

**Assembly**

LABOR AND MANAGEMENT COMMITTEE -- 56TH ASSEMBLY SESSION

3

Minutes of Meeting - February 23, 1971

PRESENT: Chairman, D. Poggione, R. Capurro, H. McKissick,  
T. Hafen, D. Branch, R. Bryan and D. Mello

ABSENT: None

The meeting was called to order by Chairman Poggione at 8:15 a.m., in Room 320.

The standing Rules of Committee Procedure were discussed and adopted, with the amendment that the majority of the committee, in this case four members, will be required for committee introduction of bills.

The four bills referred to the committee were discussed and the following agenda adopted:

Hearing on March 5, 1971, 8:00 A.M. Room 320

A. B. 117 - Disqualifies a Person who Voluntarily Retires from Receiving Unemployment Compensation

A.B. 353 - Prohibits Employers from Taking Employees' Tips

A.B. 386 - Clarifies Unemployment Compensation Provisions Relating to Notice to Employer

Hearing on March 16, 1971, 8:00 A.M. Room 320

A. B. 121 - Permits Labor Commissioner to Maintain Actions to Collect Commissions.

Mr. Fletcher of the Unemployment Security Commission, Mr. Jones, State Labor Commission, Louis Paley, AFL-CIO Executive Secretary, and sponsors of this proposed legislation were to be notified of these hearings.

There being no further business, motion for adjournment was made by D. Branch, seconded by R. Bryan and meeting adjourned at 8:40 A.M.

B.Sullivan

ORGANIZATION

At the regular meeting scheduled by Assembly leadership after opening of the Legislative Session, the committee chairman names a vice chairman and a clerk and proposes for committee consideration any desired rules not adopted by the Assembly. A quorum of the committee is a majority of its members. The quorum may transact business and a majority of the quorum may take action even if the actual member voting is a minority of the committee.

DUTIES OF OFFICERS

Principal duties of the chairman are to

- (1) Call the committee together at the regular appointed or any other appropriate time and place to transact committee business.
- (2) Arrange for appropriate meeting notices
- (3) Preside at committee meetings and put all questions
- (4) Maintain order and decide questions of order
- (5) Require that minutes be kept of all committee proceedings and supervise clerical and legal activities for the committee
- (6) Prepare agenda for committee meetings
- (7) Prepare committee reports and submit them to the Assembly
- (8) Maintain custody and insure the security of bills, resolutions and other papers and documents referred or submitted to the committee and transmit them to the Chief Clerk of the Assembly within 48 hours of committee action.

In the absence of the chairman, the vice chairman of the committee has and exercises the powers, responsibilities, functions and duties of the chairman. In the absence of both the chairman and vice chairman, these powers and duties are vested in an acting chairman named by the majority floor leader unless an acting chairman has been previously selected by the chairman.

Under supervision of the committee chairman the clerk is responsible for keeping a complete record of committee proceedings including time and place of each meeting, attendance and absence of members, names of all persons appearing before the committee and the names of persons, firms, corporations and associations they rep-

resent, the subjects or measures considered, actions taken by the committee, a record of individual voting, completed committee reports and for other duties specified by the chairman. Minutes are acted upon at the next regular meeting of the committee and are subject to correction and approval only by a majority of the quorum assembled except for the last meeting of the Legislative Session which approval may be by individual contact by the chairman. The clerk takes to each meeting or hearing sufficient copies of bills being considered, if available, for the use of all persons attending.

#### DUTIES OF MEMBERS

Committee members, including the chairman, may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to rules of parliamentary procedure set forth in Mason's Manual of Legislative Procedure. In hearings and other formal proceedings, a committee member may question or comment to a witness through the committee chairman.

It is the duty of committee members to attend and participate in all committee meetings. If unable to do so, he should notify the chairman or clerk in advance, indicating where he can be reached if needed. Continued unexcused absences must be reported to Assembly leadership for action.

A member may resign from the committee by submitting his resignation in writing to the committee chairman.

No member of the committee may vote by proxy under any circumstances. No member may vote on a question in committee where his private right or interest, distinct from the public interest, is immediately concerned.

Disciplinary action against a committee member may be taken by the committee chairman in concert with the Speaker of the Assembly and the majority or minority floor leader, as appropriate.

#### COMMITTEE PROCEDURE

All committee meetings except those designated as "executive session" are open to the public and public hearings may be held on any matter before the committee.

The chairman will schedule meetings and hearings each legislative day for at least the eighth day ahead. (For example: On Monday he will give to each committee member, post on a public bulletin board in Assembly Chambers and send by mail to those persons and organizations he believes interested an agenda of all matters to be considered by the committee on the following Monday.) Matters for consideration may be arranged systematically in order of importance, order of reference, order in which testimony is available or by other pre-arrangement. Measures may be considered out of order as the chairman finds necessary.

The chairman notifies in advance the introducers (in either Assembly or Senate) of bills to be considered by the committee of the time and place of consideration of the measure and offers them opportunity to testify. Witnesses with long testimony on matters before the committee may be encouraged to present their information in writing and make oral summary limited to five minutes before the committee.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills. Rules governing the committee govern also its subcommittees.

Decisions of the committee are made after witnesses have spoken, been questioned and are excused. Committee reports are adopted at a committee meeting actually assembled with a quorum present. A Minority report may be filed with the Chief Clerk of the Assembly at the same time the majority report is submitted. A minority report is signed by each dissenting member present when the vote was taken.

Within 48 hours after committee action on any matter referred to it, the chairman must report this action to the Chief Clerk of the assembly. At any time prior to reporting of a matter back to the Assembly, the committee may reconsider its previous action. All official bills must be returned to the Chief Clerk of the Assembly at the time the chairman makes his report.

If the chairman fails to call a meeting upon request of a committee member, a majority of the committee may order a special meeting and in the absence of the chairman and vice chairman designate an acting chairman and conduct business, provided a quorum is present.

All minutes, records and documents in the possession of the committee and the chairman are filed with the Legislative Counsel immediately prior to adjournment sine die.

PUBLIC HEARINGS

Provision is made for public hearings on important bills and other matters of high public interest in a place with adequate facilities for all who wish to attend. Advance notice states time and place of the hearing and identifies subject matter under consideration. Sufficient copies of the bill and other printed matter to be considered are available for use of committee members and others attending. Presence of a quorum of the committee is desirable but not required.

Public hearings are opened by the chairman who calls to order committee members and others attending promptly at the scheduled hour. He announces the bill number and title or other matter which is the subject of the hearing, and points out that applause is not permitted. If so requested by a committee member, he may read or summarize the bill or other matter under consideration or have it done.

After opening the hearing, the chairman inquires whether anyone present wishes to be heard in favor of the bill or other matter being considered. These persons rise in an order determined by the chairman, address the chair, furnish their names, addresses, firms or other organizations represented and then address the committee on the subject. As each completes his remarks the chairman gives committee members opportunity for questions. If any wish to use this opportunity, they address the chair for permission and then question the witness. The chairman maintains supervision of the questioning to avoid debate or argument between committee members and witnesses. Questions from other than committee members are not in order and are not allowed.

After all persons wishing to be heard in favor of the matter have been heard the chairman inquires whether there are those present wishing to be heard in opposition. Any such are heard in the same manner as the proponents with similar opportunity for questioning by committee members.

The chairman is especially careful throughout the hearings that he is fair and impartial to both sides as the cases are presented. When all have been heard, the chairman declares the public hearings closed on the matter before proceeding to other matters.