

# Journal

OF THE

## SENATE OF THE STATE

### OF NEVADA

---

SEVENTY-SIXTH SESSION

---

THE FIRST DAY

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CARSON CITY (Monday), February 7, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

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

Good morning, everyone. The Senate for the Seventy-sixth Session of the Nevada Legislature will please come to order. You all look bright and cheery today. I appreciate all of the flowers. I wish to make a special welcome to the 11 new Senators in this Chamber. We have new faces, but I know most of you are highly familiar with this building and this process. Welcome. It is my pleasure and privilege to be here presiding over the Senate. We have much serious business to do. There are some heavy issues to consider. The eyes of Nevada are upon us.

We have a few new faces at the front desk. Welcome Mr. Byerman. Let us now be about our business.

Prayer by Chairman Arlen Melendez of the Reno-Sparks Indian Colony.

Let us pray,

Gracious, Heavenly Father, maker of Heaven and earth, creator of everything, we come into Your presence with thanksgiving and we ask Your blessing.

We give thanks for the beautiful day and for all of the people who are gathered here this morning. We ask a blessing for our nation today for the President of the United States, for our Congressional leadership.

We ask for protection for our country. We pray for the countries that are in conflict in Egypt. We ask that we provide a way for our American citizens to get home safely. We ask for Your blessing on the men and women who serve in our military, those who are in harm's way, we ask for protection and we ask that You get them home safely to their families.

We ask for a special blessing for our Governor, Brian Sandoval and his wife, our first lady, Kathleen and his children. We ask for a special blessing on all of our government leaders, our city leaders, our county leaders, our tribal leadership and for all the leaders who are here today.

Father, we ask that You remind us of the great responsibility and trust that has been bestowed upon our leaders by the people and by You. We ask that You help us to walk in a manner worthy of Your calling.

Help us to walk in integrity. Help us to behave justly and to show mercy and compassion and to walk humbly before You. Remind us to treat one another with kindness and respect though we may disagree at times, but the foundation of our debate be that of a peacemaker.

As we begin this journey of this Legislative Session, though the road may seem difficult, at times impassible, and at times impossible, we are reminded that we have a God that does

impossible things. He is a God who makes the way when there seems to be no way. He is the God who makes rivers in the desert and roadways in the wilderness. He is the same yesterday, today, and forever.

Lord, we ask that You strengthen us when we grow weary, lift us up with Your right hand so that we will renew our strength when we wait on You.

Help us to soar like eagles that we can run and not grow weary, walk and not faint. Help us to trust in You with our heart and lean not on our own understanding, but in all our ways acknowledge You and You will make our paths straight.

We ask for Your blessing on everyone here, in the Name of the Father, the Son, and the Holy Spirit.

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 11:13 a.m.

#### SENATE IN SESSION

At 11:14 a.m.

President Krolicki presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

PRESIDENT KROLICKI:

We are delighted to have the Douglas High School Jr. ROTC, whose members include the following: Master Sergeant Gary M. Collier, United States Army, Retired, Junior Reserve Officers' Training Corps (ROTC) Instructor, Cadet Lieutenant Rand Moguel-Sanchez (Commanding), Cadet Lieutenant Matthew Aarons, Cadet Lieutenant Aidan McMackin, Cadet Staff Sergeant Melissa Holcomb and Cadet Private Terance Hinson. They will present the colors.

Presentation of the colors by the Douglas High School Jr. ROTC Color Guard.

Pledge of Allegiance to the Flag.

PRESIDENT KROLICKI:

It is my pleasure to announce that the National Anthem will be presented by Heidi Staudenbaur.

PRESIDENT KROLICKI:

It is my pleasure to announce that *Home Means Nevada* and *We Are the Young* presented by the Billingshurst Middle School Concert Choir directed by Kris Engstrom and accompanied by Clark Kent. The members of the choir are Kenidee Barner, Tess Brown, Chelsea Candela, Kenzee Clairborne, Jacob Cole, Mikaela Daly, Grace Desilets, Hailey Dobbs, Aidan Druitt, Michelle Duan, Kathrynne Fillion, Jessica Foote, Jaylan Franklin, John Giammona Wilber, Aimee Gonda, Jeffery Harrison, Shawn Hartwell, Zachary Herbert, Nicole Johnson, Max Khamis, Elvis Kim, Janelle Kinavey, Gina King, Jacob Kuhnmuench, Ethan Labowe, Zachary Lawrence, Chaeyoung Lee, Kyra Liessman, Kylie Lohmeyer, Rachel Luck, Anthony Mareno, Haylie Mathis, Conor Mink, Mike Myers, Sarah Noori, Randi Owens, Moriah Pera, Kyle Ress, Megan Roser, Kendra Santana, Summer Santos, Cody Toreson, Luis Virrey-Reyes, Annelise Warren, Sequoia Wess and Sophia Zhang.

Also in attendance is Mr. Ken Cervantes, Sierra School of Performing Arts (SSPA) of Nevada, and Middle School Principal of the Year.

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

Senate in recess at 11:24 a.m.

#### SENATE IN SESSION

At 11:38 a.m.

President Krolicki presiding.

Quorum present.

Mr. President requested Mr. David A. Byerman to serve as temporary Secretary of the Senate and Mr. Kenneth C. Evans to serve as temporary Sergeant at Arms.

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

Roll called.

All holdover Senators present.

Mr. President appointed Senators Schneider, Lee and McGinness as a temporary Committee on Credentials.

Mr. President announced that if there were no objections the Senate would recess subject to the call of the Chair while credentials of the newly-elected Senators were examined by the temporary Committee on Credentials.

Senate in recess at 11:39 a.m.

#### SENATE IN SESSION

At 11:46 a.m.

President Krolicki presiding.

Quorum present.

#### COMMUNICATIONS

January 18, 2011

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Complex, Carson City, Nevada 89710

RE: Appointment of Senator, Washoe Senate District 3

Dear Mr. Miller:

In compliance with NRS 218A.250 (3), please consider this letter as certification that at the January 18, 2011 meeting of the Washoe County Board of Commissioners Greg Brower was appointed to fill the unexpired term of William Raggio, Washoe Senate, District 3.

Sincerely

Amy Harvey

Washoe County Clerk

#### REPORTS OF COMMITTEES

*Mr. President:*

Your temporary Committee on Credentials has had the credentials of the newly-elected and appointed Senators under consideration and begs leave to report that the following persons have been and are duly elected and qualified members of the Senate of the Seventy-sixth Session of the Legislature of the State of Nevada: Senators Greg Brower, Barbara K. Cegavske,

Moises Denis, Don Gustavson, Elizabeth Halseth, Joseph P. Hardy, M.D., Ben Kieckhefer, Ruben Kihuen, Shelia Leslie, Mark A. Manendo, Michael Roberson and James Settlemeyer.

MICHAEL A. SCHNEIDER

JOHN J. LEE

MIKE MCGINNESS

MOTIONS, RESOLUTIONS AND NOTICES

Senator Schneider moved that the report of the temporary Committee on Credentials be adopted.

Motion carried.

Mr. President appointed Senators Wiener, Copening and Cegavske to escort Chief Justice Michael L. Douglas of the Supreme Court of Nevada to the rostrum to administer the oath of office to the newly-elected Senators.

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

Senate in recess at 11:47 a.m.

SENATE IN SESSION

At 12:03 p.m.

President Krolicki presiding.

Quorum present.

Chief Justice Douglas administered the oath of office to the newly-elected and appointed Senators.

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

Senate in recess at 12:09 p.m.

SENATE IN SESSION

At 12:26 p.m.

President Krolicki presiding.

Quorum present.

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

Roll called.

All Senators present.

A committee from the Assembly composed of Assemblywoman Kirkpatrick, Assemblymen Atkinson and Grady appeared before the bar of the Senate and announced that the Assembly was organized and ready for business.

Mr. President declared that nominations were in order for Secretary of the Senate.

Senator Horsford nominated Mr. David A. Byerman to be the Secretary of the Senate.

Senator McGinness moved that the nominations be closed.

Motion carried.

Mr. President declared that Mr. David A. Byerman to be the Secretary of the Senate.

Chief Justice Douglas administered the oath of office to the newly-elected Secretary of the Senate.

Senator Denis moved that Chief Justice Douglas be extended a unanimous vote of thanks for administering the Oath of Office to the newly-elected and appointed Senators and newly-elected Secretary of the Senate.

Motion carried unanimously.

Mr. President declared that nominations were in order for President Pro Tempore.

Senator Horsford nominated Senator Michael A. Schneider for President Pro Tempore.

Senator McGinness moved that the nominations be closed.

Motion carried.

Mr. President declared Senator Michael A. Schneider to be President Pro Tempore of the Senate.

Senator Horsford moved that the organization of the Senate for the Seventy-sixth Session of the Nevada Legislature be established as follows.

PRESIDENT PRO TEMPORE OF THE SENATE—

SENATOR MICHAEL A. SCHNEIDER

MAJORITY FLOOR LEADER—

SENATOR STEVEN A. HORSFORD

ASSISTANT MAJORITY FLOOR LEADER—

SENATOR VALERIE WIENER

MAJORITY WHIP—

SENATOR JOHN J. LEE

ASSISTANT MAJORITY WHIP—

SENATOR MO DENIS

ASSISTANT MAJORITY WHIP—

SENATOR SHELIA LESLIE

MINORITY FLOOR LEADER—

SENATOR MIKE MCGINNESS

ASSISTANT MINORITY FLOOR LEADER—

SENATOR BARBARA CEGAVSKE

MINORITY WHIP—

SENATOR JAMES SETTELMAYER

SECRETARY OF THE SENATE—

DAVID A. BYERMAN

SERGEANT AT ARMS—

KENNETH C. EVANS

Remarks by Senator Horsford.

Motion carried.

Senator Horsford moved that the Secretary of the Senate be instructed to insert the Seventy-sixth Session Organization into the Journal of the Senate.

Motion carried.

Mr. President appointed Senators Parks, Kihuen and Settlemeyer as a committee of three to inform the Assembly that the Senate is organized and ready for business.

Mr. President appointed Senators Breeden, Leslie and Rhoads 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: Sandra Chereb, Rich Pedroncelli, Cristina Silva; CAPITAL CHRONICLE: Todd Bailey; CARSON NOW: Kirk Caraway; CITADEL BROADCASTING CO.: Rick Worthington; CLARITY DIGITAL GROUP LLC DBA EXAMINER.COM: Brenda Green; COVEREDGE TELEVISION NEWS SERVICE: Tyler Anderson, Tracey Frohn, Richard Travis; DAILY SPARKS TRIBUNE: Jessica Carner; EL MUNDO NEWSPAPER: Frank Alejandro, Edmundo Escobedo; EVANS BROADCAST CO.: William Mott; FOX NEWS 99.1 FM TALK KKFT: Eddie Floyd; GREENSPUN CORP.: Jon Ralston; KLAS-TV: Matthew Adams, Nathan Baca, Alex Brauer, Richard Czarny, Jonathan Humbert, George Knapp, Mark Mutchler; KNPB-TV: Benjamin Asnis, Jeremy Dunn, Michael Hagerty, Alex Muench, Elizabeth Rittiman; KOLO-TV: Edward Barnett, Sholeh Moll, Ed Pearce; KRNV-TV: Edward (Ted) Brightman, Victoria Campbell, Ryan Coleman, Ford Corl, Roger du Plessis, David Feher, John Finkbohner, Karen Griffin, Chuck King, Warren Mackenzie, Matthew McConico, Steven Neils, Gary Stone, Erik Strom, Lawrence Vosper, Mackenzie Warren; KSNV-TV: Hetty Chang, Richard Gacovino, Ian Lash, Scott Pinkerton, Miles Smith, Jim Snyder, Robert Stoldal; KTNV-TV: Annette Arreola, Rikki Cheese, Katie Crowther, Brad Driver, Jim Flint, Jason Harvey, Jamie Joyce, Drew Karedes, Heather Klein, Travis Marshall, Blake McCoy, John Neis, Kris Oman, Tina Patel, Jay Romano, Steven Smallwood, Ken Takahashi, Marco Villarreal, Will Walton, Clint Webb, Jason Wilger; KTVN-TV: Arianna Bennett, Bill Brown, Christopher Ciarlo, John Cruz, Wendy Damonte, Jeffrey Foss, Brad Horn, Paul Nelson, Jason Nobles, John Pasco, John Potter, Gene Vance; KUNR 88.7 FM: Brandon Rittiman; KVBC-TV: Ian Lash; KVVU-TV: Kevin Bolinger, Justin Grant, Jason Westerhaus; LAS VEGAS REVIEW-JOURNAL: John Locher, Laura Myers, Steve Sebelius, Benjamin Spillman; LAS VEGAS SUN: Anjeanette Damon, Cy Ryan, David Schwartz; LISA J. PHOTOGRAPHY: Lisa Tolda; LOS ANGELES TIMES – LAS VEGAS BUREAU: Ashley Powers; NEVADA APPEAL: Geoff Dornan, Brian Duggan, Jim Grant, Sandi Hoover, Shannon Litz,

Sue Morrow, Francine Piccolino, Peggy Santoro, Teri Vance; NEVADA BROADCASTERS ASSOCIATION: Adam Sandler; NEVADA NEWS BUREAU: Elizabeth Crum, Andrew Doughman, Sean Whaley; NEVADA NEWSMAKERS AND VEGAS PBS: Samantha Stone; RADIO INNOVACION 1590 AM KQLO: Laura Calzada, Ricardo Garcia, Xiomara Rodriguez, Ramon Suro; RENO GAZETTE-JOURNAL: Andy Barron, Guy Clifton, Julie Dawes, Tim Dunn, Ray Hagar, Elizabeth Margerum, Marilyn Newton, David Parker; RENO SPARKS VIDEO PRODUCTIONS: Marc Mulry, James Parker, William G. Pearce, Rhode Roberts; SPARKS TRIBUNE: Nathan Orme, Joshua Silavent; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; UNIVISION: Anya Arechiga, Manuel Climaco, Cesar Perez, Estefania Ramirez and Gabriela Tafolla.

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 12:35 p.m.

#### SENATE IN SESSION

At 1:10 p.m.

President Krolicki presiding.

Quorum present.

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

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

#### REMARKS FROM THE FLOOR

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

Welcome, Mr. President, newly-elected members of the Senate, colleagues with whom I have had the honor of working during past legislative sessions, family members and guests. Good morning and welcome to the opening of the Seventy-sixth Session of the Nevada Legislature.

We are here today because we love this State, from the Reno Arch to the Eureka Opera House; from the neighborhoods of West Las Vegas to the rich farmland of Yerington, from the suburbs of Henderson to the rural counties of Elko, and everywhere in between--we are blessed with an abundance of resources.

Like all of you, I take my position seriously and want to do what is best for the people I represent. Like all of you, I want to make Nevada a better place to live, to raise our families and to work. So to my colleagues, I am grateful for your service and proud to be here with you.

To Governor Sandoval, as I have said to you privately and as I again say today, I congratulate you on your election as our State's 30th Governor. You have been elected at a critical time in Nevada's history. All of us in this Chamber, all of us in this State, no matter his or her political affiliation, want you to succeed as our Governor. I will do everything I can to ensure that we work together to restore The Nevada Dream.

Putting Nevadans back to work must be Job One of this Legislature. We passed a blueprint during the February 2010 Twenty-sixth Special Session showing how the Legislature can spark private sector job creation. Senate Bill No. 5, of the Twenty-sixth Special Session, is successfully funding some 20 projects, providing more than 2,500 private sector jobs in the hardest-hit industry in this recession, construction.

Working together, we can follow through on recommendations from the Vision Stakeholder Group, Nevada 2.0, the Lieutenant Governor's Economic Development Task Force and the Nevada Jobs Coalition, to put more Nevadans back to work.

I call on this Legislature to make the Creating Nevada Jobs Initiative a top priority within the first 30 days of this Seventy-sixth Session, and the Governor should sign it so we can quickly put as many as 5,000 Nevadans back to work. It can be done.

A job offers a sense of self-worth, dignity and purpose. I applaud the Governor's Silver State Works Initiative and I will make it a priority for approval by this Chamber.

Helping to provide job training and employment placement for our veterans, those on public assistance, ex-offenders, our young people and the disabled will make a real difference in the lives of the people we represent. With proper training and guidance, all Nevadans can contribute in a meaningful way. It can be done.

Much has already been predicted and much will be said about this Seventy-sixth Session. From the pundits who will portray it in columns of winners and losers, to those who express optimism, to those who call for a return to a time of prosperity, a time that may have existed for some, but not all Nevadans.

My belief, however, is that this Seventy-sixth Session will only be fairly judged years from now. Our children will judge it. It will be judged by their success or failure, and the success or failure of the State in the years to come.

Did you know, for the first time in our nation's history, our children's generation may not do as well as ours? Think about that for moment.

Despite all of our challenges as a nation, from slavery, to the Great Depression, through world wars, to the equal and civil rights era to now, this may be the first time that a generation does worse than those who came before.

Now, we may complain that this new generation is spoiled, doesn't work as hard and doesn't always appreciate what they do have, at least that is what I say to my children, but the hard facts are, when it comes to educational achievement, health, and income, our children may not do as well as we have.

As an elected official, and a father of three, I find this unacceptable and will not accept this for their future.

Our local communities, our State and our nation will not prosper if our children do not prosper. We cannot grow our economy or develop new, innovative industries if our children are not prepared to compete globally. We will not have thriving or safe communities if our children lack hope.

Besting the education achievement scores of Mississippi, let alone those of Virginia or Maryland, can no longer be the goal. In this Seventy-sixth Legislative Session we must think globally, about a knowledge-based economy where our children can compete for jobs and succeed against children in China and India.

It is with that eye to the future that Governor Sandoval committed to strengthening and preserving the Millennium Scholarship Program created by the late Governor Kenny Guinn, and I commend him for that. That is why we must keep our promise to our students and their families and not making the Guinn Scholarship less secure by increasing college tuition to unreasonable levels.

Of course, the Governor and I do not agree on everything, but let me make clear that when I disagree with the Governor, I do so not for political gain or advantage, but from a sense of obligation and purpose to do my part, however small, to turn the focus away from all of us and our current situation and toward our children and their future.

The Governor and some in this Chamber suggest that Nevada's kids can withstand deep and severe cuts to their education. Some believe that the solution is to cut to the extreme, wait for the economy to recover and only then, perhaps, rebuild. That theory for achieving success has been tried and disproven. You cannot build a strong economy or a strong future on a foundation that is faulty and frail.

Consider Virginia: Fifty years ago, they were in much the same situation we find ourselves in today. Their schools struggled. Their educational achievement was at a national low and per capita earnings were at the bottom.



But they invested in their schools, colleges and universities. They invested in their kids. They invested in their future. And today, Virginia has some of the best schools in the country. Schools that power a thriving, diverse economy, with high educational achievement and high per capita incomes.

We must work just as hard for the future here in Nevada. We will win if those of us in this Chamber give our kids the tools today to build a thriving State tomorrow. We know this to be true and it can be done.

And so, to the Governor and those who have supported his position of no new revenue, I ask this one fundamental question:

Will you work with us to build a more balanced budget for our children, one that protects their futures and the future of our State?

If we are to build a bright future for the people of this State, Nevada cannot sustain two billion dollars in cuts.

Now, I know that government cannot and should not be all things to all people. I agree with the Governor that we cannot turn to government to solve all of our problems. More than anything, it will always be strong families that build strong communities and a strong State and nation.

But providing a quality education for every Nevada child is a constitutional requirement that we have all sworn an oath to uphold.

Yes, we can have a discussion about how to remove bad teachers and principals from our schools, but we should also applaud the great educators, the men and women who help lay the foundation for our children's future success.

For me, it was the late Mr. Cozine, my fifth grade teacher at Ruth Fyfe Elementary in Las Vegas, who helped me to realize the importance of critical thinking. Mr. Kelly, my tenth grade English teacher, who opened my world to literature. It was my Speech and Debate teacher, Ms. Statom, who challenged me to find my voice, something we all must have to succeed.

They and many more teachers like them are my heroes. Every educator who works each and every day teaching reading, math and science to our children deserves our honor, our respect, our gratitude, and a promise that we will not cut their salaries by 10 percent.

Who was that great teacher and mentor in your life? We all have them. That is why we must find ways to improve education without devaluing the role of those who are educators. It can be done.

And of course, it is not just our elementary, middle and high school students we need to consider: companies need an educated and trained workforce. We cannot cut our colleges and universities and expect to grow our economy. It just doesn't work that way. Look around the country, states that have invested and protected higher education have thrived economically; states that have cut education have suffered economically.

Students camped out overnight just a few weeks back to register for classes at one of our colleges because they could not all be accommodated. These young people know they can succeed and contribute if they get the right training.

Educating, and the training of our workforce is as important to economic development as promoting a low-tax climate because it all matters' bottom line. It can be done.

Economic development and recruiting new businesses to Nevada is also about ensuring a high quality of life for citizens.

Consider this: investing in community-based senior centers improves the chances our parents and grandparents get the attention and care they need, and saves all of us as taxpayers by minimizing the need for nursing homes and hospitals. Building a more balanced budget will allow us to invest in and benefit from community-based resources for those family members we love so much.

Let us never forget the needs of our family members who suffer from mental illness, substance abuse and alcoholism. Building a more balanced budget will ensure we do not just triage those with mental disorders and then send them back into our communities without support. It will ensure that we support parents whose children are diagnosed with autism. Too much progress has been made to turn our backs on parents who know, that with treatment, their children can lead full lives. It can be done.

It is time for us to put aside the partisan battling and electoral talk and come together as Nevadans.

We know that our State will not prosper if our children do not prosper. We know that we cannot grow our economy, or develop innovative industries, or stay at the cutting edge of technology, if we slash our schools.

Protecting those interests and the interests of our most vulnerable citizens is our challenge in these next 120 days.

And here is our opportunity. For decades, other leaders were unable to make the change our State so desperately needs. Instead of opting for Band-Aids and sunseting fixes, our opportunity is to tackle the structural changes needed so that our businesses and the people of Nevada can thrive.

Building a balanced budget for our children's future, it will not be easy. The decisions will be tough. Cuts will be necessary.

But if we leave the elections and partisanship aside, if we work as Nevadans to find real, meaningful, lasting solutions to the structural problems that continue to exist, if we build a balanced budget for our kids, their futures and the future of the State, we will position Nevada for success for generations to come.

I know that this Governor, working with the leadership of this Legislature, in both parties across both Chambers, can do it.

It can be done.

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

Senate in recess at 1:45 p.m.

#### SENATE IN SESSION

At 2:29 p.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

By Senators Horsford and McGinness:

Senate Resolution No. 1—Adopting the Standing Rules of the Senate for the 76th Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the Senate Standing Rules are hereby adopted for the 76th Session of the Legislature as follows:

##### 1. 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. The President shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. The President may speak to points of order in preference to members, rising from the President's seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave of the Senate. The President shall sign all acts, addresses and joint resolutions, and all writs, warrants and subpoenas issued by order of the Senate; all of which must be attested by the Secretary. The President has general direction of the Senate Chamber.*

*Rule No. 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 or her absence, inability or unwillingness to discharge the duties of his or her 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 or she 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. The Sergeant at Arms 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. The Assistant Sergeant at Arms 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 or herself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall so absent himself or herself, the per diem of the Senator shall not be allowed to him or her.*

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 or her to order. If a Senator is so called to order, he or she shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That he or she be allowed to proceed in order," and the Senator shall confine himself or herself to the question under consideration and avoid personality.*

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

Rule No. 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 the Senator 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 or her hearing;

or

(c) Discloses the content of an advisory opinion issued to him or her 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 or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

↳ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

9. Except as otherwise provided in subsection 10, if a Legislator knows he or she has a conflict of interest pursuant to subsection 8, the Legislator shall make a 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 or her independence of judgment; and

(b) His or her 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 or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

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.

15. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

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 or herself as "not voting," unless excused by unanimous vote of the Senate.

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

Rule No. 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 or her seat;
- (b) Explain his or her vote or discuss the question while the voting is in progress; or
- (c) Change his or her vote after the result is announced.

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

The next rule is 40.

#### V. LEGISLATIVE BODIES

Rule No. 40. Standing and Select Committees.

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

(a) Commerce, Labor and Energy, seven members, with jurisdiction over measures affecting primarily titles 52-56 of NRS, and chapters 97-100, 118-119, 119B, 459A, 461, 461A, 489, 679A-693A, 694A-704B, 707, 711 and 712 of NRS, except measures affecting primarily state and local revenue.

(b) Education, seven members, with jurisdiction over measures affecting primarily chapters 378-380A, 385, 386 and 388-399 of NRS, except measures affecting primarily state and local revenue.

(c) Finance, seven members, with jurisdiction over measures primarily affecting chapters 1A, 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.

(d) *Government Affairs*, five members, with jurisdiction over measures affecting primarily titles 20-22, 25, 27, 28, 30, 31, 36 and 37 of NRS, and chapters 223-228, 232-237, 238-242, 289, 381, 384, 472-474, 477, 532-534, 538, 540A, 541, 693B, 708-710 and 720 of NRS, except measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, state and local revenue and state and federal budget issues.

(e) *Health and Human Services*, seven members, with jurisdiction over measures primarily affecting titles 38 and 39 of NRS, and chapters 439-444, 446-458, 460 and 583-585 of NRS, except measures affecting primarily state and local revenue.

(f) *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 2-7, 9, 11-16 and 41 of NRS, and chapters 1, 2-7, 101-104A, 111-117, 119A, 120, 120A, 458A, 475 and 719 of NRS, except measures affecting primarily state and local revenue.

(g) *Legislative Operations and Elections*, five members, with jurisdiction over measures affecting primarily titles 17, 24 and 29 of NRS, and chapters 281-288 of NRS, and the operation of the legislative session, except measures affecting primarily state and local revenue.

(h) *Natural Resources*, five members, with jurisdiction over measures primarily affecting titles 26, 45-47, 49 and 50 of NRS, and chapters 383, 407, 444A-445D, 459, 488, 534A-537, 539, 540, 543, 544, 581, 582 and 586-590 of NRS, except measures affecting primarily state and local revenue.

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

(j) *Transportation*, seven members, with jurisdiction over measures affecting primarily title 44 of NRS, and chapters 403-405, 408, 410, 476, 480-487, 490, 705 and 706 of NRS, except measures affecting primarily state and local revenue.

(k) *Select Committee on Economic Growth and Employment*, seven members, with jurisdiction over measures affecting primarily chapters 231 and 237A 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 or select committees of the Senate for review. Upon receiving such an assignment the standing or select 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 or her duties, the Majority Leader shall appoint an alternate of the same political party to serve in the chair's or the member's 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 the staff of the Senate not otherwise provided for by law. It may suspend any staff of the Senate 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 the member 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. Upon approval of the Chair, a committee may meet together by video conference. A member who is actually present in the committee at a posted video conference location is present and in attendance at the meeting for all purposes. The provisions of this subsection do not prohibit the prefiling 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 his or 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 recess.
4. To lay on the table.
5. For the previous question.
6. To postpone to a day certain.
7. To refer to committee.
8. To amend.
9. 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, including a motion to adjourn if the motion is to reconsider a final vote on a bill or resolution. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken and the vote on such a motion to reconsider must be taken on the same day.*
2. *If the motion to reconsider is for any other action, the motion 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.*

*Rule No. 69. Explanation of Motion.*

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

*The next rule is 80.*

## VII. DEBATE

*Rule No. 80. Speaking on Question.*

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

1. *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.*

2. Bill books will not be prepared for legislators unless they qualify for and request the service. The service, if approved, will be limited to the provision of one full set of bills, journals, histories and indexes for the Senator's desk in the Senate Chamber. Bill books will not be prepared for a Senator for individual committees.

3. A Senator may request the provision of bill book service pursuant to subsection 1 if either:

(a) The Senator has served in the Senate for 10 or more years; or

(b) A physical or medical condition requires the Senator to use the bill books rather than viewing bills on a laptop computer.

4. A request for bill book service must be made to the Majority Leader of the Senate. If the Majority Leader determines that the Senator qualifies for the service, the Majority Leader shall direct the Legislative Counsel Bureau to provide the service.

Rule No. 112. Sponsorship.

1. A Senator may rise and request that his or her 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 or her 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 or her name be removed as a sponsor of the bill or resolution. A Senator may make a request to have his or her 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. A vote may be reconsidered on motion of any member.

2. Motions to reconsider a vote upon amendments to any pending question and upon a final vote on a bill or resolution 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. 118.2. *Memorial Resolutions.*

*Once the sponsor has moved for the adoption of a memorial resolution, not more than one member from each caucus, and, upon request of a member of the body and the approval of the Majority Leader, one additional member may speak on the resolution.*

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

*Except as otherwise provided in Senate Standing Rules Nos. 118 and 118.2, resolutions 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 or herself by leave of the President, but the Senator 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 or she 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 the defendant, will reduce the number of legal votes below the number necessary to elect him or her.

(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 or her 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.

Remarks by Senators Horsford and Lee.

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

SENATOR HORSFORD:

Senate Resolution No. 1 provides for the adoption of the Standing Rules of the Senate for the Seventy-sixth Session. These rules have been drafted primarily based upon the Senate Standing Rules that were adopted for the 75th Regular Session in 2009. However, the resolution includes some additional amendments.

Senate Rule No. 23, revises, upon the recommendation of the Legislative Counsel, and codifies the current interpretation of the rule governing ethics so that a member is not required to make an ethics disclosure if the member does not have an interest that is greater than any other member of the general business, profession, occupation or group. In addition, it also codifies the current interpretation of "immediate family" for purposes of determining whether a member has a conflict to apply to only the people whom a member is most likely to know about; his or her spouse and his or her spouse's children and parents.

Senate Rule No. 40 is amended to adjust the composition and jurisdiction of the Senate Standing Committees to accommodate videoconferencing.

Senate Rule No. 53 is revised to provide that a member is actually present for all purposes of the meeting and therefore the committee can take action at a meeting that is videoconferenced.

Senate Rule No. 61 adds a motion to recess to the list of the precedents of motions.

Senate Rule No. 111 reflects the implementation of the new NELIS system that replaces bill books. This Seventy-sixth Session we are moving to an electronic version. This rule applies to a Senator who must have served for at least eight years in the Senate or have a physical or mental condition that requires the Senator to use bill books. That modification was made at the request of the Senator from District No. 8.

New Senate Rule No. 118 (2) limits the number of members that can speak on a memorial resolution. There cannot be more than one member from each caucus and one additional member upon approval. This is to expedite our time.

SENATOR LEE:

If a Legislator has a question that he or she is interested in finding out if something the member would like to do in the future or perhaps something they may potentially be involved in already, where would they go to ask for a decision? Has that been contemplated?

Is there a place for them to go or is it simply up to the member to realize what he or she should know to be a conflict of interest?

SENATOR HORSFORD:

I believe that rule to be customary; members should seek advice from legal counsel where is the natural conflict of interest or disclosures that members should make.

I think what this rule change does is it helps to clarify, specifically, if an ethics disclosure is made if it does not have an interest that is greater than any other member of the general business, profession, occupation, or group.

I think this is a standard that we have generally used but has not been reflected in our rules. But, for issues that only members may now about I think that always siding with legal counsel is always the best course of action.

Resolution adopted unanimously.

By Senators Horsford and McGinness:

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 for this Seventy-sixth Session.

Resolution adopted unanimously.

By the Committee on Legislative Operations and Elections:

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

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as senate staff of the Senate for the 76th Session of the Legislature of the State of Nevada: Sherry L. Rodriguez, Ann-Berit Moyle, Janet Coons, Mary R. Phillips, Molly Dondero, Susan S. Whitford, Lydia J. Lee, Shannon Chambers, Ruth B. Pierini, Kenneth C. Evans, Jerry Pieretti, John Gould, Becky Harris, Timothy Taycher, Shelle Grim-Brooks, Ardyss Canon, Paula M. Saponaro, Julie Mogensen, Tim Hogan, Jeanne Baret, Sheri Carlsen, Juliet W. Newman, Delia John, Bonnie Borda Hoffecker, Ricka Benum, Mollie Miller, Terri Miller,



Maureen Brower, Laura Adler, Judi Anker-Nissen, Michael Archer, Frank Baird, Martha Barnes, Wade Beavers, Stella Blood, Katie Bowen, Billie Brinkman, Debra Carmichael, Jackie Cheney, Cindy Clampitt, Cynthia Cook, Patricia Devereux, Suzanne Efford, Michelle A. Ené, Sonia Folsom, Vicki J. Folster, Susan Gaither, Denise Geissinger, Mike Geissinger, Linda Gentry, John Griffin, Lynn Hendricks, Gail Herstead, Linda Hiller, Joyce Hollister, Barbara Honey, Sandra Hudgens, Judy C. Jackson, Betty Kaminski, Shauna Kirk, Sherry Loncar, Maudie Long, Roberta McCollum, Billie McMenemy, Janet Meredith, Arzella Moots, Barbara Moss, Patricia O'Flinn, Madison Piazza, Gena Plummer, Jodene Poley, Annette Ramirez, Gayle Rankin, Emily Rhodenbaugh, Stephanie Robbins, Cynthia Ross, Marion Sandoval, Leslie Sexton, Sandy Small, Jerry Stacy, Kathleen Swain, Judith Toscano, Lela Uptergrove, Norman Wessel, April West-Kieckhefer, Mike Wiley and Marian Williams.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

Senate Resolution No. 3 provides for the appointment of session staff for the 2011 Seventy-sixth Session. I want to commend our Secretary of the Senate, our Director of Staffing and others involved in the selection of legislative staff for this session. They have done a tremendous job of helping to maintain consistency by bringing back members with previous experience while at the same time recruiting new people to the process. We look forward to their contribution to this legislative session. We cannot do any of what we do without all of these people who are recognized in this resolution.

Resolution adopted unanimously.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senators Horsford and McGinness:

Senate Bill No. 1—AN ACT making an appropriation to the Legislative Fund for the costs of the 76th Legislative Session; and providing other matters properly relating thereto.

Senator Horsford moved that all necessary rules be suspended, that the reading of the bill so far be considered to have fulfilled the requirement for first reading, and that Senate Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage on this legislative day.

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

This bill is the general appropriations bill for the cost of the Seventy-sixth 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

June 4, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, NV 89701

RE: Senate Bill 376 of the 75th Legislative Session

Dear Secretary Miller,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 376, which is entitled:

AN ACT relating to labor; making various changes relating to the establishment of the prevailing rates of wages in each county; and providing other matters properly relating thereto.

This bill pertains to prevailing wage requirements for county public works projects. By expanding the scope of projects considered by the Labor Commissioner in setting prevailing wage rates, this bill would effectively increase the costs of all county public works projects. Senate Bill No. 376 continues the distressing practice of the 75<sup>th</sup> Legislative Session of increasing government spending while ignoring the economic recession gripping our state and nation. Our citizens deserve better from their government.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 376.

Sincerely,  
 JIM GIBBONS  
*Governor of Nevada*

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, NV 89701

RE: Senate Bill No. 143 of the 75th Session.

Dear Secretary Miller:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 143, which is entitled:

AN ACT making an appropriation to the Interim Finance Committee for allocation to pay costs relating to the implementation of certain legislation; and providing other matters properly relating thereto.

Senate Bill No. 143 appropriates \$500,000 to the Interim Finance Committee "to pay costs relating to the implementation of legislation concerning state revenue enacted during the 75<sup>th</sup> Session of the Nevada Legislature." As an initial matter, this bill ostensibly provides funding for a tax study as discussed during the conclusion of the 75<sup>th</sup> Session of the Nevada Legislature. However, the wording of the bill itself is broad and would allow the funds to be allocated for nearly any purpose pertaining to taxes.

Of greater significance is the fact that the Legislature has chosen to appropriate a half million dollars during a recession to study further tax increases. Nevada's economy was vibrant for many years and allowed dramatic and, in hindsight, unfortunate increases in state spending. With this bill, however, the Legislature has focused on ways to sustain and even increase that level of spending instead of reducing spending to match existing revenues. Nearly every state in the nation has been impacted by the current recession and has taken steps to address those decreased revenues. We don't need an expensive study to tell us that government revenues will decline during a recession. We don't need an expensive study to justify maintaining unsustainable levels of spending by increasing taxes while our citizens struggle to get by. What we do need is responsible government that puts the needs of its citizens above its own wants.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 143.

Sincerely,  
JIM GIBBONS  
*Governor of Nevada*

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, NV 89701  
RE: Senate Bill No. 396 of the 75<sup>th</sup> Legislative Session  
Dear Secretary Miller,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill No. 396, which is entitled:

AN ACT relating to peace officers; revising provisions governing the review by a peace officer of administrative or investigative files maintained by a law enforcement agency; revising provisions governing investigations of or hearings concerning peace officers that are conducted by a law enforcement agency; and providing other matters properly relating thereto.

Senate Bill No. 396 would inhibit the ability of a law enforcement agency to timely investigate alleged misconduct of a peace officer. For example, this bill would require a law enforcement agency, before conducting an investigation, to provide a forty-eight hour notice to any peace officer believed to possess knowledge relating to the alleged misconduct. While the vast majority of peace officers serve their communities well and deserve the utmost respect of all Nevadans it is sometimes necessary to immediately investigate allegations of wrongdoing in the name of public safety. Senate Bill No. 396 would slow this process down, especially given the fact that adequate due process procedures are in place to protect peace officers against unfounded accusations.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 396.

Sincerely,  
JIM GIBBONS  
*Governor of Nevada*

March 10, 2010

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building,, Carson City, NV 89701  
RE: Senate Bill No. 3 of the 26<sup>th</sup> Special Session  
Dear Secretary Miller,

I am, herewith, forwarding you, for filing within the constitutional time limit and without my approval, Senate Bill No. 3 of the 26<sup>th</sup> Special Session, which is entitled:

AN ACT relating to governmental administration; providing for a temporary reduction in salary in lieu of furlough leave for state employees who are exempt from taking unpaid furlough leave; requiring the approval of a plan for additional overtime to be approved before the overtime is worked; providing for a temporary reduction in compensation for employees of the Senate and Assembly; providing for the closing of state offices on certain days and the revision of the workweeks of state employees with certain exceptions and exemptions; temporarily authorizing school districts to require employees to take unpaid furlough leave; prohibiting certain additional compensation for and adjustments to the salaries of newly hired classified state employees; and providing other matters properly relating thereto.

For many reasons, including those mentioned in this letter, I am convinced that the action taken by the Legislature with Senate Bill No. 3 is not in the best interest of the State and its employees.

Although in theory certain aspects of Senate Bill No. 3 appear to be a good idea, in practice, Senate Bill No. 3 is unworkable and does not accomplish the flexibility that is needed with the least possible negative impact. Instead of creating flexibility for the State's agencies to implement innovative work schedules that would save the State money, Senate Bill No. 3 will

actually cost the State time, money and manpower to implement. Additionally, sections of Senate Bill 3 are redundant and unnecessary as current law already provides a solution. In sum, Senate Bill 3 creates confusion, uncertainty and inequity among employees.

Further, Senate Bill No. 3 dictates that any exemption from the mandatory furlough is ineffective unless approved by the Interim Finance Committee. Thus, the Legislative Branch is not only declaring what the law is but with this legislation gives itself authority to administer and execute the law in violation of the separation of powers provision in the *Nevada Constitution* (Article 3, Section 1).

Finally, Section 13.5 of the bill relates to subjects outside those designated in my proclamations for this special session. Section 9 of Article 5 of the *Nevada Constitution* gives me exclusive authority to set the agenda for a special session and "*the Legislature shall transact no legislative business, except that for which they were specifically convened, or such other legislative business as the Governor may call to the attention of the Legislature.*" (Emphasis added.)

Section 13.5 seeks to overturn a directive I recently issued. In order to reduce the State's spending, I issued a directive last month to departments, agencies, boards and commissions to terminate certain permissive additional compensation and adjustments to the salaries of certain employees. Section 13.5 of Senate Bill No. 3 deliberately and blatantly contravenes my directive and states in relevant part:

Sec. 13.5 1. Notwithstanding any contrary order, directive, policy or request made by any other officer or agency of the Executive Department of the State Government, the Department of Personnel or other responsible officer or agency shall administer, carry out and make payments pursuant to NRS 209.183 and 281.121 and NAC 284.206, 284.208, 284.210, 284.214 and 284.218, as those provisions existed on February 23, 2010 to any employee as defined in this section.

I called upon the Legislature to make fiscally responsible reductions to the State's spending. Section 13.5(1) will not reduce the State's spending. Recalling my directive will actually cost the State millions of dollars. Nowhere in the proclamations for this session did I call this matter to the attention of the Legislature and the Constitution prohibits legislation upon subjects outside those designated in a proclamation.

Therefore, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 3.

Sincerely,

JIM GIBBONS  
*Governor of Nevada*

February 1, 2011

THE HONORABLE STEVEN HORSFORD, Nevada State Senate, Majority Leader  
3450 West Cheyenne Ave., Suite 100  
North Las Vegas, NV 89032

DEAR MAJORITY LEADER HORSFORD:

Today, I received formal notice from the Clerk of the U.S. House of Representatives that our State is entitled to four Representatives in the 113th Congress. It is with great pleasure that I transmit to you, for lodging in the record of the 76th Regular Session of the Nevada Legislature, a copy of the Certificate of Entitlement. As I said in my State of the State message, I hope we can work together to redraw our State's congressional districts without regard for political agenda. I know you agree, and I look forward to working with you toward that end.

Sincere regards,

BRIAN SANDOVAL  
*Governor*

February 3, 2011

THE HONORABLE SENATOR STEVEN A. HORSFORD  
THE HONORABLE ASSEMBLYMAN JOHN OCEGUERA Nevada Legislature,  
Legislative Building, Nevada 89701

DEAR MAJORITY LEADER HORSFORD AND SPEAKER OCEGUERA:

Enclosed please find my message to the 76th Session of the Nevada Legislature, delivered pursuant to Article 5, Section 10 of the *Nevada Constitution*. As you know, I delivered the message on Monday, January 24, 2011, to a special committee of the Legislature and other guests in the Assembly Chamber in Carson City. Thank you in advance for lodging my message in the record of the 76th Legislative Session. My staff and I look forward to working with all of you in the months ahead.

Sincere regards,  
BRIAN SANDOVAL  
*Governor*

COMMUNICATIONS  
MESSAGES FROM THE SECRETARY OF STATE  
STATE OF NEVADA  
DEPARTMENT OF STATE  
CARSON CITY, NEVADA,

December 28, 2010

DAVID A. BYERMAN, *Secretary of the Senate*, 401 S. Carson Street, Carson City,  
Nevada 89701-4747

DEAR MR. BYERMAN:

This letter is in acknowledgment of the transfer of Senate Joint Resolution No. 1 of the 75th Legislative Session (SJR 1\*) pursuant to NRS 218.390(2). SJR 1\* is from the 75th Legislative Session and was assigned file number 80. Pursuant to your request, this joint resolution's engrossed and enrolled originals were transferred from the Elections Division to your office on Tuesday, December 28, 2010.

In addition, this is also a transmittal letter for Senate Bills Nos. 143, 376 and 396 (all from the 75th Legislative Session), which were vetoed by the Governor in the 75th Legislative Session. The enclosed, engrossed and enrolled copies of Senate Bill No. 143 (of the 75th Session), Senate Bill No. 376 (of the 75th Session), and Senate Bill No. 396 (of the 75th Session) are being transferred to the 76th 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*  
By: KRISTI GEISER,  
*Program Officer III*

January 14, 2011

DEAR MR. BYERMAN:

This letter is in acknowledgment of the transfer of Senate Bill No. 3 (of the 26th Special Legislative Session NRS 218.390(2), which was vetoed by the Governor is being transferred to the 76th Legislative pursuant to NRS 218.390(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*  
By: KRISTI GEISER,  
*Program Officer III*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2011

*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.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

## Assembly Concurrent Resolution No. 1.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 76th 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 chairs 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, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.*

3. *The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. 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 a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.*

## NOTICE OF FINAL ACTION

*Rule No. 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 chair 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 chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 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 chair 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.

#### PUBLICATIONS

##### Rule No. 6. Ordering and Distribution.

1. *The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.*

2. *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 and Assemblywoman 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 memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.*
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.*
5. *A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.*
6. *A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.*

#### 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 1 a.m. Pacific Daylight Saving Time on the 121st 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 or Assemblywoman 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 Chair 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 218E.150, 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 Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her 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 the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

#### REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 14.6.

Rule No. 13.1. Equality of Representation.

1. Congressional Districts: The population of each of the Nevada congressional districts must be as nearly equal as practicable.

2. State Legislative Districts: The population of the state legislative districts must be substantially equal. In order to meet constitutional guidelines, a plan, or a proposed amendment thereto, will not be considered if the plan or proposed amendment results in an overall range of 10 percent or more, or a relative deviation in excess of plus or minus 5 percent, from the ideal district population.

3. Districts for the State Board of Education, the Board of Regents of the University of Nevada and Petition Districts: Equality of population in accordance with the standard for the state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents of the University of Nevada and for the establishment of petition districts in accordance with NRS 293.127561.

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

Rule No. 13.4. Procedures of the Redistricting Committees and Exemptions.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts, and amendments affecting a majority of the state legislative districts, may only be requested by the chairs of the redistricting committees.

3. The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a

bill draft setting forth the specific boundaries of the districts for the Board of Regents of the University of Nevada, one request each for a bill draft setting forth the specific boundaries of the districts for the State Board of Education and one request each for a bill draft setting forth the specific boundaries of the petition districts. At the direction of the chair of a redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education and petition districts may be combined in any manner.

4. All bill drafts and measures requested by a redistricting committee pursuant to subsection 3 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

Rule No. 13.5. *Compliance with the Voting Rights Act.*

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

- (a) Race is the dominant and controlling rationale in drawing district lines; and
- (b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. *Public Participation.*

1. The redistricting committees shall seek and encourage:

- (a) Public participation in all aspects of the reapportionment and redistricting activities; and
- (b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

#### 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 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 Assemblywoman; and
- (b) Four requests from each Senator.

↳ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 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. 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.

6. 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.

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

8. 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.

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

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator before a regular session has convened, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 23rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 19th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 33rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

5. *The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.*

6. *The provisions of this Rule do not apply to:*

(a) *Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.*

(b) *Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.*

*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.  
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 or her 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 or her 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, Joint Standing Rule No. 14.1, 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 218D.130 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 Rules Nos. 14.1 and 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 information which is sufficient in detail to allow for complete drafting of 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.

*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, Joint Standing Rule No. 14.1, 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, 14.1, 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 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, 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.

(d) A bill draft or measure requested by a redistricting committee pursuant to subsection 3 of Joint Standing Rule No. 13.4.

*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, 14.1, 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 Assemblyman or Assemblywoman 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 89th 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.*

ANTI-HARASSMENT POLICY

Rule No. 20. *Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.*

1. *The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful*



harassment. Each Legislator 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 Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

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

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

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

(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.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy 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. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

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

*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 Senators Horsford and Hardy.

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

SENATOR HORSFORD:

Assembly Concurrent Resolution No. 1 provides for the adoption of the Joint Standing Rules of the Senate and Assembly for the Seventy-sixth Session of the Legislature. These rules have been drafted primarily based upon the Joint Standing Rules which were adopted for the Seventy-fifth Regular Session in 2009, with a few changes as well as the additional rules for reapportionment and redistricting.

Joint Rule No. 1 is amended to prohibit a conference committee from recommending any action which would cause the creation of more than one reprint or the creation of more than one bill or resolution.

Joint Rule No. 6 reflects the implementation of the NELIS system by stating that bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the LCB, the press and the general public on the Nevada Legislature's website.

Joint Rule No. 7 eliminates the use of a concurrent or single house resolution for congratulating or commending a person or organization. A concurrent or single House resolution may still be used for memorializing a former member of the Legislature or other notable person upon death.

Joint Rule No. 9.5 is updated to reflect the case law holding that 1:00 a.m. Pacific Daylight Saving Time is the latest time on the 121st calendar day after the commencement of the session by which the Legislature may take action on a bill or resolution.

Joint Rules Nos. 13-13.6 set forth the rules relating to reapportionment and redistricting. With some revision, these rules are based upon the recommendations of the Interim Committee on Reapportionment and Redistricting, which used the Joint Standing Rules governing reapportionment and redistricting of the 2001 regular and special sessions to make its recommendations.

Joint Rule No. 13 designates the Committee on Legislative Operations and Elections in each House as the "redistricting committees"; these committees will handle the bills for drawing Nevada's congressional districts, legislative districts, districts for the State Board of Education, the Board of Regents and initiative petition districts.

Joint Rule 13.1 sets forth the legal standards of population equality for the drawing of the districts to ensure equality of representation.

Joint Rule 13.4 authorizes legislators and members of the public to present redistricting plans and proposals to the redistricting committees. However, only the chairs of the redistricting committees are authorized to request bill drafts and amendments for the specific district boundaries and each chair is limited to one bill draft for each type of district, although the bill drafts can be combined in any manner. The redistricting bills are exempt from the deadlines for action that are otherwise set forth in these rules.

Joint Rule 13.5 prohibits a redistricting committee from considering a plan that it determines violates the federal Voting Rights Act or is racially gerrymandered.

Joint Rule No. 13.6 sets forth requirements to encourage and ensure public participation in the redistricting process, including full utilization of videoconferencing capabilities and the holding of at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State.

Finally, pursuant to recommendations of the Committee to Consult with the Director, Joint Rule No. 14.1 imposes secondary deadlines for the submission of details for BDRs. This rule requires a legislator who has requested a BDR to provide sufficient details to the Legislative Counsel by the deadlines set forth in the Rule. If sufficient details are not provided by the prescribed time, the BDR will lose its priority for drafting.

Joint Rule No. 19 is revised, based upon the recommendation of the Legislative Counsel, to reflect the current legal practices relating to the prohibition of sexual harassment and other unlawful harassment.

SENATOR HARDY:

I am unable to see these on-line. Are these the things you outlined available on-line or is that what we are doing right now is putting them on-line?

SENATOR HORSFORD:

They should be available on-line to you.

Resolution adopted.

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

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2011

*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. 2.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Concurrent Resolution No. 2, with Senator Horsford as Chair and Senator Wiener as Vice Chair.

Motion carried.

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

Senate in recess at 3:00 p.m.

#### IN COMMITTEE OF THE WHOLE

At 3:01 p.m.

Senator Horsford presiding.

Assembly Concurrent Resolution No. 2 considered.

The Committee of the Whole was addressed by Senator Horsford; Senator Wiener; Senator McGinness; Senator Settelmeyer; Senator Hardy; Senator Breeden and Senator Denis.

SENATOR HORSFORD:

I will open the discussion on Assembly Concurrent Resolution No. 2, the resolution introduced to voluntarily take a 4.6 percent reduction in our legislative pay in recognition of the sacrifice that has been made by State workers and teachers.

SENATOR WIENER:

Several weeks before returning to the Legislature, I received a telephone call from an unhappy constituent. He asked a question which I will attempt to quote, "How does this work? My compensation for services I provide the State has been cut up to 50 percent. You legislators are going to get a pay hike."

I took this message seriously, both in my head and in my heart. I know what our State employees have done and are being asked to continue to do. We have processed this economic condition for several years. We have taken some dramatic steps. After the last session, many of us legislators did the voluntary right thing. We wrote checks back to the Legislature in the amount comparable to the cut that State employees took. I thank my colleagues for doing that. I was proud to do that. I know how difficult that reduction in pay was for those people who work long hours for the people of Nevada.

The resolution before us is asking us to do the same thing, to do the honorable thing, to stand with our colleagues in State government, those people who, like us, serve the people of our fair State.

We have this opportunity in this resolution to make a statement to do the right thing. As I was proud to write my check last time, I am proud to support this measure this time and look forward again to saying that I am willing to take the cut to do the work for the people of our State. I encourage my colleagues to support this resolution as we go forward on this legislative day. Thank you.

SENATOR MCGINNESS:

We would all like to stand up and say, "Yes, we are with you." I would like to say a word of "thanks" to the State employees who provide such great services for our State. I think we should stand with the Governor and do 5 percent instead of the 4.6 percent.

SENATOR SETTELMAYER:

I appreciate this motion. In the Assembly, our caucus all gave back the 4.6 percent last session. We felt it was improper for anyone not to take the cut the workers were taking as well. May we change the wording of the motion so that the cut would be equal to whatever the State workers were being cut in the future? For now we are under last years budgetary cycle which is 4.6 percent. Whatever the decision of this body ends up being in the final budget, as it affects the State workers, it should automatically affect us equally as well.

SENATOR HORSFORD:

Thank you, and that will be the intent as we proceed throughout the rest of the Seventy-sixth Legislative Session. Whatever decision comes from the budget process for the upcoming biennium we would need to bring a measure that allows the legislative pay to be commensurate with whatever the State workers are asked. That has not been decided. The Governor has proposed an approach, but we have the budget process to go through first. This addresses the current biennium we are in.

SENATOR HARDY:

Would the 4.6 percent be going forward, or would it be retroactive as we address the current biennium we are in?

SENATOR HORSFORD:

As the language reads, it says, "the Legislature hereby directs the accounting unit of the Legislative Counsel Bureau to withhold 4.6 percent of each legislator's pay for the Seventy-sixth

Regular Session of the Nevada Legislature and that the accounting unit of the LCB pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund and that the accounting unit of the LCB shall not reduce the salary of any legislator who did not vote in favor of passage of this resolution or who notifies the Director of the Legislative Counsel Bureau that they do not wish to have that withhold made." It is going forward.

SENATOR BREEDEN:

I also stand in support of this measure. I believe that not only all of us support the State workers, but I believe we need to stand along side them as well. I urge each one of you to support this measure.

SENATOR DENIS:

Thank you. Last year when we went through this process, we talked about shared sacrifices. We wanted everyone to do his or her part. This gives us the opportunity to do that. I am one of the few legislators who is also a State employee. I am on unpaid leave of absence. It is not a huge amount, but what we are doing here is important. We need to stand with our workers who work so hard. We ask them to do more and we give them less.

Senator Lee moved to pass Assembly Concurrent Resolution No. 2.

Senator Kieckhefer seconded the motion.

Motion carried.

On the motion of Senator Wiener and second by Senator Parks, the Committee did rise, and report back to the Senate.

#### SENATE IN SESSION

At 3:12 p.m.

President Krolicki presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee of the Whole, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

STEVEN A. HORSFORD, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

WHEREAS, The State of Nevada faced a staggering budgetary deficit for the 2009-2011 biennium as a result of the impact of a prolonged national recession on Nevada's economy; and

WHEREAS, To meet its constitutional duty to balance the State's budget for this biennium, the 75th Regular Session of the Nevada Legislature was required to make difficult decisions, including, without limitation, making significant cuts to the State's budget and imposing furlough requirements on state employees which amounted to a 4.6 percent reduction in salaries; and

WHEREAS, Despite the financial burden of the salary reduction, public employees of this State have continued to perform their duties with diligence, dedication and professionalism; and

WHEREAS, The *Nevada Constitution* prohibits the increase or decrease of the salaries of state officers during their terms of office; and

WHEREAS, In recognition of the financial sacrifice of our State's public workforce during this biennium, the members of the 76th Regular Session of the Nevada Legislature pledge to voluntarily take a comparable 4.6 percent reduction in their salaries for the session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature hereby directs the Accounting Unit of the Legislative Counsel Bureau to withhold 4.6 percent of each Legislator's salary for the 76th Regular Session of the Nevada Legislature; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall not reduce the salary of any Legislator who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the Legislator does not wish to have the withholding made from his or her salary.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford and Settelmeyer.

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

SENATOR HORSFORD:

Based on everything said in the Committee of the Whole, this is a small sign of solidarity with us, as legislators, working on behalf of, and with our State workers and teachers who have already taken this reduction in their pay.

SENATOR SETTELMEYER:

I appreciate the information in the resolution. Once you add in the rest of the information the Taxpayers Association has indicated with the loss of per diem and not taking an increase, overall, this will be about a 12.4 percent hit to us and I am in full agreement. Other entities have had to do the same, so should the Legislature.

Thank you.

Resolution adopted unanimously.

Senator Horsford moved that all necessary rules be suspended and that Assembly Concurrent Resolution No. 2 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

COMMUNICATIONS  
OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES  
Washington, DC 20515-6001

THE HONORABLE BRIAN SANDOVAL, *Governor*, State of Nevada 101 North Carson Street  
Carson City, Nevada 89701

DEAR GOVERNOR SANDOVAL:

Pursuant to the provisions of Section 2a(b) of Title 2 of the United States Code, I am hereby transmitting to you a certificate stating the number of representatives to which your State is entitled in the United States House of Representatives in the 113th Congress and in each subsequent Congress until a new reapportionment takes effect.

Sincerely,  
Karen L. Haas, Clerk  
U.S. House of Representatives

CERTIFICATE OF ENTITLEMENT  
HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
WASHINGTON, D.C.

I, Karen L. Haas, clerk of the House of Representatives of the United States, Hereby Certify,  
Pursuant to the Provisions of Title 2, United States Code, Section 2a (b), That the State of  
NEVADA

Shall be Entitled, in the One Hundred Thirteenth Congress and in Each Congress Thereafter  
Until a Subsequent Reapportionment Shall Take Effect Under Applicable Statute, to  
FOUR REPRESENTATIVES

in the House of Representatives of the Congress of the United States.

In Witness Whereof I Hereto Affix  
My Name and the Seal of the House of  
Representatives of the United States of  
America this Eleventh Day of January,  
Anno Domini 2011, in the City of  
Washington, District of Columbia  
Karen L. Haas,  
Clerk of the House of Representatives  
Of the United States

UNITED STATES SENATE  
WASHINGTON, DC 20510-7012

January 28, 2011

THE HONORABLE STEVEN A. HORSFORD, *Senate Majority Leader*, State of Nevada Senate,  
Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD:

I am writing to request the honor of speaking before both Houses of the Nevada State  
Legislature at 11 a.m. on February 22, 2011.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at  
775-686-5750 if you have any questions.

Thank you for kind consideration.

With all best wishes.

Sincerely  
HARRY REID  
*Majority Leader*  
*United States Senate*

SUPREME COURT OF NEVADA  
MICHAEL L. DOUGLAS, CHIEF JUSTICE  
201 SOUTH CARSON STREET  
CARSON CITY, NEVADA 89701-4747

February 1, 2011

SPEAKER JOHN OCEGUERA

Nevada Legislature, Legislative Building,  
401 South Carson Street, Carson City, Nevada 8970-4747

RE: State of the Judiciary

DEAR SPEAKER OCEGUERA:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada  
Supreme Court in 2011, to address a joint session of the Legislature on the State of the Judiciary  
on March 7, 2011, at 5:30 p.m. Also, immediately following, the Court will be hosting its annual  
reception for the legislators in the court's rotunda.

Your consideration of this request is greatly appreciated.

Sincerely  
MICHAEL L. DOUGLAS  
*Chief Justice*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that in accordance with the provisions of Article 5, Section 10 of the *Nevada Constitution*, that Governor Sandoval's 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 24, 2011 be entered in the Senate Journal for this legislative day.

Motion carried.

Mr. Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Supreme Court, Constitutional Officers . . . my fellow Nevadans:

It is a special honor to be here for my first State of the State with so many new members of the Legislature. Nevada is fortunate to have these leaders take office when we are in such a time of need. Welcome, all of you.

Welcome to all of the many guests who have joined us here in the Assembly Chamber. Kathleen and I are honored that you are willing to share this evening with us. Please also allow me to express my special gratitude to the Douglas County High School Junior ROTC, Captain Hal Woomeer, LeAyer Dante, and Manuel Mederos for their contributions to tonight's program.

Ladies and gentlemen, as we gather here in Carson City, countless Nevadans are watching on television or the Internet. It is as if the collective Nevada family has gathered around the table—each member leaning forward in his or her chair, eager to hear the news. In this time of sacrifice, our Nevada family looks to us for reassurance, for solutions, and for leadership.

And so I begin with the story of two men in uniform whose leadership in times of sacrifice can inspire us all.

Lieutenant Colonel Tony Millican is stationed at Nellis Air Force Base. He was awarded the Bronze Star and the prestigious 2010 Air Force Lance P. Sijan Award for his heroism in Afghanistan. Lieutenant Colonel Millican survived a blast from a 700-pound explosive device that exploded less than 50 yards away from his location. His story of courage is echoed in the tale of Specialist Ernesto Padilla from Gardnerville. Specialist Padilla is assigned to the First of the Two-Twenty-First Cavalry of the Nevada National Guard. He left his pregnant wife in May 2008 and deployed to Afghanistan, where his vehicle was sliced in half in an explosion. He was severely injured and he earned a Purple Heart.

These are but two examples of the sacrifices made by our men and women in uniform every day. Gentlemen, God bless you both, and thank you for putting service above self.

As our family gathers tonight, Nevadans are confronted on all sides with bad news. Our friends have seen their credit ruined. Someone in our family has lost a job. The house around the corner stands vacant. A neighbor has closed her business. A relative is one trip to the doctor away from financial or physical ruin.

Some believe government is the only solution to our current plight. I disagree. Unemployment, foreclosures, bankruptcy—the cure is not more government spending, but helping businesses to create jobs. The key is to get Nevada working again.

The Silver State has a long history of economic peaks and valleys. But the state of our State this evening should not be described as just another dip in the road. Instead, we find ourselves on the new terrain of a changed global economy, and the crossing is hard. The Nevada family looks to us to understand how we will navigate this new path. Certainly, there are short-term solutions—some of them painful. But true success lies in making a fundamental course correction and declaring, in the words of Abraham Lincoln: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

We begin with the State budget. When my staff and I first arrived at the State Capitol, we were told that the State General Fund must spend \$8.3 billion in the coming biennium instead of the \$6.2 billion we are spending today. We rejected that premise. The population of Nevada has declined, yet the proposed budget would have increased State spending by 34 percent. That kind of math made no sense. Like any Nevada family or business, we began the budget process by looking at how much money we had to spend, not at automatic spending increases. We sought to



return spending to 2007 levels, before the current economic crisis. And when the Economic Forum released its forecasts in December, revenues for the next biennium were projected to be only \$5.3 billion. So we started there.

We examined each department on a case-by-case basis. Medicaid and other Health and Human Services caseloads have grown exponentially, requiring an additional \$245 million. Moreover, Nevada is now responsible for providing an extra \$190 million toward the federal Medicaid match. We also must begin paying the \$66 million in interest on money Nevada has borrowed for unemployment benefits.

The previous budget included \$450 million in stimulus funds from the federal government. Of course, stimulus spending was intended to be only a one-time contribution to our State budget, so it was not available for the next biennium. Finally, due to reductions in local revenues, the State must contribute an additional \$440 million to our public schools.

In total, there was a \$1.2 billion hole in the budget. We were confronted with the difference between immediate priorities and long-term investment. That required us to reform our overall spending plan, and I can tell you the process was as painful as it was necessary.

The budget I am submitting to the Legislature represents an 8 percent reduction in total spending from the current biennium. My budget recommends the consolidation, elimination, or centralization of 20 departments and agencies. From the consolidation of the Departments of Personnel, Information Technology, Public Works and Administration to the smaller but nonetheless important streamlining of energy policy, we will make state government more efficient and more responsive.

State employees have been told that merit pay and longevity pay will remain frozen, and salaries will be reduced by 5 percent. I believe this is a far better alternative than the mass lay-offs chosen by other state and local governments. Positions are eliminated in this budget, and lay-offs will occur, but not on the scale seen in other states. My plan also eliminates the cumbersome furlough program. Administrators and employees alike told me furloughs make it difficult to manage an agency and nearly impossible to provide high-quality customer service.

Basic Support in our K-12 schools is reduced by \$270 per pupil. The change in total support from current spending is just over 9 percent. While this is not ideal, I believe the reductions are within reason if the education establishment is willing to make real changes in how those dollars are spent.

State, local, and student revenue for the Nevada System of Higher Education is reduced by less than 7 percent. With the loss of one-time stimulus dollars, the total reduction is 17.66 percent. However, the Regents have the option of bringing tuition and fees more in line with other western states, so many of these funds can be recovered.

In Health and Human Services and Public Safety, we identified over \$100 million in State spending for what are essentially local programs. The State can no longer afford to pick up this tab, so some of these responsibilities must be transferred to the local level.

Nevadans need to know we did not blindly accept the cuts requested by the prior administration. In the Department of Health and Human Services alone, \$118 million in spending for essential programs was restored. My budget preserves nearly \$55 million for personal care services, \$4 million in adult day health care, and \$8 million in benefits to two-parent households on Temporary Assistance to Needy Families. We also preserved funds for traumatic brain injury services, autism, early intervention services, independent living, medically necessary dentures, prosthetics and orthotics—the list goes on. These programs are preserved, and overall spending is still reduced.

However, spending cuts alone could not do the work of balancing the State budget in a reasonable, thoughtful manner. Therefore, we made \$1 billion of public money work harder so as to mitigate cuts to services and programs. None of this money comes from new taxes. We made better use of existing dollars. The public does not think of revenue as yours or mine. All of it, every last penny, is theirs. Whether it is in this bucket or that bucket does not matter.

My budget continues to redirect 9 cents of property tax from Clark and Washoe Counties. I will restrict this money to the support of universities and community colleges in these counties, because property values rise and economic growth occurs where universities contribute to economic development.

We are turning to the school districts, but not to capture capital construction dollars already allocated to projects. Instead, we propose to change the level of reserves required for debt service in all those counties with bond funds. School improvements, maintenance, and equipment purchases will continue—which means no construction jobs will be lost. Simply put, these tax dollars were unnecessarily locked away in one of those separate buckets. We will use \$425 million of these funds to offset the \$440 million in lost local funding I mentioned earlier. The money will stay in education and be used in the district of origin. And I have committed that the State will replenish these funds over time as the Local School Support Tax rebounds.

We must also make temporary use of room tax revenue now slated for teacher salaries in order to defray the costs of overall education spending. I had planned to use that money to reward teacher performance through merit, but we must live with current realities. Pay-for-performance is still included in my budget, just on a different scale.

Finally, I am proposing to raise \$190 million by monetizing the State insurance premium tax proceeds. This solution is not perfect, but it is sound, and it prevents further reductions to education and human services.

When all was said and done, the proposed General Fund expenditures in my budget total just over \$5.8 billion over the next two years—within 1 percent of General Fund spending in 2007.

We not only balanced the budget, we restored many of the cuts our constituents feared most. We also addressed some long-standing issues and some emerging challenges.

For example, in 2001, former Speaker Barbara Buckley led the charge to integrate the child welfare systems in Clark and Washoe Counties. In 2003, former Senator Bill Raggio also pushed toward an integrated funding plan. My budget will finish the job with block grants to Washoe and Clark Counties for the basic operation of child welfare services with local autonomy. In addition, we provide \$7 million for incentive payments if child welfare agencies achieve their stated goals.

My budget responds to the national health care reform legislation passed by Congress last year. I firmly believe that many aspects of the law are unconstitutional, and I will continue to fight to have them overturned. In the meantime, however, the law imposes many deadlines, and we cannot wait until litigation is resolved. We must plan for a major expansion of Medicaid, which may cost Nevadans \$574 million between 2014 and 2019. We must also plan for a health insurance exchange so that we—and not the federal government—control the program. My budget includes funding to address these issues, and I have submitted legislation to address the operation and oversight of a Nevada Health Insurance Exchange.

These initiatives, and the overall approach we took to balancing the budget, are not about being liberal or conservative. A governor's responsibility is to provide solutions to the problems of the day, and because of Nevada's current reality, I have met this challenge through hard decisions, all the while remaining conscious of the current realities.

On Friday, Nevada's unemployment rate increased yet again—another clear indication that businesses are in a fragile state. Despite what some would have you believe, businesses are sharing in the necessary sacrifices of our times. Whether it's through increased health insurance premiums, the steadily increasing federal costs for unemployment insurance, or even the decreased Medicaid reimbursements to health care providers necessary under my budget, every Nevada business finds it harder and harder to make a profit—and thereby keep workers employed.

I recently received a thoughtful letter from a woman who works for a small dental practice in Las Vegas. For the first time in 20 years, they lost money. She wrote, "The assault on our practice's finances comes from everywhere—insurance companies, the State, the federal government, OSHA regulations, EPA regulations, payroll taxes and the cost of dental products and supplies." She begged me to "help set new directions . . . that free up some of our time and money." Otherwise," she said . . . a lot of small businesses . . . will decide that it is not worth it to sacrifice the time and effort they do now . . ."

Ladies and gentlemen, it is worth it. I want that dental practice and other Nevada businesses, as well as their employees and families, to succeed. That is exactly what I'm fighting for.

Fellow Nevadans, you and I know that the budget alone will not solve the State's current crisis. If anything, the budget is only a symbol of the challenges presented by our economic situation. In order for Nevada to fully recover, we must focus our energy on job creation. We

must ensure long-term improvements in our education system and do everything in our power to guarantee that the people can respect the government that serves them. Therefore I will spend the balance of my time tonight talking with the Nevada family about three policy areas: economic development, education, and responsive government.

For at least the last 100 years, Nevada governors have called for the creation of economic development agencies or state publicity offices to foster what Assemblywoman Alice Towle in 1922 called "the up-growth of new industries." In 1983, then-Governor Richard Bryan proposed an overhaul of the Department of Economic Development to create the current structure. In so doing, he said, "our efforts at economic diversification must emphasize our favorable investment climate, tax structure, labor force and Nevada's unique resources for solar and geothermal power." He was right then. He is right now, and we owe it to Nevadans to renew our economic development efforts for the realities of today.

Working with Senate Majority Leader Steven Horsford and Speaker John Ocegüera, I propose a complete overhaul of our state's economic development program. Minority Leaders Mike McGinness and Pete Goicoechea also lend their support, and, of course, Lieutenant Governor Brian Krolicki will play a key role in the modernizing of our State's system of job creation and business diversification.

We propose to redesign the Nevada Commission on Economic Development and recommend a 50 percent increase in General Fund dollars to run it. A new entity, Nevada Jobs Unlimited, will be a public-private partnership existing largely outside state government. With a private sector mentality, it will be more nimble. It will be a Cabinet-level agency, with the Governor joining the Lieutenant Governor, Senate Majority Leader, Assembly Speaker, and representatives of higher education and other critical stakeholders on the board. A majority of the board members will come from the private sector to ensure the focus is squarely on jobs.

Nevada Jobs Unlimited will pursue strategies that grow jobs within existing Nevada businesses, as well as recruit companies from out-of-state. But we will do so with a new sense of urgency, coordination, and accountability. Collaboration and tighter performance indicators will be the metrics of this new system.

We are also proposing a \$10 million catalyst fund to provide much-needed resources to close deals, finance infrastructure, and spur the growth of new jobs. The Fund will be continued in future budgets only if it delivers the kind of success we expect.

Our proposal builds upon the foundation laid by the New Nevada Task Force, which was convened by the Lieutenant Governor last summer, and has provided new ideas for the future of our State's economic development activities. Our future lies in business sectors like technology commercialization, bioscience, renewable energy asset development, and defense sector expansion. Innovation will drive tomorrow's economy, and so it must drive our decision-making as we rebuild our economic development infrastructure.

There's a treasure in our State that can launch this new focus on innovation: Switch, a two-million-square-foot technology ecosystem campus in Las Vegas. CNBC recently called the Switch SuperNAP "the best data center on the planet." For the last ten years, Switch has been building massive, secure, technology data centers in combination with a telecommunications hub that is unique to North America. Switch's vision and innovation are attracting many Fortune 1000 companies to Las Vegas, and they are bringing jobs to Nevada.

Switch is sponsoring an incentive program called the Nevada Advanced Technology Alliance. By moving employees and divisions to Nevada, companies will save 10 to 20 percent on nationwide telecommunications costs, no matter how big the corporation. This incentive is not funded by tax dollars, donations, or any other government efforts. It simply takes the technological innovations of Switch and extends those benefits to those who partner with Nevada by establishing operations here. This is an advantage unique to Nevada that we will be offering to businesses around the world. With us tonight are Switch CEO Rob Roy and his wife, Stella. Thank you, Rob, for raising the bar for innovation.

Let me tell you briefly about how innovation will also help drive change in broadband technology, the gaming industry, renewable energy, and the state's infrastructure needs.

We must continue to drive investment in broadband technology that fast-tracks job growth and provides a platform for spurring innovation across our state. My budget includes \$3 million to help residents of rural Nevada use broadband access to start and grow businesses, or

telecommunicate to anywhere in the world. These improved broadband connections will also allow the electronic exchange of health information between providers and hospitals to improve the quality of care.

Since I completed my term as chairman of the Nevada Gaming Commission, the gaming entertainment industry has expanded to new states and many new corners of the world. Competitive forces demand a new approach from our regulatory infrastructure. In an increasingly competitive and global economy, Nevada will be "the" place for gaming innovation. Nevada started this industry. We shaped its development, and we must remain the undisputed leader in the gaming economy. Twenty-first century demands mandate that we provide a flexible environment for the technological resources that are the underpinning of modern gaming devices. I have asked the leadership of our regulatory bodies to begin immediately to process statutory and regulatory changes that sensibly reflect the modernization of the industry.

Nevada can strengthen our leadership role in the renewable energy and energy efficiency industries. The Nevada Retrofit Initiative is leading a ground-breaking partnership with higher education, non-profits, and local banks for the construction and financing of residential energy efficiency retrofits. In addition, our Renewable Energy Loan Fund is a successful low-interest loan program that provides financing for renewable energy projects. Over \$8 million has been loaned to nine renewable energy projects throughout the State. Companies have used these revolving loans to expand manufacturing capacity and create new jobs. Nevada must also remove barriers and develop business models that allow for the export of renewable energy to California, while benefitting taxpayers here at home.

The Nevada Vision Stakeholders Group, conceived by Senator Horsford, recognized that our State's geography and economic development are intertwined and recommended that Nevada secure better access to federal land for renewable energy production and transmission projects. I support all efforts to make Nevada the renewable energy capital of the world.

Finally, we need to improve ground connections by linking Las Vegas to Phoenix via Interstate 11 and to southern California via high-speed rail. Both are critical for transportation and logistics, as well as tourism.

My message tonight is one of opportunity—certainly for Nevadans who care about our economic growth—but also for those listening outside our state. Nevada is a place you can call "home" and "headquarters" with equal measure. We are proud of our great cities and towns, low taxes, and our State's natural beauty. Many of our State's leaders are products of our schools and universities. Thanks to my Executive Order freezing most State regulations and requiring a complete regulatory review, we can promise you a stable regulatory environment. Nevada officials and agencies see their job as one of helping you do business, not slowing you down. We are uniquely situated for logistics and transportation. We have abundant natural resources and are home to preeminent cancer and brain institutes. We love our state, and you will too.

For businesses already operating in Nevada, we want you to know that our focus is on your growth. Roughly 80 percent of new jobs will be created by local businesses, and we need every one of them to put Nevadans back to work. New economic development initiatives will include rural manufacturing workforce development and business expansion programs for small, minority, and veteran businesses.

We will not leave behind those whose careers have been disrupted by the economic earthquake that has shaken our State. For many Nevadans, old skills will simply be inadequate for the new economic reality. I have therefore directed the Department of Employment Training and Rehabilitation and the Department of Health and Human Services to jointly develop a seamless service plan to put Nevadans to work and reduce reliance on social service programs.

The "Silver State Works" program will target veterans, unemployment benefit recipients, public assistance recipients, and ex-offenders. A primary goal is to promote a "work first" culture through employer hiring incentives, on-the-job training, and community service. We will invest \$10 million over the next biennium in providing these services to 10,000 unemployed workers—and we will administer "Silver State Works" utilizing existing staff resources.

Ladies and gentlemen, each one of us has a role to play in Nevada's economic recovery. Our buying power matters. Whether we are buying a car, computer, or book, we should shop Nevada first.

I have said before that if Nevada were a stock, I'd buy it now. It is true. We have opportunities ahead of us, and plans to realize them. Education reform is the linchpin to a solid return on our investment, so let me share with you my plans for our public schools, colleges, and universities.

As Governor, part of my job is to tell people things they don't like to hear, and when it comes to education in our State, I want to level with the people of Nevada. Our education system is broken. Not the people, but the system. While many teachers, professors, and students are excelling, collectively they are held back by an antiquated system that emphasizes too many of the wrong things—and for which the only suggested answer has been more and more money. Educators who are effective at teaching students and leading schools are paid exactly the same as those who are failing. Graduation rates remain the worst in the nation. The achievement gap leaves too many students without hope or opportunity, and grade-level performance on national assessments lags.

I know that many students take personal responsibility for their education and succeed as a result. I want them to know they are not alone—that Nevada's system can and will support them.

Since the advent of the Nevada Class Size Reduction Act in the early 1990s, hundreds of millions of dollars have been provided to local school districts. The students who first participated in that program should now be graduating—yet many are not. I believe we have put too many constraints on local school districts. My budget proposes the creation of a "block grant program" that encourages districts to be innovative and results-oriented. If one district chooses to continue class size reduction, so be it. If another district wants to pursue other programs, we will no longer hold them back. Flexibility, local autonomy, and accountability are the keys.

The new Superintendent of Schools in Clark County, Dwight Jones, recently demonstrated why he is already a leader in our State. He wrote: "The downturn in the economy offers a real opportunity to change how we deliver our services. Yes, funding will be a challenge, but the greater imperative is outlining what we want to achieve."

I agree. Mr. Superintendent, I know you are in the room somewhere. I applaud you. So here is my outline of significant reforms in the way we manage our schools:

- End teacher tenure. An important first step is to eliminate the protection of seniority when decisions about force reductions must be made.
- Rely heavily on student achievement data in evaluating teachers and principals. As incentives, we will provide \$20 million in performance pay for the most effective teachers.
- Eliminate costly programs that reward longevity and advanced degree attainment. Bill Gates, Secretary of Education Arne Duncan, and others have repeatedly noted this kind of spending does not improve student achievement.
- End social promotion. Students who cannot read by the end of third grade will not be advanced to the fourth grade. It is simple—until third grade, we learn to read. After that, we read to learn. Most kids who start behind stay behind. It has to stop.
- Improve accountability report cards and provide more parental choice: Open enrollment, better charter school options, and vouchers to make private school education a possibility for more families.
- Reform K-12 governance. I ask the Legislature to support the recommendations of Nevada's Promise to provide an improved governance model in which the Governor appoints the State Board of Education and the Superintendent of Public Instruction.

Finally, I am pleased to announce tonight that the Executive Budget includes an additional \$10 million to preserve the Kenny C. Guinn Millennium Scholarship.

What of our colleges and universities? It is widely acknowledged that they are important for our State's economic development. But here again, the system has failed us. Graduation rates after six years at the State's public two-year colleges range from a high of 20 percent, to a dismal low of only 4 percent. Our four-year institutions have graduation rates below 50 percent.

There is concern that further budget reductions will require significant changes to the university and community college system. Perhaps a new system is precisely what we need in this new era. Therefore, I will move forward to grant autonomy over tuition to the Regents.

Nevada's tuition rates are well below our western neighbors—the Regents have long asked for the authority to raise them.

Universities and community colleges must develop a more strategic focus that connects degree programs and the State's economic development efforts. I would also ask that at least 15 percent of any increased tuition be reserved to ensure access for those who need financial aid. As we increase autonomy, we will also increase performance indicators so that graduation rates, completion times, and access are measures of success.

I know that none of this is easy to hear. So let me be clear: Nevada has many effective teachers in our schools. We have great principals and outstanding college professors. But there are also some who have no business teaching or serving as an administrator. It is unacceptable that children in classrooms literally across the hall from one another achieve at dramatically different levels because of the quality of their teacher. The current system cannot address this. It is too cumbersome and so focused on the wrong things that we lose students along the way.

There will be many debates about these issues in the coming weeks. And one who will debate them with us is here tonight as my guest. I am pleased that Michelle Rhee, former Chancellor of the Washington, D.C. public school system and the Founder and Chief Executive Officer of Students First, a national advocacy organization, is here tonight. Michelle is recognized throughout America as a leader in education reform. She will add her considerable voice to our debate, and I thank her for demonstrating the importance of finally having a frank and honest conversation about public education. Michelle, I know we will hear your voice as one for advocating for students first.

Just a little more than two weeks ago, the nation watched in horror as a gunman opened fire on a member of Congress, a federal judge, and other innocent people in Tucson, Arizona. This despicable act served as a stark and sobering reminder that civil discourse can vanish in a split-second. In Nevada, we must never allow this to happen. Isolated madness will not make us afraid of those we serve. Terror will not keep us from putting service above self, from treating each other with civility, and from working together to ensure public confidence in state government. We have the power to demonstrate to the people of Nevada that honest, civil, and responsive government is alive and well in Carson City.

We can begin by working together without political agenda to draw the lines for Nevada's Congressional seats and the State Senate and Assembly. The laws of our land are clear—and I will not sign a bill that favors one political party over another. Congressional seats and legislative districts should be drawn with a fair and proportional representation of constituents. Period.

We can rededicate ourselves to eliminating any sign of waste, fraud, or abuse in government. I will soon sign an executive order creating the Office of the Inspector General within the Executive Branch. The Inspector General will join the existing Division of Internal Audits in reviewing, auditing, and evaluating the expenditure of state funds.

I will work with legislative leadership to introduce a bill that "sunssets" every licensing and advisory board now on the books. More than 180 of these entities require gubernatorial appointments. Under our proposal, boards and commissions will sunset at the end of June 2013, giving us plenty of time to eliminate, consolidate, or improve functions among those that must remain.

I am also pleased to announce the "Priorities and Performance Budget" makes its debut in the documents transmitted to the Legislature this year. We articulate not only what level of priority each program or service carries, but the performance measures by which it will be judged. In the coming biennium, this initiative will expand to include public participation through websites and other tools as we ask Nevadans to further rank spending priorities. Even more robust performance indicators will therefore be established.

I am calling for the creation of a central grants office for state government. This office will identify federal and philanthropic opportunities that have for too long been overlooked. It will provide a targeted, coordinated effort to infuse additional outside dollars into worthy programs.

I will also work with Senator Dean A. Rhoads on his long-standing idea to provide bonuses to State workers whose agencies save money during the year so that innovative thinkers are rewarded.

Finally, I will explore resources and services available through the Nevada Judicial College, the Attorney General's Office, and other State agencies to ensure that all agencies with rule-making and regulatory authority take advantage of appropriate training.

Through continued hard work, transparency, and clarity, each and every one of us in this Chamber can take steps to send a clear message to our constituents: This is the people's government. We are but stewards, and Nevadans have every right to hold us to high standards of conduct and responsiveness.

In case we think there is no one to show us the way, we can stop and recognize employees like Trooper Chuck Allen. Trooper Allen was recently named the *Reno Gazette Journal's* "Citizen of the Year" in recognition of his volunteerism. By day, Trooper Allen is a public information officer with the Nevada Highway Patrol. He is proof that service is alive and well in our State. Thank you, Trooper.

Government employment is not just another job, nor is it an entitlement program. Frankly, we seem to have lost this sense of public service where collective bargaining is concerned. I hope this legislative session will see an open discussion of a more balanced approach to employee negotiations. Collective bargaining must be reformed if we are to change the course on which we find ourselves. I stand ready to work with local government officials and union leaders to ensure employee compensation does not hamper government performance.

We must also admit that Nevada's Public Employee Retirement System cannot sustain its current level of liability. Future employees must join Public Employee's Retirement System (PERS) under some form of a defined contribution plan. And the Public Employee Benefit Plan can no longer afford full health coverage for all retirees. New employees entering that system must do so under a new set of rules as well. I encourage the Legislature to send me a package of public employee retirement and benefit reforms as quickly as possible.

Together, we can create many more opportunities for improvement. I have directed my staff to explore a major consolidation of the Departments of Transportation, Motor Vehicles, and Public Safety. The objective is to streamline governance of these three agencies to more effectively and efficiently provide public service. Dollars saved will be reinvested, through the state highway fund, to create jobs and enhance public services.

In addition, I plan to continue the dialogue recently begun with cities, counties, and school districts. I firmly believe there are more opportunities for shared services, cooperation, and functional home rule. We must focus on accountability at every level, and we must reward success at every turn. The Nevada family expects us to succeed by working together.

Therefore, I end this speech where I began my inaugural address just three weeks ago: looking forward—yes, with optimism—to the promise of opportunity presented by the coming celebration of 150 years of statehood in 2014.

The current terrain is difficult, to be sure. Changing course is never easy, but I believe that by making the short-term sacrifices I have outlined, coupled with the long-term reforms that I have proposed, we will reach that milestone with pride.

My fellow Nevadans, I have no doubt that together we are changing the course of history. We are leading the Nevada family onto a new path, and I submit that it is one of progress and ultimate prosperity. If we have the courage to make the tough decisions, and there will be many, we will succeed. If we focus on new solutions that fundamentally change the way we do business, we will succeed. If we make supporting private sector job creation a way of life for all government agencies; if we control State spending; if we push forward with education reform; if we recognize that service above self is a way of life; if we do all of these things together, then truly Nevada will be Nevada again.

Thank you, God Bless you, and God bless the great State of Nevada.

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

Senate in recess at 3:20 p.m.

## SENATE IN SESSION

At 3:22 p.m.  
 President Krolicki presiding.  
 Quorum present.

## MOTIONS RESOLUTIONS AND NOTICES

By Senator Parks:

Senate Joint Resolution No. 1 of the 75th Session—Proposing to amend the *Nevada Constitution* to replace the State Board of Pardons Commissioners with the Clemency Board 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 to read 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, at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The Legislature shall provide by law for:***

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

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

3. ***The Clemency Board*** may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection ~~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 Wiener moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Joint Resolution No. 1—Proposing to amend the *Nevada Constitution* to allow the Legislature to authorize the operation of a state lottery for the support of public education.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the *Nevada Constitution* be amended to read as follows:

~~Sec.~~ Sec. 24. 1. Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold ~~2—The~~

~~2—The~~, and the State and the political subdivisions thereof shall not operate a lottery.

2. The Legislature may authorize ~~persons~~:



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

(b) *A lottery to be operated by or on behalf of the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:*

- (1) *Determine the appropriate manner of operation of the lottery;*
- (2) *Provide for the disbursement of all money from the proceeds of the lottery, less expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner; and*
- (3) *Establish a committee to oversee the operation of the lottery and the distribution of the proceeds generated by the lottery.*

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

Motion carried.

By Senator Hardy:

Senate Joint Resolution No. 2—Proposing to amend the *Nevada Constitution* by repealing the provision relating to the payment of minimum compensation to employees.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the *Nevada Constitution* is hereby repealed.

TEXT OF REPEALED SECTION

Sec. 16. **Payment of minimum compensation to employees.**

A. Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents (\$5.15) per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents (\$6.15) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in the federal minimum wage over \$5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by employees shall not be credited as being any part of or offset against the wage rates required by this section.

B. The provisions of this section may not be waived by agreement between an individual employee and an employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. An employer shall not discharge, reduce the compensation of or otherwise discriminate against any

employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section. An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

C. As used in this section, "employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a non-profit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days. "Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

D. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

Senator Wiener moved that the resolution be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Natural Resources:

Senate Joint Resolution No. 3—Urging Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education in Nevada.

WHEREAS, The State of Nevada and other western states face unique challenges in providing the best education to their residents due to vast acreages of untaxable federal lands within their borders; and

WHEREAS, Early in Nevada's history, the Congress of the United States recognized the importance of supporting public education in Nevada and established school trust lands in Nevada to help fund education in the State; and

WHEREAS, When the Territory of Nevada was admitted to statehood, the Federal Government provided Nevada with two sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other territories that were subsequently admitted to statehood received four sections of land in each township for the benefit of common schools; and

WHEREAS, The land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue for education because the land included large sections that were undesirable or difficult to survey; and

WHEREAS, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection, as Nevada had an immediate need for public school revenues; and

WHEREAS, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a small amount of revenue for the schools in Nevada in comparison to other states and places an excessive burden on the financial resources of each county in Nevada; and

WHEREAS, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

WHEREAS, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

WHEREAS, The management and control of such an extensive amount of the land in Nevada by the Federal Government has an adverse effect on the ability of Nevada to provide a quality education to its residents; and

WHEREAS, Nevada and the other western states are falling behind in education funding as measured by the growth of expenditures per pupil; and

WHEREAS, The difficulty experienced by Nevada and the other western states in providing a quality education to their residents is exacerbated by projections that enrollment in public schools from 2007 to 2019 is expected to increase by approximately 34 percent in Nevada and the other western states, but increase by less than 1 percent in the remaining states in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature urge Congress and the Nevada Congressional Delegation to enact legislation requiring the Secretary of the Interior to convey ownership of federal land located in Nevada from the Federal Government to Nevada to help fund education for the residents of Nevada and to put the education system of Nevada in parity with that of the other states in the United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

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

Motion carried.

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 Wiener 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.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

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 2011-2013 biennium meets or exceeds the current national average; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 3—AN ACT relating to energy; requiring certain contractors to offer upgrades for renewable energy and energy efficiency;

requiring certain contractors assisting buyers in obtaining financing to offer, or work with lenders that offer, energy efficient mortgages; requiring licensees of the Real Estate Division of the Department of Business and Industry to make certain information about energy efficiency in residential property available to each party to a real estate transaction; revising continuing education requirements relating to energy efficiency for real estate brokers, real estate broker-salespersons, real estate salespersons, mortgage brokers and certified or licensed real estate appraisers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Schneider:

Senate Bill No. 4—AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project; authorizing a board of county commissioners or the governing body of a municipality to finance the acquisition, improvement, equipping, operation and maintenance of an energy efficiency improvement project, a public safety project or a renewable energy project through the issuance of bonds; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 5—AN ACT relating to grand juries; revising provisions governing the selection and summoning of grand jurors in certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 6—AN ACT relating to courts; authorizing the electronic reproduction of the seal of a court; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 7—AN ACT relating to administrative regulations; requiring an agency, if practicable, to make a proposed emergency regulation available to the public before the agency adopts the emergency regulation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 8—AN ACT relating to the state personnel system; revising provisions governing payment for unused sick leave upon the retirement, termination in certain circumstances or death of certain state employees; and providing other matters properly relating thereto.

Senator Wiener 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. 9—AN ACT relating to public safety; revising the duties of the personnel of the Capitol Police Division of the Department of Public Safety to include certain investigative powers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 10—AN ACT relating to health care; requiring the approval of the Director of the Department of Health and Human Services before undertaking an expenditure to provide certain services relating to health care in certain larger counties; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Finance:

Senate Bill No. 11—AN ACT relating to public school finance; revising the Nevada Plan for School Finance for funding school districts, charter schools and university schools for profoundly gifted pupils to include the establishment of weighted values for certain categories of pupils; requiring the establishment of weighted values for certain smaller school districts and schools; revising the manner by which apportionments are calculated to add the applicable weighted values to the basic support guarantee per pupil; requiring the establishment of a separate basic support guarantee for certain

schools that offer a program of distance education; removing the establishment of special education program units; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 12—AN ACT relating to air pollution; repealing certain reporting requirements for the emission of greenhouse gases; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue:

Senate Bill No. 13—AN ACT relating to fuel taxes; authorizing the Department of Motor Vehicles to use electronic mail to serve notice of the determination of the deficient payment of certain taxes owed; repealing certain provisions that allow the Department to grant an extension of time to file reports and pay taxes on certain types of fuel; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Senate Bill No. 14—AN ACT relating to education; requiring the State Board of Education to develop a model curriculum for the subjects of English language arts and mathematics; providing for the dissemination of the model curriculum to school districts, charter schools and the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 15—AN ACT relating to the Department of Motor Vehicles; requiring the Department to cancel the driver's license of a person convicted of driving under the influence of intoxicating liquor or a controlled substance under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 16—AN ACT relating to labor; making various changes relating to the establishment of prevailing wages in each county; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 17—AN ACT relating to drugs; authorizing an owner of an animal to donate certain drugs for reissuance by licensed veterinarians; establishing certain requirements for the reissuance of those drugs for certain animals; authorizing the Nevada State Board of Veterinary Medical Examiners to adopt regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 18—AN ACT relating to contractors; authorizing the State Contractors' Board to discipline a licensed contractor for failure or refusal to comply with an order of the Board; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 19—AN ACT relating to contractors; requiring an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes; providing that the failure of an applicant or a licensee to submit such notification constitutes grounds for disciplinary action by the Board; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 20—AN ACT relating to industrial insurance; requiring insurers to provide certain information about available benefits to survivors and dependents of deceased workers; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 21—AN ACT relating to industrial insurance; revising the requirements for reopening a claim of compensation for a permanent partial disability; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 22—AN ACT relating to counties; authorizing a board of county commissioners to prescribe certain fees by ordinance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 23—AN ACT relating to the adoption of children; clarifying the entity responsible for carrying out certain duties relating to the adoption of a child with special needs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 24—AN ACT relating to courts; revising provisions concerning writs of execution in justice courts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 25—AN ACT relating to courts; revising the method used to determine the number of justices of the peace in a township in certain counties; and providing other matters properly relating thereto.

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

Motion carried.



By the Committee on Judiciary:

Senate Bill No. 26—AN ACT relating to judicial administration; revising provisions governing the appointment of an attorney in criminal and juvenile court proceedings; revising provisions governing the collection of delinquent fines, administrative assessments, fees, restitution and other payments imposed in criminal and juvenile court proceedings; authorizing a juvenile court to establish a restitution contribution fund; authorizing the waiver of all or part of any fine or community service imposed by the juvenile court in exchange for a monetary contribution to a restitution contribution fund; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 27—AN ACT relating to child care facilities; requiring employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 28—AN ACT relating to criminal procedure; revising certain provisions relating to the psychological or psychiatric examinations used in determining the competence of a defendant; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 29—AN ACT relating to offenders; revising provisions relating to credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 30—AN ACT relating to common-interest communities; providing for the electronic transfer of money to the State Treasurer under certain circumstances; requiring the executive board of an association to establish certain procedures if the association uses electronic signatures to

withdraw money from certain accounts; revising provisions relating to the requirement that the executive board of an association make certain records available for review at a designated location; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue:

Senate Bill No. 31—AN ACT relating to taxes; extending the period for the Department of Taxation or a county to bring an action in a court of competent jurisdiction for summary judgment against a person owing a delinquent tax or deficiency determination; extending the period for the Department or a county to record a tax lien; extending the period for the Department or a county to issue a warrant for the enforcement of a lien and collect a delinquent tax; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 32—AN ACT relating to the State Board of Equalization; extending certain deadlines for the Board to conclude the business of equalization; requiring the Board to post a schedule of certain meetings on the Internet website of the Department of Taxation; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 33—AN ACT relating to taxation; consolidating provisions requiring confidentiality of certain records and files of the Department of Taxation; clarifying the taxpayer information that is authorized to be made public concerning certain hearings of the Nevada Tax Commission; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Senate Bill No. 34—AN ACT relating to taxation; revising the provisions governing the administration of sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement, apply the taxes to retailers whose activities have a sufficient nexus with this State and

provide for the rebuttal of certain presumptions regarding the application of use taxes to property delivered outside of or brought into this State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Senate Bill No. 35—AN ACT relating to education; removing the requirement that certain information concerning paraprofessionals be maintained in the automated system of accountability information for Nevada; revising the manner in which the results of pupils on certain examinations are reported by charter schools to the Department of Education; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 36—AN ACT relating to podiatry; requiring each person licensed by the State Board of Podiatry to maintain a permanent mailing address with the Board; requiring each licensee to provide the Board with written notification of any change in his or her permanent address; requiring the Board to impose a fine if a licensee fails to notify the Board of a change in his or her permanent address; requiring a licensee who closes his or her office in this State to notify the Board of the location and custodian of the medical records of the patients of the licensee for a certain period; requiring an applicant for a license to practice podiatry or to practice as a podiatry hygienist to submit to a criminal background check; authorizing the Board to charge certain fees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Wiener:

Senate Bill No. 37—AN ACT relating to health care; requiring a health care licensing board to refer certain complaints to another health care licensing board; requiring a health care licensing board to notify the appropriate health authority of certain public health emergencies or other health events; providing immunity from civil liability, under certain circumstances, to a health care licensing board or its agents or employees who make such referrals or provide such notifications; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Education:

Senate Bill No. 38—AN ACT relating to education; authorizing the Superintendent of Public Instruction to deduct from, withhold from or otherwise make adjustments to the quarterly apportionments paid to a school district, charter school or university school for profoundly gifted pupils under certain circumstances; revising provisions governing the calculation of apportionments which take into account the effect of the declining enrollment of pupils in a school district or charter school; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Senate Bill No. 39—AN ACT relating to educational personnel; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain employees; expanding the grounds for immediate dismissal and refusal to reemploy; revising provisions governing the probationary periods of teachers and administrators; providing that probationary teachers and probationary administrators are at-will employees; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 40—AN ACT relating to real property; requiring certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting regulations concerning the construction, maintenance, operation or safety of buildings and structures; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 41—AN ACT relating to labor; eliminating mandatory collective bargaining for local government employers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Senate Bill No. 42—AN ACT relating to traffic laws; authorizing the testing of drivers involved in fatal vehicle accidents for the presence of alcohol; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 43—AN ACT relating to health care; requiring the Director of the Department of Health and Human Services to establish a health information exchange system in accordance with federal law; requiring the Director to establish or contract with one or more nonprofit entities to govern the administration of the health information exchange system; requiring the Director to prescribe standards to ensure the security and confidentiality of electronic health records; requiring the Director to take action necessary to comply with federal law concerning electronic health records and health information exchange systems; making various changes relating to electronic health records; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 44—AN ACT relating to mental health; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt regulations defining eligibility for services; revising the term used to refer to persons who receive services from the Division; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 45—AN ACT relating to peace officers; revising provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety; providing that certain personnel of the Department are category I peace officers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue:

Senate Bill No. 46—AN ACT relating to insurance; allocating a portion of the tax on the premiums of captive insurers to the Commission on Economic Development to promote the captive insurance industry; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 47—AN ACT relating to crimes; clarifying the definition of "minor" for the purposes of certain criminal statutes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Senate Bill No. 48—AN ACT relating to vehicles; revising provisions relating to the issuance of permits for travel on the highways of this State for certain oversize or overweight vehicles; revising provisions regarding administrative fines and penalties for certain violations of such permits; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 49—AN ACT relating to public roads; providing that acceptance by the Department of Transportation of a map that includes a county road located on a certain right-of-way constitutes validation of the right-of-way by the State of Nevada; authorizing the board of county highway commissioners in certain counties to locate and determine the width of certain rights-of-way and to open those rights-of-way for public use; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 50—AN ACT relating to motor vehicles; revising certain provisions relating to the suspension of drivers' licenses; providing that a period in which a driver's license is revoked for certain offenses is not reduced while the former holder of the license is imprisoned; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 51—AN ACT relating to motor vehicles; revising provisions relating to the reporting of certain convictions for the violation of certain traffic laws; revising the penalties imposed for operating a commercial motor vehicle under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 52—AN ACT relating to vital statistics; revising provisions governing vital statistics and the maintenance of vital records; creating the Office of Vital Statistics within the Health Division of the Department of Health and Human Services; making various changes concerning the use and release of certain information relating to vital records; revising the authority of persons authorized to register certificates of vital records; revising the duties and authority of the State Registrar of Vital Statistics; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 53—AN ACT relating to child care facilities; excluding a location where a program is operated by a local government to supervise children during certain times from certain licensing requirements; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 54—AN ACT relating to nursing facilities; revising provisions governing the Fund to Increase the Quality of Nursing Care; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 55—AN ACT relating to older persons; revising the crimes against an older person that are subject to an additional civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 56—AN ACT relating to information technology; requiring that all state agencies, boards and commissions use the services and equipment of the Department of Information Technology; providing exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 57—AN ACT relating to children; expanding the circumstances pursuant to which a court is authorized to issue a warrant to take physical custody of a child; requiring an agency which provides child welfare services to place such a child in certain shelters; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 58—AN ACT relating to industrial insurance; providing for the punishment of an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits; granting certain immunities to persons who disclose information relating to such an employer; directing the Administrator of the Division of Industrial Relations of the Department of Business and Industry and the Fraud Control Unit for Industrial Insurance of the Office of the Attorney General to establish procedures concerning the reporting, notification of prosecution and sharing of information regarding such an employer; authorizing the Attorney General to prosecute criminal and civil actions relating to such an employer; providing that certain books, records and payrolls must be open to inspection under certain circumstances; providing that such an employer is liable for certain costs of investigation and prosecution; requiring a provider of health care to make certain health care records available for inspection during the investigation of such an employer; making various other changes relating to an employer who knowingly makes a false statement or representation or concealment of a material fact



regarding the eligibility of a person claiming industrial insurance benefits; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 59—AN ACT relating to public utilities; increasing the cumulative capacity of net metering systems operating within the service area of an electric utility; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 60—AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project or the construction, expansion or operation of a renewable energy system; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 61—AN ACT relating to social work; providing for licensure of certain persons as masters social workers; recognizing degrees in social work issued by foreign colleges and universities under certain circumstances; authorizing the Board of Examiners for Social Workers to refuse to issue licenses under certain circumstances; requiring members of the staff of the Board to report certain acts committed by licensees; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 62—AN ACT relating to insurance; prohibiting a school which provides preclicensing education from being established within a certain distance from certain other locations; prohibiting a facility for an examination for a license from being established within a certain distance from certain other locations; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 63—AN ACT relating to industrial insurance; establishing provisions for the collection of certain amounts owed to the Division of Industrial Relations of the Department of Business and Industry for payments from the Uninsured Employers' Claim Account; revising provisions governing the penalty for failure to provide mandatory industrial insurance; prohibiting certain conduct by persons who fail to pay amounts owed to the Division for payments from the Uninsured Employers' Claim Account; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 64—AN ACT relating to state obligations; establishing a program for the investment of state money in certificates of deposit at a reduced rate of interest to provide qualified lending institutions with money for loans at a reduced rate of interest to certain eligible entities; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 65—AN ACT relating to local financial administration; revising provisions concerning the quarterly publication of certain financial information by an incorporated city; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 66—AN ACT relating to domestic violence; authorizing the Attorney General to organize or sponsor multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence under certain circumstances; revising provisions concerning such teams organized or sponsored by a court or an agency of local government; authorizing all such teams to receive data and information from certain reports and investigations and to use certain death certificates; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 67—AN ACT relating to the Fund for the Compensation of Victims of Crime; revising provisions governing the disbursement of money from the Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 68—AN ACT relating to water; requiring the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances; requiring the State Engineer to consider any comment, analysis or other information submitted by the city, county or other political subdivision in approving the plan or conducting or reviewing the results of the plan or study; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 69—AN ACT relating to cities; authorizing cities to issue business licenses before certain professionals and businesses obtain a license or permit from the State and approval from the health authority; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Senate Bill No. 70—AN ACT relating to education; removing the provisions creating an elected State Board of Education; providing for the appointment of an advisory State Board of Education; transferring the powers and duties of the elected State Board of Education to the Department of Education and the Superintendent of Public Instruction; providing for the appointment of the Superintendent of Public Instruction by the Governor; revising the powers and duties of the Superintendent of Public Instruction; revising the manner in which certain money in the State Distributive School Account for K-12 public education is disbursed to the school districts; revising provisions governing the regional training programs for the professional development of teachers and administrators; removing the

provisions creating certain boards, commissions and councils relating to public education; repealing the requirement for a certain ratio of pupils to licensed teachers for certain grades; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 71—AN ACT relating to education; establishing the Encouraging Parental Involvement Through Choice in Education Program; authorizing certain private schools to apply for certification as schools eligible to participate in the Program; authorizing the parents and legal guardians of certain children to apply for participation in the Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of scholarships on behalf of children who participate in the Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 72—AN ACT relating to criminal offenders; revising provisions concerning the assignment of certain offenders who are imprisoned for causing death or serious bodily harm while driving under the influence of intoxicating liquor or a controlled substance to residential confinement; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 73—AN ACT relating to state financial administration; authorizing the State Board of Examiners to delegate certain authority to a person designated by the Clerk of the Board; revising provisions concerning the approval of requests for the revision of work programs, the acceptance of certain gifts and grants, allocations of certain money from federal block grants and certain changes of positions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 74—AN ACT relating to state financial administration; changing the designation of certain funds and accounts; and providing other matters properly relating thereto.

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

Motion carried.

By the Select Committee on Economic Growth and Employment:

Senate Bill No. 75—AN ACT relating to public financial administration; establishing a program to provide private equity funding to businesses engaged in certain industries in this State; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 76—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 77—AN ACT relating to notaries public; subjecting a person to punishment for a category C felony if the person submits an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact; revising provisions relating to the requirements for appointment as a notary public, storage of the stamp and journal of a notary public, and liability and penalties for certain misconduct and violations of law by a notary public or an employer of a notary public; prohibiting a notary public from performing a notarial act on certain documents or from making or noting a protest of a negotiable instrument under certain circumstances; authorizing the Secretary of State to impose a civil penalty for certain violations; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 78—AN ACT relating to local governments; revising provisions governing collective bargaining between local government

employers and local government employees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue:

Senate Bill No. 79—AN ACT relating to tobacco; revising provisions relating to the Tobacco Master Settlement Agreement; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 80—AN ACT relating to manufactured housing; providing for the licensure of limited servicepersons by the Manufactured Housing Division of the Department of Business and Industry; revising certain provisions to provide for the regulation of limited servicepersons; prohibiting the Division from issuing certain certificates for certain manufactured housing; requiring certain persons repairing a manufactured home to enter into a written agreement with the person for whom the work is being performed; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 81—AN ACT relating to state financial administration; requiring professional and occupational licensing agencies to deny the issuance or renewal of licenses possessed by certain persons who owe debts to the State; requiring the State Controller to develop and operate with financial institutions a data-match system for the collection of certain debts owed to state agencies; revising the statutes of limitation for the State Controller to take action regarding the collection of certain debts owed to state agencies; providing for the electronic payment of certain payments; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 82—AN ACT relating to governmental administration; requiring the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve certain matters relating to security breaches of information systems of certain state agencies and

electd officers; authorizing the Director of the Department or the Chief of the Office of Information Security to inform members of certain governmental entities of such security breaches; increasing the membership and certain terms of office of the Information Technology Advisory Board; revising the authority of the Department to provide services and equipment to local governmental agencies; requiring certain agencies and officers that use the equipment and information services of the Department to report certain incidents to the Chief of the Office of Information Security; making various other changes relating to governmental information systems; authorizing the Chief of the Purchasing Division of the Department of Administration to publish certain advertisements for bids or proposals on the Internet website of the Purchasing Division; authorizing the Chief to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Senate Bill No. 83—AN ACT relating to transportation; authorizing the Department of Transportation to enter into a public-private partnership to plan, design, construct, improve, finance, operate and maintain an eligible transportation facility; authorizing the Board of Directors of the Department of Transportation to establish user fees, administrative fines and other penalties and charges relating to the use of such a facility; making provisions regarding taxation of leasehold interests, possessory interests, beneficial interests and beneficial use of exempt property inapplicable to property used by a public-private partnership; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay such a user fee; authorizing the Department of Motor Vehicles to establish certain administrative fees; revising provisions governing design-build projects of the Department of Transportation; authorizing the Department of Transportation to approve, upon request, the construction of a toll bridge or toll road by a person; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo:

Senate Bill No. 84—AN ACT relating to highways; revising certain provisions relating to roadblocks; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 85—AN ACT relating to land use planning; revising provisions relating to the appeal of land use decisions; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Leslie, Breeden, Copening, Parks, Roberson, Schneider, Settelmeyer; Assemblymen Horne, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguela, Ohrenschall, Pierce, Segerblom, Smith:

Senate Bill No. 86—AN ACT relating to eminent domain; removing the authorization of a person who is not a public agency to exercise the power of eminent domain to acquire real property for mining, smelting and related activities; eliminating the use of the power of eminent domain to acquire real property for pipelines of the beet sugar industry; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 87—AN ACT relating to criminal procedure; enacting the Uniform Collateral Consequences of Conviction Act; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 88—AN ACT relating to real property; enacting the Uniform Real Property Transfer on Death Act; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 89—AN ACT relating to common-interest communities; revising provisions governing the audit and review of financial statements of common-interest communities; and providing other matters properly relating thereto.



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

Motion carried.

By Senator Hardy:

Senate Bill No. 90—AN ACT relating to school districts; creating in each school district an advisory fiscal affairs committee to review the financial affairs of the school district; providing the powers and duties of such an advisory committee; setting forth the qualifications of the members of such an advisory committee and providing for the appointment of those members; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Manendo:

Senate Bill No. 91—AN ACT relating to driving under the influence; revising provisions governing the participation of an offender in a program of treatment for the abuse of alcohol or drugs; revising provisions governing a court-ordered evaluation to determine whether an offender is an abuser of alcohol or drugs; revising provisions governing the court-ordered installation of a device to prevent an offender from starting his or her motor vehicle; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Hardy:

Senate Bill No. 92—AN ACT relating to community redevelopment; authorizing redevelopment agencies to expend money, subject to certain limitations, to improve schools located within certain cities or counties; requiring redevelopment agencies to file reports with their respective governing bodies and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 93—AN ACT relating to land use; requiring the inclusion of a military activities plan in a master plan in certain circumstances; requiring owners of property located in an area covered by a military activities plan to disclose certain information to any potential buyer of the property; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 94—AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 95—AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to prescribe rules allowing a full-time tenured faculty member to request a part-time appointment with tenure to enable the faculty member to engage in personal entrepreneurial opportunities relating to business development; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Hardy:

Senate Bill No. 96—AN ACT relating to education; requiring a student to perform community service as a condition to receipt of a Governor Guinn Millennium Scholarship; requiring the Board of Regents of the University of Nevada to establish an appeal process for students who are unable to complete the required community service; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 97—AN ACT relating to health care; removing the prospective expiration of provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Hardy:

Senate Bill No. 98—AN ACT relating to local governments; revising provisions relating to mediation and arbitration during the process of collective bargaining; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 99—AN ACT relating to consumer protection; requiring the Consumer Affairs Division of the Department of Business and Industry to regulate the activities of grant writing services that do business in this State; requiring a grant writing service to register and deposit security with the Division before doing business in this State; requiring a grant writing service to provide certain statements to a buyer before the execution of a contract for grant writing services; prescribing certain mandatory terms of a contract for grant writing services; revising the definition of "goods and services" as that term relates to solicitations by telephone; revising criminal penalties for violations of provisions relating to solicitations by telephone; providing penalties; providing a fee; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Hardy:

Senate Bill No. 100—AN ACT relating to local improvement districts; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Manendo:

Senate Bill No. 101—AN ACT relating to marriage; revising certain provisions relating to the issuance of marriage licenses and the solemnization of marriage; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 102—AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals; requiring the Commission to fix a price for the commercial taking of shed antlers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 103—AN ACT relating to gaming; authorizing a licensed interactive gaming service provider to perform certain actions on behalf of an establishment licensed to operate interactive gaming; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Settlemeyer:

Senate Bill No. 104—AN ACT relating to state financial administration; requiring that a portion of the unrestricted balance in the State General Fund at the end of each biennium be deposited in the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Settlemeyer:

Senate Bill No. 105—AN ACT relating to public health; eliminating provisions which authorize a person to possess and administer a controlled substance or dangerous drug pursuant to certain written agreements; authorizing an immediate family member of a person who is the ultimate user of a controlled substance or dangerous drug to possess and administer such medications on behalf of the ultimate user; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Settlemeyer:

Senate Bill No. 106—AN ACT relating to Nevada Magazine; expanding the purposes for which Nevada Magazine is authorized to trade its advertising services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Select Committee on Economic Growth and Employment.

Motion carried.

By Senator Settlemeyer:

Senate Bill No. 107—AN ACT relating to education; revising provisions governing the Governor Guinn Millennium Scholarship Program; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 108—AN ACT relating to motorboats; increasing the fees for issuing certain numbers and validation decals for motorboats; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks:

Senate Bill No. 109—AN ACT relating to local financial administration; revising provisions governing limitations on fees for business licenses which may be imposed by a local government on a public utility; providing that any proceeds from the interstate sale of natural gas to a wholesale provider of electric energy are not considered revenue for the purposes of imposing certain fees for business licenses; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 110—AN ACT relating to businesses; requiring each board of county commissioners to establish a centralized licensing office to issue business licenses in the county; requiring each city and town to cooperate with the board of county commissioners in operating the centralized licensing office and to assign certain proceeds of the city's or town's license taxes to the operating costs of the office; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Settlemeyer and Assemblyman Kite:

Senate Bill No. 111—AN ACT relating to the protection of children; revising provisions limiting the placement of certain children who are in protective custody in certain counties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 112—AN ACT relating to children; requiring certain records made by an agency which provides child welfare services to be provided to a juvenile court; limiting the use and disclosure of records provided to a juvenile court by an agency which provides child welfare services; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 113—AN ACT relating to children; requiring foster homes to develop and implement plans to care for children during a disaster; requiring the Division of Child and Family Services of the Department of Health and Human Services to develop a plan to care for certain children during a disaster; providing a penalty; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 114—AN ACT relating to controlled substances; requiring certain reports made by the Investigation Division of the Department of Public Safety to be transmitted to the Legislative Committee on Health Care; authorizing the exchange of certain information concerning controlled substances with other states under certain circumstances; providing civil and criminal immunity to certain persons who provide to the State Board of Pharmacy and the Division certain information concerning controlled substances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 115—AN ACT relating to health care; requiring certain hospitals and physicians to accept certain rates as payment in full for the provision of certain services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; revising provisions relating to the duties of the Director of the Office for

Consumer Health Assistance; requiring the Commissioner of Insurance to study issues relating to policies of health insurance and similar contractual agreements; requiring the Commissioner to adopt related regulations; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Senate Bill No. 116—AN ACT relating to education; requiring the State Board of Education to prescribe an adjusted adult diploma and the requirements for receipt of such a diploma; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 117—AN ACT relating to physicians; allowing a resident who is enrolled in a postgraduate training program in this State to be considered for a license to practice medicine after completing 24 months of the program and committing in writing to complete the program; requiring an applicant for a license to practice medicine to submit proof of satisfactory completion of a postgraduate training program under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Finance:

Senate Bill No. 118—AN ACT making appropriations for the support and evaluation of the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 119—AN ACT relating to hazardous materials; revising the scope of the duties and powers of the Executive Director of the Agency for Nuclear Projects; revising the scope of the duties of the Administrators of each Division of the Agency; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 120—AN ACT relating to hazardous materials; revising the scope of the duties of the Committee on High-Level Radioactive Waste; revising the name of the Committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 121—AN ACT relating to hazardous materials; revising the scope of the duties of the Commission on Nuclear Projects; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 122—AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; revising provisions governing the setting aside of reserves out of appropriated or other funds to meet emergencies; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 123—AN ACT relating to the Office of State Public Defender; moving the Office from the Department of Health and Human Services to the Office of the Governor; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 124—AN ACT relating to local government; revising the areas in which an incorporated city may displace or limit competition in providing services; and providing other matters properly relating thereto.



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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 125—AN ACT relating to elections; revising the dates by which the contributions to or expenses of a campaign must be reported; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Settlemeyer and Lee:

Senate Bill No. 126—AN ACT relating to concealed firearms; revising certain provisions relating to permits to carry concealed firearms; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 127—AN ACT relating to guardianships; requiring, under certain circumstances, a guardian who is appointed for a ward who is a beneficiary of the Department of Veterans Affairs to handle certain other money payable to the ward in the same manner as money payable by the Department of Veterans Affairs; revising provisions relating to the compensation of a guardian of such a ward; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 128—AN ACT relating to guardianships; revising provisions governing the appointment, powers and duties of guardians; requiring certain guardians to submit to a background investigation as a condition of their appointment; requiring the Aging and Disability Services Division of the Department of Health and Human Services to adopt certain regulations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 129—AN ACT relating to public health; requiring certain persons who operate or work in facilities for the dependent, facilities for intermediate care, facilities for skilled nursing and homes for individual

residential care to complete certain training; requiring the State Board of Health to adopt regulations concerning such training; providing penalties; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 130—AN ACT relating to off-highway vehicles; revising the prospective terms of the members of the Commission on Off-Highway Vehicles; revising the effective date of certain other provisions governing the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Transportation

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 131—AN ACT relating to public health; prescribing priorities for the Health Division of the Department of Health and Human Services to consider when contracting with laboratories to perform certain tests of infants; authorizing the State Board of Health to require the Health Division to provide for services of laboratories to perform certain tests of infants; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 132—AN ACT relating to osteopathic medicine; removing the prospective expiration of the provisions governing licensure by endorsement of osteopathic physicians; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

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 3:54 p.m.

#### SENATE IN SESSION

At 4:04 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 Chair and the second-named Senator being Vice-Chair.

## COMMERCE, LABOR AND ENERGY—

Schneider, Breeden, Parks, Copenig, Settlemeyer, Halseth, Roberson.

## EDUCATION—

Denis, Kihuen, Wiener, Leslie, Cegavske, Gustavson, Brower.

## FINANCE—

Horsford, Leslie, Parks, Denis, Rhoads, Cegavske, Kieckhefer.

## GOVERNMENT AFFAIRS—

Lee, Manendo, Schneider, Hardy, Settlemeyer.

## HEALTH AND HUMAN SERVICES—

Copenig, Wiener, Leslie, Kihuen, Hardy, Kieckhefer, Brower.

## JUDICIARY—

Wiener, Copenig, Breeden, Kihuen, McGinness, Gustavson, Roberson.

## LEGISLATIVE OPERATIONS AND ELECTIONS—

Parks, Denis, Horsford, Cegavske, Settlemeyer.

## NATURAL RESOURCES—

Manendo, Parks, Lee, Rhoads, Roberson.

## REVENUE—

Leslie, Horsford, Schneider, Denis, McGinness, Hardy, Halseth.

## SELECT COMMITTEE ON ECONOMIC GROWTH AND EMPLOYMENT—

Kihuen, Lee, Wiener, Manendo, Gustavson, Kieckhefer, Brower.

## TRANSPORTATION—

Breeden, Schneider, Lee, Manendo, Rhoads, McGinness, Halseth.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Jim Halsey, Mary Kaplan, Elliott Kleven, Jennifer Kleven, Julie Mogensen and Ed Long.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Loren Brower, Kaitlin Brower, Hayley Brower, Carrie Ortiz, Chase Ortiz, Tom Ortiz and Matt Cluett.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Adam Cegavske, Bret Cegavske, Tim Cegavske, Judge Kenneth E. Pollock, Jessica Beall, Terri Miller, Alice Kiler, Joyce Terry, Carl Terry, Jim Hickey, Joan Hickey, June Deley and Tom Deley.

On request of Senator Copenig, the privilege of the Floor of the Senate Chamber for this day was extended to Jordan Luttrell-Freeman, Susan Schrock and Kimberly Small.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to David Cook, Armando Denis, Dallin Denis, Daniel Denis, Denae Denis, Dustin Denis, Maritza Denis, Susan Denis, Michelle Denis, Diana Gale, Kylene Gale, Margaret Conger, Steve Conger, Staci Conger, Scott Conger, Shane Conger and Jacob Newsome.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Cathy Gustavson, Don G. Gustavson, Don V. Gustavson, Michelle Gustavson, Kerry Saulnier, Mark Saulnier, Donna Stoller, Mark Stoller, Hillary Riester, Patrick Riester and Jane Smith.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Dana Halseth, Daniel Halseth, Jordan Halseth, Sierra Halseth, Kelly Smith, Nick Smith, Billy Smith, Candy Smith, Victoria Hensley, Candy Schworak and Pat Church.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Jill Hardy and Katie Bowen.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Sonya Horsford.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Gretchen Kieckhefer, Aspen Kieckhefer, Austin Kieckhefer, Cynthia Kieckhefer, Deborah West, April West-Kieckhefer, Richard West, Lincoln Kieckhefer, Rose West, Lucerene Kieckhefer, Rebecca Taylor, Gene Taylor, Robert Kieckhefer and Rosemary Taylor.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Abraham Camejo, Blanca Kihuen, Jorge Kihuen, Mariana Kihuen, Claritssa Sanchez, Debbie Carmichael, Jose Servin, Noemi Briseño and Leslie Sexton.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Shannon Lee Lueck, Marilyn Lee, Julie Newman and Gena Plummer.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Mary Lee Fulkerson, Julia Leslie and Barbara McLaury.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Robin Reddle.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Brett McGinness, Dee McGinness, Sara McGinness, Ryan McGinness, Jamie Sei, Shannon McGinness-Sei, Aidan Sei, Katie Sei and George Herman McGinness.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Rachel Cahill, Maliki McClain, Sharon Rhoads, Joe Cahill, Chandra Cahill, Willis Rodriquez, Shammy Rodriquez and Mamie Rodriquez.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Jocelyn Chung, Kelly Krueger, Chase Leavitt, Linda Leavitt, Mike Leavitt, Liberty Leavitt-Roberson, Karen Shamblyn and Maudie Long.

On request of Senator Schneider, the privilege of the Floor of the Senate Chamber for this day was extended to Candy Schneider, Haley Hill and Linda Hill.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Sherese Settlemeyer.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Charlotte Allen, Supreme Court Justice Mark Gibbons, Dr. Paul L. Knight, Withania Neal, Christian Neal and former Senator Joe Neal.

Senator Horsford moved that the Senate adjourn until Tuesday, February 8, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 4:13 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*