

# Journal

OF THE

## ASSEMBLY OF THE STATE OF NEVADA

---

TWENTY-THIRD SPECIAL SESSION

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**THE FIRST DAY**

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CARSON CITY (Tuesday), June 5, 2007

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Speaker of the Assembly Barbara E. Buckley at 5:06 p.m.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Lord, we asked You for several things yesterday so our requests today are simple. We just ask that You continue to provide for the good, sound judgment that has sustained this body thus far, so that we might finish this special session as we as we did the regular session. And, as always, we ask once again for safe passage home for all who are here to participate in this special session of the Legislature. You might also keep our horses topped off 'til we get there. Thank You.

AMEN.

Pledge of allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

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

Madam Speaker appointed Assemblymen Ocegüera, Conklin, and Gansert as a committee to inform the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 5:09 p.m.

#### ASSEMBLY IN SESSION

At 5:22 p.m.

Madam Speaker presiding.

Quorum present.

A committee from the Senate composed of Senators McGinness, Rhoads, and Horsford appeared before the Bar of the Assembly and announced that the Senate was organized and ready for business.

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

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

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the reading of the Proclamation by the Governor convening the Legislature into a Special Session be dispensed with and that the Proclamation be entered into the Journal.

Motion carried.

#### COMMUNICATIONS

##### MESSAGES FROM THE GOVERNOR

##### OFFICE OF THE GOVERNOR

June 5, 2007

The Honorable Barbara Buckley, *Speaker of the Assembly*, NEVADA STATE ASSEMBLY, 401 S. CARSON STREET, CARSON CITY, NEVADA 89701

TO THE HONORABLE MEMBERS OF THE NEVADA STATE ASSEMBLY:

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

The 74th Session of the Nevada Legislature has failed to complete its business during the required 120-day period. Therefore, this afternoon 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,  
Jim Gibbons  
*Governor*

STATE OF NEVADA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER

A PROCLAMATION BY THE GOVERNOR

WHEREAS, Section 9 of Article 5 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"; and

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 immediate action by the Legislature;

NOW, THEREFORE, I, JIM GIBBONS, 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 246 (3rd Reprint), Assembly Bill 274 (As Introduced), Assembly Bill 280 (2nd Reprint), Assembly Bill 434 (2nd Reprint), Assembly Bill 484 (1st Reprint), Assembly Bill 553 (2nd Reprint), Assembly Bill 565 (4th Reprint), Senate Bill 326 (1st Reprint), Senate Bill 319 (2nd Reprint), and Senate Bill 572 (As Introduced) of the Seventy-Fourth Session of the Nevada Legislature. A summary of those matters is as follows:

Assembly Bill 246 (3rd Reprint)

AN ACT relating to courts; increasing the number of district judges in the Second and Eighth Judicial Districts; increasing the number of district judges in the Second and Eighth Judicial Districts who must be judges of the family court; making an appropriation; and providing other matters properly relating thereto.

Assembly Bill 274 (As Introduced)

AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the development and implementation of stream habitat restoration efforts throughout Nevada; and providing other matters properly relating thereto.

Assembly Bill 280 (2nd Reprint)

AN ACT making an appropriation for school districts that adopt pilot programs of performance pay and enhanced compensation for the recruitment and retention of licensed teachers; making an appropriation to continue certain contractual services of a consultant; and providing other matters properly relating thereto.

Assembly Bill 434 (2nd Reprint)

AN ACT relating to education; revising provisions governing eligibility for a millennium scholarship; and providing other matters properly relating thereto.

Assembly Bill 484 (1st Reprint)

AN ACT relating to the Legislature; requiring the Legislative Committee on Education and the Legislative Committee on Health Care to consider studying certain issues during the 2007-2009 interim; transferring certain unspent money from a legislative study to Opportunity Village; and providing other matters properly relating thereto.

## Assembly Bill 553 (2nd Reprint)

AN ACT making appropriations relating to education; and providing other matters properly relating thereto.

## Assembly Bill 565 (4th Reprint)

AN ACT relating to education; revising the requirements for the biennial budgetary request for the State Distributive School Account; creating the Grant Fund for Incentives for Licensed Educational Personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; providing for the transfer of certain money to the Grant Fund; and providing other matters properly relating thereto.

## Senate Bill 326 (1st Reprint)

AN ACT relating to public health; creating the Committee on Co-Occurring Disorders; providing the duties of the Committee; and providing other matters properly relating thereto.

## Senate Bill 319 (2nd Reprint)

AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to issue up to 12 sets of special license plates to certain nonprofit organizations for motor vehicles displayed in certain museums; authorizing the Department to charge a \$12 fee for each set of plates; prohibiting the Department from charging or collecting any fees for the transfer of a certificate of title on certain motor vehicles from certain governmental entities to certain nonprofit organizations; and providing other matters properly relating thereto.

## Senate Bill 572 (As Introduced)

AN ACT relating to state financial administration; extending the reversion date of a transfer of room tax proceeds required in the previous legislative session for the restoration and preservation of the exterior of the Lear Theater; and providing other matters properly relating thereto.

The Legislature shall also consider an amendment to Nevada law allowing a county to apply for, and if approved, to receive funds for courthouse security from the funds appropriated by Section 37 of Assembly Bill 628 of the 74th Regular Session of the Nevada Legislature.

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 5:00 p.m. on June 5, 2007, and shall end at Midnight, June 5, 2007.

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 5th day of June, in  
the year two thousand seven.

Jim Gibbons  
*Governor of the State of Nevada*

Ross Miller  
*Secretary of State of Nevada*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Ocegüera and Mabey:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 23rd 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 23rd Special Session of the Legislature are hereby adopted:

*APPLICABILITY OF JOINT RULES**Rule No. 1. Generally.*

*The Joint Rules for the 23rd Special Session of the Legislature are applicable only during the 23rd 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 Madam Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Madam 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; 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.*

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted and ordered transmitted to the Senate.

By the Committee of the Whole:

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

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Assembly for the 23rd Special Session of the Legislature of the State of Nevada: Kathryn Alden, Matthew Baker, Robin Bates, Lucinda Benjamin, Kathryn Fosnaugh, Jason Hataway, Diane Keetch, Kyle Wentz, Terry Sullivan, Jennifer Osheroﬀ, Barbara Houger, Leslie Danihel, Wendy Kameda, Betty Phenix, Norm Budden and Mary Carel.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblywoman Allen.

Resolution adopted.

By the Committee of the Whole:

Assembly Resolution No. 2—Providing that no allowances will be paid for the 23rd Special Session of the Nevada Legislature for periodicals, stamps, stationery or communications.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

By the Committee of the Whole:

Assembly Resolution No. 3—Adopting the Rules of the Assembly for the 23rd Special Session of the Nevada Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following Rules of the Assembly for the 23rd Special Session of the Legislature are hereby adopted:

#### ***I. APPLICABILITY***

*Rule No. 1. Generally.*

*The Rules of the Assembly for the 23rd Special Session of the Legislature are applicable only during the 23rd Special Session of the Legislature.*

#### ***II. OFFICERS AND EMPLOYEES***

*Rule No. 2. Speaker of the Assembly.*

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

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

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

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

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

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

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

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

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

(h) *Sign all subpoenas issued by the Assembly.*

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

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

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

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

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

*Rule No. 3. Reserved.*

*Rule No. 4. Reserved.*

*Rule No. 5. Reserved.*

*Rule No. 6. Reserved.*

*The next rule is 10.*

### III. MEETINGS

*Rule No. 10. Reserved.*

*Rule No. 11. Open Meetings.*

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

*Rule No. 12. Reserved.*

*The next rule is 20.*

### IV. DECORUM AND DEBATE

*Rule No. 20. Points of Order.*

*If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained,*

*then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.*

*Rule No. 21. Portable electronic communication devices.*

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

*2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.*

*Rule No. 22. Reserved.*

*Rule No. 23. Reserved.*

*The next rule is 30.*

#### **V. QUORUM, VOTING, ELECTIONS**

*Rule No. 30. Manner of Voting.*

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

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

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

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

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

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

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

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

*Rule No. 31. Reserved.*

*Rule No. 32. Announcement of the Vote.*

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

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

*Rule No. 33. Voting by Division.*

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

*The next rule is 40.*

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

*Except as otherwise provided in this rule, the standing committee of the Assembly is the Select Committee on State Revenue and Education Funding. The Speaker may appoint such other standing committees of the Assembly as she determines is necessary.*

**Rule No. 41. Appointment of Committees.**

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

**Rule No. 42. Committee Action.**

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

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

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

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

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

*6. The chairman must be present when the committee votes to take any final action regarding bills or resolutions, but the chairman is not required to vote.*

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

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

**Rule No. 43. Subcommittees.**

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

**Rule No. 44. Reserved.****Rule No. 45. Request for Drafting of Bill, Resolution or Amendment.**

*Except as otherwise provided in this rule, the Legislative Counsel shall not honor a request for the drafting of a bill, resolution or amendment to be introduced in the Assembly, unless it is submitted by the Select Committee on State Revenue and Education Funding, such other standing committees as the Speaker may appoint, a Conference Committee or the Governor. The Speaker may request the drafting of one bill for the 23rd Special Session without seeking the approval of the Select Committee or any other standing committee that the Speaker may appoint.*

**Rule No. 46. Committee Action on Reports.**

*Committee reports must be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill*

*or resolution must be recorded. The vote may be taken by roll call at the discretion of the chairman.*

**Rule No. 47. Committee Records.**

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

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

**Rule No. 48. Disposition of Committee Records.**

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

**Rule No. 49. Committee Hearings.**

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

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

**Rule No. 50. Reserved.**

**Rule No. 51. Reserved.**

**Rule No. 52. Reserved.**

*The next rule is 60.*

**VII. RULES GOVERNING MOTIONS**

**A. PROCEDURE**

**Rule No. 60. Entertaining.**

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

**Rule No. 61. Reserved.**

**Rule No. 62. Reserved.**

**B. PARTICULAR MOTIONS**

**Rule No. 63. Reserved.**

*Rule No. 64. Reserved.*

*Rule No. 65. Indefinite Postponement.*

*When a question is postponed indefinitely, the same question must not be considered again during the 23rd Special Session of the Legislature and the question is not subject to a motion for reconsideration.*

*Rule No. 66. To Strike Enacting Clause.*

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

*Rule No. 67. Division of Question.*

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

*Rule No. 68. To Reconsider.*

*No motion to reconsider a vote is in order.*

*The next rule is 80.*

#### **VIII. DEBATE**

*Rule No. 80. Speaking on Question.*

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

*Rule No. 81. Previous Question.*

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

*Rule No. 82. Privilege of Closing Debate.*

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

*The next rule is 90.*

#### **IX. CONDUCT OF BUSINESS**

##### **A. RULES AND PROCEDURE**

*Rule No. 90. Mason's Manual.*

*The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Rules and orders of the Assembly for the 23rd Special Session of the Legislature, and the Joint Rules of the Senate and Assembly for the 23rd Special Session of the Legislature.*



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

*No rule or order of the Assembly for the 23rd Special Session of the Legislature may be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.*

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

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

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

3. *Subsection 1 does not apply to:*

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

**Rule No. 93. Reserved.**

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

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

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

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

**Rule No. 96. Peddling, Begging and Soliciting.**

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

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

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

**Rule No. 97. Petitions and Memorials.**

*Petitions, memorials and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof*

*shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.*

**Rule No. 98. Request of Purpose.**

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

**Rule No. 99. Remarks.**

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

**Rule No. 100. Precedence of Parliamentary Authority.**

*The precedence of parliamentary authority in the Assembly is:*

- 1. The Constitution of the State of Nevada.*
- 2. The Statutes of the State of Nevada.*
- 3. The Rules of the Assembly for the 23rd Special Session of the Legislature and the Joint Rules of the Senate and Assembly for the 23rd Special Session of the Legislature.*
- 4. Mason's Manual of Legislative Procedure.*

**Rule No. 101. Reserved.**

**Rule No. 102. Privileged Questions.**

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

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

**Rule No. 103. Reserved.**

**B. BILLS**

**Rule No. 104. Reserved.**

**Rule No. 105. Substitute Bills.**

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

**Rule No. 106. Skeleton Bills.**

*The introduction of skeleton bills is not authorized.*

**Rule No. 107. Reserved.**

**Rule No. 108. Reserved.**

**Rule No. 109. Reading of Bills.**

*The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper*

*course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.*

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

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

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

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

**Rule No. 111. Consent Calendar.**

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

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

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

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

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

**Rule No. 112. Reserved.**

**Rule No. 113. General File.**

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

*disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.*

**Rule No. 114. Reserved.**

**Rule No. 115. Reserved.**

**Rule No. 116. Vetoed Bills.**

*Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.*

**Rule No. 117. Reserved.**

#### **C. RESOLUTIONS**

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

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

**Rule No. 119. Reserved.**

#### **D. ORDER OF BUSINESS**

**Rule No. 120. Order of Business.**

*The Order of Business must be as follows:*

- 1. Call to Order.*
- 2. Reading and Approval of Journal.*
- 3. Presentation of Petitions.*
- 4. Reports of the Standing Committees.*
- 5. Reports of Select Committees.*
- 6. Communications.*
- 7. Messages from the Senate.*
- 8. Motions, Resolutions and Notices.*
- 9. Introduction, First Reading and Reference.*
- 10. Consent Calendar.*
- 11. Second Reading and Amendment.*

12. *General File and Third Reading.*
13. *Unfinished Business of Preceding Day.*
14. *Special Orders of the Day.*
15. *Remarks from the Floor, limited to 10 minutes.*

*Rule No. 121. Reserved.*

*Rule No. 122. Reserved.*

*Rule No. 123. Reserved.*

*Rule No. 124. Reserved.*

*Rule No. 125. Reserved.*

*Rule No. 126. Reserved.*

*Rule No. 127. Reserved.*

*Rule No. 128. Reserved.*

*The next rule is 140.*

#### **X. MISCELLANEOUS**

*Rule No. 140. Reserved.*

*Rule No. 141. Use of the Assembly Chamber.*

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

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

Assemblyman Ocegüera moved that persons as set forth on the Nevada Legislature's Press Accreditation List of June 5, 2007, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

18: NEWS CARSON CITY: David D. Morgan; ASSOCIATED PRESS: Amanda Fehd, Joe Mullin, Brendan Riley; CITY LIFE: Steve Sebelius; HENDERSON HOME NEWS: Derek Olson; KVFK-AM: William Puchert; KLAS-TV: Matthew E. Adams, Matthew Bell, Alex Brauer, Richard Czarny, Jonathan Humbert, George Knapp; KOLO-TV: Edward Barnett; KRNV-TV News 4: Michael Thompson; KTVN-TV: Kent Albrecht, Jack Antonio, Eric Brown, John E. Cruz, Bryan Evans, Jeffrey Foss, David Ratto, Charles Brent Richard, Steve Sonnenburg; LAS VEGAS REVIEW-JOURNAL: Lisa Kim Bach, Molly Ball, Henry Brean, K.M. Cannon, Lynette Curtis, John Edwards, Frank Geary, John Gurzinski, Paul Harasim, Brian Haynes, A.D. Hopkins, K.C. Howard, Mary Hynes, Mike Kalil, Clint Karlsen, David Kihara, John Locher, Alan Maimon, Frank McCabe, Margaret Miille, Thomas Mitchell, Craig Moran, Jane Ann Morrison, Lawrence Mower, Erin Neff, Adrienne Packer, Antonio Planas, Glenn Puit, Keith Rogers, Jeff Scheid, David McGrath

Schwartz, John L. Smith, Omar Sofradzija, Carri Geer Thevenot, Gary Thompson, Ed Vogel, Annette Wells, Sean Whaley, Joan Whitely, Charles Zobell; LAS VEGAS SUN: Tiffany Brown, J. Patrick Coolican, Cy Ryan; MINEWEB; Dorothy Y. Kosich; NEVADA APPEAL: Becky Bosshart, Rhonda Costa-Landers, Terri Harber, Geoff Dorman, Jarid Shipley; NEVADA PUBLIC RADIO: Brian Bahouth; RENO GAZETTE-JOURNAL: Guy Clifton, Anjeanette Damon, Bill O'Driscoll, Lisa Tolda; SENIOR SPECTRUM NEWSPAPER: Connie McMullen; SUMMERLIN NEWS: Jamie Helmick; WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

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

Assembly in recess at 5:28 p.m.

#### ASSEMBLY IN SESSION

At 5:29 p.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Oceguela moved that the reading of the Histories on all bills and resolutions be dispensed with for the balance of the special session.

Motion carried.

Assemblyman Oceguela moved that for the balance of the special session, all rules be suspended, the Assembly dispense with the reprinting of all bills and resolutions, and all bills and resolutions be placed on the appropriate file for passage or adoption.

Motion carried.

Assemblyman Oceguela moved that for the balance of the special session, all rules be suspended and that all bills and joint resolutions passed, and all concurrent resolutions adopted by the Assembly, be immediately transmitted to the Senate.

Motion carried.

Assemblyman Oceguela moved that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and resolutions considered engrossed, declared emergency measures under the Constitution and placed on the resolution file or third reading and final passage.

Motion carried.

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

Assembly in recess at 5:31 p.m.

## ASSEMBLY IN SESSION

At 6:28 p.m.

Madam Speaker presiding.

Quorum present.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee of the Whole:

Assembly Bill No. 1—AN ACT relating to education; revising the requirements for the biennial budgetary request for the State Distributive School Account; creating the Grant Fund for Incentives for Licensed Educational Personnel; repealing the provision requiring the purchase of retirement service for certain teachers and school psychologists; providing for the transfer of certain money to the Grant Fund; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

By the Committee of the Whole:

Assembly Bill No. 2—AN ACT making appropriations relating to education; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

By the Committee of the Whole:

Assembly Bill No. 3—AN ACT relating to education; making an appropriation for school districts that adopt pilot programs of performance pay and enhanced compensation for the recruitment and retention of licensed teachers; making an appropriation to continue certain contractual services of a consultant; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

By the Committee of the Whole:

Assembly Bill No. 4—AN ACT relating to the judiciary; making a technical correction to a legislative measure concerning district judges; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

By the Committee of the Whole:

Assembly Bill No. 5—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the development and implementation of stream habitat restoration efforts throughout Nevada; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Bills Nos. 1, 2, 3, 4, and 5 with Assemblywoman Buckley as Chair of the Committee of the Whole.

Motion carried.

#### IN COMMITTEE OF THE WHOLE

At 6:31 p.m.

Assemblywoman Buckley presiding.

Assembly Bill No. 3 considered.

Remarks by Assemblymen Smith, Carpenter, and Beers.

Assembly Bill No. 5 considered.

Remarks by Assemblywoman Kirkpatrick.

Assembly Bill No. 1 considered.

Remarks by Assemblywoman Smith.

Assembly Bill No. 2 considered.

Remarks by Assemblymen Smith and Christensen.

Assembly Bill No. 4 considered.

Remarks by Assemblymen Anderson and Mortenson.

On motion of Assemblyman Ocegüera, the Committee did rise and report back to the Assembly.

#### ASSEMBLY IN SESSION

At 7:22 p.m.

Madam Speaker presiding.

Quorum present.



## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee of the Whole, to which were referred Assembly Bills Nos. 1, 2, 3, 4, and 5 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chair*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Roll call on Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 2:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 3.

Bill read third time.

Roll call on Assembly Bill No. 3:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 4.

Bill read third time.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 5.

Bill read third time.

Roll call on Assembly Bill No. 5:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

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

Assembly in recess at 7:30 p.m.

#### ASSEMBLY IN SESSION

At 7:43 p.m.

Madam Speaker presiding.

Quorum present.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 1, 2, 3, 4, 5, 6.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 2.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 3.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 4.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 5.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

Senate Bill No. 6.

Assemblyman Ocegüera moved that the bill be referred to the Committee of the Whole.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Senate Bills Nos. 1, 2, 3, 4, 5, and 6 with Assemblywoman Buckley as Chair of the Committee of the Whole.

Motion carried.

#### IN COMMITTEE OF THE WHOLE

At 7:46 p.m.

Assemblywoman Buckley presiding.

Senate Bill No. 1 considered.

Remarks by Assemblymen Ocegüera, Kirkpatrick, Cobb, Horne, Atkinson, Carpenter, and Claborn.

Assemblymen Horne, Kirkpatrick, and Koivisto voted in the negative regarding passage back to the body.

Senate Bill No. 2 considered.

Remarks by Assemblyman Ocegüera.

Senate Bill No. 3 considered.

Remarks by Assemblyman Ocegüera.

Senate Bill No. 4 considered.

Remarks by Assemblyman Conklin.

Senate Bill No. 5 considered.

Remarks by Assemblyman Ocegüera.

Senate Bill No. 6 considered.

Remarks by Assemblymen Ocegüera, Arberry, Anderson, Goicoechea, Leslie, Carpenter, Gansert, Grady, Horne, and Madam Chair.

ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. Senate Bill No. 6 is related to courthouse security. As we have heard in the past, there are several places in our rural communities, including Ely, which may have some issues with courthouse security. This may be a way we can rectify or at least get down the path a little ways on that problem by allowing the Interim Finance Committee to appropriate money in certain situations such as the Ely courthouse.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker. The majority leader just spoke and said that some of this might be used for the Ely courthouse. I am hoping that this is not singling out one particular courthouse when we have problems all over the State at other courthouses. My understanding is that recently they had a problem in Reno in a situation with a judge where he was shot at by a person. Does this mean that all this funding is going to go toward the Ely courthouse? If it is, I definitely have a problem with that because I feel we have problems all over the State.

To me, this is a backdoor mechanism. I have been in this body for over 20 years, and as I have been in this body, I have always tried to get something for the areas which are in the city. We have the same concerns and problems just like a rural area. When I would bring this up to both houses of this Legislature, I was told we cannot use state money for that. That is why I have always had a problem with this because it is a double standard. I do not mean to dominate the conversation here, but it is dear to my heart because I have problems in my district and in the inner city. They worry about security. I have never heard of a judge or any jurors being attacked by an inmate. We are having violence every day. We are having gang problems. They get shot in the head and every different place. It is like a war zone. I am appalled. When this type of bill came before Ways and Means, I tried to kill it. I feel that this is unjust.

The rural counties need to do just like everyone else. They will tell you they do not have any tax dollars; they need to go get some tax dollars. We put the tax dollars on the back of the people in the inner city areas, and they are just like a rural area—but they get taxed. They never get any of their tax dollars back. I do not want to see any tax dollars going to a courthouse. I am not being segregationist because it is a part of the State of Nevada. I just have heartburn over that because when I try to come before this body and try to get something for the inner city, “rural” areas, they always tell me, “We cannot use state dollars like this.” So, I have a problem with this.

ASSEMBLYMAN ANDERSON:

Maybe the chair of Ways and Means can help me understand the source of those dollars which are going to be used. Recognizing the need, having been to White Pine County’s courthouse, that there are some security questions there. I have two questions to make sure I understand. Can this \$6 million all be spent in one single year?

MADAM CHAIR:

These were savings that were put into the Interim Finance Committee (IFC) due to the potential savings in the prison budget. As you can see in the sections below it, IFC, upon approval by the State Board of Examiners, can release these funds for a couple of approved purposes. Some of the approved purposes are additional staffing for Parole and Probation, as a result of some of the lower-level offenders being released from camps to make sure they are being monitored; costs of the State Board of Parole Commissioners for conducting inmate hearings greater than the legislatively approved amounts; for programs for prisoners, especially those with drug problems, to try to get their lives turned around without staying in prison. So the way this bill is drafted, another eligible cost would be for courthouse security. It is not limited to any specific county. It is for all counties. They would have to go to IFC for permission. They

would have to compete among the other program choices and only if the prison population is lower than projections such that the money is there. I believe IFC is going to first, before allocating any money whatsoever, make sure the money is there. When the money is there, I would assume they are going to allocate for that which has the greatest need and that is implementing the prison reform measures that we passed this session. I would also note that Assemblyman Arberry is Chair of the Interim Finance Committee, and I am sure he is dedicated to ensuring that the money is first there and is used for appropriate expenditures.

ASSEMBLYMAN ANDERSON:

I want to make sure I understand. These are the dollars that we think and hope we will gain as a result of the actions of our select committee on prison reform. They are to be used toward potential programs that are supposed to keep the security of the people, in terms of programs for the people who are released. I thought a part of those dollar savings was also supposed to go towards educational programs so we would not have to incarcerate so many people in the first instance. Now, we are going to add this particular program as part of those available dollars so that it puts them in competition with—or will education be able to have a shot at these dollars also?

MADAM CHAIR:

It is my understanding, based on all of my meetings on prison reform, that the money first has to be spent to make sure the plan works. If you do not have the programs and do not have supervision from Parole and Probation, if you do not have an effective parole board, the reforms we passed will not work. So I would imagine just for purposes of implementing what we did that those would have to come first. This allows an eligible cause. It does not demand that it be put in any sort of priority, and that is the way the bill reads.

ASSEMBLYMAN ANDERSON:

Am I then to understand that if available funds are there, that they would be eligible to make that request up to a maximum level of potentially \$6 million if it happened in the second part of the biennium?

MADAM CHAIR:

Well, I am not the defender of the bill. It is not my bill, and I did not vote for it. It would seem to me that any of the categories could apply, but since we know all these things have to be funded, that would be extremely difficult because our first priority has to be to implement our prison reforms. But I will stop defending the bill since I did not vote for it in the first place.

ASSEMBLYMAN GOICOECHEA:

Just to the body, the way I read the bill, it clearly sounds like a courthouse that had a problem, especially with security, could go to IFC. I do not think there is anyone that would even consider that the \$6 million would be expended on one courtroom or courthouse as far as a security measure. So I think there is some comfort level with that. And I do think there is clearly a nexus here with the courthouse we are talking about in Ely and the fact we have some of the worst of the worst there. That is the maximum security prison in the State. The majority of those cases which are heard are from that facility.

ASSEMBLYWOMAN LESLIE:

I do not mean to keep this going, but since we have not seen this bill until now, the way I read it, on page 2, paragraph 2, where it says “Any portion of the appropriation pursuant to this section that is not needed to meet expenditures incurred as set forth in paragraphs (a), (b), (c), and (d)” means the other things come before the items in section 2, which include the mental health and substance abuse treatment, the education programs that the chairman of Judiciary was referring to. So I think it is unfortunate, personally, that it has been drafted this way. I think, actually, the way this bill reads, those things that Madam Chair was speaking about do come

first, but courthouse security also comes before the substance abuse and mental health components. If we had time to do an amendment I would really suggest one. I do not like the way this is drafted at all. We are kind of stuck now.

MADAM CHAIR:

I think you are right. That is the way it reads. Well, we could certainly contact our legal counsel and see what our options would be regarding the wording.

ASSEMBLYMAN CARPENTER:

It seems to me that all counties could apply for this and certainly all the other situations it talks about like Parole and Probation and things like that, which are going to also, hopefully, be funded by the work the select committee did. It seems to me that the people in White Pine County need to get their act together and get a good plan and then get some costs and then come to IFC and present their case. I believe they can do it for much less money than is being talked about in the bill, the \$6 million. I think if they put even \$1 million in there, it would be sufficient. I have been in that courthouse many times, not as a prisoner, but for other situations. I think they really do need some more security there and other facilities. I think they can do it for much less than the \$6 million, but they have to come with a good plan and then the IFC makes that decision.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. In thinking about how our IFC works, it seems like, especially for capital improvements, things get very thoroughly vetted. We really do not let any money out unless we think it is necessary. I appreciate this is on a list of several things that are all of high priority. At the same time, I recognize that this courthouse has been brought up for several sessions with large amounts of money being proposed. I think what they are looking for is just to fix some security at this prison at this time. I think back to when we first started the session, Justice Maupin was here and talked about the security and having been out there and how close the offenders are to the people testifying against them and so forth. Given the process of IFC with capital improvements, I have a very high comfort level with this legislation.

MADAM CHAIR:

You know, I would, too, if it was “(a), (b), (c), (d), and (e)” with (e) being the treatment programs. I do not know, for example, if we need treatment to make sure some of the prison reform efforts work and pencil out. Probably I would pick a little bit of that before I would appropriate money to the counties. State problem first, implementing the state reforms, then if money is left over, make it available for that purpose. What do you think?

ASSEMBLYWOMAN GANSERT:

You know, from my understanding of this courthouse, it is dealing with state prisoners. I think their numbers are driven by those that are at the local prison, who are offenders at a state level. That is why, when I have looked at this, I have never thought of it as funding the county. I keep thinking of it as we have created the need because we have the state prisoners there, and they are the ones going to the courthouse who are, of course, very high-level offenders.

MADAM CHAIR:

But would you prioritize that over the treatment dollars?

ASSEMBLYWOMAN GANSERT:

I really have not thought about the priority. I did not realize that the order had that much significance in the way it was written.

ASSEMBLYMAN GRADY:

It seems to me maybe we are overlooking one thing here and that is this courthouse. I do not know how many people have been there, but it is a dangerous place. We are asking the private citizens—the jurors that have to go in there, and the restroom facility that they have in that courthouse is shared with the prisoners and the general public. The security to get into that building is on the second floor. Before you go through that security, you basically have free reign over that whole building, and I think this is what they are looking for. As my colleague from Eureka said, is the worst of the worst are in that jail, there in that prison, and they are coming into Ely, into the city, and the general public has to deal with their problems every day, plus the fact that since it has become so dangerous, the state is transporting those people from Ely to Carson for their trials because they cannot use that courthouse. Now Carson is being overloaded in its courthouse because of the fact that they cannot be taken care of in Ely. I would really ask that the body look past just the prison, but we are looking at jeopardizing our citizens that live in Ely who are trying to do their civic job serving on juries and things of that nature and folks that work in the courthouse. We need to give them some protection, too. Thank you, Madam Chair.

MADAM CHAIR:

I am going to ask our legal counsel, Ms. Erdoes, to weigh in on this if she would. Brenda, in looking at this language, I think it is pretty important to us that we may not be able to implement our prison reforms if treatment is not given a top priority, which was the original point of Mr. Anderson, which I now see more clearly, and I think he is right. Recognizing that we probably would prefer not to get an amendment just because of time considerations, do you think that this language could be read—for example, if we need to do treatment in the mental health courts and treatment programs to implement our prison reforms—that you could read this to have it give precedence but still allow us to add this as an eligible cost?

BRENDA ERDOES, LEGISLATIVE COUNSEL:

I do believe that you could use this. Although this section does have language in it that sets off priorities, it still leaves quite a bit of leeway for the Interim Finance Committee to decide what it is that you want to fund with this money. In addition to that discretion, it also provides that “as this money is not needed,” and I think the times at which this money will be there and will be needed will fluctuate throughout the interim as well. So I would tell you that Interim Finance has complete discretion here, but we are certainly willing to draft the amendment if you would like.

MADAM CHAIR:

Assemblyman Arberry, as chair of the Interim Finance Committee, do you think you would have the ability to use your discretion to decide what you think would be needed to do the prison reforms?

ASSEMBLYMAN ARBERRY:

Yes, Madam Chair, and we would be fair.

MADAM CHAIR:

Are there any questions for Brenda or can I take a motion?

ASSEMBLYMAN GOICOECHEA:

Thank you, Madam Chair, to legal counsel, my question is if an inmate from the Ely State Prison did in fact go on a rampage in the White Pine County Courthouse, who would be liable, the state or White Pine County?

BRENDA ERDOES, LEGISLATIVE COUNSEL:

I think it would depend on the situation and what the damage was, but most likely, if I were the attorney for anyone who was injured, I would sue both. I do not mean to be flippant here,

honestly. If they caused some damage because they pulled down a wall—or my understanding is that the proximity of the witness to the inmates or the jury pool is close. If it was because of that, something that the court felt was the responsibility of the county, then obviously there would be liability there, but it looks like the state may be equally liable depending how much of the funding comes from there, as well.

MADAM CHAIR:

But that would be regardless, and that is the first thing they teach you in law school, Mr. Goicoechea—sue everybody. I think we have had some great discussion here, and I would be ready to—

ASSEMBLYMAN ANDERSON:

To legal counsel, then would you suggest, possibly, that we make part of the record when the bill comes up for general vote that it is the intent of the body that the chair of Interim Finance consider this as a higher priority? Would that be a way of solving the problem of showing the intent and concern of the body?

BRENDA ERDOES, LEGISLATIVE COUNSEL:

Yes, Mr. Anderson, I believe that any intent that you can put on the record as to your wishes here would be a good idea.

ASSEMBLYMAN HORNE:

Just to give some people some comfort, this is an area of law in which I practice, and White Pine County and the state might be justified in getting sued if they allowed such a rampage to go on because what I see, in court every day with these criminals, they have waistband chains with bracelets on their arms at their waists and ankle bracelets, chains interlinked, and this is in Clark County where there is a great distance between them and the jury. I cannot imagine unshackling these persons at close proximity in White Pine County. If that is, indeed, occurring, something is amiss.

ASSEMBLYMAN ARBERRY:

Just one more comment, just so this body would understand. On the historical side, when we built the Ely prison, the people of Ely were a part of the design of the Ely prison, and they asked for that courthouse in the Ely prison because, back then, they said that they did not want the prisoners being transferred into their town. So we put that particular courthouse in the prison on their behalf, and now it has become a danger. We did not request that; they requested that.

ASSEMBLYMAN GOICOECHEA:

To my colleague from Las Vegas, it is my understanding, again, when a person comes to trial in front of a jury, there is a problem with having him in an orange jumpsuit and chained and shackled. I am not a lawyer so I do not really understand that, but apparently there is a perception—and the case is also true that anytime you have to go inside the prison wall to hear a case—I think there is a perception by the jury that there might be a little flavor that he is already guilty because he is already in there. So I think in both cases, to my colleague from southern Nevada, I know that is a real issue, they feel they have to unshackle them, especially in front of a jury, and so they are there in their best suit and unshackled. So it is an issue.

MADAM CHAIR:

I think when they find out they reside in the prison anyway, the orange clothes do not matter too much.

ASSEMBLYMAN HORNE:

Correct about perception of being shackled before a jury, but that is balanced by the judge determining the safety of the jurors and other participants in the courtroom at the time. So if



those conditions exist, I cannot imagine a judge saying that the safety does not outweigh the perception of the defendant.

ASSEMBLYMAN ANDERSON:

I think my colleague from Assembly District 35 has correctly outlined the problems that the White Pine County facility has and the problem that the prison has. We had an interim study on that, and I had the privilege of serving on that and going to both the Gap, the major prison there in Ely, and to the White Pine Courthouse, and I have seen the conditions there. Indeed, as he has represented, there is a true security problem here; I do not think that is the question that is in front of us.

However, I think the question I had raised rests with how dollars were saved from a particular program and where they were supposed to be spent was on the other. I would feel somewhat comfortable, Madam Chair, if I had the assurance, and I have a good deal of confidence, that the Interim Finance Committee chair will take the proper caution and knows the will of the body and so I will feel comfortable in supporting the legislation. I still remain committed to the fact that White Pine County does need, and should deserve in and of itself, a proper facility and may need the help of the state in order to acquire that based upon prison and court precedent for use of their facility which we built out there, which was probably an unneeded expense of the state at the time. The courts, however, seem to disregard the intent of the Legislature from time to time, from my perspective anyway.

MADAM CHAIR:

If the Committee would permit, I would accept a Do Pass motion along with the intent to ensure that treatment programs needed to carry out our prison reform adopted this session may not be shortchanged. Would that be agreeable?

ASSEMBLYMAN MARVEL:

The chairman of Ways and Means is somewhat correct. We did build—because I was chair of the site selection committee for prisons—and we built a courthouse at the prison site in Ely. Unfortunately, the district judge would not hold trials there because he said it was a violation of *First Amendment* rights, and that is the reason that we have to go through this terrible expense of taking these prisoners down to the Ely courthouse where there is tight security, and it is quite an expense and ordeal for the state after we built this courthouse within the prison system, and then they said that was a violation of *First Amendment* rights. So it is kind of our fault that they are down there.

MADAM CHAIR:

It sounds like a lot of mistakes were made in this regard.

Assemblyman Anderson moved that the Committee of the Whole Do Pass Senate Bill No. 6 of the 23rd Special Session, with the caveat that in making such recommendation, it is the intent of the Committee that treatment programs needed to carry out prison reform measures passed by the 2007 Legislature must not be shortchanged.

The motion was seconded by Assemblyman Parks and carried, with Assemblyman Horne voting “nay” and Assemblywoman Gansert voting “aye” to do passing the bill and “nay” to including the intent of the Committee as part of the recommended action.

On motion of Assemblyman Ocegüera, the Committee did rise and report back to the Assembly.

## ASSEMBLY IN SESSION

At 8:26 p.m.

Madam Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee of the Whole, to which were referred Senate Bills Nos. 1, 2, 3, 4, 5, 6 has had the same under consideration and begs leave to report the same back with the recommendation: Do pass.

BARBARA E. BUCKLEY, *Chair*

## GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Roll call on Senate Bill No. 1:

YEAS—39.

NAYS—Horne, Kirkpatrick, Koivisto—3.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Roll call on Senate Bill No. 2:

YEAS—42.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Roll call on Senate Bill No. 4:

YEAS—42.

NAYS—None.

Senate Bill No. 4 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 6.

Bill read third time.

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

Roll call on Senate Bill No. 6:

YEAS—41.

NAYS—Horne.

Senate Bill No. 6 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 2, 3, 4, 5.

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

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Laura St. John.

Madam Speaker appointed Assemblymen Ocegüera, Conklin, and Settlemeyer as a committee to wait upon His Excellency, Jim Gibbons, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

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

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

Assemblyman Anderson reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera moved that the Twenty-Third Special Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 8:46 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*