

SENATE LEGISLATIVE FUNCTIONS COMMITTEE
APRIL 5, 1977 - 2:00 P.M.

The tenth meeting of the Senate Legislative Functions Committee was called to order at 2:07 p.m.

Chairman Gene Echols was in the Chair.

PRESENT: Chairman Echols
Vice Chairwoman Gojack
Senator Close
Senator Gibson
Senator Schofield
Senator Raggio

ABSENT: Senator Wilson

TESTIMONY FROM: Frank Daykin, Legislative Counsel
Joe Jackson, Secretary-Manager, Nevada Press Assoc.
Assemblyman Lloyd Mann
Assemblyman Bob Barengo
Dr. Elmer Rusco, American Civil Liberties Union
Mary Breitlow, American Friends Service Committee
Ray Knisley, private citizen
Andy Grose, Research Director, Legislative Counsel Bureau

SJR 17 Proposes to amend Nevada Constitution by permitting Legislature to provide for committee rules by statute. reau

Senator Gojack explained that SJR 17 was drafted because she felt that the standing rules are too weak and easy to change, and that NRS would not be as easy to change.

Frank Daykin explained that the Nevada Constitution provides for open meetings, but also provides that each house may make the rules for its own proceedings; that in order to act by statute, you would have to amend the section of the constitution first to get the necessary authority to create the one exception; and then proceeded to answer several questions concerning the language of the bill and executive sessions.

Joe Jackson read a statement which he asked be included in the record. (Please see EXHIBIT A)

AB 328 Corrects statutory references to certain enumeration districts.

Assemblyman Lloyd Mann noted that AB 328 was a continuation of a mandate that begun in 1971, and that basically, it was merely a housekeeping law. (Please see EXHIBIT B for comments by Andy Grose)

AB 39 Provides for collection of information concerning district attorneys and public defenders.

Assemblyman Bob Barengo explained that this bill was the result

of the district attorney offices in Nevada failing (with the exception of Washoe and Clark Counties) to respond to an interim study questionnaire on statistics of their office.

Senator Raggio expressed concern that perhaps this might be an overreaction; questioned the wisdom of mandating questionnaire responses; and questioned singling out one or two county offices for this type of information.

ACR 1 Orders study of conditions at state prison by legislative commission.

Assemblyman Mann said that his main interest was concerning financing; that even though a great deal of money was spent this session on the prison, a great deal more money was going to be needed (relative to capital improvements and programs); and that an interim study that looked at least at the financial aspects of improving the prison might benefit a new administration.

Dr. Elmer Rusco stated that a number of other groups (besides A.C.L.U.) endorsed a prison study; that he agreed with what Assemblyman Mann said; and that the researchers didn't spend enough time (relative to the national study) here gathering information, and a lot of the information obtained was in error.

Mary Breighlow also felt that a comprehensive and very thorough investigation of the prison system is needed, and noted that various piecemeal studies have been done; but nothing in depth.

Ray Knisley was given time to speak on the Fish and Game, and stated that a revision of the whole concept of the Fish and Game Department is desperately needed; that it now caters entirely to the person who takes game for sport; that the greater number of people would rather see these birds and animals alive in the field than dead on the table; that the technical staff of the Fish and Game endeavor to be a conservation department, but because of improper organization, they are handicapped; and suggested a private citizens' committee to bring a study of the department to the Legislative Commission. Said study would entail proposing legislation revising the Fish and Game and revising the entire Fish and Game code.

ACTION WAS TAKEN ON THE FOLLOWING BILLS:

AJR 23 Proposes to amend Nevada Constitution by providing method for limited increase of legislators' postal allowance.

After discussion, and Andy Grose's explanation that several

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states controlled postage by having the mail go through a central postal meter,

Senator Close moved "AMEND AND DO PASS" (to provide a postage allowance in an amount to be fixed by law)

Senator Gibson seconded

Motion carried unanimously.

SJR 17 Proposes to amend Nevada Constitution by permitting Legislature to provide for committee rules by statute.

Senator Gojack stated that in view of the fact that AJR 15 does a better job of what she was trying to do,

Senator Gojack moved "INDEFINITELY POSTPONE"

Senator Raggio seconded

Motion carried unanimously. Senator Close absent from meeting.

AB 328 Corrects statutory references to certain enumeration districts.

Senator Gibson moved "DO PASS"

Senator Gojack seconded

Motion carried unanimously. Senator Close absent from meeting.

AB 39 Provides for collection of information concerning district attorneys and public defenders.

After considerable discussion,

Senator Gibson moved "DO PASS"

Senator Gojack seconded

Motion carried unanimously.

Chairman Echols then asked the committee to formalize some priorities relative to the studies.

Andy Grose gave the staff and fiscal impact (along with the rationale of conclusions) of the following studies:

<u>ACR 1</u>	Needs outside consultant.
<u>ACR 8</u>	Needs outside consultant.
<u>ACR 19</u>	Needs outside consultant.
<u>SB 299</u>	Needs outside consultant if study gets into actuarial studies, etc.
<u>SB 173</u>	Staff impact.
<u>SB 257</u>	Staff impact.
<u>BDR-1534</u>	Staff impact.
<u>SCR 9</u>	Staff impact.
<u>BDR-1849</u>	Possible consultant.
<u>AB 278</u>	Staff impact.

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He noted that any consultant would be a minimum of \$10,000.; that there are several other bills that aren't on the study list, but would impact upon the staff, even though the Legislative Commission might not be directed to conduct the study; and that anytime you require any of these committees (whether directed by resolution or through the commission) it will, of course, have an impact on the staff.

Senator Schofield noted his priorities as follows:

<u>SCR 12</u>	<u>ACR 1</u>	<u>ACR 19</u>
<u>SCR 14</u>	<u>ACR 5</u>	<u>ACR 23</u>
<u>SCR 17</u>	<u>ACR 6</u>	<u>ACR 25</u>
<u>SCR 18</u>	<u>ACR 8</u>	<u>BDR-1480</u>

Senator Gibson stated that ACR 10, 14, 23, and 29 weren't necessary.

Considerable discussion was held concerning the studies and further testimony will be heard on the studies and bills next Tuesday.

There being no further business, Chairman Echols thanked the Committee and adjourned the meeting at 3:51 p.m.

Respectfully submitted,

Beth Quilici
Beth Quilici, Secretary

APPROVED BY:

Gene Echols
SENATOR GENE ECHOLS, CHAIRMAN

STATEMENT of Nevada State Press Association re SJR 17.
before Senate Legislative Functions Committee.

Senate Joint Resolution 17 addresses itself to the problem of requiring open meetings of both legislative houses and their committees. The resolution proposes a constitutional amendment which, if approved by the voters, would allow the legislature to provide by law for the rules of proceedings in legislative committees.

Nevada's Constitution now provides that the doors of each house shall be kept open during its session, except the Senate while sitting in executive session. Bills in both houses of the 1977 session propose to strengthen Nevada's open meeting law, and one of the questions to be settled is whether doors of Senate committee meetings could be closed to the public.

The question is: "Would SJR 17, if approved by the voters, settle the question?"

Sponsors of both Senate Bill 333 and Assembly Bill 437 wanted to include language which would apply the legislation to the Legislature. At hearing, it developed that such language couldn't be included, or if included, would be meaningless because of the phrase "except the Senate while sitting in executive session," contained in the Constitution.

Suppose the Legislature approves SJR 17 at this and in the 1979 session and the proposition wins at the polls? The Legislature could then, indeed, insert the desired language in the open meeting law, and the question of whether committee meetings could be closed would presumably be settled.

But here's another suppose: membership in the Legislature is subject to change. Suppose in some future session a movement to close all committee meetings, or some of them, to the public, prevailed? Such a step would admittedly be drastic but who is to say it couldn't happen. What one legislature giveth, another could take away. And we maintain that the language contained in the present Constitution at least affords some guarantee that legislative bodies exist to conduct the public's business and the action of public bodies should be an open book. We can foresee nothing but trouble in leaving such an important question to legislative whim.

We would ask that instead of the proposition presented in SJR 17, consideration be given to language provided in AJR 15, which strikes the exception accorded to the Senate in the Nevada Constitution and inserts the phrase: "The meetings of any committee of either house shall be open to the public." That language gets right down to the heart of the problem.

If it is the feeling that AJR 15 could never win approval in this Legislature, perhaps some between-sessions research could provide the answer; for instance, what the drafters of the constitution had in mind when they decided to allow executive sessions of the Senate. This very important problem hasn't been discussed, to our knowledge.

Respectfully submitted

Joe Jackson
Joe Jackson
secretary-manager
Nevada State Press Association

Chairman Echols requested Andy Grose's comments on AB 328 be entered into the record:

"Mr. Chairman, this is what Mr. Mann addressed himself to, and I think perhaps I could add a little bit to that, though. These are the sections from the NRS that lay out the enumeration districts that comprise the assembly districts in Clark County. There were several problems that came to light during the consolidation suit, and these problems are a result of the fact that in 1971 the legislature had a preliminary tape and a preliminary map on which they based the apportionment. The Bureau of Census then followed this with final, master enumeration lists. Subsequent to that, there were differences between the preliminary and the final, and Mr. Franklyn, in the course of that suit, was quite certain that some of the existing assembly districts were malapportioned, based upon the way he took the statutes and added up the enumeration district figures from the current and accurate census enumeration district list. It was a common mistake, so we felt that we ought to go ahead and clear this up. Now in most cases, like you see over on page 2, where the changes start, where there was an enumeration district 26 in the preliminary tape; subsequently they broke it into a 26a and 26b. Well, that's no big deal, and Mr. Franklyn really should have caught that, but you could not have expected anyone to know, for instance on line 16 that the census took 243 a, b, c and d, which is all that's on the preliminary list, and they then, subsequently, subdivided 243a into a and e, and there is no way that anybody would know that, but it had over 1200 people in it. So, this is just a matter of cleaning up these provisions in the statutes so that they reflect the current, accurate master enumeration district list from the census. Then down on line 33, and then on 43, those two enumeration districts appeared on the preliminary list and they don't exist now. That is the purpose of this bill. The point is, it makes no substantive change in the existing portion and that is the key thing people are wanting to know about, of course."