

THE NINETY-NINTH DAY

CARSON CITY (Monday) May 11, 2015

Senate called to order at 1:54 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We come in prayer to You, O' God, who never had to take back anything spoken, to correct anything said, or to apologize for any statement made.

Bless the Members of this Body as they think together and work together in this Chamber, in the committee rooms and in their offices. Help them to stand up under the strains and the tensions of problems and decisions of meetings and conferences and the endless demands made upon them. Teach them how to relax and to take time to turn to You for guidance and for grace and thus discover the secret of power.

Thank you for Your promise to help them.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL ROBERSON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 4, 5.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS**WAIVER OF JOINT STANDING RULE(S)**

A Waiver requested by: Assemblyman Armstrong.

For: Senate Bill No. 252.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Monday, May 11, 2015.

MICHAEL ROBERSON
Senate Majority Leader

JOHN HAMBRICK
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4—Memorializing former Assemblyman Joseph "Joe" Michael Hogan, Sr.

WHEREAS, The members of the Nevada Legislature mourn the loss of an exemplary citizen, former United States Naval officer, dedicated public servant and 10-year member of the Nevada Assembly, Joseph "Joe" Michael Hogan, Sr.; and

WHEREAS, Joe Hogan was born on August 10, 1937, in Fort Dodge, Iowa, and passed away in Arlington, Virginia, surrounded by his family, on October 17, 2014; and

WHEREAS, Joe attended public schools in Fort Dodge, earned his bachelor of science degree in business administration from the University of Notre Dame and later received his juris doctor degree from the Georgetown University Law Center; and

WHEREAS, Joe proudly served as an officer in the U.S. Navy from 1959 through 1962, and as an attorney worked for the United States Department of Defense and the National Aeronautics and Space Administration in Bethesda, Maryland, as well as the United States Department of Labor, Office of Federal Contract Compliance Programs, in San Francisco, California, where he ensured that federal contractors did not discriminate; and

WHEREAS, Several years after retirement, Joe Hogan moved to Las Vegas, where he became active in issues concerning labor, and in 2004 was elected to the Nevada Assembly, serving in five regular and seven special sessions and as a member of the Assembly Committees on Health and Human Services, Natural Resources, Agriculture, and Mining, Transportation and Ways and Means; and

WHEREAS, A lifelong Democrat, Joe worked with diligence and compassion in the Assembly, with emphasis on such topics as affordable housing, adequate prescription drug labeling, water conservation and expanded job opportunities for women and minorities; and

WHEREAS, Joe also served on several interim committees, including the Interim Committees on High-Level Radioactive Waste, Issues Relating to Senior Citizens and Veterans, Nevada Commission on Aging, Protection of Natural Treasures, Interim Finance Committee's Subcommittee to Review Public Works Board Matters and the Health Care's Task Force to Develop a State Plan to Address Alzheimer's Disease; and

WHEREAS, In his spare time, Joe enjoyed the rich experiences found in travel as he explored new places and vistas, with a special interest in snorkeling and rock hounding; and

WHEREAS, Following his passing, Joe Hogan leaves his children Kathleen Marie Rauh, J. Michael Hogan, Jr. and David J. Hogan, along with grandchildren Allison, Maribeth and Brian Rauh, and Maggie and Katie Hogan, to cherish his memory; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 78th Session of the Nevada Legislature hereby extend their deepest condolences to the family of former Assemblyman Joseph Michael Hogan Sr., a man who served the people of Nevada with dedication, dignity and a strong work ethic; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of Assemblyman Joe Hogan.

Senator Denis moved the adoption of the resolution.

Remarks by Senators Denis and Manendo.

SENATOR DENIS:

The members of the Legislature, this last year, mourn the loss of an exemplary citizen, former United States Naval officer, dedicated public servant and ten-year member of the Nevada Assembly, Joseph "Joe" Michael Hogan, Sr. Joe was born on August 10, 1937, in Fort Dodge, Iowa, and passed away in Arlington, Virginia, surrounded by his family on October 17, 2014. He attended public schools in Fort Dodge, had a bachelor's degree in business administration from the University of Notre Dame and later received his Juris Doctor degree from the Georgetown University Law Center.

He proudly served as an officer in the U.S. Navy from 1959 through 1962 and as an attorney for the United States Department of Defense and the National Aeronautics and Space Administration in Bethesda, Maryland.

After his retirement, he moved to Las Vegas where he became active in issues concerning labor, and in 2004, my first year here, he was elected to the Nevada Assembly, serving five regular and seven special sessions. As a member of the Assembly, he was on various committees including Health and Human Services; Natural Resources; Agriculture and Mining; Transportation and Ways and Means.

He was a lifelong Democrat, and he worked with diligence and compassion in the Assembly, with emphasis on such topics as affordable housing, adequate prescription drug labeling, water conservation and expanded job opportunities for women and minorities. In his spare time, he loved to travel. I remember when I first met him as a freshman, he talked about wanting to travel and told me about all the places where he had been. He and his wife would visit Mexico every year for six months and stay on the beach; then, he would come back to Nevada.

I miss him. He was a great man and this concurrent resolution memorializes him and the great service he provided to our State.

SENATOR MANENDO:

I rise in support of Assembly Concurrent Resolution No. 4. I am going to miss Assemblyman Hogan. He was my friend. His family and my family became very close, we did a lot of things together. He certainly loved life. He was an extremely smart man. He loved his Fightin' Irish of Notre Dame and was a good, honest, decent person and was so honored to serve the people of Nevada. I know that was something that even though he had a long history and career, he really was proud to serve the people of Nevada in that role. I am glad we are recognizing him and our other colleague today. It is sad to see so many of them leaving us. Joe was very special to my family and me, and I wanted to let his family know I am thinking about them today.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 5—Memorializing former Assemblyman Peter L. "Pete" Livermore.

WHEREAS, The members of the Nevada Legislature mourn the loss of one of their respected colleagues, Peter L. "Pete" Livermore; and

WHEREAS, Born in New Orleans, Louisiana, on March 22, 1941, the son of Peter and Camilla Livermore, Pete joined the United States Marine Corps at 17 years of age, where he served from 1958 through 1962 and reached the rank of Lance Corporal; and

WHEREAS, In 1960, while stationed at Pickel Meadows Marine Base near Bridgeport, California, he made a trip to Carson City, Nevada, and met the beautiful and vivacious Laurie Bird, a carhop at the local A&W Restaurant; and

WHEREAS, Pete and Laurie's first date was on October 31, 1960, when he accompanied her to the Nevada Day Parade and then to the Carson High School homecoming game and dance; and

WHEREAS, Following his marriage to Laurie, Pete worked as a mail carrier in Carson City and then went into business, eventually owning and operating three successful A&W Restaurants, which were popular with both local residents and State Legislators; and

WHEREAS, Pete took a strong interest in the youth of Carson City, employing them in his businesses, sponsoring and coaching team sports, serving as President of the Carson City Youth Sports Association for more than 15 years and continuously working to make sure that the young people of Carson City had excellent recreational facilities, such as the Governor's Field Sports Complex; and

WHEREAS, Pete was elected to the Carson City Board of Supervisors in 1998, a position he held for 12 years, during which he was particularly proud of the part he played in the development of the Edmonds Sports Complex located on Livermore Lane, a street named in his honor; and

WHEREAS, Pete also served his community from 1985 through 2011 as a member and former Chair of the Carson-Tahoe Hospital Board of Trustees; and

WHEREAS, In 2010, Pete was elected to represent District No. 40 in the Nevada State Assembly, a district comprised of Carson City and part of southern Washoe County, where he

served with great dedication and energy until his passing in Carson City on October 20, 2014; and

WHEREAS, As a member of the Assembly, Pete served on the Assembly Standing Committees on Government Affairs, Health and Human Services, Commerce and Labor, Taxation, and Natural Resources, Agriculture, and Mining, and continued to represent the interests of the people of Carson City by successfully sponsoring bills to revise the Airport Authority Act for Carson City and the Carson City Charter and to preserve the buildings and grounds of the historic Nevada State Prison; and

WHEREAS, Pete is survived by Laurie, his wife of over 50 years, their children Richard, Sheri and Jackie, and several grandchildren, who will all cherish his memory and reflect on a life devoted to his family, his community, the youth of Carson City and the citizens of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 78th Session of the Nevada Legislature offer their deepest condolences to the family members of Peter L. "Pete" Livermore; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Pete's beloved wife Laurie and their children Richard, Sheri and Jackie.

Senator Kieckhefer moved the adoption of the resolution.

Remarks by Senator Kieckhefer.

You have heard a lot about Pete in the resolution. Pete Livermore was born in New Orleans in 1941 and became a legend in Carson City. In between, he joined the United States Marine Corps at the age of 17. Pete was stationed at the Pickel Meadows Marine Corps Mountain Warfare Training Center, near Bridgeport, CA. It was in Carson City, at the local A & W, where he met the beautiful and vivacious Laurie, eventually making Carson City their home, raising three daughters and becoming a successful businessman.

Pete enjoyed all that Nevada offered. He gave back to the community by becoming involved with the youth of Carson City, whether it was sponsoring or coaching sports teams. He promoted recreational facilities, and served as Chairman of Youth Sports for more than a decade. Pete championed "Question 18," the Quality of Life Initiative, which provided funding to improve parks, sporting fields and other recreational facilities such as the Edmonds Sports Complex located on Livermore Lane.

In 1998, Pete was elected to the Carson City Board of Supervisors, holding that position for 12 years. After he was termed out in 2010, he ran and was elected to represent District 40 in the Nevada State Assembly serving until 2014.

His most noted political accomplishment in the Assembly was Assembly Bill No. 377, which established provisions for the preservation, development and use of the Nevada State Prison as an historical, cultural, educational and scientific resource. This bill passed the Assembly and has been referred to the Senate. Pete is so thoroughly known in this community that you cannot go anywhere without meeting someone who knew him or has a story about him and the way he impacted their lives.

It is with great honor I am joined here by his family. Pete and I came into this building serving together, and I was honored to work with him for four years. He will be missed.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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

Senate in recess at 2:11 p.m.

SENATE IN SESSION

At 2:14 p.m.

President Hutchison presiding.

Quorum present.

By Senator Roberson:

Senate Resolution No. 7—Adopting new Standing Rules of the Senate for the remainder of the 78th Session of the Legislature.

WHEREAS, Section 2 of Article 4 of the Nevada Constitution requires that each regular session of the Legislature adjourn sine die not later than midnight Pacific time at the end of the 120th consecutive calendar day of that session; and

WHEREAS, Given this constitutional mandate, the Standing Rules of the Senate must ensure that the Senate conducts its business as expeditiously and efficiently as possible; and

WHEREAS, The creation of a Senate Parliamentary Rules and Procedures Committee, similar to those in other legislative bodies, and the removal of procedural barriers to expeditious action will help to ensure the Senate completes its business within the constitutionally mandated time; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following Senate Standing Rules are hereby adopted for the remainder of the 78th Session of the Legislature as follows:

*I. OFFICERS AND EMPLOYEES
DUTIES OF OFFICERS*

Rule No. 1. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and if a quorum is present shall cause the Journal of the preceding day to be read. 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 Tempore and Other Presiding Officers.

1. Except as otherwise provided in subsection 2:

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

(b) If the President is unwilling to discharge the duties of his or her office, the Senate may, by majority vote of the Senate, call upon the President Pro Tempore to serve as the President. Upon such call, the President Pro Tempore has all the power and shall discharge all the duties of the President during his or her unwillingness to discharge the duties of his or her office.

(c) In the absence or inability of the President Pro Tempore 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 Tempore or another member is serving as the presiding officer, the President Pro Tempore 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 Tempore 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) Recruit, interview, select, train and supervise all staff employed to assist with the work of the Senate.

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

(c) Administer the daily business of the Senate, including the provision of staff to its committees.

(d) Adopt such administrative policies as the Secretary deems necessary to carry out the business of the Senate.

(e) 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.

3. The President and the Secretary are authorized to make any necessary corrections and additions to the final Journal, Daily History and committee minutes of the Senate.

Rule No. 4. Sergeant at Arms.

1. The Sergeant at Arms shall:

(a) Attend the Senate during its sittings, and execute its commands and all process issued by its authority.

(b) Keep the secrets of the Senate.

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

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

Rule No. 5. Deputy Sergeant at Arms and Assistant Sergeants at Arms.

The Deputy Sergeant at Arms and Assistant Sergeants at Arms shall serve as doorkeepers and shall preserve order in the Senate Chamber and shall assist the Sergeant at Arms. The Deputy Sergeant at Arms and Assistant Sergeants at Arms shall keep the secrets of the Senate. In the event that the Sergeant at Arms is incapacitated or absent for any reason, the Deputy Sergeant at Arms shall serve as the Sergeant at Arms until the incapacity or absence has ended.

Rule No. 6. Continuation of Leadership of the Senate During the Interim Between Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the President Pro Tempore, Majority Leader and Minority Leader extends during the interim between regular sessions of the Legislature.

2. The President Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty that is required of that officer by the Standing Rules of the Senate and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Majority Leader and Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Senate Standing Rule No. 23.

4. The Majority Leader shall:

(a) Determine the start time of the Senate's organizational session.

(b) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Senate once the Senate is organized and ready for business.

(c) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Senate are adopted as part of the organization of a newly-constituted Senate at the commencement of a session.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

1. Except as otherwise provided in subsection 2, 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.

2. In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Senate, the Majority Leader shall call the members back to order before the hour to which the Senate has adjourned.

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, 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. Senate Parliamentary Rules and Procedures Committee.

1. The Senate Parliamentary Rules and Procedures Committee consists of three members of the Senate appointed by the Majority Leader.

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 matter before the Committee.

3. The Committee shall meet and:

(a) Consider and recommend changes to the Senate Standing Rules; and

(b) Consider and approve or disapprove proposed amendments to legislative measures as provided in subsection 4.

4. Any Senator who desires to move to amend a legislative measure pursuant to subsection 2 of Senate Standing Rule No. 113 must first submit a copy of the proposed amendment to the Chair of the Committee not later than 10 a.m. on the legislative day on which the motion is to be made. The motion is in order only if the proposed amendment has been approved by the Committee.

5. The Chair may waive the deadline set forth in subsection 4 for the submission of amendments for consideration by the Committee upon good cause shown.

6. The Committee shall meet at the call of the Chair.

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 members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Majority Leader or the Minority Leader appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. 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.

8. 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.

9. *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.*

10. *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.*

11. *Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, 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.*

12. *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.*

13. *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 10, 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.*

14. *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.*

15. *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.*

16. *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 10:*

- (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.*

17. 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.

18. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Senate are adopted as part of a newly-constituted Senate at the Commencement of a session.

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, 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. The Majority Leader shall determine the majority-minority party composition of all standing and select committees. Appointments to committees shall be made by the Majority Leader for the majority party members and by the Minority Leader for the minority party members. The Majority Leader shall designate the chair and vice chair of all standing and select committees.

2. The Majority Leader shall refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the Senate once the Senate is organized and ready for business.

3. Except as otherwise provided in subsection 4, 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, 37 and 48 of NRS, and chapters 223-228, 232-237, 238-242, 286-289, 381, 384, 472-474, 477, 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, the Tahoe Regional Planning Compact and the Tahoe Regional Planning Agency, state and local revenue and state and federal budget issues.

(e) Health and Human Services, five members, with jurisdiction over measures primarily affecting titles 38 and 39 of NRS, chapters 439-442 of NRS, NRS 444.002-444.430 and

chapters 446-458A, 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, 475, 719 and 721 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 281-285 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, chapters 383 and 407 of NRS, NRS 444.435-444.650 and chapters 444A-445D, 459, 488, 581, 582 and 586-590 of NRS, and the Tahoe Regional Planning Compact and the Tahoe Regional Planning Agency, except measures affecting primarily state and local revenue.

(i) Revenue and Economic Development, seven members, with jurisdiction over measures affecting primarily title 32 of NRS, and chapters 231, 231A and 237A of NRS, and state and local revenue.

(j) Transportation, five 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.

4. 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. Reserved.

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 members present.

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 majority 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 chair of 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 any member who voted on the action.

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 three motions shall be decided without debate, and a motion to lay on the table without question or 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 majority vote of the Senate.
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 has precedence over a motion to refer to committee or to amend. If a motion to strike out the enacting clause of a bill is carried, the bill 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 Standing 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 majority vote 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 majority vote of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, the President can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate 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 and shall be made available to the news media. This requirement of notice may be suspended for an emergency by the affirmative vote of a majority 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.

The contents of any petition 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, without question or debate. 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.

3. If a Senator makes a request to have his or her name added or removed as a sponsor of a bill or resolution that was introduced in the Senate, the request must be entered in the Journal.

4. If a Senator who is the only sponsor of a bill or resolution that was introduced in the Senate removes his or her name from the bill or resolution while the bill is in the Senate and no other Senator adds his or her name as the sponsor of the bill or resolution at the time of the request for removal, no further action on the bill or resolution is allowed for that legislative session.

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. If the proposed amendment has first been submitted to the Chair of the Senate Parliamentary Rules and Procedures Committee and approved by the Committee as provided in Senate Standing Rule No. 22, any member may move to amend a legislative measure 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. Measures so amended on second reading must be treated the same as measures with committee amendments. Any measure so amended upon the General File must be reprinted and engrossed or reengrossed.

3. An appropriate number of copies of all amended measures 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. *Joint 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 of Business.*

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 majority vote of the Senate, 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. *Seniority Among Senators.*

1. *The Senate shall determine seniority among the Senators as follows:*

(a) *Credit total continuous service in the Senate first;*

- (b) Credit total noncontinuous service in the Senate second;
 - (c) Credit total continuous service in the Assembly third; and
 - (d) Credit total noncontinuous service in the Assembly fourth.
2. In every case where there are ties, those ties are broken by alphabetical order.

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 Roberson moved the adoption of the resolution.

Remarks by Senators Roberson, Ford, Atkinson, Denis, Manendo and President Hutchison.

SENATOR ROBERSON:

Senate Resolution No. 7 provides for the adoption of new Standing Rules for the Senate for the remainder of the 78th Session of the Legislature. These rules are consistent with those previously adopted pursuant to Senate Resolution No. 1 of this Session with several changes. First, Rule No. 22 is added to create the Senate Parliamentary Rules and Procedures Committee which is similar to rule committees existing in most other state legislatures. The Committee consists of three Senators appointed by the Majority Leader. The task of the Committee is to consider and recommend amendments to the Senate Standing Rules and consider and approve or disapprove any proposed individual amendments to bills or resolutions. Under the rule, a proposed individual amendment must be submitted to the Chair of the Committee and approved by the Committee before a motion to adopt the amendment may be made. Rule No. 113 is revised to incorporate the submission and approval requirement of Rule No. 22.

Rule No. 31 is revised to provide that the President of the Senate may cast the deciding vote in case of a tie vote on any question, including the passage of a bill or joint resolution.

The remaining revisions all relate to provisions of the Standing Rules that currently require a two-thirds vote for action of the Senate in situations where a two-thirds vote is not required by the Nevada Constitution. These provisions are revised to provide for a simple majority vote.

Rule No. 62, under the current rules, states a question that has been postponed indefinitely may not again be introduced again during the Session unless the rule is suspended by two-thirds vote. The two-thirds requirement is now changed to a simple majority.

Rule No. 91 is revised to provide for amendments to the Standing Rules or Orders of the Senate by a simple majority of the Senate or for temporary suspension of Standing Rule or Order by a majority of the Senators present.

Rule No. 92 is revised to provide for suspension of the notice requirement applicable to committee proceedings by a majority of the committee members instead of two-thirds of the members as provided by the current rule.

Finally, Rule No. 125 currently requires a two-thirds vote to postpone consideration of a Special Order of the Senate. This requirement is likewise changed to a simple majority.

SENATOR FORD:

Point of order, please.

PRESIDENT HUTCHISON:

Point of order.

SENATOR FORD:

Rule No. 91, the current and operative version, states clearly and unequivocally that to change our Standing Rules, a two-thirds vote is required as well as one-day notice. I request enforcement of that Standing Rule.

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

Senate in recess at 2:18 p.m.

SENATE IN SESSION

At 2:19 p.m. Hutchison presiding.

Quorum present.

PRESIDENT HUTCHISON:

Senator Ford, thank you for your point of order. We are not, as a Body, rescinding or changing the current rules. We are, as a Body, in the motion, asking for the adoption of new rules. The Constitution allows this Body, the Senate, to adopt new rules, and therefore, your point of order is overruled. I will entertain further remarks.

SENATOR FORD:

Further to that point of order, as I read Rule No. 91, it mentions unequivocally any rule to be "changed," and we are changing Rule No. 91, as an example, with the current rule.

PRESIDENT HUTCHISON:

What we are doing is actually adopting a new set of rules. Under the Constitution, the Senate is allowed to adopt their rules. We are not changing the current rules; we are starting with a new motion, a new resolution and a new set of rules.

SENATOR FORD:

With the ultimate end effect of Rule No. 91's protection of the minority against the tyranny of the majority in an instance where we have two-thirds of an opportunity and a one day notice to entertain rules. We are superseding that with an adoption of a new set of rules, is that what I am understanding?

PRESIDENT HUTCHISON:

These are new sets of rules consistent with the Constitution and the authority the Constitution grants this Body to adopt new rules. You are correct. These are new rules. They are not changing existing rules so the point of order continues to be overruled. You are free to make new points, but I have ruled on this now.

SENATOR FORD:

I rise in opposition. The proposed rule change is clearly punitive and in response to one of Friday's votes. It is an unfortunate and unabashed display of yet another abuse of power that does more than punish ten members of this Body. It also minimizes and disenfranchises the 2.3 million people in Nevada that sent us here to represent them in the Democratic Caucus. I urge this Body to vote "no" on this all-to-apparent effort to quash opposition and to quiet all dissenting points of view.

SENATOR ROBERSON:

To the point of order, under Article 4, Section 6, of the *Nevada Constitution* it states: "Each House shall ... determine the rules of its proceedings" *Mason's Manual of Legislative Procedure* states: "The rules of procedure of each House are always within the control of a majority of the members, and the rules of procedure may be changed at any time by a majority vote except for rules of procedure that are expressly set forth in the *Nevada Constitution*." It continues by saying: "As a result, a majority of each House has the power to abolish, modify or waive any or all of its rules of procedure at any time except for those rules that are expressly set forth in the *Nevada Constitution*." Again, this is from *Mason's Manual*. Furthermore, it states: "A majority of the House does not have the power to make a rule that cannot be amended, suspended, replaced or repealed by a majority of the House. Consequently, if a rule can be adopted by a majority vote under Article 4, Section 6, of the *Nevada Constitution*, then the rule can be amended, suspended, replaced or repealed by a majority vote even if the House has adopted a rule providing that such actions can only be taken by a vote greater than a majority." In other words, the House cannot tie its own hands by establishing rules which cannot be changed by a majority vote or which require greater than a majority vote to be changed because, and I am quoting from *Mason's Manual*, "In the conduct of the business of a Legislative Body, the principal of majority rule is of the very essence. Parliamentary law is based firmly upon it. It is, in fact, the basis upon which popular self-government largely rests."

I just now heard motivations attributed to me. It is the time of the Session, with 21 days left, that we need to be as efficient as possible to try to finish the peoples' business on time. These new Senate Rules will streamline the process, and it is well within the rights of the Body to approve these new rules.

SENATOR ATKINSON:

I am just now seeing these for the first time, and they are quite lengthy. I am also getting messages from folks that are listening to this debate, or lack of, and they are asking where these are online. I am not able to tell them that. It appears there is an intent to hide some of this. Let me ask a question. You said this earlier, but I am not following you, Mr. President. You stated that because these are new rules, we do not follow the point of order in Rule No. 91. I see some of this as being new, and I see some of this as being changes from rules we have already adopted in this Body. I am not sure how you, or the Majority Party, are arriving at the idea that just because they are gutting and replacing most of it, it is new. This is also making changes. This is how we have been operating in this Body for over 3 months, and now, we are changing it with 21 days left. We are due a little more respect. You and I have a good working relationship, Mr. President, but this is a bit much. If we insist on doing this, the Majority Party would at least not insist on doing this today and would give this Body and the audience an opportunity to look at it. I do not think this is the proper way to do business in this House.

SENATOR DENIS:

I would like some information. I understand what we are doing is replacing. My question is, historically, has this been done before where all of the rules have been replaced at once? I know

in the past we have replaced one rule, but have we ever done this and replaced all of the rules at one time?

PRESIDENT HUTCHISON:

I am told this has happened in the past, and this is historically how you do exactly what we are doing today.

SENATOR DENIS:

Can you be more specific? Has this happened in the last few years or was it 100 years ago?

PRESIDENT HUTCHISON:

I will take a short recess to research an answer for you.

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

Senate in recess at 2:27 p.m.

SENATE IN SESSION

At 2:31 p.m.

President Hutchison presiding.

Quorum present.

PRESIDENT HUTCHISON:

Senator Denis, I asked the Secretary of the Senate to do some research. We have confirmed with LCB that this has happened previously. They would need more time to research the years when it happened. To reinforce the point, we are talking about the authority under Article 4, Section 6, of the *Nevada Constitution* that was noted by Senator Roberson: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, determine the rules of its proceedings and may punish members for disorderly conduct." We are proceeding under the section described in Article 4. If you need additional information, we will need to get that to you after the Floor Session.

SENATOR DENIS:

I ask because of removing the two-thirds provision. Also, the comment was made we are doing this in order to get done on time. In the past, at least in the five or six sessions I have been here, we were able to get done on time by just working together and working things out. We did not need to change all of the rules all at once. That is my point.

SENATOR ROBERSON:

I would like to mention, in response to my esteemed colleague from District 4, no one should be surprised by this. The Minority Leader and I spoke about this, this morning. The proposed changes were shared with the Minority Leader, and it is my understanding that LCB's Legal Counsel met with the Minority Caucus and went through these changes. I do not think anyone in this Body just saw these new rules when they walked in today.

SENATOR ATKINSON:

I did just see these for the first time. I have not seen these before. I need more explanation on the section where the Minority Party cannot submit an amendment unless it has gone through a Committee. Does that apply just to the Minority Party, or does it apply to both parties? If that is the case, putting two Republicans and one Democrat on that Committee makes it obvious that an amendment from the Democrats will not make it out of the Committee. I would like an answer to this question.

SENATOR ROBERSON:

That process would affect all personal amendments, whether they are from the Majority or Minority Party.

SENATOR ATKINSON:

Then, it is evident that process would stop an amendment from the Minority Party from coming to this Floor. Again, Mr. President, I hope you, the Governor or someone can stop this madness. This is ridiculous. It is more bullying and more intimidation from the Majority Party. They are changing the rules with 21 days left in Session and hopes to have a positive outcome for the end of this Session. I have never seen anything like this, Mr. President, and there is no one stepping in to stop this sort of thing. This has to stop. If you expect us to close down this Session on time and have proper decorum in this House, you need to stop this. This has to stop.

SENATOR FORD:

I want to be clear that the Minority Leader did not get these until an hour before Floor, maybe an hour and a half before Floor. That was clearly not enough time to vet these, to talk to anyone about it. They are not publicly noted anywhere. As I have indicated, we have 2.3 million citizens in Nevada who sent us here to represent them. This is a clear effort at quashing their voice. I urge this Body, as my colleague from District 4 just said, to reject this preposterous idea that we cannot have a voice and offer amendments to the extent we need to or utilize the authority we have already agreed to under our Standing Rules, our current Standing Rules, to interject our opinions. It is an utter unabashed display, again, of an abuse of power that has prevailed this entire Session, and it needs to stop.

SENATOR MANENDO:

Regarding the Committee that will be making the decisions on the amendments, will that be done in a committee room so the general public and the media can hear the deliberations?

SENATOR ROBERSON:

The Rules Committee will be required to meet in the open, in public. They can meet at the back of the bar or a room here in the building, but yes, it would be open.

Senators Ford, Manendo and Woodhouse requested a roll call vote on Senator Roberson's motion.

Roll call on Senator Roberson's motion:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Spearman, Woodhouse—8.

EXCUSED—Seegerblom, Smith—2.

Resolution adopted.

Senator Roberson appointed Senators Settlemeyer, Brower and Atkinson to the Senate Parliamentary Rules and Procedures Committee, per Senate Standing Rule No. 22. Senator Settlemeyer will be the Chair, and Senator Brower will be the Vice Chair.

Senator Settlemeyer moved that the action whereby Assembly Bill No. 175 was lost be rescinded and that the bill be placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

Remarks by Senators Settlemeyer, Ford, Manendo, Hardy and Kieckhefer.

SENATOR SETTELMAYER:

I firmly believe the Senator from Senate District 4 and I have met a good compromise in a bipartisan way. This has always been a good bill, and I will leave it at that.

SENATOR FORD:

I rise in support of this bill. On Friday, we had a debacle on the Floor precipitated by what I consider to be a reasonable request for a day to consider numbers. I wanted to, on the record, commend the Senators from Districts 4 and 17 for the work they have done on the amendment. It was not intended to result in a debacle on the Floor, but it did. We are back now considering this bill, and the bill should be affirmed by our esteemed Body. I received numbers back as we had requested the vetting of the numbers. I will be the first to admit that while I was in the room while the discussions were going on, I did not ask the question and I should have asked. Had I asked, we would not have needed the recess and everything else that happened. We did receive the numbers over the weekend, and they are not at \$90 million, but they are approximately \$72 million. These numbers are mere estimates and need further vetting to be completely reliable, but this is quite sufficient for the purposes of the items we raised which include funding the UNLV Medical School, which has been a priority of the Senate Democratic Forum since campaign season 2012 and, certainly, of anyone from the southern Nevada Caucus. We support this notion. We also support the part of the bill that allows \$5 million to go to the Highway Fund. This could be bonded up to approximately \$40 million, and that is to the credit of the Senator from District 4 who has fought for that issue for three Sessions. It was a priority of his that was ignored in the last Session. I am definitely supporting that notion as well with the remainder of that money going into the General Fund in order to plug budget holes that currently exist in the Governor's Budget and the finance plans that that are being considered. I urge support for Assembly Bill No. 175.

SENATOR MANENDO:

I rise in support of the Medical School. I rise in support of funding for the highways. I commend folks that have been fighting for this issue for years. I think with the amount of revenue we will see from these different variations of tax bills, there would be a way to fund these important projects within those existing tax bills. Maybe this should have been put into the budget to begin with. We could have much debate on this. These are priorities we all support. Finding piecemeal ways that have absolutely nothing to do with these issues, I have a problem with.

Nevada law requires taxi drivers send fingerprints to the FBI for background checks. Nevada law does not allow taxi drivers to refuse service to the elderly or those with disabilities. Nevada law requires taxi cab companies to set prices and stick to them. We debated a couple of amendments a few weeks ago about those two particular issues, and these were sadly turned down. Taxi drivers fall under the auspices of the Nevada Transportation Authority which licenses them, monitors maintenance, driving logs, investigations ... accidents and crashes, and enforces compliance. They also do checks on vehicles to ensure they are properly maintained so our citizens and our tourists are properly protected. Our tourist industry is very important to our State. I do not think the PUC is set up to enforce these particular regulations. One solution would be to put these transportation companies under the authority of the Nevada Transportation Authority that regulates taxi cabs.

I am not against technology. I was in this building when we had chalkboards. We had chalkboards in this Chamber, and we had chalkboards in the Assembly Chamber. I love that we have evolved. I am not against technology. There is technology right now that mirrors Uber and Lyft. They are already out there, but they are doing it the proper way and working within the laws we have that protect the public and our tourists.

I understand where this vote is going. I am not against technology. I am not against our Medical School. I am not against road funding. We have plenty of ways to do these things. I have always been a public safety person. My first law signed into law had to do with public safety, and these things are near and dear to my heart. I simply do not want to risk something happening to our friends, family, constituents or our tourists.

SENATOR HARDY:

I am going to vote for this again. One of the challenges in this Body, as in any Legislative Body, is how much are you going to raise and for what purpose. I am curious to know if we have a number we are going to attach to raising money for something that is not in the Governor's Budget, such as the UNLV Medical School. We need a budget in order to know how much we

need to raise. We need to know how much we are going to spend on capital projects, improvements, etc. What is our budget for faculty, staff or equipment? How are we, as Legislators, going to be accountable to our people for the taxes we raise as opposed to let us raise some taxes and see how we can spend them?

SENATOR KIECKHEFER:

I rise in support of the bill. It is important to remember this is not the budget and the issues surrounding those raised by my colleague from Boulder City are those that get addressed through the budgetary process. That is an ongoing process we are hoping to button up here in the next few weeks. It is important, and I think all of that will be dealt with thoroughly.

Roll call on Assembly Bill No. 175:

YEAS—18.

NAYS—Manendo.

EXCUSED—Segerblom, Smith—2.

Assembly Bill No. 175 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 2:50 p.m.

SENATE IN SESSION

At 2:57 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of amendment No. 698 to Senate Bill No. 421.

JAMES A. SETTELMAYER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Settlemeyer moved that Senate Bill No. 421 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 690.

SUMMARY—Makes appropriations to the State Department of Conservation and Natural Resources for the replacement of emergency response, firefighting and other critical equipment and vehicles. (BDR S-1223)

AN ACT making appropriations to the State Department of Conservation and Natural Resources for the replacement of emergency response, firefighting and other critical equipment and vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to:

1. The Division of Forestry of the State Department of Conservation and Natural Resources, the sum of ~~[\$1,142,675]~~ \$1,140,613 for the replacement of emergency response and firefighting equipment and vehicles; and

2. The State Department of Conservation and Natural Resources for the forestry conservation camps, the sum of ~~[\$1,791,351]~~ \$1,795,518 for the replacement of critical equipment and vehicles, including equipment and vehicles used to respond to natural disasters and needed to move crews quickly out of dangerous situations.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2017, by the State Department of Conservation and Natural Resources or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the Department or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

The amendment adjusts the amount of the supplemental appropriation pursuant to number crunching by our fiscal department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 689.

SUMMARY—Makes a supplemental appropriation to the State distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years. (BDR S-1231)

AN ACT making a supplemental appropriation to the State Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 the sum of ~~[\$77,704,344]~~ \$62,026,744 for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years. This appropriation is supplemental to that made by section 4 of chapter 382, Statutes of Nevada 2013, at page 2056.

Sec. 2. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment revises downward the supplemental appropriations to the distributive school account from \$77,704,304 to \$62,026,744.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Assembly Bills Nos. 4, 16, 23, 44, 46, 68, 101, 112, 150, 189, 246, 251, 270, 292, 377, 422, 449, 454 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 471.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 471, section 1, subsection 6, amends *Nevada Revised Statutes* (NRS) 287.046 to provide an exception to the requirement that eligibility for the monthly Health Reimbursement Arrangement (HRA) contribution and basic group life insurance benefit otherwise provided by PEBP to Medicare-eligible retirees requires enrolling in an individual Medicare medical plan through the State's Individual Medicare Market Exchange.

Specifically, the PEBP Board and the Governor recommend that participating retirees, who are veterans, and eligible for and/or enrolled in Tricare, receive an exception to the NRS 287.046 requirement to enroll in a Medicare medical insurance plan. This proposed change would benefit an estimated 454 and 471 Tricare-eligible State retirees in FY 2016 and FY 2017, respectively. The cost to the plan is estimated at \$2,238 per Tricare-eligible retiree, per year. The cost of implementing Senate Bill No. 471 was included in the Governor's recommended budget for PEBP, which was approved by the Senate Finance and Assembly Ways and Means Subcommittees on General Government on April 30, 2015. Senate Bill No. 471 is effective July 1, 2015.

Roll call on Senate Bill No. 471:

YEAS—20.

NAYS—None.

EXCUSED—Smith—1.

Senate Bill No. 471 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 472, amends NRS 287.045 to revise the effective date of coverage for eligible participants to be either (a) the first day of full-time employment, if that date is the first day of the month; or (b) the first day of the month immediately following the first day of full-time employment of the eligible participant. The intent of Senate Bill No. 472 is to ensure compliance with two aspects of healthcare reform under the federal Affordable Care Act: 1) compliance with the requirement that the waiting period for health insurance coverage not exceed 90 days and; 2) ensure that highly compensated employees are not treated more favorably than lower compensated employees. Historically, NSHE professional staff has been eligible for coverage either on the first day of employment, if employment begins on the first of the month or on the first day of the following month. Senate Bill No. 472 creates equal treatment for all eligible participants.

Senate Bill No. 472 also adds clarifying language that an otherwise eligible individual has to decline coverage before the end of the first month of eligibility to not be covered, otherwise, absent the declination, an otherwise eligible individual will be automatically enrolled in the participant-only tier of the Base plan, which is the High Deductible, Preferred Provider Organization plan.

The FY 2016, one-time cost of \$222,900 to implement Senate Bill No. 472 was included in the Governor's recommended budget for PEBP, which was approved by the Senate Finance and Assembly Ways and Means Subcommittees on General Government on April 30, 2015. Senate Bill No. 472 is effective July 1, 2015.

Roll call on Senate Bill No. 472:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 472 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 510.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 510 authorizes certain employees of the Legislative Branch of Government to transfer, as part of the normal transfer process afforded to other State employees in the classified service, to any position in the classified service of the State for which he or she is qualified, without regard to the duties and compensation of the position. These provisions apply only to employees of the Legislative Branch who have served four consecutive months or more in the Legislative Branch. The bill is effective upon passage and approval.

Existing law allows Legislative Branch employees to transfer to positions having similar duties and compensation in the classified service of the State on the same basis as other employees within the Executive Branch. This includes an exemption from a competitive examination, the retention of annual and sick leave credits and the listing of priority for eligible employees. Testimony indicated that many employees of the Legislative Branch have unique jobs and may be well-qualified for a transfer position in the classified service, but their specific duties and compensation do not match the available position. Senate Bill No. 510 clarifies that a Legislative Branch employee, if qualified, may transfer into such available classified positions without regard to the specific duties and compensation of the position.

Roll call on Senate Bill No. 510:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 510 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Assembly Bills Nos. 24, 60, 156, 200, 383, 384 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 421.

Bill read third time.

The following amendment was proposed by Senator Settlemeyer:

Amendment No. 698.

SUMMARY—Makes various changes relating to statewide primary elections. (BDR 24-1148)

AN ACT relating to elections; providing in certain circumstances for a presidential preference primary election to be held in conjunction with the statewide primary election; revising the date of the statewide primary election to the last Tuesday in February of each even-numbered year; making corresponding changes to various pre-election deadlines; establishing requirements for participation by major political parties and candidates in a presidential preference primary election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, 18-21 and 32-38 of this bill provide for a statewide presidential preference primary election to be held in conjunction with the statewide primary election in February of a presidential election year. Section 32 provides that a presidential preference primary election is generally governed by the same statutory provisions applicable to the existing statewide primary. Pursuant to section 33, a presidential preference primary election ~~is initiated by the submission of a notice to the Secretary of State from the state central committee of any major political party. After the submission of this notice, the election~~ must be held ~~if~~ for a major political party if: (1) the chair of the national committee of that party fails timely to notify the Secretary of State that the party does not desire to participate in the election; and (2) two or more presidential candidates of that party timely file declarations of candidacy with the Secretary of State.

Under existing law, the election of delegates at precinct meetings scheduled by the state central committee of each major political party, commonly known as "party caucuses," may be a part of expressing

preferences for candidates for the party's nomination for President of the United States. (NRS 293.137) In any year in which a presidential preference primary election is held for the party, section 4 of this bill requires that the precinct meetings not be held until after the presidential preference primary election has been conducted and the results of the election have been certified by the Secretary of State. Sections 5 and 6 of this bill further require that any rule of a party governing the election of delegates at a precinct meeting, the selection of delegates and alternates to a national party convention, or the voting of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.

Section 7 of this bill changes the date of the statewide primary election from the second Tuesday in June of each even-numbered year to the last Tuesday in February of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2014, the primary election would have been held on February 25, 2014, instead of June 10, 2014. As a result of changing the date of the statewide primary election, sections 3, 8-13, 17, 22 and 23 of this bill amend various other dates relating to elections, such as the date for filing a declaration of candidacy.

Sections 16 and 24 of this bill delete certain existing but obsolete statutory references to the presidential preference primary election.

Sections 37 and 42 of this bill provide that the cost of any presidential preference primary election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account in the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

"Presidential preference primary election" means an election held in presidential election years pursuant to sections 32 to 38, inclusive, of this act.

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On ~~January 1~~ *September 1 of the year* preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in ~~February before~~ *October of the year preceding* any primary election

signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in ~~February~~ *October of the year* preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

- (a) Name of the political party;
- (b) Names and addresses of its officers;
- (c) Names of the members of its executive committee; and
- (d) Name of the person who is authorized by the party to act as registered agent in this State.

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 4. NRS 293.135 is hereby amended to read as follows:

293.135 1. ~~The~~ *Except as otherwise provided in this subsection, the county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. In any year in which a presidential preference primary election is held for the party, the precinct meeting must not be held until after the results of that election are certified by the Secretary of State pursuant to subsection 5 of NRS 293.387.*

2. The meeting must be held in one of the following places in the following order of preference:

- (a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or
- (b) Any private building within the precinct or one of the precincts.

3. The county central committee shall give notice of the meeting by:

- (a) Posting in a conspicuous place outside the building where the meeting is to be held; and

(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published,
 ↪ on the date set for giving notice of the meeting by the respective state central committees.

4. The notice must be printed in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered

IN THE (STATE NAME OF MAJOR POLITICAL PARTY)

Nevada state law requires each major political party, in every year during which a general election is held, to have a precinct meeting held for each precinct. All persons registered in the party and residing in the precinct are entitled to attend the precinct meeting. Delegates to your party's county convention will be elected at the meeting by those in attendance. Set forth below are the time and place at which your precinct meeting will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend your precinct meeting.

5. The notice must specify:

(a) The date, time and place of the meeting; and

(b) The number of delegates to the county convention to be chosen at the meeting.

Sec. 5. NRS 293.137 is hereby amended to read as follows:

293.137 1. Promptly at the time and place appointed therefor, the mass meeting must be convened and organized for each precinct. If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in the precinct and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in the precinct are entitled in the party's county convention must be elected pursuant to the rules of the state central committee of that party. In presidential election years, the ~~[election of delegates may be a part of expressing preferences for candidates for the party's nomination for President of the United States if the rules of the party permit such conduct.]~~

rules of the state central committee must reasonably reflect the results of the presidential preference primary election, if one has been held for the party. The result of the election must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection 3.

2. At the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the

county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to each precinct meeting. Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee.

4. All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

5. Each state central committee shall adopt written rules governing, but not limited to, the following procedures:

- (a) The selection, rights and duties of committees of a convention;
- (b) Challenges to credentials of delegates; and
- (c) Majority and minority reports of committees.

Sec. 6. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the party and, if consistent with the rules and regulations of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada. *Any rule or regulation of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.*

Sec. 7. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the ~~second Tuesday in June~~ *last Tuesday in February* of each even-numbered year.

2. ~~Candidates~~ *Except as otherwise provided in this subsection, candidates* for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election. *The provisions of this subsection do not apply to candidates for nomination for President of the United States.*

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive:

(a) Apply to a special election to fill a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.

(b) Do not apply to the nomination of the officers of incorporated cities.

(c) Do not apply to the nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 8. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

↪ on an application to register to vote in the State of Nevada or in any other state during the time beginning on ~~December~~ *August* 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the ~~December~~ *August* 31 next preceding the closing filing date for the election.

Sec. 9. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, *and section 34 of this act*, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in ~~January of the year in which the election is to be held~~ *September* nor later than 5 p.m. on the second Friday after the first Monday in ~~January;~~ *September of the year preceding the primary election;* and

(b) For all other candidates, the first Monday in ~~{March of the year in which the election is to be held}~~ *November* nor later than 5 p.m. on the second Friday after the first Monday in ~~{March}~~ *November of the year preceding the primary election.*

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since ~~{December}~~ *August* 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 10. NRS 293.180 is hereby amended to read as follows:

293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office ~~or~~ *other than President of the United States*, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in ~~February of the year in which the election is to be held~~ *October* nor later than 5 p.m. on the first Friday in ~~March~~ *November of the year preceding the year in which the election is to be held*; or

(b) Nomination for a judicial office, not earlier than the first Monday in ~~December of the year immediately preceding the year in which the election is to be held~~ *August* nor later than 5 p.m. on the first Friday in ~~January~~ *September of the year preceding the year in which the election is to be held*.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 11. NRS 293.205 is hereby amended to read as follows:

293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in ~~March of every even-numbered~~ *November of each odd-numbered* year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.

2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.

3. Election precincts must be composed only of contiguous territory.

4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 12. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in ~~{March of every even-numbered}~~ *November of each odd-numbered* year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 13. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in ~~{March}~~ *November* of any year whose last digit is ~~{6}~~ 5 and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

- (a) Ordered by a court of competent jurisdiction;
- (b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;
- (c) Required to comply with subsection 2 of NRS 293.205;
- (d) Required by the incorporation of a new city; or
- (e) Required by the creation of or change in the boundaries of a special district.

➔ As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as

enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 14. NRS 293.209 is hereby amended to read as follows:

293.209 A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district ~~{after}~~ *at any time during the period between* the first day of filing by candidates ~~{during any year in which a}~~ *and the date of* the general election or city general election ~~{is held}~~ for that election district. This section does not prohibit a political subdivision from annexing territory ~~{in a year in which a general election or city general election is held for that election district.}~~ *during that period.*

Sec. 15. NRS 293.260 is hereby amended to read as follows:

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

(a) Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

~~{2.}~~ (b) If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

~~{3.}~~ (c) If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be

placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

~~{4.}~~ (d) If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

~~{(a)}~~ (1) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this ~~{paragraph,}~~ *subparagraph*, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

~~{(b)}~~ (2) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

~~{5.}~~ (e) Where no more than the number of candidates to be elected have filed for nomination for:

~~{(a)}~~ (1) Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

~~{(b)}~~ (2) Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

~~{(c)}~~ (3) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

~~{6.}~~ (f) If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

2. *The provisions of subsection 1 do not apply to candidates for nomination for President of the United States.*

Sec. 16. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election : ~~{other than a presidential preference primary election;}~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

- (1) The title of the election;
- (2) The number of the precinct or voting district;
- (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
- (4) The number of ballots voted on the mechanical recording device for that day; and
- (5) The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- (d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Sort the items by precinct or voting district;
- (b) Count the number of ballots voted by precinct or voting district;
- (c) Account for all ballots on an official statement of ballots; and
- (d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 17. NRS 293.368 is hereby amended to read as follows:

293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in ~~{April,}~~ *December of the year preceding the election*, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for

which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 18. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➤ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

5. *The Secretary of State shall, immediately after any presidential preference primary election, compile the returns for all the candidates. The Secretary of State shall make out and file in his or her office an abstract*

thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the number of votes received by each candidate.

Sec. 19. NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates, *or in the case of a presidential preference primary election, the candidates or their representatives*, who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

Sec. 20. NRS 293.407 is hereby amended to read as follows:

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including *a presidential preference primary election or an election to the office of presidential*

elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and , *unless the contestant is a candidate in a presidential preference primary election*, that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 21. NRS 293.417 is hereby amended to read as follows:

293.417 1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.

2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination.

3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.

4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.

5. *In a contest over a presidential preference primary election, the Secretary of State shall correct, in accordance with the judgment of the court, any certification previously issued pursuant to subsection 5 of NRS 293.387. If such a certification has not been issued, the Secretary of State shall issue the certification in accordance with the judgment.*

Sec. 22. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 3, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question; and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in ~~March~~ *November of the year* preceding the election:

(1) A copy of the question, including an explanation of the question; and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question; and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question; and

(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.

2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest

must include a statement that the measure creates, generates, increases or decreases, as applicable, public revenue.

3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 295.230, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

4. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

5. A county or city clerk:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.

Sec. 23. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than ~~April~~ *December* 15 of ~~each~~ *the year preceding the year* in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Sec. 24. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election : ~~{other than a presidential preference primary election}~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

- (1) The title of the election;
- (2) The number of the precinct or voting district;
- (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
- (4) The number of ballots voted on the mechanical recording device for that day; and
- (5) The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- (d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Sort the items by precinct or voting district;
- (b) Count the number of ballots voted by precinct or voting district;
- (c) Account for all ballots on an official statement of ballots; and
- (d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 to 38, inclusive, of this act.

Sec. 32. *Except as otherwise provided in sections 32 to 38, inclusive, of this act or other specific statute, the provisions of chapters 293 and 293B of*

NRS relating to a primary election also govern a presidential preference primary election.

Sec. 33. 1. ~~Not later than 5 p.m. on October 31 of the year preceding a presidential election year, the state central committee of each major political party shall notify the Secretary of State, in writing, whether the party will participate in a presidential preference primary election.~~ If a major political party does not desire to participate in a presidential preference primary election, the chair of the national committee of the party must so notify the Secretary of State in writing. Except as otherwise provided in this subsection, the notice must be given by certified mail and must be received by the Secretary of State not later than 5 p.m. on October 25 of the year preceding a presidential election year. If October 25 is not a business day, the notice must be received by the Secretary of State not later than 5 p.m. of the business day immediately preceding October 25. Any such notice may be rescinded by a contrary notice given in the manner required by this subsection and more than one notice may be given, but the notice last received by the Secretary of State before the deadline established by this subsection shall be deemed to be the operative notice for the purposes of this section.

2. ~~If the Secretary of State receives~~ does not receive a timely notice pursuant to subsection 1 that a major political party ~~will~~ does not desire to participate in a presidential preference primary election and:

(a) More than one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must be held in conjunction with the primary election held pursuant to NRS 293.175.

(b) Only one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must not be held and that candidate must be certified by the Secretary of State in the manner provided in subsection 5 of NRS 293.387.

Sec. 34. 1. A person who wishes to be a candidate for nomination for President of the United States for a major political party must, not earlier than November 1 and not later than 5 p.m. on November 15 of the year preceding a presidential election year, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.

2. A person who files a declaration of candidacy pursuant to this section is not required to file a declaration of candidacy or an acceptance of candidacy pursuant to NRS 293.177.

Sec. 35. The Secretary of State shall include in the certified list forwarded to each county clerk pursuant to NRS 293.187 the name and mailing address of each person whose name must appear on the primary ballot for the presidential preference primary election.

Sec. 36. 1. The names of the candidates for nomination for President of the United States for each major political party for which a presidential

preference primary election is held must be printed on the primary ballot for the election.

2. Each voter registered with a party for which a presidential preference primary election is held may vote for one person to be the nominee for President of the United States for that party.

Sec. 37. If a presidential preference primary election is held pursuant to sections 32 to 38, inclusive, of this act, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 38. The Secretary of State may adopt regulations to carry out the provisions of sections 32 to 38, inclusive, of this act.

Sec. 39. NRS 218A.635 is hereby amended to read as follows:

218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a pre-session orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:

- (a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;
- (b) The per diem allowance provided for state officers and employees generally; and
- (c) The travel expenses provided pursuant to NRS 218A.655.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

- (a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or
- (b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who : ~~[, in the year that the Legislator's term of office expires:]~~

- (a) *In the year preceding the year in which his or her term expires:*

(1) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; or

(2) *Has withdrawn as a candidate for the Senate or the Assembly; or*

(b) ~~[Has]~~ *In the year in which his or her term expires, has failed to win nomination as a candidate for the Senate or the Assembly at the primary election . ~~[, or~~*

~~-(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

- 4. This section does not apply:

- (a) During a regular or special session; or

(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 40. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who : ~~in the year that the Legislator's term of office expires;~~

(a) *In the year preceding the year in which his or her term expires:*

(1) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; or

(2) *Has withdrawn as a candidate for the Senate or the Assembly; or*

(b) ~~Has~~ *In the year in which his or her term expires, has failed to win nomination as a candidate for the Senate or the Assembly at the primary election.* ~~or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

3. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

4. If a request made pursuant to subsection 1 is submitted:

(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.

(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.

(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. If a request made pursuant to subsection 5 is submitted:

(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.

(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.

7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 41. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) ~~[A]~~ *Except as otherwise provided in paragraph (b), a candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph ~~[(b)]~~ (c) in the immediately succeeding year, if the candidate is elected to the office.*

(b) *If the last day to qualify as a candidate for nomination, election or reelection to public office is established by NRS 293.177 for a candidate, the candidate shall file a statement of financial disclosure on or after January 1 and on or before January 15 of the year in which the election for the office will be held. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.*

(c) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

→ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph ~~[(b)]~~ (c) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements ~~[of Canon 4]~~ of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 42. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~[;]~~ and section 37 of this act;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 43. Section 1.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 313, Statutes of Nevada 1983, at page 756, is hereby amended to read as follows:

Sec. 1.060 Wards: Creation; boundaries.

1. Carson City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.

2. The boundaries of wards must be established and realigned, if necessary, by ordinance, passed by a vote of at least three-fifths of the Board of Supervisors.

3. The Board shall realign any such boundaries on or before ~~January 1~~ *October 31 of the year* preceding the next general election at which Supervisors are to be elected, if reliable evidence indicates that the population in any ward exceeds the population in any other ward by more than 5 percent. In any case, the Board shall reconsider the boundaries of the wards upon the receipt of the necessary information from the preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.

Sec. 44. The Secretary of State shall adopt such regulations and prescribe such forms as are required by or necessary to carry out the provisions of:

1. Paragraph (b) of subsection 1 of NRS 293.180, as amended by section 10 of this act, so that the regulations and forms are effective and available for distribution and use on or before August 1, 2015.

2. NRS 293.177, as amended by section 9 of this act, so that the regulations and forms are effective and available for distribution and use on or before September 1, 2015.

3. Paragraph (a) of subsection 1 of NRS 293.180, as amended by section 10 of this act, so that the regulations and forms are effective and available for distribution and use on or before October 1, 2015.

4. Sections 1 to 8, inclusive, 11 to 30, inclusive, and 41 of this act so that the regulations and forms are effective and available for distribution and use on or before November 1, 2015.

5. Sections 32 to 38, inclusive, of this act so that the regulations and forms are effective and available for distribution and use on or before July 1, 2017.

Sec. 45. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and prescribing forms; and

2. On July 1, 2015, for all other purposes.

President Hutchison moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:08 p.m.

SENATE IN SESSION

At 3:09 p.m.

President Hutchison presiding.

Quorum present.

Senator Ford moved that Amendment No. 698 to Senate Bill No. 421 be read.

Senators Ford, Woodhouse and Manendo requested a roll call vote on Senator Ford's motion.

Roll call on Senator Ford's motion:

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settelmeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority, Mr. President declared it lost.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senators Settelmeyer and Atkinson.

SENATOR SETTELMEYER:

Amendment No. 698 to Senate Bill No. 421 tries to address a concern that was raised in the Committee that it would be wrong for the Majority Party to pass a bill which created a situation where the Minority had to participate in a form of an early presidential primary. I tried to address this concern and am sorry it was not enough to allow the head of the DNC or the RNC to not participate in the presidential primary.

SENATOR ATKINSON:

Please expand, does this carve it out so a party can decide if they want a caucus or a primary for the Presidential Primary?

SENATOR SETTELMEYER:

Yes, this allows the head of the DNC or the RNC—the head of any major political party—to decide they do not wish to have their presidential candidate voted upon in said primary.

SENATOR ATKINSON:

"In said primary or in said caucus," because right now we have a caucus.

SENATOR SETTELMEYER:

I made an error. What this would allow, is if the head of the DNC or the RNC so desired, they would not be in the primary process and could have the election of their presidential candidate be at a caucus. However, there is nothing that prevents a caucus from occurring even if you vote for President through an election process. A party could chose to participate and allow the electoral process through the Secretary of State of the Presidential candidate but still have a caucus to develop their platform and do other things.

SENATOR ATKINSON:

They could still elect to have a caucus?

SENATOR SETTELMEYER:

Correct, they can make their own decisions on how they wish to have their party participate in either a primary or caucus. That way it will not be one party telling another party what to do.

SENATOR ATKINSON:

What happens to the fiscal note? Does this go to Finance if it passes?

SENATOR SETTELMEYER:

Currently, there is no fiscal note from the Legislative Council Bureau. It is reported as a zero. The Secretary of State also submitted a zero fiscal note. Some of the local governments do not necessarily like the idea of moving up the election, but those fiscal notes are not for us to review. It is only the fiscal notes that have an effect on the State that we review, to my knowledge.

SENATOR ATKINSON:

We will have to check into that. There was a part in here concerning the date of the primary. Is that still changing for all in this amendment to the last week of February?

SENATOR SETTELMEYER:

Yes, this still leaves the effective date of the primary in the original Senate Bill No. 421 to be in February, the last Tuesday in February.

SENATOR ATKINSON:

I am satisfied with the parties being able to decide on a caucus or primary on their own. I am still dissatisfied with moving the primary date so I will urge my colleagues to vote no on the amendment.

Senators Ford, Woodhouse and Atkinson requested a roll call vote on Senator Settelmeyer's motion.

Roll call on Senator Settelmeyer's motion:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 271.

The following Assembly amendment was read:

Amendment No. 653.

SUMMARY—Revises provisions relating to the Virgin Valley Water District. (BDR S-730)

AN ACT relating to the Virgin Valley Water District; authorizing the District to issue certain letters for commitment to supply water service; requiring the annual renewal of such letters; providing a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Virgin Valley Water District to supply water under contract or agreement to certain entities when such supply is available. (Virgin Valley Water District Act § 3) Section 1 of this bill provides that: (1) the District may issue a letter that commits the District to supply water service to a particular property subject to ~~certain conditions~~ any condition precedent ~~that~~ set forth in the letter; and (2) such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. Section 1 also provides that the District will not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. Section 2 of this bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 159, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3.3, to read as follows:

Sec. 3.5. 1. For property under development or proposed to be developed for residential, commercial or industrial purposes, the District may issue a letter that commits the District to supply water service to the property subject to ~~certain conditions~~ any condition precedent ~~that~~ set forth in the letter, including, without limitation, the payment of fees, the dedication of water rights or the construction and dedication of infrastructure.

2. A letter issued pursuant to subsection 1 must be renewed on an annual basis in accordance with the regulations and policies of the District. The District may establish a reasonable fee, by regulation, for the renewal of such a letter. Any letter that is not renewed expires on the day after the deadline for renewal.

3. For a letter issued pursuant to subsection 1, the District shall not refund any fees paid by, return any water rights dedicated to or pay

any expenses of the holder of the letter for the construction and dedication of any infrastructure if:

(a) The holder of the letter fails to meet any condition precedent included in the letter; or

(b) The letter expires pursuant to subsection 2.

Sec. 2. 1. Any letter issued by the Virgin Valley Water District before July 1, 2015, for a commitment to supply water service must be renewed with the District on or before July 1, 2016, and on an annual basis thereafter. Any such letter not renewed pursuant to this section will expire on the day after the deadline for renewal.

2. To renew a letter described in subsection 1, the holder of the letter must prove to the satisfaction of the District that:

(a) The water that is the subject of the letter has been put to beneficial use;

or

(b) If the water that is the subject of the letter has not been put to beneficial use, the project for which the commitment to supply water service was acquired is still under development. A project shall be deemed to be under development if:

(1) The building permit for the property is not cancelled or expired;

(2) Any final map associated with the property is not cancelled or inactive; ~~for~~ and

(3) The holder of the letter has, within the immediately preceding 12 months, contributed towards the development of the property:

(I) Money equal to 10 percent of the total estimated development costs of the property, including planned improvements; or

(II) Labor, services or improvements with a fair market value of at least 10 percent of the total estimated development costs of the property, including planned improvements.

3. The District shall approve the renewal of an existing letter if the request for renewal is submitted before the annual deadline and includes the information required by subsection 2.

4. The District shall not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder of a letter associated with the construction and dedication of any infrastructure if the letter expires pursuant to this section.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 653 to Senate Bill No. 271.

Remarks by Senator Goicoechea.

Amendment No. 653 to Senate Bill No. 271 clarifies that a letter committing the Virgin Valley Water District to supply water to a particular property is subject to any condition precedent and replaces the word "or" with "and" regarding certain specifications concerning the development status of a project.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 28, 39, 41, 42, 52, 61, 63, 99, 137, 222, 424, 456.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Atkinson, the privilege of the floor of the Senate Chamber for this day was extended to Haley Atkinson.

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Rebekah Couper.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Astrid Silva.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Laurie Livermore, Wendy Livermore, Jackie Muth and Sheri Niethold.

On request of Senator Spearman, the privilege of the floor of the Senate Chamber for this day was extended to Rita Sloan.

Senator Roberson moved that the Senate adjourn until Tuesday, May 12, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 3:19 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate