

Assembly

2- 0665

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

April 7, 1975

MEMBERS PRESENT: CHAIRMAN DINI  
VICE-CHAIRMAN MURPHY  
MR. CRADDOCK  
MR. HARMON  
MR. MAY  
MR. MOODY  
MR. SCHOFIELD  
MRS. FORD  
MR. YOUNG

ALSO PRESENT: Mr. Glen Griffith, Fish and Game  
Mr. J. T. Klenke, Jr.  
Mr. Joe Cathcart  
Mr. Terry Sullivan  
Mr. Frank Rosaschi

(The following bills were discussed at this meeting: A.J.R. 22, S.B. 255, A.B. 178, A.B. 509).

Chairman Dini called the meeting to order at 9:00  
A.M.

The first bill to be discussed was A.J.R. 22, which proposes to amend Nevada constitution by removing fish and game fines from state permanent school fund.

Mr. Glen Griffith of the Fish and Game Department testified. Mr. Griffith stated that they did not request the bill. He stated that they would rather stick with A.B. 165 which allocates from the general fund an amount equal to the previous year's fine money.

Mr. Dini stated that this bill has never been out of committee.

Mr. Griffith stated that he thought so for the last 5 or 6 sessions.

Mr. Dini asked if Mr. Griffith would rather go with A.B. 165 and Mr. Griffith stated that he did not know who had

requested it. Mr. Dini stated that Bob Weise did.

Mr. Lincoln testified next and stated that he came prepared to answer questions. He stated that the concern of the Department of Education would be that any monies that are now and have been helping to support public education if they were discontinued they would be concern as to whether another source would take its place. He stated that the funds last year were \$60,000. He stated that he did have the last auditor's report and that the funds that accrued to the permanent school fund were \$506000. The portion from fish and game were \$60,000.

Assemblyman Weise testified next. He stated that this was not a department bill but that it was his bill. He stated that it was promoted by sportsmen. He stated that there was another bill to take the identical amount of money out of the general fund and commit it to Fish and Game. If the money was taken directly into the general fund, it would be a little simpler process. He stated that the State would fund whatever the Department of Education was necessary. He stated that it would be a revenue source for fish and game and that they would really fine people. He further stated that if people are in violation that they should be fined.

Mr. Dini stated that the testimony on this bill was now concluded.

The next bill on the agenda was S.B. 255, which changes provisions relating to overtime pay for state employees.

Mr. Bob Gagnier testified. This bill has one primary purpose and that is to permit agencies of state government to provide for variations of the 8 hour day, such as the 4/40 work week. At the present time they would have to pay two hours of overtime every day. He stated that two years ago a bill was introduced. This bill provides for a majority consent of the employees. It can be done without having to pay overtime. Mr. Gagnier stated that the police force serves a 40 hour week already. Mr. Dini asked if the deputy sheriffs were excluded and Mr. Gagnier stated that they were.

Mr. Dini asked if this complies with the federal laws.

Mr. Gagnier stated yes. It is in compliance with the Fair Labor Standards Act.

Mr. Gagnier stated that they felt that it would be fair to both management and to the employees. He stated that they did not feel that it would affect any large groups of employees, just small ones.

Mr. Schofield referred to daily employment and asked if this referred to shift work.

Mr. Gagnier stated that two years ago there was a

that specifically mentioned the 4/40 work week. He stated that there were things other than the 4/40 work week. One agency has indicated that they would like to provide a 3/12 and 1/4 work week. It is for nursing personnel. He stated that it would save the agency some cost.

Mrs. Ford asked if page 2, lines 24 and 25 conformed with the new fair labor standards act.

Mr. Gagnier stated that it was in conformance with the old F.L.S.A. He stated that anyone over or above grade 33 gets overtime at the straight rate.

Mr. Wittenberg of the Personnel Department stated that they were in concurrence. The primary difference in this bill from the one of two years ago is that management is not making a unilateral decision and that they now feel that it is fair and reasonable. It is completely in conformance with F.L.S.A. standards.

He stated that there could be some real savings. He mentioned highway maintenance in rural areas and mental health clinics. He thinks that it would have a positive effect on moral. Perhaps not more than 10% to 15% of the state would be on a variable work week.

Mr. Bob Warren testified next. He stated that during the 1973 session they supported all previous bills. They support this one for the same reasons. It will set a precedence and it is of interest to city and county governments. He stated that they feel it is beneficial. Mr. Dini stated that the testimony was now concluded on S.B. 255.

The next bill on the agenda was A.B. 509, which revises Local Government Purchasing Act, repeals law relating to qualifications, preferences for certain bidders.

Mr. Bob Warren testified. He stated that this legislation is one of a package of 18 bills sponsored by the League of Cities. A local government purchasing committee was authorized by the legislature. He stated that a comprehensive evaluation was needed and that this committee was needed.

Mr. Joe Cathcart testified next. He stated that this bill was the outcome of the last three sessions. They were asking for a committee to be formed. Mr. Demers put this bill in. He stated that the outcome were the recommendations of a 17 member purchasing study. He stated that they met monthly. All of the members were from separate government authorities. The committee's research included comments and suggestions.

Mr. Dini asked if he could give the committee a rationale of the breakdown.

Mr. Cathcart stated that in upgrading the limits many of these have been \$5,000. In 1967 they discussed raising it. On \$5,000 or more that would be the only time that they would

formally advertise. Through advertising you get a 10% response. It is felt by all purchasing managers that they pay very little attention to the legal ads. Every purchasing agent today has to build his bidder's file and send out notices. The advertising section is a tremendous expense to the taxpayers and it is not being used for the intended purpose. He stated that the advertising is in their two times now and that they want to get it down to only once in a legal newspaper. The ads are very expensive and they are not utilized.

Mr. Dini asked what percentage fell into the category of under \$5,000. Mr. Cathcart replied that 80% of the purchases in the City of Las Vegas are in the area of \$1,500 or less. He stated that they are all sealed bids but that for \$5,000 or over that is where they want to advertise.

Mr. Schofield asked how you would get the bids if you did not advertise.

Mr. Cathcart stated that everyone keeps a going file. He stated that the names are automatically pulled and they are notified.

Mr. Dini stated that two years ago there was quite a discussion on competitive insurance. He asked if this changed anything with regard to that.

Mr. Cathcart stated no. Mr. Cathcart stated that they left that alone. He stated that it was almost unworkable trying to change it. The insurance is in the professional section.

Mr. May asked if on the committee anyone was representing or speaking for the University of Nevada System.

Mr. Cathcart stated that the Northern Chairman is Jim Jeffries. He stated that they were not bound by these law. He further stated that Jim is very knowledgeable about the purchasing act.

Mrs. Ford asked if Mr. Cathcart had amendments prepared for the bill that he was proposing.

Mr. Cathcart stated yes. Mr. Warren has suggested that his secretary do them. The committee then discussed the amendments.

Mr. Klenke testified next. He stated that on behalf of the Clark County School district, they were in favor of the passing of this bill as amended. Mrs. Ford asked if he had any comments on any of the additional changes. Mr. Klenke stated no, that he agreed with the chairman and the suggestions.

Mr. Rosaschi testified next. He stated that the intent of this will was good. He stated that in any county or city the government body has the right to make any amendments or any rulings that would strengthen this bill.

Mr. Dini stated that he was appointing a subcommittee to

work on the amendments to this bill. He stated that Mr. May, Mr. Moody and he would be on the committee and would work together with Mr. Warren on the amendments.

The next bill to be discussed was A.B. 178, which provides for an increase in formal bidding limit for state purchases.

Terry Sullivan of the Purchasing Department testified next. He pointed out that we are talking about two different acts. This is under 233. They are asking that the limit be raised to \$2,500. It will give them more flexibility in that they are doing. Mr. Harmon asked how come the committee was holding this.

Mr. Dini stated that Mr. Demers informed him that 509 would include 178.

Mr. May asked if Mr. Sullivan had any remarks regarding local government purchasing act. Mr. Sullivan stated no. There are no conflicts with state purchasing.

Mr. Sullivan stated that we should work on line 14 and change the wording.

Mr. Jeffries testified next. He stated that he strongly recommended that the committee consider raising the limit to \$2,500. He stated that Mr. Sullivan has been working under a handicap. He has to bid everything and it slows down state government. \$2,500 is not too high and it is not too low.

Mr. Klenke testified next. He stated that they supported Mr. Sullivan. He stated that they could not accept a bid from anyone in the State of Pennsylvania. He informed the committee that the State of Arizona amended a similar law that they had.

The following action was taken by the committee:

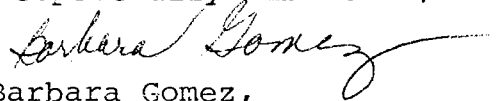
A.J.R. 22. A motion was made by Mrs. Ford for a do pass which was seconded by Mr. Craddock. The motion was unanimously carried.

A.B. 178. A do pass motion was made by Mr. Harmon, seconded by Mr. May. All of the members were in favor of the motion and it was unanimously carried.

A do pass motion was made with regard to S.B. 255 with amendment by Mr. Schofield which was seconded by Mr. Murphy. All of the members were in favor of the motion for amend and do pass and it unanimously carried.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,

  
Barbara Gomez,  
Committee Secretary

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

- A.J.R. 22 Proposes to amend Nevada constitution  
by removing fish and game fines from  
state permanent school fund.  
NOTIFY: Mr. Griffin, Fish and Game;  
Mr. Hanson, Department of Education  
(Carson)
- A.B. 178 Provides for an increase in formal  
bidding limit for state purchases.  
NOTIFY: Mr. Sullivan, Purchasing
- A.B. 509 Revises Local Government Purchasing  
Act, repeals law relating to qualifica-  
tions, preferences for certain bidders.  
NOTIFY: Mr. Demers, Mr. Sullivan, Mr. Warren  
Mr. Adams and Mr. Broadbent
- S.B. 255 Changes provisions relating to overtime  
pay for state employees.  
NOTIFY: Mr. Gagnier, Mr. Wittenberg



*Joe Cathcart - City of Las Vegas - 22. Nev. Committee Chairman  
Jim Jeffers - Univ. of Nevada - Reno, NO. Nev. Committee Chairman*

AB509

2- 0671

NRS 33.2005 LOCAL GOVERNMENT PURCHASING STUDY COMMITTEE: CREATION;  
MEMBERS; MEETINGS; DUTIES  
(Added to NRS by 1973, 352)

This bill submitted by <sup>assemblyman</sup> ~~Mr.~~ Demmers at the last Legislature session, has proved to be one of the most helpful pieces of legislation in the area of Procurement since the inception of the Purchasing Statute.

The recommendations are the outcome of the approximately seventeen member Purchasing Study Commission, both from Washoe and Clark Counties. These members have met monthly for the past two years in total dedication of their responsibilities. All members were from separate governmental entities within those counties, such as cities, counties, school districts, University of Nevada, water district, county hospitals, convention authority, ~~etc. Health Depts, etc.~~

The committee's research included, but was not limited to, comments and suggestions of the National Institute of Governmental Purchasing, the Council of State Governments, National Association of State Purchasing Officials, Law Enforcement Assistance Administration and the NIMLO Model Purchasing Ordinance.

The membership of the Nevada League of Cities during the annual meeting of 1974, adopted a resolution accepting and approving the findings of this study commission.

The recommended changes were also presented for discussion to the local government advisory committee meeting held in Clark County, November of 1974 and were approved unanimously.

It is the consensus that our findings and recommendations will definitely aid Purchasing Administrators and their respective public entities by more fully defining and/or eliminating certain rules and regulations which will be of benefit to the taxpayers of Nevada.

The following is a general recap of the recommended changes:

- A. Placing of chapters in their proper perspective.
- B. Establishing a four-step process in bidding procedures with limitations, including the raising of formal bid requirements to five thousand dollars.
- C. Setting the limits of formal advertising to at least once in a newspaper of general circulation within the county.
- D. The total repeal of Preferences for certain bidders, ref. 334.005, 334.007, 334.009. Preference provisions are not compatible with the principle of free and open competition and, as a result, penalize the taxpayers. Preference also tends to give unnecessary opportunity for favoritism in the award of contracts, thus further restricting competition.

*Obvied  
NRS 9*



- E. Elimination of time-consuming procedures for the joinder of local governments in cooperative purchases and allowing for local governments to utilize the contracts of another governing body with proper authorizations.
- F. The continuation of the local government study commission to include total review of all laws pertaining to purchasing and contracts within the State.

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