

The fourth meeting of the Senate Committee on Legislative Functions was called to order on Thursday, February 22, 1979, in Room 243 at 2:04 p.m. Senator Gene Echols in the Chair.

PRESENT: Chairman Echols
Vice-Chairman Close
Senator Ford
Senator Gibson
Senator Young

ABSENT: Senator Wilson

GUESTS: Arthur Palmer
Frank Daykin
Dale Goodmen
Senator Jacobsen

Chairman Echols introduced AB-165 which creates a service division within the Legislative Counsel Bureau.

Arthur Palmer, Director, Legislative Counsel Bureau gave the following testimony in favor of AB-165:

Mr. Palmer stated that in 1977 when the Legislative Counsel Bureau (as a service agency for the legislature) took over control of a former six block area, additional staffing for maintenance, security, janitorial and grounds forces was necessitated since these positions were formerly supplied by the Buildings and Grounds Division of the Department of Administration. Mr. Palmer said the Counsel Bureau hired some of the employees that were on staff of the Buildings and Grounds Division. Mr. Palmer stated that the Counsel Bureau didn't have a service division in which to place the added personnel and since moral attitude was available to absorb them in the Legal Division, they were placed there. He said the added personnel serves all the divisions. However, placing them there only serves to distort the budget of the Legal Division and makes it seem like more of an operation than is necessary for the accomplishment of major activities. Mr. Palmer said, administratively, he is supervising these employees and has responsibility for their functions although they're carried on the payroll of the Legal Division; this doesn't make administrative logic. Mr. Palmer said to prepare for the 1979 Session (with the possibility that the legislature might authorize erection of a separate division) the Counsel Bureau set up a service section inside the Legal Division to accumulate

the costs of the personnel and the costs of actually taking care of the grounds. He said if this service division is erected, it fits in with the budget which will be submitted to the money committees of the Legislature. In anticipation of taking these personnel out of the Legal Division, we have also suggested that the inventory of all furnishings and equipment from the Audit Division be transferred and that function be placed in this general service section. Mr. Palmer said his position as Director and his secretary's position are now in the Research Division of the Legislative Counsel Bureau which also doesn't make sense. Mr. Palmer stated that the new administrative set-up is merely a rearranging of existing positions; a recognition of these facilities being brought forth into one division. He said there'd be no need for a new director for this division; he would assume the directorship of the division as well as the overall directorship of the Counsel Bureau.

Discussion followed regarding old language of AB-165.

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Chairman Echols introduced AB-205 which corrects the language of certain provisions of the law on fiscal notes.

Frank Daykin, Legislative Counsel, gave the following testimony in favor of AB-205:

Mr. Daykin stated that AB-205 was introduced by the Judiciary Committee upon his request as a revisors bill to call attention to conflicting statutes. Mr. Daykin said the conflict is between the language prescribed in the existing law of the fiscal note and the language which has actually been used for the last two sessions. He said the language the statute prescribes is difficult to work because it is ambiguous. For example, it would not tell you definitely that there was no fiscal effect on local government and no fiscal effect upon the state. It would let you confer that from the simple "Fiscal Note: None". Mr. Daykin said that before the 1977 Session he and the fiscal analysts devised what they thought was a clearer way of expressing it and then they tried to improve it this session.

Discussion followed regarding the new language on Page 2 of AB-205.

Senator Ford stated that if SB-55 passes, there would be no need for AB-205 since the language is the same.

Mr. Daykin said Senator Ford's statement is correct, but he felt a revisors bill was needed to back up SB-55. He said if SB-55 passes, AB-205 would show up as a conflict and the appropriate action would be to kill it.

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Chairman Echols introduced AJR-23 of the 59th Session which proposes to amend the Nevada constitution by providing a method for limited increase of legislators' postal allowance.

Dale Goodmen gave the following testimony in favor of AJR-23:

Mr. Goodmen stated that he was the prime sponsor of AJR-23 last session. He said it changes the \$60 postal allowance to an amount that can be fixed at the beginning of each session. Mr. Goodmen said this bill passed the Senate unanimously last session and to his knowledge there's been no testimony in opposition to it.

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Chairman Echols introduced Senator Jacobsen who is checking different photography studios for the legislative pictures.

Senator Jacobsen stated that he contacted Randell's Studio and they will not be able to take the pictures this session as Mr. Randell is in ill health. Senator Jacobsen said that Mrs. Randell gave him some recommendations of other photography studios and if the Committee wants him to pursue this, he will.

The Committee decided that Senator Jacobsen should handle this since he is local. Senator Gibson stated that it needs to be done soon.

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Chairman Echols introduced SB-73 which repeals the authority of the governor to veto joint resolutions.

Senator Gibson stated that the Committee has already heard this bill. He said it was being held because the Governor wanted to present a position paper.

Chairman Echols asked if anyone had heard from the Governor.

Conni Horning, Legislative Functions Secretary, stated that the Governor's office had been sent a notice of the hearing.

Senator Gibson said he talked to the Governor's aide, Sherman Simmons, who said a position paper was not going to be presented.

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The Committee took action on the following bills:

AB-165

Senator Young moved that AB-165 be passed out of the Committee with a "Do Pass" (see Exhibit "A").

Senator Close seconded the motion.

Motion carried.

AB-205

Senator Young moved that AB-205 be passed out of the Committee with a "Do Pass" (see Exhibit "B").

Senator Gibson seconded the motion.

Chairman Echols asked if there were any comments or questions.

Senator Close stated that AB-205 should be conformed with SB-55. He said there's no sense in passing it if we're not going to conform it.

Senator Ford said in order to save time and staff time, the Committee should hold AB-205 until we see what happens to SB-55.

Senator Young and Senator Gibson withdrew their previous motion on AB-205.

The Committee decided to hold AB-205 to see if SB-55 passes. If so, AB-205 will be killed.

AJR-23

Senator Ford moved that AJR-23 be passed out of the Committee with a "Do Pass" (see Exhibit "C").

Senator Young seconded the motion.

Discussion on AJR-23

Senator Close stated that AJR-23 is something that will just raise problems among the people because each session the legislators ask for increases for something. He said we can raise other elements of our compensation easier than having this go through a vote of the people.

Discussion followed regarding Senator Closes' statement. Senator Close said he would vote in favor of AJR-23 but still thought it should be handled in another way.

Chairman Echols stated that AJR-23 had been moved "Do Pass" by Senator Ford and seconded by Senator Young. He asked for a final vote.

Motion carried unanimously.

SB-73

Senator Gibson moved that SB-73 be passed out of the Committee with a "Do Pass" (see Exhibit "D").

Senator Young seconded the motion.

Motion carried unanimously.

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Senator Ford announced that there would be a joint meeting between the Senate and Assembly Legislative Functions Committees on March 1 at 5:00 p.m. in Room 131. She said Art Palmer and Andy Grose will present a summary of studies, recommendations and actions taken by the Legislature since 1969 regarding improvements of the legislative process.

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There being no further business, the meeting was adjourned at 2:30 p.m.

Conni J. Horning
Respectfully Submitted By:
Conni J. Horning, Secretary

Gene Echols
Approved By:
Senator Gene Echols
Chairman

EXHIBIT "A"

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 165

ASSEMBLY BILL NO. 165—ASSEMBLYMEN MELLO,
DINI AND MAY

JANUARY 23, 1979

Referred to Committee on Government Affairs

SUMMARY—Creates service division within legislative counsel bureau.
(BDR 17-533)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to the state legislature; creating a service division within the legislative counsel bureau; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 218.610 is hereby amended to read as follows:
2 218.610 As used in NRS 218.610 to 218.890, inclusive, *and section*
3 *3 of this act*, "state departments" [mean and include] *means* all state
4 offices, departments, boards, commissions, institutions, or agencies, and
5 the Nevada industrial commission.
- 6 SEC. 2. NRS 218.620 is hereby amended to read as follows:
7 218.620 1. There is hereby created the [Nevada] legislative counsel
8 bureau, which consists of a legislative commission, an interim finance
9 committee, a director, an audit division, a fiscal analysis division, a legal
10 division [and] , a research division [.] , *and a service division.*
- 11 2. The legislative auditor is chief of the audit division. The legislative
12 counsel is chief of the legal division. The research director is chief of the
13 research division. *The director is chief of the service division.* The director
14 shall designate from time to time one of the fiscal analysts to be respon-
15 sible for the administration of the fiscal analysis division.
- 16 3. The legislative commission shall:
17 (a) Appoint the director.
18 (b) Fix the compensation of the director, each of the *other* division
19 chiefs, and each fiscal analyst.
- 20 4. The director shall appoint the *other* division chiefs and the fiscal
21 analysts with the approval of the legislative commission.
- 22 5. The director may, with the consent of the legislative commission,

EXHIBIT "B"

A. B. 205

ASSEMBLY BILL NO. 205—COMMITTEE ON JUDICIARY

JANUARY 25, 1979

Referred to Committee on Judiciary

SUMMARY—Corrects language of certain provisions of law on fiscal notes. (BDR 17-720)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to fiscal notes; correcting the language of certain provisions of law concerning fiscal notes; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 218.2723 is hereby amended to read as follows:
- 2 218.2723 Before any bill which has a financial [impact] effect on
- 3 a local government is considered at a public hearing of [any] a com-
- 4 mittee of the assembly or the senate or before a vote is taken thereon
- 5 by [such] the committee, the fiscal analysis division shall prepare a
- 6 fiscal note after consultation with the appropriate local governments or
- 7 their representatives.
- 8 SEC. 2. NRS 218.2725 is hereby amended to read as follows:
- 9 218.2725 1. Before any bill which affects the premiums charged to
- 10 employers as provided in chapters 616 or 617 of NRS or the state
- 11 insurance fund established by chapter 616 of NRS is considered at a
- 12 public hearing of [any] a committee of the assembly or the senate or
- 13 before a vote is taken thereon by [such] the committee, the fiscal
- 14 analysis division shall obtain a fiscal note in the manner and form, to the
- 15 extent applicable, provided for in NRS 218.272 to 218.2758, inclusive,
- 16 showing the financial [impact] effect on the premiums charged employers
- 17 by the Nevada industrial commission [and] or on the state insurance
- 18 fund.
- 19 2. [Such information shall be provided by the] *The Nevada indus-*
- 20 *trial commission shall provide such information* upon request of the fiscal
- 21 *analysis division.*
- 22 3. The department of administration is not required to review such
- 23 [fiscal notes] *a fiscal note*, but upon request of any legislator, the fiscal

EXHIBIT "C"

A. J. R. 23 of the 59th Session

ASSEMBLY JOINT RESOLUTION NO. 23—ASSEMBLYMEN
GOODMAN, ROBINSON, CRADDOCK, MAY, BENNETT,
HORN, WAGNER, COULTER, BARENGO, GLOVER, SENA
AND POLISH

FEBRUARY 14, 1977

Referred to Committee on Legislative Functions

SUMMARY—Proposes to amend Nevada constitution by providing method for
limited increase of legislators' postal allowance. (BDR C-824)

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

ASSEMBLY JOINT RESOLUTION—Proposing to amend section 33 of article
4 of the constitution of the State of Nevada, relating to certain expenses of leg-
islators, by providing that the monetary limitation may be fixed by law.

1 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
2 That section 33 of article 4 of the constitution of the State of Nevada
3 be amended to read as follows:
4 [Sec:] *Sec. 33.* The members of the Legislature shall receive for
5 their services, a compensation to be fixed by law and paid out of the
6 public treasury, for not to exceed 60 days during any regular session of
7 the legislature and not to exceed 20 days during any special session con-
8 vened by the governor; but no increase of such compensation shall take
9 effect during the term for which the members of either house shall have
10 been elected Provided, that an appropriation may be made for [the pay-
11 ment of such actual expenses as members of the Legislature may incur
12 for] postage, express charges, newspapers and stationery [, not exceeding
13 the sum of Sixty dollars for any general or special session to each mem-
14 ber;] *for members of the Legislature in an amount to be fixed by law;* and
15 Furthermore Provided, that the Speaker of the Assembly, and Lieutenant
16 Governor, as President of the Senate, shall each, during the time of their
17 actual attendance as such presiding officers receive an additional allow-
18 ance of two dollars per diem.

EXHIBIT "D"

S. B. 73

SENATE BILL NO. 73—COMMITTEE ON GOVERNMENT AFFAIRS

JANUARY 23, 1979

Referred to Committee on Legislative Functions

SUMMARY—Repeals authority of governor to veto joint resolutions. (BDR 17-730)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to legislation; repealing the authority of the governor to veto joint resolutions; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 218.380 is hereby amended to read as follows: 218.380 The enrolled bill [or resolution shall] must be delivered by the legislative counsel, or such person as he [shall in writing designate,] designates in writing, to the governor for his action [, who]. The governor may authorize a member of his staff to receive and receipt for the [same in his] bill in the governor's name.

SEC. 2. NRS 218.400 is hereby amended to read as follows: 218.400 1. As soon as an enrolled bill [or joint resolution] is delivered to the governor, any person duly authorized shall endorse by stamp, on the back of the enrolled copy of such bill, [or joint resolution,] over his signature, from whom and which house received, the date and hour of receipt, the number of pages [comprising the same,] constituting the bill, and shall compute and note thereon the time limit for action by the governor, excluding the day of receipt and Sundays, which [shall] must not exceed the constitutional limit for such action.

2. Within such time limit the bill [or joint resolution shall,] must, if approved, be signed by the governor immediately after the signatures of the officials of both houses as follows:

STATE OF NEVADA Executive Department Approved

.....a.m.....p.m.(month).....(day).....(year)(Governor)

Original bill is 3 pages long. Contact the Research Library for a copy of the complete bill.