Minutes of the Nevada State Legislature Senate Committee on Legislative Functions Date: March 1, 1979

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The fifth meeting of the Senate Committee on Legislative Functions was called to order on Thursday, March 1, 1979, in Room 243 at 2:08 p.m. Senator Gene Echols in the Chair.

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

ABSENT: None

GUESTS: Leola Armstrong

Chairman Echols stated that the Mayor of North Las Vegas has asked him to draft a bill to place the North Las Vegas City Attorney under the direct supervision of the North Las Vegas Council. The mayor indicated to him that there is unanimous support for this. Chairman Echols said committee approval was needed to draft the bill.

Senator Close said he thought the approval should come from the committee that would be considering the bill.

Discussion followed and it was decided that the committee would introduce the bill and then pass it on to the proper committee for consideration.

Senator Young moved that a bill be drafted to place the City Attorney of North Las Vegas under the direct supervision of the North Las Vegas Council.

Senator Gibson seconded the motion.

Motion carried.

* * * * * * * * * *

Leola Armstrong, Secretary of the Senate, reported on the following:

Mrs. Armstrong stated that she has a splendid staff this session but is in need of more help because of illnesses. She said she needs two more secretaries and one bill clerk. The bill clerk is a replacement. Mrs. Armstrong said the additional staff would still keep her under the Committee's original quota.

Senator Gibson moved that the request for two new secretaries and one bill clerk replacement be approved.

Senator Young seconded the motion.

Motion carried.

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Mrs. Armstrong brought to the attention of the Committee the problem we are having this session regarding press accreditation. She said there are people who want to be accredited who just write out their mimeograph sheet and consider themselves press representatives. Mrs. Armstrong said she has called a couple of states to see how they handle this. She said she has drafted a few simple requirements that would eliminate some of the people who run a single sheet newspaper in an effort to lobby (See Exhibit "A").

Chairman Echols said he would bring the "Recommendations for Accreditation of Press" before both Legislative Functions Committees at the joint hearing today at 5:00 p.m.

Mrs. Armstrong stated that she has made a sheet on what's happening in committees as of the 28th of February (See Exhibit "B"). She said she didn't know which bills have been indefinitely postponed. These are bills which have been referred and are physically still in committee.

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Senator Ford stated that the secretaries have been having trouble with her stationery and others because of the coating that is used on the paper.

Mrs. Armstrong said new ribbons have been ordered to take care of this problem.

Senator Gibson asked Mrs. Armstrong if the volume could be turned up in the Chamber as there has been a problem with hearing some of the Senators.

Mrs. Armstrong stated that they are holding the mike improperly so you get a mumble.

Senator Gibson said she should talk to them then.

Mrs. Armstrong said she would.

* *

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Senator Gibson stated that the motions being made in the Chamber have been getting a little sloppy. He said some Senators are making incorrect motions and sometimes they make two motions. He asked what would be the best way to correct this.

Mrs. Armstrong said that at the beginning of the session everyone was given a book on how to make a motion properly; it gives the proper motion of almost every circumstance.

Senator Close stated that according to the rules that were adopted last session, whenever you make a motion to move a bill on or off the board, you have to describe that bill. He said this hasn't been enforced.

Senator Gibson said most Senators are doing it but he would mention it to the ones that weren't.

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Senator Gibson asked if anything had been heard regarding the photographs.

Senator Echols said he hadn't heard anything from Senator Jacobsen but he would find out from him right away.

* * * * * * * * * *

Senator Ford presented to the Committee a copy of the "Proposal for a Joint Rule on Tapes of the Standing Committees" which was requested by Senator Gibson in the second meeting (See <u>Exhibit "C"</u>). Senator Ford said this proposal addresses the problem much better than the resolution (<u>SCR-4</u>) we have been considering. It would be good for us to move introduction of this new proposal and then hold new hearings.

Senator Gibson said we should just draft the proposal for future reference and possibly adopt it before the end of the session.

Andrew Grose, Research Director of the Legislative Counsel Bureau, stated that the Assembly Legislative Functions Committee has seen this proposal and have requested two resolutions; one being a one house resolution and the other a concurrent resolution to have a joint rule.

Senator Ford said we should move this proposal since the Assembly Legislative Functions Committee agrees with it.

Chairman Echols asked Mr. Grose if the Assembly Legislative Functions Committee has a concurrent resolution like the proposal.

Mr. Grose said they did so it would come before the Senate Legislative Functions Committee anyway.

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Discussion followed regarding joint rules and the language of the "Proposal for a Joint Rule on Tapes of the Standing Committees".

Senator Ford said the Committee could amend <u>SCR-4</u> by substituting this proposal for the current language of <u>SCR-4</u>.

The Committee decided to wait until the Assembly Concurrent Resolution comes before them.

* * * * * * * * * *

Chairman Echols stated that <u>SB-73</u> had been re-referred to Committee. He said Senator Neal had made some eloquent remarks and comments on the floor that money had been transferred. Chairman Echols said he had been highly embarrassed at that time because he had nothing to refute him with. As a result, Senator Gibson requested a report from Andrew Grose on all the Joint Resolutions since 1949. The report indicates that there have never been any funds transferred (See <u>Exhibit "D</u>"). Senator Gibson said there were no joint resolutions in this period that sought to appropriate money except SJR-7 of the 1951 session and the Attorney General ruled it unconstitutional. "It was an obvious error and that's the one Senator Neal was apparently referring to".

Mr. Grose stated that the Research Library checked all the way back to 1865 on appropriation and resolutions. There were only six (6) concurrent resolutions that said they appropriated money but in fact, they did not. In all cases it was money that had already been appropriated by bill to the legislature and then authorized for expenditure; much as we do now with concurrent resolutions.

> Senator Close moved that <u>SB-73</u> be passed out of the Committee again with a "Do Pass" (See <u>Exhibit E</u>).

Senator Gibson seconded the motion.

Senator Wilson dissented.

Motion carried 5 to 1.

* * * * * * * * * *

Senator Ford suggested that the definition of concurrent or joint resolutions be clarified so they do not get in the wrong "pigeonhole".

Senator Gibson stated that the rules have been clarified.

(Committee Minutes)

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Mr. Grose stated that Rule 7 of the Joint Rule is not clear as it now reads. Upon the Committee's request, Mr. Grose said he would come up with some improved language for Rule 7.

* * * * * * * * * *

There being no further business, the meeting was adjourned at 2:43 p.m.

Respectfully Submitted By!

Conni J. Horning, Secretary

-----In ed By:

Senator Gene Echols Chairman

RECOMMENDATIONS FOR ACCREDITATION OF PRESS

1. Persons desiring privileges of accredited media representatives must make application to the Senate and Assembly Committees on Legislative Functions.

2. The application constitutes compliance with any provisions of the Senate and Assembly with respect to registration, conduct and floor privileges.

3. Applications shall contain the following:

- a. Name of media representative.
- Name of employer (daily newspapers, periodic publications of general application, news associations, radio or television stations.)
- c. Other occupation, if any.

4. Declaration that they are not employed, directly or indirectly to assist in the prosecution of the legislative business of any person, corporation or association and will not become employed while retaining the privilege of accredited press representatives.

5. No accredited member of the news media shall, for compensation, perform any service of state constitutional officers or members of their staffs, for state agencies, for the legislature or for any person registered or performing as a lobbyist.

6. The application further constitutes that acceptance by the respective legislative committees provides that the accredited media member is entitled to occupy seats in the Senate and Assembly chambers in their business. And further, that one or more rooms will be provided for their exclusive use of correspondents during the legislative sessions, which shall be known as Press Rooms. These rooms shall be under the control of the respective Senate and Assembly committees during the legislative session and by the Director of the Legislative Counsel Bureau between sessions.

7. Violations of rules:

- a. Upon the first violation, the correspondent shall receive a letter of admonition.
- b. Upon the second violation, the proper standing committee of the Senate and Assembly shall revoke all press privileges.

Respectfully submitted,

Leola H. Armstrong Secretary of the Senate

Committee	Bills Referred To Committee		Bills in Committee as of 2/28/79		Resolutions Referred		Resolutions in Committee	
	. <u>5</u>	Ā	<u>s</u>	<u>v</u>	<u>s</u>	ν	<u>s</u>	<u>N</u>
COLMERCE & LABOR	36	7	26	• 7	- 	-		-
PINANCE.	39	8	23	5	2	2	-	. 1
GOVERNMENT AFFAIRS	50	8	21	. 2	6	1	2	1
TUMAN RECOURCES & FACIL.	42	10	24	9	3	3	3	3
JUDICIARY	59	16	33	б	5	1	2	-
LEGISLATIVE FUNCTIONS	6	2	4	1	7 · 🐰	2		
NATURAL RESOURCES .	13	3	9	2	2	1	-	-
21.X.N.2.10N	22	1	21	1	3	-	3	-
PRIMEPORTATION	18	9	18	5	2	-	1	-

EXHIBIT "B"

E-zi

EXHIBIT "C"

PROPOSAL FOR A JOINT RULE ON TAPES OF THE STANDING COMMITTEES

12

TAPE RECORDINGS OF STANDING COMMITTEES

1. All standing committees of the legislature shall tape record the proceedings of all their meetings.

2. Committee secretaries shall label each tape according to the date of the committee meeting, the order of its use, and, if more than one meeting is held on one day, the time of each meeting.

3. Upon adjournment sine die of any regular or special session, the tapes of all meeting of all standing committees, arranged in chronological order, shall be deposited with the director, legislative counsel bureau.

4. The director, legislative counsel bureau, shall retain the tapes of standing committees for two biennia, during which time they shall be indexed, stored and available for listening by any member of the public during normal office hours and under such reasonable conditions as deemed necessary for the protection of the tapes. The legislative counsel bureau shall maintain a log of tape access, recording the name and address of any person listening to tapes, the date and time of such activity and the tapes listened to. The log shall be a public record. At the conclusion of two biennia, the director of the legislative counsel bureau may dispose of standing committee tapes.

STATE OF NEVADA

LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING CAPITOL COMPLEX CARSON CITY, NEVADA 89710

> ARTHUR J. PALMER, Director (702) 885-5627



March 1, 1979

EXHIBIT "D"

LEGISLATIVE COMMISSION (702) 885-5627

DONALD R. MELLO, Assemblyman, Chairman Arthur J. Palmer, Director, Secretary

INTERIM FINANCE COMMITTEE (702) 885-5640 FLOYD R. LAMB, Senator, Chairman Ronald W. Sparks, Senate Fiscal Analyst William A. Bible, Assembly Fiscal Analyst

FRANK W. DAYKIN, Legislative Counsel (702) 885-5627 JOHN R. CROSSLEY, Legislative Auditor (702) 885-5620 ANDREW P. GROSE, Research Director (702) 885-5637

MEMORANDU.M

TO:

FROM: Andrew P. Grose Research Director

Senator James I. (Gibson

SUBJECT: S.B. 73/Joint Resolutions Since 1949

NRS 218.380-218.440 was added to the law in 1949. Since that time there have been 834 joint resolutions. Only one, S.J.R. 2 of 1977, has been vetoed.

I reviewed all of those joint resolutions by summaries. In addition, our librarian reviewed all the sessions for appropriations by resolution through checking indexes. The overwhelming majority were used for one of two things: proposed amendments to the Nevada constitution or some sort of message to the federal government or an agency or component thereof (see attachment 1). There were 365 proposed amendments to the state constitution or 43.8 percent. There were 436 memorials or similar missives to Congress or some part of the federal government for 52.3 percent.

The remaining joint resolutions, a total of 33, are a hodge podge and rather than describe them, the summaries of all 33 are shown in reverse chronological order (see attachment 2). Most of the 33 are memorials to someone or something outside the federal establishment. These are noted with an "M." Several more look like mistakes. That is, under Joint Rule 7 they should have been concurrent resolutions.

There was no joint resolution in this period that sought to appropriate money except for S.J.R. 7 of the 1951 session. AGO 85 of that year ruled that resolution void and that brief AGO is provided (see attachment 3). It is clear from the AGO that money could never be constitutionally appropriated by any kind of resolution.

APG/jld Attachments

EXHIBIT "D"

2

JOINT RESOLUTIONS 1951-1977

Year	Amendment	Memorial	Other	Total
1951	16	13	2	31
1953	31	32	1	64
1954 S	0	0	0	0
1955	21	. 31	4	56
1965 S	0	1	0	1
1957	12	24	4	40
1958 S	0	0	0	0
1959	10	22	1	33
1960	6	13	3	22
1961	11	- 20	0	31
1963	8	17	0	25
1964 S	0.	0	0	0
1965	28	20	2	50
1965 S	3	5	0	8
1966 S	0	0	0	0
1967	. 36	24	0	60
1968 S	0	6	. 2	8
1969	36	41	1	78
1971	33	34	6	73
1973	43	32	4	79
1975	33	52	2	87
1977	<u>38</u> 365	<u>49</u> 436	<u> </u>	88

Attachment 1

M

1977

S. J. R. 19—Glaser and Blakemore, Mar. 30. Summary—Requests Attorney General of State of Nevada to bring suit to enforce promises by United States Fish and Wildlife Service respecting management of Ruby Lake Wildlife Refuge. (BDR 1294)

1975

S. J. R. 8—Gibson, Monroe and Blakemore, Feb. 18. Summary—Extends support of the Nevada State Legislature to proposed Nevada-California Regional Exclusion Program. (BDR 979)

S. J. R. 35—Committee on Environment and Public Resources, Apr. 30. Summary—Directs Division of Colorado River Resources to prepare and submit to 39th Session of Nevada Legislature the general plan, policy and recommended means of implementation for development of Fort Mohave Valley lands. (BDR 1983)

1973

 S. J. R. 25—Wilson, Young, Swobe, Drakulich, and Raggio, Mar. 13. Summary—Urges preservation and protection of Truckee River by all appropriate government agencies. (BDR 1472)

S. J. R. 27—Blakemore, Brown, Bryan, Close, Dodge, Drakulich, Echols, Foley, Gibson, Hecht, Herr, Neal, Pozzi, Raggio, Swobe, Wilson, Young, Lamb. Monroe, and Walker, Apr. 2. Summary-Urges California to construct an all-weather trans-Sierra historical part Minarets Summit. (BDR 2069)

A. J. R. 22-Lowman, Dreyer, Jacobsen, and Dini, Mar. 19. Summary-Provides for study of operations, facilities, and procedures of Legislature. (BDR 1732)

A. J. R. 46-Bickerstaff, Fry, Lowman, Smalley, Ullom, Demers, McNeel, Bennett, Broadbent, Crawford, Craddock, May, Brookman, Vergiels, Ashworth, and Bremner, Apr. 10. Supmace-Utres: Governor of State of Nevada to proclaim winners of

Summary-Urges Governor of State of Nevada to proclaim winners of Miss Nevada Scholarship Pageant official hostesses of this State. (BDR 2128)

Key A memorial to a non-fodoral entity - A concurrent resolution would have been more appropriate

Attachment 7.

1971

S. J. R. 29—Foley, Mar. 31. Summary—Urges signatories of last Geneva Convention to exert their influence in effort to persuade government of North Vietnam to live up to rules of such convention concerning prisoners of war. (BDR 2146)

A. J. R. 17-Homer. Jacobsen, Dini, and Drever, Feb. 15. Summary-Requests sale of V & T railroad stock to State of Nevada (BDR 1386)

IA. J. R. 19—Homer, Jacobsen, Dini, and Dreyer, Feb. 17. Summary—Requests sale of V & T railroad stock to State of Nevada. (BDR 1386)

A. J. R. 32—Committee on Government Affairs, Mar. 9. Summary—Proposes constitutional amendment prohibiting federal tax on state bond interest and state tax on federal bond interest. (BDR 829)

A. J. R. 37—Committee on Ways and Means, Mar. 16. Summary—Directs State Planning Board to make application to Secretary of Health. Education, and Welfare for and secure transfer to State of Nevada of U.S. Post Office and Courthouse in Carson City. (BDR 2068)

1969

A. J. R. 17-McKissick and Roy Young, Feb. 4. Summary-Urges air service be provided all ponions of State. (BDR 856)

1968

S. J. R. 1-Slattery, Fransway, Monroe, Harris, Hug, Farr, Young, Swobe, and Alleman, Feb 8. Summary-Protests discontinuance of service requested by Southern Pacific and Western Pacific railroads in Nevada. (BDR 63)

S. J. R. 2—Alleman, Brown, Bunker, Christensen, Dodge, Farr, Fisher, Fransway, Gibson, Harris, Hecht, Herr, Hug, Lamb, Monroe, Pozzi, Slattery, Swobe, Titlow, and Young, Feb. 13 Summary—Urges speedy conclusion to copper strikes. (BDR 68)

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1965

S. J. R. 1-Bay, Berrunn, Bissett, Brown, Dial, Dodge, Fisher, Frans-way, Humphrey, Lamb. Lemaire, McGowan, Monroe, Parks, Slat-tery, Titlow, and Whitacre, Jan. 25. Summary-Memorializes Sir Winston Churchill, (BDR 805)

S. J. R. 6-Lemaire, Feb. 2.

Summary-Urges Utah legislature to remedy delay in Interstate SO construction in that state. (BDR 586)

1960

S. J. R. S.—Black, Brown, Dial, Dodge, Duffy, Echeverria, Frank, Gailagher, Lamb, Lemaire, McGowan, Monroe, Rand, Seevers, Setteimeyer, Slattery and Whitacre, Feb. 26.

Summary-Congratulates the Organizing Committee of the VIII Olympic Winter Games, the Nerada Olympic Commission and the California Olympic Commission on the success of the 1960 Olympic Winter Games. (BDR 647)

A. J. R. 9-Waters and Pozzi, Feb. 17. Summary-Memorializes the California State Highway Engineer to erect a sign at the southeast corner of N and 18th Streets in Sacramento. California, reading "To U. S. 50. Reno via Lake Tahoe and Carson City, Nevada State Capital." (BDR 550)

A. J. R. 13-Committee on Legislative Functions, Mar. 11. Summary-Expresses appreciation to proprietors of the Melody Lane, the Carson City Nugge: and the Jubilee Club and to the mem-bers of Aerie 1006 of the Fraternal Order of Eagles. (BDR 642) --

1959

A. J. R. 19-Committee on Judiciary, Mar. 9. Summary-Memorializes the Lucislative Counsel to prepare a report concerning sample home rule legislation. (BDR 1035)

- S. J. R. S--Black, Brown, Cord, Crumley, Frank, Gallagher, Johnson, Lamb, Lattin, Lemaire, Leutzinger, Lovelock, McGowan, Seevers, Settlelmeyer, Slattery and Whitacre, Feb. S. Summary -Commencie Bay Scouts of America and supports 1957 Boy Scout Jamboree at Valley Forge.
- S. J. R. 9-Slattery and Settelineyer, Feb 11. Summary-Relates to a stamp commonstraining the 16th anniversary of the first land survey in Death Vailey.

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S. J. R. 13—Crumley, Feb. 21. Summary—Memorializes Idaho and Oregon Legislatures to designute special committees to meet with special joint committee of Nevada Legislature for purpose of workmen's compensation discussions.

A. J. R. 11-Buckingham, Franklin, Young, Claeta, Herr and Pasquale, Feb. 27.

Summary-Memorializes the Importance of Nevada State Highway 84 as a connecting route from north central Nevada to northern California.

1955

A. J. R. 10—Hendel, Jan. 20. Summary—Protests severance payments of United Nations employees who were discharged for taking refuge in Fifth Amendment.

A. J. R. 22—Committee on Roads and Transportation, Feb. 9. Summary—Menorializes the Legislature of the State of California on reciprocity problems relative to the registration of commercial motor vehicles.

A. J. R. 23-Hose, Feb. 14. Summary-Urges air service for Ely, Nevada.

A. J. R. 34—Crawford. Feb. 24. Summary—Provides for an interim committee to study the problem of moving the western boundary of Nerada to the summit of the Sierras.

1953

A. J. R. 11-Hendel, Jan. 21. Summary-Provides for a study of Federal laws imposing taxes on gambling and petitions for refund of such taxes collected in Nevada.

1951

S. J. R. 7-Committee on Aviation. Transportation. and Highways. March 10.

Summary-Authorizes appointment of committee to represent State on Western States Committee on Highway Policy Problems.

A. J. R 22—Hendel, Slattery, Crawford, and Carville. March 5. Summary—Provides for a study of Federal laws hup what taxes on nambling and perturbations for refund on such taxes collected in Nevada. Constitutional Law-A Senate Joint Resolution Is Not a Law Within the Meaning of the Constitution.

CARSON CITT, July 25, 1951.

HON. HUSTON MILLS. State Highway Engineer, Carson City, Nevada. DEAR MR. MILLS: Reference is hereby made to your letter of July 19, 1951. wherein you state the following matter and propounded an inquiry thereon:

The 45th Nevada Legislature, during its session, passed Senate Joint Resolution No. 7, which provides for the appointment of a three-man board consisting of one legislative representative from each legislative house, and one highway technician, to become a part of the Western Interstate Committee on Highway Policy Problems to study and make recommendations concerning uniform action on matters affecting highway safety, etc.

The resolution provides that such members shall be allowed per diem and traveling expenses, not to exceed \$500 for each member in any one 12-mouth period, and that the per diem and traveling expenses shall be paid from the State Highway Fund.

We request your opinion as to the constitutionality of the Act. Can the Legislature appropriate money from the State Highway Fund by resolution ?

OPINION

An examination of Senate Joint Resolution No. 7 discloses that in the closing paragraph thereof it was sought to make an appropriation of \$500 for each member of the board provided for in the resolution in any one 12-month period and which appropriation was made from the State Highway Fund. The question is, was a constitutional appropriation of public moneys made by such provision in the resolution ?

Section 19. Article IV. of the Constitution provides: "No money shall be drawn from the treasury but in consequence of appropriations made by law."

Section 23. Article IV, provides: "The enacting clause of every law shall be as follows: "The People of the State of Nevada, represented in Senate and Assembly, do enact as follows,' and no law shall be macted except by bill."

Section 35. Article IV, provides, inter alia: "Every bill which may have passed the legislature shall, before it becomes a law, be presented to the governor. If he approve it, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated."

The Legislature then, under such constitutional provision, may pas the bill over the Governor's veto. This section contains other provisions not material here.

An examination of the record discloses that Senate Joint Resolution No 7 was never presented to the Governor for his signature. It simply became an adopted resolution of the two houses of the Legislature and in this respect does not constitute a law.

Further, even if such joint resolution could be deemed a law, yet there is a fatal defect which prevents it from being a law as intended by the Constitution and that is the fact that such joint resolution does not contain the enacting clause required on every law, as above pointed out. The Supreme Court in State v. Rogers, 10 Nev. 250, held that the omission of the words "senate and" from the enacting clause of an Act of the Lepislature rendered the Act unconstitutional and void. The Court in passing upon the matter said:

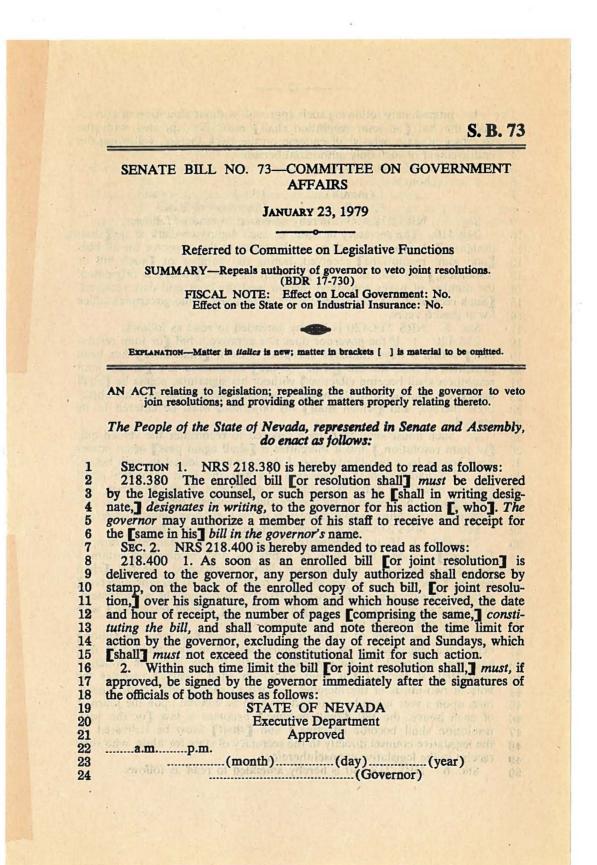
Court in passing upon the matter said: Our Constitution expressly provides that the enacting clause of every law shall be "The people of the State of Nevada, represented in senare and assembly, do enact as follows." This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people in their sovereign capacity to the legislature, requiring that all laws to be binding upon them shall, upon their face, express the authority by which they were enacted, and as this act somes to us without such authority appearing upon its face, it is not a law.

The Constitution requiring that no money shall be drawn from the treasury but in consequence of appropriations made by law and Senate Joint Resolution No. 7 not being a law within the meaning of the Constitution, it is our opinion that no valid appropriation of money has been made by the adoption of such resolution.

Attachment 3

Respectfully submitted. W. T. MATHEWS, Attorney General.

EXHIBIT "E"



Original bill is $\underline{3}$ pages long. Contact the Research Library for a copy of the complete bill.