

Assembly

MINUTES

LEGISLATIVE FUNCTIONS COMMITTEE - NEVADA STATE LEGISLATURE - 58TH SESSION

February 25, 1975

The meeting was called to order by Chairman Dreyer at 2:45 P.M. 58

MEMBERS PRESENT: Mr. Bennett
Mrs. Brookman
Mr. Jacobsen
Mr. Mello
Mr. Sena
Mrs. Wagner
Mr. Chairman

MEMBERS ABSENT: None

ALSO PRESENT: Mr. Speaker (Keith Ashworth)
Mouryne Landing - Chief Clerk
Mr. Andrew Grose - Chief Deputy Research Director
Legislative Counsel Bureau
Dr. Driggs - UNR Intern Program Director
Mrs. Ford
Mrs. Ford's Legislative Intern
Derik Swanson - Legislative Intern

Mr. Jacobsen moved the minutes of the previous meeting be approved. This motion was seconded by Mr. Sena and unanimously carried.

Discussion began with AJR 2 of the 57th Session which:

Amends Constitution to provide for consent calendar.

Mr. Grose was present to speak on the subject of the consent calendar. His testimony is attached. In general, he answered these four questions:

1. How do bills get proposed for the consent calendar?
2. How is the consent calendar assembled, produced and disseminated?
3. How are bills removed from the calendar?
4. How is the calendar actually handled on the floor?

He said a consent calendar is used only for non-controversial bills. He added that you cannot be too restrictive as to how bills get on this calendar since they are of a non-controversial nature. He said there should be a standard form made up for any opposition to the bill to take it off the calendar. The consent calendar should come up on the Floor, for example, each Friday. This gives the Legislators as well as the general public a week to consider the bills on the consent calendar. Mr. Grose said that in other states a copy of the list of bills is placed on each legislators desk but Mr. Jacobsen thought it should be up on the board. Mr. Grose said in some states 3 statements of opposition are required to get a bill off the calendar but said he felt it really should be only one at least for the Senate. He continued to say that under Nevada's

Constitution as it now reads, each bill on the consent calendar would have to be voted on separately rather than as a whole. The consent calendar would eliminate the second reading and perhaps considerable discussion.

Mr. Jacobsen moved a "do pass" on AJR 2 of the 57th Session. His motion was seconded by Mrs. Wagner and carried the committee unanimously. 59

Dr. Driggs from the University of Nevada - Reno then spoke with regard to the Intern Program. The reason for inviting him to appear before the committee was to discuss rules or guidelines that have been or should be set up for the benefit of the interns. Dr. Driggs said an orientation program had been given at the beginning of the Session including both interns and legislators. He said it would be difficult to really set down any strict guidelines simply because there is a difference between what is expected of the interns between the Senate and the Assembly as well as differences between individual legislators. Dr. Driggs said there are 38 interns this year and they are never all here at the same time unless that is scheduled. Mr. Ashworth said he was not unhappy with the program at all. He felt they were aware of the rules that have been laid down and he hoped they are getting the good out of the Session that they are trying to get. Mr. Jacobsen then asked Derik Swanson what he thought about the program since he is an intern. Derik was happy with the program because the interns were allowed to participate in committees and exposed to the entire process and were allowed to do research for the individual legislators. Dr. Driggs added that the interns had been instructed not to lobby. Mrs. Brookman felt this was unfair but Mr. Speaker commented that the intern program is a learning program and they are encouraged to participate but he didn't think they should testify in committees unless they were asked. Certainly they are entitled to speak but that is not the intent of this program. We cannot prevent them from doing this but that is not the intent or purpose of the program. Mrs. Ford's intern added that it is very important to know what is expected of you and to receive adequate instruction and also, she said it is much more beneficial and enjoyable to the intern if he is kept busy and up-to-date on what his legislator is doing. Dr. Driggs concluded by saying he and Bill Nealy would be in the legislative building each week if any problems should arise.

Mrs. Landing wished to bring the committee current on what has been done with regard to the hiring of additional pages. She said two boys had been hired and would be coming in today. With regard to stenos, she asked the committee for authority to hire two additional girls. She added that originally the same number of stenos had been hired as last Session but presently there is a shortage of two stenos. Mr. Speaker agreed with her and added that the Labor Committee was desperately in need of a permanent secretary. Mrs. Landing added that work from the Floor has been heavier this year than in the past. Mr. Mello then wondered if a salary increase was in order for the stenos. Mr. Speaker said it could be done but it would not be effective until next Session. Mr. Mello added that he had been interviewing and was having difficulty getting a qualified person who would

consider employment at the present wage of \$25 daily seven days per week and suggested they be hired in at \$32 daily but Mr. Dreyer felt this would be inequitable to those persons already working at the current rate of \$25. Mr. Ashworth said after getting into the Session there has been time to evaluate the capabilities of the secretaries and if they are qualified to be classified as committee stenographers, then they should be elevated to that classification and receive \$32 daily if that is the contention of their supervisors. 60

Mr. Jacobsen moved for the hiring of three additional stenographers. This motion was seconded by Mr. Bennett and carried unanimously.

Mr. Jacobsen reported that all was going well in the Bill Book Room and the Mail Room with the exception that one person was let go but that that person did not need to be replaced.

Mr. Bennett made a motion that secretaries can be raised from \$25 daily to \$32 daily if they prove themselves capable and that this can be used as a negotiating point when hiring. This was seconded by Mr. Mello and carried the committee unanimously.

Mr. Jacobsen commented with regard to any emergency measures that a copy of same should be placed on each legislators desk. Mr. Speaker agreed and said the Chief Clerk should be instructed to make sure these are placed on each members desk.

The meeting was adjourned at 3:45 P.M.

Respectfully submitted,

Joan Anderson, Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON LEGISLATIVE FUNCTIONS
UPON P.M.

Date 2-25-75 Time ADJOURNMENT Room 222

57

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AJR 2 of the 57th

Amends Constitution to provide for
consent calendar.

*Please do not ask for counsel unless necessary.

58TH NEVADA LEGISLATURE

LEGISLATIVE FUNCTIONS COMMITTEE
LEGISLATION ACTION

DATE February 25, 1975

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SUBJECT AJR 2 of the 57th Session - Amends Constitution to
provide for consent calendar.

MOTION:

Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Jacobsen Seconded By Mrs. Wagner

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

| VOTE: | <u>MOTION</u> | | <u>AMEND</u> | | <u>AMEND</u> | |
|---------------|---------------|-----------|--------------|-----------|--------------|-----------|
| | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> | <u>Yes</u> | <u>No</u> |
| Mr. Bennett | _____ | _____ | _____ | _____ | _____ | _____ |
| Mrs. Brookman | _____ | _____ | _____ | _____ | _____ | _____ |
| Mr. Jacobsen | _____ | _____ | _____ | _____ | _____ | _____ |
| Mr. Mello | _____ | _____ | _____ | _____ | _____ | _____ |
| Mr. Sena | _____ | _____ | _____ | _____ | _____ | _____ |
| Mrs. Wagner | _____ | _____ | _____ | _____ | _____ | _____ |
| Mr. Chairman | _____ | _____ | _____ | _____ | _____ | _____ |

CARRIED UNANIMOUSLY

ORIGINAL MOTION: Passed X Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes February 25, 1975

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CARSON CITY, NEVADA 89701



LEGISLATIVE COMMISSION
LAWRENCE E. JACOBSEN, Assemblyman, *Chairman*
INTERIM FINANCE COMMITTEE
FLOYD R. LAMB, Senator, *Chairman*

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ARTHUR J. PALMER, *Director*

PERRY P. BURNETT, *Legislative Counsel*
EARL T. OLIVER, *Legislative Auditor*
ARTHUR J. PALMER, *Research Director*

February 14, 1975

M E M O R A N D U M

TO: Legislative Functions Committee
FROM: Andrew P. Grose, Chief Deputy Research Director
SUBJECT: Consent Calendars and AJR 2 of the 57th Session

AJR 2 of the 57th session would amend the constitution to allow the use of a consent calendar to bypass part of the full legislative process for noncontroversial bills. The passage of the amendment will neither provide a consent calendar nor require one. Rather, it will enable either or both houses, by rule, to establish one.

There are 19 states where either or both houses use a consent calendar. A listing of the states is attached. There is a good deal of variation among the 19 states in how such a calendar is handled. All of them deal with four basic questions, however:

1. How do bills get proposed for the consent calendar?
2. How is the consent calendar assembled, produced and disseminated?
3. How are bills removed from the calendar?
4. How is the calendar actually handled on the floor?

Also attached is a proposed rules change to provide for a consent calendar in Nevada. The Assembly version is used but the Senate one would be virtually identical. One option for each of the foregoing questions was selected to draft this rule but others are available.

1. Bills can be proposed for the consent calendar by a) any member, b) a committee chairman or c) by a specified committee vote. The attached rule is written in the most restrictive way requiring a unanimous committee vote to propose a bill for the consent calendar.

2. Bills proposed for the consent calendar can be handled in one of two basic ways. First, the order of business for every session could include a time for proposing bills for the consent calendar and if there is no objection when the title is read, the bill is ordered engrossed and placed on consent calendar for third reading. Second, proposed consent calendar bills may be submitted to the chief clerk by a certain time each week. The chief clerk then publishes the proposed consent calendar and circulates it to every member. The members then have a certain amount of time to react to it.
3. In most consent calendar states, consent is taken literally and any member can object to a bill, thus removing it from the calendar. The Citizen's Conference and the Interim Subcommittee on Legislative Procedures suggested that it should take three members to remove a bill from the consent calendar. The attached rules change draft reflects that. If a bill is removed, it should take the place on the General File that it would have had otherwise. Generally, under the method in which the chief clerk would assemble the consent calendar, written objections to remove a bill would be filed with the chief clerk on a standard form by a certain time.
4. Any bills not objected to in the prescribed manner are made a part of the consent calendar and are brought up under that order of business on consent calendar days. Where there are rules committees, they determine those days. A set day each week can be provided in the rules. Local bills are logical candidates for a consent calendar or they can be segregated into a separate local consent calendar. All consent calendar states allow questions about bills on consent calendar but do not entertain motions to amend them. Committee amendments to bills on consent calendar must be accepted or the bill would be removed. If a certain number of members wish to amend a bill on the floor, it must be removed from consent calendar. This number should exceed the number required to remove a bill through the objection process.

When consent calendar is actually taken up, it is generally considered third reading for all the bills on the calendar. The process of proposing a consent calendar and providing an opportunity to object substitutes for

second reading. Some states take a single roll call on the entire consent calendar but have the journals reflect separate roll calls with identical votes. Other states vote each bill on the calendar individually. I interpret the constitutional amendment to allow a skipping, so to speak, of second reading, but to still require normal handling on third reading, thus the proposed rule reads that way.

Finally, the use of consent calendars is supported by all the organizations engaged in legislative reform including the Citizen's Conference on State Legislatures, the Eagleton Institute's Center for State Legislative Research and Services, the National Legislative Conference and the Council of State Governments. There is no doubt that consent calendars can greatly speed up the legislative process and with adequate notice and opportunity to object to particular bills, there is virtually no basis for abuse.

TABLE 3
PRE-SESSION BILL DRAFTING, FILING AND PRINTING,
CONSENT CALENDAR AND BILL CARRY OVER

| State | Pre-session bill drafting service provided | Pre-session bill filing permitted | Pre-filed bills printed before session | Consent calendar | Bill carry over |
|----------------|-----------------------------------------------------|-----------------------------------------|----------------------------------------------|---------------------|--------------------|
| Alabama | x | x | x | | |
| Alaska | x | x | x | | x |
| Arizona | x | | | x(a) | |
| Arkansas | x | | | x | |
| California | x | | | x | |
| Colorado | x | x | x(b) | | |
| Connecticut | x | x | (c) | x(a) | |
| Delaware | x | x | x | | x |
| Florida | x | x | x | x(a) | x(a) |
| Georgia | x | | | | x |
| Hawaii | x | | | x | x |
| Idaho | x | | | | |
| Illinois | x | x | x | x(d) | |
| Indiana | x | | | | |
| Iowa | x | x | x | x | x |
| Kansas | x | x | x | | x |
| Kentucky | x | x | x | | |
| Louisiana | x | x | x | | |
| Maine | x | x | x | | |
| Maryland | x | x | x | | |
| Massachusetts | x | x | x(e) | | |
| Michigan | x | | | | x |
| Minnesota | x | | | x | |
| Mississippi | x | x | x | x | |
| Missouri | x | | | x | |
| Montana | x | | | | |
| Nebraska | x | x | x | x | |
| Nevada | x | | (f) | | |
| New Hampshire | x | x | x | | |
| New Jersey | x | x | x | | x |
| New Mexico | x | | | x | |
| New York | x | x | x | | x(d) |
| North Carolina | x | | | (g) | |
| North Dakota | x | x | x | x | |
| Ohio | x | | | | |
| Oklahoma | x | x | x | | x |
| Oregon | x | x | x | | |
| Pennsylvania | x | | | | x |
| Rhode Island | x | | | | |
| South Carolina | x | | | (h) | x |
| South Dakota | x | x | x | | |
| Tennessee | x | | | | x |
| Texas | x | | | x | |
| Utah | x | x | x | | |
| Vermont | x | x | x | | x |
| Virginia | x | x | x | | |
| Washington | x | x | x | (i) | |
| West Virginia | x | (j) | | | |
| Wisconsin | x | x | x | x | x |
| Wyoming | | | | | |

NOTES TO TABLE 3

- (a) House only.
- (b) Pre-filed bills are also printed at the opening of the session.
- (c) Pre-filed bills are printed at the opening of the session.
- (d) Senate only.
- (e) Some are printed before the session, and others throughout the session.
- (f) Pre-session printing is authorized upon consent of introducer.
- (g) In practice, local bill calendar is handled much like a consent calendar.
- (h) No calendar, but with unanimous consent any statewide bill may be read on a local legislative day.
- (i) The House does it informally.
- (j) Informal pre-filing is used, limited to one or two days before the session.

SUMMARY--Amends assembly standing rules 111 and 120 for the 59th regular session of the legislature. (BDR 786)

ASSEMBLY RESOLUTION--Amending Assembly Standing Rules 111 and 120 for the 59th regular session of the legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assembly Standing Rules 111 and 120 be, and they hereby are, amended to read as follows:

111

[Reserved.] Consent Calendar.

1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. Such bill must receive a unanimous committee vote for "do pass" or "do pass as amended" to be placed on such calendar.

2. The Chief Clerk shall compile a list of bills each week for the consent calendar. All bills reported to the Chief Clerk for the consent calendar must be so reported by 5 p.m. on Tuesday of each week. The Chief Clerk shall publish such list by 10 a.m. on Wednesday of each week and it shall be distributed to every member.

3. If, by 5 p.m. on Thursday of each week any bill on the consent calendar has been objected to in writing by three or more members, such bill shall be removed from the consent

calendar and shall take its place on the General File as provided for other bills. Those bills not objected to by three members shall be republished as the revised consent calendar.

4. Placement on the consent calendar without the filing of the necessary objections constitutes the second reading of all bills on the calendar. The consideration of the consent calendar shall constitute the third reading of all bills on the calendar.

5. Questions about any bill on the consent calendar may be entertained during that order of business, but any motion to amend, sustained by at least four additional votes, shall cause a bill to be removed from the consent calendar to take its place on the General File as provided for other bills.

6. Each bill on the consent calendar shall be taken up in order, committee amendments adopted and questions on the bill entertained. The vote on final passage of each bill shall be taken by ayes and noes. Bills on the consent calendar that are amended shall not be reprinted and reengrossed, and amendments shall be inserted by hand as provided by law. If committee amendments are not adopted, the bill shall be removed from the consent calendar and shall take its place on the General File as provided for other bills.