

SENATE RESOLUTION NO. 1—COMMITTEE OF THE WHOLE

FEBRUARY 23, 2010

Read and Adopted

SUMMARY—Adopts the Rules of the Senate for the 26th Special Session of the Legislature. (BDR R-2)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

SENATE RESOLUTION—Adopting the Rules of the Senate for the 26th Special Session of the Legislature.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the following Rules of the Senate for the 26th Special Session of the Legislature are hereby adopted:

I. APPLICABILITY

Rule No. 1. Generally.

The Rules of the Senate for the 26th Special Session of the Legislature are applicable only during the 26th Special Session of the Legislature.

II. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 2. President.

The President shall take the chair and call the Senate to order precisely at the hour appointed for meeting. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the Senate Chamber, shall order the Sergeant at Arms to suppress it, and may order the arrest of any person creating any disturbance within the Senate Chamber. He may speak to points of order in preference to members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the Senate by two members, on which appeal no member may speak more than once without leave



1 of the Senate. He shall sign all acts, addresses and joint
2 resolutions, and all writs, warrants and subpoenas issued by order
3 of the Senate; all of which must be attested by the Secretary. He
4 has general direction of the Senate Chamber.

5
6 **Rule No. 3. President Pro Tem and Other Presiding Officers.**

7 1. Except as otherwise provided in subsection 2:

8 (a) The President Pro Tem has all the power and shall
9 discharge all the duties of the President during his absence or
10 inability to discharge the duties of his office.

11 (b) In the absence or inability of the President Pro Tem to
12 discharge the duties of the President's office, the Senate shall elect
13 one of its members as the presiding officer for that occasion. A
14 member who is serving as the presiding officer has all the power
15 and shall discharge all the duties of the President until the
16 absence or inability which resulted in the member serving as the
17 presiding officer has ended.

18 2. When the President Pro Tem or another member is serving
19 as the presiding officer, the President Pro Tem or other member
20 may vote on any question for which he is otherwise qualified to
21 vote as a member. If the Senate is equally divided on the question,
22 the President Pro Tem or other member may not give an
23 additional deciding vote or casting vote pursuant to Senate Rule
24 No. 14 of the 26th Special Session or Section 17 of Article 5 of the
25 Nevada Constitution.

26
27 **Rule No. 4. Secretary.**

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

30 (a) Interview and recommend persons to be considered for
31 employment to assist the Secretary.

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

33 (c) Administer the daily business of the Senate, including the
34 provision of secretaries as needed.

35 (d) Unless otherwise ordered by the Senate, transmit as soon
36 as practicable those bills and resolutions upon which the next
37 action is to be taken by the Assembly.

38 2. The Secretary is responsible to the Majority Leader.

39
40 **Rule No. 5. Sergeant at Arms.**

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

44 2. The Sergeant at Arms shall:



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

(b) Interview and recommend persons to be considered for employment to assist the Sergeant at Arms.

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

Rule No. 6. Assistant Sergeant at Arms.

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

III. SESSIONS AND MEETINGS

Rule No. 7. Call of Senate—Moved by Three Members.

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

Rule No. 8. Absence—Leave Required.

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

Rule No. 9. Open Meetings.

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

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

IV. DECORUM AND DEBATE

Rule No. 10. Points of Order.

1. If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any Senator may, call



1 *him to order. If a Senator is so called to order, he shall not*
2 *proceed without leave of the Senate. If such leave is granted, it*
3 *must be upon the motion, "That he be allowed to proceed in*
4 *order," and the Senator shall confine himself to the question*
5 *under consideration and avoid personality.*

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

11
12 ***Rule No. 11. Breaches of Decorum.***

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

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

22 *3. Indecorous conduct or boisterous or unbecoming language*
23 *is not permitted in the Senate Chamber.*
24

25 ***Rule No. 11.5. Legislative Ethics.***

26 *1. In determining whether a Legislator has a conflict of*
27 *interest, the Legislator should consider whether the independence*
28 *of judgment of a reasonable person in his position upon the matter*
29 *in question would be materially affected by:*

30 *(a) His acceptance of a gift or loan;*

31 *(b) His private economic interest; or*

32 *(c) His commitment to a member of his household or his*
33 *immediate family.*

34 *2. Except as otherwise provided in subsection 3, if a*
35 *Legislator knows he has a conflict of interest pursuant to*
36 *subsection 1, the Legislator shall make a general disclosure of the*
37 *conflict of interest on the record in a meeting of a committee or on*
38 *the floor of the Senate, as applicable. Such a disclosure must be*
39 *entered:*

40 *(a) If the Legislator makes the disclosure in a meeting of a*
41 *committee, in the minutes for that meeting.*

42 *(b) If the Legislator makes the disclosure on the floor of the*
43 *Senate, in the Journal.*

44 *3. If, on one or more prior occasions during the current*
45 *session of the Legislature, a Legislator has made a general*



1 disclosure of a conflict of interest on the record in a meeting of a
2 committee or on the floor of the Senate, the Legislator is not
3 required to make that general disclosure at length again regarding
4 the same conflict of interest if, when the matter in question arises
5 on subsequent occasions, the Legislator makes a reference on the
6 record to the previous disclosure.

7 4. In determining whether to abstain from voting upon,
8 advocating or opposing a matter concerning which a Legislator
9 has a conflict of interest pursuant to subsection 1, the Legislator
10 should consider whether:

11 (a) The conflict impedes his independence of judgment; and

12 (b) His interest is greater than the interests of an entire class
13 of persons similarly situated.

14 5. The provisions of this rule do not under any circumstances
15 and regardless of any conflict of interest:

16 (a) Prohibit a Legislator from requesting or introducing a
17 legislative measure; or

18 (b) Require a Legislator to take any particular action before or
19 while requesting or introducing a legislative measure.

20 6. If a Legislator who is a member of a committee declares on
21 the record when a vote is to be taken by the committee that he will
22 abstain from voting because of the requirements of this rule, the
23 necessary quorum to act upon and the number of votes necessary
24 to act upon the matter is reduced as though the Legislator
25 abstaining were not a member of the committee.

26 7. Except as otherwise provided in the Joint Rules of the 26th
27 Special Session, the standards and procedures set forth in this rule
28 which govern whether and to what extent a Senator has a conflict
29 of interest, should disclose a conflict of interest or should abstain
30 from voting upon, advocating or opposing a matter concerning
31 which the Senator has a conflict of interest pursuant to
32 subsection 1:

33 (a) Are exclusive and are the only standards and procedures
34 that apply to Senators with regard to such matters; and

35 (b) Supersede and preempt all other standards and procedures
36 with regard to such matters.

37 38 V. QUORUM, VOTING, ELECTIONS

39
40 Rule No. 12. Action Required to Be Taken in Senate Chamber.

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



Rule No. 13. Recorded Vote—Three Required to Call For.

1. A recorded vote must be taken upon final passage of a bill or joint resolution, and in any other case when called for by three members. Every Senator within the bar of the Senate shall vote “yea” or “nay” or record himself as “not voting,” unless excused by unanimous vote of the Senate.

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

Rule No. 14. President to Decide—Tie Vote.

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

Rule No. 15. Manner of Election—Voting.

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

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

(a) Vote except when at his seat;

(b) Explain his vote or discuss the question while the voting is in progress; or

(c) Change his vote after the result is announced.

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

VI. LEGISLATIVE BODIES

Rule No. 16. Committee of the Whole.

1. All bills and resolutions may be referred only to the Committee of the Whole or to such standing committee as may be appointed pursuant to Rule No. 16.5.

2. The Majority Leader shall preside as Chair of the Committee of the Whole or name a Chair to preside.

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

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



5. Any motion made by a member of the Committee of the Whole must be seconded by another member of the Committee of the Whole.

6. The Chair may require any vote of the Committee of the Whole to be recorded in the manner designated by the Chair.

7. All amendments proposed by the Committee of the Whole:

(a) Must first be approved by the Committee.

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

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

Rule No. 16.5. Standing Committees.

In addition to the Committee of the Whole, such standing committees may be appointed as may be deemed necessary.

Rule No. 17. Rules Applicable to Standing Committees and Committee of the Whole.

The Rules of the Senate shall apply to proceedings in Committee of the Whole and such standing committees as may be appointed, except that the previous question shall not be ordered. The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern such committees in all cases in which they are applicable and in which they are not inconsistent with the rules and orders of the Senate.

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

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

VII. RULES GOVERNING MOTIONS

A. MOTIONS GENERALLY

Rule No. 19. Entertaining.

1. No motion may be debated until it is announced by the President.

2. By consent of the Senate, a motion may be withdrawn before amendment or decision.

Rule No. 20. Precedence of Motions.

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

1. To adjourn.

2. For a call of the Senate.



3. *To lay on the table.*
 4. *For the previous question.*
 5. *To postpone to a day certain.*
 6. *To commit.*
 7. *To amend.*
 8. *To postpone indefinitely.*
- ↪ *The first four shall be decided without debate.*

Rule No. 21. When Not Entertained.

1. *When a motion to commit, to postpone to a day certain, or to postpone indefinitely has been decided, it must not be again entertained on the same day.*
2. *When a question has been postponed indefinitely, it must not again be introduced during the Special Session.*
3. *There must be no reconsideration of a vote on a motion to postpone indefinitely.*

B. PARTICULAR MOTIONS

Rule No. 22. To Adjourn.

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

Rule No. 23. Lay on the Table.

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

Rule No. 24. To Strike Enacting Clause.

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

Rule No. 25. Division of Question.

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

Rule No. 26. Explanation of Motion.

Whenever a Senator moves to change the usual disposition of a bill or resolution, he shall describe the subject of the bill or



1 *resolution and state the reasons for his requesting the change in*
2 *the processing of the bill or resolution.*

3 4 VIII. DEBATE

5 6 Rule No. 27. Speaking on Question.

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

11 2. Except as otherwise provided in Senate Rules Nos. 10 and
12 45 of the 26th Special Session, a Senator may speak only once on
13 a question before the Senate, for a period of not more than 10
14 minutes, unless he is granted leave of the President to speak for a
15 longer period or more than once. If a Senator is granted leave to
16 speak for a longer period or more than once, the President may
17 limit the length of additional time that the member may speak.

18 3. Incidental and subsidiary questions arising during debate
19 shall not be considered the same question.
20

21 Rule No. 28. Previous Question.

22 The previous question shall not be put unless demanded by
23 three Senators, and it shall be in this form: "Shall the main
24 question be now put?" When sustained by a majority of Senators
25 present, it shall put an end to all debate and bring the Senate to a
26 vote on the question or questions before it, and all incidental
27 questions arising after the motion was made shall be decided
28 without debate. A person who is speaking on a question shall not
29 while he has the floor move to put that question.
30

31 IX. CONDUCT OF BUSINESS

32 33 A. GENERALLY

34 35 Rule No. 29. Mason's Manual.

36 The rules of parliamentary practice contained in Mason's
37 Manual of Legislative Procedure shall govern the Senate in all
38 cases in which they are applicable and in which they are not
39 inconsistent with the rules and orders of the Senate for the 26th
40 Special Session of the Legislature, and the Joint Rules of the
41 Senate and Assembly for the 26th Special Session of the
42 Legislature.



Rule No. 30. Suspension of Rule.

No rule or order of the Senate for the 26th Special Session of the Legislature shall be rescinded or changed without a majority vote of the Senate; but, except as otherwise provided in Senate Rule No. 39 of the 26th Special Session of the Legislature, a rule or order may be temporarily suspended for a special purpose by a majority vote of the members present. When the suspension of a rule is called for, and after due notice from the President no objection is offered, he can announce the rule suspended and the Senate may proceed accordingly; but this shall not apply to that portion of Senate Rule No. 39 of the 26th Special Session of the Legislature relating to the third reading of bills, which cannot be suspended.

Rule No. 31. Protest.

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

Rule No. 32. Privilege of the Floor.

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

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

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

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

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

Rule No. 33. Material Placed on Legislators' Desks.

1. Only the Sergeant at Arms and officers and employees of the Senate may place papers, letters, notes, pamphlets and other written material upon a Senator's desk. Such material must



1 *contain the name of the Legislator requesting the placement of the*
2 *material on the desk or a designation of the origin of the material.*

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

6
7 ***Rule No. 34. Petitions and Memorials.***

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

11
12 ***Rule No. 35. Objection to Reading of Paper.***

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

16
17 ***Rule No. 36. Questions Relating to Priority of Business.***

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

20
21 ***B. BILLS AND RESOLUTIONS***

22
23 ***Rule No. 37. Requests for the Drafting of Bills, Resolutions and***
24 ***Amendments.***

25 *Except as otherwise provided in this rule, the Legislative*
26 *Counsel shall not honor a request for the drafting of a bill,*
27 *resolution or amendment to be introduced in the Senate unless it*
28 *is submitted by the Committee of the Whole, a standing committee*
29 *or a Conference Committee. The Senate Majority Leader may*
30 *request the drafting of five bills for the 26th Special Session*
31 *without seeking the approval of the Committee of the Whole or*
32 *any other committee that may be appointed for the 26th Special*
33 *Session.*

34
35 ***Rule No. 38. Introduction of Bills.***

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

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

41 *(a) Required to carry out the business of the Senate or the*
42 *Legislature; or*

43 *(b) Requested by the Senate Majority Leader pursuant to*
44 *Senate Rule No. 37 of the 26th Special Session.*

45 *3. Skeleton bills may not be introduced.*



Rule No. 39. Reading of Bills.

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

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

3. No bill may be committed until once read, nor amended until twice read.

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

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

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

2. The Committee of the Whole or a standing committee shall not recommend a bill or joint resolution for placement on the Consent Calendar if:

(a) An amendment of the bill or joint resolution is recommended;

(b) It contains an appropriation;

(c) It requires a two-thirds vote of the Senate; or

(d) It is controversial in nature.

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

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

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

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

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

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



File. The File must be made available to members of the public each day by the Secretary.

Rule No. 42. Reconsideration of Vote on Bill.

No motion to reconsider a vote is in order.

Rule No. 43. Certain Resolutions Treated as Bills.

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

Rule No. 44. Certain Resolutions Treated as Motions.

Resolutions, other than those referred to in Senate Rule No. 43 of the 26th Special Session of the Legislature, must be treated as motions in all proceedings of the Senate.

Rule No. 44.5. Return From the Secretary of State.

A Senate resolution may be used to request the return from the Secretary of State of an enrolled Senate resolution for further consideration.

C. ORDER OF BUSINESS, SPECIAL ORDERS AND OTHER MATTERS

Rule No. 45. Order of Business.

- 1. Roll Call.***
- 2. Prayer and Pledge of Allegiance to the Flag.***
- 3. Reading and Approval of the Journal.***
- 4. Reports of Committees.***
- 5. Messages from the Governor.***
- 6. Messages from the Assembly.***
- 7. Communications.***
- 8. [Reserved.]***
- 9. Motions, Resolutions and Notices.***
- 10. Introduction, First Reading and Reference.***
- 11. Consent Calendar.***
- 12. Second Reading and Amendment.***
- 13. General File and Third Reading.***
- 14. Unfinished Business.***
- 15. Special Orders of the Day.***



1 **16. Remarks from the Floor; Introduction of Guests. A**
2 **member may speak under this order of business for a period of not**
3 **more than 5 minutes each day.**

4
5 **Rule No. 46. Privilege.**

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

9
10 **Rule No. 47. Preference to Speak.**

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

15
16 **Rule No. 48. Special Order.**

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

