

Journal
OF THE
SENATE OF THE STATE
OF NEVADA

SEVENTY-THIRD SESSION

THE FIRST DAY

CARSON CITY (Monday), February 7, 2005

Senate called to order at 11:57 a.m.

President Hunt presiding.

President Hunt requested that her remarks be entered in the Journal.

I stand before you this afternoon, serving before you in my last session as President of the Senate and as your Lt. Governor. Presiding over this esteemed body has been a memorable and meaningful experience for me. Serving with you in this hallowed Chamber has given me moments of great joy and moments of enormous pride. To the Senators who are here, today, and to the Senators with whom I have served in the past, let me say that I have watched you debate, deliberate and decide serious issues. I have witnessed your thoughtful reflections. I truly believe each of you follow your own heart and conscience on the important decisions you make. In the next 120 days, each of you will be voting on vital issues that will be affecting all of the people in this great State of Nevada. I know you will meet the challenges with dignity and integrity worthy of this esteemed body. With guidance from a higher power, let us find fair, equitable solutions that will meet the needs of our people while maintaining the pioneer spirit that makes Nevada great.

Prayer by Father Jerry Hanley.

Heavenly Father, we thank You for the divine compliment of sharing in the life and the responsibility of our State and people. The choices to which we give ourselves are what we will become. The values we will embrace will define what kind of people we are. Help us to build together what You have dreamed of for this land and its people.

Keep watch, Lord, over those who work or watch or weep this day, especially, in places of war and suffering. Tend the sick, give rest to the weary, bless the dying, soothe the suffering, pity the afflicted and gentle the spirit of division and discord.

Bless and hold close these chosen ones as they begin their mission and our call, that in the midst of business and the needs of Nevada, Your life will be given to us all.

AMEN.

REMARKS FROM THE FLOOR

PRESIDENT HUNT:

We are delighted to have the Reno High School Huskie Battalion Army ROTC Color Guard whose members include the following: Color Guard Instructor Sergeant Major Rich Camacho, Commander Greg Hattrup, Luke Barrett, Ian Nunag and Jose Ramirez. They will present the colors.

Presentation of the Colors by the Reno High School Army ROTC Color Guard from Reno, Nevada.

Pledge of allegiance to the Flag.

PRESIDENT HUNT:

It is my pleasure to announce that the National Anthem will be presented by Maria Arrigotti. Maria has grown up on the Western Nevada Community College stage. She is a graduate of the University of Nevada, Reno, with a degree in music and a masters in mathematics. Maria has also performed opera internationally.

MOTIONS, RESOLUTIONS AND NOTICES

Madam President requested Mrs. Claire J. Clift to serve as temporary Secretary of the Senate and Mr. Sam A. Palazzolo to serve as temporary Sergeant at Arms.

Madam President instructed the temporary Secretary to call the roll.

Roll called.

All present.

Senate in recess at 12:07 p.m.

SENATE IN SESSION

At 12:12 p.m.

President Hunt presiding.

Quorum present.

Madam President appointed Senators Cegavske, Nolan and Amodei to escort Chief Justice Nancy A. Becker to sign the Certificates of Election.

Senate in recess at 12:16.p.m.

SENATE IN SESSION

At 12:29 p.m.

President Hunt presiding.

Quorum present.

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

Motion carried unanimously.

Senator Raggio moved that the organization of the Senate of the Twenty-first Special Session of the Nevada Legislature be designated as the organization of the Senate for the Seventy-third Session of the Nevada Legislature.

Motion carried.

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

Motion carried.

PRESIDENT PRO TEMPORE OF THE SENATE—

SENATOR MARK E. AMODEI

MAJORITY FLOOR LEADER—

SENATOR WILLIAM J. RAGGIO

ASSISTANT MAJORITY FLOOR LEADER—

SENATOR DENNIS NOLAN

MAJORITY WHIP—

SENATOR DEAN A. RHOADS

ASSISTANT MAJORITY WHIP—

SENATOR SANDRA J. TIFFANY

MINORITY FLOOR LEADER—

SENATOR DINA TITUS

ASSISTANT MINORITY FLOOR LEADER—

SENATOR BERNICE MATHEWS

MINORITY WHIP—

SENATOR VALERIE WIENER

SECRETARY OF THE SENATE—

CLAIRE J. CLIFT

Madam President appointed Senators McGinness, Heck and Lee as a committee of three to inform the Assembly that the Senate is organized and ready for business.

Madam President appointed Senators Beers, Hardy and Horsford as a committee of three to inform the Governor that the Senate is organized and ready for business.

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ASSOCIATED PRESS: Kathleen Hennessey, Brendan Riley, Elizabeth White; CREATIVE IMAGES PHOTOGRAPHY: Daniel Nollsch; ELKO DAILY FREE PRESS: Samuel Brown; KLAS-TV: Matthew E. Adams, Richard Czarny, Brandon Eisenberg, George Knapp, Colleen McCarty, Lindsay Patterson, Cory Royer; KNPB-TV Channel 5: Beth Bornhoft, Erin Meehan Breen, Tom Drakulich, Ryan C. Jerz, Justin Reed, Dave Santina, Katie Smith; KOH 780 AM: Ande Engleman; KOLO-TV: Edward Barnett, Mark Andrew Cronon, Timothy III, Justin Kanno, Habib Obi, Ed Pearce, Terri Russell, James Steiner, Karen Todd, Kara Tsuboi; KRNVTV News 4: Kausik Bhakta, Valerie Bischoff, Josh Brackett, Victoria Campbell, Hetty Chang, Jeff Deitch, Gene Kennedy, Chuck King, Melissa Santos, Michael Thompson; KVBC-TV: Lisa Hidalgo, Zumi Hidalgo; KVVU-TV FOX 5: Lorraine Blanco; LAS VEGAS REVIEW-JOURNAL: Kevin M. Cannon, Erin Neff, Sean Whaley, Ed Vogel; LAS VEGAS SUN: Cy Ryan; NEVADA APPEAL: Geoff Dornan; NEVADA OBSERVER: Johnny Gunn; NEW YORK TIMES: John M. Broder; RENO GAZETTE-JOURNAL: Andy Barron, Anjeanette Damon, Lisa Tolda, Candice Towell; SAM SHAD PRODUCTIONS: Lisa Jansen, Marlene Lockard, Sam Shad; SENIOR SPECTRUM NEWSPAPER: Connie McMullen and WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

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

Senate in recess at 12:33 p.m.

SENATE IN SESSION

At 1:06 p.m.

President Hunt presiding.

Quorum present.

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

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

Senate in recess at 1:08 p.m.

SENATE IN SESSION

At 1:24 p.m.

President Hunt presiding.

Quorum present.

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

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

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio and Titus:

Senate Resolution No. 1—Adopting the Standing Rules of the Senate for the 73rd Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the Senate Standing Rules as amended by the 72nd Session are adopted, with the following changes, as the Standing Rules of the Senate for the 73rd Session of the Legislature:

I. OFFICERS AND EMPLOYEES

Duties of Officers

Rule No. 1. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting, and if a quorum is present shall cause the Journal of the preceding day to be read. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. He may speak to points of order in preference to members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave of the Senate. He shall sign all acts, addresses and joint resolutions, and all writs, warrants and subpoenas issued by order of the Senate; all of which must be attested by the Secretary. He has general direction of the Senate Chamber.

Rule No. 2. President pro Tem.

The President pro Tem has all the power and shall discharge all the duties of the President during his absence or inability to discharge the duties of his office. In the absence or inability of the President pro Tem to discharge the duties of the President's office, the Chairman of the Committee on Legislative [Affairs and] Operations and Elections shall preside. In the absence of the Chairman, the Vice Chairman of the Committee on Legislative [Affairs and] Operations and Elections shall preside. In the absence of the Vice Chairman of the Committee on Legislative [Affairs and Operations,] Operations and Elections, the Senate shall elect one of its members as the presiding officer for that occasion.

Rule No. 3. Secretary.

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

(a) Interview and recommend to the Committee on Legislative [Affairs and] Operations and Elections persons to be considered for employment to assist the Secretary.

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

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

(d) Unless otherwise ordered by the Senate, transmit at the end of each working day those bills and resolutions upon which the next action is to be taken by the Assembly.

2. The Secretary is responsible to the Majority Leader.

Rule No. 4. Sergeant at Arms.

1. The Sergeant at Arms shall attend the Senate during its sittings, and execute its commands and all process issued by its authority. He must be sworn to keep the secrets of the Senate.

2. The Sergeant at Arms shall:

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

(b) Interview and recommend to the Committee on Legislative [Affairs and] Operations and Elections persons to be considered for employment to assist the Sergeant at Arms.

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

Rule No. 5. Assistant Sergeant at Arms.

The Assistant Sergeant at Arms shall be doorkeeper and shall preserve order in the Senate Chamber and shall assist the Sergeant at Arms. He shall be sworn to keep the secrets of the Senate.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

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

Rule No. 11. Call of Senate—Moved by Three Members.

A Call of the Senate may be moved by three Senators, and if carried by a majority of all present, the Secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called over. The doors shall then be closed and the Sergeant at Arms directed to take into custody all who may be absent without leave, and all Senators so taken into custody shall be presented at the bar of the Senate for such action as to the Senate may seem proper.

Rule No. 12. Absence—Leave Required.

No Senator shall absent himself from the service of the Senate without leave, except in case of accident or sickness, and if any Senator or officer shall so absent himself his per diem shall not be allowed him.

Rule No. 13. Open Meetings.

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

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

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

1. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any Senator may, call him to order. If a Senator is so called to order, he shall not proceed without leave of the Senate. If such leave is granted, it must be upon the motion, "That he be allowed to proceed in order," and the Senator shall confine himself to the question under consideration and avoid personality.

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

Rule No. 21. Breaches of Decorum.

1. In cases of breaches of decorum or propriety, any Senator, officer or other person is liable to such censure or punishment as the Senate may deem proper.

2. If any Senator is called to order for offensive or indecorous language or conduct, the person calling him to order shall report the offensive or indecorous language or conduct to the presiding officer. No member may be held to answer for any language used on the floor of the Senate if business has intervened before exception to the language was taken.

3. Indecorous conduct or boisterous or unbecoming language is not permitted in the Senate Chamber.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Recorded Vote—Three Required to Call For.

1. A recorded vote must be taken upon final passage of a bill or joint resolution, and in any other case when called for by three members. Every Senator within the bar of the Senate shall vote "aye" or "no" or record himself as "not voting," unless excused by unanimous vote of the Senate.

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

Rule No. 31. President to Decide—Tie Vote.

A question is lost by a tie vote, but when the Senate is equally divided on any question except the passage of a bill or joint resolution, the President may give the deciding vote.

Rule No. 32. Manner of Election—Voting.

1. In all cases of election by the Senate, the vote must be taken viva voce. In other cases, if a vote is to be recorded, it may be taken by oral roll-call or by electronic recording.

2. When a recorded vote is taken, no Senator may:

- (a) Vote except when at his seat;
- (b) Vote upon any question in which he is in any way personally or directly interested;
- (c) Explain his vote or discuss the question while the voting is in progress; or
- (d) Change his vote after the result is announced.

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

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

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

(a) Commerce and Labor, seven members, with jurisdiction over measures affecting primarily titles [52-57,] 52-56 of NRS, and chapters 118B, 461, 461A, 489, [701-704B] 679A-693A, 694A-704B and 707-712 of NRS, except measures affecting primarily state and local revenue.

(b) Finance, seven members, with jurisdiction over measures primarily affecting chapters 286 and 387 of NRS, appropriations, operating and capital budgets, state and federal budget issues and bonding, except measures affecting primarily state and local revenue, and over any measures carrying or requiring appropriations and favorably reported by any other committee unless such reference is dispensed with by a two-thirds vote of the Senate.

(c) Government Affairs, seven members, with jurisdiction over measures affecting primarily the districts from which members of the Legislature are elected, and titles [18-22, 24, 25, 27-31 and 36] 20-22, 25, 27, 28, 30 and 31 of NRS, and chapters [281-285, 287-289,] 223-232A, 233, 233A, 233C-239, 240-242, 407 and 720 of NRS, except measures affecting primarily [the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases,] state and local revenue, state and federal budget issues, the Tahoe Regional Planning Compact and the Nevada Tahoe Regional Planning Agency.

(d) Human Resources and Facilities, seven members, with jurisdiction over measures primarily affecting titles 33 [,] and 37-39 [and 42] of NRS, and chapters 385, 386, 388-399, 439-444, 446-458, 459A, 460 , 472-475, 477 and 583-585 of NRS, except measures affecting primarily state and local revenue.

(e) Judiciary, seven members, with jurisdiction over measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases, titles 1-9, [11-16,] 11-14, 16 and 41 of NRS, and chapters 111-118A, 119-120A, 193-195, 199-201, 204-207, and 719 of NRS, except measures affecting primarily state and local revenue.

(f) Legislative [Affairs and Operations,] Operations and Elections, seven members, with jurisdiction over measures affecting primarily title 17 of NRS, except the districts from which members of the Legislature are elected [,] and their qualifications, resignations and privileges, titles 24 and 29 of NRS, and chapters 232B, 233B, 281-285 and 287-289 of NRS, and the operation of the legislative session, except measures affecting primarily the provisions of the Nevada Administrative Procedure Act that govern the adjudication of contested cases and state and local revenue.

(g) Natural Resources, seven members, with jurisdiction over measures primarily affecting titles 26 and 45-50 of NRS, and chapters 444A-445C, [459,] 488, 581, 582 and 586-590 of NRS, the Colorado River Commission of Nevada, the Tahoe Regional Planning Compact and the Nevada Tahoe Regional Planning Agency, except measures affecting primarily state and local revenue.

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

(i) Transportation [,] and Homeland Security, seven members, with jurisdiction over measures affecting primarily [title] titles 36 and 44 of NRS, and chapters 196-198, 202, 203, 239A-239C, 403-405, 408, 410, 459, 476, 480-487, 693B, 705 and 706 of NRS, except measures affecting primarily state and local revenue.

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

Rule No. 41. [Reserved.] Appointment of Alternates.

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

Rule No. 42. Committee Expenses.

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

Rule No. 43. Duties of Committees.

The several committees shall fully consider all measures referred to them and report thereon. They shall acquaint themselves with the interests of the State specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the State, and shall fully consider and report their opinion upon any matter [committed or] referred to them by the Senate.

Rule No. 44. Committee on Legislative [Affairs and Operations,] Operations and Elections.

The Committee on Legislative [Affairs and] Operations and Elections shall recommend by resolution the appointment of all attachés and employees of the Senate not otherwise provided for by law. It may suspend any attaché or employee for incompetency or dereliction of duty, pending final action by the Senate. It shall hear complaints on alleged breaches of ethics and

conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interests. All proceedings by the Committee on matters of ethics or conflicts of interest are open to the public unless otherwise authorized to be closed to the public by Section 15 of Article 4 of the Constitution of the State of Nevada.

Rule No. 45. Reserved.

Rule No. 46. Forming Committee of the Whole.

In forming the Committee of the Whole, the Senator who has so moved shall name a Chairman to preside, and all bills considered shall be read by sections, and the Chairman shall call for amendments at the conclusion of the reading of each section. All amendments proposed by the Committee shall be reported by the Chairman to the Senate.

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

The Rules of the Senate shall apply to proceedings in Committee of the Whole, except that the previous question shall not be ordered, nor the ayes and noes demanded, but the Committee may limit the number of times that any member may speak, at any stage of proceedings, during its sitting. Messages may be received by the President while the Committee is sitting; in which case the President will resume the chair, receive the message, and vacate the chair in favor of the Chairman of the Committee.

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

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

Rule No. 49. Reference to Committee.

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

Rule No. 50. Return From Committee.

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

2. No such motion is in order:

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

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

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

Rule No. 51. Reserved.

Rule No. 52. Reserved.

Rule No. 53. Committee Rules.

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

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

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

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

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

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

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

committee at the time of the vote. The chairman shall vote on all final actions on bills or resolutions. The provisions of this subsection do not prohibit the pre-filing of legislative bills and resolutions on behalf of a committee in the manner prescribed by the Legislative Commission.

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

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

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

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

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

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

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

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

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

Rule No. 54. Review of State Agency Programs.

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

The next rule is 60.

VI. RULES GOVERNING MOTIONS

A. Motions Generally

Rule No. 60. Entertaining.

1. No motion may be debated until it is announced by the President.
2. By consent of the Senate, a motion may be withdrawn before amendment or decision.

Rule No. 61. Precedence of Motions.

When a question is under debate no motion shall be received but the following, which shall have precedence in the order named:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To [commit.] refer to committee.
7. To amend.
8. To postpone indefinitely.

The first four shall be decided without debate.

Rule No. 62. When Not Entertained.

1. When a motion to [commit,] refer to committee, to postpone to a day certain, or to postpone indefinitely has been decided, it must not be again entertained on the same day.
2. When a question has been postponed indefinitely, it must not again be introduced during the session unless this rule is suspended by a two-thirds vote.
3. There must be no reconsideration of a vote on a motion to postpone indefinitely.

B. Particular Motions

Rule No. 63. To Adjourn.

A motion to adjourn shall always be in order. The name of the Senator moving to adjourn, and the time when the motion was made, shall be entered in the Journal.

Rule No. 64. Lay on the Table.

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

Rule No. 65. Reserved.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution has precedence over a motion to [commit] refer to committee or to amend. If a motion to strike out the enacting clause of a bill or resolution is carried, the bill or resolution is rejected.

Rule No. 67. Division of Question.

1. Any Senator may call for a division of a question.
2. A question must be divided if it embraces subjects so distinct that if one subject is taken away, a substantive proposition remains for the decision of the Senate.
3. A motion to strike out and insert must not be divided.

Rule No. 68. To Reconsider—Precedence of.

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

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

Rule No. 69. Explanation of Motion.

Whenever a Senator moves to change the usual disposition of a bill or resolution, he shall describe the subject of the bill or resolution and state the reasons for his requesting the change in the processing of the bill or resolution.
The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

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

2. No Senator may speak:

- (a) More than twice during the consideration of any one question on the same day, except for explanation.
- (b) A second time without leave when others who have not spoken desire the floor.

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

Rule No. 81. Previous Question.

The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be [now] put?" When sustained by a majority of Senators present it shall put an end to all debate and bring the Senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. A person who is speaking on a question shall not while he has the floor move to put that question.

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. Generally

Rule No. 90. Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the Senate, and the joint rules of the Senate and Assembly.

Rule No. 91. Suspension of Rule.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two-thirds of the Senate and one day's notice of the motion therefor; but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, he can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Standing Rule No. 109 relating to the third reading of bills, which cannot be suspended . . .; and further, this rule shall not apply to the suspension of Senate Standing Rule No. 50.]

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

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

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

Rule No. 93. Protest.

Any Senator, or Senators, may protest against the action of the Senate upon any question, and have such protest entered in the Journal.

Rule No. 94. Privilege of the Floor.

1. To preserve decorum and facilitate the business of the Senate, only the following persons may be present on the floor of the Senate during formal sessions:

- (a) State officers;
- (b) Officers and members of the Senate;
- (c) Employees of the Legislative Counsel Bureau;
- (d) Attachés and employees of the Senate; and
- (e) Members of the Assembly whose presence is required for the transaction of business.

2. Guests of Senators must be seated in a section of the upper or lower gallery of the Senate Chamber to be specially designated by the Sergeant at Arms. The Majority Leader may specify special occasions when guests may be seated on the floor of the Senate with a Senator.

3. A majority of Senators may authorize the President to have the Senate Chamber cleared of all persons except Senators and officers of the Senate.

4. The Senate Chamber may not be used for any business other than legislative business during a legislative session.

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

1. Only the Sergeant at Arms and officers and employees of the Senate may place papers, letters, notes, pamphlets and other written material upon a Senator's desk. Such material must contain the name of the Legislator requesting the placement of the material on the desk or a designation of the origin of the material.

2. This rule does not apply to books containing the legislative bills and resolutions, the daily histories and daily journals of the Senate or Assembly, or Legislative Counsel Bureau material.

Rule No. 96. Reserved.

Rule No. 97. Petitions and Memorials.

The contents of any petition or memorial shall be briefly stated by the President or any Senator presenting it. It shall then lie on the table or be referred, as the President or Senate may direct.

Rule No. 98. Reserved.

Rule No. 99. Reserved.

Rule No. 100. Reserved.

Rule No. 101. Reserved.

Rule No. 102. Objection to Reading of Paper.

Where the reading of any paper is called for, and is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

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

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

B. Bills

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

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

Rule No. 107. Information Concerning Bills.

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

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

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

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

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

1. Every bill must receive three readings before its passage, unless, in case of emergency, this rule is suspended by a two-thirds vote.

2. The first reading of a bill is for information, and if there is opposition to the bill, the question must be, "Shall this bill be rejected?" If there is no opposition to the bill, or if the question to reject is defeated, the bill must then take the usual course.

3. No bill may be [committed] referred to committee until once read, nor amended until twice read.

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

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

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

2. A committee shall not recommend a bill or joint resolution for placement on the Consent Calendar if:

- (a) An amendment of the bill or joint resolution is recommended;
- (b) It contains an appropriation;
- (c) It requires a two-thirds vote of the Senate; or
- (d) It is controversial in nature.

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

4. A bill or joint resolution must be removed from the Consent Calendar at the request of any Senator. A bill or joint resolution so removed must be immediately placed on the Second Reading File for consideration in the usual order of business.

5. When the Consent Calendar is called [, the] :

(a) The bills remaining on the Consent Calendar must be read by number and summary, and the vote must be taken on their final passage as a group.

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

Rule No. 111. Printing.

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

Rule No. 112. [Reserved.] Sponsorship.

A Senator may rise and request that his name be removed as a sponsor of a bill or resolution that is introduced in the Senate at any time before the bill or resolution is passed out of the Senate to the second House.

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

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

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

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

Rule No. 114. [Commitment] Referral of Bill With Special Instructions.

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

Rule No. 115. Reconsideration of Vote on Bill.

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

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

Rule No. 116. Reserved.**Rule No. 117. Different Subject Not Admitted as Amendment.**

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

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

Resolutions addressed to Congress, or to either House thereof, or to the President of the United States, or the heads of any of the national departments, or proposing amendments to the State Constitution are subject, in all respects, to the foregoing rules governing the course of bills. A joint resolution proposing an amendment to the Constitution shall be entered in the Journal in its entirety.

Rule No. 119. Treated as Motions.

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

Rule No. 120. Order of Business.

1. Roll Call.
2. Prayer and Pledge of allegiance to the Flag.
3. Reading and Approval of the Journal.
4. Reports of Committees.
5. Messages from the Governor.
6. Messages from the Assembly.
7. Communications.
8. Waivers and Exemptions.

9. Motions, Resolutions and Notices.
10. Introduction, First Reading and Reference.
11. Consent Calendar.
12. Second Reading and Amendment.
13. General File and Third Reading.
14. Unfinished Business.
15. Special Orders of the Day.
16. Remarks from the Floor; Introduction of Guests. A Senator may speak under this order of business for a period of not more than 10 minutes.

Rule No. 121. Privilege.

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

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Preference to Speak.

When two or more Senators rise at the same time the President shall name the one who may first speak—giving preference, when practicable, to the mover or introducer of the subject under consideration.

Rule No. 125. Special Order.

The President shall call the Senate to order on the arrival of the time fixed for the consideration of a special order, and announce that the special order is before the Senate, which shall be considered, unless it be postponed by a two-thirds vote, and any business before the Senate at the time of the announcement of the special order shall go to Unfinished Business.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

Rule No. 129. Reserved.

D. Contests of Elections

Rule No. 130. Procedure.

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

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

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

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

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

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

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

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

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

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS

Rule No. 140. Compensation of Witnesses.

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

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

As most of you know, this is the resolution that adopts the Senate Rules for the Senate session. Senate Resolution No. 1 provides for the adoption of these rules. The rules are drafted based upon the Senate Standing Rules adopted for the Seventy-second Legislative Session with a few notable changes. At the request of the Secretary of the Senate, some technical amendments are being proposed.

Any reference in the rules for referring a bill or resolution to a Senate committee in accordance with *Mason's Manual of Legislative Procedure* that says, "to commit" a bill or resolution for consideration to a Senate committee has been changed to the word "refer."

The amendment proposed to Senate Rule 53 which governs the procedures of the Senate standing committees is intended to clarify when the minutes of a subcommittee of a Senate standing committee are required to be kept and made available to members of the public.

A rule has been added to allow a Senator to remove his or her name as a sponsor of a bill or resolution without having to go through the process of amending a bill or resolution. Occasionally, someone might want his or her name removed after an amendment has been added to a bill which changes the original bill.

Senate Rule 41 has been amended. It will allow the Majority Leader to appoint an alternate for any chair or member of a standing committee who is temporarily unable to serve. The appointment would be a member of the same political party as the person being replaced.

There is an amendment to Senate Rule 40. That rule determines to which committees bills or resolutions are being referred. The jurisdiction of what was the Committee on Transportation and is now the Committee on Transportation & Homeland Security and has been expanded to include jurisdiction over issues that pertain to homeland security. The Committee on Legislative Affairs & Operations has been renamed and expanded to include jurisdiction over legislative procedures, election and ethics in government and the Administrative Procedures Act. The Act recognizes that the Senate Committee on Government Affairs is overworked. It was necessary to take a little away in order to be certain it could function as efficiently as possible.

Our Legislative Counsel and the Senate Front Desk have worked to make certain that the proper changes are appropriate toward that end. If there are questions from the committee chairs or members of the committee, let us be open to make changes at a later date. Let us adopt these rules at this time.

Resolution adopted unanimously.

By Senators Raggio and Titus:

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

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

Resolution adopted unanimously

By Senators Raggio and Titus:

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

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Senate for the 73rd Session of the Legislature of the State of Nevada: Mary Jo Mongelli, Ann-Berit Moyle, Mary R. Phillips, Molly Dondero, Susan S. Whitford, Lydia Lee, Jane Gill, Ruth B. Pierini, Sam A. Palazzolo, John D. Turner, Ronald Sandoval, Evelyn Mattheus, Rebecca M. Harris, Shirley Hammon, Betty Christenson, Joan Thran, Sandy Arraiz, Dorothy Souza, Donna Esposito, Billie Brinkman, Mollie Miller, Antonio Gutierrez, Stella Blood, Jeanne Baret, JoAnn Wessel, Lela Uptergrove, Bob Adney, Michael Archer, Cathy Barstad, Ricka Benum, Cynthia Clampitt, Cynthia Cook, Tonya Cort, Jo Greenslate, Lynn Hendricks, Susan E. Hult, Delia John, Ardyss Johns, Lee-Ann Keever, Kekuhaupio F. Kamalani, Olivia Lodato, Maudie Long, Gayle Maynard, Terri Miller, Tanya Morrison, Barbara Moss, Juliet W. Newman, Emily Nichols, Candice Nye, Shirley Parks, Dee Crawford-Ramsey, Irene Rawlings, Linda E. Reed, Brooke T. Reid, Sherry Rodriguez, Marion Sandoval, Paula M. Saponaro, Mary Savarese, Mavis Scarff, Makita Schichtel, Jonathan Sherwood, Carolyn Simnad, Sandra Small, Genevieve Tetheron, Judith Toscano, Patricia Vardakis, Anne Vorderbruggen, Ellen L. West, Elisabeth Williams, Johnnie Lorraine Willis, Donna Winter, Leticia Wischmeier, Jeanine M. Wittenberg, Carolyn Wood, Norman Wessel, Sharon Carter, Frank Baird, John Clendening, Thomas Keeley Evans, Gail Herstead, Elaine Walker, Emory Lee Crews, Mary Thompson, Janet Meredith, Patty Woodworth, Jeff Benum, Alyce King, John Perondi, Joe Pieretti, James Silsby, Candy Trenoweth and Fred White.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

Senate Resolution No. 3 is a list of the individuals who we are appointing as Senate Attachés to serve in the Senate. Those of you who have been here over the years will recognize many of these names. We are fortunate to have many who return each session. As we go through the session, some days are more arduous and contentious than others. Our staff must sit and listen to the discussions not only once but many more times to create the record for the committee minutes and the *Senate Journal*. Sometimes in making the record, they make us sound better than we actually were at the time we spoke. We welcome the new attachés and are grateful to all the returning staff who has accepted these positions.

I ask the Senate to join me in expressing our appreciation to the staff for their continued service and for those who have accepted this new responsibility.

Resolution adopted unanimously.

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

Senate in recess at 1:57 p.m.

SENATE IN SESSION

At 2:13 p.m.

President Hunt presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Raggio and Titus:

Senate Bill No. 1—AN ACT making an appropriation to the Legislative Fund for the costs of the 73rd Legislative Session; and providing other matters properly relating thereto.

Senator Raggio moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, and that

Senate Bill No. 1 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Raggio.

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

This bill is the general appropriations bill for the cost of the session with an initial appropriation of \$10 million.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1:

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 1:

YEAS—21.

NAYS—NONE.

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

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

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS
MESSAGES FROM THE SECRETARY OF STATE
STATE OF NEVADA
CARSON CITY, NEVADA 89701

November 23, 2004

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

DEAR MRS. CLIFT:

This letter is in acknowledgement of the transfer of Senate Joint Resolution No. 5 (SJR 5) and Senate Joint Resolution No. 11 (SJR 11) of the 72nd Legislative Session pursuant to NRS 218.390(2). SJR 5 was assigned file number 40 and SJR 11 was assigned file number 87. Pursuant to your request, the engrossed and enrolled originals of these resolutions were transferred from the Elections Division to your office on Wednesday, November 24, 2004.

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

Respectfully,
DEAN HELLER
Secretary of State

TO THE HONORABLE 2005 LEGISLATURE OF THE STATE OF NEVADA, Carson City, Nevada
LADIES AND GENTLEMEN OF THE SENATE

Pursuant to the provisions of sections 2 and 3 of Article 19 of the Constitution of the State of Nevada, and the statutes enacted under the authority thereof, I have the honor to present to you, with letter, the following entitled Initiative Petitions:

- (1) "NEVADA CLEAN INDOOR AIR ACT." This Initiative Petition proposes a new statute to restrict the use of smoking tobacco, in any form in certain areas. The number of registered voters verified was 64,871.
- (2) "RESPONSIBLY PROTECT NEVADAN'S FROM SECOND-HAND SMOKE ACT." This Initiative Petition also proposes to restrict the use of smoking tobacco, in any form, in certain areas. The number of registered voters verified was 74,348.

(3)"REGULATIONS OF MARIJUANA INITIATIVE." This Initiative Petition proposes to revise Title 40 of the NRS by adding a new chapter that would exempt persons 21 years of age and older from any civil or criminal penalty due to the possession or use of one ounce or less of marijuana, and would provide for the regulation and taxation of marijuana by the State. The number of registered voters verified was 69,261.

Pursuant to an order of the Federal District Court, the number of signatures required was 51,337. Accordingly, the above captioned Initiatives Petitions are deemed qualified.

The petitions were filed within the constitutional and statutory period of time prior to the convening of the 2005 Session of the Nevada Legislature, for presentation thereto as required by the State Constitution and applicable statutes enacted under the authority thereof.

The copies transmitted to you on this date are symbolic copies. The original petitions will be retained on file in the Secretary of State's office and are accordingly public record and available for your review at any time.

Respectfully,
DEAN HELLER
Secretary of State

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

February 3, 2005

DEAR MAJORITY LEADER RAGGIO AND MEMBERS OF THE SENATE:

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2005 Legislative Session.

Our community, like so many areas of Nevada, is rich in history and famous for its colorful past. However, Carson City is unique. No other community in our State can boast the prestigious title of "Capital City." This is a designation of which we are very proud. Whether you are a first time Legislator or a veteran who has first-hand knowledge of Carson City's distinctive qualities, we hope our "down home, Nevada-style" hospitality will impress you.

We would like to invite you to attend a reception cohosted by Douglas County, Lyon County, Storey County and Carson City on February 8, 2005, at the Carson City Nugget, 507 North Carson Street, between 5:30-8:00 p.m. We hope to welcome you to Carson City, provide an opportunity to introduce you to other elected officials and highlight several displays which demonstrate our regional pride.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on February 8. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our city's staff. Best wishes for a successful session, and thank you for allowing us to be your host these next few months.

Sincerely,
MARV TEIXEIRA
Mayor

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

Motion carried.

Senate in recess at 2:19 p.m.

SENATE IN SESSION

At 2:22 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary.

Senate Joint Resolution No. 5 of the 72nd Session—Proposing to amend the Nevada Constitution to allow the Legislature to establish an intermediate appellate court.

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

Sec. 3A. 1. The Legislature may provide by law for the creation of a Court of Appeals.

2. If the Legislature creates a Court of Appeals pursuant to subsection 1, then:

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

(b) After the initial terms, each judge of the Court of Appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges must be elected by the qualified electors of this State at the first general election following the creation of the Court of Appeals. The initial terms of the judges must be staggered so that one judge serves for an initial term of 2 years, one for 4 years and one for 6 years. The initial judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term beginning on the first Monday of January next after the election. The Legislature shall provide for an initial term of 6 or fewer years for each additional judge so that one-third of the total number of judges, as nearly as may be, is elected every 2 years. If the number of judges is increased by more than one, the additional judges shall meet as soon as practicable after their election to determine by lot the term of office that each judge will fill.

(c) The Supreme Court shall appoint one of the judges of the Court of Appeals to be Chief Judge. The Chief Judge serves a term of 4 years and may succeed himself. The Chief Judge may resign his position as Chief Judge without resigning from the Court of Appeals.

And be it further

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

Section 1. The Judicial power of this State ~~[shall be]~~ is vested in a court system, comprising a Supreme Court, *a Court of Appeals, if established by the Legislature*, District Courts ~~[]~~ and Justices of the Peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.

And be it further

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

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

2. In case of the disability or disqualification, for any cause, of ~~[the Chief Justice or one of the associate justices]~~ a justice of the Supreme Court, ~~[for any two of them,]~~ the Governor ~~[is~~

~~authorized and empowered to designate any~~ may designate a judge of the Court of Appeals or a district judge ~~for judges~~ to sit in the place ~~for places of such~~ of the disqualified or disabled justice . ~~for justices, and said judge or judges so designated shall receive their~~ The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court.

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

And be it further

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

Sec. 7. The times of holding the Supreme Court , *the Court of Appeals* and *the District Courts* ~~shall~~ must be as fixed by law. The terms of the Supreme Court ~~shall~~ must be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. *The terms of the Court of Appeals must be held at the place provided by law.* The terms of the District Courts ~~shall~~ must be held at the County seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

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

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

~~[The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.]~~

2. The Legislature shall also prescribe by law the manner, and determine the cases , in which appeals may be taken from Justices and other courts. The Supreme Court, *the Court of Appeals*, the District Courts ~~and~~ and such other Courts ~~and~~ as the Legislature shall designate ~~shall~~ ~~be~~ are Courts of Record.

And be it further

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

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

And be it further

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

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

And be it further

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

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

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

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

3. Each nomination for the Supreme Court ~~shall~~ or the Court of Appeals must be made by the permanent commission, composed of:

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

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

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

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

(a) The permanent commission;

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

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

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

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

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

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

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

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

And be it further

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

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

2. The Commission is composed of:

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

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

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

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

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

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

5. The Legislature shall establish:

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

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

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

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

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

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

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

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

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

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

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

11. The Commission may:

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

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

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

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

And be it further

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

~~{See;} Sec. 3. For any reasonable cause to be entered on the journals of each House {;} which may {;} or may not be sufficient grounds for impeachment, the {Chief Justice and Associate} Justices of the Supreme Court , *the Judges of the Court of Appeals, if established by the Legislature, and the Judges of the District Courts* ~~{shall}~~ *must* be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature . ~~{, and the}~~ *The Justice or Judge complained of* ~~{, shall}~~ *must* be served with a copy of the complaint against him ~~{, and shall}~~ *and* have an opportunity of being heard in person or by counsel in his defense . ~~{, Provided, that no member}~~ *No Member* of either branch of the Legislature ~~{shall be}~~ *is* eligible to fill the vacancy occasioned by such removal.~~

And be it further

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

~~{See;} Sec. 8. The Legislature shall provide for the speedy publication of all Statute laws of a general nature {;} and such decisions of the Supreme Court {;} and the Court of Appeals, if established by the Legislature, as it may deem expedient . ~~{, and all}~~ *All* laws and judicial decisions ~~{shall}~~ *must* be free for publication by any person . ~~{, Provided, that no}~~ *No* judgment of the Supreme Court *or the Court of Appeals* shall take effect and be operative until the Opinion of the Court in such case ~~{shall be}~~ *is* filed with the Clerk of said Court.~~

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

Remarks by Senator Amodei.

Motion carried.

By the Committee on Finance.

Senate Joint Resolution No. 11 of the 72nd Session—Proposing to amend the Nevada Constitution to provide for the payment of compensation to the members of the Legislature for each day of service during regular and special sessions and to provide for the payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationery.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows: ~~{See;} Sec. 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for {not to exceed 60 days} each day of service during any regular session of the legislature and {not to exceed 20 days} during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected. Provided, that an appropriation may be made for the payment of {such actual expenses as} reasonable allowances to members of the Legislature {may incur} for expenses incurred for postage, express charges, newspapers, telecommunications and stationery {not exceeding the sum of sixty dollars for} during any general or special session . {to each member, and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.}~~

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

Motion carried.

By the Committee on Natural Resources:

Senate Joint Resolution No. 1—Urging the Nevada Congressional Delegation and Congress to take certain actions concerning wilderness areas and wilderness study areas.

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

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

February 1, 2005

THE HONORABLE SENATOR WILLIAM J. RAGGIO

THE HONORABLE ASSEMBLYMAN RICHARD D. PERKINS, Nevada Legislature,
Legislative Building, Nevada 89701

DEAR MAJORITY LEADER RAGGIO AND SPEAKER PERKINS:

Please find enclosed my message to the 73rd Session of the Nevada Legislature. As you know, I delivered the message, as required by Article 5, Section 10, of the *Nevada Constitution*, earlier to a gathering of your colleagues and other guests on Monday, January 24, 2005, in the Assembly Chambers in Carson City.

Allow me to extend my sincere wishes for a productive legislative session. My staff and I look forward to working with all of you.

Respectfully,
KENNY C. GUINN
Governor of Nevada

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that in accordance with the provisions of Article 5, Section 10 of the Nevada Constitution, that Governor Guinn's State of the State Address to the Nevada Legislature, as presented to the special committee to receive the Governor's State of the State Address on January 24, 2005, be entered in the Senate Journal for this legislative day.

Motion carried.

STATE OF THE STATE ADDRESS TO THE NEVADA LEGISLATURE

Mr. Speaker, Madam Lieutenant Governor, Members of the Senate and Assembly, Honorable Justices of the Supreme Court, Elected Officers, Distinguished Guests and My Fellow Nevadans:

Thank you, Speaker Perkins. I want to thank Majority Leader Raggio, Lieutenant Governor Hunt, certainly members of the State Assembly, the Senate, honorable Judges of the Supreme Court, our constitutional officers, of course the distinguished guests who are here tonight and my fellow citizens all across this great State. I want to say good evening to you and then I want to say I'm very excited about being here this night because it's a special night for me having been before you over the last three sessions. Tonight is an exciting time. I would like to begin by making a heartfelt acknowledgment of my lovely wife, Dema, who is seated in the audience with my family; my two sons, Jeff and Steve, and their wives, Monica and Wynn; my sister, Shirley; and my grandson, Blake. Dema, you've been at my side every step of the way as Governor. You have had a tremendous influence on Nevada as our First Lady. You have championed health

issues for women and children, and you have led the way on a great number of historic preservation efforts. Dema, thank you for everything that you have done for our family and what you have done for our Nevada family. Thank you very much.

Governor Mike O'Callaghan was a great leader of this State. He was a true friend to many of us. He was a strong man with a strong spirit. So strong, in fact, that if we make any bad decisions this session, we will no doubt hear from him. Carolyn O'Callaghan and Jackie Laxalt were two of the most graceful, witty and intelligent First Ladies in our history. And although these great Nevadans are no longer with us, their influence on our State will remain forever. Please join me in a moment of silent reflection for three very notable Nevadans.

We have a very special guest with us tonight representing our National Guard who embodies the spirit of our State. Nevada has one of the highest percentages of National Guard members serving in Iraq and Afghanistan and other foreign lands. We have more than 750 members of our Air and Army Guard, as well as other military personnel, who are dedicating themselves to the wartime effort. They are men and women, like Sergeant Henry Lujan from Henderson. Sergeant Henry Lujan was wounded in Iraq when a truck he was riding in was attacked by terrorists. This is an extraordinary man. As a cancer survivor, he could have avoided the rigors of war, but his love for his Country exceeded his personal concerns. He insisted it was his duty as a Nevada National Guardsman and as an American to serve his Country in a time of war. Sergeant Lujan, would you please stand. Thank you, Sergeant Lujan. We are proud of you and all of our men and women in our military. Thank you for being with us tonight. It is an honor, sir. Thank you very much.

During my last State of the State Address, I said we were at a crossroads, and it was time for Nevada to choose its path. I want to say to all of you tonight, we chose wisely. I am proud to report that the state of our State is strong; in fact, it is very strong. The State's economy is firing on all cylinders. Our gaming and tourism industries have rebounded strongly. A record 50 million tourists came to our State last year alone, and they spent more money than ever before. Our economy is also diversifying and growing every day. Las Vegas is constantly and consistently the Country's fastest-growing market for small business, and it is a major one. Chief executives across the land rank Nevada as the second best state in the Country to do business. This has allowed us to broaden and stabilize our revenue streams so that we can meet the needs of today and prepare for the challenges of tomorrow.

Nevada has its lowest unemployment rate on record. Let me repeat this remarkable feat, the lowest unemployment rate on record. We are nearly two points below the national average. With 50,000 new jobs in 2004, Nevada remains a place where dreams can be fulfilled. We are creating these new jobs at a faster rate than any other state in the Country. And these are good jobs; they are quality jobs. They are jobs that offer livable wages and benefits for our working families. Given this news, it is no surprise that so many people want to come here and enjoy the wonderful opportunities and lifestyle that Nevada has to offer.

Yes, even the state of the budget is strong. I commend this Legislature for helping to put Nevada on a stable course. Now, that times are good, let us not forget that our Rainy Day Fund has shielded us in the past from devastating economic hardships. We need to be careful in these good times to save for tomorrow. Together, we have diligently sought to strike a balance between providing for the needs of our citizens and protecting our fantastic business environment. We need to continue with these efforts. I want to strengthen our future by saving for a rainy day. My budget ensures that a total of \$200 million will be deposited into the State's Rainy Day Fund. By investing in this Fund, we will be protecting our citizens from future hardship. We have to remember that when tough times come in Nevada they come quickly. This \$200 million provides us with needed insurance should our economy falter.

As guardians of the public trust, join me in supporting this very important savings plan. Because of the strength of our gaming and tourism industry and the broadening and stabilizing of our revenue streams, we will be able to do more this session than just save for a rainy day and do a lot more. It is time that the people of Nevada see a direct benefit from the investments they have made. I am proposing that \$300 million be given back to the taxpayers—\$300 million. As your Governor, I have reviewed our revenues and expenditures and given our funding priorities serious consideration. Over the last six years as your Governor, I have always believed that we must fund our top priorities with reasonable allocations, and while being fair to the taxpayers,

we must do this. After funding these priorities, our State is still experiencing a surplus. I believe the right thing to do is to get this money back into the hands of as many taxpaying Nevadans as possible. Now, while it's worthy of debate, perhaps, I will tell you you will get no argument from the voters I have spoken to except for how soon they will get it.

Through my plan for a DMV registration rebate, the registration and fees that you paid in 2004, up to \$300 per registration for each car, each motorcycle, RV or trailer that you registered, will be sent to you as soon as my budget has been approved by the Legislature. The rebates on two million vehicles will be a welcome addition to people's pocketbooks and will serve as a continued stimulus to our booming economy in Nevada. I have faith that the families of Nevada know best how to spend this \$300 million rebate.

We all know it is vital that property tax relief be discussed in great detail beginning in the earliest days of this session. Property owners, particularly seniors on fixed incomes and working families, are worried about this seemingly overnight jump in their property taxes. Just the other day, I read an article about a retired married couple, William and Janet Rhoden, who moved to Las Vegas from Chicago in 1992. The taxable value of their home in Summerlin, in southern Nevada, has gone up 41 percent this last year. William went to the County Board of Equalization and pleaded with the Board. He said, "I'm asking this group to give us relief, whatever you can do." Sadly, nothing could be done for them. I feel for a couple like the Rhodens, and I am sure you do too. We need to find relief for William and Janet and the thousands and thousands of other homeowners in Nevada who are facing this punishing burden.

I encourage you to have lively debate on this issue. Working with local governments, school boards and taxpayers, we can provide a solution that protects our home and property owners all across this State. At the same time, we can protect the services they expect. I am calling upon our Legislature and our local governments to commit themselves to work with great focus on this issue of critical importance to our citizens. The people of Nevada deserve the best work we can produce, and I know together we are up to this task. My pledge to the people of Nevada is this: we will not rest until property tax relief is a reality.

This is the fourth and final time I have been privileged to stand before you to deliver a State of the State Address. I am proud to say that this \$5.7 billion budget has been thought out in great detail. There is strong justification for the programs presented to you. This budget promotes a Nevada built on partnership and progress, a Nevada that rewards the needs, the energy and the passion of its citizens.

All my life and throughout my two terms as your Governor, my focus has been and will be education. Each time I have stood before you, I have focused on my passion on the service we provide that has the power to change one's life. Education is not part of my agenda; it is my agenda. The Millennium Scholarship is changing the future of our State. More than 40,000 students have qualified for the program. Yes, that is 40,000 bright, young Nevadans. Last year, we graduated the first class of Millennium Scholars. This year, almost 18,000 students are taking advantage of this wonderful opportunity. Enrollment in our institutions of higher learning is now at record levels. We know what this means for the future of our State the best—educated workforce in our State's history. My budget accommodates the more than 7,000 bright and energetic new students who will be arriving on our campuses over the next two years. Our professional staff, our libraries, our laboratories and classrooms must keep pace with this growth. I am providing higher education with an additional \$250 million for much-needed faculty, infrastructure and research.

When you travel the State, you feel the excitement that our young people have for the Millennium Scholarship. You can see it in their eyes. You hear it in the voices of their parents and their grandparents. Last spring, I met Candice DeGuzman. Her parents are immigrants from the Philippines. If not for the Millennium Scholarship, she would have sought her education outside of our State at the University of Southern California where she was heavily recruited.

She has since graduated from UNLV and just finished her first semester at the University of Nevada School of Medicine. Candice is here, tonight, and she is one step closer to realizing her family's lifelong dream for her to become a doctor. Candice, please stand up. USC got the national championship, and we got Candice. We would much rather have you, Candice. I just want to say to the Legislature, you are an important part of helping make her dream come true. The Millennium Scholarship is working. The best and the brightest young minds are staying in

our State for college. No parent and no child should ever have to worry about how long the Millennium Scholarship will last. That is why my budget provides for \$100 million in new state bonds so the Millennium Scholarship will be available to Nevada's students for years to come.

More critical to the future success of our State is our investment in the public schools where formal education begins. Last session, we worked together so the children of Nevada would receive the quality education they deserve. The growth and diversity of our schools has never been greater. We will have 35,000 new students in our schools over the next two years. My budget meets this demand with more than \$500 million in new money for kindergarten through the 12th grade. That is a continued funding for things such as teachers, their training, textbooks and classroom supplies which we must have. In total, I am investing close to \$2 billion for our students.

As many of you know, new state and federal standards, such as the No Child Left Behind, are dictating how we evaluate our schools. It is good to have standards. They provide important factors to our schools and parents. I applaud our Legislature which has consistently supported educational reform, higher standards and accountability. Tonight, I am concerned because the State of Nevada has 120 schools classified as failures under this new system. Another 99 schools are on the warning list. Now, although there are many reasons why we have schools on these lists, we must work to find the best practices, the best methods and the best allocation of our resources to help them achieve. Ultimately, this will provide the best hope for our children's success. As a state, we must give our students the support they need to meet and exceed our expectations.

In our schools, there is no substitute for strong, visionary leadership, for leaders who are willing to take chances today so that their students can grasp the hope of tomorrow. We already have many success stories in our State. Schools that have defied the odds. They are blueprints for what can happen when at-risk schools become no-risk schools by implementing proven programs that help students achieve in key areas, especially reading. There are schools with visionary leadership and tireless faculties and staff. They have shown us the way, and we need to follow their footsteps.

They are schools like Anderson Elementary in Reno. Under the leadership of principal Peter Hall, Anderson has gone from a school that did not make adequate yearly progress for two years to what it is today a high-achieving school. Anderson teachers have given their students a great gift, the love of reading. These kids simply devour their books. Their school has added an additional 90 minutes of literacy instruction onto the already district-mandated 90 minutes.

They have made unbelievable gains that we could all be proud of. There are schools like Corbett Elementary in Reno. Corbett has a lower-income student population with limited English proficiency. Yet, under the leadership of principal Patricia Casarez, Corbett has met adequate yearly progress standards for the past two years.

We have a great story in Clark County as well, schools such as Squires Elementary in North Las Vegas with 90 percent minority enrollment and 70 percent limited English proficiency. Squires set and met all of the goals during this last school year. This great school has been honored nationally as one of the two Nevada distinguished Title I schools. Current Squires principal, Marcie McDonald, could not be here tonight, but we do have the outstanding leader who began these efforts, Carol Lark. As principal for six years at Squires, she laid a foundation for true success. Please join me in recognizing Carol, Pete and Patricia, who are here with us tonight. Thank you.

We want all of our schools to reach this level of success, and that is why we must be decisive. I am calling for a dedicated fund of \$100 million for our troubled schools. I am also proposing a blue-ribbon commission driven by leaders like the ones you just met. The Governor's Commission on Excellence in Education will oversee these unprecedented influxes of funding for public education. This investment in public education allows for the establishment of best practices for remediation programs at schools that most clearly need this funding. It could include special programs such as all-day kindergarten, increased emphasis on literacy, the hiring of more bilingual teachers and professional staff development. It will empower the parents, the teachers and principals who know what their children need.

I will mandate a system of checks and balances to ensure that this funding produces results for our children. To have any impact, we must fast-track this money to provide funding before

school begins each year so I am asking that we move quickly. We must not rely so much on spreadsheets and funding formulas but more on common sense. We must develop a system that is long on accountability and short on excuses. It must be a system that demands progress. If progress is not made, then, we must require that leadership in these failing schools be changed. Why? Because, the future of our children depends on it. The future of our State depends on it. I fully expect our schools to be successful with these additional investments of funds and a strong system of accountability.

I am also asking for your support in establishing pay-for-performance salary incentives for the schools that are in trouble. Thanks to the cooperation of parents, teachers and administrators, tying salary incentives to the performance of our schools is already working in this State. I want to thank our principals and teachers who created this idea. In meeting with our school superintendents, they encouraged me to develop programs that would include special funding to help improve these at-risk schools. It is time to make performance salary incentives a statewide effort for our troubled schools.

While we are at it, our parents, our local school boards, our superintendents and I urge you to extend the class-size flexibility program beyond our rural areas into our two largest school districts, Washoe and Clark. Last session, you built in the safeguards to make sure this program would work, and it is working. Let us better use this \$260 million we spend on class-size reduction by empowering our local school boards to make the best decision on class-size flexibility at home.

What about the issue of health care? We are all affected by health care in one way or another. I know personally what it means to have good health because I am a cancer survivor. Many of you are in the same position. You have either had a major health-care concern or have had a loved one facing this huge challenge. We all know how critical health care is to our families and our friends. While I am your Governor, I will not turn my back on people in need. Affordable, high-quality health care will keep our families healthy, our businesses competitive and our State strong. I have built a budget that protects the existing services that we have all worked very hard to establish with funding of more than \$1.6 billion for health and human services. This represents an infusion of more than \$275 million of new money to support these crucial programs.

I would like to highlight a few important ways that this money will be used to improve the lives of Nevadans. I am continuing Nevada's effort as one of the Nation's leaders in preventing our disabled population from being placed in institutions. My budget gives these Nevadans the resources they need to become an integral part of our communities. I am earmarking nearly \$7 million for the State's personal-assistance service for people with disabilities. I am pledging my continued support of the State's family-preservation program which helps people who are currently caring for profoundly disabled family members. This will keep our families together and loved ones out of institutions. I am continuing my strong commitment to mental health care. This budget includes more than \$100 million in new mental health spending.

We are making an infusion of nearly \$45 million, in addition to the \$35 million previously budgeted for construction, to open and fully staff the new state mental health hospital in Las Vegas. This is \$45 million that will help address the mental-health crisis we are experiencing in Las Vegas which has seen its emergency rooms overflow with mental health patients who have nowhere else to go. It will also increase the psychiatric medication and community service budgets to ensure these people can be cared for in their own community. I am directing over \$6 million in new funding to early intervention services for our children who suffer from developmental delays and an additional \$13 plus million dollars for children who are in need of mental-health care. This will be the first time in the State's history that families will have early access to these types of services. These initiatives will bring treatment and diagnosis much earlier in the lives of these children and will give their families a fighting chance for the future.

Under my budget, the State will also be doing its part regarding health-care coverage. The budget reflects the continued growth of Senior Rx. That is helping more than 9,000 low-income seniors receive low-cost medications they need, as well as Nevada CheckUp which provides health-care coverage to nearly 27,000 Nevada children from working families. This helps reduce the number of uninsured children in our State. In the process, in the proposed budget, we will

serve up to 30,000 uninsured children over the next two years. No eligible senior or child in Nevada should go without the medication or the health care they need—no one.

This budget also includes \$8 million to expand health-care coverage for pregnant women and improves health-care access for low-income families who work for small businesses that can not afford the premium. In addition, my budget makes a firm commitment to programs in suicide prevention and problem gambling. Time will not allow me to tell you about all the great things we are doing for health care in this budget, but I want to tell you that I will be convening a summit with the Nevada Commission on Aging and the AARP to talk about affordable prescription medications for our seniors and the disabled. For the first time in our Nation's history, seniors, and people with disabilities will be receiving a drug benefit offered by the federal government through Medicare. I believe it is the State's duty to educate our seniors and the disabled concerning this complex issue. They need to be fully informed of their options, and that is exactly what we intend to do.

As you can tell from the programs and the infusion of funding that I have listed, we will become a much healthier Nevada. Our State has evolved to a point where we can attract and develop cutting-edge programs in medical research. That is why I am excited about the beginnings of two historic partnerships. One partnership is between the Nevada Cancer Institute and the University of Nevada School of Medicine. I am, particularly, pleased because this commitment will help build a Nevada Cancer Institute facility on the Northern Nevada campus of the School of Medicine. It will provide a critical northern link to the impressive work already being done by the Cancer Institute in southern Nevada. The other partnership is between the Lou Ruvo Center for Alzheimer's Care and Research and our School of Medicine. Each partnership will create joint research facilities combining our State's finest medical minds in the fight against cancer and Alzheimer's. I am pledging more than \$11 million in support of these two partnerships.

These partnerships will provide cutting-edge research and health care. They will also bring exciting possibilities for economic development, technology transfer and the promise of new, high-paying jobs. The Nevada Cancer Institute has created more momentum for cancer research in our State than any other project of its kind. They have raised more than \$100 million in just a few short years, and they are bringing some of the world's best doctors and cancer researchers to our State. In addition, the State's investment in staffing at the privately-funded, \$20-million Ruvo Alzheimer's Center brings similar focus to treatment and research of a devastating disease that will have a profound impact on our State's growing senior population.

Finally, to ensure that our finest young medical minds remain in our State, my budget provides \$4.5 million for the addition of 40 new positions to the residencies and fellowship programs in our School of Medicine. As you know, Nevada needs them, and that is why we are going to train them. As you can see, we must have a common, compelling vision if the best medical research, education and treatment is to be available to our citizens. That is why, tonight, I am announcing the creation of the Nevada State Commission on Medical Research and Health Care. This commission will provide advice on establishing common priorities and help our health-care organizations benefit from each other's strengths.

I would like to introduce, at this time, the people who have been instrumental in bringing about these partnerships: Heather Murren, president and CEO of the Nevada Cancer Institute; Larry Ruvo, founder of the Lou Ruvo Center for Alzheimer's Care and Research; Dr. John McDonald, Dean of the University of Nevada School of Medicine; and Dan Van Epp, former president of the Howard Hughes Corporation and a distinguished Nevadan. Dan has agreed to serve as chair of this Commission. Please join me in thanking these dedicated Nevadans who have done so much for us. Thank you very much. I truly believe that your efforts will stimulate new discoveries, forge new partnerships in our State and save countless lives. It will create a statewide blueprint for health care in Nevada for years to come. I want to thank you very much for your work.

Nevada needs to continue with its efforts to be one of the best business-friendly climates in the Union. The Nevada Development Authority, led by Somer Hollingsworth, and the Economic Development Authority of Western Nevada, led by Chuck Alvey, have helped to tell our great story at every turn. These private economic-development organizations return hundreds of dollars to our State for each dollar invested in them. They often make the difference between a

business relocating in Nevada or somewhere else, helping to bring quality businesses and high-paying jobs to our State each year. That is why I am proposing that we provide \$9 million in new grants to these private economic-development efforts within our metropolitan areas so we can continue the economic success that leads the Nation.

As we all know, the bright lights of our metropolitan areas attract most of the attention, but rural Nevada has an equally compelling story. Rural Nevadans deserve our support for economic independence as well. I have called upon Lieutenant Governor Hunt to focus more of the attention of the Commissions on Economic Development and Tourism on rural Nevada. This budget invests an additional \$1 million in grants so we can aggressively promote economic development and tourism in this important part of our State.

We all know with prosperity comes the need to invest in our infrastructure. In the last two years, we have embarked on the single most ambitious transportation program in the State's history. I am proud of the work being done by our Department of Transportation. A 2004 study ranked Nevada number one in the Country for how well it maintains its roads and ranked our Department of Transportation fourth in the Country for its cost-effectiveness. Our highways are now among the best in the Country. But, we have more work to do, and that is why I have outlined an investment of nearly \$1 billion dollars to continue to build new highways, make our roadways safer and attack the gridlock that plagues our growing cities. We are widening U.S. 95 in Las Vegas, and we are building a much-needed interchange in Henderson. We are constructing a spectacular bypass bridge at Hoover Dam, and we are finishing the link between Reno and Carson City. This work is on schedule, and over the next two years, you will see projects like them moving forward throughout our State.

The budget we have, tonight, calls for sufficient funding for the Department of Motor Vehicles for personnel and technology and provides alternatives so you can do your DMV business from your home or office. Last year, over 300,000 transactions were completed without anyone having to step into a DMV office. I can tell that all of you use the Internet. The slogan that we have used, "You're never more than a click away from being first in line at DMV," has never rung more true. We are moving into that age.

In the last election, the people of Clark County supported Sheriff Bill Young's efforts to place hundreds of new police officers on the streets. The State of Nevada will do its part to support the fight against crime. This budget provides for new prison space and increases funding for law enforcement officers in the Departments of Public Safety and Corrections. These proposals are at the core of our obligations. Send me the legislation, and I will sign it immediately.

We must also remember the contributions that teachers and state and university employees make toward improving our lives. I have not forgotten the positive efforts that you make each year. I appreciate your hard work, and I am pleased to announce that we are providing a well-deserved cost-of-living increase of 2 percent for each year of the biennium of this budget.

As Governor, I have been committed to the health and well-being of the State employees as you all know, but currently, State employees receive full payment for health-care coverage every year after they retire. Just like all other health care costs, these costs have risen dramatically for the State. We can no longer expect taxpayers to pay for these benefits. The majority of them can never expect to receive this kind of coverage no matter if they retire from a public or private employer. Tonight, I am announcing a plan that is bold; that is plain and is absolutely essential. This plan cuts the cost for retiree health benefits for any new state employee that we hire. No existing employee or retiree will be impacted by this plan. But, I propose that for all new hires we discontinue this benefit. I will bring a plan before this Legislature that deals head-on with a liability that grows by the millions every year. Over the next 30 years, this plan will save taxpayers nearly \$500 million.

I have talked about many things this evening of great importance to our citizens. But, the picture of our State's future is not complete if we forget the dreams of our working men and women who hope to own their own home. There is something permanent and something extremely profound in owning a home. We are a prosperous state, and we are building more condominiums and apartments and homes than at any time in our history, and yet, many working families are being squeezed out of the housing market.

I am proud to announce my plan to help these families become homeowners. As you know, the federal government manages and owns approximately 87 percent of the land in Nevada. We

have an opportunity to acquire some of this federal land for minimal cost. I want private developers in conjunction with the State Housing Division to make homes available on this land. This land would be placed into a permanent state trust and would not be included in the price of the home resulting in a much lower price for the home buyer. This innovative plan is something that no one else in the Country has ever accomplished. It needs the support of many people including our Congressional Delegation, the Bureau of Land Management, HUD, our local governments, financial institutions and private home builders in this State who want to help us give something back to our citizens. Senators Reid and Ensign have laid the groundwork for acquiring federal land by working to maximize the use of their Public Lands Act, and I am grateful for their assistance, but I need your help also. I am asking this Legislature to pass a resolution in support of this important program, and I am requesting city and county officials to work with our Housing Division so that we can make this initiative possible. We must open this door of opportunity because home ownership should never be an impossible dream for the working families of Nevada.

Over the last six years, we have accomplished great things. In this year, as we celebrate the centennial of Las Vegas and Sparks, let me remind you that here in Nevada we are a community of pioneers. We are a community where the word "first" is not uncommon; first in job growth, first in new business creation, and together, we were the first state in the Nation to privatize our workers' compensation system. We created a first-of-a-kind prescription-drug program for senior citizens, and together, we conducted the first fundamental review of our state government to analyze the expenditure side of our system before looking at the revenue side. Nevada has been first in many things, and we have traveled this difficult road together. The quality of life of those who place their trust in us is better for it.

Tonight, I have laid out a blueprint for the future, investing in our education, in medical research and in economic development, saving for a rainy day, caring for those who need us most and whose voices often go unheard, building our physical infrastructure to handle the prosperity these investments will bring, and providing homes for our families. My plan for you tonight is not a series of programs but a road map for the future. Let this be the bold legacy, the rich inheritance of hope we leave for all the people of Nevada.

As I look to the future, I am excited about what we can accomplish. We can make all the difference to the hardworking ranchers in rural Nevada, to the small business owners in all of our communities, to the high-tech companies of our growing cities, to the first-generation minority and women business owners, to the State's senior citizens and, perhaps, most important of all, to the kindergartner who raises her small hand to her heart and recites the Pledge of Allegiance for the first time in a Nevada classroom, fully equipped, fully staffed and ready to fully meet her educational needs.

For the fourth and the final time, let me humbly repeat these words: I am proud to be your Governor. God Bless America, and God bless our great State of Nevada. Thank you. Good evening, and have a great session. Thank you very much.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Schneider:

Senate Bill No. 2—AN ACT relating to public education; making an appropriation to the State Distributive School Account to ensure that the amount of money expended per pupil in this State for the 2005-2007 biennium meets or exceeds the national average; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 3—AN ACT relating to public utilities; revising civil penalties for violations involving certain pipelines; repealing certain provisions relating to railroads; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 4—AN ACT relating to the Commission for Cultural Affairs; authorizing the Commission to reimburse members for certain expenses; increasing the amount of financial assistance that the Commission may grant from the proceeds of certain bonds; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 5—AN ACT relating to tourism; revising the manner in which certain money is transferred by the State Controller for use by the Committee for the Development of Projects Relating to Tourism; removing the requirement that the Interim Finance Committee approve certain transfers of money by the State Controller to the Committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 6—AN ACT relating to meetings of public bodies; granting subpoena power to the Attorney General for purposes of enforcing the Open Meeting Law; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 7—AN ACT relating to trade practices; making certain opt-out provisions in contracts with consumers unenforceable under certain circumstances; prohibiting a seller of goods or services from making a charge to a credit card of a consumer under certain circumstances; providing civil remedies; making certain acts deceptive trade practices; providing civil and administrative penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 8—AN ACT relating to the Nevada Equal Rights Commission; increasing the fine for willful resistance, prevention, impedance or interference with the Commission; specifying the purposes for which the money collected from the imposition of that fine must be used by the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 9—AN ACT relating to health care; increasing the amount by which certain hospitals are required to reduce or discount the total billed charges for hospital services provided to certain uninsured patients; increasing the amount by which those hospitals are required to reduce or discount the total billed charges of their outpatient pharmacies to patients who are eligible for Medicare; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 10—AN ACT relating to public roads; limiting to certain counties the right of state residents to petition a board of county commissioners to open, reopen, close, relocate or abandon a public road within the county; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 11—AN ACT relating to redevelopment; expanding the circumstances under which certain officers and employees in smaller counties may permissibly acquire an interest in property within a redevelopment area; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 12—AN ACT relating to motor vehicles; creating a Motor Carrier Division within the Department of Motor Vehicles; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 13—AN ACT relating to public safety; allowing a peace officer to arrest without a warrant if there is reasonable cause to believe that a person has committed certain offenses relating to traffic laws; requiring a peace officer to arrest a person charged with certain offenses if there is cause to believe that the person poses a danger to himself or others or that the person will continue to repeat such offenses; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 14—AN ACT relating to license plates; revising the allocation of money collected from the issuance and renewal of special license plates for the support of veterans' homes; increasing the number of sets of the Pearl Harbor Veteran plates, Pearl Harbor Survivor plates, Disabled Veteran plates, ex-Prisoner of War plates, or Purple Heart plates that must be issued to qualified applicants; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 15—AN ACT relating to taxation; authorizing the Nevada Tax Commission to compromise amounts owed by taxpayers under certain circumstances; requiring the Nevada Tax Commission to adopt regulations concerning such compromises; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 16—AN ACT relating to the Fund for Cleaning Up Discharges of Petroleum; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to

expend money from the Fund for the cleanup of discharges involving petroleum and other discharges under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 17—AN ACT relating to administrative regulations; removing the provision which allows the filing of permanent regulations without a review by the Legislative Commission; making the appointment of a subcommittee to review regulations mandatory; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 18—AN ACT relating to water; authorizing grants for certain costs associated with connections to municipal water systems; increasing the amount of general obligation bonds that the State Board of Finance may issue to provide the grants; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 19—AN ACT relating to elections; changing the name of the Northern Nevada Senatorial District to the Rural Nevada Senatorial District; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 20—AN ACT relating to counties; increasing the membership of certain county fair and recreation boards; revising the procedure for appointing certain members of such boards; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 21—AN ACT relating to mental health; requiring a facility that provides services to persons who are mentally ill or mentally retarded or

have related conditions to obtain input and participation of the client in developing and modifying an individualized plan of services for the client; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 22—AN ACT relating to persons with disabilities; creating the Interagency Advisory Board on Transition Services within the Office of Disability Services of the Department of Human Resources to study matters relating to transition services for persons with disabilities who are transitioning from secondary school to adult living; providing for the prospective expiration of the Advisory Board; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 23—AN ACT relating to persons with disabilities; authorizing certain persons with physical disabilities to use signature stamps under certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 24—AN ACT relating to persons with disabilities; increasing the period of validity of expedited service permits which are issued to certain persons with disabilities by the Department of Motor Vehicles to enable them to receive expedited services from state agencies under certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 25—AN ACT relating to air pollution; revising the provisions governing the distribution of money in the Pollution Control Account in the State General Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 26—AN ACT relating to air pollution; revising the provisions governing the distribution of money in the Pollution Control Account to local governmental agencies; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Wiener:

Senate Bill No. 27—AN ACT relating to juries; revising the provisions governing the selection of alternate jurors in criminal and civil trials; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske:

Senate Bill No. 28—AN ACT relating to crimes; creating the crimes of video voyeurism and distribution of a product of video voyeurism; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews and Townsend:

Senate Bill No. 29—AN ACT relating to individual health insurance; requiring policies of health insurance to provide coverage for medical treatment provided in certain Phase I studies and clinical trials for the treatment of cancer; and providing other matters properly relating thereto.

Senators Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator McGinness:

Senate Bill No. 30—AN ACT relating to city improvements; providing for the imposition and collection of a surcharge on telephone services for the establishment of a wireless enhanced 911 service in certain incorporated cities; requiring a city council which imposes the surcharge to create an advisory committee to develop a plan for the service; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton:

Senate Bill No. 31—AN ACT relating to aging persons; authorizing the President of the Nevada Silver Haired Legislative Forum to excuse absences from meetings; eliminating the restrictions on the locations in which the Forum may hold hearings; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 32—AN ACT relating to the University and Community College System of Nevada; providing for the applicability of certain policies established by the Board of Regents in determining residency for purposes of eligibility for free tuition and certain student loans; lengthening certain minimum periods of residency required for students at institutions of the System to qualify for free tuition; expanding the categories of persons who are entitled to receive free tuition; lengthening the minimum period of residency required for nursing students at institutions of the System to qualify for student loans; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 33—AN ACT relating to the Department of Motor Vehicles; authorizing the Director of the Department to enter into an agreement with a person for the placement of advertisements in certain areas of a building owned or occupied by the Department, in official mailings sent by the Department to the public and in printed material published by the Department; specifying the purposes for which money received by the Department from such agreements must be used; authorizing the Director to adopt certain regulations; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 34—AN ACT relating to drivers' licenses; increasing the fees for the issuance and renewal of noncommercial drivers' licenses; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried

By the Committee on Natural Resources:

Senate Bill No. 35—AN ACT relating to water; increasing the amount of the tax that a county of origin may impose for intercounty and interstate transfers of ground water; redesignating the tax as a fee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 36—AN ACT relating to persons with disabilities; prohibiting certain acts concerning service animals and service animals in training; revising provisions concerning persons accompanied by service animals or service animals in training; providing civil liability and the payment of restitution for certain violations; providing penalties; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 37—AN ACT relating to prescription drugs; requiring an applicant for a license to engage in the wholesale distribution of prescription drugs to submit a set of his fingerprints for submission to the Federal Bureau of Investigation for a report of the criminal history of the applicant; requiring certain persons employed by or otherwise providing services in connection with the operation of a licensed wholesaler to submit a set of fingerprints for submission to the Federal Bureau of Investigation for a report on criminal history; requiring certain licensed wholesalers to file a bond or cash deposit conditioned upon compliance with the laws relating to wholesalers; imposing certain restrictions on the purchase, sale, distribution and transfer of prescription drugs; requiring wholesalers to provide a statement identifying each prior sale of a prescription drug under certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 38—AN ACT relating to taxation; revising retroactively the formula for the distribution of certain revenues among local governments; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 39—AN ACT relating to health; providing for the establishment of a statewide nonemergency information and referral telephone system concerning health, welfare, human and social services that is accessible by dialing the digits 2-1-1; requiring the use of a portion of a certain surcharge imposed on customers of certain telephone companies and companies which provide wireless phone services to cover part of the costs necessary to establish and maintain the system; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 40—AN ACT relating to the legislative process; removing the provisions that require the printing of one copy of bills and resolutions on special paper; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate in recess at 2:35 p.m.

SENATE IN SESSION

At 2:40 p.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 7, 2005

To the Honorable the Senate:

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

DIANE KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 73rd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That, the Joint Rules of the Senate and Assembly as amended by the 72nd Session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 73rd Session of the Legislature:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

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.

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.

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. 2. Procedure Concerning.

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.

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 the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

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

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

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

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

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

Rule No. 5. Joint Sponsorship.

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

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

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

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

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

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

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

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

PRINTING

Rule No. 6. Ordering and Distribution.

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of

four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:
 - (a) Propose an amendment to the Nevada Constitution.
 - (b) Ratify a proposed amendment to the United States Constitution.
 - (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
 - (a) Amend these Joint Rules.
 - (b) Request the return from the Governor of an enrolled bill for further consideration.
 - (c) 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, but any request for drafting the resolution must be approved by the Senate Committee on Legislative ~~Affairs and~~ *Operations and Elections* or the Assembly Committee on Elections, Procedures, ~~and~~ *Ethics*, and *Constitutional Amendments* before submission to the Legislative Counsel.

VETOES

Rule No. 8. Special Order.

Bills which have passed ~~[a previous]~~ *the* 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. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.
2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

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

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

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

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:
 - (a) One, if such membership is less than 21 percent.
 - (b) Two, if such membership is between 21 percent and 33 percent. If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.
2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.
3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.
4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chairman of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.
5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.
6. The Chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

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

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.
2. The secretary of a standing committee shall:
 - (a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;
 - (b) Keep the records in chronological order; and
 - (c) Deposit the records immediately following the final adjournment of any regular or 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 INTRODUCTION AND REQUESTS FOR
DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

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

- (a) Two requests from each Assemblyman; and
- (b) Four requests from each Senator, for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill ~~or~~ *or joint resolution*. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

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

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

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

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

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

- (a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.
- (b) Measures requested by interim legislative studies.
- (c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A standing or interim committee or other requester is the ~~50th~~ 51st calendar day of the legislative session.

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

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

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses; Final Date for Requesting Drafting of Reports for Conference Committees.

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

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

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

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

4. Final action on a bill *or joint resolution* may only be taken by the second House on or before the 110th calendar day of the legislative session. No notice of reconsideration of any final vote on a bill *or joint resolution* is in order on the last day on which final action is allowed.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

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

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

2. A request submitted pursuant to subsection 1:

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

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

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

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

Rule No. 14.5. Waivers.

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

2. A waiver granted pursuant to subsection 1:

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

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

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

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

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

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

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

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

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

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

Rule No. 14.6. Exemptions.

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

(a) Contains an appropriation; or
 (b) Has been determined by the Fiscal Analysis Division to:

- (1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;
- (2) Create or increase any significant fiscal liability of the State;
- (3) Implement a budget decision; or
- (4) Significantly decrease any revenue of the State, is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. ~~[A notation of each exemption granted]~~ *When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all ~~subsequent~~ reprints of the bill ~~[-]~~ after the bill becomes exempt.*

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

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

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

(a) A ~~[bill required to carry]~~ *measure that primarily relates to carrying out the business of the Legislature.*

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

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

Rule No. 14.7. Amendments.

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

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

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

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

Rule No. 15. Tenure and Performance of Statutory Duties.

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

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the

next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

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

INTRODUCTION OF LEGISLATION REQUESTED
BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on or before the third legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the third legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

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

Rule No. 18. Topics of Consideration.

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

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

INTERIM FINDINGS AND RECOMMENDATIONS
OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

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

POLICY AND PROCEDURES REGARDING
SEXUAL HARASSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate. The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

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

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

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

committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

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

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

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

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

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

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

VOTE ON GENERAL APPROPRIATION BILL

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

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

USE OF LOCK BOXES BY STATE AGENCIES

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

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

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

The Joint Standing Rules for the Senate and Assembly drafted for the Seventy-third Legislative Session are based on the Joint Standing Rules which were adopted for the Seventy-second Legislative Session with technical amendments. Joint Rule No. 5 which governs the joint sponsorship of bills and resolutions has been amended to clarify that not more than five Legislators from each House may be listed on a bill or resolution as primary joint sponsors. This amendment reflects the practice already in use. Joint Rule No. 8 has been amended to allow a bill which has passed the Legislature and has been vetoed by the Governor to be reconsidered by the same Legislature. This amendment to Joint Rule No. 8 is in accordance with Article 4, Section 35 of the Constitution of the State of Nevada. The amendment to Rule 14 clarifies the schedule of enactment of legislative measures and reflects the current procedures relating to the limitations on bill drafting and limitations on their introduction and includes joint resolutions in the language. Joint Rule No. 14.6 regarding exemptions has been amended to provide notice of a bill that is eligible for exemption because it relates to the state budget. The last day for introducing a bill or joint resolution that was not requested by a Legislator has been changed from the 50th calendar day of the Seventy-second Legislative Session to the 51st calendar day of the Seventy-third Legislative Session.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Madam President announced that the following standing committees had been appointed, the first named Senator being chair and the second-named Senator being vice chair.

COMMERCE AND LABOR—

Townsend, Hardy, Tiffany, Heck, Schneider, Carlton, Lee.

FINANCE—

Raggio, Beers, Rhoads, Cegavske, Coffin, Titus, Mathews.

GOVERNMENT AFFAIRS—

Hardy, Tiffany, Raggio, Townsend, Titus, Care, Lee.

HUMAN RESOURCES AND EDUCATION—

Washington, Cegavske, Nolan, Heck, Mathews, Wiener, Horsford.

JUDICIARY—

Amodei, Washington, McGinness, Nolan, Wiener, Care, Horsford.

LEGISLATIVE OPERATIONS AND ELECTIONS—

Cegavske, Raggio, Hardy, Beers, Titus, Mathews, Wiener.

NATURAL RESOURCES—

Rhoads, McGinness, Amodei, Beers, Coffin, Schneider, Carlton.

TAXATION—

McGinness, Tiffany, Townsend, Rhoads, Coffin, Care, Lee.

TRANSPORTATION AND HOMELAND SECURITY—

Nolan, Heck, Washington, Amodei, Schneider, Carlton, Horsford.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Joy Longero Amodei.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Bob Adney.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenny Care, Judy Toscano and Marisa Morrow.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Bowman Wachab and Delia John.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Lisa Heck, Joseph J. Heck III, and Elizabeth Lake.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Sonya Horsford, Benjamin Horsford, Bryson Horsford, Pamela Horsford, Booker Reid Jr., Brittani Reid, Sandra Douglass Morgan, Gilbert Douglass, Suzanne Latting, Lamell McMorris, Mark Jolley and Rebecca Lambe.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Marilyn Lee, Buck Lee, Lacey Lee, Alana Lee, Chad Dymon, Don Ashworth and Mary Ashworth.

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

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Kimberly Nolan, Joseph Nolan, Ryan Nolan, Carson Nolan, Josh Selleck, James Puffer, Mia Kuerzi, Carol Bauer and Sherry Rodriguez.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Dorothy Souza, Ashley Oakes, Lela Uptergrove and Nicole Malich.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Sharon Rhoads, Chandra Cahill and Rachael Cahill.

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

On request of Senator Tiffany, the privilege of the floor of the Senate Chamber for this day was extended to Karen Wyman and Crystal Soderman.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Annette Magnus and Christopher Ho.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Rick Loop and David V. Thomas.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Susan Haas and Joan Thran.

Senator Raggio moved that the Senate adjourn until Tuesday, February 8, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 2:52 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate