

The
Journal of the
Assembly

OF THE
NINETEENTH SPECIAL SESSION
OF THE
LEGISLATURE OF THE
STATE OF NEVADA

2003



BEGUN ON THURSDAY, THE THIRD DAY OF JUNE, AND ENDED
ON THURSDAY, THE TWELFTH DAY OF JUNE

ARRANGEMENT AND CONTENTS OF VOLUME

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ASSEMBLY LEGISLATIVE CALENDAR

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
1.....	June 3, 2003.....	1
3.....	June 5, 2003.....	21
4.....	June 6, 2003.....	23
5.....	June 7, 2003.....	26
6.....	June 8, 2003.....	39
10.....	June 12, 2003.....	40

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 concerning state financial administration. Fiscal Note: Effect on Local Government: Yes. Effect on the State: No. Committee on State Revenue and Education Funding. 27, 28, 32, 37*.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

ASSEMBLY CONCURRENT RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1.....Adopts Joint Rules of Senate and Assembly for 19th Special Session of Legislature. Perkins, Buckley, and Hettrick; Senators Raggio and Titus. 4, 9, 21, 25.

ASSEMBLY RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1.....Provides for appointment of attaches. Perkins, Buckley, and Hettrick. 10, 25.
- 2.....Provides that no allowances will be paid for 19th Special Session of Nevada Legislature for periodicals, stamps, stationery or communications. Perkins, Buckley, and Hettrick. 10, 25.
- 3.....Adopts Rules of Assembly for 19th Special Session of Legislature. Perkins, Buckley, and Hettrick. 10, 25.

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

- 1.....Makes various changes governing education to facilitate implementation of federal No Child Left Behind Act of 2001. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Committee of the Whole. 24*.
- 2.....Apportions State Distributive School Account in State General Fund for 2003-2005 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee of the Whole. 24, 25.
- 3.....Makes appropriations to State Distributive School Account for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee of the Whole. 24, 25.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY
Nineteenth Special Session, 2003

<i>Title</i>	<i>Name</i>	<i>Mailing Address</i>
Speaker	Richard D. Perkins	328 Fife Street, Henderson 89015-2700
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

Nineteenth Special Session, 2003

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Carson City (part), Washoe (part), No. 40.....	Knecht, Ron (R).....	1009 Spencer Street, Carson City 89703-5422
Clark, No. 1	Collins, Clarence W. (Tom) (D).....	4716 San Miguel Avenue, North Las Vegas 89032-2828
Clark, No. 2	Mabey, Garn (R).....	1404 Silver Oaks Street, Las Vegas 89117-1456
Clark, No. 3	Pierce, Peggy (D).....	5304 Gipsy Avenue, Las Vegas 89107-3847
Clark, No. 4	Beers, Bob (R)	9428 Grenville Avenue, Las Vegas 89134-6206
Clark, No. 5	Weber, Valerie (R).....	10001 Harpoon Circle, Las Vegas 89117-0931
Clark, No. 6	Williams, Wendell P. (D)	3701 Fortune Avenue, Las Vegas 89107-2147
Clark, No. 7	Arberry, Morse Jr. (D).....	5300 W. Spring Mountain Road, #104, Las Vegas 89146-8721
Clark, No. 8	Buckley, Barbara E. (D)	5442 Holbrook Drive, Las Vegas 89103-2439
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D).....	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10	Goldwater, David E. (D).....	2201 Plaza De La Candela, Las Vegas 89102-4043
Clark, No. 11	McCleary, Bob (D)	2205 Flower Avenue, North Las Vegas 89030-7159
Clark, No. 12	Ohrenschall, Genie (D).....	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13	Christensen, Chad (R).....	9101 W. Sahara Avenue, Suite 105, Las Vegas 89117-5799
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	Atkinson, Kelvin (D)	5631 Indian Springs Street, North Las Vegas 89031-5078
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Claborn, Jerry (D)	6617 Network Circle, Las Vegas 89156-7015
Clark, No. 20	Hardy, Joe (R).....	895 Adams Boulevard, Boulder City 89005-2235
Clark, No. 21	Andonov, Walter (R)	P.O. Box 531106, Henderson 89053-1106

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Clark, No. 22	Brown, David F. (R)	701 N. Green Valley Parkway, Suite 200, Henderson 89074-6178
Clark, No. 23	Perkins, Richard (D)	328 Fife Street, Henderson 89015-2700
Clark, No. 28	Chowning, Vonne (D)	2015 Carroll Street, North Las Vegas 89030-6401
Clark, No. 29	Josh, Griffin (R)	792 Camino La Paz, Henderson 89012-5687
Clark, No. 34	Horne, William C. (D)	2251 North Rampart, No. 357, Las Vegas 89128-7640
Clark, No. 37	Conklin, Marcus (D)	1600 Palmae Way, Las Vegas 89128-3244
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 89103-2221
Douglas, Carson City (part), Washoe (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89460-8981
Elko, Humboldt (part), No. 33 ..	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, Churchill (Part) No. 36	Sherer, Rod (R)	2091 Zuni Avenue, Pahrump 89048-4811
Eureka, Pershing, White Pine, Churchill (part), Humboldt (part), Lander (part), Washoe (part) No. 35	Goicoechea, Pete (R)	P. O. Box 97, Eureka 89316-0097
Humboldt (part), Lander (part), Washoe (part), No. 32	Marvel, John (R)	P. O. Box 1270 Battle Mountain 89820-1270
Lyon, Storey, Carson City (part) Churchill (part), No. 38 ...	Grady, Tom (R)	43 Fairway Drive, Yerington 89447-2170
Washoe, No. 24	Geddes, Jason (R)	750 Putnam Drive, Reno 89503-5900
Washoe, No. 25	Gibbons, Dawn (R)	2535 Kinney Lane, Reno 89511-6546
Washoe, No. 26	Angle, Sharron (R)	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 27	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 30	Gustavson, Don (R)	P. O. Box 20300, Sun Valley 89433-0300
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Drive, Sparks 89434-1536

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Nineteenth Special Session, 2003

<i>Name</i>	<i>Title</i>	<i>City</i>
Diane Keetch	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Schurz
Matthew Baker	Journal Clerk	Carson City
Kathryn Fosnaugh	Recording Clerk	Carson City
Harle Glover	Document Clerk	Carson City
Jason Hataway	Media Clerk	Carson City
Terry Sullivan	Sergeant at Arms	Washoe Valley
Robin Bates	Assistant Sergeant at Arms	Gardnerville
Heidi Hansen	Assistant Sergeant at Arms	Carson City
Beverly Mobley	Assistant Sergeant at Arms	Dayton
Andrea Touyarot	Assistant Sergeant at Arms	Washoe Valley
Lucas Watson	Assistant Sergeant at Arms	Carson City
Kyle T. Wentz	Senior Page	Gardnerville
Jeanne Douglass	Supervisor of Clerical Services	Carson City
June Bennett	Data Entry Technician	Carson City
Kathryn Alden	Speaker's Executive Assistant	Carson City
Lona Domenici	Speaker's Executive Assistant	Carson City
Julie Whitacre	Speaker's Executive Secretary	Las Vegas
Barbara Houger	Majority Floor Leader's Executive Assistant	Carson City
Neenita Wasserman	Minority Floor Leader's Executive Assistant	Carson City
Valorie Belknap	Assistant Majority Floor Leader's Executive Secretary	Carson City
Kathryn Oetting	Assistant Minority Floor Leader's Executive Secretary	Carson City
Reba Coombs	Senior Committee Manager	Carson City
Marge Griffin	Committee Manager	Carson City
Joyce Hess	Committee Manager	Virginia City
Anne Bowen	Ways and Means Committee Secretary	Carson City
Susan Cherpeski	Ways and Means Committee Secretary	Carson City
Lila Clark	Ways and Means Committee Secretary	Carson City
Linda Smith	Ways and Means Committee Secretary	Dayton
Kelly Fisher	Senior Committee Secretary	Carson City
Mary G. Garcia	Committee Secretary	Minden
Eddie Cordisco, Jr.	Supervisor of Bill Services	Carson City
Mary Carel	Assistant Supervisor of Bill Services	Carson City
James C. Corbett	Bill Services Clerk	Carson City
Juanita Heston	Bill Services Clerk	Carson City
Reid Meyer	Bill Services Clerk	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

NINETEENTH SPECIAL SESSION

THE FIRST DAY

CARSON CITY (Tuesday), June 3, 2003

Assembly called to order at 5:32 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goldwater, who was excused.

Prayer by the Chaplain, Terry Sullivan.

Dear Lord, thank You for all the good work that's been done here in this past 120 days. We thank You for allowing us to agree to disagree and still be friends and colleagues. Give us the strength to finish our work with the same dignity and respect that has characterized the first 120 days of this session. Most of all Lord, we ask that You provide all of us a safe journey home when we do finish our work so that we can join our family and friends and once again enjoy our home life. And, as always, Lord, we certainly want a good horse when we get there. Thank You, Lord.

AMEN.

Pledge of Allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

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

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

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

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

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

Mr. Speaker announced the following select committee, the first-named member being the chairman, the second-named being the vice chairman:

SELECT COMMITTEE ON STATE REVENUE AND EDUCATION FUNDING—Arberry, Parks, Anderson, Chowning, Giunchigliani, Leslie, McClain, McCleary Mortenson, Perkins, Pierce, Andonov, Angle, Brown, Gibbons, Grady, Griffin, Hettrick, Marvel.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that persons as set forth on the Nevada Legislature's Press Accreditation List of June 3, 2003, 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: Benjamin Kieckhefer, Ryan Pearson; BUREAU OF NATIONAL AFFAIRS: William Carlile; DAILY SPARKS TRIBUNE/KAME/KRXI-TV: Andrew Barbano; ELKO DAILY FREE PRESS: Jerry Blair; FOX 5 NEWS: Garrett Breit, John Huck; KLAS-TV: Matthew Adams, Richard Czarny, George Knapp, Victor Woodall; KLVX-TV: Tom Axtell; KNPB-TV: Erin Breen, Ali Herndon-Ortega, Jack Kelly, Bonnie Maclean, Dennis Myers, Ethan Salter, Dave Santana, Douglas Walters; KOLO-TV CHANNEL 8: Brent Boynton, Jean Casarez, Mark Cronon, Jeff Deitch, Tim Ill, Justin Kanno, Josh Little, Vicky Nguyen, Ed Pearce, Terri Russell, James Steiner; KPTL-RADIO: Cheri D. Flynn, Scott Gahagen, Ron Harrison, Jarvis Kaler, Terrie Q. Sayre; KTNV-TV NEWS 13: Mark Sayre; KVBC-NEWS 3: Alyssa Anderson, Justin Rush, Kendall Tenney; KWNA-RADIO: Torrey Sheen; LAS VEGAS CITYLIFE: Matt O'Brien; LAS VEGAS SUN: Michael Campbell, David Clayton, Dana Gentry, Jeff German, Matt Huffman, Steve Kanigher, Jennifer Knight, Ed Koch, Aaron Mayes, Erin Neff, Judy Odierna, Angla Pilmer, Launce Rake, Jon Ralston, Emily Richmond, Cy Ryan, Susan Snyder; NEVADA APPEAL: Cathleen Allison, Brian Corley, Rhonda Costa-Landers, Kelli Du Fresne, Ray Estrada, Rick Gunn, Brad Horan, Karl Horeis, Jill Keller, Francine Norton, Barry Smith, Teri Vance, Susan Vasquez; NEVADA BROADCASTERS ASSOCIATION: Robert David Fisher; KNPR NEVADA PUBLIC RADIO: Kyril Pluskon; NORTH LAKE TAHOE BONANZA: Rick Adair; NORTH LAKE TAHOE BONANZA, Kirk Caraway; NORTHERN NEVADA BUSINESS WEEKLY: Anne Knowles; SAM SHAD PRODUCTIONS: Sam Breen, Ande Engleman, Samuel Shad; THE MEDIA CENTER: Don Alexander, Kim Anhalt, John Bankhead, Jeremy Baumann, Nancy Burgess, Carol Cizauskas, Kaye Crawford, Charles M. Evans, Fred Fichman, Mitch Fox, Henry King, David Kizler, John Ponzio, Earl Spriggs; THE UNLV REBEL YELL: Erik Ball, Nick Christensen, Angela Flores; UNIVISION-LAS VEGAS NEWS: Jorge Avila, Sol Binkier, Ricardo Fernandez, Janette Luviano, Joel Romo, Xochitl Sandoval, Johanna Suarez, Brenda Torres, Roger Velado; VARTEK: Marcia Cohen, Michael Vargas; VIRGINIA CITY REGISTER: Gary M. G. Deacon,

Scott Phillips, Bill Sjovaugen, Sharon Truehill, Douglas Truehill, Ernst Wipple;
WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA OFFICE OF THE GOVERNOR EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR:

WHEREAS, Section 9 of Article V of the Constitution of the State of Nevada provides that “The Governor may on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses when organized, the 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 4:00 p.m., on June 3, 2003, and to end at 5:00 p.m. on June 6, 2003.

During the extraordinary session, the Legislature may consider a tax plan sufficient to meet all of the appropriations and other spending measures that were passed during the 72nd Session of the Nevada Legislature and which may be passed during this Special Session. The Legislature may further consider during this session the matters contained within Assembly Bill 536, Senate Bill 508, and Senate Bill 509 of the 72nd Session of the Nevada Legislature.

The Legislature may also consider an appropriation to pay for the cost of the session and any other matters brought to the attention of the Legislature by the Governor during the Special Session.

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 3rd day of June, in the year two thousand three.

Kenny C. Guinn
Governor

Dean Heller
Secretary Of State

Renee Parker
Deputy Secretary of State

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, June 3, 2003

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

TO THE HONORABLE MEMBERS OF THE NEVADA STATE ASSEMBLY:

The Nevada State Constitution, in Article V, Section 9, provides that the Governor may on extraordinary occasions convene a special session of the Legislature by proclamation.

This afternoon I have issued my proclamation convening a special session of the Legislature. Therefore, I request that you remain in Carson City to complete some important legislative work. I have defined and limited the scope of your legislative endeavors within my proclamation calling this special session. Consider only the matters set forth in this proclamation, and I wish you well in completing your legislative business.

All of our citizens are hopeful that your efforts will meet with success.

Sincerely,
Kenny C. Guinn
Governor

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Buckley, and Hettrick; Senators Raggio and Titus:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 19th 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 19th Special Session of the Legislature are hereby adopted:

APPLICABILITY OF JOINT RULES

Rule No. 1. Generally.

The Joint Rules for the 19th Special Session of the Legislature are applicable only during the 19th 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. 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 4.

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

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

sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

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

PRINTING

Rule No. 7. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other 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 Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

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

Motion carried unanimously.

By Assemblymen Perkins, Buckley, and Hettrick:

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 attaches of the Assembly for the 19th Special Session of the Nevada Legislature: Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Harle Glover, Jason Hataway, Terry Sullivan, Robin Bates, Heidi Hansen, Beverly Mobley, Andrea Touyarot, Lucas Watson, Kyle T. Wentz, Jeanne Douglass, June Bennett, Kathryn Alden, Lona Domenici, Julie Whitacre, Barbara Houger, Valorie Belknap, Nenita Wasserman, Kathryn Oetting, Reba Coombs, Marge Griffin, Joyce Hess, Anne Bowen, Susan Cherpeski, Lila Clark, Kelly Fisher, Mary Garcia, Linda Smith, Eddie Cordisco, Jr., Mary Carel, Juanita Heston, Reid Meyer and Bud Corbett.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 2—Providing that no allowances will be paid for the 19th Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That for the 19th Special Session of the Nevada Legislature, no allowances will be paid for members of the Assembly for periodicals, stamps, stationery or the use of telephones and no allowances will be paid for the Speaker, Speaker Pro Tempore, Majority Leader, Minority Leader or chairman of a committee of the Assembly for postage, telephone tolls or other charges for communications.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 3—Adopting the Rules of the Assembly for the 19th Special Session of the Nevada Legislature.

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Assembly for the 19th Special Session of the Legislature are applicable only during the 19th 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 yeas and nays 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 Committee.

The standing committee of the Assembly is the Select Committee on State Revenue and Education Funding.

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. Reserved.

Rule No. 45. Request for Drafting of Bill, Resolution or Amendment.

Except as otherwise provided in this rule, 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 Select Committee on State Revenue and Education Funding, a Conference Committee or the Governor. The Speaker may request the drafting of one bill for the 19th Special Session without seeking the approval of the Select 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. Reserved.

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 19th 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 19th Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 19th Special Session of the Legislature.

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

No rule or order of the Assembly for the 19th 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 19th Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 19th 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 Select Committee 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. 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.

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 Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

Assemblywoman Buckley moved that for the balance of the Special Session, all rules be suspended and that all bills and joint resolutions passed, and all concurrent resolutions adopted by the Assembly, be immediately transmitted to the Senate.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brown, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Bickmore.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, June 5, 2003, 11:00 a.m.

Motion carried.

Assembly adjourned at 5:59 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Thursday), June 5, 2003

Assembly called to order at 11:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Goldwater and Mabey, who were excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. There was a bad accident the other night. Steven Driscoll, Sparks Deputy City Manager, and his son, were hit in an intersection on their way home from this Legislature. Lord, we pray that you provide them a fast and complete recovery. And Lord, this Body has a very, very difficult decision to make in a very short period of time. We pray for Your help in this process. And Lord, thanks for this great weather. It lifts the spirit of not only men, women, and children, but all their horses, too. And we need that. So now, Lord, our final request of the day is that You get us out of this building as soon as possible so we can enjoy this fine weather. Thank You, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2003

To the Honorable the Assembly:

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

MARY JO MONGELLI
Assistant Secretary of the Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Knecht, the privilege of the floor of the Assembly Chamber for this day was extended to Dianne Humble-Fournier.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, June 6, 2003, at 12:00 noon.

Motion carried.

Assembly adjourned at 11:37 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON

Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Friday), June 6, 2003

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

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Well, Lord, I guess in all Your wisdom and foresight You planned this Special Session so that the original freshmen legislators would have two sessions under their belts and, therefore, be far more experienced than a freshman legislator normally would be to deal with these difficult problems facing us. We thank You for that foresight. Now, Lord, we pray that the knowledge, wisdom, and experience You have bestowed upon this entire Body will bring us to the very best decision that can be made. If it is Your wish that we finish our work here today, we again pray for Your blessing and a safe journey home.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera 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, June 5, 2003

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

DEAR SPEAKER PERKINS:

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 for consideration. I would request that you consider the matters contained within Senate Bill 191 of the 72nd Session of the Nevada Legislature.

Best wishes in your deliberations.

Sincerely,
Kenny C. Guinn
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2003

To the Honorable the Assembly:

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

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

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 Assemblymen Giunchigliani, Williams, Buckley, and Chowning.

Roll call on Senate Bill No. 1:

YEAS—41.

NAYS—None.

EXCUSED—Arberry.

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

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Buckley moved that the bill be referred to the Select Committee on State Revenue and Education Funding.

Motion carried.

Senate Bill No. 3.

Assemblywoman Buckley moved that the bill be referred to the Select Committee on State Revenue and Education Funding.

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 12:48 p.m.

ASSEMBLY IN SESSION

At 6:09 p.m. on Saturday, June 7, 2003.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

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

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, June 7, 2003, at 6:11 p.m.

Motion carried.

Assembly adjourned at 6:09 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Saturday), June 7, 2003

Assembly called to order at 6:11 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Well, Lord, we've asked You for a lot of things these past months and You have been real good to us. But tonight we just ask—no, we beseech You—to help us finish this session in good humor and friendship. And we'd like to finish real soon. Oh, I'm sorry, there is just one more thing. We'd like You to deal with crickets in Elko. We've got enough problems with the drought that we don't need crickets. Thanks, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera 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

STATE OF NEVADA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR:

On June 3, 2003, I, Kenny C. Guinn, Governor of the State of Nevada, through my proclamation, convened a Special Session of the Nevada Legislature. The Senate Majority Leader and the Speaker of the Assembly have requested that I extend the 19th Special Session of the Nevada Legislature for two days. Therefore, by virtue of the authority vested in me by the Constitution of the State of Nevada, I hereby amend my proclamation of June 3, 2003, and extend the 19th Special Session of the Nevada Legislature until 5:00 p.m. on June 8, 2003.

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 6th day of June, in the year two thousand three.

Kenny C. Guinn
Governor

Dean Heller
Secretary Of State

Renee Parker
Deputy Secretary of State

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

Assembly in recess at 6:15 p.m.

ASSEMBLY IN SESSION

At 6:20 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Select Committee on State Revenue and Education Funding:

Assembly Bill No. 1—AN ACT relating to state financial administration; providing for the imposition and administration of state taxes on business entities and financial institutions for the privilege of doing business in this state; replacing the casino entertainment tax with a tax on all live entertainment; revising the taxes on liquor and cigarettes; imposing a state tax on the transfer of real property and revising the provisions governing the existing tax; revising the fees charged for certain gaming licenses; establishing the Legislative Committee on Taxation, Public Revenue and Tax Policy; requiring the Department of Education to prescribe a minimum amount of money that each school district must expend each year for textbooks, instructional supplies and instructional hardware; apportioning the State Distributive School Account in the State General Fund for the 2003-2005 biennium; making various other changes relating to State financial administration; authorizing certain expenditures; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Select Committee on State Revenue and Education Funding.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 7:00 p.m.

Motion carried.

Assembly in recess at 6:20 p.m.

ASSEMBLY IN SESSION

At 7:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on State Revenue and Education Funding, 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: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 1 considered engrossed, 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.

Remarks by Assemblymen Angle, Giunchigliani, Parks, Hettrick, Collins, Chowning, Knecht, Pierce, Geddes, Gibbons, Anderson, Gustavson, and Goldwater.

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

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 1. In committee this morning, we asked that this bill be considered separately from the Distributive School Account. Since we have decided to roll this up into one unprecedented measure this evening, I don't see how, in all conscience, I can vote for something that seems to be cowardly and irresponsible, balancing the budget on the backs of our children. We need to give the Distributive School Account (DSA) to our Governor, and allow him to fund it, as our Constitution demands that we fund education and leave the politics out of it, the politics that we need more taxes. I don't believe that. We have enough funding to fund education. If we had not passed the appropriations bill out—even though we voted no and still didn't have enough votes to stop it from passing out—we would still have enough to fund education right now. I believe the Governor can make those decisions and I would like him to make those decisions. I will be voting no on Assembly Bill No. 1. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. First, with your indulgence, I would like to briefly speak about what is contained in the bill regarding the Distributive School Account and the Class-Size Reduction Act. We did fold in Senate Bill No. 2, which provided the money for the Distributive School Account and Senate Bill No. 3, which funds the statewide class size program. You will find that in Sections 161.2 through 196 in Assembly Bill No. 1. This contains a great deal of hard work that the subcommittees worked on throughout the entire session. Unfortunately, it seems that education gets what's left, not what is right. At this point, this bill reflects not a very large increase at all to really deal with the budgets and needs for our students. What is not contained in here is full-day kindergarten; what is not contained in here, after 17 years, is class-size reduction for kindergarten kids. We still make five-year-old babies have to deal with classrooms of 45 students in it. Shame on us. What's not included in here is extra stipends for teachers. We did convert some of that money into retirement credit. We made no gains moving us from 46th in the nation regarding school funding. In this bill, we still rank 49th. Florida finished behind Nevada in school spending; \$32.29 out of every \$1,000 of personal income goes towards

education. The national average was \$48.50. For per-pupil spending, we are 46th to 38th, depending on which ranking you use. No matter what, we are towards the bottom. With per pupil expenditures, we are 44th in the nation at \$5,600 per pupil, and that is with the wealth equalization formula that benefits the rurals at the expense of the two urban areas.

Expenditures for education, based on Nevada's per capita, we are 48th. High school dropout rate, unfortunately, we are third. Percent of population with a bachelor's degree, Nevada ranks 47th. Which state is the smartest? According to Morgan Quitno Press, Nevada is 46th. There is nothing that is overfunded in this budget. In fact, it's underfunded. If we do not take action this evening, if we do not fund DSA and Class Size Reduction (CSR), our districts will have to go to their secondary plans that they testified to. We may be impacting year round schools. There may have to be slowdowns. At some point for those individuals who stand here and say, "Oh, I support the DSA. I support Class Size Reduction," but they don't want to fund the money for it? That's hypocrisy. That's unacceptable. That is irresponsible. You either support education or put your money where your mouth is.

One hundred and twenty-five days ago, the Governor called for a record tax increase. Every one of us who just got elected cringed and said, "Oh my heavens, what are we going to do here?" But unfortunately, due to some words that he said, some feelings were hurt. Some individuals never bothered to get over it. Part of that has driven what we have been trying to reconcile throughout this entire session. I can't fix how people reacted to that. Unfortunately, it helped set the stage and has never allowed us to get to a place of compromise. I'm pretty strong on many things, and I'm passionate about many things. I do believe there is strength in compromise. In this last week, we saw no one coming forward, other than a flittering of little lobbyists running around the halls, coming forward to give us some other ideas on how to more appropriately fund this budget. We're still hearing things like, "Oh, we have to go back and open the budget and cut it." We don't have that. Not one of you spoke against the appropriations act the night we passed it out. Yes, 15 people voted no, but not one person stood on this Floor and made an argument why we should not. Well, I'm sorry. You lost your chance. I think that is a poor argument to use right now because of the box everyone has put themselves in. You have to face your maker, basically, and that is, you either fund education or you don't. We have to get past the obstructionists.

I commend our leadership for working to make sure we didn't let lobbyists control this tax plan that we did. It's not perfect. There is no such thing as a fair tax. It doesn't exist, but, by God, we made a commitment. When I wrote ACR 1 last session, the idea was to come back with a broad-based tax. Anybody who feels that you can't deal with that, you should not have run for office because that was out there for an entire year and a half. A broad-based tax that captured businesses that have never paid or haven't paid their fair share. No property tax increase. Don't overburden moms and pops. This tax plan accomplishes that. It's got a broad based tax. Gross receipts were "dead on arrival," according to some people. Okay, so we moved to the next thing. We have moved and moved and moved all session. I think this plan does the best of both worlds. It goes after big businesses that have never paid or not paid their fair share; it doesn't increase revenue on gaming; it protects our moms and pops; and there is not a property tax increase contained in this legislation.

At this point, I think you have to step up. This is about leadership. Anybody can vote no. It's very easy to vote no. It's much more difficult to vote yes. I would ask you to please, please, reconsider where you are and vote your conscience. Not politics. Not a caucus position. Not because you are angry with the Governor or the Democrats or the Republicans. This is about doing your job. We were called back here to do this. You have an opportunity to do it. We can send a message to the Senate and maybe they might actually convene sometime tonight to act on something. But no matter what, it is your opportunity. It is time to seize it. We'll come back to fight another day and another way, but I urge your leadership and your support.

ASSEMBLYMAN PARKS:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 1. If I might, I'd like to quickly comment on what is in the bill. My colleague from Assembly District 9 has done a good job of talking about items we did not put into this bill that could have had a very adverse effect

on numerous individuals. From the very beginning, we talked about having a broad-based business tax. I think that we achieved that. We talked about taxes that didn't unfairly tax any one sector of the economy over another. We've long known that there are many businesses that escape taxes in this state. They charge the same high rates for their products in the state as they do in neighboring states; however, they don't pay anywhere near the tax they pay for the privilege of doing business in the other state. So, with that we came up with a program. We tried to reduce passive revenue generators. Those are the allowances that business has been permitted to retain for the collection of taxes. We've put into law other methods, including the ability to use electronic technology to simplify, expedite, and save funds. We increased the business license fee. We went to expanding the entertainment tax. We brought cigarette taxes up to a rate that is commensurate with the states surrounding us. With regards to liquor tax, we increased those as well and made them more competitive with our neighboring states. Gaming has taken its hit as far as increase in taxes on gaming, in addition to all the other taxes that they face. We did the same with restrictive slot licenses. We've increased the business license tax. We've created a net profits tax and a corresponding bank franchise fee. Finally, we've increased the real estate transfer tax for those individuals who buy or sell a new home. We made that less onerous than what many of the projections had been.

Some 22 years ago, I was involved with the legislative process when we went from the property tax to increasing the sales tax. What is funny is that we knew when that law passed we were creating a major problem, a major problem that was going to last and probably was going to need to be corrected in a very few short years. It's surprising, with a little tweaking and tuning, we've been able to survive for 22 years. We have slid behind consistently. Approximately 12 years ago, when Governor Miller had to make substantial cuts, we knew then that we were far behind the curve. We have continued over the last 10 and 12 years to stand in that situation. So, what is really happening is that the chickens are coming home to roost. In this bill, we have gone to great extent to deal with the problems that were brought to our attention, such as pass-through expenses or taxation and the cascading effect. So, all in all, we have what I consider a very good bill. As my colleague from District 10 is saying, it isn't perfect, but it is definitely a very good bill. So, I certainly support that. Thank you, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I rise in opposition to this bill. I will not deal in spin or in anger in regard to my remarks. I will simply say to you that when you fold these together, you give us no other opportunity to vote on a tax package. This is the only time we will get to say no to a tax package. So you obviously leave us with no choice. Our statement on the appropriations act that passed out of here over our vote, which was more than one-third "no," was clearly heard by our vote. There can be no doubt that is true because it is already on the Internet that this bill will fail. That statement was heard loud and clear by anyone who listened. To believe this bill, coming here in this fashion, was going to pass, is simply not believable. It is clear that bringing this bill in a single package is nothing more than a political statement. That statement can be made here and it will be. But to say that there was no other way, or that we were disingenuous, or those of us who support education because we will vote no to taxes in our only opportunity to do so, is clearly not true. I urge my colleagues' opposition to this form of bringing a bill to the Floor.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in strong support of Assembly Bill No. 1. First of all, to my colleague from District 26, it is not the Governor's job; it's our job. It's our job to find the revenue and the funding and put it forward, with our votes, to support the education and the needs of the state of Nevada. That's number one. Secondly, to this Body, I want to share some things from growing up in Las Vegas and Clark County and southern Nevada, going to school there. Western High School opened up in 1961 with a projected enrollment of 900 students. It opened with over 2100 students. They were started with double sessions. I can name examples of that clear up to today. But I can tell you, this legislative Body, for those of you who have not been here for more than a couple of terms, you can go clear back to 1979 or 1981 when this Legislature appropriated over \$3 million to build a high school for the Pahrangat Valley High School replacement because it was almost condemned. We just more recently, in the last ten years, replaced an elementary school in Schurz, Nevada, because the buildings built in 1936

were condemned. We just last session appropriated about a million dollars to build an elementary school in Pioche because the building was condemned; that's beyond not having enough books, papers, teachers, classrooms, and desks and chairs to sit in. I believe at the beginning of session that a group of kids said that, "I want to take that magnet school class, but there aren't enough chairs to sit in." I could give many, many more examples of those few things where we've taken appropriations that come to the General Fund in this State Legislature, and rather than being able to go out there and build or help those people who are needy, temporarily and sometimes permanently, we've had to take money away from those people to go to a segment of our community that does not have the money to do that. Whether it is from the tax shift, as our taxation chairman stated earlier, or whether it was from never having a stable tax base. I believe it was in 1989 when we paid a half million dollars to a firm to come and tell us how to fix our taxes. Did our predecessors respond? Barely, in 1991 or in 1993, did they respond, and definitely not adequately. We keep getting further behind.

A couple of days ago a young lady from a rural school district was here to see how we were coming along in our Special Session. She drove a vehicle, one of the best vehicles in the White Pine County School District, that had over 250,000 miles on it. I am doing this in small terms. Just imagine this one car, the best in the school district, was driven over 300 miles to Carson City by this lady to do school business. Then she drove home again. Imagine your spouse or friend having to drive an old car across Nevada to take care of business. That car wasn't purchased new by the school district, rather as a used car they bought from a convent of nuns. A bunch of us live in Clark County, and a bunch of us live in Washoe County, and we see all the glimmer and lights, but let us look at Nevada as a whole. We are Nevada and we have to step up as legislators and do what is right. Now that I have you envisioning that car, envision that it is Nevada because of inaction, whether political by legislators, or political by Governors, who wouldn't raise a tax at the end of their term or wouldn't raise a tax until they could restudy this, or legislators who wouldn't raise a tax because they were afraid to because of reelection. Let me tell you, I won an election and lost the next and I have been back four times. This is because I will vote for what I believe is the best for all of Nevada. I don't vote for Joe's Tavern, a newspaper, for gaming, or for anyone else. I vote for what I think is best for Nevada and that is our job. That is what we were elected to do. Now that you are envisioning this car, envision a car that was overhauled in 1981, with the tax shift. We did a few minor repairs to it in 1989 and 1991. That old car is broken down, the tires are worn out, the oil needs to be changed, the motor is clunking, we have blown a rod, we have a few bent valves, the windshield is broken, the gas tank leaks, it smokes to high heaven, polluting this valley. That car is in bad shape. Assembly Bill No. 1 is our opportunity to get Nevada running down the road again in the twenty-first century and stop fixing things when they are condemned. Let's help someone before they are in prison by giving him or her an education. Let's go help someone where there is an opportunity to have a job and a good happy place to live. I encourage you to vote for this and I don't care what affiliation you are or who you are scared of. If you are afraid of someone, I will go help you fight him. Let's do this for Nevada. Thank you.

ASSEMBLYWOMAN CHOWNING:

Thank you, Mr. Speaker. I stand in strong support of Assembly Bill No. 1. I was first elected in 1988. I came here in 1989, the very first session to enact the first part of class-size reduction. It was the goal at that time to add one more grade every single session. How many grades did we get to? We are still at only three. Only three grades: first, second, and third grades—not even kindergarten—have the advantage of smaller class sizes. Wouldn't it have been wonderful if we would have been able to reach our goal and given all of the kids, all the way through high school, a better chance at their education with smaller class sizes? I was defeated after that first session and was then reelected the next session. We have to take a stand. Sometimes you have to choose to take a stand. I urge you, today, to take a stand for all of the children, including the "gifted and talented" children. Does this have enough funding for those programs for them? No, it doesn't, but it is better than it used to be. I urge you to take a stand for those children who need remediation, who don't speak English efficiently, or are in special education classes for some other reason. I urge you to take a stand to support our teachers. What is not in here is a beginning salary of \$30,000 a year. That is not in here and it should be. I urge you to support the teachers

in spite of that, who give their all, every single day, for all of the needs of our children. I urge you to take a stand for the children, not only in Clark County and Washoe County, but in the rural areas of our state as well. We have children all over this state who desperately need us to take a stand. It is a cowardly way, in my estimation, to give lip service and only give half a promise. With House Resolution No. 1 breathing down our throats, we have so many things that we have to achieve and we are not going to be able to achieve all these mandates. To say that we are going to at least try with this bill but not fund it, that is a cowardly way, and I am not going to be a coward and I am proud to take a stand for these children and proud to spend the money to go with it. To give half a promise in this instance is to give no promise. Please vote for Assembly Bill No. 1.

ASSEMBLYMAN KNECHT:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 1. I would like to make three points. First, the facts about Nevada and about our education system have been thoroughly misrepresented by the “bash Nevada” and “tax-and-spend” crowd. Second, substantively, this is a bad bill, deeply contrary to the public interest in its tax provisions. A reasonable tax increase would be less than half the amount proposed here and it would not include a net-profits tax. I do support the education funding provisions of Assembly Bill No. 1. Third, and finally, the process throughout the session by which the “bash Nevada” and “tax-and-spend crowd” has at long last brought us to a vote on these matters is a cynical travesty. It is an insult to each of us and to the people of Nevada. I will vote against this bill for these reasons. I believe Nevada voters will render a just verdict against its supporters. Thank you, Mr. Speaker.

ASSEMBLYWOMAN PIERCE:

Thank you, Mr. Speaker. I am not afraid and I don't believe everything I get off the Internet. I have received e-mails that say if I vote for this bill I won't get reelected. I was given a very good public school education by the people who were grownups when I was a kid. Now I am a grownup, and it's my time. My time to pay the taxes that fund education, and as a legislator, it is my time to fund education. I have lived here for 15 years and I have read all the stuff you folks did before I got here. I am a freshman, and I followed the Governor's Task Force and I read about the structural problem. Tonight I am very proud to be here. Assembly Bill No. 1 is not a Band-Aid. It is the real deal, a bold stroke, and I am going to be proud to vote for this bill. I am proud to be a part of the community that says “yes” to education. I was on the Committee on Taxation and the tax plan is a good plan. It is fair. It has a broad-based business tax. Gaming will pay more, which I know is important to a lot of people. For me, what is important is that we are going to say no tonight to businesses profiting in Nevada but not contributing to the community. Everyone needs to contribute to the community, and part of the responsibility is educating our children. I don't have any children but it is still my responsibility to make sure the children in this community get educated. I support this bill and I will proudly, as a freshman, vote for it. Thank you.

ASSEMBLYMAN GEDDES:

Thank you, Mr. Speaker. I regretfully rise in opposition to Assembly Bill No. 1. I firmly believe that we are not funding education adequately in this state. I think we could have gone further in this budget. I want to be on record saying I am supportive of \$869 million in new taxes because I think it is what we need to invest in the children of this state and the future of this state. This is the only opportunity that I have to speak on this issue. I am firmly committed to voting for \$869 million. I am willing to do that on a bill that I think gets us there. I have no problems with the Distributive School Account (DSA) being in here and I have no problems with the class size reduction being in here. My only problem is with the tax package that we came up with to address this. My colleague from District 9 pointed out so well that we had ACR 1 and we had an interim committee looking at taxes. They took a net tax and threw it out saying it wasn't good and it wasn't stable or the best thing to do for Nevada. I came to this Special Session looking for the other options to fund the \$869 million and the net bill I received to read in the committee yesterday is not the net bill that I received at 6:00 p.m. today. I have not had a chance to get through this portion of the net bill and I do not feel that I can support this tax package. If we can come back with another one that is at \$869 million, I will be happy to support

it, but I don't think this mix is the right thing for us or the right thing for the future of Nevada. Thank you.

ASSEMBLYWOMAN GIBBONS:

Thank you, Mr. Speaker. Unfortunately, I have to rise in opposition to this bill. In doing so, it causes me to vote against the Distributive School Account and the budget. We have been through a long process and I felt like I have been out there supporting education in committee. I have supported my colleague from District 9 and her bid to level the playing field and bring Nevada up to higher standards. Unfortunately, we win some and we lose some. I voted for certain cuts and for certain programs; some I was successful on, and some I was not successful on. We ended up with \$869 million deficit revenue that is needed and it is unfortunate that our schools will continue to be number 49. We didn't do our job correctly. Even at this point, I would vote for a bill to fund our schools and fund our state. I did not vote for the appropriation bill because it would have been irresponsible of me to vote for it without the funding mechanism. I applaud you for putting the funding mechanism in with the DSA. I think that is responsible. However, it would be irresponsible for me to go out there and support this bill when I know that the Senate has just killed a compatible bill that I would have been happier to support. Obviously there is no negotiation. Before we closed the budgets, my colleagues spent hours and days working over the numbers to come to a conclusive number and they reached \$869 million. It was the leaders in this House and the leaders in the other House. Unfortunately, that process did not come together when working on the way to pay for the budget. I hope in the future, when we are considering these issues again, we will work as diligently as we did before finding a consensus on the budget amount and, just as diligently, the mechanism to pay for it.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. In a way I have to agree with the Assemblyman from Assembly District 40. In the host city here, we see there is a great deal of bashing of education and it always amazes me that we never give the credit to the kids and what they do. I like to think of myself as being a new guy here, believe it or not. I look on each session as if I am a freshman because I think a freshman's viewpoint is always the most important. I am an optimist. I will always be an optimist. I believe that tomorrow will be better than today. I believe it is going to be better tomorrow because we are going to make it that way. I have always had a Pollyanna view of the world and I do not intend to give that up. In 1995, we heard from the Committee on Ways and Means and the Committee on Taxation that we could not continue on with class-size reduction in the way it was going. I heard firm commitments from the members of this Body, who are still here today, that they would turn back and recommit themselves to getting those necessary dollars in the future. I stood with hope and said, "The children of tomorrow will take that as a commitment from you." I saw our numbers slip in comparison to the other states in this country. Our commitment slipped while we increased the burden on the kids in our classrooms in terms of what we consider to be accountability. We squeezed more out of them and made the road more vigorous. We expected more of them, but we didn't give of the resources that we have. Now we have a little bit of the opportunity, not to make great gains, but to leave ourselves where we are. That is what we are going to do here. We are not going to move forward with a quantum leap into fourth grade class size reduction. We have given the rural areas a greater opportunity of flexibility based upon what is happening in Elko County. Our kids are doing the job. Their commitment is real. Our commitment has to be real, too.

In looking at the proclamation that brought us here several days ago, the Governor makes it clear that we are supposed to do this in one go. He has extended the time and the opportunity to do that. Since we are supposed to fix this, why would we not put it all together in one sound ball, one sound piece of legislation? That is what we have done. The Senate, our good colleagues down the hall, in all probability, is not going to get their spending package out. They have failed today. The burden then falls on us. We must move this forward. We must take care of the kids. We can hide behind and call this political rhetoric if you like, but the reality is each of us has to reach deep into their heart and vote what is there. I don't think we can ask any more of any of us.

ASSEMBLYMAN GUSTAVSON:

Thank you, Mr. Speaker. I have to rise in opposition to Assembly Bill No. 1, not because I am against education, but because I am for education. Each and every person in this Body supports education. Each and every person supports funding education. What I object to is combining the education bill with a tax bill that is one of the largest in the state of Nevada's history. We will be appropriating over \$1 billion in new taxes over the biennium when extended out over the two-year period. This is not something that I can support. This has been a very emotional issue to many of us. It has unfortunately been a very political issue. I get emotional about this, yes, but I try to make my decision based on common sense. In all common sense I cannot support a bill that raises a billion dollars in new tax money to support new programs at this time, when our state is not in the state that it should be in. The economy is not there to support this funding. I resent being called cowardly because I will not support a billion dollar tax increase. I will vote no on Assembly Bill No. 1 and I would like to see a bill come back where we can fund education properly. This bill is not about children; it is clearly about politics. So quit telling us that if we vote no we are voting against children, because that is not true. We all love children and we want the best for our children. Thank you, Mr. Speaker.

ASSEMBLYMAN GOLDWATER:

Mr. Speaker, thank you. It sounds to me like the perfect has become an enemy of the good. That is most unfortunate. I would like to thank Eileen Brookman, Lou Bergevin, Marvin Sedway, and Joe Dini, who sat in these chairs and did the tough things that allowed me to go to Howard Wasden Elementary School and have Ms. Peterson as my kindergarten teacher and Roz Cohen be my second grade teacher. It allowed me to go to Hyde Park and have Mr. Bruce as my principal and Miss Lawrence, who taught me English literature. Mr. Speaker, those people made tough decisions. They did the tough things and gave me the opportunity to have a good future. Have you been in a classroom in a while? Have you been in a classroom in Assembly District 10 in a while? Not up in Summerlin. Not in Green Valley. Let me tell you what the classrooms are like there. You have people making no money, taking care of far too many kids, who come from very diverse backgrounds, doing a tough job with no materials, for long days. It is not like that in Gardnerville and Minden. It is not like that in Summerlin. It is not like that over in Reno. It is tough. These folks deserve some help. Assembly Bill No. 1 is not only help, it is hope.

It isn't easy to raise taxes on business. It is hard to say to a businessman some of the money he has worked hard for has to be turned over to the government because we need to do the things we need to do. However, it is much more difficult to walk into classrooms in the older parts of town in Assembly District 10, not where it is fancy, but where the paint on the walls has fallen off, the books are tattered, and the teachers are worn out because they can't understand the language the children are speaking. What we don't understand, and what I am trying to tell you, is the people in Assembly District 10 and the businessman to whom we have to make that difficult choice, their futures, our futures, are tied together. They're inextricably tied together. The way we go as a state, our prosperity, our greatness, what we are going to become, are tied together in the classrooms of Assembly District 10 as much as they are tied together in the showroom floor of the Harley Davidson dealership, in the corporate board room of Wal-Mart, or in the corporate board room of Smith's Food King. Their futures are tied together. That is why Assembly Bill No. 1 has funding tied with education. They are together. I don't know what is going to happen to this tax package. Everyone seems to be so knowledgeable, so smart, knows exactly what is going to happen and that everyone is going out of business. I have no clue. I really don't. I can guess. I can use my mediocre education and my bachelor's degree to figure out what might happen, but I really don't know. I do know what happens if we don't pass this; kids don't get a future. We cannot cloak ourselves in clichés that say the word "billions" to try to scare votes away. We cannot cower behind the cape of pusillanimity in an effort to save our own reelections. We cannot demagogue this thing to death so that we will never have to vote on anything. Let us not forget what futures are made of. All our futures are tied together. Please vote for Assembly Bill No. 1.

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

Assembly in recess at 7:52 p.m.

ASSEMBLY IN SESSION

At 7:53 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblymen Hardy, Buckley, Griffin, and Perkins.

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

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker pro Tempore. I have some regrets that I will be voting against Assembly Bill No. 1. I would like to go on the record that some of the nicest people I know used to be children. The process is not done. We have come here through a process and I think the communication that we now see is a communication that is good. We are going to be in that process however long it takes, but we will take care of the children. We will educate our children. We are products of the public education system and we have been appreciative of that. I agree with my colleague from District 31 that I would be optimistic and say there is definitely hope for education and hope for the funding mechanism. I think this particular package can be improved so I will be opposed to Assembly Bill No. 1 and I am for education and I do love children, even eight of my own. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. I rise in support of Assembly Bill No. 1. Our state has had an interesting history. We were always able to rely on the revenue to fund this state from the gaming industry. For years that worked very well. We were very small and gaming paid the tab. We are not small any more. We are a diverse region. The explosion in population in our state is nothing short of remarkable. Every year we break records because of all the folks moving to Las Vegas. Gaming can no longer afford to pay the entire ticket to fund the educational system and the services that we need in this state. In every other state in the nation there is a business tax. We have chosen one that has been chosen by 47 other states, a net-profits tax. It is fair and reasonable. In every other state that has a business tax there is no difference in the prices they charge. When you go to California and buy a suit at Dillard's you are paying the same price as you are here. We are not getting a break, yet they are getting the taxes to support their kids and we are not. That is the bottom line. That is why we came into this session. That is why every task force which has considered this issue for the past 20 years has said, "You have to stabilize your tax base." It is time to add a reasonable business tax so that businesses will pay and we will have more stability to our tax structure. This is a fair tax plan. It has a net profits tax. People were concerned, saying, "We shouldn't tax just based on grossed receipts, but rather on just what people make." That is what this does. It raises taxes on business and gaming. It does not raise property taxes. People will not have to pay a tax when they get their hair cut. They won't have to pay a tax for going to a movie. It taxes businesses and gaming.

We sit here tonight and remarks have been made saying, "Oh, this is political. Why are you bringing it up because you know it is going to fail?" We are bringing it up for a vote because that is our duty. It is our duty to work in 120 days, come up with the best product that we can, and bring it up for a vote, up or down. I think I know the way this vote is going to go because it has been pretty clear over the last few days. What hasn't been clear is why hasn't someone figured out exactly what the problem is and do something about it. I applaud my colleagues from Boulder City, District 24 and District 25, because at least they say they have studied the problem and are willing to raise taxes to support education. They might not like this way to get there but

at least they are ready to get there along with my colleague from Green Valley. This is our job. The people have voted. We are required to get our job done within 120 days and we can't afford to waste time. People down in our districts are disgusted that we are still up here. When I entered office, Speaker Joe Dini said, "Barbara, there are two kinds of politicians. There are fixers and bashers." There are people who come in, roll up their sleeves, and say, "Hey, why don't you change this? Why don't you fix that?" The only thing I have heard is someone did a spreadsheet two months ago that shows waste in government. What is that? If someone has a suggestion on something that should be fixed, go over to the Governor and say, "Hey, I hear all this dispute about the number of welfare workers. I don't know what all that is about." We are required by federal law to process welfare applications within 45 days and if we don't, we get sanctioned by the federal government and the court can impose automatic presumptive eligibility and pay every person regardless of whether they are eligible.

So, we cut the budget in half because we thought they could barely skate by with that. If someone thought, no, we really could get rid of five more positions, go to the Governor and ask him. Ask him to hold the positions, bring those five to the Interim Finance Committee (IFC). Let IFC withhold it until we see April's caseload. That is fixing things. It is easy to step back and say, "Oh, I don't like this number. I don't like that number." But you know what? That is not our job. We weren't elected to demagogue. We weren't elected to argue. We were elected to fix things. Right now we have teachers not being hired to teach our children. We will not have enough teachers in our classrooms to teach our children. The facts that my colleague from Assembly District 10 cited are absolutely right. That is what is happening in my district as well. Our schools need us and our kids need us. Is this tax plan perfect? I don't think there is such a thing. I don't think there is a perfect tax bill, but while everybody is fiddling around these halls it is our job to get consensus, get a bill that makes sense, and this is the best thing I have seen. I think we should do the right thing and stand up for education.

ASSEMBLYMAN GRIFFIN:

Thank you, Mr. Speaker pro Tempore. I, too, rise in very reluctant opposition of Assembly Bill No. 1. I agree with many of the comments that have been said here tonight. I think this is a good budget. I supported this budget. I think the \$869 million tax increase required to pay for it is an acceptable amount of money. I have been on record repeatedly supporting that as a tax increase. The Majority Leader and our colleague from District 9 talked about compromise. I think in the effort to compromise we took a tax package that we worked on for 120 days and kind of threw it away. We didn't throw it all away but in effort to compromise I think we put some things on the table that we shouldn't have put on the table. I don't think we have taken that tax plan that we have seen over the last three days and given it the attention and credit it deserves. When we go back to see what we need to do in the legislative body in terms of funding education it is not just in District 10 and it is not in the Majority Leader's district. It is in Green Valley as well. All of these schools need attention. All of these schools need proper funding. I think we have the right budget; we just need to find the right way to get there. Thank you, Mr. Speaker pro Tempore.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker pro Tempore. It is always a challenge to follow the impact of the Majority Leader and have any impact on this Body because as well as she speaks, my remarks just seem to get lost. Let me apologize first, as I had no plans to get up and speak today. However, as I listened to the debate, a very respectful and spirited debate, which is something I am proud of in this House, I felt compelled to say a little about this bill and where we are in the process.

First, let me hearken back to the beginning of our Legislative Session. Every single one of us stood on this Floor, raised our right hand, and swore to uphold the Constitution of the United States and the Constitution of the State of Nevada. The Constitution of the State of Nevada says we have to have a balanced budget. We have debated that a little bit over the last couple of days and what that means and how it occurs. Yes, an education bill can pass before a tax bill passes. But you can tell from the debate in here and the actions down the hall, there was no tax bill or funding bill passing. Not today or in the near future. There are those who are concerned about, and perhaps even offended, by us rolling the DSA into the tax bill. I will separate them right now

if you will stand up here and tell us you will vote for taxes. I will do it right now. I don't expect I will get many takers there either.

This debate reminded me of a few remarks I made at the beginning of session. With your indulgence I will repeat a couple of them. "We will decide if Nevada has a full complement of teachers, excited and energetic in their own right because they are well prepared, well paid, and have the resources to do their jobs. We will decide if our children are demoralized, schooled in trailers that do little more than take up playground space, without textbooks to call their own. Ten years from now I want our children to experience a Nevada recognized for its world-class educational system. I want our children to have opportunities we never had. Any effective government should not be an impediment to opportunity. We may struggle for the next 120 days—I guess I could have changed that one—and we may disagree over which revenues to increase and which programs to fund and which to cut, but nobody has ever claimed the legislative process to be easy or pretty to watch. We cannot allow ineffectiveness to stand in the way of doing what is right for Nevada, not just my district and certainly not just my party, but for my state and for our state. The pundits have been focused on one-third. They have been focused on that number for weeks. Not with respect to the number of our new members, but reminding us instead that one-third of the House can block any increase in revenue. The pundits would be better served to focus on the enthusiasm and fresh ideas of the one-third of our members who are new. Rarely do we see a freshman class with this much talent."

I stand by my statements about this freshman class, but I would also correct myself that perhaps the pundits were right, focusing on the one-third of this Body that can hold up a revenue increase. The Majority Leader said it right, Assembly Bill No. 1 taxes gaming and big business to fund education, no sales tax and no property tax. It protects the average taxpayer and small business. I am not going to stand here and tell you that we are all so naive and believe taxes on business aren't in some fashion passed on through to the consumer. We all know that, but at least it levels the playing field with those businesses in other states.

You have all probably read the Clark County School District has only hired 200 of the over 1,000 teachers they need to have for the upcoming fall. They have offered contracts that people won't accept because they don't know if the funding is going to be there. What are we doing by that? The best and the brightest teachers are going to go to a state where there is more stability. They are going to pass over Nevada. As it is, we are not even competitive in wages with some places. We are losing the opportunity to have the best for our kids. The teachers are going to go somewhere else.

This package isn't perfect. No compromise plan is. That is because it is a product of compromise, at this point, more than 120 days of compromise. We can all go through and see individual revenue that we don't like but, collectively, I think it is a good package. Lastly, Mr. Speaker pro Tempore, the nicest people I know are still children.

Assemblymen Arberry, Ocegüera, and Goldwater moved the previous question.

The question being on the passage of Assembly Bill No. 1:

Roll call on Assembly Bill No. 1:

YEAS—23.

NAYS—Andonov, Angle, Beers, Brown, Christensen, Geddes, Gibbons, Goicoechea, Grady, Griffin, Gustavson, Hardy, Hettrick, Knecht, Mabey, Marvel, Sherer, Weber—18.

EXCUSED—Carpenter.

Assembly Bill No. 1 having failed to receive a two-thirds majority, Mr. Speaker pro Tempore declared it lost.

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

Assembly in recess at 8:12 p.m.

ASSEMBLY IN SESSION

At 9:22 p.m.

Mr. Speaker presiding.

Quorum not present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Race Christensen and Ashley Christensen.

Assemblywoman Buckley moved that the Assembly adjourn until Sunday, June 8, 2003, at 10:00 a.m.

Motion carried.

Assembly adjourned at 9:22 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE SIXTH DAY

CARSON CITY (Sunday), June 8, 2003

Assembly called to order at 10:00 a.m.

Mr. Speaker presiding.

Quorum not present.

Assemblyman Ocegüera moved that the Assembly adjourn until the call of the Speaker.

Motion carried.

Assembly adjourned at 10:01 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Thursday), June 12, 2003

Assembly called to order at 12:18 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Atkinson, Collins, Gibbons, Goldwater, Hardy, Horne, Leslie, Mabey, McClain, Ocegüera, and Williams.

Prayer by the Chaplain, Beverly Mobley.

Let us pray. Dear Lord, You've changed the seasons for us since we first came into these chambers. Winter to spring, and soon spring to summer. We've enjoyed the new environments You've given us. This body, too, is contemplating a change and we ask that You give them the wisdom and courage to make sound judgments. Your words in Exodus inspired a motion picture, "The Ten Commandments." Give us patience, Lord, as we wait for these creators of law to proclaim the words from the silver screen, "So let it be written, so let it be done!"

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

STATE OF NEVADA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR:

The Senate Majority Leader and the Speaker of the Assembly due to the complex issues involved, have requested I remove the time limitation that I have set for concluding the 19th Special Session of the Nevada Legislature.

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, hereby amend my prior proclamations regarding 19th Special Session of the Nevada Legislature, which are dated June 3 and June 6, 2003, by removing the time limitation set forth in those proclamations for the Special Session.

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 8th day of June, in the year two thousand three.

Kenny C. Guinn
Governor

Dean Heller
Secretary Of State

REMARKS FROM THE FLOOR

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I certainly hope that the Boys' State representatives have better success than what we have had the past several days. Mr. Speaker, I'm going to make a motion that we adjourn to the call of the Speaker. For the members' interest, although I have spoken with the Minority Leader and most folks here, I think all of us watched with great attention the efforts in the Senate yesterday, to see if we would be sent a bill that possibly could gain our support. Members of this Body have worked diligently with members of the Senate over the past several days to see if we could achieve some consensus, to see if perhaps there was a bill that could achieve enough support in that Body, as well as this Body. Unfortunately, that did not happen yesterday. There were items amended into the bill that no one had ever seen before. Any attempt at having a bill for this Body to consider, that it could support, quickly evaporated.

We thank all of our members who have stayed to continue to work. However, it doesn't seem to make sense to keep us here at the taxpayers' expense while we aren't making any progress. We have commitments from everyone to fly back within an hour's notice to be up here to vote, whether it's tomorrow or whenever the Governor says it will be, if it comes to that. The Senate had indicated that they are still working on a new compromise measure, and if that happens, the Speaker will call us back to consider that, as soon as it's done. At this point, what I'm going to do is make a motion to adjourn at the call of the Speaker. So, if any folks want to actually go home and see their children for a day, they can do that. Then we would call everybody back once we knew we had another proposal to consider or whether, in fact, we don't and that we may just be absolved *sine die* by virtue of no action. It is my hope that we will see a bill that we can support. Our education establishment is depending on us. If we are not able to reach resolution, offers to teachers will not be made and schools could be forced to close. I don't think anyone wants to see that happen. So, we will wait for your call, Mr. Speaker. Know that we will have many folks working on achieving a compromise while we are waiting for progress.

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

With the permission of the Body, I would like to offer some encouraging comments, as well. I know this is a very difficult time for all of us as we try to do the people's business and accomplish what it is we all came here to do. For most of us, this has been one of the hardest tasks we will ever face. Take notes that the work we have completed is substantial, but there is much more work required of us. In the span of the 130 or so days that we have been here, we have heard from virtually every constituent group in Nevada during the hours and hours of testimony. Sixty-three of us have come to appreciate the delicate balance that exists between whose taxes may go up, and whose services may go down. During this time, we have also come to appreciate the sheer magnitude, the great magnitude of this endeavor. No one person is to blame for the time it is taking for us to literally overhaul Nevada's tax code. This is extremely important work and important work can't be rushed. Instead, we need to continue to check with experts and individuals to review it so that we know beyond any doubt what we pass won't need to be redone in the future. Over the next period of time, as we try to get this accomplished, I encourage each and every one of you to continue to communicate with your constituents and your colleagues, so that the time we spend in our respective communities is productive and essential to us finishing this huge undertaking. When we meet again, I fully expect us to complete the job the public has entrusted to us: do it correctly and with an appropriate level of caution.

Assemblywoman Buckley moved that the Assembly adjourn to the call of the Speaker.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: JACQUELINE SNEDDON
Chief Clerk of the Assembly

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MARVEL, JOHN W., Assemblyman from Humboldt (Part), Lander (Part), Washoe (Part) Counties, No. 32 District—

Committee Appointments—

Select—

State Revenue and Education Funding, 2.

MCCLAIN, KATHY, Assemblywoman from Clark County, No. 15 District—

Absences, excused, 40.

Committee Appointments—

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State Revenue and Education Funding, 2.

MCCLEARY, BOB, Assemblyman from Clark County, No. 11 District—

Committee Appointments—

Select—

State Revenue and Education Funding, 2.

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ASSEMBLY STANDING RULES
AND THE
JOINT STANDING RULES OF THE
SENATE AND ASSEMBLY
OF THE
NINETEENTH SPECIAL SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA

2003

ASSEMBLY STANDING RULES

19TH SPECIAL SESSION

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Assembly for the 19th Special Session of the Legislature are applicable only during the 19th Special Session of the Legislature.

[Statutes of Nevada 2003, 19th Special Session, 101]

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 2003, 19th Special Session, 101]

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.

[Statutes of Nevada 2003, 19th Special Session, 102]

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.

[Statutes of Nevada 2003, 19th Special Session, 103]

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 2003, 19th Special Session, 103]

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.

[Statutes of Nevada 2003, 19th Special Session, 103]

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.

[Statutes of Nevada 2003, 19th Special Session, 104]

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 2003, 19th Special Session, 104]

The next rule is 40.

VI. LEGISLATIVE BODIES**Rule No. 40. Standing Committee.**

The standing committee of the Assembly is the Select Committee on State Revenue and Education Funding.

[Statutes of Nevada 2003, 19th Special Session, 104]

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 2003, 19th Special Session, 104]

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 2003, 19th Special Session, 104]

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 2003, 19th Special Session, 105]

Rule No. 44. Reserved.

Rule No. 45. Request for Drafting of Bill, Resolution or Amendment.

Except as otherwise provided in this rule, 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 Select Committee on State Revenue and Education Funding, a Conference Committee or the Governor. The Speaker may request the drafting of one bill for the 19th Special Session without seeking the approval of the Select Committee.

[Statutes of Nevada 2003, 19th Special Session, 105]

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 2003, 19th Special Session, 105]

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 2003, 19th Special Session, 105]

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 2003, 19th Special Session, 105]

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 2003, 19th Special Session, 105]

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

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 2003, 19th Special Session, 106]

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 19th Special Session of the Legislature and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 2003, 19th Special Session, 106]

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 2003, 19th Special Session, 106]

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 2003, 19th Special Session, 106]

Rule No. 68. To Reconsider.

No motion to reconsider a vote is in order.

[Statutes of Nevada 2003, 19th Special Session, 107]

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 2003, 19th Special Session, 107]

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 2003, 19th Special Session, 107]

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 2003, 19th Special Session, 107]

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 19th Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 19th Special Session of the Legislature.

[Statutes of Nevada 2003, 19th Special Session, 107]

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

No rule or order of the Assembly for the 19th 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 2003, 19th Special Session, 107]

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 2003, 19th Special Session, 107]

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.

[Statutes of Nevada 2003, 19th Special Session, 108]

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 2003, 19th Special Session, 108]

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 2003, 19th Special Session, 108]

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 2003, 19th Special Session, 108]

Rule No. 98. Request of Purpose.

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

[Statutes of Nevada 2003, 19th Special Session, 109]

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 2003, 19th Special Session, 109]

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 19th Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 19th Special Session of the Legislature.

4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 2003, 19th Special Session, 109]

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.

[Statutes of Nevada 2003, 19th Special Session, 109]

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.

[Statutes of Nevada 2003, 19th Special Session, 109]

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is not authorized.

[Statutes of Nevada 2003, 19th Special Session, 109]

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.

[Statutes of Nevada 2003, 19th Special Session, 109]

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 Select Committee 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 2003, 19th Special Session, 110]

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 2003, 19th Special Session, 110]

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.

[Statutes of Nevada 2003, 19th Special Session, 111]

Rule No. 114. Reserved.**Rule No. 115. Reserved.****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 2003, 19th Special Session, 111]

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.

[Statutes of Nevada 2003, 19th Special Session, 111]

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.
- [Statutes of Nevada 2003, 19th Special Session, 112]

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.

[Statutes of Nevada 2003, 19th Special Session, 112]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

19TH SPECIAL SESSION, 2003

APPLICABILITY OF JOINT RULES

Rule No. 1. Generally.

The Joint Rules for the 19th Special Session of the Legislature are applicable only during the 19th Special Session of the Legislature.

[Statutes of Nevada 2003, 19th Special Session, 93]

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 2003, 19th Special Session, 93]

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 2003, 19th Special Session, 94]

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 2003, 19th Special Session, 94]

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 2003, 19th Special Session, 94]

Rule No. 6. Joint Sponsorship.

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

2. The Legislative Counsel shall not cause to be printed the name of a committee as a joint sponsor on the face of a bill or resolution unless the chairman of the committee has signed his name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 4.

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

4. Once a bill or resolution has been introduced, a primary joint sponsor or nonprimary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a committee as a primary joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

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

[Statutes of Nevada 2003, 19th Special Session, 94]

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 2003, 19th Special Session, 95]

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 2003, 19th Special Session, 95]

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 2003, 19th Special Session, 96]

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 2003, 19th Special Session, 96]

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 2003, 19th Special Session, 97]

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 2003, 19th Special Session, 97]

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 2003, 19th Special Session, 97]

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 2003, 19th Special Session, 98]

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 2003, 19th Special Session, 98]

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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 Nineteenth Special Session of the Legislature of the State of Nevada, held in 2003.



Speaker of the Assembly



Chief Clerk of the Assembly

