

MINUTES OF THE
JOINT MEETING OF THE SENATE COMMITTEE
ON LEGISLATIVE AFFAIRS AND
THE ASSEMBLY COMMITTEE
ON LEGISLATIVE FUNCTIONS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 17, 1981

The Senate Committee on Legislative Affairs and the Assembly Committee on Legislative Functions was called to order in Joint Session by Chairman Gene Echols, at 2:15 p.m., Tuesday, March 17, 1981, in Room 131 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster. Exhibit C is Minutes of the Meeting of the Senate Committee on Legislative Affairs, January 29, 1981. Exhibit D is a copy of the Legislative Commission Meeting Minutes of October 14, 1980. Exhibit E is a copy of Senate Bill No. 10. Exhibit F copy of the Lobbyist Registration, 1981. Exhibit G is a Memorandum from Fred Weldon, Senior Research Analyst to Senator Echols regarding the Definition of "Lobbyist". Exhibit H is a photo copy of pennant samples. Exhibit I is a copy of the Proposal for Interim Committee Work, 1981-1983. Exhibit J is a copy of the proposed Salary Budget for the 1983 Attaches. Exhibit K is a copy of the Grand Jury Reform Activity in the States and a copy of the minutes of the American Bar Association Annual Meeting, 1977.

SENATE COMMITTEE MEMBERS PRESENT:

Senator Gene Echols, Chairman
Senator Melvin D. Close, Jr., Vice Chairman
Senator James I. Gibson
Senator Thomas R.C. Wilson
Senator Jean Ford
Senator Sue Wagner

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblyman Peggy Westall, Chairman
Assemblyman Edward J. Kovacs, Vice Chairman
Assemblyman Roger Bremner
Assemblyman Paul W. May
Assemblyman John M. Vergiels
Assemblyman Janson F. Stewart
Assemblyman Robert F. Rusk

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COMMITTEE MEMBERS ABSENT:

Assemblyman Dean Rhoads (Excused)
Assemblyman Bill D. Brady (Excused)

GUEST SENATOR PRESENT:

Senator Lawrence E. Jacobsen

STAFF MEMBERS PRESENT:

Mary E. Gump, Secretary
Marjorie Robertson, Secretary

SENATE BILL NO. 10--Revises provisions for registration and reporting of lobbyists.

Senator Echols stated the reason for the joint session was to discuss the intent regarding SENATE BILL NO. 10.

Mr. Joe Midmore, Lobbyist, testified he felt regulations were needed to know who is lobbying, who has registered and what information they require insofar as expenditures are concerned. He reiterated on his testimony at the Senate Legislative Affairs Committee meeting held on January 29, 1981, (Exhibit C). He stated he felt there was confusion on who should pay the fee and further, it was the responsibility of the Committee to find out what the intent is and clarify it for all.

Assemblyman May asked if the professional advocates in Nevada make a contract for their services win, lose or draw and Mr. Midmore stated he did not speak for anyone else. He makes his agreement with the client beforehand and it is in no way contingent on the results he obtains.

Senator Ford stated at the committee meeting held on January 29, 1981 the committee had not been given information as to the reason this bill was requested. Her concern was primarily on page three, that regulations had been adopted based on anticipating the passage of a bill.

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Senator Jacobsen stated that during the last session there were numerous complaints from the Secretary of State regarding lobbyists and it was his desire that he no longer be involved in registration. It was felt that a distinction should be made between a professional lobbyist (one who was paid by whom he represented) and one who comes representing his constituents in the same manner as the legislators) and who was not required to pay.

Senator Wagner stated one of her concerns was that this appeared to have been in effect before the legislation was processed. She asked, because major policy decisions were made by the commission regarding the fee of the lobbyist, on page two, lines 15 through 19 of Senate Bill No. 10, where the filing of reports has been excluded, what kind of testimony was presented that suggested that they would want to amend the lobbyist law in terms of removing the extra requirements through this session.

Senator Jacobsen stated there was no specific testimony. It was the feeling of the Commission that it was trying to start from a basis where they could improve as they went along but not try to put in restrictions that made compliance impossible.

Senator Wagner asked about the definition of professional lobbyist. The regulations state it is one who is paid for services. She stated there is some confusion between the kind of job that lobbying activities (that take place between roles of lobbyists and their clients) versus those who may be an executive in an association and who is paid for services. It was suggested that an executive director in an association did not fit this definition and would not have to pay the \$50 fee because their pay was for other services in addition to lobbying.

Senator Jacobsen stated that this was his understanding. He discussed the minutes of the Legislative Commission meeting held on October 14, 1980, (Exhibit D). His concern was he wanted to know who the people were coming through the doors and felt some kind of identification was needed as people using the building should be responsible and identifiable.

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Mr. Arthur Palmer, Director of the Legislative Counsel Bureau, stated the Legislative Counsel Bureau has been administering the lobbyists' registration law as it now appears on the books. Their concern was in the section where it said the Legislative Commission shall adopt regulations and carry out the provisions of this section of law. Counsel advised that it was not broad enough to authorize them to charge a fee for registration.

Mr. Palmer referred to page three line two of Senate Bill No. 10, (Exhibit E).

Senator Wilson asked if the system used by Barbara Pennington was working well and asked if Mr. Palmer could suggest any improvements.

Mr. Palmer compared the system to the way it was administered by the Secretary of State, saying that more information concerning lobbyists, who they represent is available to the public, and the system used by the Legislative Counsel Bureau was superior to the way it had been done in the past. He referred to the lobbyists registration list (Exhibit F), stating that it has been updated and alphabetized by both the name of the lobbyist and the entity represented. Mr. Palmer indicated that to date 377 lobbyists have been registered.

Senator Ford pointed out there was a problem with the Commission definition of "lobbyist". She recommended wording that would add "only in relation to pending legislation."

Mr. Palmer stated that this would lie within the purview of the Legislative Commission.

Senator Wilson stated there were four categories of lobbyists.

1. The paid free-lance legislative advocate.
2. The employee of a company or a trade association.
3. Persons representing a constituent group.
4. The person who appears only on his or her personal interest.

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He stated the bill should provide that people should not have to register everytime they speak to their legislator.

Senator Echols stated that the joint hearing on Senate Bill No. 10 was concluded until a future date.

SENATE BILL NO. 266--Removes incorrect reference to location of press room as it relates to bill books.

Senator Jacobsen stated the bill was to secure that the press room received the proper amount of bill books, (four sets of books) at no charge to be delivered to the Capital Building. Senator Wagner asked if a point of the bill was the language designating the press room in a place where it is not now, which Senator Jacobsen stated was correct.

Senator Echols asked if line 11, indicated that the press was having trouble with the changing of the terminology from "shall" to "may" and Senator Jacobsen stated "no", that the press thought they were going to have to pay for the bill books but it has always been policy for them to have the books at no charge.

Senator Wilson moved that Senate Bill No. 266 be amended by deleting the words "but not more than" on line 11 and to change "may" to "shall" on line 12, and that the bill be reported out of committee with an "amend and do pass" recommendation.

Senator Ford seconded the motion.

The motion carried unanimously. (Senator Close was absent for the vote, excused).

SENATE BILL NO. 299--Transfers accounting function from audit division to, and redesignates service division as, administrative division of legislative counsel bureau.

Mr. Arthur Palmer stated the bill was a further expansion of the duties that would be assumed by the service division of

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the Legislative Counsel Bureau. It would add one more responsibility in the area of accounting and change the name of the division to the Division of Administration.

Mr. John Crossley, Chief of the Audit Department of the Legislative Counsel Bureau, stated this was a business management function in the Legislative Counsel Bureau. He stated there was no fiscal impact in this bill nor was there any problem with space. The Commission has the authority to move money from one division to the other for budget purposes.

Mr. Palmer asked that an amendment be considered that would give more flexibility to the Legislative Commission so it could assign other appropriate functions to the Administrative Division in addition to those enumerated at the end of the bill. This would provide the Legislative Commission with the authority, to reassign the computer or reproduction operations to the Division of Administration if it appeared to be a feasible change.

Senator Echols pointed out that Senate Bill No. 299 was in conflict with Senate Bill No 84 which had been passed and sent to the Governor.

Senator Ford moved that Senate Bill No. 299 receive an "amend and do pass" recommendation, requesting that an amendment be drafted to resolve the conflict.

Senator Gibson seconded the motion.

The motion carried unanimously. (Senator Wilson was absent for the vote, excused).

SENATE BILL NO. 380--Provides salary and expenses for legislators appointed to boards and commissions of state.

Senator Ford stated that she had requested the bill indicating that Chapter 218, Nevada Revised Statutes, provided several categories allowing legislators to be paid \$80 per day salary if they are members of the Legislative Commission or of interim committees. She stated her belief that

* Assembly Bill 84

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legislators who assume the same type of responsibility should be paid the same as those who served on interim committees. Please see Exhibit I.

Senator Close moved the bill be reported out of committee with a "do pass" recommend.

Senator Ford seconded the motion.

The motion carried unanimously.
(Senator Wilson was absent for the vote, excused).

SENATE BILL NO. 387--Provides for design and display of legislative pennant.

Senator Jacobsen stated that the legislative flag does not fly when the legislature is not meeting. He stated that Senate Bill No. 387 would provide that the legislative flag will fly in the same manner as the American flag and the Nevada flag. He added that the only difference would be that a pennant (Exhibit H) would fly above the legislative flag indicating when the legislature was in session.

Senator Gibson moved the bill be reported out of committee with a "do pass" recommendation.

Senator Ford seconded the motion.

The motion carried unanimously.
(Senator Wilson was absent for the vote, excused).

SALARY BUDGET FOR ATTACHES, 1983

Leola Armstrong, Secretary of the Senate, presented her recommendations for salaries for attaches for the 1983 session of the Nevada Legislature. Mrs. Armstrong commented on the excellence of the present staff, but indicated that it would be difficult to employ people of the calibre again if the salaries were not competitive with salaries paid by

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the state. She stated the increases were based on the Governor's recommendation for state employees, i.e., 23 percent, 14 percent for 1981 and 9 percent for 1982.

Senator Echols assigned the recommendation to Senator Close.

DISPOSITION OF RESOLUTIONS

Senator Jacobsen discussed his concern about the handling of commemorative and congratulatory resolutions. He recommended they be printed on parchment-type paper and be sent to the person or persons affected.

It was agreed that the resolutions be handled in the manner recommended by Senator Jacobsen.

SENATE CONCURRENT RESOLUTION NO. 25--Directs legislative commission to study grand jury system in Nevada.

Senator Wagner presented information relating to the resolution (Exhibit K). She pointed out that this resolution is identical to assembly Concurrent Resolution No. 28 which has passed the Assembly.

Mr. Richard Siegel, Vice President of the American Civil Liberties Union of Nevada, stated the ACLU has supported the repeal bill that is before the Senate Judiciary Committee because "they feel that the Grand Jury System under the present rules and patterns is worse than having no Grand Jury System at all." Mr. Siegel stated that the ACLU recognizes the concern of the legislature but feels that the Grand Jury System in Nevada provides less protection than in most other states and less protection than the Federal Grand Jury System.

Senator Ford stated that it should be the policy of the committee to hold resolutions requesting studies until later in the session.

Senator Echols stated that Senate Concurrent Resolution No. 25 will be brought up at a later date.

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ASSEMBLY BILL NO. 12--Revises provisions for distributing
and reporting legislative audits.

Mr. John Crossley, Chief, Audit Division, Legislative
Counsel Bureau advised the committee that Assembly Bill
No. 12 was drawn at the request of the Legislative Commis-
sion. Mr. Crossley discussed the problem of the timing of
the release of legislative audits. He stated that the
Commission wanted to be able to issue audit reports within
a five day period after the initial request.

Senator Wagner moved that the bill be reported out
of committee with a "do pass" recommendation.

Senator Close seconded the motion.

The motion carried unanimously. (Senators
Wilson and Gibson were absent for the vote,
excused).

SENATE CONCURRENT RESOLUTION No. 12--Provides for continua-
tion of study of gaming.

Senator Echols stated that the resolution would be held for
future discussion.

SENATE CONCURRENT RESOLUTION NO. 20--Amends Joint Rule
No. 11 regarding selection and representation of certain
members of legislative commission.

Senator Echols informed the members that the resolution was
necessary because it was difficult to get legislators to
serve on the Legislative Commission when vacancies occur.

Senator Close moved the resolution be reported
out of committee with a "be adopted" recommenda-
tion.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators
Wilson and Gibson were absent for the vote,
excused).

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SENATE CONCURRENT RESOLUTION No. 32--Continues standing committees through interim to conduct studies.

Senator Ford stated the Senate Concurrent Resolution No. 32 was similar to a resolution adopted during the 1979 session. She described the resolution in detail, stating that the proposal would be to try it for one biennium and evaluate its effect after that time period.

Senator Close moved that the resolution be amended by deleting lines 39 and 40 on page 20 and adding the words "may address additional topics as directed by the Commission, and further, that the resolution be reported out of committee with an "amend and be adopted" recommendation.

Senator Ford seconded the motion.

The motion carried unanimously. (Senators Wilson and Gibson were absent for the vote, excused).

NEW RULES

Senator Close stated the motions to dispense with reading of amendments was unnecessary. He indicated that he had spoken to Leola Armstrong, Secretary of the Senate, and she stated that this could be handled in the same manner as the reading of bills. She stated that if the President of the Senate is notified that it is not necessary to have to motion to dispense with reading of amendments it would be done automatically unless a legislator requested the reading of the entire amendment. He further stated that this could apply to the reading of a resolution in its entirety.

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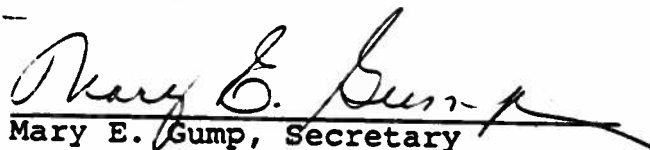
Senator Close moved that the Standing Rules of the Senate be amended to provide that the reading of amendments and resolutions be dispensed with.

Senator Gibson seconded the motion.


The motion carried unanimously. (Senator Wilson was absent for the vote, excused).

The meeting was adjourned at 3:40 p.m.

Respectfully submitted by:


Mary E. Gump, Secretary

APPROVED BY:


Senator Gene Echols, Chairman

Date: _____

SENATE AGENDAREVISED

COMMITTEE MEETINGS

Committee on Legislative Affairs, Room 131.
 Day Tuesday, Date March 17, Time 2:00 p.m.

COMMITTEE UPDATE AND PUBLIC TESTIMONY ON ALL ITEMS.

Joint hearing of the Senate Legislative Affairs and the Assembly Legislative Functions Committees.

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

Senate Committee on Legislative Affairs

S. B. No. 266--Removes incorrect reference to location of press room as it relates to bill books.

S. B. No. 299--Transfers accounting function from audit division to, and redesignates service division as, administrative division of legislative counsel bureau.

S. B. No. 380--Provides salary and expenses for legislators appointed to boards and commissions of state.

S. B. No. 387--Provides for design and display of legislative pennant.

A. B. No. 12--Revises provisions for distributing and reporting legislative audits.

S. C. R. No. 12--Amends Joint Rule 11 regarding selection and representation of certain members of legislative commission.

S. C. R. No. 20--Amends Joint Rule 11 regarding selection and representation of certain members of legislative commission.

S. C. R. No. 25--Directs legislative commission to study grand jury system in Nevada.

S. C. R. No. 32--Continues standing committees through interim to conduct studies.

The following topics are to be discussed:

Disposition of Resolutions, Senator Jacobsen
 New Rules, Senator Close
 Salary increase for legislative attaches.

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MEETING OF THE SENATE COMMITTEE
ON LEGISLATIVE AFFAIRS

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NEVADA STATE LEGISLATURE
January 29, 1981

The Senate Committee on Legislative Affairs was called to order by Chairman Gene Echols, at 2:05 p.m., Thursday, January 29, 1981, in Room 243 of the Legislature 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, Secretary
Leila Kutscherousky, Secretary

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 discussed his feelings regarding the bill. He stated the bill does two things, one is to eliminate the requirement for monthly extension reporting and it also imposes a fee on lobbyists who register. He stated he strongly supports lobbying registration and the identification of clients, but he felt there were some abuses in the last session by certain people who lobby without identifying their clients. The requirement that lobbyists identify expenses which are utilized for the entertainment of members of the legislature, is obviously more paper work. 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 the cost of one's telephone bill.

Mr. Joyce stated 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 the means of meeting the expenses of the administrative program. He felt the monthly 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.

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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.

Senator Ford stated that these regulations were adopted on December 2, 1980 by the 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, (Exhibit D) assume the passage of all of those changes. There is no mention of monthly reports, only final reports. They objected to 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 items in the proposed changes with which she totally disagrees. The fee has been established by regulation. The proposed changes that the commission be allowed to regulate established fees with no limitation and established 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.

Mr. Joe Midmore, lobbyist. stated 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 nominal.

Ms. Sharon Brandness, asked if members of state boards and commissions 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.

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Senator Echols asked Mr. Daykin if lobbying registration was required of these groups to appear before a commission. Mr. Daykin responded, no. They are exempt from the definition of lobbyist so there is no registration.

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, form and registrations would have to be changed and 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 him.

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 to testify, had to register. This 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.

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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 she has complied.

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 the fee.

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

Senator Ford stated that the motion was made and the explanation 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 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. Senator Wagner agreed.

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.

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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 by committee.

The motion was seconded by Senator Gibson.

The motion carried unanimously. (Senator Close was absent for the vote).

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

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 in order 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 changes in the policy. This lends itself to a lot of confusion.

Mr. Daykin stated that they would make the change in policy effective September 1, but the money to finance programs would be effective July 1.

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Mr. Patrick Pine of White Pine County stated 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.

Mr. John Crossley, Chief of Audit, Legislative Counsel Bureau, stated that many of the current laws regarding fines and collection thereof, are billed on a quarterly basis.

Senator Ford moved amend DO PASS calling for the bill to become effective upon passage and approval.

The motion was seconded by Senator Gibson.

The motion carried unanimously. (Senator Close was absent for the vote).

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

Senator Wilson made a motion for DO PASS.

This motion was seconded by Senator Wagner.

The motion carried unanimously. (Senator Close was absent for the vote).

Senator Echols brought forth the Rules of the Committee for discussion and approval. (Exhibit E). Item No. 8 was discussed and the word "all" was changed to "any" and the word "are" was changed to "was".

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Item No. 8 of the Committee Rules 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".

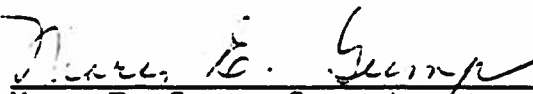
Senator Wilson stated that the minority reports may be difficult to file at the time the committee action was taken so perhaps they should be filed within 24 hours of the time the committee action was taken, especially if there was an amendment that needed filing after the majority action of the committee.

Senator Wilson moved for adoption of the Rules of the Committee with an amendment of Item No. 8.

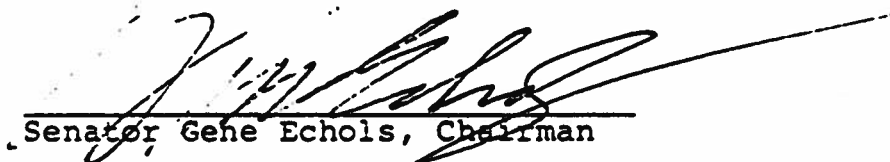
The motion was seconded by Senator Gibson.

The motion carried unanimously. (Senator Close was absent for the vote).

Respectfully submitted by:


Mary E. Gump, Secretary

APPROVED BY:


Senator Gene Echols, Chairman

DATE: _____

Item 2(k)--Lobbyist Registration Program--Senator Keith Ashworth

K. ASHWORTH: I asked a couple of the senior lobbyists, namely Wallie Warren and Robin Cahill, if they would come over this morning and meet with myself, Senator Dodge and Bob Barengo with the staff that will be working with this. As you know, we passed legislation last session taking the registration of the lobbyists away from the Secretary of State and giving it to the Legislative Counsel Bureau; rather, the Secretary of State asked us to pass legislation to take it away from them. We didn't want it, but we passed it. He had some problems with it, and in that piece of legislation it required that the commission establish the regulations pertaining to the lobbyists and in the preparation of preparing those regulations we met this morning with staff, mainly Mr. Daykin, Mr. Palmer and Barbara Pennington who will be handling the registration. And we've come to some tentative suggestions to the legislative commission and asked Frank to draw up those tentative suggestions for presentation to the commission. It was a very productive meeting, both Mr. Cahill and Mr. Warren developed the problems. I think what the committee would staff....anyway, we concluded that we would ask counsel to draft some legislation additionally that's needed to implement some of suggestions when the next session starts and that they'd be two classes of lobbyists. One class of lobbyists would be called professional lobbyists or some other name that would be suitable to a person who receives a fee for lobbying and the other would be a registered lobbyist and that would be the person that we are all so fearful of and that is the person that comes to lobby for the welfare patients and the right for life and all these others, and they would have a different colored tag and the professional lobbyists would be charged a fee. There would be a registration fee for those who lobby for a fee and those who do not lobby for a fee would not be charged. There is another class that doesn't need to register at all. They discussed the problem they had with the badges, number (1) didn't like the pictures, we suggested that the regulation merely requires that their name and the classification of the lobbyist be a distinctive badge so that they can't be duplicated and just their name and their title might be on it and at least they could read it from half way across the room. And, Art will get some sample of badges that maybe we should adopt as the official lobbying badge and it would be made here on the premises. We will have numerous files in the Legislative Counsel Bureau, and every time they receive a new client, they will have to re-register. So, we'll have all that in the office of who they represent.

K. ASHWORTH: \$50.00 for each professional lobbyist and those who are not professional are free. The problem is that, trying to get the lobbyists to know whether they are a lobbyist or not. The problem is an administrative problem for us now that we have to handle it. Most of these suggestions are a result of the problems that the Secretary of State's office had and the reason they wanted to get rid of it.

L. JACOBSEN: I think there has got to be some way for security to identify some of these people.

K. ASHWORTH: They'll have their badges on.

Legislative Commission Meeting, December 2, 1980

Item 5(j)--Regulations of the Legislative Commission Concerning Lobbyists:

A. PALMER: You have, under tab 5(j), a regulation of the legislative commission concerning lobbyists, you'll recall the Secretary of State had the primary responsibility for registering lobbyists and turned over to the Legislative Counsel Bureau and under me as director and we've met with the leadership of the two houses and as it is known and another interested party. We've come upon a situation where we realize that some of this has to be changed in law and other simply regulations have to be adopted by the commission which would be complicating the law to put this all in. So, what you have in front of you are merely regulations to be adopted by the commission and certain statutory changes will be before you at the early part of the session.

F. DAYKIN: These regulations are compatible both with the existing law in case you don't change it and with the law that that subcommittee recommended and I have drafted the bill to change it.

K. ASHWORTH: I'd like to report that the subcommittee did meet with a committee of the lobbyists. I've served as the chairman of that committee and it was their suggestion that we give them at least a little more attractive badge; it was their suggestion that they pay the additional fees for the professional lobbyists. And we all know who they are. But in keeping with the law, for a person just to come in to register as a lobbyist that feels that they have to, I really don't know....there's no charge for it, we still provide them with a badge of a different color or a different design or whatever we can come up with and Art's office is looking into the badges so that we are not offending any of the public that feels that they have to be registered. The report from the Secretary of State's office is that there is a lot of people who register that don't need to register as lobbyists and we were getting this whole thing out of proportion so we felt that the professional lobbyists suggested that we put that kind of a fee on them and we did.

R. BLAKEMORE: Under the definition of lobbyist, a professional lobbyist is one that is paid for his services. Well, we have so many people coming up here from Clark County representing Clark County, City of Las Vegas, North Las Vegas, Reno, how are they professionals or are they not?

K. ASHWORTH: Professionals.

R. BLAKEMORE: Do they pay the \$50?

K. ASHWORTH: Yes.

J. NEAL: Is this the first time we put this fee in?

K. ASHWORTH: Yes. J. NEAL: By the fact that we are including a fee for people to lobby, just what are we extending as far as rights and privileges to that individual? Does that change the constation here that a person who is lobbying we are not making a part of the government structure in some way?

K. ASHWORTH: We passed a law, Joe, that says that we must register lobbyists and we put the responsibility over to the Secretary of State and last year the Secretary of State said that it was too much of a problem and complying with the law, he asked that we review it, so we changed the law to say that the Legislative Counsel Bureau, through us, should be responsible for lobbyist registration.

F. DAYKIN: The fee is not specifically provided in the present statute it would be specifically provided but not the amount of it in the proposed amendatory statute. Partly because of that and partly because of the consideration of public policy, in drafting the regulation the subcommittee recommended that only the professional lobbyists be called upon to pay a fee and I think I'm not telling tales out of school if I say that their representative who met with the subcommittee said that they would be very happy to pay a fee.

uncompensated lobbyist is not charged any fee under this regulation. I'm not sure if that answers your question, Senator, but it at least covers what I thought was a sensitive area.

K. ASHWORTH: The sensitive area is, Joe, I think you're getting to is that it's really not covered in the law and if we get a bill early in the session before we charge the \$50 then the regulation will conform to the law, if the legislature turns down early in the session the ability to charge the professional or even designate the professional lobbyist versus just an ordinary lobbyist then I think everyone would have to have whatever the legislature says, if that's a free badge, then.....but it was very costly on behalf of the Secretary of State to take their pictures.....and, well, you know how the badges were last session. They were unhappy, we were unhappy, and it didn't do what it was suppose to do. So, I think what you're saying is early in the session if we can get the law and the regulation coming into being at the same time we'll start registering lobbyists the first day of session and maybe past the bill the first day of session and it'll all be legal. But, if we start registering lobbyists tomorrow maybe there could be a possibility that somebody could say that we're illegal but at least this is the lobbyists' request and it's the professional lobbyists that requested it, so I don't know who we'd be in trouble with.

F. DAYKIN: The statute states a badge is necessary and unless you amend that statute you're going to have to issue the badge.

B. PRICE: Is there any question of constitutionality when we as a legislative body, as a representative of the people, say "we are going to have you register" but now we are going to say you have to pay to register and if you don't have (which we know is not the problem) the money, you can't lobby for a group.

F. DAYKIN: If the group sends an individual up and pays that's the use of the word services. If the group sends him up and pays his transportation, hotel, etc., he is still not a professional lobbyist. Defined by the regulation..... services means that if you send me up and I charge you \$200 a day and expenses then I'm a professional but if you send me up and only pay my expenses, I'm not professional, under this.

F. DAYKIN: If an individual confines his activities to appearance before a legislative committee or to communicating with, they can do both of these, the legislators from their own district, in either case, they are simply not lobbyists. So when you get those fellas to come up and appear before committee then they are not lobbying, they are doing something that you asked or suggested.

B. PRICE: If we say that a school superintendent is only going to be able to come up to appear before a committee and/or talk to the legislator from his county.

F. DAYKIN: He is not a lobbyist, he is exempt.

L.E. JACOBSEN: I think we're going to have to realize that this time we are going to have an inhouse solution. You know, they are going to come to Barbara and she's going to be able to explain to them so I think that fear is somewhat eliminated realizing that we have a concern as far as security is concerned to know who's who. A regular professional lobbyist is granted a few more privileges, in a sense, as far as entry in and out of the building. At least we can solve the situation inhouse where the Secretary of State, they were in doubt, so they'd go over there and register and then they'd come over here and they're still in doubt as whether they should have registered or not. But now, they can come into this building, talk to Barbara and she is going to have the answer.

F. DAYKIN: Yes, they do have a bill that a person which declares

EXHIBIT E

S. B. 10

SENATE BILL NO. 10—SENATORS KEITH
ASHWORTH AND JACOBSEN

JANUARY 20, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Revises provisions for registration and reporting of
lobbyists. (BDR 17-352)

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 lobbyists; making administrative changes in the laws requiring their registration and reporting; 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 218.914 is hereby amended to read as follows:
2 218.914 ["Official member"] "*Member of the legislative branch*"
3 means any member of the legislature, [staff person,] *member of his*
4 *staff*, assistant, employee or other person employed with reference to the
5 legislative duties of the legislator.
6 SEC. 2. NRS 218.916 is hereby amended to read as follows:
7 218.916 "Person" [means a natural person or] *includes a group*
8 *of persons acting in concert [.] whether or not formally organized.*
9 SEC. 3. NRS 218.920 is hereby amended to read as follows:
10 218.920 The registration statement of a lobbyist [shall] *must* con-
11 tain the following information:
12 1. The registrant's full name, permanent address, place of business
13 and temporary address while lobbying.
14 2. The full name and complete address of each person, if any, by
15 whom the registrant is retained or employed or on whose behalf the regis-
16 trant appears. [If the person is other than a natural person, there shall
17 be included a listing of the officers and board of directors.]
18 3. A listing of any direct business associations or partnerships with
19 any current member of the legislature.
20 4. A description of the principal areas of interest on which the regis-
21 trant expects to lobby.
22 5. If the registrant lobbies or purports to lobby on behalf of mem-
23 bers, a statement of the number of members.

MARCH 16, 1981

1981

LOBBYIST REGISTRATION

Adams, John Q. - Registration No. 81-20
1920 June Circle
Carson City, Nevada 89701

Self - (Pharmacy)

Adams, William E. - Registration No. 81-5
228 View Drive
Las Vegas, Nevada 89107

Southwest Gas Corporation
Las Vegas, Nevada 89114

Alley, Dean G. - Registration No. 81-167
P.O. Box 848
Gardnerville, Nevada 89410

National Rifle Association
1600 Rhode Island Ave.
Washington, DC 20036

Anderson, Virgil P. - Registration No. 81-119
131 Moffatt Way
Sacramento, Calif. 95825

Calif. State Automobile Association
Sacramento, Calif.

California State Automobile Association Inter-Insurance Bureau
Sacramento, Calif.

Anker, Leonard A. - Registration No. 81-367
P.O. Box 98
Gardnerville, Nevada 89410

Carson Valley Conservation District

Antonisen, Norman C. - Registration No. 81-223
2301 E. Paldra
Las Vegas, Nevada 89109

Summa Corp.

Ashcraft, Constance L. - Registration No. 81-356
P.O. Box 988
Carson City, Nevada 89701

Finance

1981

LOBBYIST REGISTRATION

ABC Homes

Represented by: David R. Hoy - 81-335

Academically Talented - Parents' Organization of Clark County
Las Vegas, Nevada

Represented by: Sherry Weisbart - 81-98; 81-99

Accountancy, Nevada State Board of

Represented by: James T. Russell - 81-124
Joan C. Wright - 81-123
Melvin Brunetti - 81-122
Stephen D. Hartman - 81-133
Gordon W. Livingston - 81-346
C. William Geyer - 81-347
John F. Rhodes, Jr. - 81-348

Adoption

Represented by: Judy E. Goedart - 81-132
Kristine Martin - 81-131

Affiliate Wedding Chapels of Nevada
Reno, Nevada

Represented by: Joseph R. Midmore - 81-59

AFL-CIO (Labor)

Represented by: Claude S. Evans - 81-47
John H. Madill - 81-287
Mark T. Massaali - 81-363

Agriculture

Represented by: Richard R. Garrod - 81-89
David H. Fulstone -- 81-268

Airport Authority of Washoe County

P.O. Box 12490

Reno, Nevada 89510

Represented by: Robert L. Kende - 81-290
Herbert E. Protzmann - 81-291
Robert L. Mandeville - 81-289
Russell W. McDonald - 81-296

Air Transport Association

Represented by: Jay C. Woolley - 81-75

Alcohol & Drug Problems

Represented by: Patricia A. Bates - 81-114

Alliance of American Insurers

Represented by: Donald W. Winne - 81-129
Marialea Neighbours - 81-115
Thomas F. Conneely - 81-116

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627
KEITH ASHWORTH, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*
INTERIM FINANCE COMMITTEE (702) 885-
DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

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

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

February 12, 1981

EXHIBIT G

M E M O R A N D U M

TO: Senator Gene Echols
FROM: Fred Welden, Senior Research Analyst
SUBJECT: Definition of "Lobbyist"

You asked about how the states define the term "lobbyist," and especially any distinction relative to "professional lobbyist."

I have reviewed the lobbying provisions from 44 of the 50 states. The definitions and degree of regulation vary greatly among the states. All 50 states have laws which address lobbying, but none defines a term like "professional lobbyist." However, in defining the term "lobbyist," several states include criteria which most people would associate with being a professional.

DEFINITION OF LOBBYING AND LOBBYIST

The definitions of lobbying and lobbyist range in coverage and detail from the relative simplicity of Hawaii's law to the lengthy and complex definitions in Michigan's. The definitions of lobbying fall into two basic categories -- they cover either the legislative and executive branches or the legislative branch alone. There are 25 states and the District of Columbia in the former category and 25 states in the latter. The Nevada Lobbying Disclosure Act (NRS 218.900-218.944) refers only to lobbying the legislative branch.

Criteria Used in Definitions

A list of 44 states' definitions of "lobbying" and "lobbyist" is enclosed. The criteria which seem to be used most often in defining "lobbyist" are as follows:

1. Whether or not the person is compensated.
2. Whether or not the person makes lobbying-related expenditures (sometimes associated with expenditures above a specified threshold).
3. Whether or not the person is an employee or representative of an organization or association for which he is lobbying.
4. Whether or not the person is a government employee acting in his professional capacity.
5. Whether or not the person expends more than a threshold amount of time lobbying.

In almost all of the states, a combination of these criteria is used to define "lobbyist." Many states also include a list of persons who are specifically excluded from the definition. Under these circumstances, there is virtually an unlimited number of combinations of criteria which could be formed.

Criteria Which Might Be Associated With Being a "Professional Lobbyist"

The first three criteria listed above might be associated with a "professional lobbyist," especially the consideration of whether the person is compensated. States which use the receiving of compensation as the only substantive factor which defines a lobbyist include Alaska, California, Indiana, Montana, Vermont, and Wisconsin.

Several states use a definition of lobbyist which includes either compensation or expenditure of money. Connecticut and Maryland are good examples of the use of these two criteria. Delaware and Rhode Island are examples of states which combine the first three criteria (as listed above) to define a lobbyist.

Nevada's Definition of "Lobbyist"

Nevada defines "lobbyist" in a general way and then provides exemptions. Compensation is specifically declared not to be a criterion. NRS 218.912 defines "lobbyist" as follows:

1. "Lobbyist" means, except as limited by subsection 2, a person who appears in person in the legislative building and communicates directly with a member of the legislative branch on behalf of someone other than himself to influence legislative action whether or not any compensation is received for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact members of the legislature for the sole purpose of carrying out their newsgathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation related to their departments, divisions or agencies.

(d) Employees of the legislature, legislators, legislative agencies or legislative commissions.

(e) Elected officers of this state and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the members of the legislature who are elected from the district in which they reside.

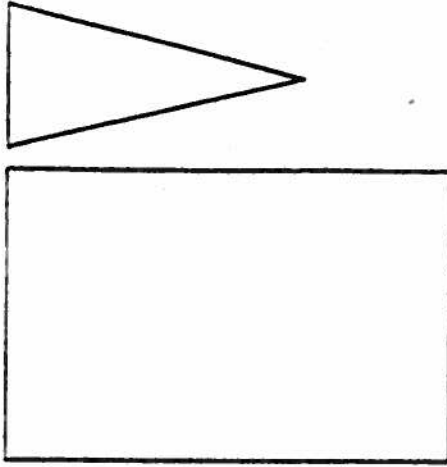
The LCB research library has several publications which contain a considerable amount of current information about lobbying and the definition, registration, and regulation of lobbyists. A list of the most pertinent of these documents follows this paragraph. If you would like to discuss the subject in greater depth or if I can provide additional information, give me a call.

MOST PERTINENT PUBLICATIONS

1. "Lobbying Laws in the States: A Comparative Study," National Municipal League, 1980.
2. "A Summary of Lobbying Disclosure Laws and Regulations in the Fifty States," Report 1, by J. Peter Segall, editor of Lobbying Reports, November 1978.
3. "Lobbying - A Special Report and Resource Papers on Lobbying and its Regulation in the 50 States," LEGIS 50 - The Center for Legislative Improvement, 1977.

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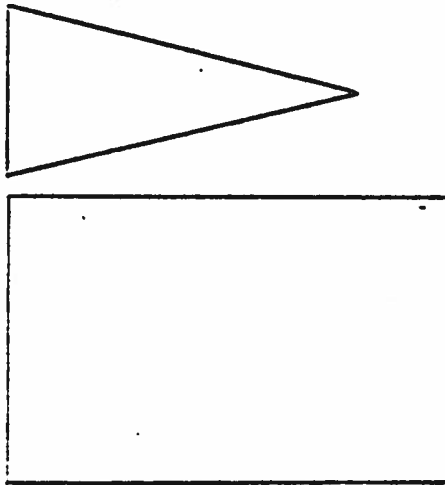
1.



5' x 10'
Pennant

10' x 15'
Flag

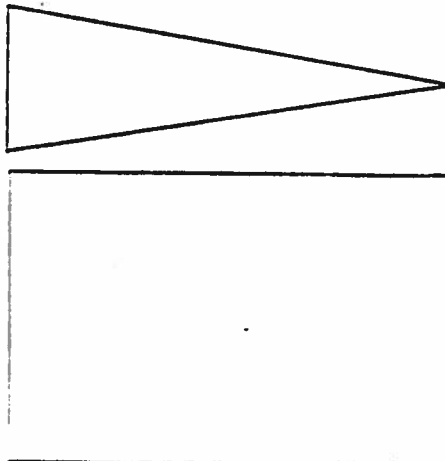
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Pennant

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3.



5' x 15'
Pennant

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NEVADA STATE LEGISLATURE
PROPOSAL FOR INTERIM COMMITTEE WORK
1981-1983

I. Structure and Organization

1981 standing committees are reconstituted as joint interim committees, under the legislative commission, as follows:

	<u>Senate</u>	+	<u>Assembly</u>
<u>Group A</u>	Finance (Interim Finance Committee pursuant to NRS 218.6822)		Ways and Means
	Judiciary		Judiciary
	Human Resources and Facilities		Health and Welfare, Education
<u>Group B</u>	Commerce & Labor		Commerce, Labor
	Natural Resources		Economic Development & Natural Resources, Agriculture
	Government Affairs		Government Affairs, Elections
<u>Group C</u>	Transportation		Transportation
	Taxation		Taxation
	Legislative Affairs (Legislative Commission would assume the responsibilities and functions of these committees)		Legislative Functions

II. Membership

1981 session leadership:

1. Designates chairman of interim committees. (Chairman of Interim Finance and Legislative Commission returned by law.)

2. Approves membership of each interim committee; in event of conflicts, assemblymen and senators are polled for their preference.
3. Considers reassignments or inactive status upon request of legislator.

Chairmen of joint interim committees appoint study subcommittee chairmen and membership based on workload and agenda.

Each legislator would be assigned to one interim committee in each group unless otherwise designated.

III. Staffing

Assigned by director of legislative counsel bureau with approval of legislative commission.

IV. Management Duties of Legislative Commission

1. Assigns studies pursuant to concurrent resolutions passed in 1981 session.
2. Approves supplemental work program proposed by interim committee.
3. Approves budget for interim committees.
4. Determines master calendar of interim committee meetings:

(a) Six 3-day meetings in Carson City or other designated areas of state between July 1981 and August 1983. Proposal is based on four meetings in Carson City and two meetings in Clark County. (Group A would meet first day, Group B the second day, Group C the third day.)

(b) Scheduling would be coordinated as much as possible with meetings of:

- Legislative Commission and its special committees;
- Interim Finance (same as joint interim committee under Group A);

- National Conference of State Legislatures;
 - The Council of State Governments;
 - Statutorily created interim committees;
5. Receives progress reports and recommendations of interim committees and ensures that final reports are written and accepted by the commission no later than September 1, 1983.
 6. Develops procedures for prefiling of bills coming out of interim subcommittees.

V. Agenda

Basic interim committee jurisdiction patterned after senate standing committee jurisdiction. Each committee would consider:

1. Concurrent resolutions calling for specific studies passed by 1981 session.
2. Other selected issues as proposed by committee and approved by legislative commission.
3. Review of audit reports relevant to committee jurisdiction.
4. Review of proposed administrative rules relevant to committee jurisdiction.
5. Review of "sunset" evaluations as scheduled by law.

VI. Compensation

1. Travel
 - One round trip for each scheduled set of meetings at amount provided by law.
 - Round trips for subcommittee meetings as approved in budget, at amount provided by law.
2. Salary - \$80 a day of scheduled committee and subcommittee meetings.
3. Per Diem - \$40 for each 24-hour period on travel status.

VII. Advantages/Results

1. Makes maximum use of staff during interim by not spreading staff thinly over 20-25 study committees.
2. More careful deliberation of policy questions, divorced from demanding pace of regular session (plan and initiate, rather than respond and react).
3. Continuity from session committee work to interim study and back to session committee work.
4. Better distribution of workload.
5. Earlier bill drafting and prefiling of bills ready for 1983 session.
6. Creates an interim emphasis on oversight to balance the present emphasis of the studies on new legislative proposals.
7. An interim meeting schedule established well in advance will allow long-range planning by legislators, staff and the public and avoid many conflicts that now occur.

VIII. Cost

1. The 1979-81 studies, including those provided for by statute, were budgeted at \$217,610. In addition, meetings of interim finance, the legislative commission, and its special committees (all of which are non-budgeted) cost \$72,844. The total of these budgeted and nonbudgeted meetings was \$290,454. The actual cost of all the subcommittee meetings (\$120,728) added to the actual cost of the interim finance and legislative commission meetings (\$72,844) was \$193,572.
2. The projected cost for six 3-day meetings of all committees is \$156,672.
3. The cost of extra meetings for study subcommittees is \$109,680.
4. Total projected cost is \$266,352.

5. If half of the commission meetings can be scheduled during 3-day meetings, the savings (using actual cost figures from the recent interim) will be \$13,500.
6. If half of the interim finance meetings can be scheduled during 3-day meetings, the savings (using actual cost figures from the recent interim) will be \$17,682.
7. If all the statutory interim committees (interim retirement, public lands, sunset, federal regulation review) can be scheduled during 3-day meetings, the savings (using actual cost data from the recent interim) will be \$28,030.
8. If all the special subcommittees of the legislative commission can be scheduled during 3-day meetings, the savings (using actual cost data from the recent interim) will be \$10,481.
9. Using the above assumptions, and relying on actual cost data, the net budgeted cost of the proposal is \$196,659, which is \$20,951 less than the combined budgets of the 1979-81 interim study committees provided for by resolution and statute. The actual cost would likely be less if, as in the recent interim, the meetings were not attended fully by legislators. Also, a number of interim subcommittees met less than they were budgeted for. That is also likely. Finally, if per diem, salary or travel increase, they will apply whether or not the proposed structure is adopted.

IX. Staff

It will require no more staff for this concept than it would for the 1979-81 interim study workload. In terms of managing staff time, the joint interim approach is more efficient. The fiscal division would staff the joint money and joint tax committees and provide some backup for other committees, depending on their study topics. Primary staff for the other committees, as during session, would come from research. Legal would provide backup based on particular issues on studies. Basic coordination

and administrative tasks for meetings would be functions of the director's office. Contract clerical staff might be needed to staff certain committee meetings. Such staff has been hired for the past three interims.

X. Meeting Facilities

Under the proposal, four of the six 3-day meetings would be held in the legislative building. For budget forecasting purposes, the other two meetings have been projected for Clark County. As in the past for other legislative functions, government agency facilities could be used for meeting in the Las Vegas area. These facilities are usually provided on a no or nominal cost basis.

**TIME IMPACT
JOINT INTERIM STANDING COMMITTEES**

I. Time commitment, 1979-80 interim.

Twenty-three study subcommittees met on 115 separate days.

Multiplying the days times legislators involved comes to 936 legislative days.

Ten legislative commission meetings comes to 120 legislator days.

Fifteen interim finance meetings comes to 270 legislator days.

Other committees and special subcommittees met on 39 separate days.

Multiplying the days times legislators involved in these other committees and special subcommittees comes to 248.

Total Legislator Days = 1,574.

II. Time required for joint interim standing committee proposal.

Six 3-day meetings averaging 50 members comes to 900 legislator days.

Fifteen study subcommittees averaging six members meeting twice comes to 180 legislator days.

Total Legislator Days = 1,080.

III. Adjustments and net difference.

Only six commission meetings could be co-scheduled so five would have been extra.

Only six interim finance meetings could be co-scheduled so nine would have been extra.

Add five commission meetings and nine interim finance meetings to the 1981-82 proposal for a total of 1,320 legislator days.

Net difference is 1,574 minus 1,320 or 254 fewer legislator days in the interim forthcoming.

JOINT INTERIM GOVERNMENT AFFAIRS

Proposed studies:

- ACR 21 - directs legislative commission to study data processing by Nevada state government.
- ACR 32 - directs legislative commission to study matters preparatory to 1981 reapportionment
- SCR 23 - directs legislative commission to study and develop statewide master plan for fire protection and control.
- SCR 30 - directs legislative commission to study need for and feasibility of state assistance for local traffic management. (or Transportation?)
- SCR 36 - directs legislative commission to study feasibility of consideration by local governments of future energy demands in land use planning.
- SCR 40 - directs legislative commission to study means of obtaining greater efficiency and economy in state public works.
- SCR 54 - directs legislative commission to study Nevada's laws relating to local government bonding.
- SCR ? (being drafted) - directs legislative commission to study local government formula for metropolitan police funding

Alternatives for handling resolutions assigned to joint interim committee:

1. legislative staff study reporting to interim committee
2. executive staff study reporting to interim committee
3. combination legislative/executive staff study reporting to interim committee
4. subcommittee of interim committee delegated to study (utilizing legislative and/or executive staff) and report back to full interim committee
5. full interim committee study, utilizing legislative and/or executive staff input

TITLE	RATE 1981	RATE 1983	INCREASE	23%
*****	*****	*****	*****	***
SECRETARY OF SENATE	65.00	82.00	17.00	80.00
ASSIST. SECRETARY OF SEN.	51.00	65.00	14.00	63.00
SGT. AT ARMS	42.00	53.00	11.00	52.00
ASSIST. SGT. AT ARMS	32.00	42.00	10.00	39.00
SUPERVISOR OF STENOS	45.00	59.00	14.00	55.00
HISTORY CLERK	45.00	59.00	14.00	55.00
JOURNAL CLERK	45.00	59.00	14.00	55.00
MINUTE CLERK	45.00	59.00	14.00	55.00
SR. COMMITTEE STENOS	-----	57.00	-----	-----
COMMITTEE STENOS	44.00	55.00	11.00	54.00
FLOOR STENOS	38.00	48.00	10.00	47.00
SUPERVISOR OF CLERKS	38.00	48.00	10.00	47.00
CLERKS	25.00	33.00	8.00	31.00
PAGES	24.00	33.00	9.00	30.00
MCST OPERATOR	-----	40.00	-----	-----

Salary for State clerical @ 25-15 with 14% + 9% increase will be approximately \$758.00 biweekly (\$75.80 per day for 10 day pay period).

EXHIBIT K

NATIONAL CONFERENCE OF THE JUDGES
 OF THE STATE JUDGES
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18115 General

Nevada Supreme Court

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AMERICAN BAR ASSOCIATION



1977 ANNUAL MEETING • CHICAGO, ILLINOIS • AUGUST 8-10, 1977

NO RESOLUTION PRESENTED HEREIN REPRESENTS THE POLICY OF THE ASSOCIATION UNTIL IT SHALL HAVE BEEN APPROVED BY THE HOUSE OF DELEGATES. INFORMATIONAL REPORTS, COMMENTS AND SUPPORTING DATA ARE NOT APPROVED BY THE HOUSE IN ITS VOTING AND REPRESENT ONLY THE VIEWS OF THE SECTION OR COMMITTEE SUBMITTING THEM.

AMERICAN BAR ASSOCIATION

REPORT TO THE
HOUSE OF DELEGATES

SECTION OF CRIMINAL JUSTICE

RECOMMENDATION

The Section of Criminal Justice recommends adoption of the following

resolution:

BE IT RESOLVED, That the American Bar Association support in principle

grand jury reform legislation which adheres to the following principles:

1. Expanding on the already-established ABA policy, a witness before the grand jury shall have the right to be accompanied by counsel in his or her appearance before the grand jury. Such counsel shall be allowed to be present in the grand jury room only during the questioning of the witness and shall be allowed to advise the witness. Such counsel shall not be permitted to address the grand jurors or otherwise take part in proceedings before the grand jury. The court shall have the power to remove such counsel from the grand jury room for conduct inconsistent with this principle.
2. No prosecutor shall knowingly fail to disclose to the grand jury evidence which will tend substantially to negate guilt.
3. A prosecutor should recommend that the grand jury not indict if he or she believes the evidence presented does not warrant an indictment under governing law.
4. A target of a grand jury investigation shall be given the right to testify before the grand jury, provided he/she signs a waiver of immunity. Prosecutors shall notify such targets of their opportunity to testify unless notification may result in flight or endanger other persons or obstruct justice; or the prosecutor is unable with reasonable diligence to notify said persons.

Alabama				X			X	
Alaska				X			X	
Arizona	X	X						X
Arkansas								
California		X	X					X
Colorado	X	X						X
Connecticut		X				X		X
Delaware				X			X	
Dist. Columbia				X			X	
Florida						X		
Georgia				X			X	
Hawaii				X			X	
Idaho			X					X
Illinois	X	X						X
Iowa								X
Kansas	X	X						X
Kentucky				X			X	X
Louisiana						X		X
Maine				X			X	
Maryland								X
Massachusetts	X	X				X	X	
Michigan	X					X		X
Minnesota	X	X				X		X
Mississippi				X			X	
Missouri								X
Montana								
Nebraska								
Nevada		X	X					X
New Hampshire				X			X	
New Jersey		X		X			X	
New Mexico	X	X	X					X
New York	X	X	X	X			X	
North Carolina				X			X	
North Dakota		X	X					X
Ohio				X			X	
Oklahoma	X	X	X					X
Oregon			X					X
Pennsylvania*	X		X					X
Rhode Island		X				X		X
South Carolina				X			X	
South Dakota	X		X					
Tennessee				X			X	
Texas				X			X	
Utah		X	X					X
Vermont		X						X
Virginia	X	X		X			X	
Washington	X	X						X
West Virginia				X			X	
Wisconsin	X							X
Wyoming								X

1.8. US General

* Use of Grand Jury for investigative purposes only.

Terms Defined:

Reform Issues:

1. Defense Counsel is allowed in grand jury room.
2. Record keeping of grand jury proceedings required.
3. There are trial rules of evidence.

Mandatory Grand Jury:

Frequency of Usage

A. For all offenses.

1. Defense counsel is allowed in the grand jury room.
2. Record keeping of the grand jury proceedings is required.
3. There are trial rules of evidence.

Mandatory Grand Jury

- A. All offenses
- B. Capital felonies

Frequency of Usage (1 = high, 2 = mixed, 3 = low)

- Alabama -- no reform, grand jury required for all.
 Alaska -- no reform, grand jury required for all.
 Arizona -- reform issue 1, and 2, medium level of usage (50 percent or higher).
 Arkansas -- no information, except it is not a reform state.
 California -- reform 2 and 3, but low usage. (Must have post indictment preliminary hearing for all cases for due process reasons so they've essentially wiped out the grand jury except in a very small number of cases, such as possibly sensitive political cases. The case is Hawkins vs. Superior Court 586 P2nd 916, 1978.
 Colorado -- reform 1, and 2, usage - 3.
 Connecticut -- reform 2, grand jury required for capital felonies only, frequency usage for general offenses - 3.
 Delaware -- non-reform and grand jury required for all offenses.
 District of Columbia -- non-reform and grand jury required for all offenses.
 Florida -- non-reform, grand jury required for capital felonies only.
 Georgia -- non-reform, grand jury required for all offenses.
 Hawaii -- non-reform, grand jury required for all offenses.
 Idaho -- reform 3, usage - 3.
 Illinois -- reform 1 and 2, usage - 2.
 Iowa -- non-reform, usage - 3.
 Kansas -- reform 1 and 2, usage - 3.
 Kentucky -- no reform, grand jury mandatory
 Louisiana -- grand jury required for capital felonies, usage - 3.
 Maine -- non-reform, all offenses required grand jury.
 Maryland -- non-reform, usage - 2.
 Massachusetts -- reform 1 and 2, grand jury required for capital felonies, usage 1.
 Michigan -- reform 1 and usage - 3. (1 man grand jury)
 Minnesota -- reform 1 and 2, grand jury required for capital felonies, usage - 3.

Note: Of all states only 13 have implemented right to counsel legislation for witnesses. The amazing thing is that very few of them use a grand jury with any frequency, so the high reform states are non-users. Arizona, Colorado, Illinois, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, New York, Oklahoma, Pennsylvania, South Dakota, Virginia, Washington and Wisconsin. Arizona, Illinois and New Mexico use this with frequency. Pennsylvania, since it uses grand juries only for investigative

Montana - non-reform, discretionary as to grand jury.
 Nebraska - non-reform, discretionary as to grand jury.
 Nevada - reform 2 and 3, usage 3.
 New Hampshire - grand jury for all offenses required and no reforms.
 New Jersey - record keeping required, reform 2 and grand jury required for all offenses.
 New Mexico - reforms 1, 2 and 3, right to counsel only for suspected defendants, usage 2, discretionary grand jury.
 New York - reform 1, 2 and 3, grand jury required for all offenses.
 North Carolina - no reform, grand jury required for all offenses.
 North Dakota - reforms 2 and 3, usage 3.
 Ohio - no reform, grand jury required for all offenses.
 Oklahoma - reforms 1, 2 and 3, usage 3.
 Oregon - reform 3, usage 2.
 Pennsylvania - reform 1 and 3, only use grand jury for investigative purposes.
 Rhode Island - reform 2, grand jury required for capital felonies, usage 2-3.
 South Carolina - no reform, grand jury required for all offenses.
 South Dakota - reform 1 and 3, usage unknown, grand jury discretionary.
 Tennessee - no reform, grand jury for all offenses.
 Texas - no reform, grand jury for all offenses.
 Utah - reform 2 and 3, usage 3.
 Vermont - reform 2, usage 3.
 Virginia - reform 1 and 2, grand jury required for all offenses.
 Washington - reform 1 and 2, usage 3.
 West Virginia - no reform, grand jury required for all offenses.
 Wisconsin - reform 1, usage 3.
 Wyoming - no reform, usage 3.

Speaker recommended Mr. Rhodes read the Hawkins case because there are times when it is a good idea to have a grand jury such as for cases of criminal prosecution. Someone who has written extensively on this subject, essentially in a reform minded vein, is Sam Dash in "Preliminary Hearing vs. Grand Jury" (equal protection). He also has a 1972 article that very good in discussion of equal protection issues. The reform issues are taken from an analysis of state laws, the frequency of usage was from a telephone survey of states. The frequency of usage number is a rough one that they used for trying to find states they want to look at in depth.

Don asked what her organization was. She said Abt Associates is a man's name. The address is 55 Wheeler St., Cambridge, MA 02138. They are a social science research firm and one of their areas of specialization is criminal justice work. The initial reform issue was looked at by a grant with NIJ. It will be written up as a grand jury program monograph. The study they are currently conducting is a study of the role of the grand jury under another grant.

GRAND JURY REFORM ACTIVITY IN THE STATES

State	Reform Issue			Mandatory Grand Jury		Frequency of Usage		
	1	2	3	A	B	1	2	3
Alabama				X		X		
Alaska				X		X		
Arizona	X	X					X	
Arkansas								
California		X	X					X
Colorado	X	X						X
Connecticut		X			X			X
Delaware				X		X		
Dist. Columbia				X		X		
Florida					X			
Georgia				X		X		
Hawaii				X		X		
Idaho			X					X
Illinois	X	X					X	
Iowa								X
Kansas	X	X						X
Kentucky				X		X		X
Louisiana					X			X
Maine				X		X		
Maryland							X	
Massachusetts	X	X			X	X		
Michigan	X				X			X
Minnesota	X	X			X			X
Mississippi				X		X		
Missouri							X	
Montana								
Nebraska								
Nevada		X	X					X
New Hampshire				X		X		
New Jersey		X		X		X		
New Mexico	X	X	X				X	
New York	X	X	X	X		X		
North Carolina				X		X		
North Dakota		X	X					X
Ohio				X		X		
Oklahoma	X	X	X					X
Oregon			X				X	
Pennsylvania*	X		X					
Rhode Island		X			X		X	
South Carolina				X		X		
South Dakota	X		X					
Tennessee				X		X		
Texas				X		X		
Utah		X	X					X
Vermont		X						X
Virginia	X	X		X		X		
Washington	X	X						X
West Virginia				X		X		
Wisconsin	X							X
Wyoming								X

1.8. US Grand

* Use of Grand Jury for investigative purposes only.

Terms Defined:

Reform Issues:

1. Defense Counsel is allowed in grand jury room.
2. Record keeping of grand jury proceedings required.
3. There are trial rules of evidence.

Mandatory Grand Jury:

- A. For all offenses.
- B. For capital felonies only.

Frequency of Usage

- 1 = High usage
- 2 = Moderate usage
- 3 = Low usage

ATTACHMENT B

Recorded Telephone Conversation - Don Rhodes - 2/25/81

Reform Issues

1. Defense counsel is allowed in the grand jury room.
2. Record keeping of the grand jury proceedings is required.
3. There are trial rules of evidence.

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Illinois - reform 1 and 2, usage - 2.
Iowa - non-reform, usage - 3.
Kansas - reform 1 and 2, usage - 3.
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Louisiana - grand jury required for capital felonies, usage - 3.
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Michigan - reform 1 and usage - 3. (1 man grand jury)
Minnesota - reform 1 and 2, grand jury required for capital felonies, usage - 3.

Note: Of all states only 13 have implemented right to counsel legislation for witnesses. The amazing thing is that very few of them use a grand jury with any frequency, so the high reform states are non-users. Arizona, Colorado, Illinois, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, New York, Oklahoma, Pennsylvania, South Dakota, Virginia, Washington and Wisconsin. Arizona, Illinois and New Mexico use this with frequency. Pennsylvania, since it uses grand juries only for investigative purposes has, in effect, come the closest to abolishing them for screening purposes.

Mississippi - grand jury required on all offenses and no reform.
Missouri - non-reform, discretionary as to grand jury, usage - 2.
Montana - non-reform, discretionary as to grand jury.
Nebraska - non-reform, discretionary as to grand jury.
Nevada - reform 2 and 3, usage 3.
New Hampshire - grand jury for all offenses required and no reforms.
New Jersey - record keeping required, reform 2 and grand jury required for all offenses.
New Mexico - reforms 1, 2 and 3, right to counsel only for suspected defendants, usage 2, discretionary grand jury.
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North Dakota - reforms 2 and 3, usage 3.
Ohio - no reform, grand jury required for all offenses.
Oklahoma - reforms 1, 2 and 3, usage 3.
Oregon - reform 3, usage 2.
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South Dakota - reform 1 and 3, usage unknown, grand jury discretionary.
Tennessee - no reform, grand jury for all offenses.
Texas - no reform, grand jury for all offenses.
Utah - reform 2 and 3, usage 3.
Vermont - reform 2, usage 3.
Virginia - reform 1 and 2, grand jury required for all offenses.
Washington - reform 1 and 2, usage 3.
West Virginia - no reform, grand jury required for all offenses.
Wisconsin - reform 1, usage 3.
Wyoming - no reform, usage 3.

Speaker recommended Mr. Rhodes read the Hawkins case because there are times when it is a good idea to have a grand jury such as for cases of criminal prosecution. Someone who has written extensively on this subject, essentially in a reform minded vein, is Sam Dash in "Preliminary Hearing vs. Grand Jury" (equal protection). He also has a 1972 article that very good in discussion of equal protection issues. The reform issues are taken from an analysis of state laws, the frequency of usage was from a telephone survey of states. The frequency of usage number is a rough one that they used for trying to find states they want to look at in depth.

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SENATE CONCURRENT RESOLUTION NO. 25—SENATORS
WAGNER, WILSON, FORD, KOSINSKI AND RAGGIO

FEBRUARY 18, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Directs legislative commission to study grand jury
system in Nevada. (BDR 657)

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

SENATE CONCURRENT RESOLUTION—Directing the legislative commission
to study the grand jury system in Nevada.

- 1 WHEREAS, The grand jury is an integral part of the system of crimi-
2 nal justice in Nevada; and
3 WHEREAS, Recognizing the need for minimum guidelines in the admin-
4 istration of criminal justice, the American Bar Association has developed
5 a set of comprehensive standards covering the system of criminal justice
6 which includes a draft published in 1979 relating to grand juries; and
7 WHEREAS, These standards may be of great benefit to criminal justice
8 in Nevada; and
9 WHEREAS, Appropriate action should be taken to study and review
10 the standards along with other recommendations and carry them out
11 where necessary and practical; now, therefore, be it
12 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
13 *ring,* That the legislative commission is hereby directed to conduct a
14 study of the laws, rules and practices relating to the grand jury in
15 Nevada; and be it further
16 *Resolved,* That this study include an evaluation of the standards of
17 the American Bar Association regarding grand juries; and be it further
18 *Resolved,* That the legislative commission report the results of the
19 study and any recommended legislation to the 62nd session of the
20 legislature.

©

SENATE CONCURRENT RESOLUTION NO. 12—
SENATORS CLOSE AND KOSINSKI

JANUARY 23, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Provides for continuation of interim study of gaming. (BDR 429)

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

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to continue its interim study of gaming.

- 1 **WHEREAS**, The 60th session of the Nevada legislature by Senate Con-
2 current Resolution No. 49 directed the legislative commission to conduct
3 an interim study of gaming; and
4 **WHEREAS**, The subcommittee appointed for that purpose recommended
5 certain legislation for enactment and certain subjects for further consid-
6 eration by this 61st session; and
7 **WHEREAS**, That subcommittee also recommended, as a means of keep-
8 ing the legislature better informed, that the study be continued during the
9 next interim; now, therefore, be it
10 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
11 *ing*, That the legislative commission is hereby directed to continue the
12 study of gaming conducted during the last interim, through the appoint-
13 ment of an appropriate subcommittee for this purpose; and be it further
14 *Resolved*, That the subcommittee so appointed consider further any
15 matters recommended for consideration by the former study and not
16 finally resolved by this session, and any other matters concerning the
17 regulation of gaming which it may believe will require legislative action;
18 and be it further
19 *Resolved*, That the legislative commission report the results of the
20 study and any recommendations for legislation to the 62nd session of the
21 legislature.

⊗

SENATE BILL NO. 387—SENATOR JACOBSEN

MARCH 10, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Provides for design and display of legislative pennant. (BDR 17-1158)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Effect less than \$2,000.

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

AN ACT relating to a legislative pennant: providing for its design and display; 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 218.087 is hereby amended to read as follows:
2 218.087 1. The official flag of the legislature of the State of Nevada
3 is hereby created containing substantially the design and colors submitted
4 by the senior government class of the Tonopah High School, Tonopah,
5 Nye County, Nevada, to the 54th session of the legislature, with the
6 addition of the words "Nevada Legislature" which [shall] appear above
7 and below [such] the design in an arc on the field.
8 2. The official flag [shall] of the legislature must be flown over the
9 legislative building. [where the legislature meets when the legislature is
10 in session.]
11 3. The director of the legislative counsel bureau shall design a
12 legislative pennant. When the legislature is in session, the legislative
13 pennant must be flown above the official flag of the legislature.
14 SEC. 2. This act shall become effective upon passage and approval.

⊕

SENATE BILL NO. 380—COMMITTEE ON
LEGISLATIVE AFFAIRS

MARCH 9, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Provides salary and expenses for legislators appointed to boards and commissions of state. (BDR 17-1230)

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

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

AN ACT relating to the state legislature; providing salary and expenses for legislators appointed to boards and commissions of the state; 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. Chapter 218 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *Except as provided in subsection 2, each senator and assemblyman*
4 *who is appointed pursuant to law to represent the legislature on a board*
5 *or commission of the state is entitled to receive out of the legislative fund*
6 *a salary of \$80 for each day or portion of a day of attendance at a meet-*
7 *ing of the board or commission, and the per diem allowance and travel*
8 *expenses provided by law.*
9 2. *This section does not apply:*
10 (a) *During a regular or special session of the legislature; or*
11 (b) *To any senator or assemblyman who is otherwise entitled to receive*
12 *a salary and the per diem allowance and travel expenses.*
13 SEC. 2. This act shall become effective upon passage and approval.

SENATE BILL NO. 266—SENATOR JACOBSEN

FEBRUARY 19, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Removes incorrect reference to location of press room as it relates to bill books. (BDR 17-1514)

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 legislature; removing an incorrect reference to the location of the press room in the provision on bill books; 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 218.185 is hereby amended to read as follows:
2 218.185 1. During each session of the legislature, employees of the
3 senate and assembly shall compile and prepare sets of [bill, resolution,
4 journal and history books] *books containing bills, resolutions, journals*
5 *and histories* for:
6 (a) The officers and members of the senate and assembly without cost
7 to [such persons.] *them*.
8 (b) Selected staff members of the legislative counsel bureau without
9 cost to [such persons.] *them*.
10 (c) The press room [in the Legislative Building] for use of accredited
11 press representatives, but not more than four such sets of books [shall]
12 *may* be compiled and prepared without cost.
13 (d) Persons other than those enumerated in paragraphs (a), (b) and
14 (c) upon application to the legislative counsel bureau and the payment
15 of a fee of \$100.
16 2. All fees collected under the provisions of this section [shall] *must*
17 be deposited [in] *with the state treasurer for credit to the legislative*
18 *fund in accordance with the provisions of NRS 353.250.*
19 SEC. 2. This act shall become effective upon passage and approval.

SENATE CONCURRENT RESOLUTION NO. 20—COMMITTEE ON LEGISLATIVE AFFAIRS

FEBRUARY 11, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Amends Joint Rule 11 regarding selection and representation of certain members of legislative commission. (BDR 587)

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

SENATE CONCURRENT RESOLUTION—Amending Joint Rule 11 to permit the chairman of the legislative commission to appoint an alternate member to replace a member who is no longer a legislator or who is unable to attend a meeting, and establishing certain procedures to be followed by the chairman in the appointment.

1 Resolved by the Senate of the State of Nevada, the Assembly concur-
2 ring, That Joint Rule 11 of the 61st session is hereby amended to read as
3 follows:

4 11

5 LEGISLATIVE COMMISSION

6 1. When members of the minority party in the Senate or in the
7 Assembly comprise less than 34 percent of the total number elected to
8 that house, minority party membership for that house on the Legislative
9 Commission [shall] must be:

- 10 (a) One, if such membership is less than 21 percent.
11 (b) Two, if such membership is between 21 percent and 33 percent.

12 If the members of the minority party in the Senate or in the Assembly
13 comprise more than 33 percent of the total number elected to that house,
14 minority party membership for that house on the Commission [shall]
15 must be three, being equal to the membership of the majority party.

16 2. Each house shall elect one or more alternate members for each
17 member from that house, designating them according to party or accord-
18 ing to the individual member whom the alternate would replace.

19 3. A vacancy in the regular Senate or Assembly membership created
20 by death or by resignation or by the legislator's ceasing to be a member
21 of the Legislature shall be filled by the proper alternate member as desig-
22 nated by that house. If there is no proper alternate member, the Legisla-
23 tive Commission shall fill the vacancy by appointing a senator or
24 assemblyman of the same party.
25
26

SENATE BILL NO. 299—COMMITTEE ON
LEGISLATIVE AFFAIRS

FEBRUARY 25, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Transfers accounting function from audit division to, and redesignates service division as, administrative division of legislative counsel bureau. (BDR 17-309)

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 legislative counsel bureau; providing for the chief of the administrative division to be ex officio legislative fiscal officer; transferring the accounting function from the audit division to the service division and redesignating that division as the administrative division; 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. Chapter 218 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The chief of the administrative division is ex officio legislative*
4 *fiscal officer. As such officer, he shall keep a complete, accurate and*
5 *adequate set of accounting records and reports for all legislative opera-*
6 *tions, including any records and reports required by the Federal Govern-*
7 *ment for the administration of federal revenue and income tax laws.*
8 2. *The chief shall withhold from the pay of each legislator, employee*
9 *of the legislature and employee of the legislative counsel bureau the*
10 *amount of tax specified by the Federal Government and shall transmit the*
11 *amount deducted to the Internal Revenue Service of the United States*
12 *Department of the Treasury.*
13 3. *The chief may provide for the purchase of United States savings*
14 *bonds or similar United States obligations by salary deduction for any*
15 *legislator, legislative employee or employee of the legislative counsel*
16 *bureau who submits a written request for these deductions and purchases.*
17 *The chief shall provide forms authorizing deductions for and purchases of*
18 *these United States obligations.*
19 4. *The chief may withhold from the pay of a legislator, employee of*
20 *the legislature or employee of the legislative counsel bureau such amount*
21 *as the claimant specifies in writing for payment to his credit union. Any*

1 *money which is withheld must be transmitted by the chief in accordance*
2 *with the claimant's written instructions. The chief may adopt regulations*
3 *necessary to carry out the provisions of this subsection.*

4 **SEC. 2. NRS 218.085 is hereby amended to read as follows:**

5 **218.085 1. The legislative fund is hereby created as a special revenue**
6 **fund for the use of the legislature, and where specifically authorized by**
7 **law, for the use of the legislative counsel bureau.**

8 **2. Support for the legislative fund must be provided by legislative**
9 **appropriation from the state general fund.**

10 **3. Expenditures from the legislative fund may be made for:**

11 (a) The payment of necessary operating expenses of the senate;

12 (b) The payment of necessary operating expenses of the assembly;

13 (c) The payment of the necessary improvements to the legislative
14 building and its grounds;

15 (d) The payment of necessary operating expenses of but not limited
16 to:

17 (1) The legislative commission;

18 (2) The legal division;

19 (3) The research division;

20 (4) The audit division;

21 (5) The fiscal analysis division; and

22 (6) The [service] administrative division,

23 of the legislative counsel bureau.

24 **4. Expenditures from the legislative fund for purposes other than**
25 **those specified in subsection 3 or authorized specifically by another stat-**
26 **ute may be made only upon the authority of a concurrent resolution regu-**
27 **larly adopted by the senate and assembly.**

28 **5. All money in the legislative fund must be paid out on claims**
29 **approved by the director of the legislative counsel bureau or his designee**
30 **as other claims against the state are paid.**

31 **SEC. 3. NRS 218.248 is hereby amended to read as follows:**

32 **218.248 1. The legislative counsel shall keep a record of the hours**
33 **expended by personnel of the legal division of the legislative counsel**
34 **bureau to prepare legislative measures requested by any state agency, offi-**
35 **cer of the executive branch of state government or any justice of the**
36 **supreme court or judge of a district court.**

37 **2. The record of total hours [shall] must be furnished to the [legis-**
38 **lative auditor] chief of the administrative division who shall send to each**
39 **such requesting agency, officer, justice or judge a claim stating the**
40 **amount of charges for such preparation. The claim [shall] must be paid**
41 **to the legislative counsel bureau as other claims against the state are paid.**

42 **3. The rates to be charged for the services of the legal division of the**
43 **legislative counsel bureau [shall] must be determined by the legislative**
44 **commission.**

45 **4. All [moneys] money received by the legislative counsel bureau**
46 **pursuant to this section [shall] must be deposited in the legislative fund.**

47 **SEC. 4. NRS 218.620 is hereby amended to read as follows:**

48 **218.620 1. There is hereby created the legislative counsel bureau,**
49 **which consists of a legislative commission, an interim finance committee,**

chief in accordance
adopt regulations

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1 a director, an audit division, a fiscal analysis division, a legal division, a
2 research division, and [a service] an administrative division.

3 2. The legislative auditor is chief of the audit division. The legisla-
4 tive counsel is chief of the legal division. The research director is chief of
5 the research division. [The director is chief of the service division.] The
6 director shall designate from time to time one of the fiscal analysts to be
7 responsible for the administration of the fiscal analysis division.

8 3. The legislative commission shall:
9 (a) Appoint the director.
10 (b) Fix the compensation of the director, each of the other division
11 chiefs, and each fiscal analyst.

12 4. The director shall appoint the [other division chiefs and the] fis-
13 cal analysts and the chiefs of the other divisions with the approval of the
14 legislative commission [.] , and may serve as the chief of any division.

15 5. The director may, with the consent of the legislative commission,
16 designate one of the other division chiefs or an employee of the legislative
17 counsel bureau as deputy director, who shall serve as deputy director
18 without additional compensation.

19 6. The director, officers and employees of the legislative counsel
20 bureau are entitled to receive, when engaged in official business for the
21 legislative counsel bureau, travel expenses and subsistence allowances as
22 provided by law.

23 SEC. 5. NRS 218.6851 is hereby amended to read as follows:

24 218.6851 1. The [service] administrative division consists of the
25 chief of the division and such staff as he may require.

26 2. The [service] administrative division is responsible for:

- 27 (a) Accounting;
- 28 (b) Communication equipment;
- 29 [(b)] (c) Control of inventory;
- 30 [(c)] (d) Janitorial services;
- 31 [(d)] (e) Maintenance of buildings, grounds and vehicles;
- 32 [(e)] (f) Purchasing;
- 33 [(f)] (g) Security;
- 34 [(g)] (h) Shipping and receiving;
- 35 [(h)] (i) Utilities; and
- 36 [(i)] (j) Warehousing operations.

37 SEC. 6. NRS 218.755 is hereby repealed.



ASSEMBLY BILL NO. 12—ASSEMBLYMEN BARENGO
AND VERGIELS

JANUARY 21, 1981

Referred to Committee on Legislative Functions

SUMMARY—Revises provisions for distributing and reporting
legislative audits. (BDR 17-146)

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 legislative auditor; providing for the distribution of audits during the legislative session; broadening the reporting to the legislature of any improper practices discovered during an audit; 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 218.821 is hereby amended to read as follows:
2 218.821 1. The legislative auditor or his designated representative
3 shall furnish a copy of the preliminary audit report to the head of the
4 state department audited and discuss the report with him. The head of
5 the state department may submit to the legislative auditor, within 10 days
6 after the discussion, his written statement of explanation or rebuttal con-
7 cerning any of the findings, and the legislative auditor shall include in the
8 final report the officer's explanation or rebuttal to any of the findings
9 contained in the final report.
10 2. *When the legislature is in session the legislative auditor shall notify*
11 *the chairman of the legislative commission, immediately following this*
12 *10-day period, that an audit report is ready for presentation to the legis-*
13 *lative commission.*
14 3. *If the chairman of the legislative commission does not call a meet-*
15 *ing of the commission within 5 days after notification, the legislative*
16 *auditor shall distribute his report and any statement received from the*
17 *agency to each member of the legislature.*
18 SEC. 2. NRS 218.880 is hereby amended to read as follows:
19 218.880 1. If the legislative auditor finds, in the course of his audit,
20 evidence of improper practices of financial administration or inadequacy
21 of fiscal records, he shall report [the same] *these practices* immediately
22 to the governor, the legislative commission, *each member of the legisla-*
23 *ture* and the department head or heads affected.

- 1 2. If the legislative auditor finds evidence of illegal transactions, he
- 2 shall forthwith report [such] *these* transactions to the governor, [the
- 3 legislative commission,] *each member of the legislature* and the attorney
- 4 general.
- 5 SEC. 3. This act shall become effective upon passage and approval.

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SENATE CONCURRENT RESOLUTION NO. 32—
COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 5, 1981

Referred to Committee on Legislative Affairs

SUMMARY—Continues standing committees through interim
to conduct studies. (BDR 1116)

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

SENATE CONCURRENT RESOLUTION—Continuing standing committees
through interim to conduct studies.

- 1 WHEREAS, Topics often arise before standing committees during legis-
2 lative sessions for which there is not adequate time to make reasoned
3 judgments on policy; and
4 WHEREAS, The legislature has for the past decade conducted between
5 10 and 24 studies during each interim period; and
6 WHEREAS, The experience and expertise gained by the standing com-
7 mittees during a session is a valuable legislative resource which should be
8 used during the interim period; and
9 WHEREAS, The system of establishing ad hoc subcommittees of the
10 legislative commission to hold hearings, study information and make
11 findings and recommendations requires the expenditure of a substantial
12 amount of money, time and other resources by the legislators and their
13 staff; and
14 WHEREAS, The interim studies often do not receive proper considera-
15 tion because of lack of continuity between the membership of an interim
16 subcommittee and that of a standing committee which have responsibili-
17 ties for the same subject matter; and
18 WHEREAS, There is a wide recognition that overseeing programs under
19 existing law has become a legislative responsibility equal in importance to
20 the development of new legislation; and
21 WHEREAS, A continuation of work by standing committees between
22 sessions would promote the uninterrupted progression of effort, permit
23 legislators to develop the expertise necessary to oversee programs and
24 provide a more efficient use of time by the legislators and their staff; and
25 WHEREAS, Studies performed by standing committees will require no
26 more money than studies performed by ad hoc committees; now, there-
27 fore, be it
28 *Resolved by the Senate of the State of Nevada, the Assembly concur-*
29 *ring, That the legislative commission is hereby directed to form its joint*

1 interim committees by combining the committees of the senate and assem-
2 bly as follows:

3	Interim Committees	Senate Standing Committees	Assembly Standing Committees
4	Interim Finance Committee.....	Finance	Ways and Means
5	Joint Committee on Judiciary.....	Judiciary	Judiciary
6	Joint Committee on		
7	Human Resources.....	Human Resources and Facilities	Health and Welfare; Education
8			
9	Joint Committee on		
10	Commerce and Labor.....	Commerce and Labor	Commerce; Labor and Management
11			
12	Joint Committee on		
13	Natural Resources.....	Natural Resources	Agriculture; Economic Development and Natural Resources
14			
15	Joint Committee on		
16	Government Affairs.....	Government Affairs	Government Affairs; Elections
17			
18	Joint Committee on		
19	Transportation.....	Transportation	Transportation
20			
21	Joint Committee on		
22	Taxation.....	Taxation	Taxation
23	Legislative Commission.....	Legislative Affairs	Legislative Functions
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25			
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28 and be it further

29 *Resolved*, That the speaker of the assembly and the majority leader of
30 the senate of the 61st session are hereby directed to select the chairmen
31 and vice chairmen of joint interim committees and, where there are con-
32 flicts in committee schedules or members are unable to serve, to appoint
33 alternates or adjust the membership of the committees as may be neces-
34 sary; and be it further

35 *Resolved*, That the legislative commission assign each interim study
36 directed by the legislature to the appropriate joint interim committee,
37 based on the subject matter of the study; and be it further

38 *Resolved*, That each joint interim committee, in addition to perform-
39 ing the studies assigned to it, shall prepare an interim work program for
40 overseeing activities within its purview, including the review of audit
41 reports and administrative regulations, and submit the program to the
42 legislative commission for approval; and be it further

43 *Resolved*, That the legislative commission is hereby directed to:

- 44 1. Approve budgets for the joint interim committees;
- 45 2. Establish, by August 1, 1981, a master calendar of meetings of the
46 joint interim committees, including at least six 3-day meetings during
47 which all joint interim committees must meet. The calendar must provide
48 for meeting dates which coincide, whenever possible, with meetings of the
49 legislative commission, the interim retirement committee and the interim
50 finance committee;

- 1 3. Require the joint interim committees to submit reports stating
- 2 their progress; and
- 3 4. Review the final reports of the joint interim committees;
- 4 and be it further
- 5 *Resolved*, That the legislative commission prepare an evaluation of the
- 6 procedures set forth in this resolution for submission to the 62nd session
- 7 of the legislature.

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