

NEVADA LEGISLATURE

Twenty-second Special Session, 2005

SENATE DAILY JOURNAL

THE FIRST DAY

CARSON CITY (Tuesday), June 7, 2005

Senate called to order at 4:13 a.m.

President Hunt presiding.

Roll called.

Prayer by Senator Cegavske.

Merciful and loving God, whose clear direction to us includes loving action toward all people.

We pray for the insight and will to treat others as we wish to be treated.

Lift us above the physical limitations we have accepted for ourselves so that the images we have of ourselves reflect the images of Heaven.

Help us to embody lasting values in all of our relationships and to become a part of Your transforming plan for our world.

AMEN.

Pledge of allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

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

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

Roll called.

All Senators present.

Madam President appointed Senators Carlton, Nolan and Beers as a committee of three to inform the Assembly that the Senate is organized and ready for business.

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

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

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

A committee from the Assembly composed of Assemblymen Anderson, Arberry and Mabey appeared before the bar of the Senate and announced that the Assembly was organized and ready for business.

Senator Raggio moved that the organization of the Senate of the 2005 Session of the Nevada Legislature be designated as the organization for the 22nd Special Session of the Nevada Legislature.

Remarks by Senator Raggio.

Motion carried.

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

Remarks by Senator Raggio.

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 E. NOLAN

MAJORITY WHIP—

SENATOR DEAN A. RHOADS

ASSISTANT MAJORITY LEADER

SENATOR SANDRA J. TIFFANY

MINORITY FLOOR LEADER—

SENATOR DINA TITUS

ASSISTANT MINORITY FLOOR LEADER—

BERNICE MATHEWS

MINORITY WHIP—

SENATOR VALERIE WIENER

SECRETARY OF THE SENATE—

CLAIRE J. CLIFT

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89701

June 7, 2005

THE HONORABLE SENATOR WILLIAM J. RAGGIO, *Majority Leader*, Nevada State Senate

Legislative Building., Carson City, NV 89701-4747

TO THE MEMBERS OF THE NEVADA STATE SENATE:

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

The 73rd Session of the Nevada Legislature has failed to complete its business during the required 120-day period. Therefore, this morning I have issued my proclamation convening a special session of the Legislature. I have defined and limited the scope of your legislative endeavors within my proclamation calling this special session. Consider only the matters set forth in this proclamation.

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

Sincerely,

KENNY C. GUINN

Governor of Nevada

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR

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

WHEREAS, the Legislature has failed to comply with the constitutional mandate to complete its business within 120 days following its commencement; and;

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

NOW, THEREFORE, I, KENNY C. GUINN, GOVERNOR OF THE STATE OF NEVADA, by virtue of the authority vested in me by the Constitution of the State of Nevada, do hereby convene the Legislature into a Special Session to consider the matters within Assembly Bill No. 560 (2nd Reprint) and Assembly Bill No. 198 (1st Reprint) of the Seventy-Third Session of the Nevada Legislature. A summary of those matters is as follows:

Assembly Bill No. 560 (2nd Reprint)

AN ACT relating to millennium scholarships; revising the provisions governing the administration of the Millennium Scholarship Program and the Millennium Scholarship Trust Fund; revising the provisions governing eligibility for millennium scholarships; providing for the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund; making an appropriation; and providing other matters properly relating thereto.

Assembly Bill No. 198 (1st Reprint)

AN ACT relating to education; making an appropriation for certain schools to provide full-day kindergarten during the 2006-2007 school year; authorizing school districts to apply for grants of available money to provide full-day kindergarten in certain other schools; requiring the State board of Education to adopt regulations for school districts that wish to offer early admission to kindergarten; and providing other matters properly relating thereto.

During the Special Session, the Legislature may also consider any other matters brought to the attention of the Legislature by the governor. The special Session shall begin at 3:00 a.m. on June 7, 2005, and shall end at 7:00 a.m. on June 7, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 7th day of June, in the year two thousand five.

KENNY C. GUINN

Governor

DEAN HELLER

Secretary of State

RENEE PARKER

Chief Deputy Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Senate Resolution No. 1—Adopting the Rules of the Senate for the 22nd Special Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following Rules of the Senate for the 22nd Special Session of the Legislature are hereby adopted:

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Senate for the 22nd Special Session of the Legislature are applicable only during the 22nd Special Session of the Legislature.

II. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 2. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting. 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. 3. 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 Senate shall elect one of its members as the presiding officer for that occasion.

Rule No. 4. Secretary.

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

(a) Interview and recommend 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 as needed.

(d) Unless otherwise ordered by the Senate, transmit as soon as practicable 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. 5. 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.*

(b) *Interview and recommend 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. 6. *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.

III. SESSIONS AND MEETINGS

Rule No. 7. *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. 8. *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. 9. *Open Meetings.*

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

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

IV. DECORUM AND DEBATE

Rule No. 10. *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. 11. 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.*

V. QUORUM, VOTING, ELECTIONS

Rule No. 12. Action Required to be Taken in Senate Chamber.

Any action taken by the Senate must be taken in the Senate Chamber.

Rule No. 13. 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. 14. 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. 15. 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.*

VI. LEGISLATIVE BODIES

Rule No. 16. Committee of the Whole.

1. *All bills and resolutions may be referred only to the Committee of the Whole.*

2. *The Majority Leader shall preside as Chairman of the Committee or name a Chairman to preside.*

3. Any meeting of the Committee of the Whole may be conducted outside the Senate Chamber, as designated by the Chairman of the Committee.

4. A member of the Committee may speak only once on an item listed on the Committee's agenda, for a period of not more than 10 minutes, unless he is granted leave of the Chairman to speak for a longer period or more than once. If a member is granted leave to speak for a longer period or more than once, the Chairman may limit the length of additional time that the member may speak.

5. The Chairman may require any vote of the Committee to be recorded in the manner designated by the Chairman.

6. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chairman to the Senate.

7. The minutes of the Committee's meetings must be entered in the final Journal.

Rule No. 17. 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. The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Committee in all cases in which they are applicable and in which they are not inconsistent with the rules and orders of the Senate.

Rule No. 18. Motion to Rise Committee of the Whole.

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

VII. RULES GOVERNING MOTIONS

A. MOTIONS GENERALLY

Rule No. 19. 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. 20. 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.

7. To amend.

8. To postpone indefinitely.

➡ The first four shall be decided without debate.

Rule No. 21. When Not Entertained.

1. When a motion to commit, 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 Special Session.

3. There must be no reconsideration of a vote on a motion to postpone indefinitely.

B. PARTICULAR MOTIONS

Rule No. 22. 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. 23. Lay on the Table.

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

Rule No. 24. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution has precedence over a motion to commit or 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. 25. 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. 26. 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.

VIII. DEBATE

Rule No. 27. 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. Except as otherwise provided in Senate Rules Nos. 10 and 45 of the 22nd Special Session, a Senator may speak only once on a question before the Senate, for a period of not more than 10 minutes, unless he is granted leave of the President to speak for a longer period or more than once. If a Senator is granted leave to speak for a longer period or more than once, the President may limit the length of additional time that the member may speak.

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

Rule No. 28. 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.

IX. CONDUCT OF BUSINESS

A. GENERALLY

Rule No. 29. 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 rules and orders of the Senate for the 22nd Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 22nd Special Session of the Legislature.

Rule No. 30. Suspension of Rule.

No rule or order of the Senate for the 22nd Special Session of the Legislature shall be rescinded or changed without a majority vote of the Senate; but, except as otherwise provided in Senate Rule No. 39 of the 22nd Special Session of the Legislature, a rule or order may be temporarily suspended for a special purpose by a majority vote of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, he can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Rule No. 39 of the 22nd Special Session of the Legislature relating to the third reading of bills, which cannot be suspended.

Rule No. 31. 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. 32. 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) Attaches 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. 33. *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. 34. *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. 35. *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. 36. *Questions Relating to Priority of Business.*

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

B. *BILLS*

Rule No. 37. *Requests for the Drafting of Bills, Resolutions and Amendments.*

The Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Senate unless it is submitted by the Committee of the Whole, a Conference Committee or the Governor.

Rule No. 38. *Introduction of Bills.*

1. Except as otherwise provided in this rule, no bill or resolution may be introduced in the Senate unless it is first approved by the Committee of the Whole.

2. The provisions of subsection 1 do not apply to a bill or resolution that is:

- (a) Required to carry out the business of the Senate or the Legislature; or
- (b) Requested by the Governor.

3. Skeleton bills may not be introduced.

Rule No. 39. *Reading of Bills.*

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

2. The first reading of a bill is for information, and if there is opposition to the bill, the question must be, "Shall this bill receive no further

consideration?” 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 until once read, nor amended until twice read.*

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

Rule No. 40. Second Reading File—Consent Calendar.

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

2. *The Committee of the Whole 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 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.*

4. *When the Consent Calendar is called, the bills remaining on the Consent Calendar must be read by number and summary, and the vote must be taken on their final passage as a group.*

Rule No. 41. Reading of Bills—General File.

1. *Upon reading of bills on the Second Reading File, Senate and Assembly bills reported without amendments must be placed on the General File.*

2. *Only amendments proposed by the Committee of the Whole or a Conference Committee may be considered.*

3. *Amendments proposed by the Committee of the Whole and reported with bills may be adopted by a majority vote of the members present. Bills so amended must be reprinted, engrossed or reengrossed, and placed on 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.*

Rule No. 42. Reconsideration of Vote on Bill.

No motion to reconsider a vote is in order.

C. RESOLUTIONS

Rule No. 43. 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. 44. Treated as Motions.

Resolutions, other than those referred to in Senate Rule No. 43 of the 22nd Special Session of the Legislature, shall be treated as motions in all proceedings of the Senate.

Rule No. 45. 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 the Committee of the Whole.*
5. *Messages from the Governor.*
6. *Messages from the Assembly.*
7. *Communications.*
8. *[Reserved.]*
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 member may speak under this order of business for a period of not more than 5 minutes each day.*

Rule No. 46. 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. 47. 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. 48. 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.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

These are the rules for the 22nd Special Session of the Legislature. I have taken the opportunity to compare them with the rules we adopted for the 21st Special Session in 2004 and have been assured by the Legislative Counsel that these are the same as the rules that we adopted for the past special session.

Motion carried.

By the Committee of the Whole:

Senate Resolution No. 2—Providing that no allowances will be paid for the 22nd Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That for the 22nd Special Session of the Nevada Legislature, no allowances will be paid for members of the Senate for periodicals, stamps, stationery or the use of telephones and no allowances will be paid for the President Pro Tempore, Majority Leader, Minority Leader or chairman of a committee of the Senate for postage, telephone tolls or other charges for communications.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

This is the usual resolution for a special session where we do not provide allowances for periodicals, stamps, stationery or communications.

Motion carried.

By the Committee of the Whole:

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

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Senate for the 22nd Special Session of the Nevada Legislature: Mary Jo Mongelli, Ann-Berit Moyle, Mary R. Phillips, Molly Dondero, Susan S. Whitford, Lydia Lee, Sam A. Palazzolo, John D. Turner, Ronald Sandoval and Evelyn Mattheus.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

This provides for the appointment for the special session of our attachés, the front desk and others involved as well as the Sergeant at Arms.

Motion carried.

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

Motion carried.

Senate in recess at 4:24 a.m.

SENATE IN SESSION

At 5:54 a.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that for the remainder of the 22nd Special Session all bills and resolutions that have been passed or adopted be immediately transmitted to the Assembly.

Motion carried.

Senator Raggio moved that for the remainder of the 22nd Special Session, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

June 7, 2005

THE HONORABLE SENATOR WILLIAM J. RAGGIO, *Senate Majority Leader*, Nevada State Senate
Legislative Building, 401, Carson City, NV 89701-4747

TO THE MEMBERS OF THE NEVADA STATE SENATE:

Section 9 of article V of the Nevada Constitution provides that the Governor may request the Legislature, when convened in Special Session, to consider matters other than those set forth in the call.

With this letter, I am exercising my constitutional authority to bring additional legislative business to your attention for consideration. I would request that you consider the matters contained within Assembly Bill No. 189 (4th Reprint), Assembly Bill No. 195 (3rd reprint), Assembly Bill No. 385 (4th Reprint), Assembly Bill No. 548, Assembly Bill No. 578 (1st Reprint), Assembly Joint Resolution 5 (2nd Reprint), Senate Bill No. 97 (1st Reprint), Senate Bill No. 392 (5th Reprint), Senate Bill No. 462 (4th Reprint) and Senate Bill No. 526 of the 73rd Session of the Nevada Legislature.

Best wishes in your deliberations. The people of our great state are counting on you to complete your work in a thoughtful and respectful manner.

Sincerely,
KENNY C. GUINN
Governor of Nevada

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Senate Bill No. 1—AN ACT relating to state financial administration; establishing the Nevada Economic Development Fund; requiring the Commission on Economic Development to administer the Fund; providing that certain grants for the purpose of economic development may be made from the Fund; requiring the Commission on Economic Development to develop a grant program to assist projects of economic diversification in certain counties; creating the Nevada War on Terrorism Medal; establishing the criteria for awarding the Medal; authorizing the Department of Transportation to conduct a study to identify sustaining funding sources for the Fund for Aviation; making appropriations to various entities; and providing other matters properly relating thereto.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 1 be

declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Remarks by Senator Raggio.

Motion carried.

By the Committee of the Whole:

Senate Bill No. 2—AN ACT relating to making an appropriation to the Department of Administration for security enhancements in the Attorney General's Office, the Capitol Building and the Supreme Court Building; and providing other matters properly relating thereto.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 2 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Remarks by Senator Raggio.

Motion carried.

By the Committee of the Whole:

Senate Bill No. 3—AN ACT relating to state financial administration; making various changes regarding the applicability and administration of the requirements for a state business license, certain taxes imposed on businesses and the tax on live entertainment; establishing annual salaries for the Chairman and other members of the Nevada Tax Commission; making various changes regarding the Taxpayers' Bill of Rights; providing a Taxpayers' Bill of Rights for Taxes on Fuels; making appropriations; and providing other matters properly relating thereto.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 3 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Senators Titus and Raggio.

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

The draft copy of Senate Bill No. 1 before us contains an incorrect name for the museum in section 38 on page 26. I have been assured by legal staff that when this bill is reprinted, the name will be corrected to Clark County Museum.

Senator Raggio moved to defer action on Senate Bill No. 1 until a correction is made.

Motion carried.

Senate Bill No. 2.
Bill read third time.
Roll call on Senate Bill No. 2:
YEAS—21.
NAYS—None.

Senate Bill No. 2 having received a constitutional majority,
Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 3.
Bill read third time.
Roll call on Senate Bill No. 3:
YEAS—21.
NAYS—None.

Senate Bill No. 3 having received a constitutional majority,
Madam President declared it passed.
Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Senate Bill No. 4—AN ACT relating to millennium scholarships; revising the provisions governing the administration of the Millennium Scholarship Program and the Millennium Scholarship Trust Fund; revising provisions governing eligibility for millennium scholarships; providing for the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund; making an appropriation; and providing other matters properly relating thereto.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 4 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Remarks by Senators Raggio and Beers.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 4.
Bill read third time.
Remarks by Senator Beers.
Roll call on Senate Bill No. 4:
YEAS—21.
NAYS—None.

Senate Bill No. 4 having received a constitutional majority,
Madam President declared it passed.
Bill ordered transmitted to the Assembly.

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.
Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR

On June 7, 2005, I, Kenny C. Guinn, Governor of the State of Nevada, through my proclamation, convened a special Session of the Nevada Legislature. The Senate Majority Leader and the Speaker of the Assembly have requested that I extend the 22nd Special Session of the Nevada Legislature. Therefore, by virtue of the authority vested in me by the Constitution of the State of Nevada, I hereby amend my proclamation of June 7, 2005, and extend the 22nd Special Session of the Nevada Legislature until 10:00 a.m. on June 7, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 7th day of June, in the year two thousand five.

KENNY C. GUINN

Governor

DEAN HELLER

Secretary of State

RENEE PARKER

Chief Deputy Secretary of State

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

Motion carried.

Senate in recess at 6:42 a.m.

SENATE IN SESSION

At 9:07 a.m.
President Hunt presiding.
Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 7, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 1, 4; Assembly Joint Resolution No. 1; Senate Bills Nos. 1, 2, 3.

Also, 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 22nd Special Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the following Joint Rules of the Senate and Assembly for the 22nd Special Session of the Legislature are hereby adopted:

APPLICABILITY OF JOINT RULES

Rule No. 1. *Generally.*

THE JOINT RULES FOR THE 22ND SPECIAL SESSION OF THE LEGISLATURE ARE APPLICABLE ONLY DURING THE 22ND SPECIAL SESSION OF THE LEGISLATURE.

CONFERENCE COMMITTEES

Rule No. 2. *Procedure Concerning.*

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

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

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

MESSAGES

Rule No. 3. *Procedure Concerning.*

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

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

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

NOTICE OF FINAL ACTION

Rule No. 4. *Communications.*

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

BILLS AND JOINT RESOLUTIONS

Rule No. 5. Signature.

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

Rule No. 6. Joint Sponsorship.

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

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

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

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

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

PRINTING

Rule No. 7. Ordering and Distribution.

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

RESOLUTIONS

Rule No. 8. Types, Usage and Approval.

1. *A joint resolution must be used to:*

- (a) Propose an amendment to the Nevada Constitution.*
- (b) Ratify a proposed amendment to the United States Constitution.*
- (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.*

2. *A concurrent resolution must be used to:*

- (a) Amend these joint rules.
- (b) Request the return from the Governor of an enrolled bill for further consideration.
- (c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.
- (d) Express facts, principles, opinion and purposes of the Senate and Assembly.
- (e) Establish a joint committee of the two Houses.
- (f) Direct the Legislative Commission to conduct an interim study.
- 3. A concurrent resolution or a resolution of one House may be used to:
 - (a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.
 - (b) Congratulate or commend any person or organization for a significant and meritorious accomplishment.

VETOES

Rule No. 9. Special Order.

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

ADJOURNMENT

Rule No. 10. Limitations and Calculation of Duration.

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

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 11. Manner of authorization.

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

RECORDS OF COMMITTEE PROCEEDINGS

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

1. Each committee shall cause a record to be made of the proceedings of its meetings.
2. The secretary of a committee shall:
 - (a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;
 - (b) Keep the records in chronological order; and
 - (c) Deposit the records immediately following the final adjournment of the special session of the Legislature with the Director of the Legislative Counsel Bureau.
3. The Director of the Legislative Counsel Bureau shall:
 - (a) Index the records;
 - (b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;

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

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

**LIMITATIONS ON REQUESTS FOR
DRAFTING OF LEGISLATIVE MEASURES**

Rule No. 13. Germaneness Required for Amendments.

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

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

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

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

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

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

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

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

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

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

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

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments of the Assembly or the Committee on Legislative Operations and Elections 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.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution 1.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Joint Resolution No. 1 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

Senator Raggio moved that Assembly Bill No. 1 be considered on the next agenda.

Motion carried.

Assembly Bill No. 4.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 4 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

Roll call on Assembly Bill No. 4:

YEAS—21.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Senator McGinness.

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

I represent rural Nevada and I have some concerns regarding Assembly Joint Resolution No. 1. Page 2, line 25 states, "An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters from each congressional

district in this State equal to 10 percent or more of the number of voters who voted at the last preceding general election." You could have an initiative petition qualify even though the signature takers would not need to go outside of Clark County and maybe to Pahrump to collect some signatures. I think that is too narrow a field for an initiative petition to be based.

Roll call on Assembly Joint Resolution No. 1:

YEAS—14.

NAYS—Amodei, Carlton, Coffin, Horsford, Lee, Mathews, McGinness—7.

Assembly Joint Resolution No. 1 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 9:14 a.m.

SENATE IN SESSION

At 10:14 a.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR

On June 7, 2005, I, Kenny C. Guinn, Governor of the State of Nevada, through my proclamation, convened a special Session of the Nevada Legislature. The Senate Majority Leader and the Speaker of the Assembly have requested that I extend the 22nd Special Session of the Nevada Legislature. Therefore, by virtue of the authority vested in me by the Constitution of the State of Nevada, I hereby amend my proclamation of June 7, 2005, and extend the 22nd Special Session of the Nevada Legislature until 12:00 noon on June 7, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 7th day of June, in the year two thousand five.

KENNY C. GUINN

Governor

DEAN HELLER

Secretary of State

ELLICK C. HSU

Deputy Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to suspend Joint Standing Rule No. 8 by mutual consent of the Assembly for the purpose of approving the return by the Assembly to the Senate of Assembly Bill No. 4.

Remarks by Senator Raggio.

Motion carried.

REMARKS FROM THE FLOOR

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

This is the third proclamation we have received this morning. I guess they are all in the proper form except for one thing which I object to. I object to the Governor adding in a termination time for the Special Session to end. It seems to me that what he has done is to create three special sessions today by somehow placing an ending time. The Constitution makes no mention of the Governor having the authority to tell the Legislature when it can terminate a Special Session he has called. The Constitution only gives the Governor the authority to tell us what subjects to consider. I object to that. I want my complaint stated in the record for this day. I do not want us to fall in to the precedence setting habit of simply going along with what we are seeing here.

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

Motion carried.

Senate in recess at 10:19 a.m.

SENATE IN SESSION

At 11:35 a.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 7, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 5.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 4, Amendment No. 2, and respectfully requests your honorable body to concur in said amendment.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to rescind the action whereby Assembly Bill No. 4 was passed.

Remarks by Senator Raggio.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 1 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

Assembly Bill No. 5.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 5 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

The following amendment was proposed by the Committee of the Whole:

Amendment No. 1.

Amend the bill as a whole by deleting sec. 3 and inserting:

"Sec. 3. (Deleted by amendment)."

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 8 of Assembly Bill No. 334 of this session is hereby amended to read as follows:

Sec. 8. 1. This ~~act~~ section becomes effective on *January 1, 2006*.

2. *Sections 2, 3, 5 and 7 of this act become effective on January 1, 2007.*"

Amend sec. 11, page 7, line 21, after "*fine of*" by inserting:

"*not more than*".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 4.

Bill read third time.

The following amendment was proposed by the Committee of the Whole:

Amendment No. 4.

Amend section 1, pages 1 and 2, by deleting lines 7 through 18 on page 1 and lines 1 through 9 on page 2, and inserting:

"2. The Department of Education shall distribute the allocation made by subsection 1 to school districts that elect to provide full-day kindergarten during the 2006-2007 school year at certain schools within the school district.

In no event is a school district required to submit an application for an allocation of money or otherwise required to provide full-day kindergarten.

3. Except as otherwise provided in subsection 4, a school district that elects to receive an allocation of money pursuant to this section shall use the money to provide full-day kindergarten in each school within the school district that is prioritized for full-day kindergarten based upon the percentage of pupils enrolled in the school who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq. A school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of pupils who are eligible for free or reduced price lunches. If a school within a school district that is required to provide full-day kindergarten pursuant to this section currently provides full-day kindergarten with money that it receives from the Federal Government or other funding allocations, the school may redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten during the 2006-2007 school year."

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 2005."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bill No. 5 be taken from the General File and placed on the General File on the next agenda.

Remarks by Senator Raggio.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 4.

The following Assembly amendment was read:

Amendment No. 2.

Amend sec. 7, page 8, line 30, by deleting "2005." and inserting "2006."

Amend sec. 8, page 8, line 33, by deleting "2006." and inserting "2005."

Senator Raggio moved that the Senate concur in the Assembly amendment to Senate Bill No. 4.

Remarks by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to not immediately transmit Assembly Bills passed by the Senate.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Assembly Bill No. 1:

YEAS—21.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 4.

Bill read third time.

Roll call on Assembly Bill No. 4:

YEAS—21.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 7, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 7.

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

DIANE KEETCH

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Senate Bill No. 5—AN ACT relating to health care; revising certain provisions concerning the distribution of prescription drugs to authorize certain Canadian pharmacies licensed in Nevada to provide prescription drugs through mail order service to residents of Nevada under certain circumstances; requiring the Director of the Office for Consumer Health Assistance to establish and maintain an Internet website to provide certain information to consumers concerning purchasing prescription drugs from certain Canadian pharmacies licensed in this State; and providing other matters properly relating thereto.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 5 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

Assembly Bill No. 2.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 2 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

Assembly Bill No. 7.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 7 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Roll call on Assembly Bill No. 2:

YEAS—21.

NAYS—None.

Assembly Bill No. 2 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 5.

Bill read third time.

Roll call on Assembly Bill No. 5:

YEAS—21.

NAYS—None.

Assembly Bill No. 5 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7.

Bill read third time.

Roll call on Assembly Bill No. 7:

YEAS—19.

NAYS—Horsford, Schneider—2.

Assembly Bill No. 7 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:55 a.m.

SENATE IN SESSION

At 12:02 p.m.

President Hunt presiding.

Quorum present.

Senator Raggio moved that all bills passed by the Senate be immediately transmitted to the Assembly.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—13.

NAYS—Amodei, Beers, Cegavske, McGinness, Raggio, Rhoads, Tiffany, Washington—8.

Senate Bill No. 5 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 12:05 p.m.

SENATE IN SESSION

At 12:12 p.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER
A PROCLAMATION BY THE GOVERNOR

On June 7, 2005, I, Kenny C. Guinn, Governor of the State of Nevada, through my proclamation, convened a special Session of the Nevada Legislature. The Senate Majority Leader and the Speaker of the Assembly have requested that I extend the 22nd Special Session of the Nevada Legislature. Therefore, by virtue of the authority vested in me by the Constitution of the State of Nevada, I hereby amend my proclamation of June 7, 2005, and extend the 22nd Special Session of the Nevada Legislature until 2:00 p.m. on June 7, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 7th day of June, in the year two thousand five.

KENNY C. GUINN

Governor

DEAN HELLER

Secretary of State

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 7, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 3.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 3.

Senator Raggio moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Bill No. 3 be declared an emergency measures under the Constitution and placed on third reading and final passage for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 3.

Bill read third time.

Roll call on Assembly Bill No. 3:

YEAS—19.

NAYS—None.

NOT VOTING—Raggio.

EXCUSED—Washington.

Assembly Bill No. 3 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 7, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 5.

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

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 4 to Assembly Bill No. 4.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

REMARKS FROM THE FLOOR

Senator Wiener requested that her remarks be entered in the Journal.

Thank you, Madam President. I would like to take a moment to talk about our Minority Leader, Dina Titus.

She has taught us so much. She has taught us that it is possible to actively participate in two or more conversations while simultaneously drafting and later delivering an eloquent floor statement on just about any subject.

She has taught us to appreciate the advantages of mastering at least two languages. One of those is rooted in small-town Georgia, USA.

She has taught us that civilized people drink tall teas when exchanging tall tales. She has taught us when someone teaches long enough that students can one day become colleagues. Is that not so, Senator Hardy?

She has taught us that every person's ideas count, especially those people who have quiet voices and great needs. She has taught us that the legislative process is the people's process and that we should be strong listeners because there is so much for us to learn from others.

She has taught us that our legislative lives are measured in more than 120-day or 121-day cycles and should encompass continuous doses of passion, purpose and people. She has taught us, the Senate Democrats, that we should be constant in our efforts to maximize every moment because the people of Nevada are counting on us.

Dina, we have counted on you this session and in all sessions past every day and in every way. For this and for so many more reasons we want to say thank you. I was privileged to be the one to shop for you. This is something from the Democrats that you can take with you wherever you go, whether traveling the State of Nevada or the world. Thank you, Senator Titus.

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

The hour is late. I am not going to address the many successes, hard work and merits this body has accomplished in the last 121 days. It is my distinct honor and privilege, as the Assistant Majority Leader to recognize our friend and leader during the past 120 days, Senator Raggio. I have truly marveled at his wisdom his energy and his wit. I have come to accept the fact Senator Raggio is timeless. For more than 35 years he has connected Nevada's history and culture with the legislative process. We have watched as resolution after resolution commemorating people, places and things that are important to Nevadans. Very rarely is there a resolution brought forward that Bill does not have a connection to, in some way. He truly is a part of a unique fabric that makes us all Nevadans.

One of these days we might even think about replacing the "Tulè Duck" as the State of Nevada artifact with Bill Raggio. Those of us who have served in the other House understand the differences in leadership styles, from House to House. We might disagree on issues and have very different philosophies but Bill is a leader and expects the members of this body to treat one another with dignity, civility, decorum, honor and respect. There is no question that when he gives his word he will honor that word and promise.

On behalf of our caucus, the Democratic caucus and the staff, we want to thank you for leading this body and the State of Nevada through the 73rd Session and the 22nd Special

Session. We want to offer you a "21 Whistle Salute," to say "Back at you, Bill." The Republican caucus presents a token of our appreciation for your leadership.

Madam President appointed Senators Carlton, Nolan and Beers as a committee to wait upon the Assembly and to inform that honorable body that the Senate is ready to adjourn *sine die*.

Madam President appointed Senators Heck, Lee and Hardy as a committee to wait upon His Excellency, Kenny Guinn, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

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

Motion carried.

Senate in recess at 12:33 p.m.

SENATE IN SESSION

At 12:35 p.m.

President Hunt presiding.

Quorum present.

A committee from the Assembly, consisting of Assemblymen Anderson, Allen and Arberry appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

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

Motion carried.

Senate in recess at 12:35 p.m.

SENATE IN SESSION

At 12:42 p.m.

President Hunt presiding.

Quorum present.

Senator Carlton reported that her committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Heck reported that his committee had informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Raggio moved that the 22nd Special Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried

Senate adjourned *sine die* at 12:44 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate

UNION LABEL