#### MINUTES

LEGISLATIVE FUNCTIONS COMMITTEE MARCH 21, 1977

Members Present: Chairman Glover Mrs. Brookman Mr. Bremner Mr. Coulter Mr. Murphy Mrs. Wagner

Members Absent: Mr. Bennett

Guests Present: Pat Gothberg, Common Cause of Nevada Tom Young, Sierra Pacific Power Company Bryn Armstrong, Las Vegas Sun Daisy Talvitie, League of Women Voters of Nevada Assemblyman Weise Assemblyman Demers Assemblyman Jacobsen Speaker Dini

Chairman Glover called the meeting to order at 3:10 p.m.

ACR 22: Creates committee to study Public Service Commission.

Mr. Demers explained that this bill proposes that a committee composed of three Assemblymen and two Senators be created to study the integrity of the Public Service Commissioners themselves, the practices of the utilities, the contracts out of state, and the methods of reducing rates. He added that it would give people who had criticized the Public Service Commission a chance to give input and ask direct questions. Mrs. Wagner asked Mr. Demers if he felt that this might become a continuing study. He explained that he could not say at this time, that it would be a decision of the committee if needed. Mr. Dini stated that he concurred with Mr. Demers and that he felt this was very timely and should be passed. Mr. Bremner moved a DO PASS, seconded by Mr. Murphy and carried unanimously by the committee.

AR 18: Creates Assembly committee on ethics.

Mr. Weise stated that he felt it was necessary to have a bipartisan committee such as this during the session to give legislators the opportunity to explain confidentially any conflicts of interest or charges made against them. He added that this resolution called for two members of each political party to be appointed by the speaker and a fifth member, not necessarily a legislator, to be selected by a majority vote of these four. He felt that legislators should have an opportunity to explain and give facts, that the committee should be bipartisan to satisfy the general public.

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#### LEGISLATIVE FUNCTIONS

Mr. Bremner asked if travel money would be provided if the fifth member of this committee happened to be from out of town, would the committee be able to act with the necessary rapidity if this fifth person were indeed from out of town, and would it not be better to have this fifth person a legislator.

Mr. Glover asked if confidentiality could be waived by the person involved, and Mr. Weise stated he felt the option of confidentiality should rest with the individual.

#### AR 20: Creates Assembly committee on ethics.

Mr. Murphy stated that this resolution was designed to do essentially the same thing as AR 18 except there would be three Assemblymen, two of the majority party appointed by the speaker and one of the minority party appointed by the minority leader, and two people from the general public neither of whom may be a former legislator or a state employee.

He read the proposed amendments (Exhibit A) which first would allow the speaker to appoint one member of each political party to serve as alternates to the committee if a member were disqualified and second stated the reasons for disqualification. He added that this resolution would give legislators an avenue to delineate what is and what is not a conflict of interest and that the first duty of this committee would be to define conflict of interest and establish guidelines. He added that there should be lay people as members to provide credibility to the public and that travel expenses could come from money already appropriated for legislative operations.

Questions arose as to whether a legislator, though not voting on a bill because of conflict of interest, could give expertise in committee or on the floor, whether a person from the general public involved in a particular industry might also be in conflict of interst, and whether a lobbyist should be a member. A suggestion was made to bracket out "on the floor of the house or in committee" in Section 4, lines 23 and 24. It was also suggested that the words "but may be allowed to give technical advice or input when asked" be added to Section 4.

Daisy Talvitie, League of Women Voters of Nevada, stated that her organization endorsed the concept of either AR 18 or AR 20 and they agreed with the proposed amendments. She stated that in examining the bills, it was felt that AR 20 met more of their guidelines. She added that the League greed that both political parties should be represented, that lay members should be included who can be available when needed, that some guidelines should be established as to how to select these lay members, and that provision should be made that confidentiality may be waived at the request of the individual.

**Assembly** 

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LEGISLATIVE FUNCTIONS

Page 3 March 21, 1977

During discussion Ms. Talvitie suggested that when seeking legal advice, more than one opinion be obtained. She also stated that this committee should set guidelines as to what was a conflict of interest.

Pat Gothberg, representing Common Cause of Nevada, read her prepared testimony (Exhibit B) which stated support for the establishment of a committee on ethics and suggested that the bill should provide for means of appointment of members, for right to waive confidentiality and for criterion which the committee should use in making recommendations.

Mr. Bremner asked Mr. Murphy why he chose to exclude former legislators and state employees. Mr. Murphy stated that he felt there might be conflict of interest if there were involvement with the state or with the legislature. Mrs. Wagner also felt that former legislators should not be included, that the public might find this more acceptable, and that different points of view should be available.

Mr. Dini stated that it would be his intention to select members of the Legislative Functions Committee to serve. He suggested that line 22, "His commitment in a private capacity to the interests of others," be deleted. He also felt that former legislators or state employees should be able to serve on this committee. He added that he did not want to see this resolution defeated because of language that tied persons down, that he felt lines 22, 23, 24 and 25 should be reworded.

Mr. Glover asked Mr. Jacobsen for his opinion. He stated that he disagreed with almost everything that had been said, that he felt it was destroying the process. He added that he felt it would create enemies, that in actuality it was setting up a small court procedure, that there would be conflict of personailities. He added that conflict of interest should be an individuals own decision.

Mr. Murphy stated that the purpose of this resolution was to establish guidelines as to how a legislator's actions should be guarded by their personal economic interests.

Mr. Glover appointed Mr. Murphy and Mr. Bremner to draft amendments dealing with lines 22 through 25 on page 1 of AR 20, taking into consideration AR 18, and report back to the committee at the Wednesday, March 23rd meeting.

AB 200: Enlarges legislative control of its buildings and grounds.

Mr. Jacobsen stated that the suggested amendments to AB 200 (Exhibit C) would in essence limit legislative control to Room 13I and security and would not give legal jurisdiction over grounds or parking areas janitorial services. He referred to a yearly comparison of or Buildings and Grounds revenue from legislative services (Exhibits sp), a cost comparison for fiscal 1977-78 (Exhibit E), actual building



LEGISLATIVE FUNCTIONS COMMITTEE

Page 4 March 21, 1977

space useage (Exhibit F), and the explanation of these costs in a letter from Mike Meizel, Supervisor of the Buildings and Grounds Division (Exhibit G).

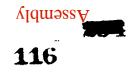
Mrs. Brookman asked Mr. Jacobsen if he liked the bill as originally written, and he answered yes, that the responsibility would be with the director of the Legislative Counsel Bureau as it should be. He added that the intention was to continue to contract for services with Buildings and Grounds and that the cost should not be any greater. Mr. Glover stated that he thought the costs as shown by Buildings and Grounds were for outside contracts other than Buildings and Grounds.

Mrs. Brookman moved a DO PASS on AB 200, seconded by Mr. Bremner and unanimously carried by the committee.

Chairman Glover adjourned the meeting at 4:55 p.m.

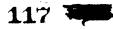
Respectfully submitted,

Patricia Hatch, Assembly Attache



# 59th NEVADA LEGISLATURE

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Moved By				Seconded	Ву	-		
AENDMENT:								
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VOTE:	Yes	No		Yes	<u>No</u>		Yes	No
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AMENDED				AMENDED				
Attached	to Minutes		21, 1977					



## 59th NEVADA LEGISLATURE

# LEGISLATIVE FUNCTIONS COMMITTEE LEGISLATION ACTION

ATE MARCH 21, 1977

SUBJECT AB 200: Enlarges legislative control of its buildings and grounds.

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EXHIBIT A Page 1

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Resolution
Amendment No.393A to Assembly \$444 No. 20 (BDR 1718 ) Page 2

"The speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4.".

Amend the resolution page 1, line 16, delete "3." and insert "5." Amend the resolution page 1, line 23, delete "4." and insert "6." Amend the resolution page 2, line 1, after "2." insert: "Assembly Standing Rule 41 is hereby amended to read as follows:

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Appointment of Committees.

Except as provided in Assembly Standing [Rule] <u>Rules 23 and</u> 101, all committees shall be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman of each committee. The Chairman shall appoint one member as vice-chairman with the permission of the Speaker.

EXHIBIT A Page 2

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## Resolution

Amendment No. 393A to Assembly BXM No. 20 (BDR 1718 ) Page 3

Amend the title of the resolution on the second line delete "Rule 44." and insert:

"Rules 41 and 44."

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March 21, 1977 Testimony before the Assembly Legislative Functions Committee Re: AR 18, AR 20 By: Pat Gothberg, CC 1/ Nevada

Mr. Chairman and members of the committee, I have chosen toaddress the subject of an Assembly Committee on Ethics rather than refer to either resolution which has been introduced on this subject as being the one you should pass.

There are some basic ingredients which Common Cause would suggest should be included in a resolution establishing an Ethics Commission:

1. Not only should the number of committee members and the political party they represent be mentioned, but the resolution should provide for a means of appointment. There are a number of possibilities here - two members of each party can be appointed by the speaker with a fifth member selected by a majority vote of those four, as is outlined in AR 18. Or, the minority leader might appoint the two members from that party. Or, if you choose to include citizens from without the legislature, you might outline yet another appointment process. AR 20 does not specify how the 3 legislators are to be appointed or how the qualified electors are to be appointed. Common Cause has always supported citizen involvement in the governmental process, and it would be our suggestion that you start with that principle in mind and proceed from there.

One practical point worth considering is what might happen if the need were to arise for a committee recommendation for a legislator who needed an answer quickly. Things move quickly around the legislature, especially as the session progresses. From what source would it be possible to draw upon citizen input and be sure those citizens could meet quickly? Might it be wise to have a number of citizens on a rotating list, a reserve or back-up list, so to speak, so that there would be a better chance of finding two who could arrange their schedules to meet as quickly as possible with the legislator members of the committee? Might it also be wise to have a list of alternate legislative members in the event one of the regular legislative members needed a committee hearing?

2. The resolution should state what, exactly, are the responsibilities of the committee. Both AR 18 and AR 20 state the same thing. The wording seems clear enough and rightly provides that all proceedings by the committee be confidential. We would suggest that there should be a provision, at the request of the legislator who asked for the hearing, for the committee ruling to be made public or for the hearing to be public. This same kind of provision is recommended by Common Cause in open meeting laws when specific conditions are listed for closing meetings. If the person who is being reviewed in a personnel session, for instance, requests it, that meeting could be open.



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3. It seems wise to also provide, as is done in AR 20, the criterion which the committee should use in making recommendations. As a suggestion, you might double check the code of ethical standards as is suggested in AB 450, page 3, section 9, or in SB 351, page 3, section 14, to make sure that you have included everything you want in this resolution. You may well decide that the wording in #3 of AR 20 will suffice nicely.

In closing, let me say that the establishment of an Assembly Committee of Ethics seems to be a good idea, you seem to be approaching the subject responsibly, and we heartily endorse your efforts. For it is only natural, in our free enterprise system, that we all have conflicting interests of one sort or another. The establishment of this committee does not suggest that those conflicts are wrong but rather that they are inevitable. Thank you for your time.

## SUGGESTED AMENDMENTS TO AB 200

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows

Section 1. NRS 331.135 is hereby amended to read as follows:

331.135 1. [Except as provided in subsections 2 and 3, the] *The* legislature reserves the supervision and control of the entire legislative building, including its chambers, offices, committee and other rooms, and furnishings and equipment thereof, both during and between legislative sessions. The director of the legislative counsel bureau shall provide an individual office for each legislator whose position as an officer or committee chairman does not otherwise entitle him to occupy an assigned office.

2. [During periods when the legislature is not in session, the superintendent is responsible for the allocation of times and assignments for use to both governmental entities and the public of the auditorium on the first floor of the legislative building.

3. The superintendent may establish and charge such fees as may be reasonable for the use by the public of such auditorium.

4. The director of the legislative counsel bureau is authorized to assign the use of all space in the legislative building, except the auditorium on the first floor as provided in subsection 2, during the interim between sessions of the legislature.]

2. The director of the legislative counsel bureau is responsible for the allocation of times and assignments for the use of all space in the legislative building during the interim between sessions of the legislature and for establishing and collecting reasonable fees for any use by the public of the auditorium on the first floor.

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#### EXHIBIT C Page 2

3. The director of the legislative counsel bureau shall, consistent with NRS 218.683, employ and direct watchmen to take proper care to prevent any theft from, trespass on, or injury to the legislative building, and if any such theft, trespass or injury is committed, he shall cause the offender to be prosecuted therefor.

4. For any criminal offense committed in any part of the legislative building, the director of the legislative counsel bureau and his watchmen have the same power to make arrests as the police officers of Carson City.

5. The director of the legislative counsel bureau may arm his watchmen and, in case of emergency, consult with the superintendent for assignment of such additional watchmen, to be drawn from the division of buildings and grounds, as in their judgment, the emergency requires for the proper protection of the legislative building.

[5.] 6. At all times the maintenance of the legislative chambers and the legislative building shall be under the supervision and control of the [superintendent] director of the legislative counsel bureau and the chambers and building shall be kept clean, orderly and presentable as befitting public property and the dignity of the legislature.

7. At all times the maintenance of the legislative grounds shall be under the supervision and control of the superintendent and the grounds shall be kept clean, orderly and presentable as befitting public property and the dignity of the legislature.

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## BUILDINGS & GROUNDS REVENUE FROM LEGISLATIVE SERVICES

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	REVI	ENUES AVAILABLE	TO BUILDING AN TO BUILDINGS AN DING SPACE USEAG		· · ·	/	<u></u>
	6/30/71	6/30/72	6/30/73	6/30/74	6/30/75	6/30/76	6/30/77
Paid to Buildings and Grounds: Public Works Board Attorney General/ *L C B *Legislature	\$ 14,453 57,742 14,419 <u>\$ 86,614</u>	$\begin{array}{r} 15,943 \\(1) \\ 63,249 \\ 16,807 \\ \underline{5} 95,999 \end{array}$	\$ 16,750 9,206(1) 67,700 <u>28,603</u> <u>\$ 122,259</u>	\$ 23,777 6,603(2) 73,259 <u>21,525</u> <u>\$ 125,164</u>	\$ 22,989 \$ 1,721(3) 86,300 <u>26,388</u> <u>\$ 137,398</u> <u>5</u>	\$ 27,906 1,761(3) 103,577 <u>\$ 133,244</u>	$\begin{array}{c} \$ &(5) \\ 1,761(3) \\ 94,009 \\ \underline{30,000}(6) \\ \underline{\$ 125,770} \end{array}$
Square Footage Assigned: *Total Area Less used by others Total Legislature Legislature Legislative Counsel	<u>69,630</u> 4,026 65,604 49,632 15,972	<u>69,630</u> 13,487 56,143 40,171 15,972	<u>69,630</u> 13,487 56,143 40,171 15,972	<u>69,630</u> 10,262 59,368 43,396 15,972	<u>66,396</u> (4) 7,768 58,628 46,779 <u>11,849</u> (4)	<u>66,396</u> (4) 7,768 58,628 46,779 11,849(4)	$     \underbrace{\begin{array}{r} 66,658\\ 3,413}(5)\\ 63,245\\ 50,562\\ 12,683 \end{array} $
Annual Revenue per square foot	\$ 1.2439	\$ 1.3787	\$ 1.7558	\$ 1.7976	\$ 2.0694	\$ 2.0068	\$ 1.8868
Annual Revenue per square foot: *Legislative Use	\$ 1.0999	\$ 1.4259	\$ 1.7153	\$ 1.5966	\$ 1.9221	\$ 1.7667	\$ 1.9608
Employecs - Regular Custodians	3	3	3	3	3	11/2	1 <sup>1</sup> 2
Employees - Session Custodians Watchmen	7 5	<b>.</b>	7 5		10 5		. 12 5

LEGISLATIVE BUILDING

The Attorney General paid Buildings and Grounds \$8,763 for building rental for fiscal year 1971-72. He occupied 2,213 square feet in the Supreme Court Building from 7/1/71 to 1/26/72. Thereafter he occupied 3,738 square feet on the 3rd floor of the Legislative building. No additional rent was paid for additional space in this building.
 Urban planning and State Controller

(3) Lt. Governor

(4) Actual square footage of building redefined as a result of L C B Audit Division study.

(5) Public Works Board vacated 4,195 Square feet.

(6) Amount Estimated - Billing data not yet available.

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EXHIBIT F

# STATE OF NEVADA DEPARTMENT OF GENERAL SERVICES BUILDINGS AND GROUNDS DIVISION 101:So. FairStreet Carson City, Nevado XXXX 89710 Capitol Complex

DIVISIONS Purchasing Printing Data Processing Accounting Butldings and Grounds

March 2, 1977

TO: Alan Glover, Chairman Legislative Functions Committee

FROM: Mike Meizel, Supervisor Wille Buildings & Grounds Division

#### SUBJECT: Legislative Building

MIKP O'CALLAGHAN

I have listed charges to the Legislature from 1971 to 1977. B & G had charged a rental rate to the Counsel Bureau plus Public Works Board. In addition, a General Fund Appropriation was received for the unallocated space. The fluctuations in rent received is attributed to increases and decreases within the building.

In the biennium budget of 71-73, I can find no record of an appropriation. There was some difficulty finding records for the earlier years, therefore, there may be some slight deviations from these figures. Also, during 75-76 and 76-77, all revenue was derived from charges instead of appropriations.

I have found that we have 12,167 sq. ft. of occupied space in the Legislative Building between sessions and I have added 11,700 sq. ft. to make up for other areas that must be cleaned on a daily basis. There are some conference areas that must be cleaned intermittently, but there should be no increase in staff to handle these. The total square footage for the building is 60,277.

As can be seen, there is a substantial increase projected for the next biennium over what was charged in the past. The projected charges for 77-79 reflect actual costs in our maintenance of the building. It has become obvious to me that in the past years many of these costs were absorbed by B & G and passed on to State agencies in the form of higher rent charges. We have revised our charges for 77-79 to reflect actual costs for maintaining the Legislative Building. Therefore, the following costs per sq. ft. can be applied accurately to these four years. Legislative Building, Page 2.

FY	COST	B & G REVENUE	PER MO. (Based on cost)
75-76	\$146,590.	\$130,102.	.717
76-77	167,048.	93,037.	.817
77-78	164,126.	164,126.	.803
78-79	182,508	182,508.	.882
10-19	182,508	102,508.	.002

For the years 1971 thru 1975 I can only show accurate revenue, as records are sketchy as to cost. During the 77-79 biennium, a Security Officer will not be included as B & G costs and this accounts for the drop in costs between 76-77 and 77-78.

I would like to point out that these figures do not include costs incurred directly by the Legislature to operate the building.

I have used the projected first year of the 77-79 biennium to compare B & G costs with those additional ones the Legislature would realize under A.B. 200.

The following is an explanation of each item in the cost comparison. I have discussed with Terry Sullivan of the Purchasing Division the savings in purchasing supplies and equipment we have, as compared to the Counsel Bureau. He feels safe to assume an increase of 35-40% in cost, and bases his conclusion on the present purchases made by the Counsel Bureau. I have used a figure of 40% to compare costs.

Salary Overhead was computed at 14% which the Budget Office says will cover such items as Retirement, N.I.C., etc.

The follwing explanations are for the "Cost Comparison" sheet:

Utilities: I have used the same costs for B & G, and the Legislature, but it should be noted that we have a continuous energy conservation program in force; i.e., costs may increase if this program is not followed.

Heating & Air Conditioning: The B & G charge of \$3,766. includes all labor and material with tools and equipment replacement included.

Custodial: B & G cost was based on 2 1/2 employees which is roughly twice the manpower we use for other buildings. The Counsel Bureau has said it would hire 3 employees. The equipment cost of \$1,500. covers such things as a Carpet Shampooer (1,080.), replacement vacuums (\$380.), and misc. equipment.

Grounds: The figure of \$30,510. includes 3 Groundsmen and a Foreman. The conservative figure of \$2,200. includes a riding mower (1,200.), a small trimming mower (\$300.), an edger (\$150), and all the misc. grounds and plumbing equipment needed. Legislative Building, Page 3.

- Electrical Maintenance: We figure 60 hours of labor which would cost at least \$18. per hour by private contract. Our price includes tubes and materials.
- Building Superintendent: This is a position requested by the Counsel Bureau. We provide all tools and supplies with our general charges.
- General Building Maintenance: This figures covers all other maintenance such as paint touch-up, plumbing repairs, sprinkler repairs.
- Snow Removal: We do not charge for this service. Cost would be at least \$1,000. a year if contracted and more if employees were hired.
- Water Meter: If the Legislature took over the grounds, we would have to have a water meter to insure monitored supplies to the building.
- Water Charge: Based on estimated use and actual costs of delivering water.
- Overhead: We have determined this amount to offset administrative, office, equipment and tool replacement. I do not know what the rate would be for the Legislature but feel safe in assuming it would be at least 1%.

In summary, I would like to say that we would operate the Legislative Building differently if we treated it as just another building, but we realize that it is a unique building and are willing to cooperate with the Counsel Bureau in its maintenance even though this increases operating costs.

If you have any questions on these figures, you may contact me at any time for additional information.