

Library

Members Present:

Chairman Westall	Mr. Vergiels
Mr. Kovacs	Mr. Brady
Mr. May	Mr. Rusk
Mr. Bremner	Mr. Stewart

Member excused: Mr. Rhoads

Guests Present:

Assemblyman Coulter, Reno
Assemblyman Barengo, Reno

For others present, see guest list, attached.

The meeting was convened at 3:18 P.M.

Mrs. Westall said the members had before them a copy of the proposed Standing Rules for the committee and asked for comments. (EXHIBIT A)

Mr. May moved to DO PASS the Standing Rules as written. Mr. Brady seconded the motion. Motion carried unanimously (EXHIBIT A)

AJR 2 - Proposes to amend Nevada Constitution to require open and public legislative committee meetings and abolish executive sessions of senate.

Mr. Coulter, Assemblyman from Reno, introducer of the measure, outlined the purpose of AJR 2. In 1960 the Legislature passed the original bill requiring open meetings in Nevada. Some years later Attorney General List, ruled the open meeting law did not apply to the Nevada Legislature. Open meeting bills were introduced in the 1975 session. One of the proposed measures passed the Assembly, failed in the Senate. The legislative Council ruled that because of Section 15, allowing executive sessions of the Senate, an open meeting law could not, by statute, be imposed on the Legislature. Council Bureau has researched to find if there had ever been a true "executive session" of the Senate. There was one incident and that was in 1875, 116 years ago. It was Mr. Coulter's opinion that it was hypocritical of the Legislature to enact the statute for others but exempt themselves from the open meeting law. He urged the passage of AJR 2. He presented copy of an editorial. (EXHIBIT B)

Mr. May moved to DO PASS AJR 2. Mr. Rusk seconded the motion. Motion carried unanimously.

An unidentified guest asked that the interested organizations present at the hearing be listed in committee report.

Chairman Westall assured her this would be done. (See Guest List)

Mr. Stewart asked if "open meeting" automatically applied to executive session meetings.

Mr. Vergiels answered "no", AJR 2 specifically deletes the clause allowing the Senate to sit in executive session.

AB 12 - Revises provisions for distributing and reporting legislative audits.

Speaker Barengo, sponsor of the measure, said AB 12, was a result of a situation that occurred last session during the Ways and Means hearings wherein there was testimony from one of the agencies, that an audit report had been done and it was believe there were unfavorable comments in the audit report, but the report could not be obtained because it had to be turned over to the commission. It was eventually received from the commission. Speaker Barengo was of the opinion that that procedure, when the Legislature was in session, was not valid procedure. The report should be turned over to the Legislature when they are in session, so they would have before them all information possible to obtain. There are now numerous audits that have been completed but not turned over to the Legislative Commission because of the scheduling procedure. Speaker Barengo said that Mr. Crossley, from the audit division, who had drafted AB 12, was present and was in support of AB 12.

Mr. Vergiels said he thought this bill solved a problem and moved to DO PASS AB 12. Mr. Bremner seconded the motion. Motion carried unanimously.

Chairman Westall adjourned the meeting at 3:28 P.M.

Respectfully submitted:

M. Robertson
Secretary

61ST NEVADA LEGISLATURE

ASSEMBLY LEGISLATIVE FUNCTIONS COMMITTEE

LEGISLATION ACTION

DATE: AJR 2

SUBJECT Proposes to amend Nevada Constitution to require open and public legislative committee meetings and abolish executive sessions of senate

MOTION:

Do Pass XX Amend Indefinitely Postpone Reconsider

Moved By Mr. May Seconded By Mr. Rusk

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

	<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>
Brady	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Bremner	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Kovacs	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
May	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Rhoads	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Rusk	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Stewart	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Vergiels	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Westall	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

TALLY: 8 in favor; one absent

ORIGINAL MOTION: Passed XX Defeated Withdrawn

Amended & Passed AMENDED & DEFEATED

Amended & Passed Amended & Defeated

ATTACHED TO MINUTES 1/29/81

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Society of Professional
Journalists, Sigma Delta
Chi

IN FAVOR

(handed to secretary at end
of meeting)

LEGISLATIVE FUNCTIONS COMMITTEE

GUEST LIST

Date 1/29/81

NAME (Please print)	REPRESENTING	IF YOU WISH TO SPEAK		
		Bill No.	Pro	Con
Doreilly, Kenneth	Society of Professional Sigma Delta Chi	AJR 2	K	
Joe Jackgari	self and Nevada state Press Ass'n	"	✓	
James D. Goodhue	Public Nevada State Journal	AJR 2	✓	
BOB KITTER	Levo Evening Gazette NSPA			
Arthur Nicholson	LWU	AJR 2	✓	
Arthur N Crickshank	Common Cause	AJR 2	✓	
Mr Coulter		ASR 2		
Mr Barenzo		AB 12		
Mr. Crossley	Leg. Audit AB 12	AB 12		
Mitchell Landsberg	AIP			
Geoff Dornau GEOFF DORNAU	WPI			
G.P. Etchewary	NEU LEAGUE OF CITIES	AJR-2		
Pete Kelley	Nevada state Press Ass'n			
Mr. Cookson	City of North Las Vegas	AJR-2		
Guy Shupler	KOH - Sacto Bar		-	

EXHIBIT A

STANDING RULES OF THE ASSEMBLY LEGISLATIVE FUNCTIONS COMMITTEE
SIXTY-FIRST SESSION, 1981

1. The order of business under which this committee shall be organized is as follows:
 - a) Constitution of the State of Nevada
 - b) Nevada Revised Statutes
 - c) Standing rules of the Nevada Assembly
 - d) Standing rules of the Assembly Legislative Functions Committee
 - e) Mason's Manual of Parliamentary Procedure
2. A minimum of five (5) members of the committee will constitute a quorum.
3. Motions may be moved, seconded and passed by voice vote by a majority of those present except a definite action on a bill or resolution will require a majority of the entire committee.
4. A two-thirds majority (6) of all the committee is required to reconsider action on a bill or resolution.
5. Committee introduction requires concurrence of two-thirds (6) of the committee and does not imply commitment to support favorable passage.
6. All questions concerning committee procedure will be directed through the chairman.
7. Attendance will be taken at each meeting.
8. Subcommittees may be formed at the discretion of the chairman
9. Minority committee reports may be made as per Mason's Manual, section 677.
10. In the absence of or at the discretion of the chairman, the vice chairman shall conduct the meetings of the committee.
11. Any final voting action 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.
12. All meetings of the Assembly Legislative Functions Committee and/or subcommittees shall be open to the general public and to any and all members of the media.

Opinion

Nevada State Journal

111th Year — No. 68

Winner of The Pulitzer Prize for Editorial Writing

Robert B. Whittington Publisher

Robert W. Fitter	Executive Editor	Eugene Mori	Production Director
Barbara A. Henry	Managing Editor	Larry P. Nyland	Marketing Director
Norman F. Cardozo	Editorial Page Editor	Vernon A. Paris	Controller
Robert L. Kuptz	Circulation Director	Jack Skinner	Advertising Director

← Thursday, January 29, 1981

Editorials

Time for openness in Legislature

A few years ago, the Legislature, in a noble moment, passed a law which requires public bodies in the state to open virtually all business to the public.

This open meeting law was a real blow in behalf of the public, for, obviously, the public ought to have the right to be review its own business.

But the Legislature added one hitch. It airily excluded itself from the provisions. Thus, committees of either house still presumably have the power to close their doors at any time during a legislative session, and, by state Constitution, the Senate can hold closed executive sessions.

And the legislators have used that power — sparingly, to be sure, but twice in 1973 the Senate Finance Committee shooed observers out of its meeting room and closed doors behind them.

Of course, this caused some raised eyebrows around the state and created a good deal of pressure to have the Legislature include itself under the open meeting mandates.

Twice since 1973, legislation has been introduced that would accomplish this purpose. Twice the proposed resolutions have made it through the lower house, but have bitten the dust in the Senate.

This should cease. The Legislature can argue no special reason why it should be set apart in this matter from other public bodies in the state.

It conducts no private business — or should not — and its actions certainly are public. In fact, it can be argued that it ought to strive to set an example of openness, since its actions affect extraordinarily large numbers of people.

This would be the fair thing to do — and, it would help to make the open meeting law work better across the state.

As things stand, many public officials are highly resentful of the legislative exclusion. The Nevada League of Cities has lobbied earnestly against it. Those officials tend to lack confidence in the law because of the exclusion.

Nor, perhaps, do they have much respect for legislators who law down the law to them, but then fail to practice what they preach.

Soon, fortunately, the lawmakers will have another chance to make the appropriate change, for again the inclusionary resolution has been introduced by Washoe County Assemblymen Bob Baren-go and Steve Coulter.

This time, it should be passed, and perhaps it will be, if public officials — and the public — insist that it be.