

Assembly

1- 0085

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

February 12, 1975

MEMBERS PRESENT: CHAIRMAN DINI
VICE-CHAIRMAN MURPHY
ASSEMBLYMAN CRADDOCK
ASSEMBLYMAN HARMON
ASSEMBLYMAN MAY
ASSEMBLYMAN MOODY
ASSEMBLYMAN SCHOFIELD
ASSEMBLYMAN FORD
ASSEMBLYMAN YOUNG

ALSO PRESENT: Isabel Kimble, American Civil Liberties Union
Terry Sullivan, State Purchasing Division
John McSweeney, Division for Aging Services
Robert Warren, Nevada League of Cities
Esther Nicholson, League of Women Voters
Assemblyman Brookman
Assemblyman Coulter

Vice-Chairman Murphy called the meeting to order at 9:00 A.M., and stated that the first bill to be discussed would be A.B. 168.

Mr. John McSweeney of the Division for Aging Services testified with regard to A.B. 168, which adds to provisions for state advisory committee on older Americans. Mr. McSweeney stated that he would be glad to answer any questions that the committee might have with regard to A.B. 168.

Mr. Murphy asked Mr. McSweeney if he would briefly explain the bill.

Mr. McSweeney stated that the bill would reduce the size of the present staff which now had a membership of 20 to 24 members. The cost of the committee was running at approximately \$2,000 for each meeting of the Advisory Committee and they felt that reducing the number of members to 11 would be more effective and that they would have more money to do the things that were necessary.

Mr. Murphy asked if there were any questions.

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Mr. Craddock asked how often the committee met now.

Mr. McSweeney stated that it met at least four times a year.

Mr. Craddock then asked what the minimum number of times would be that they would meet.

Mr. McSweeney replied that it was four.

Mr. Young asked if this bill did nothing except to change the make-up of the committee.

Mr. McSweeney replied that that was correct.

Mr. Young asked what the committee's appropriation was and Mr. McSweeney replied that it will be \$15,000 per year for the entire Division for Aging Services and that there was no separate appropriation for the committee itself.

Mr. Young asked if it was federally funded and Mr. McSweeney replied that it was.

Mrs. Ford questioned Mr. McSweeney as to whether there was money in the budget for the meeting. Mr. McSweeney stated that the committee's money was taken out of the budget for the agency.

Mr. Murphy asked if the committee had any further questions for Mr. McSweeney and asked if there was any one else who would like to testify in favor of A.B. 168. He then asked if there was any testimony in opposition of A.B. 168. Mr. Murphy then stated that the Committee would proceed to A.B. 178 and would come back to A.B. 168 later on because Assemblyman Brookman would be testifying on this bill.

Mr. Murphy then stated that the next bill on the agenda was A.B. 178, which provides for an increase in formal bidding limit for state purchases. Mr. Murphy asked if there was anyone who would like to testify with regard to this bill who was in favor of it.

Mr. Terry Sullivan of the State Purchasing Division testified with regard to the bill. He explained that what they were trying to do was to raise the \$500 limit to \$2,500. He further explained that it would give them more flexibility. He stated that they felt that \$2,500 was a realistic figure.

Mr. Murphy asked if the \$2,500 would put them in line with the cities and counties and Mr. Sullivan replied that it would.

Mr. Murphy asked if there was any one else present

who would like to testify in favor of A.B. 178.

Mr. Bill Engel of the State Highway Department stated that they were one of the major supporters of this bill because many of the items purchased for his department would fall into this category such as parts for heavy equipment, pumps, pipe, etc. which they used in their maintenance stations.

Mr. Murphy asked if there were any questions or if anyone who was opposed to the bill wished to testify.

Mr. Murphy then again discussed A.B. 168 and stated that Assemblyman Brookman was now available to testify. Mrs. Brookman stated that she chaired the State Advisory Board and said that she had found that it was necessary to reduce the number of members to 11, and she further stated that she hoped that the Government Affairs Committee would give this bill due consideration and that the bill would receive a "do pass" from the committee.

Mr. Murphy asked if this was the only advisory board that is not appointed by the governor.

Assemblyman Brookman stated that the Director has the authority and that it must meet with the Governor's blessing. She also stated that the work they did was good.

Mr. Dini asked if this bill was to go to Ways and Means and Mrs. Brookman stated that it was already in the budget.

Mr. Murphy asked if the money for the committee came out of the Department of the Aging?

Mrs. Brookman stated that it did.

Mr. Murphy then proceeded to A.B. 171, which eliminates aggregate provision for local purchases in State PURchasing Act and makes using agencies responsible for current recordkeeping.

Mr. Terry Sullivan testified with regard to this bill and stated that presently they issue authorizations to the agencies for direct purchases which are run through them. He stated that the \$1,000 limit means that each time they meet the limit they had to renew the limit. He stated that they wanted to remove that and stated that it was immaterial to them. He stated that in Paragraph 4, that reports were supposed to be made to his department and that they did not need the paper work. He stated that this bill would also eliminate the paperwork.

Mr. Murphy asked if there were any questions.

Mr. Dini asked why the deletion on line 15.

Mr. Sullivan stated that when they reached the \$1,000 limit they had to ask his department for a new authorization, and that they would now, under this bill, have to renew on a yearly basis rather than at \$1,000.00. He further stated that what he was doing was limiting the item to \$500.00, and that they were establishing a maximum limit for an authorization that they could give for a single item which would be \$500.00.

Mr. Young stated that it would seem to him that they were going in the opposite direction.

Mr. Sullivan stated that when they issue authorizations the agency has to renew the authorization once a year. He further stated that each time it had to be renewed that it would have to be in writing. He stated that that had been taken out. He stated that what they may do is spend \$500.00 for a single item.

He further stated that the two were not connected.

Mrs. Ford questioned Mr. Sullivan as to whether or not they would have to report any of the small items.

Mr. Sullivan stated yes.

Mr. Dini stated the word issue should be taken out.

Mr. Sullivan stated that that would eliminate any aggregate amount. He further stated that they could spend \$50,000 without asking for renewal and that a renewal need be obtained only once a year.

Mr. Dini questioned the word order in the bill.

Mr. Sullivan stated that he could have used the word invoice or purchase order.

Mr. Schofield asked what problem this has caused in the past.

Mr. Sullivan stated that every time they reached \$500.00 they had to renew.

Mr. Schofield then asked if it would give them better control.

Mr. Sullivan stated no and that it was primarily the items that they do not want to bid on. He further stated that he simply changed the whole sentence by taking out the \$1,000 limit that they can spend without renewing it. He stated that you could not spend over \$500.00 each time you buy something. Mr. Sullivan stated that he should have just taken the line out.

Mr. Young stated that he did not feel that it was written right.

Mr. Sullivan then asked if the committee understood what he was attempting to do.

Mrs. Ford stated that they could not spend more than \$500.00 for any individual invoice.

Mr. Sullivan stated that they could buy under the present bill whatever they wanted but when they reached \$1,000 in the aggregate amount, they have to ask to renew purchase authorizations. Now they do not have to do this. They cannot spend over \$500.00 on any individual invoice.

Mrs. Ford asked what the value was of keeping it at \$500.00.

Mr. Sullivan stated that it was a realistic figure and that this used to be the limit.

Mrs. Ford stated that this was a blanket authorization provided you did not spend over \$500.00.

Mr. Murphy asked if there were any questions or comments or if any one else wished to testify in favor of A.B. 171, or if there was any testimony in opposition to it.

Mr. Murphy then called a brief five-minute recess.

Mr. Murphy called the meeting back to order and stated that the next bill on the agenda to be discussed would be A.B. 85, which provides for advance notice of meeting of legislative committee and sub-committees and for public access to meetings and records thereof.

Assemblyman Sue Wagner testified on behalf of this bill. She stated that she was a firm believer of open meetings. She stated that all of us had this responsibility to our constituents. She further stated that it was their obligation to make government more open and responsive. She recommended a 'do pass' on A.B. 85.

Mr. Murphy asked if there were any questions.

Mr. Schofield asked if, in the case of a sub-committee meeting if notice would have to be posted, and where it would be posted.

Mrs. Wagner stated that it should be posted in the legislative building if the meeting was to be held there, and she further stated that she thought that this was Mr. Coulter's intention. She further stated that as far as sub-committees were concerned that Mr. Coulter would be able to better speak on that subject. She further stated that regulation means without exception.

Mr. Craddock questioned the limitation on the minutes of the meeting and asked if 7 days would be reasonable.

Mrs. Wagner said that she would assume that Mr. Coulter would have checked into the secretarial problems involved here and did arrive at a reasonable date. She stated that it was Mr. Coulter's intent that people not only be able to come and listen to the meetings, but that they could check the record.

Mr. Murphy asked if there were any questions. He then asked if there was anyone else who would like to testify in favor of A.B. 85. Assemblyman Coulter then testified with regard to this bill. (A copy of his testimony is attached hereto to these minutes and made a part hereof).

Mr. Murphy then asked Mr. Coulter if he saw any problems under Section 2 concerning subcommittees and the posting of the notice somewhere.

Mr. Coulter stated that most meetings of the legislature happen in the legislature. He further stated that the posting of notice of a meeting would be only for meetings held in this building.

Mr. Murphy asked if there were any questions.

Mr. Dini then asked about the one hour notice prior to each meeting. He stated that there were times when you could not give one hour's notice, and Mr. Dini further stated that it should be extended to local government.

Mr. Coulter then stated that open meetings already apply to everyone except us. He further stated that his main concern was Section 1, and that Sections 2 and 3 were secondary.

Mr. Murphy asked if there were any further questions.

Mr. Young stated that one hour's notice would hardly allow a person enough time to get from Reno to Carson.

Mr. Coulter stated that his purpose was more for the press than anyone else. He then referred to the two Senate Finance Committee meetings which were closed.

Mrs. Ford stated that she thought that the one hour notice was a reasonable thing, and that at least you will give the press and interested people an opportunity to know a meeting has been scheduled.

Mr. Craddock questioned the 1 hour notice. He stated that there are times that right on the assembly floor a committee chairman will announce a meeting at his desk after adjournment.

Mrs. Ford stated that she thought that that was a point to which this could be expedited. She stated that she thought that if the committee felt that the public has a right to know of a committee's deliberations and of their discussion of a bill that there should be advance notice.

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Mr. Murphy asked if there were any further questions.

Mrs. Esther Kimble testified in favor of A.B. 85. Please refer to the attached copy of Mrs. Kimble's testimony attached to these minutes and made a part hereof.

Mrs. Kimble further testified that with regard to the 24 hour notice that if 24 hour notice were granted in the bill, that this amount of time would allow them to get someone from Reno or even from Las Vegas. In one hour, there was no way that this could be done. She said that she thought Mr. Coulter's outlook was because that he was a former press man and that she felt that it was important that groups such as hers be able to express themselves.

Mr. Murphy asked if there were any questions.

Mrs. Nicholson then testified and stated that she supported the bill. She further stated that she did not have too much to add to the reasons for the passage of this bill. She further stated that the Attorney General has ruled that the legislative sub committees are not subject to any open meeting regulations at this time and that it was important that it be put into law.

Mr. Murphy asked if there were any further questions.

Mr. Bob Benkovich stated that he was in favor of the bill. He stated that he was one of the institutors of open meetings. He further stated that in his district 95 out of 100 people were -in favor of open meetings and that it was a very popular issue.

Mr. Young asked if that if Mr. Dini were to put three members on a sub committee if we should post notice. Mr. Benkovich stated that that would be sort of flexible.

Mrs. Ford questioned if subcommittees could be left out and Mr. Benkovich stated that that was the general intent and that they could be left out. Mrs. Ford further stated that the subcommittees had to come back to the main committee anyway, and that it was unduly restricting.

Mr. Murphy asked if there were any further questions.

Mr. Bob Warren next testified. He stated that the cities supported the bill with a major amendment. He stated that the amendment would be to the reference to the 1 hour limit on posting of notices. He stated that it would be very poor if members came before the committee and took the committee's time and were not properly prepared because of inadequate notice. Adequate notice would be 24 hours as suggested by Mrs. Kimble rather than 1 hour. He further stated that 1 hour would be a giant leap backward. He stated that this committee was posting 2 to 3 days in advance now. The assembly history was a major improvement.

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Mr. Murphy asked if there were any questions.

Mr. May stated that in Taxation there was confusion as to how far in advance notice should be posted. His secretary posts the time and date of posting notice.

Mr. May stated that this had to be flexible. He stated that one hour posting may be used as an authorization by some committees as an excuse. Mrs. Ford agreed with Mr. May.

Mr. Murphy then questioned if there was any opposition to the bill.

Mr. May asked if Mr. Armstrong had anything to say about the bill. Mr. Armstrong did not.

Mr. Murphy then proceeded to ask for a motion on A.B. 168. Mr. May proposed a do pass motion which was seconded by Mr. Harmon. Mr. Murphy asked if there was any discussion. All of the committee members were unanimously in favor of the do pass motion. A.B. 178 was next discussed. Mr. Young made a do pass motion which was seconded by Mr. Schofield.

Mrs. Ford inquired of Mr. Warren that he had mentioned that there were several recommendations from a committee. The recommendation that \$2,500 should be moved higher. Mrs. Ford then asked if this bill should be held.

Mrs. Ford then made an amended motion to hold A.B. 178 and 171 until the committee could get further information on it, and Mr. May seconded the motion.

Mr. Young thereupon withdrew his motion, which he had made previously. All of the committee members were in favor of the motion made by Mrs. Ford and the two bills, A.B. 178 and A.B. 171 were put on hold by the committee for the present time.

Mr. May then proceeded to discuss A.B. 85 and inquired that since Mr. Coulter did not indicate an earlier effective date than July 1st of this year and that since it had not been discussed in testimony, that he would assume that Mr. Coulter's intention was not that this bill govern this session. Mr. May recommended that this bill be held until the Senate's reaction could be obtained and also to find out what the Senate would be doing on it.

Mr. May then moved that the committee hold A.B. 85 and schedule this bill for hearing again. Mr. Harmon seconded the motion. Mrs. Ford opposed Mr. May's motion for the holding of A.B. 85 and stated that the senate would be holding hearings this afternoon and that if this committee felt that they were in favor of open meetings that the committee should vote on it. She further stated that at the last time that those who voted on the open meeting law, there was unanimous support.

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Mr. Murphy stated that the committee had two motions.

Mr. Dini stated that he moved the previous question.

Mr. Murphy asked if it was Mr. May's motion that the committee was discussing and asked Mr. May to repeat the motion.

Mr. May stated that the motion was that we hold until a future date, final action on A.B. 85.

Mr. Murphy asked if all of the committee members were in favor of holding A.B. 85 until a future date. All of the members were in favor of the motion, with the exception of Mrs. Ford who was opposed to it.

Mr. Murphy informed the committee that the motion had carried.

Mr. Dini then moved that the meeting adjourn and the motion was seconded by Mr. May.

ASSEMBLY

0084

GOVERNMENT AFFAIRS

AGENDA FOR COMMITTEE ON.....

Wednesday,

Date February 12, 1975 Time 9:00 A.M. Room 214.....

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES AGENDA FOR
FEBRUARY 12, 1975

- A.B. 168 Adds to provisions for state advisory committee on older Americans.
- A.B. 178 Provides for an increase in formal bidding limit for state purchases.
- A.B. 85 Provides for advance notice of meetings of legislative committee and sub-committees and for public access to meetings and records thereof.
- A.B. 171 Eliminates aggregate provision for local purchases in State Purchasing Act and makes using agencies responsible for current record-keeping.

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COMMITTEES
MEMBER

ENVIRONMENT AND PUBLIC RESOURCES
EDUCATION
AGRICULTURE

AB85

Nevada Legislature

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TESTIMONY OF ASSEMBLYMAN COULTER BEFORE ASSEMBLY GOVERNMENT
AFFAIRS COMMITTEE IN SUPPORT OF A.B. 85 (OPEN MEETINGS)
WEDNESDAY, FEBRUARY 12, 1975

I believe there is no single issue more closely associated with honest government than open meetings of the legislature.

At a time when public respect for and confidence in government is at an all time low, I believe it would be irresponsible for this legislature not to mandate open meetings.

In private, I am sure we have all heard excuses for closing legislative meetings. And sometimes those excuses sound responsible. They sound reasonable until we realize we are talking about conducting the public's business, not our own.

Sometimes we politicians would feel more comfortable if we knew we would not be quoted. Sometimes the press makes mistakes. Sometimes its representatives are excessive in their zeal---and I speak as a former newsman. But the ethics of public service demand that we take the risk of opening our deliberations to both press and public. And I think if you'll look at the record, the press has done a

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pretty good job.

Moreover, I believe the overall record of the Nevada Legislature has been commendable.

No one claims the decisions we make are easy. So let's not make them more difficult. A closed door is the quickest way I know to convince the people this is a private club devoted to its own interests, not a legislative forum devoted to the public interest.

I have talked privately with many members of this committee. I think we all sense the need to enact an open meeting law. I think we know the public is for it. A poll in my own legislative district shows 92 percent of the people there want mandatory open meetings of all legislative committees. And they want that guarantee written into law.

Section one of A.B. 85 guarantees that.

A similar bill, and a compromise measure come up before a Senate committee later today. I hope for favorable action. But I am not optimistic. That is why it is so important that this committee and the assembly pass a meaningful open meeting bill.

I think we all know what the people want. Let their voice be heard through your actions today.

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Testimony of Isabel Kimble, Secretary, American Civil Liberties
Union of Nevada before the Government
Affairs Committee (Assembly)
Wednesday, February 12, 1975

Testimony with regard to A.B. 85

1. We favor writing into law explicit statutory requirements that the legislature have open meetings, as other public bodies are required to have.

2. We favor at least a 24-hour notice of all meetings (instead of one hour).

3. We favor notice by mail to interested persons asking to be put on the mailing list.

