

Assembly

MINUTES OF MEETING OF JUDICIARY COMMITTEE, 53rd LEGISLATURE, Jan. 19, 1965
Meeting commenced at 2:30 P.M.

02

Present: Close, Delaney, Olsen, Rosaschi, Knisley, Jacobsen, Kean, Parsons
Absent: Swobe

AB 19 Public Records Bill. This is different from the first statute only in that it specifies "officer" rather than "person". It makes the statute more specific and places the responsibility on the officer in charge.

Mr. Knisley suggested that this bill be held over a few days and it was so decided.

AB 20 Takes away custodianship of money and belongings from superintendent of state hospital and puts it in the hands of banks and trust companies.

Bill passed unanimously.

AB 21 Manner in which notification is sent to prospective jurors.

Provides that letters sent to summon jurors be sent by Certified Mail rather than by Registered Mail. This would result in a substantial savings of monies, as Certified Mail is considerably less than Registered Mail. It was determined that the bill is concerned only with the manner of notification of jurors.

Question was asked as to whether all Post Offices were able to handle Certified Mail. It was thought that they were. It was pointed out that Registered Mail was kept more securely than Certified Mail, also that it lists valuation, but that this had no real bearing on this bill since the only concern is that the prospective juror receive the notice.

Question was asked whether a man would be held in contempt of court if he did not receive his notice, and Mr. Close replied that he had never known a man to be held in contempt when he said he had not received notification.

Bill was passed unanimously

ASSEMBLY RESOLUTION*

This is a resolution introduced by Mr. Kean to clear the way for the setting up of additional or specialized courts in order to reduce the work load of those already in existence, if the legislators should desire to set up such courts in future.

It was pointed out that Oregon has successful tax courts and that California and New York have other special courts, such as Probate Courts, etc. Mr. Kean mentioned that although there probably is no present need for such courts in Nevada, it might be well to get legislation started on this matter, as it would take six years to create a special tax court. He suggested we should give ourselves this flexibility by putting this in motion now, so it will be in keeping with the growth of the state.

Question: Is there any special reason why unincorporated cities and towns should not be included? Mr. Kean explained that this phrase was not a limiting factor, but rather an "additional" factor.

The Resolution was passed unanimously.

* Assembly Joint Resolution 4 (BDR C-236)

BDR 54-87 (A.B. 71)

This bill deletes provisions requiring financial reports by boards and commissions to some branch of the state executive government, and provides also that any funds remaining at the end of a fiscal year may be held by these boards and commissions for future expenses, rather than having them returned to the General Funds.

There was discussion as to just who introduced the bill and the suggestion was made that it be brought back for consideration and for an explanation.

Mr. Knisley said that the committee had no authority to kill the bill and that it was entitled to be introduced.

The move to introduce the bill passed unanimously.

BDR 10-42 (A.B. 69)

This bill has to do with homesteading. There was discussion as to whether it was the same as the one introduced by Mr. Close. It was decided that it was not.

The move to introduce the bill passed unanimously.

BD 11-216 (A.B. 61)

This bill was presented for sponsorship. It has to do with adoption of children. If the report on prospective parents is adverse, the report is no longer confidential. If the report is favorable it remains confidential.

The move to introduce the bill passed unanimously.

BD 53-296 (A.B. 62)

This bill has to do with qualifications of any prospective investment counsel for Nevada Industrial Commission. It requires that he have a minimum of ten years experience in the investment counseling field, without regard to whether he had moved from one investment counseling business to another in that time.

Question was brought up as to whether this bill did not properly belong in the Ways and Means Committee. It was decided that since it involved qualifications only and not money that it was proper to have it handled by the Judiciary.

The move to introduce the bill passed unanimously.

BD 23-295 (A.B. 63)

This bill is a similar bill relating to counsel for the Public Employee Retirement Board.

The move to introduce the bill was passed unanimously.

BD 52-210 (A.B. 64)

This bill repeals and takes off the books the Fair Trade Act which has been declared unconstitutional.

The move to introduce the bill passed unanimously.

BDR 41-86 (A.B. 65)

This bill pertains to obsolete provisions regulating Fish and Game. The move to introduce the bill passed unanimously.

BDR 32-20 (A.B. 66)

This bill repeals unconstitutional sections relating to taxation of agricultural lands. The move to introduce the bill passed unanimously.

BDR 17-4 [BDR 26-174] (A.B. 67)

This bill limits costs and fees to be paid by purchasers of public lands within townsites.

The move to introduce the bill passed unanimously.

BDR 25-94 (A.B. 68)

This bill deletes artificial definitions of water and sewage from the law relating to water and sewage.

The move to introduce the bill passed unanimously.

BDR 24-213 (A.B. 70)

This is a new bill requiring the governor to call a special election to fill any vacancy in Congress within 30-60 days after vacancy occurs.

The suggestion was made that perhaps something should be put in the bill giving the governor the right to appoint someone to fill the vacancy in the interim before the special election.

The move to introduce the bill passed unanimously.

BDR 22-40 [BDR 20-240] (A.B. 72)

Amendment to existing bill. Would allow the widow to receive any monies or valuables found on the body of her deceased husband.

The move to introduce the bill passed unanimously.

Mr. Knisley suggested that the Committee might give some thought to running off a set of rules a little later. This suggestion met with general approval and Mr. Close asked themembers to be considering what rules they would like to have included.

Mr. Jacobsen asked for a clarification of what constitutes a majority within the Committee. Mr. Knisley explained that usually a simple majority may turn a bill down. He added that the usual procedure is that once a bill is rejected, it may not be brought back to be reconsidered without a simple majority, plus one. It is within the Committee's power to arrange these rules. Some committees will not allow a bill to be introduced as a committee bill without unanimous authority from all members of the committee.

Mr. Jacobsen moved for adjournment and the move passed unanimously at 4:15 P.M.

Mr. Knisley made other very helpful suggestions for the newcomers in the committee:

It is good procedure and has been the usual custom that if you are going to oppose a bill be sure to register your opposition with the committee and let them know that you are going to oppose it.

It has been regarded as dangerous procedure to throw out a bill that has been defeated in committee by a simple majority.

You can do anything in the General Assembly by a simple majority. We have killed all rules to the contrary.

A bill should not be introduced by a Committee Chairman unless all members of his committee have heard the bill.

If a bill is introduced and has not been properly cleared, objection may be made from the floor and a request made that the bill be held at the desk of the Chief Clerk.

A bill is the property of the Chairman and he can keep it to himself if he wishes. If someone refuses to produce a bill, you can get a duplicate copy through the Legislative Council Bureau.

If a member of the committee cannot attend a meeting, he may request that a bill, scheduled to be discussed, not be brought up in his absence. There will be much jockeying between meeting and sometimes members will have to choose which one is the more important at the time. If you cannot attend a meeting, be sure to check up afterward and find out what transpired. These things are largely a matter of courtesy between members.

Be prepared to protect your bills when they get on the board for third reading. If you are going to be absent ask to have the reading postponed.

A bill once introduced and killed can never come back to that session.

If you have any doubts as to your rights, ask the Speaker what your rights are, or ask for a 3 minute recess.

You cannot stop a roll call for anything, nor can you approach the Chief Clerk's desk during a roll call.

You have to be in your seat in order to vote. Never remove your coat while sitting in the Assembly. Never refer to a man by name when you are arguing against him.

When his load gets too heavy, the Chairman should assign other members of the committee to speak for a bill and then keep a check on the one assigned to make sure that the bill gets covered. This is extremely important to a chairman.

A man who has a bill assigned to him should carefully research all its provisions and make sure that when he is questioned he will not be tripped up. Preparation is highly important to support a bill.

RULES OF PROCEDURE--COMMITTEE ON JUDICIARY
53rd Legislature, 1965

1. A quorum of the Committee will consist of 5 members.
2. A majority of the entire Committee (5 members) will be required in order for action on a measure before the Committee. Such actions would be:
 - A. To pass out or hold a bill
 - B. To amend a bill
3. Six votes will be required to bring a matter previously disposed before the Committee for reconsideration. This includes matters disposed in the absence of a member. However, in event of excused absence, the member may request a matter be held over until he is present.
4. The Chairman will conduct all hearings and meetings of the Committee. Discussion will be carried on through the Chairman.