.

#### ENERGY, INFRASTRUCTURE AND TRANSPORTATION—

Schneider, Carlton, Lee, Breeden, Townsend, Cegavske, Nolan.

#### FINANCE—

Mathews, Horsford, Coffin, Woodhouse, Raggio, Rhoads, Hardy.

#### GOVERNMENT AFFAIRS—

Lee, Care, Horsford, Breeden, Raggio, Townsend, McGinness.

#### HEALTH AND EDUCATION—

Wiener, Woodhouse, Horsford, Breeden, Washington, Cegavske, Nolan.

#### JUDICIARY—

Care, Wiener, Parks, Copenig, Amodei, McGinness, Washington.

#### LEGISLATIVE OPERATIONS AND ELECTIONS—

Woodhouse, Mathews, Wiener, Lee, Raggio, Cegavske, Hardy.

#### NATURAL RESOURCES—

Parks, Copenig, Mathews, Coffin, Rhoads, Amodei, Nolan.

#### TAXATION—

Coffin, Care, Schneider, Carlton, McGinness, Townsend, Washington.

Senator Horsford requested that his remarks be entered in the Journal.

As in the past, all honorary or memorial resolutions will list all Senators' names. If you have an objection to having your name on a resolution, please notify the Front Desk Staff at least one day before the resolution is introduced.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Joy Longero Amodei and Erin Jeanell Amodei.

On request of Senator Breeden, the privilege of the floor of the Senate Chamber for this day was extended to Geneva Foster, Sherry Tobiasson, Shelley Courter, Shelby Courter, Jennifer Breeden, Erik Breeden, Nicole Breeden, Ryder Breeden, Bryan Breeden and Alyssa Breeden.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenny Care, Marissa Morrow and Judy Toscano.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Merritt Carlton, Lucy Carlton and Chris Barragato.

On request of Senator Copening, the privilege of the floor of the Senate Chamber for this day was extended to Jane Mellott.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford, Benjamin Horsford, Bryson Horsford, Ella Horsford, Pamela Horsford, Brooke Reid, Brittani Reid, Booker Reid, Leyah Dorsey, Sandra Morgan, Don Morgan, Diane Pollard, Chris Brown, Lamell McMorris, Pastor Robert Fowler Sr., John White, Sterling Saddler, Ed Garcia, Judi Goodheart, Gary Goodheart, Ashley Etienne, Michael Tibbs, Peggy Lear Bower, Lucius Bower and Chief Stacey Giomi.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Lacy Lee, Marilyn Lee, Jim Meenam and Carol Ewing.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Betty Jacobsen.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Dee McGinness.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Kim Nolan, Ryan Nolan, Joseph Nolan, Carson Nolan, Dean Wang, Dr. Brittney Stryker, Adam Stryker and Mathew Williams.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Supreme Court Justice Cherry, Siata, Douglas and Parraguirre.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Dale Raggio and Susan Gaither.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Sharon Rhoads, Chandra Cahill and Rachel Cahill.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Candice Schneider, Andrew Schneider, Vanessa Schneider and Myron G. Martin.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Jaysen Reel.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Joseph M. Neal, Supreme Court Justice Mark Gibbons, Sandra Gibbons and David M. Knight.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Geri Kodey.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to Katherine Krolicki.

Senator Horsford moved that the Senate adjourn until Tuesday, February 3, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 3:25 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*