

MEMBERS PRESENT: Chairman Stewart
Vice Chairman Sader
Mr. Thompson
Ms. Foley
Mr. Beyer
Mr. Price
Mr. Chaney
Mr. Malone
Ms. Cafferata
Ms. Ham
Mr. Banner

MEMBERS ABSENT: None

GUESTS PRESENT: Mary A. Razim, UNR Intern (Foley)
Kevin Reeves, UNR Intern (Sader)
Colleen Dolan, UNR Intern (Stewart)
Don Rhodes, LCB
Bill Curran, Clark County D.A.'s Office
Larry Ketzenberger, LV Metro Police Dept.
Chris Broderick, LV Review Journal
Larry Ryckman, AP

The Committee meeting convened at 10:10 am, at which point Chairman Stewart briefly outlined the week's agenda, to be dealt with in more detail at a later time. The Chairman then introduced the Committee Secretary present, Jor Jan Martin, and gave the name of Pam Sleeper, also a Committee Secretary. The UNR Interns present as guests were introduced to the Committee.

The Chairman asked the Committee members to review their copies of the 1979 Session Committee Rules, attached as EXHIBIT A, as the object of the meeting was to adopt the 1981 Committee Rules. Chairman Stewart explained that one of the important functions of the Committee is to review the criminal justice system. It was mentioned that the Committee had been scheduled to take a tour of the Prisons on Wednesday, January 21, at 8:00 am, which would be outlined in more detail by Don Rhodes later in the meeting. Thursday, January 22, members of the Parole and Probation Department have been invited to speak as guests of the Committee on their functions in criminal justice. A discussion of the Court structures was also scheduled for Thursday, dealing with all levels of the Court system. Members of the Gaming Commissions are scheduled for Friday, January 23, to discuss their roles.

Date: January 20, 1981

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The Chairman asked for other suggestions from the Committee on topics of discussion for the remainder of the week. None were forthcoming.

Mr. Banner brought it to the attention of the Committee members that this Committee worked with approximately 25% of all the Bills introduced. The Chairman at that point asked Mr. Price to briefly outline the Bill procedures.

Mr. Price explained that once the Bills are introduced on the Floor and referred to the Committee, the Committee would probably be broken down into sub-committees, particularly in the case of substantive Bills. The sub-committees would then report their findings to the full Committee, which would in turn report its findings and determinations to the Floor with its recommendations. He pointed out that occasionally something would go back to the Floor with no recommendations from the Committee. Mr. Price also commented that some of the committees from the previous session had kept books at their desks on the Floor with explanations of the various Bills that had been dealt with by the Assembly for quick reference. He indicated that it had worked out quite well.

The Chairman brought to the attention of the Committee members that they would have Minute Books in the Committee meetings which contained a record of the testimony on the various Bills dealt with in the Committee. Chairman Stewart then briefed the members on various matters of courtesy to be followed throughout the sessions, i.e. addressing the Chairman with a desire to speak, and maintaining professional attitudes towards differences of opinions that might arise. A special note was made that nothing should be taken personally.

The next order of business was to compare the Suggested Assembly Committee Rules for the 1981 Session, attached as EXHIBIT B, to the 1979 Committee Rules. The Chairman then read through all items contained in the Suggested Rules. Chairman Stewart commented that due to the size of the Committee, a quorum would consist of 6 Committee members rather than 5 and that a two-thirds majority would consist of 8 members rather than 6 (Items 2, 4, 5 and 8).

Mr. Banner pointed out that when a Bill is introduced to the Committee, the decision of the Committee to hear the Bill does not mean that all members of the Committee agree with the contents (Item 10). The Chairman agreed that it was a point well made.

Vice Chairman Sader asked how Item 8 pertained to Item 10 as far as a roll call vote being required to record a definite action. Chairman Stewart indicated that he interpreted a "definite action" as being action on a Bill which affects the Bill by way of a definite postponement or recognition of passage (do pass) or anything that affects the merits of the particular Bill. Procedural matters did not require a roll call vote.

Mr. Beyer asked about the procedure outlined in Item 6, whereupon the Chairman indicated that he would at all times have the floor, but would recognize Committee members who wished to speak as well as witnesses who wished to testify.

The Chairman then asked Vice Chairman Sader for his comments on the comparison of the 1979 Rules with the 1981 Suggested Rules. Clarification was made by the Chairman that the Suggested Assembly Committee Rules would be used as a foundation for the rules adopted by the Committee.

Mr. Rhodes made a point of clarification regarding the Suggested Rules to Govern Committee Procedures. He indicated that these rules were prepared in 1969 and the Majority Leader felt they would be helpful to augment the ten rules which most committees based their operations upon during the last session. He cautioned that this was not a current document, but a document which it was felt might help in modifying some of the rules proposed.

The Chairman indicated that the attachments to Exhibit B were from Mason's Manual and applied to the Committee, as well as the Assembly Standing Rules. These rules govern the Committee and do not need to be adopted by the Committee.

Mr. Sader asked if Rule 9 of the 1979 Committee Rules should be added to the new Committee Rules since it was from Mason's Manual. The Chairman indicated that it should be added as Item 11 to the Suggested Rules.

Mr. Sader then asked if the statute notation NRS 218.535 of Item 13 of the 1979 Rules should be included in Item 6 of the Suggested Rules. The Chairman pointed out that it was very unusual for a witness to be sworn in before testifying to a Bill. He felt that the statute allowed discretion as to swearing in a witness and felt it unnecessary to cite the statute. He asked that members who wished to have a witness sworn let him know and he would take it under consideration.

Mr. Sader further asked about Items 8 in both the 1979 Rules and the Suggested Rules as far as a roll call vote being an oral vote. Mr. Rhodes and Mr. Price both indicated that it would be easier on the Secretary if only the "Nay" votes were tallied and that it had been a pretty standard procedure in the past for Senate and Assembly Journals.

The Chairman indicated that the Secretary should indicate if she did not get the names of those individuals abstaining or voting no.

There was a motion by Mr. Price that a rule be added stating that there be no smoking in the Committee Room. The motion was seconded by Ms. Cafferata and passed by a unanimous vote. The Chairman indicated that this would be Rule 12 of the new Committee Rules. There was further discussion as to whether the rule on smoking be effective during recesses and other committee meetings and whether it applied only to the Committee members or to guests as well. It was generally agreed by all members that the rule would apply to everyone in the Committee Room during meetings of the Judiciary Committee.

The Chairman then asked for further amendments to the proposed Rules. As no further amendments were forthcoming, the Chairman asked for a motion on the Rules as amended.

Mr. Sader moved that the Suggested Assembly Committee Rules, 1981 Session, be adopted with the amendments noted for Items 1 through 10, and the addition of Item No. 11 reading:

"When the Chairman is not present, the Vice Chairman shall conduct the meeting."

and Item No. 12 reading:

"There shall be no smoking at any time during Committee meetings."

The motion was seconded by Mr. Malone and passed by unanimous vote. (Adopted Rules as Amended attached as EXHIBIT C.)

The Chairman next asked Mr. Rhodes to outline the plans for the prison tour to be held on Wednesday. Mr. Rhodes indicated that the Prison people would have a bus at the Assembly building at 7:45 am Wednesday morning in the back parking lot. He suggested

that those who wished to take the tour meet in the back parking lot where they would continue to the Administration Building where Medium (Northern Nevada Correction Center) is located. From there the tour would continue to the Nevada State Prison (Max) and then perhaps to the Women's Correctional Center (Women's Prison). The tour would be approximately three hours long. It was suggested that since the tour was so short, that as much be gleaned from the visit as possible in knowing the make-up of the prisoners, the programs available, discussion of recent construction, and understanding of which prisoners go to which institutions. Mr. Rhodes clarified that prisoners were classified upon entering the prison and then, based upon the classification and other factors, could be sent to Max, or Medium, or put on some other program within the various institutions. He gave as an example the custody levels at Max. Mr. Rhodes suggested that the members look at themselves as new inmates and then proceed to find out what was available to them at that point.

Mr. Rhodes made reference to a study that he was involved in on the Prison Systems entitled "The Condition of State Prison" as well as a similar study done more recently. He suggested that it might be helpful for the Committee members to review these studies if possible for ideas on questions to ask regarding programming, population projections, prison site selection, inmate profiles, educational staffing, vocational programming, etc. He also indicated that there were bill drafts contained in the reports which possibly might make their way to the Committee.

Mr. Rhodes suggested that the Committee discuss going to the Work Release Center in Reno in the future.

He further indicated that he had been inside the Prison under two different circumstances, one being on an organized tour and the other under more informal circumstances where they weren't expected. He also mentioned that the new facility where the recent escape occurred would be seen.

Mr. Sader expressed concern over whether it would be a problem having women committee members take the tour and it was noted by Mr. Rhodes that there had not been a problem in the past and that there were also women employed as prison guards.

Mr. Rhodes indicated that the Parole and Probation discussion on Thursday would take at least an hour and that the Court System would require additional time.

Mr. Sader asked that the Chairman explain to the Committee their options as to unannounced visits to the Prison. The Chairman asked Mr. Rhodes to have that information available on Wednesday. He also asked that members who did not wish to take the prison tour let him know. It was agreed that the members would meet at 7:45 am in the parking lot and leave at 8:00 am.

There was then a motion made, seconded and unanimously passed that the meeting be adjourned. Since there was no further business, the Chairman adjourned the meeting at 11:08 am.

Respectfully submitted,



Jor Jan M. Martin,
Committee Secretary

ASSEMBLY COMMITTEE ON JUDICIARY
60th Session - 1979

COMMITTEE RULES

1. A quorum consists of at least six (6) Committee members.
2. It will require at least a quorum to hear a bill.
3. Action on a bill will require a majority vote of the entire Committee.
4. All motions shall require a second. An affirmative vote of two-thirds (8 members) of the entire Committee will be required to reconsider an action on a bill.
5. The Committee members shall address the chair at all times for permission to be heard or to question witnesses.
6. Committee bill introduction shall be by affirmative vote of six members. Committee introduction does not imply a commitment on the part of any member to support the bill.
7. The secretary of the Committee shall note at each meeting and record in the minutes the members present and the members absent.
8. The secretary shall record the majority vote by the names of the members voting "aye" and the minority vote by the names of the members voting "no."
9. When the Chairman is not present, the Vice Chairman shall conduct the meeting.
10. Any decision of the Committee will not be made until all witnesses have been heard, questioned and dismissed. The Chairman shall determine when a final action is to be taken.
11. Mason's Manual shall be followed in parliamentary matters.
12. A minority report may be filed with the Chief Clerk at the same time as the Committee action is reported. A minority report must be signed by all Committee members filing such minority report.
13. The chairman may require any person testifying before the Committee to be sworn in, pursuant to NRS 218.535.

SUGGESTED ASSEMBLY COMMITTEE RULES

1981 Session

1. The secretary of the Committee shall call the roll at each meeting and record in the minutes the members present and the members not present. Excused absences will be so recorded.
2. A quorum consists of at least five (⁶/~~5~~) Committee members.
3. It will require at least a quorum to hear a bill, budget, or resolution.
4. It will require a simple majority (⁶/~~5~~) of the entire Committee to pass or reject a bill, budget, or resolution.
5. It will require a two-thirds majority (⁸/~~6~~) of all Committee members to reconsider an action on a bill, budget, or resolution.
6. Committee members, at all times, shall address the chair for permission to be heard. Witnesses before the Committee will address requests to testify to the chair and will be recognized only by the chair. When Chairman deems necessary, persons wishing to testify will be sworn in before testimony.
7. There will be no Committee action on bills or resolutions during a hearing. The Chairman shall be responsible for preparation of the Committee's agenda and will determine when final action is to be taken on bills and committee reports.
8. The secretary shall record the definite action of the Committee by roll call vote.
9. A minority report can be filed with the Chief Clerk at the same time the Committee action is reported. A minority report must be signed by all members of the Committee disagreeing with the Committee action who are present when the vote is taken. The members who desire to submit a minority report must so indicate in advance, to a quorum of the Committee.
10. Committee introduction requires concurrence of two-thirds ⁸/~~6~~ of the Committee and does not imply commitment to support favorable passage.

SUGGESTED RULES TO GOVERN COMMITTEE PROCEDURES
IN THE ASSEMBLY OF THE
NEVADA LEGISLATURE

(Validating a set of rules governing committee procedures would be accomplished by adopting a new standing rule; however, committee rules which deviate from procedures set forth in Mason's Manual would have to be authorized by a separate rule specifying the particular procedure. [See Assembly Standing Rule No. 1, re precedence of parliamentary authority.] Unless otherwise indicated, the citation following each suggested rule is a section in Mason's Manual which was used as a basis for the suggestion.)

DUTIES OF COMMITTEE CHAIRMEN

1. To convoke the committee at time and place provided, or at such time and places as to enable the committee to fulfill its functions.
2. To preside over meetings of the committee.
3. To maintain order and decide questions of order subject to appeal to the committee.
4. To supervise and direct any employee(s) of the committee.
5. To prepare reports of the committee and submit the same to the body (through the Chief Clerk).
6. To have custody of papers referred to the committee and transmit them to the Chief Clerk as appropriate.

(Sec. 611)

APPOINTMENT OF VICE CHAIRMAN

1. A committee has authority to elect a vice chairman or other officers.
2. A stenographer hired by the committee is responsible for maintaining minutes and other records and to perform any additional duties directed by the chairman or the committee.

(Sec. 612 [If the chairman is permitted to name the vice chairman, a special rule would be needed to supplement the standing rules.])

QUORUM OF COMMITTEES

1. The presence of a quorum is required in order for a committee to perform any action legally and officially. The quorum must meet formally in committee.

(Sec. 613)

2. The quorum of a committee is a majority of the members of the committee.

(Constitution of the State of Nevada, Article IV, Sec. 13.)

PROPOSING AMENDMENTS TO BILLS

1. A committee can only propose amendments to measures referred to it.
2. A committee should never alter a measure submitted to it, but should submit proposed amendments on a separate paper.
3. A committee may report back a bill with or without amendments or recommendation.
4. A committee may submit any number of amendments so long as they are germane to the original purpose of the measure.

(Sec. 616)

INTRODUCTION OF BILL BY COMMITTEE

Committees have authority to introduce bills on matters referred to them, and standing committees may introduce bills within their general scope.

(Sec. 618)

DISCIPLINE OF MEMBERS

1. Disciplinary action against a committee member is undertaken by the body upon report by the committee thereto.
2. When a committee member is involved with an inquiry undertaken by his committee, a special report must be made to Assembly, which may take action concerning said member or may give the committee special authority to investigate the member.

(Sec. 619)

PAPERS AND INFORMATION FOR COMMITTEES

1. Measures referred to a committee shall be delivered to the chairman, or, in his absence, to the vice chairman.
2. Materials necessary for use of a committee in the proper performance of its duties should be turned over to it by legislative officers upon request.
3. When a committee's work is completed, the chairman shall return to the Chief Clerk all documents or papers which were referred to it.

(Sec. 621)

WHEN COMMITTEES CAN ACT

1. A committee can act only at a meeting and not by separate consultation and consent.
2. Action formally taken cannot thereafter be altered except by further formal action by the committee.

(Sec. 625)

CALL FOR MEETINGS

1. Committees should meet at time and place officially set, although such time and place may be changed in extraordinary cases after consultation by the chairman with a majority of the members.

2. If the chairman fails to convoke the committee, as is his duty, it is the duty of the committee to meet upon call of two of its members.

3. Committees adjourning without provision for future meeting, do so subject to call of the chair.

(Sec. 626)

SPECIAL MEETINGS

1. When a special meeting is called to transact definite specified business, notice must be given to each member. (The press and public might be included where feasible.)

2. Business to be transacted at a special meeting must be set forth in the call and no other may be considered.

(Sec. 627)

COMMITTEE MEETINGS WHILE HOUSE IS IN SESSION

1. Except conference committees, consent of the Assembly via motion must be obtained for conducting a committee meeting while the house is in session.

2. Whenever the Assembly goes into session, it is the duty of a committee to discontinue its meeting and attend.

3. The Speaker may direct the sergeant-at-arms to call any committees that are meeting when the house is in session. When such instructions are announced to the committee meeting it is at once adjourned.

(Sec. 628)

ATTENDANCE OF LEGISLATORS AT COMMITTEE MEETINGS

1. Generally any member of the legislature may be present at committee meetings and express his opinion, but cannot vote and must give way to any member of the committee.

2. Unless authority for closed or secret sessions is expressly granted, committees should secure permission of the body when it desires to hold closed sessions.

(Sec. 629)

COMMITTEE PROCEDURE LESS FORMAL

1. So far as they apply to a committee, the standing rules of the Assembly govern procedure. However, rules limiting debate are relaxed, it is not necessary to rise on making a motion, the chairman does not rise to put questions, to speak or make motions, and members may speak more than once at the same stage of consideration of a question.

2. On points of order, appeal from the chairman's decision cannot be made to the Speaker.

(Sec. 632)

ORDER OF BUSINESS

1. Call to order
2. Reading of minutes of previous meeting (if desirable)
3. Reading of agenda for meeting at hand (i.e. old bills, new bills, resolutions, etc. to be considered at this time. Motions can be made for alterations in the order of these matters.)
4. Proceed with agenda and appropriate debate.
5. Complete such committee reports as are ready to be submitted to Chief Clerk (together with amendments, if any).
6. Plan agenda for next meeting (including any holdovers from this meeting's business).
7. Adjournment.

(A printed or typed schedule of the agenda for use of members, other legislators, press and public would be useful.)

(Sec. 633)

CONSIDERATION OF MEASURES

Unless agreed to by general consent, all questions must be put to a vote.

(Sec. 634)

RECONSIDERATION BY COMMITTEE

Subject to the same rules as in the body, a committee has a right to reconsider any action taken by it so long as the subject matter remains in its possession. Such reconsideration may be moved by any member, even though he was absent when the vote was taken.

(Sec. 635)

AUTHORITY OF COMMITTEE RE MEASURES BEFORE IT

1. The committee's sole authority is to recommend changes or action to be taken by the Assembly.
2. A committee opposed to a measure cannot reject it, but should report it back to the body, with or without recommendation.

(Sec. 636)

ADJOURNMENT

1. No committee meeting may be adjourned beyond the time for the next regularly scheduled meeting.

2. Upon completion of the business of the meeting, adjournment should be upon motion.

(Sec. 637)

COMMITTEE REPORTS

1. All measures should be reported from committee, with or without recommendation. (A time limit could be established for such reporting back.)

2. Every bill reported must be accompanied by a written report, though one report may refer to more than one measure.

3. When resolutions or amendments are required to effect the recommendations of a committee, such documents should accompany the written report.

4. Written reports should be made by the chairman of the committee, or, in his absence, the vice chairman. Such report must never be made without approval of the entire committee (or in the case of a split decision, a Majority Report and a Minority Report must each be signed by all persons comprising such majority and minority groups).

5. When a minority report is presented, a motion may be made to substitute it for the regular committee report; this being the only way a minority report can be brought before the body for consideration.

6. No person has a right to publish any portion of committee proceedings until they have been reported to the body.

(Chapter 64)

7. Amendments proposed by committees are considered ahead of amendments from the floor.

(Sec. 397)

JOINT MEETINGS OF STANDING COMMITTEES

Two standing committees may sit as one to consider pending legislation.

(Sec. 669)

COMPELLING WITNESSES TO APPEAR

A legislative body or a committee may, under certain conditions, summon and examine witnesses, and require production of books, records and papers. Failure of persons to comply may be penalized by legislative action.

(Sec. 802)

SUBCOMMITTEES

1. Any committee, except committee of the whole, can appoint a subcommittee, with such authority as may be delegated by the parent committee. The subcommittee reports to the committee and not to the house and can consist only of members of the committee from which derived.

2. A special investigation committee may not delegate its powers to any of its members, except as may be authorized by the Assembly.

(Sec. 660)

ASSEMBLY COMMITTEE ON JUDICIARY
61st Session - 1981

COMMITTEE RULES

1. The Secretary of the Committee shall call the roll of each meeting and record in the minutes the members present and the members not present. Excused absences will be so recorded.
2. A quorum consists of at least six (6) Committee members.
3. It will require at least a quorum to hear a bill, budget or resolution.
4. It will require a simple majority (6) of the entire Committee to pass or reject a bill, budget or resolution.
5. It will require a two-thirds (2/3) majority (8) of all Committee members to reconsider an action on a bill, budget or resolution.
6. Committee members, at all times, shall address the Chair for permission to be heard. Witnesses before the Committee will address requests to testify to the Chair and will be recognized only by the Chair. When the Chairman deems necessary, persons wishing to testify will be sworn in before testimony.
7. There will be no Committee action on bills or resolutions during a hearing. The Chairman shall be responsible for preparation of the Committee's agenda and will determine when final action is to be taken on bills and Committee reports.
8. The Secretary shall record the definite action of the Committee by roll call vote.
9. A minority report can be filed with the Chief Clerk at the same time the Committee action is reported. A minority report must be signed by all members of the Committee disagreeing with the Committee action who are present when the vote is taken. The members who desire to submit a minority report must so indicate in advance, to a quorum of the Committee.

10. Committee introduction requires concurrence of two-thirds (8) of the Committee and does not imply commitment to support favorable passage.
11. When the Chairman is not present, the Vice Chairman shall conduct the meeting.
12. There shall be no smoking at any time during Committee meetings.