

The
Journal of the
Assembly
OF THE
EIGHTEENTH SPECIAL SESSION
OF THE
LEGISLATURE OF THE
STATE OF NEVADA
2002



**BEGUN ON MONDAY, THE TWENTY-NINTH DAY OF JULY, AND
ENDED ON THURSDAY, THE FIRST DAY OF AUGUST**

ARRANGEMENT AND CONTENTS OF VOLUME

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ASSEMBLY LEGISLATIVE CALENDAR

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
1	July 29, 2002	1
2	July 30, 2002	24
3	July 31, 2002	49
4	August 1, 2002	59

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action
is denoted by an asterisk following the page number.)

No.

Summary, Introducer and Page Reference

- 1.....Makes various changes related to medical and dental malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Buckley, Anderson, Hettrick, Cegavske, Angle, Arberry Jr., Bache, Beers, Berman, Brower, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Jr., Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Martin, Marvel, McClain, Mortenson, Neighbors, Nolan, Oceguela, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Williams, Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Milburn, Neal, O'Connell, O'Donnell, Paulk, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 24, 25, 26, 40, 41, 43, 46, 47,* 50, 51, 55, 56, 59, 70.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY CONCURRENT RESOLUTIONS

- | | |
|------------|--|
| <i>No.</i> | <i>Summary, Introducer and Page Reference</i> |
| 1 | Adopts Joint Rules of Senate and Assembly for 18th Special Session of Legislature. Elections, Procedures, and Ethics. 5, 22, 48. |
| 2 | Provides for compensation of clergy for services to Assembly and Senate during 18th Special Session of Nevada Legislature. Elections, Procedures, and Ethics. 11, 22, 48 |

ASSEMBLY RESOLUTIONS

- | | |
|------------|---|
| <i>No.</i> | <i>Summary, Introducer and Page Reference</i> |
| 1 | Provides for appointment of attachés. Elections, Procedures, and Ethics. 11, 48. |
| 2 | Adopts Rules of Assembly for 18th Special Session of Legislature. Elections, Procedures, and Ethics. 11, 48. |
| 3 | Provides that no allowances will be paid for 18th Special Session of Nevada Legislature for periodicals, stamps, stationery or communications. Elections, Procedures, and Ethics. 21, 48. |

LISTING OF SENATE BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No.

Summary, Introducer and Page Reference

- 1Makes appropriation to legislative fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Raggio, Titus. 22,* 48.
- 2Makes various changes related to medical and dental malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Milburn, O'Connell, O'Donnell, Paulk, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener. 41, 43, 44, 45, 50.
- 3Increases amount paid by state for group insurance for certain public employees Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Raggio, Titus, Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Milburn, Neal, O'Connell, O'Donnell, Paulk, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington, Wiener, Perkins, Hettrick, Anderson, Angle, Arberry Jr., Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, de Braga, Dini, Jr., Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Martin, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegueda, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany, Williams. 51, 55, 56, 59,* 70.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY
Eighteenth Special Session, 2002

<i>Title</i>	<i>Name</i>	<i>Mailing Address</i>
Speaker	Richard D. Perkins	408 Glasgow Street, Henderson 89015-5631
Speaker pro Tempore	Wendell P. Williams	3701 Fortune Avenue, Las Vegas 89107-2147
Chief Clerk.....	Jacqueline Sneddon.....	401 South Carson Street Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Eighteenth Special Session, 2002

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Carson City (part), Washoe (part), No. 37.....	Brower, Gregory (R).....	50 W. Liberty, Suite 700 Reno 89501-1947
Carson City (part), No. 40.....	Parnell, Bonnie (D).....	2501 Nona Drive, Carson City 89701-5615
Clark, No. 1.....	Collins, Clarence W. (Tom) (D)	4716 San Miguel Avenue, North Las Vegas 89030-2828
Clark, No. 2.....	Berman, Merle (R).....	2012 Gray Eagle Way, Las Vegas 89117-5738
Clark, No. 3.....	Lee, John Jay (D).....	4416 Del Monte Avenue, Las Vegas 89102-1519
Clark, No. 4.....	Beers, Bob (R)	9428 Grenville Avenue, Las Vegas 89134-6206
Clark, No. 5.....	Cegavske, Barbara K. (R)	6465 Laredo Street, Las Vegas 89102-5272
Clark, No. 6.....	Williams, Wendell P. (D).....	3701 Fortune Avenue, Las Vegas 89106-1912
Clark, No. 7.....	Arberry, Morse, Jr. (D).....	2551 South Fort Apache, Suite 102, Las Vegas 89117-8700
Clark, No. 8.....	Buckley, Barbara E. (D).....	5481 Supai Drive, Las Vegas 89103-2469
Clark, No. 9.....	Giunchigliani, Christina R. (Chris) (D).....	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10.....	Goldwater, David E. (D).....	3125 B Pinehurst, Las Vegas 89109-1595
Clark, No. 11.....	Bache, Douglas A. (D).....	2236 Melinda Avenue, Las Vegas 89101-1434
Clark, No. 12.....	Ohrenschall, Genie (D).....	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13.....	Nolan, Dennis (R).....	P. O. Box 82194, Las Vegas 89180-2194
Clark, No. 14.....	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15.....	McClain, Kathy (D).....	107 Greenbriar Townhouse Way, Las Vegas, 89121-2456
Clark, No. 16.....	Oceguera, John (D).....	4560 El Campana Way, Las Vegas, 89121-6510
Clark, No. 17.....	Price, Robert E. (Bob) (D)	P. O. Box 363759, Las Vegas 89036-7759
Clark, No. 18.....	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19.....	Claborn, Jerry (D).....	1681 N. Christy Lane, Las Vegas, 89115-6736
Clark, No. 20.....	¹ Martin, Kathleen A. (Kathy) (R)	10610 Canon Perdido Street, Las Vegas 89141-4270

¹ Von Tobel, Kathy A.

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Clark, No. 21.....	Tiffany, Sandra (R).....	2156 Sun Swept Way, Henderson 89014-4273
Clark, No. 22.....	Brown, David F. (R) ..	701 North Green Valley Parkway, Suite 200, Henderson 89074-6178
Clark, No. 23.....	Perkins, Richard (D)	408 Glasgow Street, Henderson 89015-5631
Clark, No. 28.....	Chowning, Vonne (D).....	c/o Shamrock Real Estate Service, 2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 41.....	Parks, David R. (D).....	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42.....	Mortenson, John H. (Harry) (D)	3930 El Camino Road, Las Vegas 89460-8904
Douglas, Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89410-8981
Elko (part), No. 33	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, No. 36.....	Neighbors, P. M. Roy (D).....	P. O. Box 33, Tonopah 89049-0033
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P. O. Box 1270, Battle Mountain 89820-2085
Lyon, Storey, Carson City (part), No. 38	Dini, Joseph E., Jr.(D).....	104 N. Mountain View, Yerington 89447-2239
Washoe, No. 24.....	Freeman, Vivian L. (D).....	1665 Carlin Street, Reno 89503-4200
Washoe No. 25.....	Gibbons, Dawn (R).....	2535 Kinney Lane, Reno 89511-6546
Washoe, No. 26.....	Humke, David E. (R).....	P. O. Box 70656, Reno 89570-0656
Washoe, No. 27.....	Leslie, Sheila (D).....	825 Humboldt Street, Reno 89509-2009
Washoe, No. 29.....	Angle, Sharron (R).....	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 30.....	Smith, Debbie (D).....	3270 Wilma Drive, Sparks 89431-1173
Washoe, No. 31.....	Anderson, Bernie (D).....	747 Glen Meadow Drive, Sparks 89434-1536
Washoe, No. 32.....	Gustavson, Don (R)	P. O. Box 20300, Sun Valley 89433-0300
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D)	11050 Fitz Lane, Fallon 89406-9016

ATTACHÉS OF THE ASSEMBLY

Eighteenth Special Session, 2002

Name	Title	City of Residence
Patty Williams	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Schurz
Matthew Baker	Journal Clerk	Carson City
Harle Glover	Document Clerk	Carson City
Diane Keetch	Recording Clerk	Ritzville, WA
Jason Hataway	Media Clerk	Carson City
Terry Sullivan	Sergeant at Arms	Washoe Valley
Lucas Watson	Assistant Sergeant at Arms	Carson City
Jeanne Douglass	Supervisor of Clerical Services	Carson City
Kathy Alden	Speaker's Secretary	Carson City
Barbara Houger	Majority Leader's Secretary	Carson City
Linda Cooper	Minority Leader's Secretary	Gardnerville
Reba Coombs	Committee Manager	Carson City
Marge Griffin	Committee Manager	Carson City
Cindy Clampitt	Committee Secretary	Carson City
Connie Davis	Committee Secretary	Carson City
June Rigsby	Committee Secretary	Carson City
Linda Smith	Committee Secretary	Dayton
Carol J. Thomsen	Committee Secretary	Carson City
June Bennett	Data Entry Technician	Carson City
Maxine Milabar	Proofreader	Reno

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

EIGHTEENTH SPECIAL SESSION

THE FIRST DAY

CARSON CITY Monday, July 29, 2002

Assembly called to order at 9:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Al Tilstra.

As we see the many difficulties that these legislators face this day we ask O God for Your guidance and help for them. We do know that You do not intend prayer to be a substitute for work. We know that we are expected to do our part, for You made us not puppets, but persons with a mind to think and a will to resolve. Make us willing to think, and think hard, according to the light of You have given us.

May we never fail to do the very best we can. Help us to pray in the knowledge that it all depends on You. Help us then to work as if it all depends on us, that together we may do that which is well pleasing in Your sight.

AMEN.

Pledge of allegiance to the Flag.

Mr. Speaker requested Ms. Jacqueline Sneddon to serve as temporary Chief Clerk of the Assembly.

Mr. Speaker announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblywoman Buckley nominated Ms. Jacqueline Sneddon to be Chief Clerk.

Assemblyman Cegavske moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Jacqueline Sneddon to be Chief Clerk of the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Williams, Leslie and Beers as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Buckley, Dini and Hettrick as a committee to inform the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 9:24 a.m.

ASSEMBLY IN SESSION

At 10:08 a.m.

Mr. Speaker presiding.

Quorum present.

A committee from the Senate composed of Senators Rawson, Amodei and Williams appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

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

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

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

ELECTIONS, PROCEDURES, AND ETHICS—

Giunchigliani, Price, Anderson, Bache, Buckley, Dini, Freeman, Perkins, Beers, Brower, Hettrick, Martin.

MEDICAL MALPRACTICE ISSUES—

Anderson, Buckley, Dini, Koivisto, Leslie, Manendo, Ocegüera, Ohrenschall, Parnell, Perkins, Beers, Brown, Cegavske, Hettrick, Marvel.

WAYS AND MEANS—

Arberry, Giunchigliani, Chowning, de Braga, Dini, Goldwater, Leslie, Parks, Perkins, Beers, Cegavske, Hettrick, Marvel, Tiffany.

Assemblywoman Buckley moved that persons as set forth on the Nevada Legislature's Press Accreditation List of July 29, 2002 be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's journal:

ASSOCIATED PRESS: Joe Cavaretta, Brendon Riley; BOULDER CITY NEWS: Chuck Baker; CARSON CITY NEWS: David Morgan; CITADEL COMMUNICATIONS: Adriana Diaz, David Marz; COMSTOCK CHRONICLE/CABLE NEWS SERVICE: Travis T. Hipp; COVER EDGE: Michele Kane, Kevin Ross; COX COMMUNICATIONS: Steve Schorr; DONREY CAPITAL BUREAU: Ed Vogel, Sean Whaley; ELECTRIC NEVADA & ELECTRIC AMERICA: Daniel Joseph, Tiffany Van der Stokker; FERNLEY LEADER/COURIER: Betty Aleck, Laura Tennant; FOX 5: Michael Baldwin, Don Lyle; GAMING TODAY: Chuck DiRocco; HIGH DESERT ADVOCATE: Howard Copelan; HIGHWAY RADIO: Kirk Anderson; KKO: Kelly McAllister; KLAS-TV: George Knapp, Eric Sorenson; KNPB-TV/KLVX-TV: Mitch Fox, Mike Garafolo, Jack Kelly, John Kirk, Bonnie Maclean, Rosemary McCarthy, Ethan Salter, Michelle Stander; KNPR RADIO: Florence Rodgers; KOLO TV: Jodee Kenney, Karl Baker, Bruce Bolf, Brent Boynton, Jean Casarez, Beryl Chong, Jenee Conway, Mark Cronon, Beth Ford, Timothy Ill, Jeff Jones, Justin Kanno, Darrell McComb, Edward Pearce, Terri Russell, Erin Scheuerman, Henry Wofford; KRJC/KTSN RADIO: Stacey Sawyer; KRN TV: Hayley Herst, Wade Barnett, Ben Barnholdt, Kausic Bhakta, Victoria Campbell, Jeneene Chatowsky, Tina Cox, Karen Cuninghame, Jeff Deitch, Bill Frankmore, Matt Guccini, Joe Hart, Sarah Johns, Malayna Kerton, John Killoran, Renee Phillips, Aaron Rothkopf, Eduardo Rubio, Shelby Sheehan, Julie Simon, Mike Taylor, James Walker, Richard Worsley, Debbie Worthen, Jana Wyld, John Zuchelli; KRXI/KAME TV: Steve Halliwell; KTVN TV: Scott Birmingham, Brian Shaw, Josh Brackett, Kerrie Cassani, Sherrie Cerutti, Angeline Chew, John Chrystal, Wendy Damonte, Chad Gasper, Jessie Harris, Kirsten Joyce, Gina Martini, John Mercer, Jose Pilarim, Tony Shin, Christina White, Randy Brown, Greg Grehz, Steve Kiggins, Joyce Kirsten, Kurtis Ming, Paul Nelson, Marty Ozer, Laura Sambol, Brian Hickey; KUBC: Beth Fisher, Ken Johnson; LAS VEGAS REVIEW-JOURNAL: Amy Bennett, Kevin Cannon, John Edwards, John Gurzinski, Don Ham, Mary Hynes, Jim Laurie, Thomas Mitchell, Jan Moller, Craig Moran, Jane Ann Morrison, Jeff Scheid, Steve Sebelius, John Smith, Gary Thompson, Charles Zobell, LAS VEGAS SUN: Jeff German, Aaron Mayes, Erin Neff, Jace Radke, Cy Ryan, Susan Snyder; LINCOLN COUNTY RECORD: Shelly Hartman, Connie Simkins; LOTUS BROADCASTING: Andrew Kolb; LOVELOCK REVIEW-MINER/NEVADA RANCHER: Gwen Carter; MASON VALLEY NEWS: Robert Perea, David Sanford, Keith Trout; NEVADA APPEAL: Geoff Doman, Bob Thomas; RENO GAZETTE-JOURNAL: Tim Anderson, Andy Barron, Jennifer Crowe, Tonia Cunning, Jeff Delong, Jeff Donaldson, Tim Dunn, Cory Farley, Ray Hagar, Janice Hoke, Sevil Hunter, Mark Lundahl, Elizabeth Margerum, Frank Mullen, Marilyn Newton, Bill O'Driscoll, David Parker, Scott Sady, John Smetana, Steve Smith, Steve Timko, Lisa Tolda, Candice Towell, Susan Voyles; RENO NEWS & REVIEW: Jimmy Boegle, Brian Burghart, Carli Cutchin, Kelley Lang, Deidre Pike, William Puchert, Adrienne Rice; SENIOR SPECTRUM NEWSPAPERS: Chris McMullen, Connie McMullen; SIERRA NEVADA COMMUNITY ACCESS TV: John Ponzio, Earl Spriggs, Don Alexander, Chris Jensen; SPARKS TRIBUNE: Andrew Barbano; TASPAC NEWS: Donna Andres, Peter Hutchinson; THE HUMBOLDT SUN: Dave Woodson; VIRGINIA CITY REGISTER: Terry Daisy, Gary Gehrm, Thomas Hunter, Bill Meakin, Bill Sjovangen, Douglas Truhill; WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

JOURNAL OF THE ASSEMBLY

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER

WHEREAS, Section 9 of Article V of the Constitution of the State of Nevada provides that, The Governor may on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session;"

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

NOW, THEREFORE, I, KENNY C. GUINN, GOVERNOR OF THE STATE OF NEVADA, by virtue of the authority vested in me by the Constitution of the State of Nevada, do hereby convene the Legislature into a Special Session to begin at 9:00 a.m., on July 29, 2002.

During this Special Session, I ask the Legislature to consider:

1. Establishing limits on the amount of non-economic damages available in medical malpractice cases;
2. Adopting a several liability standard for medical malpractice cases when non-economic damages are considered;
3. Adopting a new joint and several liability standard for medical malpractice cases when economic damages are considered;
4. Limiting the liability for acts occurring in a governmental or a non-profit center for the treatment of trauma;
5. Allowing a judge, at the request of either party, discretion to enter a judgment providing that money for future damages be paid periodically;
6. Shortening the time period within which a medical malpractice case may be filed;
7. Reviewing the medical and dental screening panels to revise existing procedures and/or change the composition of the panels;
8. Providing discretion in the award of pre-judgment interest;
9. Strengthening the reporting requirements regarding disciplinary actions, claims, settlements and/or awards against physicians;
10. Requiring that district court judges have training in medical malpractice litigation before handling such cases;
11. Making it mandatory for attorneys to personally pay for the additional costs, expenses and fees that arise as a result of their unreasonable conduct in civil litigation.

During the Special Session, the Legislature may also consider other matters brought to its attention by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the state of Nevada to be affixed at the state capitol in Carson City this 26th day of July, in the year two thousand two.

Kenny C. Guinn
Governor

Dean Heller
Secretary Of State

Renee Parker
Deputy Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the following Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature are hereby adopted:

APPLICABILITY OF JOINT RULES

RULE NO. 1. Generally.

The Joint Rules for the 18th Special Session of the Legislature are applicable only during the 18th Special Session of the Legislature.

CONFERENCE COMMITTEES

Rule No. 2. Procedure Concerning.

1. *In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.*

2. *The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.*

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

MESSAGES

Rule No. 3. Procedure Concerning.

1. *Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full in the Journal of proceedings.*

2. *Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct any message from the Governor to be received, read and entered in full in the Journal of proceedings.*

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

NOTICE OF FINAL ACTION

Rule No. 4. Communications.

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

BILLS AND JOINT RESOLUTIONS

Rule No. 5. Signature.

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

Rule No. 6. Joint Sponsorship.

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

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

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

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

3. The Legislative Counsel shall not cause to be printed the name of a committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

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

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a committee as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by the chairman of the

committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

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

PRINTING

Rule No. 7. Ordering and Distribution.

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

RESOLUTIONS

Rule No. 8. Types, Usage and Approval.

1. A joint resolution must be used to:
 - (a) Propose an amendment to the Nevada Constitution.
 - (b) Ratify a proposed amendment to the United States Constitution.
 - (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
 - (a) Amend these joint rules.
 - (b) Request the return from the Governor of an enrolled bill for further consideration.
 - (c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.
 - (d) Express facts, principles, opinion and purposes of the Senate and Assembly.
 - (e) Establish a joint committee of the two Houses.
 - (f) Direct the Legislative Commission to conduct an interim study.
3. A concurrent resolution or a resolution of one House may be used to:
 - (a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.
 - (b) Congratulate or commend any person or organization for a significant and meritorious accomplishment.

VETOES

Rule No. 9. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote

upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 10. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

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

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 11. Manner of authorization.

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

RECORDS OF COMMITTEE PROCEEDINGS

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

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

2. The secretary of a committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of the special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

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

LIMITATIONS ON REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 13. Germaneness Required for Amendments.

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

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

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

Rule No. 14. Tenure and Performance of Statutory Duties.

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

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

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

*POLICY AND PROCEDURES REGARDING
SEXUAL HARASSMENT*

Rule No. 15. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

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

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

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

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

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

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission, when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

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

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

- (a) The Speaker of the Assembly;
- (b) The Majority Leader of the Senate; or

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

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

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

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

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

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

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

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

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

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

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

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Concurrent Resolution No. 2—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 18th Special Session of the Nevada Legislature.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

Assemblywoman Giunchigliani moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 1—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 18th Special Session of the Nevada Legislature: Harle Glover, Patty Williams, Lucinda Benjamin, Matthew Baker, Diane Keetch, Jason Hataway, Terry Sullivan, Lucas Watson, Jeanne Douglass, Kathryn Alden, Barbara Houger, Linda Cooper, Reba Coombs, Marge Griffin, Cindy Clampitt, Connie Davis, June Rigsby, Linda Smith, Carol J. Thomsen, June Bennett and Maxine Milabar.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 2—Adopting the Rules of the Assembly for the 18th Special Session of the Nevada Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following Rules of the Assembly for the 18th Special Session of the Legislature are hereby adopted:

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Assembly for the 18th Special Session of the Legislature are applicable only during the 18th Special Session of the Legislature.

II. OFFICERS AND EMPLOYEES

Rule No. 2. Speaker of the Assembly.

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

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

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

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

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

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

(e) If the Assembly resolves itself into a Committee of the Whole, name a chairman to preside thereover and call him to the chair.

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

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

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

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

III. MEETINGS

Rule No. 10. Reserved.

Rule No. 11. Open Meetings.

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

Rule No. 12. Reserved.

The next rule is 20.

IV. DECORUM AND DEBATE

Rule No. 20. Points of Order.

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

Rule No. 21. Portable electronic communication devices.

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

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a

ringing or beeping sound, to signal an incoming message or call shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Reserved.

The next rule is 30.

V. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

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

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

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

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

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

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

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

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

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

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

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

Rule No. 33. Voting by Division.

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

The next rule is 40.

VI. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

- 1. Elections, Procedures, and Ethics.*
- 2. Medical Malpractice Issues.*
- 3. Ways and Means.*

Rule No. 41. Appointment of Committees.

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

Rule No. 42. Committee Action.

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

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

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support final passage. A decision by a committee to request the drafting of an amendment for a bill requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support the amendment when it is considered on the floor of the Assembly.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

Rule No. 43. Subcommittees.

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

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Credentials of the Assembly.

Rule No. 45. Approval of Committee on Medical Malpractice Issues Required Before Submission to Legislative Counsel of Request for Drafting of Bill, Resolution or Amendment.

Except as otherwise provided in this rule and in Joint Rule No. 2 for requests by a conference committee, a majority of the members appointed to the Committee on Medical Malpractice Issues must approve any request for the drafting of a bill, resolution or amendment during the 18th Special Session before it is submitted to the Legislative Counsel. The Speaker may request the drafting of one bill for the 18th Special Session without seeking the approval of the Committee on Medical Malpractice Issues. The Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Assembly, unless it is submitted by the Committee on Medical Malpractice Issues or a Conference Committee.

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

Rule No. 47. Committee Records.

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

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

Rule No. 48. Disposition of Committee Records.

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

Rule No. 49. Committee Hearings.

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

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

*Rule No. 50. Reserved.**Rule No. 51. Reserved.**Rule No. 52. Concurrent Referrals.*

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

The next rule is 60.

VII. RULES GOVERNING MOTIONS

A. PROCEDURE

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. If desired by the presiding officer or any member, the motion must be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

*Rule No. 61. Reserved.**Rule No. 62. Reserved.*

B. PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the 18th Special Session of the Legislature and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

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

Rule No. 67. Division of Question.

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

Rule No. 68. To Reconsider.

No motion to reconsider a vote is in order.

The next rule is 80.

VIII. DEBATE

Rule No. 80. Speaking on Question.

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

Rule No. 81. Previous Question.

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

Rule No. 82. Privilege of Closing Debate.

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

The next rule is 90.

IX. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Rules and orders of the Assembly for the 18th Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature.

Rule No. 91. Rescission, Change or Suspension of Rule.

No rule or order of the Assembly for the 18th Special Session of the Legislature may be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice

being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

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

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

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

3. Subsection 1 does not apply to:

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

Rule No. 93. Reserved.

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

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

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

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

Rule No. 96. Peddling, Begging and Soliciting.

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

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

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

Rule No. 97. Petitions and Memorials.

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

Rule No. 98. Request of Purpose.

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

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

- 1. The Constitution of the State of Nevada.*
- 2. The Statutes of the State of Nevada.*
- 3. The Rules of the Assembly for the 18th Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature.*
- 4. Mason's Manual of Legislative Procedure.*

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

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

- 1. Motions to fix the time to which the Assembly shall adjourn.*
- 2. Motions to adjourn.*
- 3. Questions relating to the rights and privileges of the Assembly or any of its members.*
- 4. A call of the House.*
- 5. Motions for special orders.*

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is not authorized.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

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

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

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

2. Only amendments proposed by the Committee on Medical Malpractice Issues or a conference committee may be considered on the floor of the Assembly. Such a motion to amend may be adopted on the floor of the Assembly by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with amendments proposed by a committee. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

Rule No. 111. Consent Calendar.

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

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

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

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

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

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reserved.

Rule No. 116. Vetoes Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to

vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

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

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

X. MISCELLANEOUS

Rule No. 140. Reserved.

Rule No. 141. Use of the Assembly Chamber.

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

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Dini.

Resolution adopted.

By the Committee on Elections, Procedures, and Ethics:

Assembly Resolution No. 3—Providing that no allowances will be paid for the 18th Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Remarks by Assemblywoman Buckley.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried unanimously.

REMARKS FROM THE FLOOR

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Thank you for the honor of chairing this committee. I wish to give notice of intent of your committee, Mr. Speaker, dealing with the medical malpractice issues, to convene in Room 4100 at 11:00 a.m. The meeting will be teleconference to the Grant Sawyer Office Building in Las Vegas and can also be listened to via the Internet. Thank you.

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

Thank you all for being here. You all look very tan, rested and ready. We gather in special session today to work towards a meaningful solution to the medical malpractice crisis gripping Nevada. We must not leave until we have put into effect important reforms to protect our civil justice system, our medical society and most importantly, our citizens. Those of us from southern Nevada, indeed all of us, have watched this crisis grow to proportions that were unthinkable just months ago: trauma centers closing, doctors exiting the state, victims put into harm's way, expectant parents turned away and skyrocketing insurance premiums. Ladies and gentleman, this is unacceptable.

I urge all of you to listen carefully, ask questions and deliberate in good faith so that Nevadans can be freed from this crisis. I know this is a surprise to everyone—but this is a campaign year. I trust we all will work to do what is right—not for the special interest groups

but for the people, many of who only have us to speak for them. I also trust we will all use our time wisely and not stretch the tradition and decorum of this institution with campaign speeches. Thank you for your dedication to our state. I hope we are very successful in our endeavors.

I would also indicate to the body that we would continue where we left off at our last special session, with the House rule that no lobbyist will be allowed on the floor. If you need to have communication with one, you can do it behind the bar or outside the Chambers. We are wholeheartedly interested in maintaining the decorum and professionalism of this institution.

Thank you.

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

Assembly in recess at 10:21 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 29, 2002

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 1, 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 1:

YEAS—39.

NAYS—None.

EXCUSED—Arberry, Goldwater, Williams.

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

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, July 30th 2002 at 8:00 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY Tuesday, July 30th, 2002

Assembly called to order at 8:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Al Tilstra.

O Lord, keep us aware of our need for You. We have asked for Your guidance in difficult decisions many times, yet Your help has not always come the way we thought it should come. Many of the situations and relationships which we have asked You to change have remained the same. Forgive us for thinking therefore that You are unwilling to help us in our dilemmas, or that there is nothing You can do. Remind us that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power, nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power. May we do the same with ourselves, that You may work through us to do Your will. This we ask in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Michael Johnson, Mark Sayre of KTNV-TV be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Perkins, Buckley, Anderson, Hettrick, Cegavske, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Carpenter, Chowning, Claborn, Collins, de Braga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Humke, Koivisto, Lee, Leslie, Manendo, Martin, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegura, Ohrenschall, Parks, Parnell, Price, Smith, Tiffany and Williams:

Assembly Bill No. 1—AN ACT relating to malpractice; limiting the liability of certain medical providers for negligent acts under certain circumstances; establishing a limitation on the amount of noneconomic damages that may be awarded in an action for medical malpractice or dental

malpractice; providing for several liability of a defendant for noneconomic damages in an action for medical malpractice; making various changes concerning the payment of future economic damages in actions for medical malpractice; providing for the mandatory dismissal of an action for medical malpractice or dental malpractice under certain circumstances; repealing the provisions pertaining to the use of screening panels for an action for medical malpractice or dental malpractice; revising the statute of limitations for filing an action for medical malpractice or dental malpractice; making various other changes concerning actions for medical malpractice or dental malpractice; requiring certain district judges to receive training concerning the complex issues involved in medical malpractice litigation; requiring courts to impose certain sanctions on attorneys in certain circumstances; making various changes relating to the reporting of claims of malpractice or negligence; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Medical Malpractice Issues.

Motion carried.

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

Assembly in recess at 8:23 a.m.

ASSEMBLY IN SESSION

At 8:24 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly stand in recess until the call of the Chair.

Recessed at 8:26 a.m.

ASSEMBLY IN SESSION

At 9:25 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Medical Malpractice Issues, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Gary Martin and Jim Mitchell of Camrac Studios be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Assemblywoman Buckley moved that all rules be suspended, reading so far considered second reading, rules further suspended, and that Assembly Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

The following amendment was proposed by the Committee on Medical Malpractice Issues:

Amendment No. 1.

Amend sec. 3, page 3, by deleting line 10, and inserting:

“treatment, care or custody, loss of earnings and loss of earning capacity.”.

Amend sec. 5, page 3, by deleting lines 14 through 43 and inserting:

“Sec. 5. 1. Except as otherwise provided in subsection 2 and except as further limited in subsection 3, in an action for damages for medical malpractice or dental malpractice, the noneconomic damages awarded to each plaintiff from each defendant must not exceed \$350,000.

2. In an action for damages for medical malpractice or dental malpractice, the limitation on noneconomic damages set forth in subsection 1 does not apply in the following circumstances and types of cases:

- (a) Organic brain damage;
- (b) Hemiplegia, paraplegia or quadraplegia;
- (c) Death of a parent, spouse or child;
- (d) Total blindness;
- (e) Actual physical loss of a limb, including a foot or hand;
- (f) Permanent loss or damage to a reproductive organ resulting in sterility;
- (g) A case in which the conduct of the defendant is determined to constitute gross malpractice; or
- (h) A case in which, following return of a verdict by the jury or a finding of damages in a bench trial, the court determines, by clear and convincing evidence admitted at trial, that an award in excess of \$350,000 for noneconomic damages is justified because of exceptional circumstances.

3. In an action for damages for medical malpractice or dental malpractice, in the circumstances and types of cases described in subsections 1 and 2, the noneconomic damages awarded to each plaintiff from each defendant must not exceed the amount of money remaining under the professional liability insurance policy limit covering the defendant after

subtracting the economic damages awarded to that plaintiff. Irrespective of the number of plaintiffs in the action, in no event may any single defendant be liable to the plaintiffs in the aggregate in excess of the professional liability insurance policy limit covering that defendant.

4. This section is not intended to limit the responsibility of any defendant for the total economic damages awarded.

5. For the purposes of this section:”

Amend section 9, page 4, by deleting lines 37 and 38 and inserting: “malpractice, all of the parties to the action, the insurers of the respective parties and the attorneys of the respective parties shall attend”.

Amend sec. 14, page 9, line 18, by deleting “30” and inserting “64”.

Amend the bill as a whole by renumbering sections 18 through 26 as sections 50 through 58 and adding new sections, designated sections 18 through 49, following section 17, to read as follows:

“Sec. 18. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 43, inclusive, of this act.

Sec. 19. As used in sections 19 to 43, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 20 to 28, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 20. “Incident” means an event, occurrence or situation involving the treatment of a patient that potentially could have injured the patient but did not actually cause the patient to suffer an unanticipated injury or require the patient to receive additional treatment.

Sec. 21. “Medical facility” means:

1. A hospital, as that term is defined in NRS 449.012;
2. An obstetric center, as that term is defined in NRS 449.0155; and
3. A surgical center for ambulatory patients, as that term is defined in NRS 449.019.

Sec. 22. “Patient” means a person who:

1. Is admitted to a medical facility for the purpose of receiving treatment;
- or

2. Receives treatment at a medical facility from a provider of health care.

Sec. 23. “Patient safety officer” means a person who is designated as such by a medical facility pursuant to section 39 of this act.

Sec. 24. “Provider of health care” means a person who is licensed, certified or otherwise authorized by the law of this state to administer health care in the ordinary course of the business or practice of a profession.

Sec. 25. “Repository” means the repository for health care quality assurance created pursuant to section 29 of this act.

Sec. 26. “Serious event” means an event, occurrence or situation involving the treatment of a patient that:

1. Causes the death of the patient; or

2. Compromises the safety of the patient and causes the patient to suffer an unanticipated injury which requires the patient to receive additional treatment.

The term does not include an incident.

Sec. 27. "Treatment" means any medication, drug, test or procedure conducted or administered to diagnose or remedy a physical or mental illness or condition.

Sec. 28. "Unanticipated injury" means an injury suffered by a patient as a result of treatment, where the injury:

1. Is not an intended or anticipated consequence of the treatment; or
2. Is of a manner, nature or type that does not occur ordinarily in the absence of a negligent or wrongful act or omission.

Sec. 29. 1. The repository for health care quality assurance is hereby created within the health division.

2. The health division shall, to the extent of legislative appropriation and authorization:

(a) Hire such staff as it determines to be necessary to carry out the provisions of sections 19 to 43, inclusive, of this act.

(b) Contract with persons and entities to carry out the provisions of section 32 of this act.

Sec. 30. 1. Except as otherwise provided in subsection 2:

(a) A person who is employed by a medical facility shall, within 6 hours after becoming aware of an incident or serious event that occurred at the medical facility, notify the patient safety officer of the facility of the incident or serious event; and

(b) The patient safety officer shall, within 18 hours after receiving notification pursuant to paragraph (a), report the incident or serious event to:

- (1) The repository; and
- (2) The representative designated pursuant to section 35 of this act, if that person is different from the patient safety officer.

2. If the patient safety officer of a medical facility personally discovers or becomes aware, in the absence of notification by another employee, of an incident or serious event that occurred at the medical facility, the patient safety officer shall, within 24 hours after discovering or becoming aware of the incident or serious event, report the incident or serious event to:

- (a) The repository; and
- (b) The representative designated pursuant to section 35 of this act, if that person is different from the patient safety officer.

3. The administrator shall prescribe the manner in which reports of incidents and serious events must be made pursuant to this section.

4. The administrator shall prescribe the form of a survey to be sent to each employee who makes a report pursuant to subsection 1. The survey must be in a form designed to obtain a confidential response from the employee as to whether:

(a) It is the opinion of the employee that the employee experienced any retaliation from a medical facility or provider of health care as a direct result of the reporting;

(b) If applicable, the employee was the subject of disciplinary action by a professional regulatory body as a direct result of the reporting or of the incident or serious event that led to the submission of the report; and

(c) To the extent of the employee's knowledge, any remediation or other corrective action occurred in response to the reported incident or serious event to correct the situation or circumstances that caused or contributed to the incident or serious event.

5. The administrator shall cause the repository to send a copy of the survey to each such employee not earlier than 90 days nor later than 120 days after the report was submitted pursuant to subsection 1. The administrator shall direct that the responses to the survey be returned to the repository. The administrator shall take such actions as are necessary to ensure the confidentiality of these responses and to ensure that the responses are used solely to prepare aggregate data regarding the effects of the reporting required pursuant to subsection 1.

Sec. 31. The repository shall:

1. Collect and maintain reports received pursuant to subsections 1 and 2 of section 30 of this act;

2. Collect and maintain the responses received pursuant to subsection 5 of section 30 of this act; and

3. Ensure that such reports and responses and any additional documents created therefrom are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access.

Sec. 32. The health division shall contract with one or more persons or entities, other than a provider of health care, to carry out the following functions:

1. Collection, analysis and evaluation of data regarding reports of incidents and serious events, including, without limitation, the identification of indicators of performance and patterns of frequency and severity at individual medical facilities and in individual geographic regions of this state;

2. Analysis and evaluation of data received on the responses submitted pursuant to subsection 5 of section 30 of this act;

3. Preparation and transmission to the repository of written recommendations for changes in health care practices and procedures to be instituted at individual medical facilities or on a statewide basis to reduce the number and severity of incidents and serious events in this state; and

4. Provision of any additional services that the administrator determines to be necessary or advisable.

Sec. 33. 1. Within 30 days after receiving a recommendation for a change in a health care practice or procedure transmitted pursuant to subsection 3 of section 32 of this act, the repository shall:

(a) Conduct an evaluation of the recommendation using the factors set forth in subsection 3; and

(b) Submit to the administrator the recommendation and its evaluation of the recommendation.

2. Within 30 days after receiving a recommendation and evaluation from the repository pursuant to subsection 1, the administrator shall approve or disapprove the recommendation using the factors set forth in subsection 3. If the administrator:

(a) Approves a recommendation, the administrator shall, within 30 days after the date of approval, notify the repository in writing that the recommendation has been approved.

(b) Disapproves a recommendation, the administrator shall, within 30 days after the date of disapproval, set forth in writing and transmit to the repository the reason for the disapproval.

3. When the repository evaluates a recommendation pursuant to subsection 1 and the administrator determines whether to approve or disapprove a recommendation pursuant to subsection 2, the following factors, without limitation, must be considered:

(a) Whether the recommendation may reasonably be expected to improve the quality of treatment administered to patients in this state;

(b) The feasibility of carrying out the recommendation;

(c) The cost of carrying out the recommendation, evaluated with respect to the probable financial burden that the recommendation will cause to be incurred by patients, insurers and medical facilities; and

(d) Any other factor that the repository or the administrator, as applicable, determines to be relevant.

Sec. 34. 1. Within 30 days after receiving notification from the administrator that a recommendation has been approved, the repository shall:

(a) If the recommendation pertains to a change in a health care practice or procedure at one or more individual medical facilities, cause a copy of the recommendation to be sent to those medical facilities.

(b) If the recommendation pertains to a change in a health care practice or procedure at medical facilities within a particular geographic area of this state, cause a copy of the recommendation to be sent to each medical facility located within that geographic area.

(c) If the recommendation pertains to a change in a health care practice or procedure at medical facilities on a statewide basis, cause a copy of the recommendation to be sent to all medical facilities.

2. All copies of recommendations required to be sent to medical facilities pursuant to this section must be sent in a manner pursuant to which receipt of the recommendations may be verified.

Sec. 35. 1. Each medical facility that is located within this state shall designate a representative for the notification of patients who have been involved in serious events at that medical facility.

2. A representative designated pursuant to subsection 1 shall, not later than 7 days after discovering or becoming aware of a serious event that occurred at the medical facility, provide notice of that fact to each patient who was involved in that serious event.

3. The provision of notice to a patient pursuant to subsection 2 must not, in any action or proceeding, be considered an acknowledgment or admission of liability.

4. A representative designated pursuant to subsection 1 may or may not be the same person who serves as the facility's patient safety officer.

5. The administrator shall prescribe the manner in which patients must be notified pursuant to this section.

Sec. 36. 1. The repository shall compile the aggregate information pertaining to serious events contained in the reports that it receives pursuant to section 30 of this act and organize that information in several different manners that will be usable by any person or entity that may require that information, including, without limitation, by:

- (a) Aggregating the information on a regional and a statewide basis;
- (b) Organizing the information by applicability to a particular type of serious event; and
- (c) Aggregating or organizing the information in any combination of possibilities described in this subsection.

2. The repository shall compile the aggregate information pertaining to the responses to the survey received pursuant to subsection 5 of section 30 of this act.

3. Any interested person or entity may request a copy of a report or information described in this section. The repository shall:

- (a) Make such reports and information available at its place of business in accordance with chapter 239 of NRS; and
- (b) Ensure that any report or information described in this section is made available only in an aggregated format and does not reveal the identity of a specific person or medical facility.

Sec. 37. Any report, document, recommendation and any other information compiled or disseminated pursuant to the provisions of sections 19 to 43, inclusive, of this act is not admissible in evidence in any administrative or legal proceeding conducted in this state.

Sec. 38. 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility. The plan must be approved by the repository.

2. The administrator shall, by regulation, prescribe the contents of a patient safety plan.

3. A medical facility shall submit its patient safety plan to the repository for approval in accordance with the requirements of this section. If the repository does not approve or disapprove the plan within 90 days after receiving the plan from the medical facility, the plan shall be deemed approved.

4. After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require that compliance with its patient safety plan is a condition of employment for all providers of health care who provide treatment to patients at that medical facility.

Sec. 39. 1. A medical facility shall designate an officer or employee of the facility to serve as the patient safety officer of the medical facility.

2. The person who is designated as the patient safety officer of a medical facility shall:

(a) Serve on the patient safety committee.

(b) Investigate and supervise the reporting of all incidents and serious events alleged to have occurred at the medical facility, including, without limitation, performing the duties required pursuant to section 30 of this act.

(c) Take such action as he determines to be necessary to ensure the safety of patients as a result of the investigation of any incident or serious event alleged to have occurred at the medical facility.

(d) Report to the patient safety committee regarding any action taken in accordance with paragraph (c).

Sec. 40. 1. A medical facility shall establish a patient safety committee.

2. Except as otherwise provided in subsection 3:

(a) A patient safety committee established pursuant to subsection 1 must be composed of:

(1) The patient safety officer of the medical facility.

(2) At least three providers of health care who provide treatment to patients at the medical facility.

(3) Two members of the public who reside in the community served by the medical facility. The members described in this subparagraph must not be agents, employees or contractors of the medical facility.

(b) A patient safety committee:

(1) Must not include more than one member of the executive or governing body of the medical facility.

(2) Must include members of the medical, nursing and pharmaceutical staff of the medical facility.

(c) A patient safety committee shall meet at least once each month.

3. The administrator shall adopt regulations prescribing the composition and frequency of meeting of patient safety committees at medical facilities having fewer than 25 employees and contractors.

4. A patient safety committee shall:

(a) Receive reports from the patient safety officer pursuant to section 39 of this act.

(b) Evaluate investigations and actions of the patient safety officer in connection with all reports of incidents and serious events alleged to have occurred at the medical facility.

(c) Review and evaluate the quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility. The review and evaluation described in this paragraph must include, without limitation, review and evaluation of any recommendations received pursuant to section 34 of this act

(d) Make recommendations to the executive or governing body of the medical facility to reduce the number and severity of incidents and serious events that occur at the medical facility.

(e) At least once each calendar quarter, report to the executive or governing body of the medical facility regarding:

(1) The number of incidents and serious events that occurred at the medical facility during the preceding calendar quarter; and

(2) Any recommendations to reduce the number and severity of incidents and serious events that occur at the medical facility.

Sec. 41. No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if he, without malice:

1. Reports an incident or serious event;

2. Notifies another person of an incident or serious event;

3. Transmits information regarding an incident or serious event;

4. Compiles, prepares or disseminates information regarding an incident or serious event; or

5. Performs any other act authorized pursuant to sections 19 to 43, inclusive, of this act.

Sec. 42. 1. The administrator may impose a fine of not more than \$1,000 against:

(a) Any medical facility that violates any of the provisions of sections 19 to 43, inclusive, of this act.

(b) An employee or officer of a medical facility who violates any of the provisions of sections 19 to 43, inclusive, of this act.

2. The administrator shall, before imposing the fine, notify the medical facility by certified mail that he will impose a fine for the violation unless the medical facility requests a hearing within 20 days after the notice is mailed.

3. If a hearing is requested, the administrator shall hold a hearing pursuant to the provisions of NRS 233B.121 to 233B.150, inclusive.

4. If a hearing is not requested within the prescribed period and the matter is not otherwise resolved, the administrator shall impose the fine and notify the medical facility by certified mail.

5. The decision of the administrator to impose a fine pursuant to this section is a final decision for the purposes of judicial review.

Sec. 43. The administrator shall adopt such regulations as the administrator determines to be necessary or advisable to carry out the provisions of sections 19 to 43, inclusive, of this act.

Sec. 44. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the medical facility or a person acting on behalf of the employee who in good faith:

(a) Reports to the board of medical examiners or the state board of osteopathic medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

(b) Reports an incident or serious event to the repository for health care quality assurance created pursuant to section 29 of this act; or

(c) Cooperates or otherwise participates in an investigation or proceeding conducted by the board of medical examiners, the state board of osteopathic medicine or another governmental entity relating to conduct described in paragraph (a) or (b).

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the medical facility because the employee has attempted to or intends to take an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility to take an action described in subsection 1.

4. As used in this section:

(a) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(b) "Retaliate or discriminate" includes, without limitation:

(1) Frequent or undesirable changes in the location where the employee works;

(2) Frequent or undesirable transfers or reassignments;

(3) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(4) A demotion;

(5) A reduction in pay;

- (6) The denial of a promotion;
- (7) A suspension;
- (8) A dismissal;
- (9) A transfer; or
- (10) Frequent changes in working hours or workdays, if such action is taken, in whole or in part, because the employee took, attempted to take or intended to take an action described in subsection 1.

Sec. 46. 1. An employee of a medical facility who believes that he has been retaliated or discriminated against in violation of section 45 of this act may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of section 45 of this act has occurred, the court shall award such damages as it determines to have resulted from the violation, including, without limitation:

- (a) Compensatory damages;
- (b) Reinstatement;
- (c) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee as a result of the violation;
- (d) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and
- (e) Punitive damages, if the facts warrant the imposition of such damages.

3. In addition to any damages awarded pursuant to subsection 2, the court shall award interest on those damages at the prevailing rate.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, issuing temporary, preliminary or permanent injunctive relief.

5. An action must be brought pursuant to this section within 2 years after the date of the last event constituting the alleged violation for which the action is brought.

6. A medical facility or any agent or employee thereof that violates the provisions of section 45 of this act is subject to a civil penalty of not more than \$10,000 for each violation.

Sec. 47. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 48, 49 and 50 of this act.

Sec. 48. 1. A physician or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the physician or a person acting on behalf of the employee who in good faith:

(a) Reports to the board information relating to the conduct of the physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

(b) Reports an incident or serious event to the repository for health care quality assurance created pursuant to section 29 of this act; or

(c) Cooperates or otherwise participates in an investigation or proceeding conducted by the board or another governmental entity relating to conduct described in paragraph (a) or (b).

2. A physician or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the physician because the employee has attempted to or intends to take an action described in subsection 1.

3. A physician or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the physician to take an action described in subsection 1.

4. As used in this section, "retaliate or discriminate" includes, without limitation:

(a) Frequent or undesirable changes in the location where the employee works;

(b) Frequent or undesirable transfers or reassignments;

(c) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(d) A demotion;

(e) A reduction in pay;

(f) The denial of a promotion;

(g) A suspension;

(h) A dismissal;

(i) A transfer; or

(j) Frequent changes in working hours or workdays,

if such action is taken, in whole or in part, because the employee took, attempted to take or intended to take an action described in subsection 1.

Sec. 49. 1. An employee of a physician who believes that he has been retaliated or discriminated against in violation of section 48 of this act may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of section 48 of this act has occurred, the court shall award such damages as it determines to have resulted from the violation, including, without limitation:

(a) Compensatory damages;

(b) Reinstatement;

(c) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee as a result of the violation;

(d) Attorney's fees and costs, including, without limitation, fees for expert witnesses; and

(e) Punitive damages, if the facts warrant the imposition of such damages.

3. In addition to any damages awarded pursuant to subsection 2, the court shall award interest on the amount of damages at the prevailing rate.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, issuing temporary, preliminary or permanent injunctive relief.

5. An action must be brought pursuant to this section within 2 years after the date of the last event constituting the alleged violation for which the action is brought.

6. A physician who violates the provisions of section 48 of this act is subject to a civil penalty of not more than \$10,000 for each violation.”.

Amend sec. 18, page 10, by deleting lines 20 through 26, and inserting:

“Sec. 50. A physician licensed pursuant to this chapter shall not practice medicine in this state unless he maintains professional liability insurance in an amount of:

1. Not less than \$1,000,000 per occurrence; and
2. Not less than \$3,000,000 in the aggregate.”.

Amend sec. 25, page 13, line 40, by deleting “person;” and inserting “occurrence;”.

Amend sec. 25, page 13, line 41, by deleting “per occurrence.” and inserting:
“in the aggregate.”.

Amend sec. 26, page 13, line 43, by deleting:
“27 to 30,” and inserting:
“59 to 64,”.

Amend the bill as a whole by renumbering sections 27 through 39 as sections 61 through 73 and adding new sections designated sections 59 and 60, following sec. 26, to read as follows:

“Sec. 59. 1. An osteopathic physician or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the osteopathic physician or a person acting on behalf of the employee who in good faith:

(a) Reports to the board information relating to the conduct of the osteopathic physician which may constitute grounds for initiating disciplinary action against the osteopathic physician or which otherwise raises a reasonable question regarding the competence of the osteopathic physician to practice medicine with reasonable skill and safety to patients;

(b) Reports an incident or serious event to the repository for health care quality assurance created pursuant to section 29 of this act; or

(c) Cooperates or otherwise participates in an investigation or proceeding conducted by the board or another governmental entity relating to conduct described in paragraph (a) or (b).

2. An osteopathic physician or any agent or employee thereof shall not retaliate or discriminate in any manner against an employee of the osteopathic physician because the employee has attempted to or intends to take an action described in subsection 1.

3. An osteopathic physician or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the osteopathic physician to take an action described in subsection 1.

4. As used in this section, “retaliate or discriminate” includes, without limitation:

- (a) Frequent or undesirable changes in the location where the employee works;
- (b) Frequent or undesirable transfers or reassignments;
- (c) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
- (d) A demotion;
- (e) A reduction in pay;
- (f) The denial of a promotion;
- (g) A suspension;
- (h) A dismissal;
- (i) A transfer; or
- (j) Frequent changes in working hours or workdays,

if such action is taken, in whole or in part, because the employee took, attempted to take or intended to take an action described in subsection 1.

Sec. 60. 1. An employee of an osteopathic physician who believes that he has been retaliated or discriminated against in violation of section 59 of this act may file an action in a court of competent jurisdiction.

2. If a court determines that a violation of section 59 of this act has occurred, the court shall award such damages as it determines to have resulted from the violation, including, without limitation:

- (a) Compensatory damages;
- (b) Reinstatement;
- (c) Reimbursement of any wages, salary, employment benefits or other compensation denied to or lost by the employee as a result of the violation;
- (d) Attorney’s fees and costs, including, without limitation, fees for expert witnesses; and
- (e) Punitive damages, if the facts warrant the imposition of such damages.

3. In addition to any damages awarded pursuant to subsection 2, the court shall award interest on the amount of damages at the prevailing rate.

4. The court may grant any equitable relief it considers appropriate, including, without limitation, issuing temporary, preliminary or permanent injunctive relief.

5. An action must be brought pursuant to this section within 2 years after the date of the last event constituting the alleged violation for which the action is brought.

6. An osteopathic physician who violates the provisions of section 59 of this act is subject to a civil penalty of not more than \$10,000 for each violation.”.

Amend sec. 27, page 13, line 47, by deleting “person;” and inserting “occurrence;”.

Amend sec. 27, page 13, line 48, by deleting “per occurrence.” and inserting: “in the aggregate.”.

Amend sec. 28, page 14, line 9, by deleting “29” and inserting “63”.

Amend sec. 28, page 14, line 10, by deleting “30” and inserting “64”.

Amend sec. 32, page 16, line 14, by deleting “29” and inserting “63”.

Amend sec. 33, page 16, line 17, by deleting “29” and inserting “63”.

Amend the bill as a whole by renumbering sec. 40 as sec. 75 and adding a new section designated sec. 74, following sec. 39, to read as follows:

“Sec. 74. 1. With respect to the duty set forth in subsection 3 of section 38 of this act, a medical facility shall submit its patient safety plan to the repository:

(a) Not later than August 31, 2003, if the medical facility was licensed pursuant to chapter 449 of NRS on or before July 1, 2003.

(b) Within 60 days after the date of licensure, if the medical facility was licensed pursuant to chapter 449 of NRS after July 1, 2003.

2. As used in this section:

(a) “Medical facility” has the meaning ascribed to it in section 21 of this act.

(b) “Repository” has the meaning ascribed to it in section 25 of this act.”.

Amend sec. 40, page 18, line 7, to read as follows:

“Sec. 75. 1. This section and sections 1 to 17, inclusive, 50 to 58, inclusive, and 61 to 73, inclusive, of this act become effective on October 1, 2002.

2. Sections 18 to 49, inclusive, and sections 59, 60 and 74 of this act become effective July 1, 2003.”.

Amend the preamble of the bill, page 1, by deleting line 7 and inserting: “of Nevada; and

WHEREAS, Medical errors cause preventable injuries to be suffered by as many as one out of every 25 hospital patients in the United States; and

WHEREAS, Errors in the provision of health care have been estimated to cost more than \$2,000,000 per year in a large teaching hospital, and preventable injuries related to the provision of health care cost the economy of the United States from \$17,000,000,000 to \$29,000,000,000 each year; and

WHEREAS, A report promulgated by the Institute of Medicine estimates that at least 44,000 persons and as many as 98,000 persons die each year as a result of medical errors, which is higher than the annual mortality rate attributable to motor vehicle accidents, breast cancer or acquired immune deficiency syndrome, thus making medical error the eighth leading cause of death in the United States; now, therefore,”.

Assemblyman Anderson moved the adoption of the amendment.

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

Assembly in recess at 9:38 p.m.

ASSEMBLY IN SESSION

At 9:52 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Anderson and Angle.

Amendment adopted.

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

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

Assembly in recess at 9:55 p.m.

ASSEMBLY IN SESSION

At 11:20 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 1 just returned from the printer, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1

Bill read third time.

Remarks by Assemblymen Anderson, Brower, Angle, Cegavske, Beers, Giunchigliani, Carpenter, Arberry, Goldwater, Gustavson, Freeman, Ohrenschall, Hettrick, Marvel, Perkins, Brown, Tiffany and Buckley.

Potential conflict of interest declared by Assemblymen Brower, Arberry and Ohrenschall.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. This bill provides for civil justice reform in the areas of medical and dental malpractice. The act prescribes a limit for recovery of non-economic damages in certain circumstances. It establishes several liability for non-economic damages, provides for mandatory settlement conferences and affidavits supporting the allegations, reduces the statute of limitations, provides for fast tracking of malpractice actions, has mandatory training for judges in handling these cases, establishes minimums for professional liability insurance, and establishes reporting requirements of certain boards and the repeal of the medical and dental screening panel. The bill also provides for mandatory medical error reporting with a protection for persons who report such action. The effective date of this piece of legislation is October 1, 2002. There are other provisions of the bill that deal with constitutional problems of *ex post facto*.

ASSEMBLYMAN BROWER:

Thank you very much, Mr. Speaker pro Tempore. I just have to make a disclosure before we vote on this bill. I am a shareholder in a law firm that represents and has represented both plaintiffs and defendants in medical malpractice cases. As a shareholder in that law firm, I may have a pecuniary interest in legislative measures that limit the amount of damages that a plaintiff may recover in a medical or dental malpractice action, because such measures could have a negative effect on the revenues of my law firm. However, because the detriment accruing to me as a result of the enactment of those measures is not greater than that accruing to any other shareholder in any other law firm that may represent plaintiffs in a medical or dental malpractice action, the ethics law allow me to vote on and participate fully in the consideration of those measures.

In addition, a registered lobbyist who represents certain medical groups on the issue of medical malpractice rents office space from my firm. Other than the fixed amount that this lobbyist pays my firm for rent, my firm does not receive any other revenue from him, including no revenue from his representation of those medical groups. The amount of money that my firm receives from the lobbyist for rent does not create a pecuniary interest or a commitment in a private capacity to the lobbyist on the part of my firm because of the amount of rent and payment is not contingent upon who the lobbyist represents around the issues on which he lobbies. Therefore, after conferring with legislative counsel, it has been determined that the ethics laws allow me to vote on and participate fully in the consideration of measures relating to medical and dental malpractice. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker pro Tempore. My concerns about the amendment that we passed force me to feel that this is not tort reform. I am not going to vote in favor of this because I feel true tort reform would have reflected more of the provisions of MICRA. I believe that true tort reform will be taken up in our regular legislative session. I believe that true tort reform will be reflected in SB 2, that will be passed out of the Senate. I will therefore be voting yes on SB 2 and no on AB 1. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN CEGAVSKE:

Thank you, Mr. Speaker pro Tempore. It was our job to come to this legislature, to vote on something to help our doctors in Nevada: tort reform. We worked hard and we worked long, for many days. I am sorry that my colleagues have chosen to cast stones. I am always one of those who has said, as my colleagues do, that we're here to do what is right. And I want to do what is right and what is in the best interest of my constituents and the state of Nevada. That is always what I look at first. I am going to be voting against AB 1 as it is written. Insurance will not be guaranteed to be lowered. We have heard that over and over again. That was our task. This bill does not do that. Our task was to make sure that insurance premiums were lowered to help out our doctors. I am wholeheartedly in support of SB 2 and will vote to support SB 2, which passed the Senate tonight. I encourage all my colleagues to look at that bill, because the Assembly bill does not have the means to take care of our doctors and to help the immediate problem that we see in the long term. Thank you.

ASSEMBLYMAN BEERS:

Thank you, Mr. Speaker pro Tempore. This is perhaps the most difficult vote that I have ever faced. I've only been doing this for three and half, four years, as you all know. I support tort reform. These amendments pretty much ensure that this isn't it. I support our Governor, but these amendments are not what our Governor has agreed to. Mostly, I support my constituents. Their doctors have left. The patients they have left behind are looking to me to fix the problem. These amendments ensure that this bill won't do it. So, I rise in opposition, sadly. I look forward to voting affirmatively on Senate Bill 2. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Bill No. 1. It is a combination of months of testimony that were taken by the Interim Legislative Committee. Input was provided by all concerned parties, openly and not behind closed doors. Then, over the last

several days, additional efforts were made to take that input and refine it. That is why our leadership, the Senate leadership and the Governor sat down and worked out this consensus legislation, including the amendment that was adopted this evening. The Governor's bill before us tonight is historic, it's fair and it's compassionate. I know many of us have sections that we dislike or are concerned with, but we did achieve the following goals:

We protected the trauma center for those of us from southern Nevada;

We instituted caps that stabilize, as well as make it predictable for the insurance industry, so that our doctor's rates will be eventually helped;

It will bring competition back into the state from the insurance industry;

It will protect patients and their rights.

This bill, in other words, minimizes everyone's pain and suffering. I feel confident saying this because this evening, for those of you who were not available to sit in the hearings, we had testimony from two different insurance individuals. The executive director of IMLAN, which is the state doctors new insurance program, said this bill contains, "meaningful tort reform and it is a quantum leap forward." No one in their right mind would assume that the rates would immediately go down. That is not feasible. If anyone is telling someone that they will, then they are not being truthful. You always have a time lag, whether its auto insurance or medical insurance.

In conclusion, we know that partisanship sometimes enters into these halls, but we've refrained so far. In fact, our leadership has worked closely with this governor and will continue to do so, despite the frustration that he noted on this evenings television broadcast. He said, "most of them are doing great. But there are one or two that better get a heart; and they ought to have a lot bigger heart than their brain because a couple of them don't have a very big brain, in my opinion." Let's show the Governor, the doctors, the nurses, the patients, and yes, the general public, that we have both brains, and heart. I would urge you to vote yes on this historic tort reform bill. After all, it was what we were sent here to do. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker pro Tempore. I was not on the select committee, but I sat through most of all the sessions. There were a lot of great things done. Things we needed to do. There are two areas that really bother me as a rural legislator. One that bothers me is the reporting requirements. After reading that, I think it is going to be a real burden to the rural hospitals to have to do this. I think the cost is going to be very high. A lot of them now, you know, are just about broke. I'm not against having reporting requirements. We probably need some. My feeling is, though, that an amendment like this should have been discussed, where we could have had meaningful hearings, where everybody could come in and have their say, so that we could come up with something that would really work. So I hope that the people on the conference committee will consider that, and consider the rurals especially. There may be facilities all over the state that this could very well affect.

I am also concerned about the mandatory million dollar and three million dollar insurance requirements of everyone that has a medical license. Out in Wells, Nevada, we are lucky to have a doctor at the clinic there. He does not have hospital privileges. The doctor that I go to does not have hospital privileges. I think there are a lot of doctors that probably don't need those high amounts of insurance, especially if it costs a lot of money to obtain it. People that are surgeons, I understand. They need all the insurance they can get. But, family doctors just taking care of people, I think there should be something in the bill so it is not mandatory like it is. I hope the people who go to conference will consider those two points, because I am quite concerned about them.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker pro Tempore. I just need to disclose that I sit on the board of governor's of one of the hospitals. But I will be voting. This bill does not affect me one way or the other.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker pro Tempore. To you and through you to the Chairman of the Standing Committee on Medical Malpractice Issues. Can I inquire what the vote of the committee was on the bill and the amendment?

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker pro Tempore. The committee had three separate votes on the bill. The first vote, with the amendments to section one through six, of the original bill, was unanimous. Those remaining sections, including the medical error reporting section, was unanimous. A final vote for direct reference to the will of the committee, was also unanimous. All three votes were unanimous, with all fifteen members voting and present for the final vote, though not all fifteen were present for the first.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker pro Tempore. We are all here for one reason and that is for tort reform. We have doctors, many doctors, that are saying they want to leave. Some have left already. The Trauma Center closed in Las Vegas. So, we are here to try and pass a meaningful bill. This particular bill, Assembly Bill 1, in my opinion, is not the right bill. I feel it has many flaws in it, which have been mentioned. There is also an issue there, too, that this bill does not cover all doctors, all the emergency facilities throughout the state. I am concerned, as my colleague from Elko mentioned, about the one million and three million dollar requirement that all physicians must have. It would affect rural communities. Patients taken to the nearest emergency center, whether it be Henderson, Pahrump or anywhere else in the state, that does not have a trauma center, this cap would not affect them, the \$50,000 cap. Therefore, you could see some doctors changing their practice, whether personal or private or trauma center or an emergency room, going to where they can have this other cap, therefore being protected. So we might be losing some good physicians from one area to another area. This is one of the issues that has not been brought up in this body. I was not a member of the committee, but I have sat and watched for hours on my monitor in my office. Both sides of this issue, Senate Bill 2 and Assembly Bill 1. I will support Senate Bill 2, as it has gone so far. This bill, Assembly Bill 1, I can't support with the flaws that are in it. We do need to pass some legislation, but this is not the right piece.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker pro Tempore. One of the issues that had been discussed by our colleagues was the issue of the one million and three million dollar liability caps. It wasn't brought to our attention that approximately 40 percent of the physicians in this state do not carry a three million dollar cap because they do not have hospital duties that require them to do so. Apparently, this was not an issue, according to the physicians. It was discussed in length, with this particular amendment, and the amendment, as it's read, would require them to now carry a three million dollar cap. That would be all physicians. Forty percent of the physicians who currently don't would now be required to.

About eight or ten years ago, my wife when she was pregnant with my youngest son, developed a very rare form cancer which was inoperable until after she was able to deliver the child. It was misdiagnosed by the doctors. When it was discovered that it was a malignant, rare form of cancer, we didn't have the right specialist in Las Vegas to treat her. So, we had to take her to UCLA, where she was treated by surgical oncologists. In Las Vegas, last year, after this eight-year period, we had two surgical oncologists in Las Vegas. Now we have one because one has left. We used to have two pediatric endocrinologists. They dealt with not just southern Nevada's children who have rare diseases, but the entire state's. The rest of the state was sharing in those people's talents. Now we only have one, and that one is talking about leaving. If we leave here, and we don't stem the exodus of physicians from Nevada, then we have done absolutely nothing.

We spent quite a bit of time recessed, prior to coming back into this session. I know some of you were kind of perturbed at the fact that we were spending so much time out of here. But in order to get these issues answered, we contacted the physicians and brought in the physician representatives, to talk to us and had them look at this amendment. They indicated to us that they

had not seen the amendment and the provisions with the one and three million dollar cap, as well as the whistleblower provisions, which were not agreed to. They would be harmful and would not help. So, under those provisions, unfortunately, I find myself voting against this bill. I believe a no vote is a vote for the doctors. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN FREEMAN:

My remarks will be very brief. I will be supporting the bill. I will say that, through the years, on these kinds of issues, we always have been in need of flexibility to address the issues of the delivery of health care in the rural areas. I would ask that after this bill goes out tonight, that we do address that, whether its in a conference committee or in the Senate. I have heard our representatives from Yerington, Elko and other rural areas, ask for that need for flexibility. I'm asking that before we vote this out, the final vote, that we do that for the rurals. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN OHRENSCHALL:

I merely wish to disclose that I am a member of the state bar of Nevada, but this bill will not be affect me in any way whatsoever and certainly in no way different from any other person similarly situated. I will be voting.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker pro Tempore. I have to say I hate to speak after so many others because they leave so little to say. It was well expressed. There is much good in this bill. The intentions of the Assembly committee that worked on this bill and the members are without question attempting to do what they believe is the right thing. We voted for this bill in pieces, as the chairman indicated. And, in pieces, much of this bill is livable, even though we might not agree with every part of that piece. As a piece, we could vote for it. The issue then becomes when the bill as a whole is put together. We have to weigh what that final effect actually is. We had hoped to see more of those pieces from before be things we could support. And we believed, in many ways, it would come down that way.

In the end, after our discussions and the information we received after the hearings, as a matter of fact, we had grave concerns that this bill in total was something that we could not support. As a package, again, there is very much in this bill that is good. I do have major concerns with portions of this bill. I believe the reporting requirements are onerous and would be extremely detrimental to the rural hospitals. I don't think they can comply with these. There is no flexibility. I think that was just mentioned by one of our colleagues. I appreciate those comments.

The requirement of one million and three million for coverage for every doctor in the state of Nevada, is onerous. In the small communities, in the small hospitals, these are not required. In towns throughout Nevada that have no hospital, they are not required to have these kinds of limits. We are going to force doctors in small, rural communities to take limits they don't need, can't use and they will be extremely expensive. I just don't think the flexibility is built into this bill, to give us what we need. We heard that 40 percent of the doctors, as it has been mentioned, don't need this coverage because they don't do surgery or those kinds of procedures. They are administrators. They are people who are not working where these kind of coverages are required. This is only a boon to the insurance companies. We are here trying to reform insurance. We are going to force every doctor in the state to buy a million or three million dollar policy, and the insurance companies are going to sell it to them. I don't think that's the intent of this bill.

We believe what we saw passed off the Senate floor a few minutes ago has more of the ingredients we can support. We are not here trying to make this a partisan issue. We think the Speaker, the Majority Leader and the Committee Chairman treated us very fairly and worked with us. We appreciate all that. This is not an attempt to make this a partisan issue. It is an attempt to express our feelings and our belief that this just does not do what needs to be done. Given these concerns, and I repeat what you have heard from every member of our caucus, we support meaningful tort reform. We are more than willing to vote for that. We are hopeful that what comes out of this is not necessarily Senate Bill 2—although we prefer that result at this moment—but a meaningful result from the conference committee, with a majority from this

house working hard in that conference committee to make something we can all support. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker pro Tempore. Reluctantly, I have to echo the sentiments and concerns of my Minority Leader and certainly my colleague from Elko. I think I am probably one of the earliest proponents, in this House, for tort reform. And definitely we are going to get tort reform before we *sine die* from this session. I apologize to our chairman, for I did vote in favor of the bill earlier this evening in committee, but information has been developed since the vote was taken that makes me uncomfortable with the bill, particularly as it regards some of our rural hospitals. Until after the next election, I'm still a rural legislator and I have to vote for the best interests of my rural hospitals. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. You know, we came here this week to provide relief for doctors, as well as protect the rights of victims of malpractice. Because this is special session is to provide that relief and protection as swiftly as possible, to reduce the impact on taxpayers. I have the utmost respect for doctors. One of my greatest heroes is my son's oncologist. Like most parents, the doctors who delivered my children were very important people in our lives. The doctor who took care of my father's medical needs, the pediatricians who practically helped raise my children—these are all very special people to the Perkins family. That is why that I feel it is so important that we leave here, having done what we need to do, to make sure every Nevada family continues to have access to their doctors. I would not vote on anything that I believed would not accomplish this goal.

I am very disappointed that a few big insurance companies, who don't necessarily know or understand Nevada, seemed to have succeeded in misleading some doctors that this bill we are voting on tonight will not accomplish this goal. This, in spite of the fact, that the Governor, Lieutenant Governor, Senate Majority and Minority Leaders, the Assembly Assistant Majority Leader and I, stood together on the Capitol steps yesterday, with Dr. Ike Khan, one of the leaders of the Southern Nevada Physicians Task Force on this issue nearby, to talk about this bill as a meaningful and workable compromise that would provide relief to Nevada's patients and physicians. This, in spite of the fact that two experts on insurance in Nevada today, testified before our committee that they believed this is a good bill that will accomplish our critical goals. Contrary to what has been said, our committee heard no testimony that there would not be relief.

Relative to the amendments, Mr. Speaker pro Tempore, the amendments, as well, were agreed to by the folks from the other House and the Governor. The amendments only added medical error reporting to this bill and did some technical cleanup. Medical error reporting was the substantive amendment to this bill. So, for people to suggest that they are not going to vote for it because it's not tort reform, because we only added more reporting, I would have to take issue with. This is bi-partisan, its bi-cameral and it's swift. I urge you all to support the Governor's consensus tort reform bill. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN BROWER:

Thank you very much, Mr. Speaker pro Tempore. I have worked as part of a national task force for the last year on tort reform and specifically tort reform aimed at the medical malpractice problem that many states, including this state, are experiencing. I appreciate the good faith differences that the members of this body may have over the particular language in this bill. Let me remind my colleagues, Mr. Speaker pro Tempore, that this is the only bill that we have before us. The mission of the special session was and is tort reform, to address to the medical malpractice issue. Here we are with a bill. It's the only bill that we are going to see on this floor, during this special session. It is not perfect. I have serious concerns over the amendments to the bill, but it is the only bill we have. Senate Bill 2 has not passed the Senate.

I urge this body to get this bill, this imperfect bill, to conference where the good faith differences that we have can be worked out. Let's keep our eyes on the ball. We need to do something. We need to pass a bill to keep this process moving forward, to work with the Senate and pass meaningful reform. This may be only the first step, but we need to take that step, to get to the ultimate goal—to provide relief to the physicians and patients and the people of this state.

So let's get this imperfect bill out of this house, into conference; let's complete our work; let's accomplish our mission. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN BROWN:

Thank you, Mr. Speaker pro Tempore. This is truly one of those classic dilemmas, where you have a principle but it is cloaked with some garments you don't find terribly attractive or perhaps somewhat offensive. I do not believe that the bill we are asked to vote on at this time is the consensus or the Governor's consensus bill. I think it is a considerably different animal. Notwithstanding, I believe in the process and believe that we need to move this forward. I believe this is a work in progress. I look forward to seeing its further development in conference committee and I'm prepared to support it, on that basis. Thank you very much.

ASSEMBLYWOMAN TIFFANY:

Thank you, Mr. Speaker pro Tempore. I have been sitting here, thinking I really did not want to get up and talk about this bill. If there is anyone that has had to go to a doctor and be saved, let alone recover from an injury, it's me. If we do anything to chase out one more specialist from the State of Nevada, that could save a life, I just say shame on us. I had eight trauma, high-risk doctors working on me, to save my life. Eight of them. Those are the guys that are leaving now. Those are the ones that are calling up, those are the ones I'm running into at the door. It is no longer that a doctor may close his doors, but that the doctors have closed their doors and are gone. So tort reform, for me, was absolutely imperative.

When I was recovering in California, I had a number of those doctors sit on my bed and talk to me about what was happening in Nevada. I vowed on my recovery bed that I would come here and do everything I could, to keep the doctors practicing in Nevada. So, I very, very early on was in full support, particularly for the California MICRA bill. When the Governor brought a few of us in to brief us on what he felt was a reasonable bill for tort reform, I have to say I was pretty darned pleased. I thought it was very reasonable. Now, when I see the bill that is sitting in front of us, that's not the bill we were briefed on. I am going to vote against this bill.

I have absolute faith and confidence that through the conference committee we will come up and leave this session with a tort reform bill that will be meaningful. We must keep quality and access of medical care in Nevada and stop any of our voters from leaving and going to California for better medical care. That's sad. I did not want to have to get to this today. I have to say Assembly Bill 1 is not the tort reform package that is going to get us where we need to be. I will be very much looking forward to what comes out of this conference committee, with the full intent of walking out of here with a comprehensive tort reform package. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Bill 1. I think it is important to remind ourselves what is in Assembly Bill 1. A complete restructuring of the judicial process for medical malpractice cases. Instead of cases being delayed in a screening panel and languishing for 18 months, driving the costs for all sides up through the ceiling, we are instituting fast tracking for medical malpractice cases. We are requiring cases to be brought within two years or be forever barred from consideration. In addition, we are requiring an affidavit of an expert, tightening those requirements, requiring the expert to be certified in a field similar to the area of malpractice alleged, to ensure that cases are meritorious upon filing. Institution of mandatory settlement conferences and judicial training to ensure that especially new appointees to the bench have training in these complex cases that they will hear. There is shortening of the statute of limitations, instead of four years, a three year timeline. There are caps on non-economic damages. The bill imposes a \$350,000 cap on non-economic damages in medical malpractice cases.

There are exceptions and I think when you look at these exceptions—brain damage, paraplegia—these are the victims we want to make sure have redress. We are here to protect our doctors, to ensure access to care, so that every one of our constituents has a physician of their choice, while at the same time ensuring those who are catastrophically injured have some protection. We also have special protections for trauma surgeons. We are so fortunate to have talented trauma surgeons in certain communities. This bill grants a \$50,000 cap, similar to the

sovereign immunity cap, to keep those trauma surgeons working and to keep our trauma centers open. The joint and several liability provisions in the bill eliminates a physician being the deep pocket for pain and suffering damages. The bill also contains sanctions, tightening of sanctions against attorneys to address non-meritorious cases, if they are brought; and requiring a judge to sanction an attorney who is bringing a frivolous case. The bill does require mandatory insurance coverage. I was surprised to hear concerns raised at this late date, because the physicians brought this language to us, in the Governor's consensus bill. In addition to the \$350,000 cap, for the catastrophic cases, non-economic damages are limited to the amount of liability insurance. So, conceivably, in those cases, if the economic damages are high, say \$800,000, someone who is a paraplegic would only have a \$200,000 pain and suffering award. The reason why the policy requirements were put in, at the request of the physicians, was that the cap would be meaningless, if they did not have that. The reason the physicians came to the Governor, to ask that be included, was because they did not want to be exposed for non-economic damages, pain and suffering, and to have their personal assets at risk. Parties in good faith said that the insurance policies pay for this anyway. Why don't we provide some assurance to our physicians, so they stay? This codified the practice of saying "your personal assets will not be at risk for non-economic damages above your policy limits."

This bill also includes medical error reporting. Again, a consensus item, agreed to by the Governor, by the Senate and by the Assembly, for an important reason. Page 2 of the bill: "Medical errors cause preventable injuries to be suffered by as many as one out of 25 hospital patients in the United States." For the last several sessions, we have heard testimony from our nurses. They are concerned about staffing patterns, they are concerned about errors in the hospitals. What they want to do is not to create a punitive system but to collect the errors so that systems can change. The medical error reporting system is confidential. In our original draft of the proposal we shared with the Governor, it was open. What he urged us to consider is let's first start fixing the system. Let's fix the system errors. If medication errors are being missed, let's address that. There was a famous case in Arizona where someone was injected with a clear substance, they thought it was the anesthesia. It was not. The patient died. The purpose of medical error reporting is to correct those systems, not to blame, not to punish, but to make sure hospitals begin identifying the vials. That is why medical error reporting is part of a discussion of medical malpractice. If we can reduce errors, we lower premiums. We lower costs. We save lives. That is why it is in the bill.

I encourage all of my colleagues to raise the caliber of the debate on medical malpractice this session. Physicians are scared. Patients are scared. Our constituents are scared. It is time for us to rise, to show statesmen like behavior, to not engage in blame games, to work on a quality bill, which is what this is. All of us need to continue to hear testimony, concern and debates and have a product that we will all be proud to put our names on. Some of our colleagues say, "This isn't the bill. These amendments change the bill." Let's be honest. This is the Governor's bill, reached in consensus, agreed to by the physicians in Carson City. There are now concerns being raised. Let us address those concerns, let us finish this session with a package that we are all proud to bring home. Thank you, Mr. Speaker pro Tempore.

Roll call on Assembly Bill No. 1:

YEAS—32.

NAYS—Angle, Beers, Carpenter, Cegavske, Gustavson, Hettrick, Martin, Marvel, Nolan, Tiffany—10.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 1, 2; Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, July 31st, 2002 at 12:00 p.m.

Motion carried.

Assembly adjourned at 12:10 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), July 31, 2002

Assembly called to order at 12:23 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman John Lee.

Dear Father in heaven. Thank You for the wonderful opportunity we have to come together on this beautiful day. Father, we ask for Thy blessing today, we ask for wisdom, intellect, to be able to understand the important issues before us. Please bless us that we will be tolerant of those who are on different sides of the issue. Please bless us to be attentive as they present these issues. Please bless us that we will be able to understand, to be able to leave this building doing the best that we could for the people that have so much entrusted in us. Thank you for this wonderful country. Thank you for the good health that we all enjoy today. Please bless us. We say this in the name of the Creator. Amen

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, July 31, 2002

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

To the Members of the Nevada State Assembly:

Section 9 of Article V of the Nevada Constitution provides that the Governor may request the Legislature, when convened in Special Session, to consider matters other than those set forth in the call. With this letter, I am exercising my constitutional authority to bring additional legislative business to your attention.

During the 2001 Legislative Session, Assembly Bill 558 established the state's share of the cost of premiums or contributions for group insurance for each public officer and employee, and for those retirees who have retired from the state and have continued to participate in the public employee's benefits program. It is requested legislation be considered that would increase the state's contribution so that the historical level of support for these groups can be maintained.

Best wishes in your deliberations.

Sincerely,

KENNY C. GUINN
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 31, 2002

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate,

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Buckley moved that the bill be referred to the Committee on Medical Malpractice Issues.

Motion carried.

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

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 7:56 p.m.

Mr. Speaker presiding.

Quorum present.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, July 31, 2002

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

To the Members of the Nevada State Assembly:

Section 9 of Article V of the Nevada Constitution provides that the Governor may request the Legislature, when convened in Special Session, to consider matters other than those set forth in the call. With this letter, I am exercising my constitutional authority to bring additional legislative business to your attention.

On July 30, 2002, during a hearing in the Senate, there was favorable discussion that the several liability standard in medical malpractice cases should be extended to midwives and nurse anesthetists when non-economic damages are considered. In light of this testimony, legislation may be considered regarding this issue.

Best wishes in your deliberations.

Sincerely,
KENNY C. GUINN
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 31, 2002

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 1, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 1.

The following Senate amendment was read:

Amendment No. 4.

Amend section 1, page 2, line 20, by deleting “2” and inserting “3”.

Amend section 1, page 2, line 29, after “whether” by inserting “or not”.

Amend section 1, page 2, line 44, by deleting: “as a result” and inserting: “, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out”.

Amend section 1, page 2, line 48, after “2.” by inserting: “Except as otherwise provided in subsection 3 and NRS 41.505:

(a) A hospital other than a hospital described in paragraph (a) of subsection 1;

(b) An employee of a hospital described in paragraph (a); and

(c) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a), whether or not the care or assistance was rendered gratuitously or for a fee, that in good faith renders care or assistance necessitated by a sudden, unexpected situation or occurrence resulting in an acute life-threatening medical condition demanding immediate medical attention, for which the patient enters the hospital through its emergency room, may not be held liable for more than \$50,000 in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

3.”.

Amend section 1, page 3, line 5, by deleting “subsection 1” and inserting: “subsections 1 and 2”.

Amend section 1, page 3, line 9, by deleting “3.” and inserting:

“4. If:

(a) A physician or dentist provides follow-up care to a patient to whom he rendered care or assistance pursuant to subsection 1 or 2;

(b) A medical condition arises during the course of the follow-up care that is directly related to the original medical condition for which care or assistance was rendered pursuant to subsection 1 or 2; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care, there is a rebuttable presumption that the medical condition was caused by the care or assistance rendered pursuant to subsection 1 or 2 and that the limitation on liability provided by subsection 1 or 2 applies with respect to the medical condition that arises during the course of the follow-up care.

5.”.

Amend section 1, page 3, line 10, after “1” by inserting “or 2”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient at a health care facility of a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.800."

Amend sec. 5, page 3, line 28, after "2" by inserting "or 4".

Amend sec. 5, page 3, by deleting lines 36 through 42.

Amend sec. 5, page 3, line 43, by deleting "(g)" and inserting "(a)".

Amend sec. 5, page 3, line 45, by deleting "(h)" and inserting "(b)".

Amend sec. 5, page 4, line 1, by deleting "In" and inserting:

"Except as otherwise provided in subsection 4, in".

Amend sec. 5, page 4, line 11, after "4." by inserting: "The limitations set forth in subsections 1 and 3 do not apply in an action for damages for

medical malpractice or dental malpractice unless the defendant was covered by professional liability insurance at the time the injury occurred in an amount of:

- (a) Not less than \$1,000,000 per occurrence; and
 - (b) Not less than \$3,000,000 in the aggregate.
- 5.”.

Amend sec. 5, page 4, by deleting lines 13 through 28 and inserting:

“6. For the purposes of this section, “gross malpractice” means failure to exercise the required degree of care, skill or knowledge that amounts to:

- (a) A conscious indifference to the consequences which may result from the gross malpractice; and
- (b) A disregard for and indifference to the safety and welfare of the patient.”.

Amend sec. 6, page 4, line 29, before “In” by inserting “1.”.

Amend sec. 6, page 4, between lines 32 and 33, by inserting:

“2. As used in this section, “medical malpractice” means the failure of a physician, hospital, employee of a hospital, certified nurse midwife or certified registered nurse anesthetist in rendering services to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.”.

Amend sec. 8, page 5, line 2, after “practices” by inserting: “or has practiced”.

Amend sec. 9, page 5, by deleting lines 5 and 6 and inserting: “malpractice, each plaintiff, each defendant, the representative of each defendant’s insurer and their respective attorneys shall attend and”.

Amend sec. 9, page 5, line 16, after “party” by inserting: “, his insurer”.

Amend sec. 10, page 5, lines 21 and 22, by deleting “and 41A.009” and inserting: “, 41A.009 and 41A.013”.

Amend sec. 12, page 7, line 14, after “practices” by inserting: “or has practiced”.

Amend the bill as a whole by deleting sections 18 through 50 and inserting:

“Secs. 18-50. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 57 and inserting:

“Sec. 57. (Deleted by amendment.)”.

Amend sec. 58, page 23, line 14, by deleting: “59 to 64, inclusive,” and inserting: “62, 63 and 64”.

Amend the bill as a whole by deleting sections 59 through 61 and inserting:

“Secs. 59-61. (Deleted by amendment.)”.

Amend sec. 69, page 27, line 40, by deleting “41A.013,”.

Amend sec. 72, page 28, line 2, by deleting “41A.013” and inserting “41A.016”.

Amend sec. 72, page 28, line 24, by deleting “41A.013” and inserting “41A.016”.

Amend the bill as a whole by deleting sec. 74 and inserting:

“Sec. 74. (Deleted by amendment.)”.

Amend sec. 75, page 29, by deleting line 9 and inserting:

“Sec. 75. This section and sections 1 to 17, inclusive, 51 to 58,”.

Amend sec. 75, page 29, line 10, by deleting “61” and inserting “62”.

Amend sec. 75, page 29, by deleting lines 12 and 13.

Amend the leadlines of repealed sections by deleting the leadline of NRS 41A.013.

Amend the preamble of the bill, page 2, by deleting lines 1 through 13 and inserting:

“WHEREAS, It is recognized that patients who have been injured by medical malpractice must be afforded appropriate access to legal remedies for their injuries and that judicial discretion to render decisions in malpractice actions involving exceptional circumstances must be preserved; now, therefore,”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 1.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 8:01 p.m.

ASSEMBLY IN SESSION

At 9:11 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 31, 2002

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 1, and requests a conference, and appointed Senators Raggio, Rawson and Schneider as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Perkins, Brown as a First Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 1.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended, reading so far considered second reading, rules further suspended, and that Senate Bill No. 3 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 7.

Amend section 1, page 2, line 4, by deleting “\$486.10” and inserting “\$465.78”.

Amend sec. 2, page 2, line 13, by deleting “\$275.40” and inserting “\$263.89”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. The board of the public employees’ benefits program shall ensure that:

1. No state employee who is a member of the program is required to pay, for the fiscal year 2002-2003, any part of the cost of the premiums or contributions for the program which are attributable to the health benefits coverage of the employee by the program. The provisions of this subsection do not prohibit requiring a state employee to pay the cost of the premiums or contributions attributable to the coverage of the state employee’s dependents by the program.

2. Any money resulting from the amendatory provisions of section 1 of this act that exceeds the amount necessary to carry out the provisions of subsection 1 is applied to reserves or used to maintain current health benefits.

Sec. 4. The board of the public employees' benefits program shall issue a request for information or a request for proposals to determine whether privatization of the public employees' benefits program is economically feasible. The board of the public employees' benefits program shall require that any information or proposals returned in response to a request issued pursuant to this section are returned to the board in sufficient time to allow the board to use such information or proposals when making any decisions regarding any plan for benefits that will begin on or after July 1, 2003."

Amend sec. 3, page 2, line 14, by deleting:
"January 1, 2003." and inserting:
"October 1, 2002."

Amend the title of the bill, third line, after the semicolon, by inserting:
"requiring the board of the public employees' benefits program to issue a request for information or proposals concerning privatization of the program;"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Koivisto and Gustavson.

Potential conflict of interest declared by Assemblymen Koivisto and Gustavson.

Assemblyman Gustavson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I do need to disclose that my wife is a public employee. Although this will not affect me more than anyone else, I will be abstaining from voting.

Amendment adopted.

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

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

Assembly in recess at 9:16 p.m.

ASSEMBLY IN SESSION

At 3:52 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, August 1, 2002 at 4:00 a.m.

Motion carried.

Assembly adjourned at 3:53 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), August 1, 2002

Assembly called to order at 4:00 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Lord, we thank You for this new day and what we hope is the final solution to the dilemma that has faced this body over the past several days. We thank You for the good sense and knowledge that has led to this solution. Finally, we ask for safe passage for each and every one of us on our journey home and a good horse to ride when we get there.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Senate Bill No. 3 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 1, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

RICHARD D. PERKINS
BARBARA E. BUCKLEY
DAVID BROWN

Assembly Conference Committee

WILLIAM J. RAGGIO
RAYMOND D. RAWSON
MICHAEL SCHNEIDER
Senate Conference Committee

Conference Amendment No. CA1.

Amend section 1, page 2, line 12, by deleting “3” and inserting “2”.

Amend section 1, page 2, by deleting line 17 and inserting:

*“A hospital other than (b) a hospital described in paragraph (a);
An employee of a hospital (c) described in paragraph (a) or (b) who renders”.*

Amend section 1, page 2, line 19, by deleting “(c)” and inserting “(d)”.

Amend section 1, page 2, line 21, by deleting “(a),” and inserting:
“(a) or (b),”.

Amend section 1, page 2, line 23, by deleting “(d)” and inserting “(e)”.

Amend section 1, pages 2 and 3, by deleting lines 32 through 49 on page 2 and lines 1 through 4 on page 3, and inserting:

“that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held”.

Amend section 1, page 3, line 10, by deleting “3.” and inserting “2.”.

Amend section 1, page 3, line 16, by deleting:
“subsections 1 and 2” and inserting “subsection 1”.

Amend section 1, page 3, line 19, by deleting “medical emergency.” and inserting “traumatic injury.”.

Amend section 1, page 3, line 20, by deleting “4.” and inserting “3.”.

Amend section 1, page 3, line 22, by deleting:
“1 or 2;” and inserting “1;”.

Amend section 1, page 3, line 24, by deleting “medical condition” and inserting “traumatic injury”.

Amend section 1, page 3, line 25, by deleting:
“1 or 2;” and inserting “1;”.

Amend section 1, page 3, by deleting lines 28 and 29 and inserting:
“there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that”.

Amend section 1, page 3, line 30, by deleting “or 2”.

Amend section 1, page 3, by deleting line 33 and inserting:

*“For the purposes of 4. this section:
“Reckless, willful or (a) wanton”.*

Amend section 1, page 3, line 34, by deleting “or 2”.

Amend section 1, page 3, line 39, by deleting “(a)” and inserting “(1)”.

Amend section 1, page 3, line 40, by deleting “(b)” and inserting “(2)”.

Amend section 1, page 3, line 41, by deleting “(c)” and inserting “(3)”.

Amend section 1, page 3, line 42, by deleting “(d)” and inserting “(4)”.

Amend section 1, page 3, line 44, by deleting “(e)” and inserting “(5)”.

Amend section 1, page 3, between lines 44 and 45 by inserting:

““Traumatic injury” (b) means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.”.

Amend sec. 5, page 5, line 24, by deleting “or 4”.

Amend sec. 5, page 6, by deleting line 1 and inserting:

“The limitation set 4. forth in subsection 3 does not apply in an”.

Amend sec. 5, page 6, by deleting line 4 and inserting:

“of the occurrence of the alleged malpractice and on the date on which the insurer receives notice of the claim, in an amount of:”.

Amend sec. 9, page 6, by deleting lines 46 and 47 and inserting:

“malpractice, all the parties to the action, the insurers of the respective parties and the attorneys of the respective parties shall attend and”.

Amend the bill as a whole, page 12, by deleting line 29 and inserting:

“18. Sec.Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 39, inclusive, of this act.

19. Sec.As used in sections 19 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 20 to 25, inclusive, of this act have the meanings ascribed to them in those sections.

20. Sec.“Medical facility” means:

A hospital, as that term 1. is defined in NRS 449.012 and 449.0151;

An obstetric center, as 2. that term is defined in NRS 449.0151 and 449.0155;

A surgical center for 3. ambulatory patients, as that term is defined in NRS 449.0151 and 449.019; and

An independent center for 4. emergency medical care, as that term is defined NRS 449.013 and 449.0151.

21. Sec.“Patient” means a person who:

Is admitted to a medical 1. facility for the purpose of receiving treatment;

Resides in a medical 2. facility; or

Receives treatment from a 3. provider of health care.

22. Sec.“Patient safety officer” means a person who is designated as such by a medical facility pursuant to section 35 of this act.

23. Sec.“Provider of health care” means a person who is licensed, certified or otherwise authorized by the law of this state to administer health care in the ordinary course of the business or practice of a profession.

24. Sec.“Repository” means the repository for health care quality assurance created by section 31 of this act.

25. Sec.“Sentinel event” means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. The term includes loss of limb or function.

(Deleted by amendment.) 26 and 27. Secs.

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

A person who is employed (a) by a medical facility shall, within 24 hours after becoming aware of a sentinel event that occurred at the medical facility, notify the patient safety officer of the facility of the sentinel event; and

The patient safety officer (b) shall, within 13 days after receiving notification pursuant to paragraph (a), report the date, the time and a brief description of the sentinel event to:

The health division; (1) and

The representative (2) designated pursuant to section 32 of this act, if that person is different from the patient safety officer.

If the patient safety 2. officer of a medical facility personally discovers or becomes aware, in the absence of notification by another employee, of a sentinel event that occurred at the medical facility, the patient safety officer shall, within 14 days after discovering or becoming aware of the sentinel event, report the date, time and brief description of the sentinel event to:

The health division; and (a)

The representative (b) designated pursuant to section 32 of this act, if that person is different from the patient safety officer.

The administrator shall 3. prescribe the manner in which reports of sentinel events must be made pursuant to this section.

29. Sec. *The health 1. division shall, to the extent of legislative appropriation and authorization:*

Collect and maintain (a) reports received pursuant to section 28 of this act; and

Ensure that such reports, (b) and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access.

Reports received pursuant 2. to section 28 of this act are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

30. Sec. *The health 1. division shall, to the extent of legislative appropriation and authorization, contract with a quality improvement organization, as defined in 42 C.F.R. § 400.200, to analyze and report trends regarding sentinel events.*

When the health division 2. receives notice from a medical facility that the medical facility has taken corrective action to remedy the causes or contributing factors, or both, of a sentinel event, the health division shall:

Make a record of the (a) information;

Ensure that the (b) information is aggregated so as not to reveal the identity of a specific person or medical facility; and

Transmit the information (c) to a quality improvement organization.

A quality improvement 3. organization to whom information is transmitted pursuant to subsection 2 shall, at least quarterly, report its

findings regarding the analysis of aggregated trends of sentinel events to the repository for health care quality assurance.

31. Sec. *The 1. repository for health care quality assurance is hereby created within the health division.*

The repository shall, to 2. the extent of legislative appropriation and authorization, function as a clearinghouse of information relating to aggregated trends of sentinel events.

32. Sec. *Each medical 1. facility that is located within this state shall designate a representative for the notification of patients who have been involved in sentinel events at that medical facility.*

A representative 2. designated pursuant to subsection 1 shall, not later than 7 days after discovering or becoming aware of a sentinel event that occurred at the medical facility, provide notice of that fact to each patient who was involved in that sentinel event.

The provision of notice to 3. a patient pursuant to subsection 2 must not, in any action or proceeding, be considered an acknowledgment or admission of liability.

A representative 4. designated pursuant to subsection 1 may or may not be the same person who serves as the facility's patient safety officer.

33. Sec. *Any report, document and any other information compiled or disseminated pursuant to the provisions of sections 19 to 39, inclusive, of this act is not admissible in evidence in any administrative or legal proceeding conducted in this state.*

34. Sec. *Each medical 1. facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility.*

A medical facility shall 2. submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

After a medical facility's 3. patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

35. Sec. *A medical 1. facility shall designate an officer or employee of the facility to serve as the patient safety officer of the medical facility.*

The person who is 2. designated as the patient safety officer of a medical facility shall:

Serve on the patient (a) safety committee.

Supervise the reporting of (b) all sentinel events alleged to have occurred at the medical facility, including, without limitation, performing the duties required pursuant to section 28 of this act.

Take such action as he (c) determines to be necessary to ensure the safety of patients as a result of an investigation of any sentinel event alleged to have occurred at the medical facility.

Report to the patient (d) safety committee regarding any action taken in accordance with paragraph (c).

36. Sec.A medical 1. facility shall establish a patient safety committee.

Except as otherwise 2. provided in subsection 3:

A patient safety committee (a) established pursuant to subsection 1 must be composed of:

The patient safety (1) officer of the medical facility.

At least three (2) providers of health care who treat patients at the medical facility, including, without limitation, at least one member of the medical, nursing and pharmaceutical staff of the medical facility.

One member of the (3) executive or governing body of the medical facility.

A patient safety committee (b) shall meet at least once each month.

The administrator shall 3. adopt regulations prescribing the composition and frequency of meetings of patient safety committees at medical facilities having fewer than 25 employees and contractors.

A patient safety committee 4. shall:

Receive reports from the (a) patient safety officer pursuant to section 35 of this act.

Evaluate actions of the (b) patient safety officer in connection with all reports of sentinel events alleged to have occurred at the medical facility.

Review and evaluate the (c) quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility.

Make recommendations to (d) the executive or governing body of the medical facility to reduce the number and severity of sentinel events that occur at the medical facility.

At least once each (e) calendar quarter, report to the executive or governing body of the medical facility regarding:

The number of sentinel (1) events that occurred at the medical facility during the preceding calendar quarter; and

Any recommendations to (2) reduce the number and severity of sentinel events that occur at the medical facility.

The proceedings and 5. records of a patient safety committee are subject to the same privilege and protection from discovery as the proceedings and records described in NRS 49.265.

37. Sec.No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if he, without malice:

Reports a sentinel event 1. to a governmental entity with jurisdiction or another appropriate authority;

Notifies a governmental 2. entity with jurisdiction or another appropriate authority of a sentinel event;

Transmits information 3. regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority;

Compiles, prepares or 4. disseminates information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority; or

Performs any other act 5. authorized pursuant to sections 19 to 39, inclusive, of this act.

38. Sec.If a medical facility:

Commits a violation of any 1. provision of sections 19 to 39, inclusive, of this act or for any violation for which an administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

Of its own volition, 2. reports the violation to the administrator, such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

39. Sec.The administrator shall adopt such regulations as the administrator determines to be necessary or advisable to carry out the provisions of sections 19 to 39, inclusive, of this act.

40-43. Secs.(Deleted by amendment.)

Chapter 449 of NRS is hereby amended by adding thereto 44. Sec. the provisions set forth as sections 45 and 46 of this act.

45. Sec.A medical 1. facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility or a person acting on behalf of the employee who in good faith:

Reports to the board of (a) medical examiners or the state board of osteopathic medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

Reports a sentinel event (b) to the health division pursuant to section 28 of this act; or

Cooperates or otherwise (c) participates in an investigation or proceeding conducted by the board of medical examiners, the state board of osteopathic medicine or another governmental entity relating to conduct described in paragraph (a) or (b).

A medical facility or any 2. agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility because the employee has taken an action described in subsection 1.

A medical facility or any 3. agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility to take an action described in subsection 1.

As used in this section: 4.

“Physician” means a person (a) licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

“Retaliate or (b) discriminate”:

Includes, without (1) limitation, the following action if such action is taken solely because the employee took an action described in subsection 1:

Frequent or (I) undesirable changes in the location where the employee works;

Frequent or (II) undesirable transfers or reassignments;

The issuance of (III) letters of reprimand, letters of admonition or evaluations of poor performance;

A demotion; (IV)

A reduction in (V) pay;

The denial of a (VI) promotion;

A suspension; (VII)

A dismissal; (VIII)

A transfer; or (IX)

Frequent changes (X) in working hours or workdays.

Does not include (2) action described in sub-subparagraphs (I) to (X), inclusive, of paragraph (1) if the action is taken in the normal course of employment or as a form of discipline.

46. Sec. An employee of a medical facility who believes that he has been retaliated or discriminated against in violation of section 45 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.

Chapter 630 of NRS is hereby amended by adding thereto 47. Sec. the provisions set forth as sections 48 and 49 of this act.

48. Sec. A physician 1. or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the physician or a person acting on behalf of the employee who in good faith:

Reports to the board information (a) relating to the conduct of the physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

Reports a sentinel event (b) to the health division pursuant to section 28 of this act; or

Cooperates or otherwise (c) participates in an investigation or proceeding conducted by the board or another governmental entity relating to conduct described in paragraph (a) or (b).

A physician or any agent 2. or employee thereof shall not retaliate or discriminate unfairly against an employee of the physician because the employee has taken an action described in subsection 1.

A physician or any agent 3. or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or

any other manner the right of an employee of the physician to take an action described in subsection 1.

As used in this section, 4. "retaliate or discriminate":

Includes, without (a) limitation, the following action if such action is taken solely because the employee took an action described in subsection 1:

Frequent or (1) undesirable changes in the location where the employee works;

Frequent or (2) undesirable transfers or reassignments;

The issuance of (3) letters of reprimand, letters of admonition or evaluations of poor performance;

A demotion; (4)

A reduction in pay; (5)

The denial of a (6) promotion;

A suspension; (7)

A dismissal; (8)

A transfer; or (9)

Frequent changes in (10) working hours or workdays.

Does not include action (b) described in subparagraphs (1) to (10), inclusive, of paragraph (a) if the action is taken in the normal course of employment or as a form of discipline.

49. Sec. An employee of a physician who believes that he has been retaliated or discriminated against in violation of section 48 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate.

50. Sec.(Deleted by amendment.)"

Amend sec. 55, page 15, by deleting lines 12 through 14.

Amend sec. 55, page 15, line 15, by deleting "5." and inserting "4."

Amend the bill as a whole[?] page 15, by deleting line 42 and inserting:

" 59. Sec.An osteopathic physician or any agent or 1. employee thereof shall not retaliate or discriminate unfairly against an employee of the osteopathic physician or a person acting on behalf of the employee who in good faith:

Reports to the board (a) information relating to the conduct of the osteopathic physician which may constitute grounds for initiating disciplinary action against the osteopathic physician or which otherwise raises a reasonable question regarding the competence of the osteopathic physician to practice medicine with reasonable skill and safety to patients;

Reports a sentinel event (b) to the health division pursuant to section 28 of this act; or

Cooperates or otherwise (c) participates in an investigation or proceeding conducted by the board or another governmental entity relating to conduct described in paragraph (a) or (b).

An osteopathic physician 2. or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the osteopathic

physician because the employee has taken an action described in subsection 1.

An osteopathic physician 3. or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the osteopathic physician to take an action described in subsection 1.

As used in this section, 4. "retaliate or discriminate":

Includes, without (a) limitation, the following action if such action is taken solely because the employee took an action described in subsection 1:

Frequent or (1) undesirable changes in the location where the employee works;

Frequent or (2) undesirable transfers or reassignments;

The issuance of (3) letters of reprimand, letters of admonition or evaluations of poor performance;

A demotion; (4)

A reduction in pay; (5)

The denial of a promotion; (6)

A suspension; (7)

A dismissal; (8)

A transfer; or (9)

Frequent changes in (10) working hours or workdays.

Does not include action (b) described in subparagraphs (1) to (10), inclusive, of paragraph (a) if the action is taken in the normal course of employment or as a form of discipline.

60. Sec. An employee of an osteopathic physician who believes that he has been retaliated or discriminated against in violation of section 59 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.

61. Sec. (Deleted by amendment.)"

Amend sec. 64, page 17, by deleting lines 9 through 11.

Amend sec. 64, page 17, line 12, by deleting "5." and inserting "4."

Amend the bill as a whole by adding a new section designated sec. 72.5, following sec. 72, to read as follows:

"72.5. Sec. For 1. the period beginning on October 1, 2002, and ending on October 1, 2005, the division shall monitor and maintain records of all:

Premiums charged for policies of insurance covering the (a) liability of a practitioner licensed to practice medicine, dentistry or osteopathic medicine pursuant to chapter 630, 631 or 633 of NRS for a breach of his professional duty toward a patient; and

Jury verdicts and settlements of cases and claims relating to (b) the liability of a practitioner licensed to practice medicine, dentistry or osteopathic medicine pursuant to chapter 630, 631 or 633 of NRS for a breach of his professional duty toward a patient, including, without limitation:

The amount of each jury verdict or settlement; (1)

For each case or claim, whether any limitation on the (2) amount of any damages applied; and

For each case or claim, the effect of any applicable (3) limitation on the amount of any damages.

Not later than November 1, 2005, the division shall deliver 2. to the commissioner for review a report that must include, without limitation:

A summary of the information obtained pursuant to subsection (a) 1; and

Analyses of any changes or trends in the amounts of or (b) volumes of premiums or jury verdicts and settlements as evidenced by the information obtained pursuant to subsection 1.

Not later than December 1, 2005, the commissioner shall 3. submit to the director of the legislative counsel bureau for transmission to the legislative commission and the legislature a report that must include, without limitation:

The findings of the division delivered to the commissioner (a) pursuant to this section; and

Any recommendations of the commissioner for legislation based (b) upon the findings of the division, including, without limitation, any recommendations for annual adjustments for inflation for any limitations on damages applicable to cases and claims relating to the liability of a practitioner licensed to practice medicine, dentistry or osteopathic medicine pursuant to chapter 630, 631 or 633 of NRS for a breach of his professional duty toward a patient.

As used in this section: 4.

“Commissioner” has the meaning ascribed to it in NRS (a) 679A.060.

“Division” has the meaning ascribed to it in NRS 679A.085.”. (b)

Amend sec. 75, page 19, line 47, by deleting “This” and inserting This”.
“1.

Amend sec. 75, page 19, after line 49, by inserting:

Sections 18 to 39, inclusive, 44 to 49, inclusive, 59 and 60 “2. of this act become effective on July 1, 2003.”.

Amend the title of the bill, sixteenth line, after “negligence;” by inserting: “requiring the commissioner of insurance to report to the legislative commission and the legislature regarding certain premiums for insurance and certain jury verdicts and settlements;”.

Amend the bill as a whole by adding the following senators as primary joint sponsors:

Senators Raggio and Titus.

Amend the bill as a whole by adding the following senators as nonprimary joint sponsors:

Senators Amodei, Care, Carlton, Coffin, Jacobsen, Mathews, McGinness, Milburn, Neal, O’Connell, O’Donnell, Paulk, Rawson, Rhoads, Schneider, Shaffer, Townsend, Washington and Wiener.

Assemblyman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 1.

Remarks by Assemblymen Buckley and Hettrick.

Assemblyman Parks requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. This conference report adopts the medical malpractice bill that we have worked on all week. It settles some additional issues by adding medical error reporting and whistle blower protections to ensure the prevention of medical malpractice. I would note that the medical error reporting section of this bill was worked on very diligently until late this evening and we are going to continue our commitment next session to working on all technical aspects of this bill, to ensure it is workable for our state. I would urge the support of the first conference committee's report.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I urge support of this conference committee report as well, and request a roll call vote.

Assemblyman Hettrick, Nolan and Humke requested a Roll Call vote on the First Conference Committee Report to Assembly Bill No. 1.

Roll call on the First Conference Committee Report to Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Motion carried by a constitutional majority.

Mr. Speaker appointed Assemblymen Buckley, Dini and Hettrick as a committee to wait upon His Excellency, Kenny C. Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Williams, Leslie and Carpenter as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

Assemblywoman Buckley reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, August 1, 2002

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 7 to Senate Bill No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Parks moved that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Here we are at another *sine die*. For me, this is always a promise of the future because serving with the 41 of you is always the promise there is going to be a brighter future. There is no greater group of optimists than all of you. We bet on tomorrow every day that what we are going to do, today, is going to make a difference for the future. Serving with you, therefore, is always a great pleasure. Sitting with us today, however, for the last time as a colleague, is a man who none of us will ever have the experience to serve with again—the Honorable Speaker Emeritus Dini. My Irish heart would not allow us to see the passing of such a moment without, once again, thanking him for the great graciousness he has shown for all of us; the high example of what a statesman is; and the promise of the future for a Nevada that is great, that will be greater because of his presence here. There are few people that we will ever know who will have had the great experience of serving with Joseph Dini. I don't want to see this moment pass without honoring him once again. Mr. Dini, thank you for allowing me to serve with you.

ASSEMBLYMAN DINI:

Okay, that's enough. Hold it. I wasn't going to make a speech and . . . I'm not. I thank you all for the courtesies you've shown me and the good times we've had and the hard work we've done for our state. I leave on the high side. It has been enjoyable, but I think it is time for me and Mouryne to take it easy. I wish you all luck. Continue your service to our state. I think that this is a great body. We have wonderful people serving here. From the bottom of my heart I say thank you.

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

Before I recognize the Majority Leader for our adjournment I think it is important to recognize what we have done here this week. This is the 18th Special Session of the Nevada Legislature, approaching 130 years of our history. I think it does bring some meaning to call it a Special Session; it's not something that happens very often. We had a lot to accomplish this week.

Truly, with the permission of the body, I would like to thank the Speaker Emeritus as well. I'm standing here because of you. In the absence of my father, Joe, you are truly somebody that is a father to me. I said at the beginning of last session that not very many people have the privilege of learning at the foot of the master. I am truly honored to been able to do that. All of us, I'm sure, will be able to tell stories to our posterity, about having served with Joseph E. Dini, Jr.,” Mr. Speaker.” You will always be Mr. Speaker. Just another thanks from me, Joe, for everything you have done for the State of Nevada, for this institution and for me. You will never ever receive the thanks that you're due. Thank you.

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

Assemblywoman Buckley moved that the Eighteenth Special Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 4:26 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

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MARTIN, KATHY, Assemblywoman from Clark County, No. 20 District—
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OF THE
EIGHTEENTH SPECIAL SESSION
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LEGISLATURE OF THE STATE OF NEVADA

2002

ASSEMBLY STANDING RULES

18TH SPECIAL SESSION, 2002

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Assembly for the 18th Special Session of the Legislature are applicable only during the 18th Special Session of the Legislature.

[Statutes of Nevada 2002 Special Session, 38]

II. OFFICERS AND EMPLOYEES

Rule No. 2. Speaker of the Assembly.

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

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

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

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

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

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

(e) If the Assembly resolves itself into a Committee of the Whole, name a chairman to preside thereover and call him to the chair.

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

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

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

[Statutes of Nevada 2002 Special Session, 38]

Rule No. 3. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 4. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 5. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 6. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

The next rule is 10.

III. MEETINGS

Rule No. 10. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 11. Open Meetings.

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

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 12. Reserved.

[Statutes of Nevada 2002 Special Session, 39]

The next rule is 20.

IV. DECORUM AND DEBATE

Rule No. 20. Points of Order.

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

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 21. Portable electronic communication devices.

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

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

[Statutes of Nevada 2002 Special Session, 39]

Rule No. 22. Reserved.

[Statutes of Nevada 2002 Special Session, 40]

Rule No. 23. Reserved.

[Statutes of Nevada 2002 Special Session, 40]

The next rule is 30.

V. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

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

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

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

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

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

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

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

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

[Statutes of Nevada 2002 Special Session, 40]

Rule No. 31. Reserved.

[Statutes of Nevada 2002 Special Session, 40]

Rule No. 32. Announcement of the Vote.

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

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

[Statutes of Nevada 2002 Special Session, 40]

Rule No. 33. Voting by Division.

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

[Statutes of Nevada 2002 Special Session, 40]

The next rule is 40.

VI. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Elections, Procedures, and Ethics.
2. Medical Malpractice Issues.
3. Ways and Means.

[Statutes of Nevada 2002 Special Session, 41]

Rule No. 41. Appointment of Committees.

All committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall determine the appropriate

number of members for each committee and shall designate the chairman and vice chairman of each committee.

[Statutes of Nevada 2002 Special Session, 41]

Rule No. 42. Committee Action.

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

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

3. Definite action on a bill or resolution will require a majority of the entire committee.

4. A two-thirds majority of the entire committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support final passage. A decision by a committee to request the drafting of an amendment for a bill requires concurrence of a majority of the members of the entire committee and requires a commitment from each such concurring member to support the amendment when it is considered on the floor of the Assembly.

6. The chairman shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

8. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chairman has informed the Speaker of the intention of the committee to consider such a question.

[Statutes of Nevada 2002 Special Session, 41]

Rule No. 43. Subcommittees.

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

[Statutes of Nevada 2002 Special Session, 41]

Rule No. 44. Committee on Elections, Procedures, and Ethics.

The Committee on Elections, Procedures, and Ethics has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Credentials of the Assembly.

[Statutes of Nevada 2002 Special Session, 41]

Rule No. 45. Approval of Committee on Medical Malpractice Issues Required Before Submission to Legislative Counsel of Request for Drafting of Bill, Resolution or Amendment.

Except as otherwise provided in this rule and in Joint Rule No. 2 for requests by a conference committee, a majority of the members appointed to the Committee on Medical Malpractice Issues must approve any request for the drafting of a bill, resolution or amendment during the 18th Special Session before it is submitted to the Legislative Counsel. The Speaker may request the drafting of one bill for the 18th Special Session without seeking the approval of the Committee on Medical Malpractice Issues. The Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Assembly, unless it is submitted by the Committee on Medical Malpractice Issues or a Conference Committee.

[Statutes of Nevada 2002 Special Session, 42]

Rule No. 46. Committee Action on Reports.

Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 2002 Special Session, 42]

Rule No. 47. Committee Records.

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

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

[Statutes of Nevada 2002 Special Session, 42]

Rule No. 48. Disposition of Committee Records.

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

[Statutes of Nevada 2002 Special Session, 42]

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman,

members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

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

[Statutes of Nevada 2002 Special Session, 42]

Rule No. 50. Reserved.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 51. Reserved.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 52. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 2002 Special Session, 43]

The next rule is 60.

VII. RULES GOVERNING MOTIONS

A. PROCEDURE

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. If desired by the presiding officer or any member, the motion must be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 61. Reserved.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 62. Reserved.

[Statutes of Nevada 2002 Special Session, 43]

B. PARTICULAR MOTIONS**Rule No. 63. Reserved.**

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 64. Reserved.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the 18th Special Session of the Legislature and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 66. To Strike Enacting Clause.

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

[Statutes of Nevada 2002 Special Session, 43]

Rule No. 67. Division of Question.

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

[Statutes of Nevada 2002 Special Session, 44]

Rule No. 68. To Reconsider.

No motion to reconsider a vote is in order.

[Statutes of Nevada 2002 Special Session, 44]

The next rule is 80.

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

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

[Statutes of Nevada 2002 Special Session, 44]

Rule No. 81. Previous Question.

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

[Statutes of Nevada 2002 Special Session, 44]

Rule No. 82. Privilege of Closing Debate.

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

[Statutes of Nevada 2002 Special Session, 44]

The next rule is 90.

IX. CONDUCT OF BUSINESS**A. RULES AND PROCEDURE****Rule No. 90. Mason's Manual.**

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Rules and orders of the Assembly for the 18th Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature.

[Statutes of Nevada 2002 Special Session, 44]

Rule No. 91. Rescission, Change or Suspension of Rule.

No rule or order of the Assembly for the 18th Special Session of the Legislature may be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 2002 Special Session, 44]

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

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

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

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 2002 Special Session, 45]

Rule No. 93. Reserved.

[Statutes of Nevada 2002 Special Session, 45]

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

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

[Statutes of Nevada 2002 Special Session, 45]

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

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

[Statutes of Nevada 2002 Special Session, 45]

Rule No. 96. Peddling, Begging and Soliciting.

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

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

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

[Statutes of Nevada 2002 Special Session, 45]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief

statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 2002 Special Session, 45]

Rule No. 98. Request of Purpose.

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

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Rules of the Assembly for the 18th Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 18th Special Session of the Legislature.

4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 101. Reserved.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 102. Privileged Questions.

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

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 103. Reserved.

[Statutes of Nevada 2002 Special Session, 46]

B. BILLS

Rule No. 104. Reserved.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 105. Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is not authorized.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 107. Reserved.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 108. Reserved.

[Statutes of Nevada 2002 Special Session, 46]

Rule No. 109. Reading of Bills.

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

[Statutes of Nevada 2002 Special Session, 47]

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

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

2. Only amendments proposed by the Committee on Medical Malpractice Issues or a conference committee may be considered on the floor of the Assembly. Such a motion to amend may be adopted on the floor of the Assembly by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with amendments proposed

by a committee. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable.

3. The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 2002 Special Session, 47]

Rule No. 111. Consent Calendar.

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

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

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

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

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

[Statutes of Nevada 2002 Special Session, 47]

Rule No. 112. Reserved.

[Statutes of Nevada 2002 Special Session, 48]

Rule No. 113. General File.

All bills reported to the Assembly, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 2002 Special Session, 48]

Rule No. 114. Reserved.

[Statutes of Nevada 2002 Special Session, 48]

Rule No. 115. Reserved.

[Statutes of Nevada 2002 Special Session, 48]

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 2002 Special Session, 48]

Rule No. 117. Reserved.

[Statutes of Nevada 2002 Special Session, 48]

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

The procedure of enacting joint resolutions must be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 119. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

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

The Order of Business must be as follows:

1. Call to Order.
 2. Reading and Approval of Journal.
 3. Presentation of Petitions.
 4. Reports of the Standing Committees.
 5. Reports of Select Committees.
 6. Communications.
 7. Messages from the Senate.
 8. Motions, Resolutions and Notices.
 9. Introduction, First Reading and Reference.
 10. Consent Calendar.
 11. Second Reading and Amendment.
 12. General File and Third Reading.
 13. Unfinished Business of Preceding Day.
 14. Special Orders of the Day.
 15. Remarks from the Floor, limited to 10 minutes.
- [Statutes of Nevada 2002 Special Session, 49]

Rule No. 121. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 122. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 123. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 124. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 125. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 126. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 127. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 128. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

The next rule is 140.

X. MISCELLANEOUS

Rule No. 140. Reserved.

[Statutes of Nevada 2002 Special Session, 49]

Rule No. 141. Use of Assembly Chamber.

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

[Statutes of Nevada 2002 Special Session, 50]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

18TH SPECIAL SESSION, 2002

APPLICABILITY OF JOINT RULES

Rule No. 1. Generally.

The Joint Rules for the 18th Special Session of the Legislature are applicable only during the 18th Special Session of the Legislature.

[Statutes of Nevada 2002 Special Session, 29]

CONFERENCE COMMITTEES

Rule No. 2. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

2. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

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

[Statutes of Nevada 2002 Special Session, 29]

MESSAGES

Rule No. 3. Procedure Concerning.

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

2. Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct any message from the Governor to be received, read and entered in full in the Journal of proceedings.

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

[Statutes of Nevada 2002 Special Session, 30]

NOTICE OF FINAL ACTION

Rule No. 4. Communications.

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

[Statutes of Nevada 2002 Special Session, 30]

BILLS AND JOINT RESOLUTIONS

Rule No. 5. Signature.

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

[Statutes of Nevada 2002 Special Session, 30]

Rule No. 6. Joint Sponsorship.

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

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. The number of primary joint sponsors must not exceed five per bill or resolution. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

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

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

3. The Legislative Counsel shall not cause to be printed the name of a committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

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

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a committee as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

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

[Statutes of Nevada 2002 Special Session, 30]

PRINTING

Rule No. 7. Ordering and Distribution.

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

[Statutes of Nevada 2002 Special Session, 32]

RESOLUTIONS

Rule No. 8. Types, Usage and Approval.

1. A joint resolution must be used to:
 - (a) Propose an amendment to the Nevada Constitution.
 - (b) Ratify a proposed amendment to the United States Constitution.
 - (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
 - (a) Amend these joint rules.
 - (b) Request the return from the Governor of an enrolled bill for further consideration.
 - (c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

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

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

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

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

[Statutes of Nevada 2002 Special Session, 32]

VETOES

Rule No. 9. Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read in the Senate by the Secretary of the Senate and in the Assembly by the Chief Clerk of the Assembly, without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 2002 Special Session, 32]

ADJOURNMENT

Rule No. 10. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the houses or by concurrent resolution. One or more such adjournments may be taken to permit a committee or the Legislative Counsel

Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 2002 Special Session, 33]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 11. Manner of authorization.

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

[Statutes of Nevada 2002 Special Session, 33]

RECORDS OF COMMITTEE PROCEEDINGS

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

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

2. The secretary of a committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records immediately following the final adjournment of the special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

(b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and

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

[Statutes of Nevada 2002 Special Session, 33]

LIMITATIONS ON REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 13. Germaneness Required for Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is

independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

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

[Statutes of Nevada 2002 Special Session, 34]

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

Rule No. 14. Tenure and Performance of Statutory Duties.

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

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

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

[Statutes of Nevada 2002 Special Session, 34]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 15. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

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

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

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

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

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

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission, when submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile or offensive working environment.

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

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

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

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

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

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

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

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

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

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

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

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

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

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

[Statutes of Nevada 2002 Special Session, 34]

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18TH SPECIAL SESSION, 2002

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C E R T I F I C A T E

STATE OF NEVADA

ASSEMBLY CHAMBER

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SS.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Eighteenth Special Session of the Legislature of the State of Nevada, held in 2002.



Speaker of the Assembly.



Chief Clerk of the Assembly.