

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON LEGISLATIVE AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
January 29, 1981

The Senate Committee on Legislative Affairs was called to order by Chariman Gene Echols, at 2:05 p.m., Thursday, January 29, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster. Exhibit C is the Regulations of the Legislative Commission Concerning Lobbyists. Exhibit D is the Lobbyists Registration Form. Exhibit E is the Committee Rules Sixty-First Session.

COMMITTEE MEMBERS PRESENT:

Senator Gene Echols, Chairman
Senator Jean Ford
Senator James I. Gibson
Senator Thomas R.C. Wilson
Senator Sue Wagner

COMMITTEE MEMBER ABSENT:

Senator Mel Close, Vice Chairman (Excused)

STAFF MEMBERS PRESENT:

Mary E. Gump, Committee Secretary
Leila Kutscherousky, Committee Secretary

Chairman Echols welcomed each of the members to the committee.

Senator Echols said there were a couple of things that they were discussing at the first Committee meeting that were to be pursued at the next meeting. One was the hiring of the attaches and the other was the handling of the interim committees. Senator Ford said she would report back on that. She had drafted the resolution that they had introduced last time calling for joint interim standing committees. She also spoke with Speaker Barengo and several other people in the Assembly and they are very interested in supporting the concept. As soon as she gets the bill draft request she will bring it in for committee introduction. Senator Echols said that regarding the hiring, it will be discussed at a future meeting.

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Senator Echols discussed Senate Bill No. 10 which revises the provisions for registration and reporting of lobbyists, and asked who would speak in favor of the bill. None responding he asked for any opponents to the bill.

Mr. Jim Joyce came forward from the audience to discuss his feelings regarding the bill. He stated the bill really does two things, one is to eliminate the requirement for monthly extension reporting and it also imposes a fee on lobbyists to register here. He stated he has no objection whatsoever, in fact, he strongly supports lobbying registration and the identification of clients, but he felt there were some abuses in the last session of certain people who lobby without identifying their clients. The requirement that lobbyists put their expenses in, and the expenses are only those which are utilized for the entertainment of members of the legislature, is obviously more paper work. He does not believe it serves the public interest as it gives a very distorted view of the cost of lobbying. Many associations put on receptions for the legislature but an association cannot report its expenses while the lobbyist representing that association can. The real cost of lobbying is how much is the cost of ones telephone bill.

The point he wished to bring out was that he felt the bill does not serve the public interest because it gives a very distorted view of the cost of lobbying. Receptions should be put into another category.

Senator Wilson commented on the expenditure of the lobbyists fees and said if the reporting were categorized the problem of distortion would be eliminated. The fees were simply the means of meeting the expenses of the administrative program. He felt the montly reporting should be retained and it should be categorized.

Senator Wagner concurred with Senator Wilson. It was her understanding that if you were the executive director of an association you were classified as one kind of a lobbyist versus someone who went in and was paid a separate fee for a single piece of legislation or a number of pieces. Her concern was the set of rules and guidelines suggested to them. She felt the people running the lobbyists registration should have waited until the bill became law before they suggested when the reporting periods were going to be.

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Senator Ford made a comment that these regulations were adopted on December 2, 1980 by the State Legislative Commission. The minutes of the meeting of that day say that there was a subcommittee appointed of staff and legislators and they arrived at certain recommendations in changing the law which are reflected in Senate Bill No. 10. The forms as you can see (Exhibit D) assume the passage of all of those changes. There is no mention of monthly reports, it is only final reports. She personally would like to make an objection on some things that greatly changed the whole procedure for implementing the regulation of lobbyists. Senator Ford feels the reporting period is appropriate; there are some things in the proposed changes that she totally disagrees with. The fee has been established by regulation. The proposed changes that the commission be allowed to regulate established fees with no limitation and establish classes with no limitation, has been done even before the bill has passed. The regulations are not in compliance with the current law, they are in compliance with Senate Bill No. 10, anticipating that Senate Bill No. 10 will pass.

Senator Echols requested any further input from the audience.

Mr. Joe Midmore, lobbyist, wished to state that he could support the proposed bill. He did not find the requirements of last session to be unduly onerous. He felt the fees were almost nominal in this day in age.

Ms. Sharon Brandness, from the audience, asked if members of a state board and commission had to register.

Senator Echols called upon Mr. Frank Daykin, Legislative Counsel, to answer the question.

Mr. Daykin stated that the members of a state board or commission or state government who appear before a committee only on the affairs of their own office are exempt from the definition of lobbyist. Senator Echols asked of Mr. Daykin if lobbying registration was required of these groups to appear before a committee. Mr. Daykin responded, no. They are exempt from the definition of lobbyist so there is no registration.

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Senator Wilson asked Mr. Daykin if he could explain the registration form (Exhibit D).

Mr. Daykin stated the form was designed in anticipation of the passage of Senate Bill No. 10. The regulations, which the Legislative Commission adopted, were also designed in anticipation of that statute. The commission was aware that if the statute did not pass then those regulations would have to be changed, the forms and registrations; some things would have to be undone.

Senator Wagner asked why it was not done the other way around since the law was very clear as to when the reporting periods were. She questioned why the form did not conform to the current statute.

Mr. Daykin stated that this was the choice of the commission and its instruction to Mr. Palmer and to himself.

Pat Gothberg, Nevada Nurses Association, stated that she was told that not only must she register as a professional lobbyist and that the fee would be \$50.00, but that any member of the Nevada Nurses Association who came down to testify, had to register. This in essence means that any member of the association must register first. Ms. Gothberg could not recall if she spoke with the same person on the three calls she made to the legislature to verify the information. The name Barbara Pennington was stated.

Senator Wagner stated that obviously there was some confusion among people who are lobbyists as to whom should register and who should not. She asked, what exactly were the instructions given to Barbara Pennington in answering these questions.

Mr. Daykin said that the instruction given to Ms. Pennington was if any one asked her a question she could not answer she was to call Mr. Daykin and that is what has been happening.

Senator Echols recognized Senator Neal.

Senator Neal wanted to note for the record, regarding the introduction of this bill, that he had moved the regulations be adopted, only regarding the wearing of the colored badges and paying of the fee.

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Senator Wagner asked of Senator Neal if the filing of reports was not included in his motion, of which Senator Neal stated no.

Senator Ford stated that the motion was made and the explanation was given was that these were compatible with the report of the special subcommittee and were compatible with a change in the law that was to be introduced at the beginning of the session.

Senator Echols asked who made the decision to change the procedure regarding the monthly reporting.

Mr. Daykin said there was a committee appointed by the chairman of the Legislative Commission.

Senator Wilson commented that he felt that the chairman should advise the Counsel Bureau to comply with the law.

If at such time a new bill is passed and the law is changed, then the reporting requirements for the form that is used for the regulations could go into effect. Until that time it is not in agreement with the law. This was agreed to by Senator Wagner.

Senator Echols stated, since there was nothing further on Senate Bill No. 10, it would be held over for the next meeting and the Counsel Bureau would be directed to follow the law as it is presently drawn until changes are made.

* BILL DRAFT REQUEST NO. 17-285 -- An act relating to the diction of the Nevada Revised Statute replacing and/or (with an appropriate term and providing other matters properly relating thereto).

Senator Wilson moved for introduction to committee.

Senator Gibson seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 11 -- Defers the normal date of effective laws and joint resolutions following passage, until September 1.

* (S.B. 150)

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Mr. Daykin stated this is not a bill suggested by the Legislative Counsel, it was requested by Senator Close. The legislative sessions have been getting longer and longer and the last one adjourned Memorial Day. What Senator Close is trying to do is re-establish a session of roughly three months. That is the thought here, to defer the effective date of laws until people have had a chance to learn what they are, unless the law otherwise provides.

Senator Wilson asked if there should be an exception with respect to appropriation measures.

Mr. Daykin said if this passes every appropriation measure will become effective July 1, 1981.

Senator Ford said the situation could be an ongoing program, simply making subsidy changes in the policy. This lends itself to a lot of confusion.

Mr. Daykin stated that they would make the changes of policy effective September 1, but the money to carry the program on effective July 1.

Mr. Patrick Pine of White Pine County stated that there were other matters of reform that their personnel needed to know.

Mr. Pine expressed concern about very technical types of accounting areas where the effective date differs from the beginning of the fiscal year. He stated he would like consideration of a number of fiscal matters, other than appropriations, where it is important to try to tie it to a fiscal year basis.

Senator Echols called for any further questions or discussion.

Mr. John Crosley, Auditor, Legislative Counsel Bureau stated that many of the current laws regarding and fines and collections thereof, are billed on a quarterly basis.

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Senator Ford moved amended DO PASS calling for the bill to take effect upon passage and approval.

Senator Gibson seconded the motion.

The motion carried unanimously.

SENATE BILL NO. 42 -- Removes requirement for signing of checks by leaders during special session.

Mr. John Crosley commented that this was a bill he requested that Senator Gibson sponsor. The paper work involved for the changing of signatures, just for a special session, is so involved that they feel it should stay with the chairman of the Legislative Commission of the Legislative Counsel during the special session.

Senator Wilson moved for a DO PASS.

Seconded by Senator Ford

The motion was carried unanimously.

SENATE CONCURRENT RESOLUTION NO. 11 -- Commends the Max C. Fleischmann Foundation.

Motion made by Senator Wilson

Seconded by Senator Wagner

The motion carried unanimously.

Senator Echols brought forth the Rules of the Committee for approval (Exhibit E). Item No. 8 was discussed and the word "all" was changed to "any" and the word "are" was changed to "was". Item No. 8 will now read: "Minority reports can be filed with the Secretary of the Senate at the same time the Committee action is reported. It must be signed by any member disagreeing, who was present when the vote is taken. The members who desire to submit a minority report must so indicate, in advance, to the entire Committee".

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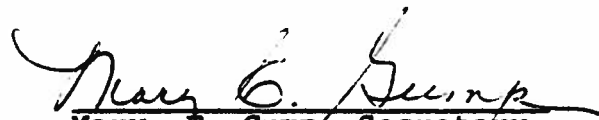
Senator Wilson stated that the minority reports may be difficult to file at the time the committee action was taken so perhaps they should be filed within 24 hours of the time the committee action was taken, especially if there was an ammendment that needed filing after the majority action of the committee.

Senator Wilson moved for adoption of the rules with an ammendment of Item No. 8.

Senator Gibson seconded the motion.

The motion carried unanimously.

Respectfully submitted by:


Mary E. Gump, Secretary

APPROVED BY:


Senator Gene Echols, Chairman

DATE: _____

SENATE AGENDA

COMMITTEE MEETINGS

Committee on LEGISLATIVE AFFAIRS, Room 243.
Day THURSDAY, Date JANUARY 29, Time 2 p.m.

S. B. No. 10—Revises provisions for registration and reporting of lobbyists.

S. B. No. 11—Defers normal effective date of laws and joint resolutions following passage.

S. C. R. No. 11—Commends Max C. Fleischmann Foundation for philanthropic activities in Nevada.

S. B. No. 42—Removes requirement for signing of checks by leaders during special session.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON

Legislative Affairs

DATE:

1/29/51

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

CLUCK KING

GEN TEL.

Franklin

Clark County

Joe Midmore

contract lobbyist - Ormsby House

Jim Joyce

myself

Frank W. Dwyer

Legislative Counsel

Regulations of the Legislative Commission

Concerning Lobbyists

1. The badge to be furnished by the director of the legislative counsel bureau to each lobbyist must contain:

(a) The name of the lobbyist in letters approximately 1/4 inch high.

(b) His registered areas of interest in letters approximately 1/8 inch high.

(c) A distinctive device identifying it as official.

2. Each professional lobbyist shall pay a registration fee of \$50. No registration fee may be charged to any other lobbyist. A "professional lobbyist" is one who is paid for his services. The director may use the fees so paid to defray the expense of issuing badges and otherwise administering the registration of lobbyists.

3. The badges issued respectively to professional and other lobbyists must be of different colors.

LOBBYIST REGISTRATION

Exhibit

.....
LAST NAME

.....
FIRST NAME

.....
INITIAL

.....
PRINCIPAL AREA(S) OF LEGISLATIVE INTEREST

.....
PERMANENT ADDRESS

.....
PLACE OF BUSINESS, ADDRESS

.....
CITY

.....
STATE

.....
ZIP CODE

.....
**DIRECT BUSINESS ASSOCIATIONS OR
PARTNERSHIPS WITH CURRENT
MEMBER OF LEGISLATURE**

.....
Registration No.—.....

.....
TEMPORARY ADDRESS WHILE LOBBYING

EMPLOYER(S).....
.....
.....
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.....
.....
.....
.....
.....
.....

**STATE OF NEVADA
CARSON CITY**

I,, declare, under penalty of perjury, that this registration statement is complete, true and correct, and that my compensation or reimbursement, in whole or part, is not contingent upon my production of any legislative action.

**STATE OF NEVADA
LOBBYING DISCLOSURE ACT
LOBBYIST'S ORIGINAL REGISTRATION
STATEMENT**

EXHIBIT D

STATE OF NEVADA
 LOBBYING DISCLOSURE ACT

LOBBYISTS FINAL REPORT OF ACTIVITY

Unless a registrant has expended \$50.00 or more in directly contacting members of the legislature on legislative business he is not required to file this report.

FOR OFFICIAL USE ONLY

To be filed with the Director of the Legislature Council Bureau within 30 days after the close of the legislative session. NRS 218.926.

Registrant's Name and Registration Number

Registrant's Address While Lobbying

Every Registrant who has expended \$50.00 or more to directly contact members of the legislature on legislative business for someone other than himself, must list total expenditures made during reporting period in categories listed as per NRS 218.926.

1. ENTERTAINMENT (NRS 218.906)		
2. GIFTS AND LOANS (NRS 218.908)		
3. ALL OTHER EXPENDITURES (NRS 218.926)		
4. TOTAL OF ALL EXPENDITURES		

Name and address of person who will have custody of the accounts, bills, receipts, books, papers and documents used to prepare this report.

.....
 Name

.....
 Address

.....
 Telephone No.

STATE OF NEVADA
NEVADA LOBBYING DISCLOSURE ACT

TERMINATION REPORT

To be filed with the Director of the Legislative Counsel Bureau within 30 days after ceasing the activity that required registration. Does not relieve registrant of reporting requirements. NRS 218.922.

To the Director of the Legislative Counsel Bureau in accordance with NRS 218.922, I, the undersigned, do hereby give notice that I have ceased all lobbying activities in the State of Nevada as of _____, and I further affirm that I have submitted all reports required under the Nevada Lobbying Disclosure Act.

Date

Registrant

Registration No.

NEVADA LOBBYING DISCLOSURE ACT
FINAL REPORT

To be filed with the Director of the Legislative Counsel Bureau within 30 days after the close of the legislative session. NRS 218.900-218.944.

State of Nevada

County of _____

} ss.

I, _____ do hereby affirm, under penalty of perjury, that I have filed with the Director of the Legislative Counsel Bureau, a true, accurate and complete statement of my lobbying activities for the period of the 19..... session of the Nevada Legislature, as required by NRS 218.926.

Signed this _____ day of _____, 19.....

Registrant

Registration No.

Form SSLR-3 may, whenever appropriate, be used as both a termination report and a final report by completing both sections, dating and signing; however, this does not relieve the responsibility of submitting any reports due in a timely manner. NRS 218.922

COMMITTEE RULES - 60th SESSION

1. Four members constitute a quorum of the Committee.
2. Motions will be moved, seconded, and passed by a simple majority of those present, except that disposable action ("DO PASS" or "HOLD") on a bill will require a majority of the entire Committee.
3. In order to reconsider previous action taken, an affirmative vote of 5 members of the Committee will be required. However, a majority may allow the hearing of new evidence or information which would be pertinent to the determination of whether or not a matter or an action should be reconsidered.
4. Mason's Manual will be followed as to parliamentary procedure.
5. Any member of the Committee may request an item on the agenda by contacting the Committee Chairman four days ahead of the Committee meeting.
6. Committee bill introduction will be only by approval of four Committee members. Committee introduction does not imply, in any way, a commitment on the part of any Committee member to support the bill introduced.
7. Motions for disposable action by the Committee will be taken only at the call of the Chairman or in accordance with Rule 5 above. Such votes will be recorded in the minutes of the meeting.
8. Minority reports can be filed with the Secretary of the Senate at the same time the Committee action is reported. It must be signed by ~~all~~ ^{any} members disagreeing, who ~~are~~ ^{was} present when the vote is taken. The members who desire to submit a minority report must so indicate, in advance, to the entire Committee.