

SENATE  
GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - April 11, 1977

Present: Chairman Gibson  
Senator Foote  
Senator Gojack  
Senator Hilbrecht  
Senator Raggio  
Senator Schofield

Also Present: See Attached Guest Register

Chairman Gibson opened the thirty-second meeting of the Government Affairs Committee at 1:40 p.m. with a quorum present at that time.

SB-333

Sets out additional requirements for public meetings.  
(BDR 19-858)

Heber Hardy, Public Service Commission, testified against this bill. Mr. Hardy had a written testimony that had been distributed to committee members earlier and he proceeded to read this to the committee (See Attachment #1) Mr. Hardy concluded by stating that the only portion of the bill that they were against was in the first section, page 1, line 7. They felt that this language prohibited them from having a meeting of two people due to the definition of a quorum. With this deleted they would have no objections to the bill.

John DeGraff, Judicial Planner from the Judicial Planning Unit of the Supreme Court of Nevada, testified against the bill in its present form. Mr. DeGraff offered amendment suggestions to the committee. (See Attachment #2)

George Bennett, Secretary of State Board of Pharmacy, had a suggested amendment that would make the bill more workable for them. In Section 3, subsection 1 they would like to add "if available" after "year". We have many meetings planned but are not always aware of the dates and this change would make us comply with the new laws.

John Hawkins, Superintendent of Schools in Carson City, testified on the bill and they suggested that they be allowed to have a meeting where matters that have recently come up can be taken care of. They feel that there are many things that come up which wouldn't be on the agenda that need to be taken care of and want the language more broadly defined for this purpose.

SB-443

Requires zoning changes to fit population plan. (BDR 22-1549)

Pam Wilcox, interested citizen from Lemmen Valley and member of the Lemmen Valley Improvement Association, testified on this bill stating that she worked on changes of this nature 2 years ago and felt that since they didn't cover everything these two additional bills have been drafted to cover what they missed.

She indicated that the summary and title do not match and Jan Wilson from the Legislative Counsel Bureau indicated that she would correct the problem when it came out of committee.

On line 6 Mrs. Wilcox suggested an amendment, the line would read as follows: "amended, the land use classification for a district or districts shall be amended to conform to the population".....

She further stated that a two year time limit would be more reasonable.

Motion to "Amend and Do Pass" by Senator Gojack, seconded by Senator Foote. Motion carried unanimously.

SB-444

Relates land use planning to hydrographic basins. (BDR 22-1547)

Pam Wilcox stated that this bill will insert one phrase into the existing statutes. On Page 2, line 6 and 7. This change was to make the local governing bodies conform to the statutes. Mrs. Wilcox informed the committee that in Lemmen Valley they were planning for a much larger population but recent studies reveal that they can't handle the population plans due to the water. This example shows that the law must provide for hydrographic basins in close relationship with the expected population.

Chairman Gibson and Senator Raggio asked what would happen if you put this into law and then find out the area has too many people for the amount of water available. Do you then start evicting them?

Mrs. Wilcox felt that this law would help prevent that from happening in the future and might put a stop to further development out in Lemmen Valley before they do have too many people for the water.

Gene Milligan, Nevada Association of Realtors, testified against this bill. He felt that there was not a need for this legislation. It might also take some of the steps away from the Master Plan procedure as well as change zoning. He indicated that the change on Page 2, line 6 will narrow the law considerably.

Senator Raggio stated that having hydrographic basins without political subdivisions could present problems.

Mrs. Wilcox agreed to this but stated that all the steps in the Master Plan procedure would be followed. There would be no change in the way things are currently being handled.

Chairman and committee decided to work on the language to help get the desired results and keep it from becoming too narrow in concept. Senator Raggio was assigned to get the desired language for the committee to consider.

SB-435

Abolishes State Fire Marshal Division in Department of Commerce and reassigns functions. (BDR 18-1839)

Chairman informed the committee that this bill grew out of concern of the Fire Marshall's budget and was from the Finance Committee.

Lester Groth, Fire Chief from Carson City, representing the Fire Chiefs Association and Nevada State Firemen's Association. They were against this bill. (See Attachment #3) It was the opinion of Mr. Groth and those he represented that the Fire Marshall should remain in the Department of Commerce.

Senator Hilbrecht noted that in Mr. Groth's attachments is a letter to the Fire Chief's regarding the bill. The Senator felt that Mr. Quinan might have misunderstood the intent in the bill with regards to the deputies. They will remain very much the same as they are under present statutes.

Senator Hilbrecht further stated that it was the intent of the committee to provide the best service in the most related department. They felt that the duties and responsibilities would remain the same but fall under the Insurance Commissioner where they would have more in common.

Dan Quinan, State Fire Marshall, passed out some written testimony and other materials for the committee's information. (See Attachment #4 and 4A) He was very much against this bill. Mr. Quinan cited from his written testimony evidence of his job performance and felt that there was no need to change his position or who he reports to. He indicated that the Fire Marshall previously fell under the Insurance Commissioner and it didn't work out. They have been with the Commerce Department for several years and feel that this is where they should stay.

Senator Hilbrecht questioned Mr. Quinan with regard to the accomplishments that were cited. He felt that these accomplishments would still have occurred regardless of where he performed his duties from. The Insurance Commission is closely related to fire protection and should have a common bond with the Fire Marshall's duties.

Senator Raggio asked Mr. Quinan if the Fire departments contacted as noted in his letter were all against this bill. Mr. Quinan stated that they all were against the bill.

Senator Hilbrecht commented that from the testimony given at the Finance meeting regarding the budget of the Fire Marshall it was felt that it might run more efficiently and have a lower cost factor for the State in the Insurance Commission than where it is now.

Senator Schofield praised Mr. Quinan and felt that the committee should leave him where he is in the Department of Commerce since the record there is so good.

Scott Wadsworth, Northern Nevada Electrical Contractor's Association, testified against this bill. He noted that he also represented the Southern Nevada Chapter of Electrical Contractor's Association as well. He noted that they have approximately 1,500 to 2,000 members and from their standpoint they feel that the present situation is very good. 1136

Mr. Wadsworth continued by stating that they would prefer a resolution making a study of the situation with recommendations to the 60th session of the legislature. Such a decision should not be made in haste. When questioned what other department or agency in the state might better be suited for housing the State Fire Marshall Mr. Wadsworth suggested the Public Works Board.

Bill Tapia, Fire Marshall in Sparks, Nevada, representing the Fire Prevention and Fire Investigators Association. Mr. Tapia stated that they were against the bill and concurred with previous testimony given by Mr. Wadsworth, Mr. Quinan and Mr. Groth. He concluded by stating that he has worked with Mr. Quinan for a number of years and likes the present situation much better.

Don R. Young, Fire Chief with the Sparks Fire Department, testified against this bill as well. They feel that the position will be dilluted in the Insurance Commission and it will be harder to reach the Fire Marshall directly to get direct information and rulings. Mr. Young felt that if there were any changes considered it should be to strengthen the Fire Marshall's office.

Carl T. Lemons, owner of Advance Corporation for Fire Equipment, testified against this bill. He also stated that he has been in the fire protection business for about 12 years in this state. Prior to 1973 the dealings with the state were rather haphazard with regards to fire protection and regulations. He concluded by stating that the Fire Marshall's position is a strong one and we shouldn't be changing it now.

William Southerd, Fire Chief of Lyon County and City of Yerington, testified against the bill. He felt that it would become an ineffective unit, and could be opened up to political harrassment. Concurred with previous testimony given against the bill.

Jim Harris, representing Nevada State Firemen's Association, President of that association. Mr. Harris provided written testimony. (See Attachment #5) Mr. Harris further stated that the smaller communities are in great need of an office where they can call and get quick results. The Fire Marshall has always been available and we feel there would be a dillution of powers under the Insurance Commissioner. He also felt that the study approach was a good one. He concluded by stating that there should be more deputies, they should be classified and we should think about spending more money on fire prevention.

Ronald Brooks, Associated Fire Equipment Business, asked the committee what would be accomplished by placing the Fire Marshall under the Insurance Commission. He felt that the record was good and it should be left where it is.



Darwin K. Ellis, Fire Chief from Douglas County Fire Department in Minden, also testified against the bill. They like the present situation and don't see the need for change.

Walter Ducker, Assistant Business Manager of Brotherhood of Electrical Workers, testified that their organization is against the bill and felt that the previous testimony brought up most of the points that he would have testified to.

Bob Estrella, Owner of ABC Fire Extinguishing Company, testified against the bill. He felt that there wasn't any need for change at this time. Concurred with earlier testimony against the bill and praised Mr. Quinan. He further stated that the insurance companies don't really concern themselves with fire prevention beyond the dollar value of payment on a policy. Feels that the Fire Marshall wouldn't be as effective in the Insurance Commission.

Chief Don Richard, Henderson and the Acting Chairman of the State Fire Marshall's board testified for Mr. Von Meder as he wasn't able to be present. He stated that they were against this bill and didn't see the need for change at this time.

Clay Carpenter, Consulting Electrical Engineer in Reno, testified for the Reno chapter of the N.S.B. Mr. Carpenter stated that they weren't in favor of the bill. They have currently been able to call the Fire Marshall's office and get immediate results. This could be changed with the switch to the Insurance Commissioner's office.

Val Savage, Owner of Executon and representing I.E. Reno Chapter are against this bill. The testimony given earlier indicates the same feelings as expressed by Mr. Savage.

Senator Hilbrecht interjected at this point that the committee's intent was to provide better services, not to save money. They felt that it would be a better place to house the Fire Marshall's office in the Insurance Commission.

Assemblyman Dini testified in favor of changing the Fire Marshall to an unclassified position but did not favor the change to the Insurance Commission. He also felt that the appointment should be by the Governor. He concluded by stating that he did like the idea of making a study of this office to be acted upon during the 60th session.

Chairman Gibson concluded testimony at this time, there would be no action taken on this bill today.

SB-420 was not on the agenda but Chairman Gibson had the amendments ready for the committee to consider. Chairman stated that the bill addressed itself to the "double barrel bonding"....(general obligation bonds backed by revenues). Mr. Daykin (L.C.B.) felt that this bill could be amended to provide for the bond approach. Chairman read the amendments to the committee.

Amend Section 6, page 2, lines 24 and 25. Delete "Elections; Special" and insert "Election" (special). There will also be a colon after "Election" We will then categorize this and "Special" will be after A. In Section 2, page 2, insert after line 29 "B. - General Obligation Bonds, Payable from taxes which payment is additional security by a pledge of gross or net revenues derived from the operation of such hospital facilities and is so determined by the Board of County Commissioners further secured by a pledge of such other gross or net revenues as may be derived from any other income producing project of the county or from any license or excise taxes levied by the county for revenue as may be legally made available for their payment. Including without limitation the past described in paragraph A. Bonds may be issued under the authority of this paragraph only if (1) There principle amount plus the principle amount of any previously so issued does not exceed 1% of the assessed valuation of all taxable property in the county. (in effect that is a limitation of about \$20 million) (2) The amount required each year to pay the interest and installments of principle upon them plus the like amount of any previously so issued will not exceed the net annual revenues of the hospital facilities as projected by a qualified, independent, expert retained by the Board of County Commissioners, as used in this subparagraph, net revenue, means the gross operating revenue plus the proceeds of the last licensed tax described in paragraph A, minus operation and maintenance expenses. A determination of the Board of County Commissioners that the requirements of this paragraph are satisfied is conclusive in the absence of fraud.

Amend Section 7, page 2, line 40 - delete the word "gaming". Amend Section 7, page 2, delete line 41 and insert, "revenue on gaming establishments located outside the limits of any incorporated city or town". Amend Section 7, page 2, delete line 43 and insert "the". This restores the old language.

Amend the title of the bill, second line, insert "adding to the kinds of bonds which may be issued for hospital purposes" after the word "hospitals".

Chairman stated that these changes allow alternatives. Chairman Gibson felt that there was something missing in the amendments. Mr. Daykin wasn't able to be present to clear up the problem. No action was taken at this time.

SB-100

Permits counties to provide for additional accumulations of sick leave and disability leave by its officers and employees for use in cases of long-term or chronic illness or any injury. (BDR 20-492)

This bill was discussed on March 21, 1977. See Meeting No. 24 for details.

Senator Hilbrecht suggested an amendment that would take care of his concerns with the bill. The provisions in subsection 3 shall not apply to Section 4 except in cases where the employee is terminated

for the reasons of illness. They also wanted to write in the agreement that it would be by ordinance only.

Senators Raggio and Hilbrecht wanted the records to reflect that their law firms represent groups that would be affected by this legislation. The committee felt that since it would only affect counties that they need not disenfranchise their votes.

Motion to "Amend and Do Pass" by Senator Hilbrecht, seconded by Senator Faiss. Motion carried unanimously.

SB-101

Provides for collective bargaining agreement on annual and sick leave for county officers and employees and provides for extended use of sick leave credits.

Motion to "Indefinitely Postpone" by Senator Gojack, seconded by Senator Schofield. Motion carried unanimously.

SB-169

Entitles employees under State Personnel System to receive payment or retirement service credit for portion of unused sick leave.  
(BDR 23-45)

Chairman Gibson stated that he had received a letter from Mr. Wittenberg responding to the question asked in a meeting on this bill on March 21, 1977 (Meeting #21) regarding the fiscal impact if this legislation had been in effect. Chairman noted the following from his letter. "In searching records regarding the actual sick leave accrual as well as the actual hourly rate for each state employee who retired or died during calendar year 1976, we have calculated an annual cost of \$174,733. vs. our estimated \$190,000. annual cost. The largest amount paid to a retiree would have been \$11,800., the smallest amount would have been \$113.00. The average payment for those having balances in excess of 240 hours would have been \$3,717. There were a total of 142 deaths and retirements in 1976. 45 of these employees had a zero balance after the 240 hour deduction, 50 had a zero balance at the time of retirement. This leaves a total of 47 employees who would have been paid for sick leave."

The committee discussed the fiscal impact and Senator Gojack suggested that the bill be amended to delete Section 2 from the bill. This made the bill more acceptable to the committee.

Motion to "Amend and Re-refer to Finance" by Sen. Gojack, seconded by Senator Raggio. Motion carried unanimously.

SB-198

Creates Washoe County Airport Authority. (BDR S-847)

Senator Raggio had some further amendment suggestions for the committee to consider. (See Attachment #6). He also brought to the committee's attention the letter from Mr. Kendro. (See Attachment #7)

Senator Raggio went over the purposes of the bill as he felt that it would be wise to review the intent again. He felt that the bill would insure that the proper handling for the future of the airport could be assured with an authority. It would also take away the political air that the city counsel running the airport would have.

Senator Gojack stated that even though the city is facing much pressure regarding the authority concept they still aren't doing all they could for the future development of the airport.

Senator Foote indicated that the bill did not come from the Majority report. The people of Reno haven't come asking that the airport become an authority. She concluded by stating that after serving as chairperson on the committee for this study she still doesn't believe we need an authority or that they will do anything that the city of Reno hasn't done.

Senator Schofield felt that the people of Reno shouldn't have the burden of the airport, its financial backing or the responsibility for the entire area.

Senator Foote reminded the committee that the people on the committee to run the airport would only receive \$100. per month so they would also have to have other interests and professions.

Chairman Gibson felt that he has never seen an instance where the legislature has taken something away from an entity without justification. He felt that the Reno airport with its Master Plan seemed to be handling the situation and didn't feel that it should be taken away from them.

It was suggested that Section 10, subsection 7 also be amended to have the approval of the Board of County Commissioners.

Motion to "Amend and Do Pass" by Senator Schofield, seconded by Senator Raggio. Voting went as follows: Yea's Senators Schofield, Raggio, Hilbrecht, Faiss and Gojack. Na's Senators Foote and Gibson. Motion carried. (See Attachment #6 for the amendments)

SB-347

Requires local government budgets to be prepared using line-item method and to reflect actual current expenditures. (BDR 31-1058)

Motion to "Indefinitely Postpone" by Senator Hilbrecht, seconded by Senator Faiss. Motion carried unanimously. Senator Hilbrecht wanted the records to reflect that the bill had problems and it was too late in the session to work on the alternatives and as sponsor felt that it would be better to postpone this bill.

SB-351

Creates State Ethics Commission and provides procedures and ethical rules to govern conduct of elective public officers other than judicial. (BDR 23-1076)

The committee decided to hold action on SB-351 until they could read over the minutes on the hearing to refresh their memory on this legislation.

AB-159

Removes limitations on political candidates' campaign expenditures. (BDR 24-103)

Senator Gojack noted that this bill removes the unconstitutional language from the statute. An amendment suggestion was to state that NRS 274A.050 was repealed. Then we would re-number Section 3 as Section 2. Section 2 would be deleted and we would then add NRS 294A.040.

Motion to "Amend and Do Pass" by Senator Gojack, seconded by Senator Hilbrecht. Motion carried unanimously.

SB-153

Reorganizes functions of energy and natural resource conservation. (BDR 18-22)

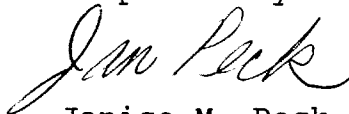
Chairman informed the committee that this bill will have to go to the Finance Committee as it does have a fiscal note.

Motion of "Do Pass and Re-refer to Finance" by Senator Hilbrecht, seconded by Senator Gojack. Motion carried unanimously.

Chairman concluded the hearing at 7:05 p.m. by stating that the subcommittee on county salaries was Senator Foote, Hilbrecht and himself. They would meet with the Assembly subcommittee and bring back a package for the committee's consideration.

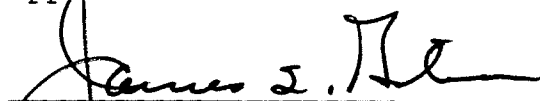
With no further business the meeting was adjourned.

Respectfully submitted



Janice M. Peck  
Committee Secretary

Approved:



Chairman

SENATE GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE 4-11

PLEASE SIGN - EVEN IF YOU ARE NOT HERE TO TESTIFY.....

NAME	WILL YOU TESTIFY	BILL NO	REPRESENTING
CHIEF LES GROTH	YES	435	NEV. FIRE CHIEFS - NEV. FIREMEN'S ASSOC.
SCOTT WADSWORTH	yes	435	N.E.C.A.
Bill Tapia Fire Marshal	yes	435	Fire Prevention - Fire Investigators Assn
DON R. YOUNG, FIRE CHIEF	YES	435	SPARKS FIRE DEPT.
CARL T. LEMONS	YES	435	ADVANCE CORP FIRE EQUIPMENT
William Southern Chief	yes	435	Lyon Co. - City of Yerington
BOB GAGNIER	yes	435	SNEA
John De Graff	yes	SB 333	Supreme Court
M HARRIS	YES	SB 435	NEVADA STATE FIREMEN'S ASSOCIATION
Pam Wilcox	yes	SB 444+ SB 443	Lemmon Valley Improvement Assoc
Kristine Rensing	No	SB 435	Yukon Bldg.
Ronald J. Brooks	yes	435	Associated Fire Equipment
Sarwin K. Egan	yes	435	Douglas County Fire Dept
VAL SMITH	YES	435	EMPLOYMENT SECURITY
WALTER DUCKER	YES	435	ELECTRICAL WORKERS LU 401
Lloyd JONES	YES	<del>435</del>	OWNER ABC FIRE EXTING. CO
Bob Estrella	yes	435	OWNER Ace Fire Equip. Co.
DAN QUINAN	yes	435	STATE FIRE MARSHAL
HEBER P. HARDY	YES	SB 333	P. S. C.
GEORGE BENNETT	YES	SB 333	STATE BD. OF PHARMACY
Joe Jackson	yes	SB 159	N S P A
A. D. Richard if needed	yes	435	State Fire Marshal's Advisory
John Hawkins	yes	SB 333	CARSON CITY SCHOOLS
STEWART COLTON	NO	435	NEVADA FIRE EXTING.



SB 333

OPEN MEETING LAW

MY NAME IS HEBER HARDY, A MEMBER OF THE PUBLIC SERVICE COMMISSION OF NEVADA.

THE PUBLIC HAS A RIGHT TO KNOW! CERTAINLY THE PUBLIC HAS THE RIGHT TO KNOW THE ACTIONS AND DECISIONS OF PUBLIC BODIES; THE REASONS AND BASES FOR SUCH ACTIONS; AND IN A MULTIMEMBER BODY THE VOTE OF EACH MEMBER PARTICIPATING IN SUCH ACTION.

THE PRESENT LAW RECITES THAT THE INTENT OF THE LAW IS THAT ACTIONS BE TAKEN OPENLY AND THAT DELIBERATIONS BE CONDUCTED OPENLY. MEETINGS ARE REQUIRED TO BE OPEN AND PUBLIC AND ALL PERSONS SHALL BE PERMITTED TO ATTEND ANY MEETING EXCEPT MEETINGS TO CONSIDER CERTAIN PERSONNEL MATTERS. VIOLATION OF THE LAW IS A MISDEMEANOR. (NRS 241.010-040).

SB 333 SEEKS TO ADD ADDITIONAL REQUIREMENTS FOR PUBLIC MEETINGS AND PROVIDES FOR THE VOIDANCE THROUGH COURT ACTION OF ANY FINAL ACTION TAKEN IN VIOLATION OF THE PROVISIONS OF THE BILL.

EVIDENCE PRESENTED IN SUPPORT OF SB 333 (AND RELATED ASSEMBLY BILLS AB 437 AND AB 114) INDICATED THAT THE PRESENT LAW IS VAGUE AND EITHER UNENFORCEABLE OR IS NOT BEING ADEQUATELY ENFORCED. EXAMPLES WERE RECITED OF CITY COUNCILS TAKING ACTIONS (MAKING A DECISION) ON CERTAIN MATTERS IN CLOSED MEETINGS WHICH ACTIONS WERE LATER FOUND TO BE IN VIOLATION OF NEVADA'S OPEN MEETING LAW. SENTIMENT WAS ALSO EXPRESSED BY REPRESENTATIVES OF THE MEDIA THAT SB 333 DOESN'T GO FAR ENOUGH IN THAT MEETINGS FOR CERTAIN PURPOSES MAY STILL BE CLOSED UNDER CERTAIN CIRCUMSTANCES. AT LEAST ONE WITNESS FURTHER PROPOSED THAT ACTIONS ALLEGEDLY TAKEN IN VIOLATION SHOULD BE VOID AND THE BURDEN OF PROOF SHIFTED TO THOSE ACCUSED TO PROVE THAT NO VIOLATIONS WERE COMMITTED IN THE DECISION MAKING PROCESS.



THE IMPORT OF SHIFTING THE BURDEN OF PROOF IS FRIGHTENING AND UNBELIEVABLE TO ANY PERSON WHO CONSCIENTIOUSLY ATTEMPTS TO CARRY OUT THE DUTIES OF HIS OFFICE. I DO NOT SPEAK FOR ANY OTHER PUBLIC BODY BUT IT SEEMS TO ME THAT IF SUCH PROCEDURE BECAME LAW, THE PUBLIC'S BUSINESS COULD WELL COME TO A GRINDING HALT AS I WILL FURTHER EXPLAIN.

AT THE OUTSET I WOULD NOTE THAT THE MISDEMEANOR PROVISION OF NRS 241.040 REMAINS IN SB 333 AS DRAFTED. WHILE I DO NOT OBJECT TO A VIOLATION OF CHAPTER 241 BEING MADE A MISDEMEANOR AS IT PRESENTLY IS, I DO OBJECT TO THE SUGGESTION THAT THE BURDEN OR PROOF BE SHIFTED TO ALLEGED OFFENDING OFFICIALS. IN THIS CONTEXT THE SHIFTING OF THE BURDEN OF PROOF WOULD APPEAR UNCONSTITUTIONAL TO SAY THE LEAST. THE SAME ARGUMENT WOULD APPLY TO THE SUGGESTION THAT A PUBLIC OFFICIAL FORFEIT HIS OFFICE UPON VIOLATION OF CHAPTER 241.

AS PREVIOUSLY STATED, I AM A MEMBER OF THE PUBLIC SERVICE COMMISSION OF NEVADA. I SINCERELY BELIEVE THAT ACTIONS TAKEN AND DECISIONS MADE BY OUR AGENCY ARE IN SUBSTANTIAL COMPLIANCE WITH THE SPIRIT AND INTENT OF THE EXISTING OPEN MEETING LAW EMBODIED IN CHAPTER 241 OF THE NEVADA REVISED STATUTES. HOWEVER, IF SB 333 AND/OR AB 437 BECOME LAW OUR ABILITY TO PERFORM OUR DUTIES PRESCRIBED BY THIS LEGISLATURE WILL BE SERIOUSLY HAMPERED IF CONSTRUED STRICTLY. TO EMPHASIZE, PERHAPS A BRIEF DISCUSSION OF OUR PROCEDURAL PROCESS IS IN ORDER AT THIS TIME.

OUR COMMISSION HAS THREE MEMBERS. BY STATUTE WE DEVOTE FULL TIME TO OUR DUTIES AND CAN HAVE NO OUTSIDE ECONOMIC INTERESTS. OUR OFFICES ARE LOCATED NEXT TO EACH OTHER WITH CONNECTING DOORS SO THAT WE MAY FREELY CONSULT ONE ANOTHER IN ORDER TO FULFILL OUR DUTIES OF SUPERVISING AND REGULATING THE OPERATIONS AND MAINTENANCE OF PUBLIC UTILITIES AND REGULATED MOTOR CARRIERS. WE ARE KEPT ADVISED ON A REGULAR BASIS OF ALL FILINGS BY PUBLIC UTILITIES AND REGULATED

MOTOR CARRIERS, AS WELL AS COMPLAINTS, PROTESTS, INQUIRIES, ETC., FROM INTERESTED PARTIES OR MEMBERS OF THE GENERAL PUBLIC, IN ORDER TO KEEP ABREAST OF NEW DEVELOPMENTS, PROBLEMS AND NEEDS OF REGULATED COMPANIES AND ALSO TO KEEP INFORMED AS TO WHETHER OR NOT THEY ARE ADEQUATELY SERVING THE NEEDS OF THEIR CUSTOMERS. IT IS VITALLY IMPORTANT THAT WE CONSULT WITH ONE ANOTHER TO OBTAIN THE BACKGROUND, KNOWLEDGE AND EXPERTISE OF ONE ANOTHER WHICH IS NECESSARY TO PROPERLY EXERCISE OUR DUTIES.

SOME MATTERS COMING BEFORE THE COMMISSION DO NOT REQUIRE PUBLIC HEARING AND CAN BE DETERMINED ADMINISTRATIVELY AT OUR REGULARLY SCHEDULED WEEKLY COMMISSION MEETINGS FOR WHICH A PUBLISHED AGENDA OF BUSINESS ITEMS IS UTILIZED. SUCH MEETINGS ARE OPEN TO THE PUBLIC.

OTHER MATTERS COMING BEFORE US REQUIRE PUBLIC HEARINGS AND IT HAS BEEN OUR STATED POLICY TO HOLD A PUBLIC HEARING WHEN REQUESTED OR WHENEVER THERE IS ANY DOUBT AS TO ITS NECESSITY. SUCH PUBLIC HEARINGS ARE PUBLICLY NOTICED IN NEWSPAPERS OF GENERAL CIRCULATION IN THE AREA AFFECTED BY ANY PARTICULAR FILING AND IN THE CASE OF MAJOR RATE CASES WE HAVE REQUIRED UTILITIES TO GIVE FURTHER NOTICE BY BILL STUFFERS OR NEWSPAPERS OR NEWSPAPER ADVERTISEMENTS. COPIES OF NOTICES ARE MADE AVAILABLE TO THE MEDIA AND MOST OF OUR CASES ARE WELL PUBLICIZED. WHERE INTEREST IS EXPRESSED BY MEMBERS OF THE PUBLIC, SPECIAL EVENING SESSIONS ARE SCHEDULED TO PROVIDE AN OPPORTUNITY TO BE HEARD. IN MANY CASES LOCAL POLITICAL SUBDIVISIONS, LARGE CUSTOMERS AND CONSUMER GROUPS MAKE APPEARANCES AND PARTICIPATE FULLY IN THE PROCEEDINGS. AFTER THE HEARING IS COMPLETED THE MATTER IS SUBMITTED FOR DECISION.

THEREAFTER, ONE OF THE COMMISSIONERS ASSUMES PRIMARY RESPONSIBILITY FOR PREPARING A PROPOSED OPINION AND ORDER FOR REVIEW AND DISCUSSION WITH THE OTHER TWO COMMISSIONERS PRIOR TO BEING PLACED

ON THE COMMISSION'S WEEKLY AGENDA FOR FINALIZATION OF A DULY ISSUED OPINION AND ORDER. IT IS DURING THE REVIEWING PROCESS THAT IT IS ABSOLUTELY ESSENTIAL FOR THE THREE COMMISSIONERS TO DISCUSS THE ISSUES RAISED IN ANY PARTICULAR MATTER. IN THIS REGARD, I MIGHT ADD THAT DUE TO COMPLEXITY OF MANY MATTERS COMING BEFORE US, THE REVIEWING PROCESS IS A CONTINUOUS MATTER PRIOR TO REACHING AN ULTIMATE DECISION. I MIGHT FURTHER ADD THAT WITHOUT SUCH DISCUSSIONS IT WOULD BE VIRTUALLY IMPOSSIBLE TO ARRIVE AT A FINAL DECISION WITHIN THE TIME LIMIT OF 180 DAYS ESTABLISHED BY THE LEGISLATURE FOR RATE APPLICATIONS. IT SHOULD BE NOTED THAT OUR OPINIONS CONTAIN A RECITATION OF THE PARTICULAR PRESENTATIONS MADE ALONG WITH A DISCUSSION OF WHY THE VARIOUS POSITIONS TAKEN BY PARTIES ARE EITHER ACCEPTED OR REJECTED TOGETHER WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW. DISSENTING OPINIONS MAY ALSO BE FILED. FINAL COPIES OF ALL OUR OPINIONS AND ORDERS ARE PROVIDED TO THE PARTIES OF RECORD, INCLUDING CONSUMERS, AS WELL AS THE PRESS. FURTHER COPIES ARE MADE AVAILABLE UPON REQUEST.

THEREFORE, DECISION MAKING FOR US IS A DAILY ON-GOING PROCESS. TO BE PROHIBITED FROM DISCUSSING MATTERS BEFORE US AT ANY TIME OTHER THAN IN A NOTICED PUBLIC MEETING WOULD BE ASKING US TO WORK IN A VACUUM. FURTHER, IF OUR DISCUSSIONS LEADING UP TO OUR FORMAL WRITTEN OPINION AND ORDER WERE OPEN TO THE PUBLIC, IT COULD LEAVE US OPEN TO UNWARRANTED PRESSURES FROM THE UTILITIES AS WELL AS ANYONE ELSE AFFECTED BY OUR DECISIONS NOT AT ALL UNLIKE ~~TO~~ PRESSURES WHICH COULD BE PLACED UPON JUDGES AND JURIES IN THE JUDICIAL SYSTEM. IT BEARS EMPHASIS THAT THE REASONS FOR OUR DECISIONS ON EACH ISSUE ARE SET OUT IN OUR OPINION AND WE EACH SIGN OUR NAME TO THE ORDER AND/OR DISSENTING OPINION. FURTHER, MINUTES OF OUR COMMISSION MEETING ARE KEPT AND THE MINUTE ENTRY REFLECTS OUR VOTES. SUCH

MINUTE ENTRIES ARE OFFICIAL RECORDS AND OPEN TO PUBLIC INSPECTION.

IT BEARS FURTHER EMPHASIS, THAT BY LAW, OUR DECISION IN A PARTICULAR CASE MUST BE PREDICATED UPON SUBSTANTIAL EVIDENCE OF RECORD. A DIRECT RIGHT OF APPEAL TO THE DISTRICT COURTS OF OUR STATE IS PROVIDED TO PARTIES OF RECORD FOR REVIEW TO ENSURE THAT THE SUBSTANTIAL EVIDENCE MANDATE HAS BEEN MET. UPON A FINDING THAT OUR DECISION WAS NOT BASED UPON SUBSTANTIAL EVIDENCE OR WAS UNREASONABLE OR OTHERWISE UNLAWFUL THE DISTRICT COURT MAY VACATE AND SET ASIDE THE ORDER AND ITS UNDERLYING OPINION.

WE FULLY EXPECT THAT OUR FINAL PRODUCT (DECISION) COULD AND MAY BE SUBJECTED TO CRITICISM. I HAVE OFTEN STATED THAT THE BEST MEASURE OF A GOOD DECISION FROM US IS THAT NO ONE IS HAPPY WITH IT. HOWEVER, OPEN DISCUSSION OVER A PERIOD OF TIME AMONG THE COMMISSIONERS COULD WELL SUBJECT EACH OF US TO UNWARRANTED PRESSURE FROM THE UTILITIES, INTERVENORS, PROTESTANTS, POLITICIANS AND THE PRESS. IN THIS REGARD I FIRMLY BELIEVE THAT THE PRESENT METHOD OF ARRIVING AT DECISIONS BY THE PUBLIC SERVICE COMMISSION KEEPS UNWARRANTED AND POLITICAL PRESSURES OUT OF THE DECISION MAKING PROCESS.

I WOULD RESPECTFULLY SUGGEST THAT IF THE STATED OBJECTIVES OF SOME OF THE SUPPORTERS OF SB 333 AND AB 437 WERE TO BE ACCOMPLISHED, THERE COULD BE NO PRIVATE DISCUSSIONS BETWEEN ANY TWO PERSONS IN ANY BRANCH OF GOVERNMENT OR BUSINESS ON A SUBJECT WHICH AFFECTS THE PUBLIC. THE PROVISION THAT THE PROHIBITION AGAINST DISCUSSIONS ONLY APPLIES TO A QUORUM OF A PUBLIC BODY, IS DISCRIMINATORY AND UNSOUND IN THAT THE AVOWED PURPOSE OF THE BILL COULD BE CIRCUMVENTED IN LARGE BODIES MERELY BY THE CAREFUL AVOIDANCE OF DISCUSSIONS IN ANY GROUP CONSISTING OF A QUORUM. IF THE PURPOSE OF THE PENDING LEGISLATION IS FOR THE PUBLIC TO KNOW EVERY WORD WHICH IS SPOKEN BETWEEN PERSONS AT MEETINGS WHERE DECISIONS ARE MADE IN ORDER TO MAKE SURE

THE PUBLIC KNOWS THE BASIS AND REASONING BEHIND DECISIONS AND TO MAKE SURE NO UNDUE INFLUENCE IS EXERCISED BY ONE PERSON OVER ANOTHER, THEN CONVERSATIONS BETWEEN ANY TWO PERSONS AT A TIME OUTSIDE A MEETING CONVENED TO DISCUSS A MATTER BEFORE THE BODY IS JUST AS OBJECTIONABLE AS BETWEEN TWO MEMBERS OF A THREE MEMBER BODY. THE LEGISLATURE ITSELF MAKES LAWS WHICH AFFECTS THE PUBLIC IMMEASURABLY. HOWEVER, TO PROHIBIT DISCUSSION BETWEEN ANY TWO MEMBERS (AT A TIME) OF THE LEGISLATURE OR A COMMITTEE ON ANY MATTER BEFORE THE LEGISLATURE WOULD APPEAR TO BE LUDICROUS. YET THE ALLEGED EVILS WHICH SB 333 AND AB 437 ARE PURPORTEDLY DESIGNED TO CORRECT ARE JUST AS POSSIBLE IN THE LEGISLATURE AS IN A REGULATORY AGENCY.

HOW WOULD THE PROVISIONS OF SB 333 OR AB 437 BE ENFORCED? FOR THE REASONS STATED ABOVE I DO NOT FEEL I COULD IN ALL HONESTY REASONABLY FUNCTION AS A COMMISSIONER ON THE PSC IF DISCUSSION BETWEEN TWO MEMBERS OF THE COMMISSION WERE PROHIBITED. I DO NOT THINK THIS COMMITTEE IS SO NAIVE AS TO BELIEVE THAT THE PENDING LEGISLATION WILL MAKE A DISHONEST PERSON HONEST BUT IT MAY MAKE A PERSON WHO CONSCIENTIOUSLY ATTEMPTS TO FULFILL HIS DUTIES LEGALLY CULPABLE. TO CATCH ANY TWO MEMBERS OF ANY BODY IN A DISCUSSION OF A MATTER BEFORE THAT BODY WOULD BE NEXT TO IMPOSSIBLE. I ASSUME THAT IS WHY ONE WITNESS SUGGESTED THE BURDEN OF PROOF BE SHIFTED TO THE ALLEGED VIOLATOR.

IT IS NOT EASY TO OPPOSE A BILL LIKE SB 333 BECAUSE IT SEEMS SO MERITORIOUS AND FUNDAMENTALLY SOUND ON ITS FACE. NO ONE CAN REASONABLY ARGUE AGAINST THE PUBLIC'S RIGHT TO KNOW. HOWEVER, THE LITERAL APPLICATION AND ENFORCEMENT OF THE PROHIBITION AGAINST TWO MEMBERS OF THE PUBLIC SERVICE COMMISSION DISCUSSING ANY MATTER BEFORE US, EXCEPT IN AN OPEN PUBLIC MEETING WHICH HAS BEEN NOTICED TO THE PUBLIC A YEAR IN ADVANCE FOR SCHEDULED MEETINGS AND THREE DAYS IN ADVANCE FOR RESCHEDULED OR SPECIAL MEETINGS, IS TOTALLY UNREASONABLE

AND MANIFESTLY UNWORKABLE. IN ORDER TO COMPLY, THE PUBLIC SERVICE COMMISSION WOULD HAVE TO GIVE PUBLIC NOTICE THAT WE MAY BE DISCUSSING SOME MATTER BEFORE US AT ANY TIME OF OUR WORKING DAY AS WELL AS ANY OTHER TIME WE MIGHT BE TOGETHER. WE TAKE OUR DUTIES SERIOUSLY. ISSUES OR POTENTIAL ISSUES ARE CONSTANTLY ON OUR MINDS AND A QUESTION, COMMENT OR LENGTHY DISCUSSION MAY SPONTANEOUSLY ERUPT AT ANY TIME. FURTHER, AS STATED ABOVE, THE COMPLEXITY OF A GENERAL RATE CASE REQUIRES A CONSIDERABLE AMOUNT OF TIME FOR REVIEW AND EVALUATION. IF AGREEMENT CANNOT BE REACHED BY AT LEAST TWO COMMISSIONERS ON AN ISSUE OR ON THE ENTIRE APPLICATION, THE RATES APPLIED FOR BY THE UTILITY GO INTO EFFECT BY OPERATION OF LAW 181 DAYS AFTER THE APPLICATION WAS FILED. PUT A DIFFERENT WAY, A PROHIBITION AGAINST ONGOING DISCUSSIONS COULD WELL LEAD TO A DEROGATION OF OUR LEGISLATIVE MANDATE.

IN CONCLUSION, I WOULD SUGGEST THAT IF THE PROCEDURES USED BY THE COMMISSIONERS OF THE PSC ARE CONSIDERED BY ANY PERSON OR PERSONS TO BE VIOLATIVE OF THE PUBLIC'S RIGHT TO KNOW, THAT THE SPECIFIC OFFENSIVE PROCEDURES BE BROUGHT TO THE ATTENTION OF THE COMMISSION, OR THE LEGISLATURE OR EVEN THE JUDICIARY BRANCH FOR CORRECTIVE ACTION.



SUPREME COURT OF NEVADA

JUDICIAL PLANNING UNIT

CAPITOL COMPLEX

CARSON CITY, NEVADA 89710

April 11, 1977

TELEPHONE (702) 885-5076  
TOLL FREE IN NEVADA:  
(800) 992-0900, EXT. 5076

The Honorable James I. Gibson  
Nevada State Senate  
Legislative Building  
Capitol Complex  
Carson City, Nevada 89710

Dear Senator Gibson:

RE: SB 333

I am providing herewith a copy of the text of my testimony before your Committee on Government Affairs today.

Also attached is a brief overview of the operation of the Commission on Judicial Selection, a copy of the Commission's rules, and a copy of the Commission's personal data questionnaire.

Finally, I am providing you with a suggested amendment to SB 333 which should alleviate the problems I addressed in my testimony.

Thank you for your consideration of these matters.

Very truly yours,

John C. De Graff  
Judicial Planner

JCDG: km1  
Enclosure

cc: Members of Senate Committee on Government Affairs  
Secretary to Committee



**SUPREME COURT OF NEVADA**

JUDICIAL PLANNING UNIT

CAPITOL COMPLEX

CARSON CITY, NEVADA 89710

TELEPHONE (702) 665-5076  
TOLL FREE IN NEVADA:  
(800) 992-0900, EXT. 5076

Remarks of John C. De Graff  
Judicial Planner, before  
Senate Government Affairs Committee  
April 11, 1977  
RE: SB 333

I am here to address two subjects today. As planner, one of my functions is to serve as secretary to the Commission on Judicial Selection.

As secretary to the commission, I would like to talk about a portion of SB 333 that appears might have an adverse impact on the function of the commission. Specifically, I am referring to Section 8 (page 3) at lines 23, 37 and 38.

Under the system of judicial appointment that we had prior to the passage of the constitutional amendment that created the selection commission last November, the Governor's choice for filling unexpired terms was made without the requirement for any public input at all. One purpose of the selection commission is to insure that the public's interests are protected through its non-attorney, Governor appointed members. (To the extent that the members of the Bar are the representatives of the public in the courts, the public's interests are also protected by the Bar members on the commission.)

Therefore, the selection process has been opened up substantially by the creation of the commission, but the openness has been tempered by the rules of the commission and upon the recommendation of the American Judicature Society.

In formulating its rules, the commission discussed, at great length, the question of the public's right to know how any governmental agency or commission operates on the one hand, and, on the other hand, the absolute need of this commission to get some very personal information (information that would not likely be revealed in an election situation), to have complete candor from the potential nominees, and to have the opportunity for free-wheeling debate among the commissioners.

At the end of their discussion, the commission felt that, on balance, given the searching inquiries and full disclosures, consistent with the "personnel" nature of their business, the need for confidentiality



outweighed the need for open sessions. The commission nevertheless still felt strongly enough about open meetings that it wrote into its rules a provision requiring at least one public meeting per year for the purpose of receiving comment about the qualifications needed for judge-ships and to review its administrative matters.

One way to analyze a law is to look at it in terms of the evil sought to be cured, and to balance that with the harm that the cure might cause.

I see two major evils that SB 333 cures. First, it prevents a public body from going into a personnel session and emerging with a contract award or a zoning change. Second, and more generally, it protects the public's interest in the operation of government.

The selection commission by its very nature as a personnel nominating body is immune from the first evil, and the very creation of the commission has effected a quantum leap in advancing and protecting the public's interest and participation in the process of judicial selection to fill unexpired terms.

On balance, however, the potential chilling effect that unlimited public disclosure might have on the number and quality of applicants for judicial vacancies, the complete honesty in answering the personal data questionnaire, and the candor in the personal interview as well as the commissioners' discussions of all applicants must certainly outweigh any possible benefits to be derived from the application of this bill to the selection commission.

The second subject I wish to address today is the provision relating to judicial rules or administrative orders on page 3, lines 29, 30 and 31.

SB 333 appears to be providing a reform where there is no abuse. The supreme court is not asking to be excused from letting the public have input into its administrative decisions. The public already has an opportunity to comment on administrative orders for 60 days before they become final.

At the supreme court, if a rule needs to be pronounced in the course of a decision, this of course, is a judicial function and would not be subject to the operation of SB 333.

Let me discuss briefly the process the court goes through in adopting rules that are not part of a judicial decision as in the case of the Nevada Rules of Appellate Procedure.

First, there is usually an advisory committee of the bar or other affected group which studies and prepares a tentative draft which is submitted to the supreme court.

The supreme court evaluates the tentative draft and makes any changes that might be needed. (None were needed with the N.R.A.P.) Then, pursuant to statute, the rules are adopted by the court and mailed to every attorney and interested person on the supreme court's mailing list. The rules, again pursuant to statute, do not become effective for 60 days, and it is during this time that the bar and other interested persons have an opportunity to object or make suggestions to the supreme court regarding the rules.

With the code of judicial conduct, which is now under consideration, the court added an extra step. Before reviewing the tentative draft that was prepared by the committee, two public hearings (one in Carson City and one in Las Vegas) were held to receive public comment prior to adoption by the court.

With the court continuously in session, it is impossible for the court to issue a calendar at the beginning of the year as to when administrative matters will be heard.

The supreme court is basically a deliberative body with an ongoing and continuing function to adjudicate cases. It feels its adjudicatory responsibilities take priority over administrative matters. As a result, the court sandwiches administrative matters in between its adjudicatory matters. Far from being able to give three days notice of the discussion of an administrative matter, the court often does not know three hours in advance that, for example, a case will go off calendar or a decision will be reached sooner than expected, which frees up some time to clear up some administrative details.

In closing, the method that is used by the court insures public input into its administrative deliberations through the 60 day period until effectiveness. It's a method that works quite well when you consider that the fundamental duty of the court is to decide cases (scheduling administrative matters and then filling in with cases would be a classic case of the tail wagging the dog).

We feel the system presently being used protects the public interest and works well in the context of the way our court functions.

JUDICIAL SELECTION COMMISSION  
A BRIEF OVERVIEW

The Judicial Selection Commission is made up of three non-attorney members who are appointed by the Governor; three attorney members who are appointed by the Board of Bar Governors; and the Chief Justice or his designee.

The selection process begins with a public announcement of the vacancy and soliciting requests for applications (personal data questionnaires).

As soon as the deadline for receiving completed applications has passed, the commission meets for an initial screening and to disclose any potential conflicts.

Each candidate is interviewed in depth by the commission. It is not uncommon for questions regarding health (both physical and mental,) past marriages, investments, and representative clients to be asked during these interviews.

When all interviews are complete, the commission meets to discuss the candidates and to conduct the first elimination. It is essential that this session be private in order for the commissioners to fully and freely discuss the strengths and weaknesses of the candidates.

It soon became clear in the first selection process that nearly every applicant was personally known to many, if not most, of the commissioners.

Because only three names could be submitted to the Governor, it was necessary for the commissioners to openly and honestly discuss the virtues as well as the shortcomings of people they considered to be friends. The candor that is so essential would not be as likely in an open meeting.

If there is to be further investigation of the applicants, it will be conducted after the first elimination. This investigation would consist of interviewing people who know the applicant and possibly running a background investigation through the FBI.

The last step is the final elimination voting to select three finalists. Voting is done by secret ballot.

The names are typed on three sheets of paper, one name to a sheet, and placed in three envelopes. The envelopes are shuffled and given to the Governor in random order. If the Governor requests, the files on the three nominees are also provided.

The person selected by the Governor serves until the next general election.

STATE OF NEVADA

COMMISSION ON JUDICIAL SELECTION

RULES

RULE 1: COMMISSION CHAIRPERSON

The commission shall elect, for a term of one year, from among its number a chairperson and a vice-chairperson.

RULE 2: COMMISSION SECRETARY

The Judicial Planner of the Supreme Court of Nevada shall serve as secretary to the commission until such time as a state court administrator is appointed. Thereafter, the state court administrator shall serve as secretary. It shall be the duty of the secretary to prepare and keep the minutes of all meetings. In the secretary's absence the commission shall choose a member to be the acting secretary. The minutes of all executive sessions shall be kept confidential.

RULE 3: COMMISSION MEMBERS

a. A commissioner shall consider each potential nominee for a judicial office in an impartial, objective manner. A commissioner shall not consider the race, religion, sex or political affiliation of a potential nominee.

b. If a commissioner knows of any personal or business relationship which he/she or another commission member has with a potential nominee and the relationship may influence, or appear to influence, the decision of the commissioner as to this potential nominee, the commissioner shall report this fact to the chairman. Such report shall be included within the minutes or otherwise in writing made a part of the proceedings of the commission. If a majority of the commission determines that such a relationship may unduly influence the commissioner's decision as to this potential nominee, the commissioner shall not vote upon the potential nominee, and this fact shall be noted in the records of the commission relating to the potential nominee.

c. A commissioner shall not attempt to influence the decision of another commissioner by presenting him/her with facts or opinions not relevant to the judicial qualifications of the potential nominee.

d. A commissioner shall not allow any person or organization to influence him/her with facts or opinions other than those which are relevant to the judicial qualifications of the potential nominee, and shall promptly report any such attempt to the chairperson.

RULE 4: CONFIDENTIALITY

All correspondence and communications received concerning any person, and all records and deliberations of the commission concerning any person, shall be held in complete confidence by the commission except as provided in rule 10.

RULE 5: COMMISSION MEETINGS

a. Meetings of the commission may be called by the chairperson or a majority of the members by written notice and personal telephone call to the other members specifying the time and place of meeting. Such notice shall be made at least seven days before the time specified, except that a meeting may be held on shorter notice if the notice specifies that the meeting will be an emergency meeting. Notice of meeting may be waived by any commissioner either before or after the meeting takes place; and attendance at a meeting by any member shall constitute a waiver of notice by such member unless he or she shall, at or promptly after the beginning of such meeting, object to the holding of the meeting on the ground of lack of, or insufficiency of, notice.

b. Meetings of the commission may be held without notice at any time or place whenever

(1) the meeting is one as to which notice is waived by all members; or

(2) the commission, at a meeting, designates the time and place for a subsequent meeting and the secretary so informs any absent member.

c. Within five business days from the date upon which the existence or anticipated existence of a vacancy in judicial office within the purview of the commission's competence is communicated to the chairperson, the chairperson shall notify the members of the commission.

d. A quorum for the permanent commission shall be five commissioners. A quorum for the temporary commission shall be seven commissioners. The commission may act on any matter by majority vote of the commissioners present and voting on the matter except as provided in rule 7.

e. The chairperson shall call at least one public meeting each year for the principal purpose of reviewing commission operating procedure and briefing new commissioners on the rules of procedure of the commission. The purpose of the public meeting is also to consider what particular qualifications, if any, may be needed for the various judicial offices in the state. Comments relative to the qualifications of any specific person may be submitted to the commission at the public meeting, but shall be submitted only in writing.

RULE 6: RECRUITMENT OF POTENTIAL NOMINEES

a. Commissioners should always keep in mind that often the persons with the highest qualifications will not actively seek judicial appointment. Commissioners may actively seek out and encourage qualified individuals to apply for judicial office. It is incumbent upon the commissioners to encourage well qualified persons to agree to accept nomination even if a commissioner is so intimately acquainted with such a person that the commissioner may ultimately be unable to vote (pursuant to rule 3b) for this person's nomination. The person shall seek the submittal of such names from the broadest possible sources by the use of all available media and otherwise, and shall treat alike all names received from all sources.

b. Each potential nominee shall receive a personal data questionnaire, and any other material as the commission may from time to time determine, provided only that each potential nominee for any particular position shall receive the same material.

RULE 7: PRELIMINARY SCREENING OF POTENTIAL NOMINEES

As soon as the preliminary background information on each potential nominee has been compiled and the information forwarded to each commissioner, the commission may meet to eliminate from further consideration those persons, if any, whom at least five permanent commission members considering a potential nominee for the supreme court, or at least seven temporary commission members considering a potential nominee for a district court, determine to be unqualified for the office under consideration, to plan for the screening of the remaining potential nominees, and to receive such further information regarding any person as it shall consider appropriate. Depending upon the number of persons remaining for further consideration, the commission may form subcommittees composed of both lay and lawyer members and compile further background information on each potential nominee. Potential nominees may be interviewed by the commission as a whole or by a subcommittee thereof.

RULE 8: INVESTIGATION OF POTENTIAL NOMINEES

Commissioners shall conduct investigations into the background and qualifications of potential nominees. Subcommittees composed of both lay and lawyer members may be designated for this purpose by the chairperson. Using a personal data questionnaire as a starting point, the subcommittee may contact as many of the individuals and institutions mentioned in the potential nominee's questionnaire as it deems beneficial. However, the commission or any subcommittee need not limit itself to the questionnaire; it may contact as many individuals and groups from the potential nominee's community or elsewhere as is practicable in an effort to obtain as much background information on the potential nominee as possible. It is the intention of this rule that the broadest possible evaluation of each potential nominee's qualifications be made.

RULE 9: SELECTION OF NOMINEES

a. When all relevant background information on each potential nominee has been compiled and all interviews have been completed by the commission or a subcommittee or subcommittees of the commission, the commission shall meet for the purpose of selecting nominees to be sent to the Governor for a particular office. No persons other than the commission member and its secretary may attend such meetings.

b. Before proceeding to a vote on the potential nominees, the chairperson shall read the names of the potential nominees in alphabetical order and if a member of the subcommittee has been charged with inquiring into a particular potential nominee's background he or she shall report on the results of the subcommittee's investigation of that potential nominee as the potential nominee's name is announced by the chairperson. Thereafter, the chairperson shall open the meeting to a discussion of that particular potential nominee's qualifications for judicial office. After this procedure has been followed for each potential nominee, the chairperson shall open the meeting to a general discussion of the relative qualifications of all the potential nominees.

c. Upon completion of the discussion of the potential nominees' qualifications, the commission shall vote. Voting shall be conducted by secret ballot.

RULE 10: TRANSMITTAL TO THE GOVERNOR

a. The names of the nominees, listed in alphabetical order, shall be hand delivered to the Governor.

b. At the discretion of the commission, other information may be furnished to the Governor at his request.

c. Except as provided in sections a and b above, the names of the nominees shall remain confidential.

RULE 11: PUBLIC COMMUNICATIONS

a. The commission will encourage communications between itself and groups and individuals concerned with the administration of justice. The commission will welcome and encourage transmittal of views relative to the needs of the courts and identification of potential nominees for judicial office.

b. Official announcements concerning the work of the commission shall customarily be made by the chairperson. All commission members, however, are permitted and encouraged to communicate with the public generally regarding the commission, agreeably to these rules.

RULE 12: AMENDMENT

Any provision of these rules of procedure may be amended by the commission from time to time, provided only that no amendment shall take effect except upon the affirmative vote of at least five permanent commission members.



STATE OF NEVADA  
COMMISSION ON JUDICIAL SELECTION  
PERSONAL DATA QUESTIONNAIRE

In answering these questions, please use letter size paper. Repeat each question and place your answer immediately beneath it. Please mail promptly the original and seven (7) copies to CHAIRMAN, COMMISSION ON JUDICIAL SELECTION, SUPREME COURT BUILDING, CAPITOL COMPLEX, CARSON CITY, NEVADA 89710. Please mark the envelope "Personal and confidential." Questionnaires will be held confidential and will be retained for two years from date of receipt. If you wish to be considered for a future vacancy, please send a letter of interest at that time.

GENERAL

1. Full name; office and home addresses; date and place of birth.
2. Please state your citizenship.
3. Marital status; spouse's name and occupation; list any prior marriages, including names and occupations of spouses.
4. Names of your children, their ages, addresses and present occupations.
5. List all places of residence, and inclusive dates thereof, since admission to the Nevada Bar.
6. Periods of military service, dates, branch in which you served, your rank or rate.
7. Please list any avocational interests and hobbies.

EDUCATION

8. Name and address of each college, graduate school and law school you attended, dates of attendance, the degree awarded, reason for leaving each school if no degree was awarded from that institution.

9. State the significant activities in which you took part during the period of your attendance at college, graduate school and law school, giving dates and offices or leadership positions, if any, which you held.
10. List the books, articles, speeches and important public statements you have published, or examples of opinions you have rendered, giving the citations and dates.
11. Over the past five years have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? Please describe.

#### LAW PRACTICE

12. Year you were admitted to the Nevada Bar.
13. Courts (other than Nevada State Courts) and year of admission in which you are presently admitted to practice (include inactive memberships).
14. Nature of your law practice after your graduation from law school; dates, names and address of all law offices, companies or governmental agencies with which you are or have been connected, the nature of your connection with each, whether you practice alone, and any other relevant particulars such as clerkships to judges.
15. Are you actively engaged in the practice of law at the present time? If you are connected with a firm, please state its name, address, telephone number and indicate the nature and duration of your relationship.  

(If you are presently on the bench, please answer questions 16, 17, 18, and 21 for your practice prior to becoming a judge.)
16. What is the general character of your practice? Do you possess any legal specialities? If the nature of your practice has been substantially different at any time in the past, give the details, including the character of such and the period involved.
17. (a) Estimate what percentage of your work over the past 5 years has involved appearance in court, distinguishing between trial courts and appellate courts.  
  
(b) Approximately what percentage of your litigation in the past 5 years was:
  - (1) Civil
  - (2) Criminal
  - (3) Administrative

- (c) Approximately what percentage of your trials in the last 5 years was:
- (1) Jury
  - (2) Non-jury
- (d) State the approximate number of cases you have tried during the past 5 years.
- (e) Please list courts and counties in any state where you have practiced during the past 5 years.
18. If you have been a member of any bar for over five years, please summarize your experience in court prior to the last 5 years. If during any prior period you appeared in court with greater frequency than during the last 5 years, indicate the periods during which this was so and give for such prior periods a succinct statement of the part you played in the litigation and whether jury or non-jury.
19. To the best of your recollection, list by case name, court, presiding Judge and all counsel appearing therein the five (5) most significant cases in which you have been involved during your legal career, including a brief explanation of the importance of each case and a brief description of your participation in each case.
20. List all bar associations and professional societies of which you are or have been a member and give the titles and the dates of any offices which you have held in such groups. List also chairmanships or any committees in bar associations and professional societies, and memberships of any committees which you believe to be of particular significance. Exclude information regarding political affiliation.
21. During the past five years have you done any pro bono or public interest work as a lawyer? If so, please describe.
22. Please list every course, seminar, or institute relating to continuing legal education which you have attended in the past ten (10) years.

#### BUSINESS INVOLVEMENT

23. Have you ever been engaged in any occupation, business, or profession other than judicial office or the practice of law? If so, please give the details, including dates and percentages of time spent in such occupation during the last five years. If you are presently on the bench, please give the details requested above for the total time you have been on the bench and the five years immediately prior to going on the bench.

24. Do you serve as an administrator, executor, trustee, or in any other fiduciary capacity? If so, please give details. If you are now an officer or director of any business organization or otherwise engaged in any business enterprise, please give the name and address of the enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service, and the percentage of your ownership.

#### CIVIC AND COMMUNITY INVOLVEMENT

25. Have you ever held judicial office? If so, give details, including the courts involved and the periods of service.
26. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, give details, including the offices involved, whether elected or appointed, and the length of your service, but excluding information regarding political affiliation.
27. State the significant civic activities in which you have taken part, giving dates and offices or leadership positions, if any, you have held.
28. State the significant educational, charitable, fraternal and church activities in which you have taken part, giving dates and offices or leadership positions, if any you have held.
29. List any honors, prizes, awards, or other forms of recognition which you have received.

#### CONDUCT

30. Have you ever been arrested, charged or held by federal, state or other law enforcement authorities, including the I.R.S. and S.E.C., or convicted for violation of any federal, state or municipal law, regulation or ordinance? If so, give details. Do not include traffic violations involving fines of less than \$30.00, or juvenile offenses.
31. Have you ever been sued by a client, or former client? If so, please give particulars.
32. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give particulars. Do not list proceedings in which you were merely a guardian ad litem or stockholder. Include all legal proceedings in which you were a party in interest, a material witness, where named as a co-conspirator or a co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

33. Have you ever been called to appear before a bar association grievance committee, disciplined, or cited for a breach of ethics or unprofessional conduct by any court or bar association? If so, please give particulars. Are any complaints now pending?
34. Have you filed federal income tax returns for each of the past taxable years? If not, state reasons.

#### HEALTH

35. What is the present state of your health?
- (a) If you have ever been hospitalized or prevented from working due to injury or mental or physical illness or otherwise incapacitated for a period in excess of two weeks, please give the particulars, including the causes, the dates, places of confinement, and the present status of the conditions which caused the confinement or incapacitation.
- (b) Are you now or have you ever been treated for alcoholism, drug addiction, or mental illness? If so, please set forth the details of such treatment.
- (c) Do you presently suffer from alcoholism, drug addiction or mental illness?
36. Please list by name and address all physicians, hospitals, clinics or others from whom you have received any medical attention during the past five years including in each case the nature of such treatment.
37. Have you ever consulted a psychiatrist, psychologist, or other mental health worker concerning yourself? If so, please state details.

#### OTHER

38. Please list the names, addresses, and telephone numbers of three or more references who are lawyers or judges, and who are familiar with your professional activities, who would recommend you as qualified to serve on the judiciary.
39. Please list the names, addresses and telephone numbers of three or more persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would recommend you as qualified to serve on the judiciary.

40. Please include any further information relative to your candidacy or qualifications that you wish to transmit to the commission at this time.

41. Please execute the attached waivers. Please add the following statement and sign:

I hereby certify that the answers and information provided herewith are true and correct to the best of my knowledge.

s/ \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA )  
                          )  
                          ) ss  
                          )  
\_\_\_\_\_ )

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Personal Data Questionnaire;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 19\_\_.

(Stamp)

\_\_\_\_\_  
Notary Public

Submission of Application; Agreement to Accept Appointment

The undersigned hereby submits his application for nomination and appointment to the office of (Justice of the Supreme Court of Nevada) (District Judge of the \_\_\_\_\_ District Court of the State of Nevada in and for the County of \_\_\_\_\_); hereby consents to the inclusion of his name in a list of three nominees to be presented to the Governor, and hereby agrees to serve in said office if appointed by the Governor.

s/ \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA )  
                  )  
                  ) ss  
                  )  
                  )  
\_\_\_\_\_ )

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Submission of Application; Agreement to Accept Appointment;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Stamp)

\_\_\_\_\_  
Notary Public

Medical Waiver and Consent

The undersigned applicant hereby waives the physician-patient privilege of confidentiality, and does hereby consent that the Nevada Commission on Judicial Selection may examine and copy any and all medical records bearing upon his present state of health in the custody of any physician or health care agency.

s/ \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA )  
                          )  
                          ) ss  
                          )  
\_\_\_\_\_ )

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Medical Waiver and Consent;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 19\_\_.

(Stamp)

\_\_\_\_\_  
Notary Public



Waiver of Confidentiality -- Law Enforcement, Professional

Disciplinary Bodies, Judicial Disciplinary Bodies

The undersigned applicant hereby waives the benefits of any statute, rule or regulation prescribing confidentiality of records of any state or federal law enforcement agency, any administrative or disciplinary committee of the State Bar of Nevada, and the Nevada Commission on Judicial Discipline, and does hereby release and discharge the Nevada Commission on Judicial Selection, its individual members as now or hereafter constituted, any such law enforcement agency or members thereof, any such administrative or disciplinary committee or members thereof, and the Nevada Commission on Judicial Discipline and its members, as now or hereafter constituted, of and from all claims, demands, liability, and damages in any way arising out of the release and use of information concerning applicant on file with any of said bodies, and hereby authorize the Commission on Judicial Selection to obtain from applicant's physician(s) a full report of applicant's present physical condition, and further authorize said physician(s) to prepare and release such report to the Commission.

s/ \_\_\_\_\_

Date \_\_\_\_\_

STATE OF NEVADA )  
                          )  
                          ) ss  
                          )  
\_\_\_\_\_ )

The undersigned, upon oath, deposes and states as follows: that (he) (she) is the person whose signature appears hereinabove on the instrument entitled "Waiver of Confidentiality -- Law Enforcement, Professional Disciplinary Bodies, Judicial Disciplinary Bodies;" that (he) (she) has read the same and is aware of the content thereof; that the same is true and correct according to the best knowledge and belief of the undersigned; and that (he) (she) executed the same freely and voluntarily.

s/ \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

(Stamp)

\_\_\_\_\_  
Notary Public

1        **Sec. 8. NRS 241.030 is hereby amended to read as follows:**

2        **241.030 1. Nothing contained in this chapter [shall be construed to**  
3 **prevent the legislative body of] prevents a public [agency, commission,**  
4 **bureau, department, public corporation, municipal corporation, quasi-**  
5 **municipal corporation or political subdivision] body from holding execu-**  
6 **tive sessions to consider: [the appointment, employment or dismissal of a**  
7 **public officer or employee or to hear complaints or charges brought**  
8 **against such officer or employee by another public officer, person or**  
9 **employee unless such officer or employee requests a public hearing. The**  
10 **legislative body also may exclude from any such public or private meet-**  
11 **ing, during the examination of a witness, any or all other witnesses in the**  
12 **matter being investigated by the legislative body.]**

13        *(a) The character as opposed to professional competence or the physi-*  
14 *cal or mental health of a person. The person who is the subject of con-*  
15 *sideration may request that it be conducted at a public meeting.*

16        *(b) Deployment of security personnel or devices.*

17        *(c) Allegations of criminal misconduct if the consideration is in the*  
18 *nature of an investigation and not of an adjudication.*

19        **2. A public body may hold a closed meeting upon an affirmative**  
20 **vote, taken at an open meeting, of two-thirds of its members, on a motion**  
21 **which specifies the subject of the consideration and the exception of sub-**  
22 **section 1 under which the meeting will be conducted.**

23        **3. This chapter does not:**

24        *(a) Apply to any chance meeting or social meeting at which matters*  
25 *relating to official business are not discussed. No chance or social meeting*  
26 *or electronic communication may be used to circumvent the spirit or let-*  
27 *ter of this chapter in order to discuss or act upon a matter over which the*  
28 *public body has supervision, control, jurisdiction or advisory powers.*

29        *(b) Apply to judicial proceedings [except those at which consideration*  
30 *of rules or deliberation upon the issuance of administrative orders are*  
31 *conducted] or the proceedings of any commission created*

*by article 6 of the constitution of the State of Nevada.*

32        *(c) Prevent the removal of any person who willfully disrupts a meeting*  
33 *to the extent that its orderly conduct is made impractical.*

34        *(d) Prevent the exclusion of witnesses from a public or private meeting*  
35 *during the examination of another witness.*

36        *(e) Require that any meeting be closed to the public.*

37        *(f) Permit a closed meeting for the discussion of the appointment of*  
38 *any person to public office or as a member of a public body.*

*, except as provided by paragraph (b).*

39        **Sec. 9. NRS 396.100 is hereby amended to read as follows:**

40        **396.100 1. [In enacting this section, the legislature finds and**  
41 **declares that the board of regents exists to aid in the conduct of the peo-**  
42 **ple's business. It is the intent of this section that the board's actions be**  
43 **taken openly and that its deliberations be conducted openly.**

44        **2.] The board shall hold four regular meetings in each year, and**  
45 **may hold special meetings at the call of the chairman of the board.**

46        **[3. Except as otherwise provided in subsection 4, all regular and**  
47 **special meetings of the board of regents shall be open and public, and all**  
48 **persons shall be permitted to attend any meeting of the board.**

49        **4. Nothing contained in this section shall be construed to prevent the**



# NEVADA FIRE CHIEFS ASSN., INC.

April 11, 1977

TO: SENATE GOVERNMENT AFFAIRS COMMITTEE

Testimony of Fire Chief Lester Groth,  
Legislative Representative, Nevada Fire  
Chiefs Association, Nevada State Firemen's  
Association, Lobbyist #77-63

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This information is offered for your consideration and it is our desire to have Senate Bill #435, regarding the State Fire Marshal's Office, killed in committee.

We, in the Fire Service, feel that this is a most detrimental bill due to the fact that we in the smaller counties in Nevada have become dependent upon the State Fire Marshal's Office to aid us in enforcing public assembly laws; to guide us in fire and arson investigation; and so regulate fire extinguisher laws.

A copy of a letter that I submitted to each legislator on March 25th indicates that we feel there is room for improvement in this office and we most heartily recommend instead of abolishing this office or placing it under the Office of the Insurance Commissioner, that the office be maintained as it is and that an interim study committee of legislators, building industry, Board of Architects and life safety officials be appointed to review the laws and make recommendations to the 1979 legislature.

I cannot stress the importance and value of this office to the smaller departments throughout the State of Nevada and I have several attachments to this testimony to indicate that it has a great deal of significance to the State of Nevada.

A petition with some 83 signatures of citizens in the Carson City area is also attached indicating that not only the Fire Service, but the general public as well is very concerned and realize the importance of this office.

Departments in the State that have been contacted through their Chiefs or representative are as follows:

Gardnerville Fire Department  
Reno Fire Department  
Douglas County Fire Department  
Fallon Fire Department  
Elko Fire Department  
Truckee Meadows Fire Protection District  
Kingsbury Fire Protection District  
South Lake Tahoe Fire Protection District  
North Lake Tahoe Fire Protection District  
Yerington Fire Department  
Lovelock Fire Department  
Wells Fire Department  
Clover Valley Fire Department  
Carlin Fire Department  
Winnemucca Fire Department  
Las Vegas Fire Department  
Members of the State Fire Chiefs Association  
Members of the Nevada Firemen's Association  
Members of the Electrical Workers and  
Electrical Contractors of Nevada  
Northern Nevada Fire Prevention and Investigators  
Committee  
Nevada State Fire Service Training Committee

It is our sincere desire that you accept the testimony of this group realizing the importance of the State Fire Marshal's Office to us and take the action you deem necessary.

LHG:sb

Respectfully submitted,



LESTER H. GROTH

March 25, 1977

Dear

Let it be known that the attached list of life safety officials under various entities have met and agreed to the following proposal concerning the State Fire Marshal's Office, after a great deal of research and contact with individuals in this part of the State.

Our interest lies in the preservation of the office, and not in involvement with any type of personality conflict.

It is our understanding that Governor O'Callaghan placed this office and its function in his budget, and in so doing shows his support for the office.

Each county in the State can and should utilize this office, however, in larger counties and some organized fire departments, his involvement could be on a request basis. Other areas have found his services invaluable.

It is our unanimous recommendation that this office be retained. Realizing there are perhaps some statutory problems, it is also the opinion of these groups that a study committee be appointed comprised of legislative branch; building industry, board of architects and life safety officials.

Results of this study should be presented to the 1979 session of the Legislature.

Members of this group would be happy to serve or testify in any capacity you desire. Please feel free to call on any of us at any time.

LHG:sb

Very truly yours,



LESTER H. GROTH  
Legislative Representative  
Nevada Fire Chiefs Assoc.  
Nevada State Fireman's Assoc.

Chief Harry Van Meter  
Reno Fire Department  
Fire Marshal's Advisory Board

Chief Darwin Ellis  
Douglas County Fire Department  
Fire Marshal's Advisory Board

Chief Jim Allison  
Fallon Fire Department  
Fire Marshal's Advisory Board

Chief William Fogle  
Elko Fire Department  
President of Nevada Fire Chiefs Association

Jim Harris  
Truckee Meadows Fire Protection District  
President, Nevada State Fireman's Association

William Tappia  
Sparks Fire Marshal  
President, Fire Prevention and Fire  
Investigators of Northern Nevada

Chief Bruce Kanoff  
South Lake Tahoe Fire Protection District

Chief Jack Kissinger  
Truckee Meadows Fire Protection District

Chief Don Young  
Sparks Fire Department

Chief Wallace Martin  
North Lake Tahoe Fire Protection District

Chief William Southard  
Yerington Fire Department

International Association of Federated Firefighters  
Reno, Sparks, Carson City area

Mr. John P. Byrne  
Business Manager  
International Brotherhood of Electrical Workers

Mr. W. Scott Wadsworth  
Manager, Northern Nevada Chapter  
National Electrical Contractors Association, Inc.



# North Las Vegas Fire Department

2626 EAST CAREY AVE., P.O. BOX 4086, (702) 649-4222, NORTH LAS VEGAS, NEVADA 89030

FRANK D. LARSON  
FIRE CHIEF

*Chief Grotz*

March 23, 1977

Mr. Dan J. Quinan  
Nevada State Fire Marshal  
Capitol Building  
505 East King Street, Room 302  
Carson City, Nevada 89710

Dear Dan:

This is a copy of a letter that I sent to every senator from the southern part of the state. I hope it will influence some of them.

Sincerely,

*Robert E. Mills*

Captain Robert E. Mills  
Fire Prevention Bureau

REM/jr

Enclosure

RECEIVED  
U.S. MAIL

MAR 25 1977

STATE OF NEVADA  
FIRE MARSHAL  
CARSON CITY, NEV.

1169



# North Las Vegas Fire Department

2626 EAST CAREY AVE., P.O. BOX 4086, (702) 649-4222, NORTH LAS VEGAS, NEVADA 89030

FRANK D. LARSON  
FIRE CHIEF

March 23, 1977

The Honorable Norman Ty Hilbrecht  
Nevada State Senate  
Capitol Complex  
Carson City, Nevada

Dear Sir:

I write this letter to protest the resolution of the State Finance Committee to abolish the Nevada State Fire Marshall's Office by reassigning its duties and responsibilities to the State Insurance Commissioner's Office. I oppose for the following reasons:

1. Nevada stands to receive federal revenues for fire prevention education and training in excess of \$100,000 through the National Fire Prevention and Control Administration, Public Law #93-498. The loss of the Nevada State Fire Marshall's Office would eliminate this revenue.
2. The elimination of the State Fire Marshall's Office would open the door to federal intervention on the part of the National Fire Prevention and Control Administration and possibly would place fire prevention activity within the state under an OSHA type control.
3. In recent years California, Arizona, and Oregon have organized their state fire prevention activities to an exemplary quality because of the freedom of action their fire marshalls have. Yet our Nevada fire marshall has been continually restricted by pressures from special interest groups and sympathetic politicians until he has almost no authority left. Then people complain that he is doing nothing.

On February 7, 1977, an unauthorized letter from the Southern Nevada Fire Prevention Council was sent to Governor O'Callaghan and Senator Floyd Lamb without the knowledge or approval of the council members. That letter, written by only three or four persons, requested additional restrictions on the state fire marshall's authority.

**RECEIVED**  
U.S. MAIL

MAR 25 1977

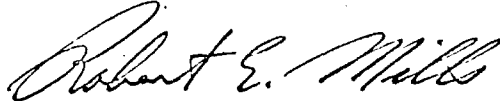
STATE OF NEVADA  
FIRE MARSHAL  
CARSON CITY, NEV.



I am totally opposed to the trend which is gaining a firm foothold in our state and placing unrestrained and unregulated authority in the hands of the metropolitan authorities. Further reduction or the elimination of the stabilizing authority of the State Fire Marshall's Office will have a long-lasting and hazardous effect on the welfare and safety of the people who live in and visit this great state.

I urge you to consider the negative effects the abolishment of the Nevada State Fire Marshall's Office would have on this state. I ask you also to release him from the constraints that have been placed on him so he can do his job the way it should be done.

Very truly yours,



Captain Robert E. Mills  
Fire Prevention Bureau

REM/jr



STATE OF NEVADA

STATE FIRE MARSHAL DIVISION

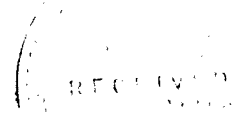
KINKEAD BUILDING (CAPITOL COMPLEX)  
505 EAST KING STREET, ROOM 302  
CARSON CITY, NEVADA 89710  
April 7, 1977

MICHAEL E. FLEMMING, FIRE PROTECTION  
DEPARTMENT OF COMMERCE  
DAN J. QUINAN, FIRE MARSHAL  
STATE FIRE MARSHAL DIVISION  
(702) 885-4290

MIKE O'CALLAGHAN  
GOVERNOR

FIRE PROTECTION SECTION  
(702) 885-4290

TO: NEVADA FIRE CHIEFS  
RE: SENATE BILL NO. 435 -- ABOLISHMENT OF  
THE STATE FIRE MARSHAL DIVISION



Dear Chief,

This communication contains some good news, and some bad news. First, the good news. Senate Bill No. 435, introduced in the Senate on April 5, 1977, contains a provision to transfer the mobile home program from the State Fire Marshal Division to the Department of Commerce. This would allow the State Fire Marshal to place full attention to his duties in fire protection and fire/arson investigation.

Now the bad news. Senate Bill No. 435 removes the State Fire Marshal Division, the State Fire Marshal, and transfers the enforcement of law NRS 477 to the Commissioner of Insurance. In addition, the Bill also makes all persons enforcing NRS 477.030 in the Insurance Division unclassified employees.

For all intents and purposes, the State Fire Marshal Division will be eliminated upon passage of S.B. 435. If you feel this action is justified, I will respect your opinion. If not, then please write or phone the members of the Senate Committee on Government Affairs and your legislative representative right away. Members of the Senate Committee on Government Affairs are as follows:

- Senator James I. Gibson, Chairman
- Senator Margie Foote
- Senator Wilbur Faiss
- Senator Mary L. Gojack
- Senator Norman Ty Hilbrecht
- Senator Jack L. Schofield
- Senator William J. Raggio

Senate Committee on Government Affairs  
Legislative Building, Room 243  
401 South Carson Street  
Carson City, Nevada 89710

Phone: 885-5727 or the message center, 885-5084

The hearing before this committee has not been scheduled as yet, however, time is short, and the end of the 1977 Session of the Nevada State Legislature is rapidly approaching.

Very truly yours,

DAN J. QUINAN  
Nevada State Fire Marshal  
DJQ:kr

**ELKO FIRE DEPARTMENT  
OFFICE OF CITY FIRE MARSHAL  
BUREAU OF FIRE PREVENTION**

ELKO FIRE DEPARTMENT  
(702) 738-3211

ELKO FIRE DEPARTMENT  
CITY FIRE MARSHAL  
(702) 738-3211

FIRE CHIEF  
W.F. "BILL" FOGLE

ASSISTANT FIRE CHIEF  
FRANK C. "CHUCK" MILLER  
CITY FIRE MARSHAL

723 Railroad Street  
Elko, Nevada 89801

23 March 1977

The Honorable the  
Governor of Nevada  
State Capitol Building  
Governor's Office  
Carson City, Nevada 89701

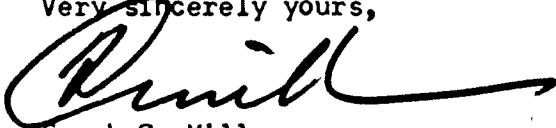
Dear Governor O'Callaghan,

Enclosed find a report submitted to the State Fire Marshal Dan Quinan, on bad practices in Elko, by a State Licensed Extinguisher Company.

For my records, please tell me who in the future, if Senator Lamb gets his way, do the small fire departments of our state call if they have problems, who do the larger departments, such as Elko, call if we have problems or complaints, who will regulate the Fire Regulations needed State wide (such as the above mentioned company), and who will be the focal point for all fire related business in the state?

The State of Nevada should look to Montana, California, or even Florida for, and pick the one that would benefit Nevada the most, and adopt their rules and regulations covering the State Fire Marshal, then every two years we in the State of Nevada would not be troubled with the problem of what to do with the State Fire Marshal's Office.

Very sincerely yours,



Frank C. Miller  
City Fire Marshal

FCM/jms

We, the undersigned, do hereby oppose the actions in the Nevada State Legislature (1977) in the matter of eliminating the office of the State Fire Marshal. We feel this office reflects the best interest of the citizenry in regards to our safety and well being:

Name:

Address:

Morris D. Barber	1950 N. Carson St. Carson City
Bob Barber	1950 N. CARSON ST. CARSON CITY
Ruth Jones	1950 N. Carson # 40.
Bob Heaver	1950 N. Carson # 30
Frank J. Siskinon	1950 N. Carson # 44
Leota Lierman	1950 N. Carson # 45
Ray Lierman	CC
Heister Ann Travis	1950 N. Carson St # 16
William J. Ford	Apt 92 505 S. Royal St CC
Robert H. Allen	211 E. Long St CC
Kelland Terry	409 N. Richmond CC
Grace W. Giesler	P.O. Box 1767 Carson City
John H. Giesler	Box 1767 Carson City

Name:

Edmund Schindler	609 40th St Carson City, Nev
Phil Casper	1809 Fairview Dr. Carson City Nev. 89701
Pac Thomas	508 S. Curry St CC. Nev 89701
Marvin R. L. Craig	212 W. Ann C. C. Nev 89701
Phoebe Lynn	134 Royal Dr. CC. 89701
M. Scurp	2850 Airport Rd 89701
E. Jackson	170 Koonig Ln # 44 89701
A. Vack	121 Armetong Ln CC, Nev, 89701

We, the undersigned, do hereby oppose the actions in the Nevada State Legislature (1977) in the matter of eliminating the office of the State Fire Marshal. We feel this office reflects the best interest of the citizenry in regards to our safety and well being:

Name:

Address:

Mrs. Lawrence Hewitt Las Vegas, Nev.

Mrs. Cathy Kelle

101 CONSTITUTION DR.  
CARSON CITY, NEVADA

Wm Garretson

Carson City, Nev.

Rain S. Reynolds

Carson City, Nev.

Norma Stadick

Carson City, Nev.  
300 S. Carson Meadows Dr.

Wal Smith

Carson City, N.V.

Walter A. Jensen

CARSON CITY NV.

R. S. Anderson

502 E. Caroline St Carson

Albert C. Clark

101 (Imperial) Carson City, Nev.

Carl E. Schneider

27 Castle Way Carson City

Mr & Mrs. Wm Westermeyer

31 Castle Way Carson City

Nancy E. Westermeyer

Carson City

Tantilla L. Hadd

11 Castle Way, Carson City, Nev.

Dorothy A. Winton

11 Castle Way Carson City, Nev 89701

Bill & Bill Sanders

9 Castle Way Carson City 89701

William H. Kelley

4544 Apollo Dr. C.C. No 89701

Jennie Daniels

17 Castle Way Carson City

W. Daniel

25 Castle Way Carson City

Sam De Toll

Carson City Nevada

Carl Thompson

Carson City Nevada

W. Hunter

3051 Imperial Way, Carson City

Joe Hunter

3501 Imperial Way, Carson City

Richard D. Mills

5310 So Virginia St. Reno

We, the undersigned, do hereby oppose the actions in the Nevada State Legislature (1977) in the matter of eliminating the office of the State Fire Marshal. We feel this office reflects the best interest of the citizenry in regards to our safety and well being:

Name: Ram Spratt Address: 25 C. Castle Way  
Sorathy J. Kelley 4549 Apollo Drive  
Carol Knutson 2500 Baker St. Carson City  
Kimberly 308 N CARSON "  
Kurt W. McDonald 207 Hillcrest C.C. Nev.  
Lynne Tisher 706 N DIVISON  
Debra Deering 1003 N. Curry  
Mark Deery 1619 Holly Dr.  
Brae S. Wayman P.O. Box 1494 - Zephyr Cove Nev  
Irene Dallman 73 Tiger Drive Carson City, Nev.  
Lyn Hite Box 3 - Rt 345 Minden, Nev.  
Ronnie Box 3, Box 345, Minden, Nev.  
Richard A. Reynolds 1804 N. MOUNTAIN ST C.C. Nev.  
Wanda Pierce 3414 Woodside Dr. C.C. Nev.  
Hugh McJinden 73 Tiger Dr. C.C. Nev.  
Ed Barber 3777 N. Carson City Nev.  
Joseph R. Chavrin 1801 N. Carson Carson Nev  
Mary Loff 1311 Green Cr. So. C.C. Nev.  
Denny Loff 1311 Green Cr. So. C.C.  
Mrs Chuck Hudley P.O. Box 188 Carson City, Nev.



We, the undersigned, do hereby oppose the actions in the Nevada State Legislature (1977) in the matter of eliminating the office of the State Fire Marshal. We feel this office reflects the best interest of the citizenry in regards to our safety and well being:

Name:

Address:

Kendall Wilson 3301 Advantage CC

Andy Leonard Box 727 Carson City, NV

Donna J. DeJong Carson City

Mollie Williams 300 So Carson Meadows - C.C.

Beth Taylor 300 So Carson Meadows Dr #1, Carson City

Rene Sawyer 761 Crain St. Carson City, NV

Sally Sizemore 611 Dan Marcus Carson City

Muriel L Batesel 1921 Winnie Lane Carson City, Nev.

Kath & Beulah 4399 Henderson Dr CC Nev

Beverly J. Bailey 4399 Henderson Dr. CC Nev

Rebecca Plautz 109 S. Herbin #9 CC Nev.

Reno & Bruce 109 S. Herbin #9 CC Nev.

Jane R. Franklin 217 Tacoma Ave Carson City, NV

Muriel Batesel 1921 Winnie Lane

Lorena Mice 211 E Long St Carson City

Georgia Massey 217 E Long St CC

Barbara A. Dugan 206 E Long St. C.C.

George H. Hensley 1131 S. Nevada CC



STATE OF NEVADA

STATE FIRE MARSHAL DIVISION

KINKEAD BUILDING (CAPITOL COMPLEX)  
505 EAST KING STREET, ROOM 302  
CARSON CITY, NEVADA 89710

MIKE O'CALLAGHAN  
GOVERNOR

MICHAEL L. MELNER, DIRECTOR  
DEPARTMENT OF COMMERCE

DAN J. QUINAN, FIRE MARSHAL  
STATE FIRE MARSHAL DIVISION  
(702) 885-4290

FIRE PROTECTION SECTION  
(702) 885-4290

PUBLIC HEARING -- SENATE BILL NO. 435

SENATE GOVERNMENT AFFAIRS COMMITTEE  
Legislative Building, Room 243  
401 South Carson Street  
Carson City, Nevada 89710  
Monday, April 11, 1977 - 1:30 P.M.

Testimony of Dan J. Quinan, Nevada State Fire Marshal:

Mr. Chairman and members of the Committee:

I am appearing before this Committee today to oppose Senate Bill 435.

The issues behind the development of this Bill are not clear to me nor are they clear to any persons that I have contacted since the 1977 Session of the Nevada State Legislature opened in January. I feel that there should certainly be issues brought forth to discuss and clarify before drastic changes are made that passage of this Bill would accomplish.

In this country there are 47 State Fire Marshals and one State Fire Commissioner. New Jersey and Colorado stand alone. At this very moment New Jersey is developing legislation to provide for a State Fire Commissioner.

The accomplishments made by the Nevada State Fire Marshal's officer over the past twelve years in fire protection and life safety are, today, the envy of many states--and this is a matter of record. To go into each and every facet of our work would take more time than you have for consideration of one piece of legislation, therefore, in the interest of brevity, I'll name but a few.

Nevada was one of the first states to be certified by HEW for fire and life safety requirements in health care facilities. Nevada forced the Federal Government to acknowledge the danger of polyurethane insulation. Nevada was first to develop and regulate voice alarm systems for high rise buildings. Nevada's fire extinguisher agency regulations have been copied by Texas, Alaska and Arizona. Nevada gained nationwide recognition in banning polyurethane mattresses from institutional occupancies. The tests that were conducted with the cooperation of the Sparks Fire Department are now being used by the



manufacturers themselves in determining flammability. Nevada's mobile home construction standards exceeded all other states in improving safety from fire. The list goes on and on!

These accomplishments were made because this legislature and the Nevada fire services recognized that the safety of its citizens and visitors deserved the best protection based upon reason. Our entire enforcement policy is based upon reason. The dollars spent to support the State Fire Marshal's office are returned in the form of savings in lives and construction costs.

Each time our office reviews a set of building plans we are aware of cost. When a set of plans are approved for a school, state building, or medical facility, we often save thousands of dollars in construction cost by varying unnecessary requirements and accepting alternate methods to achieve safety. We do this with a minimum of cost in staff and operations funds.

It is difficult to measure all of this unless you review our safety record. Not one school fire of any magnitude; not one life lost in a resort hotel or gaming establishment in view of the millions of visitors over the past decade! Our state library, museum, capitol, and this building you are in today, came under close scrutiny by our office.

Members of this Committee, we deal with the people, architects, engineers, contractors, fire chiefs, fire inspectors, police and fire investigators fire safety, appliance people who manufacture, install and service fire protection and safety equipment.

Senate Bill 435 intends to turn the clock back to eliminate the State Fire Marshal and to be vacuumed up into the Insurance Division without identity or purpose. It intends to place the Law NRS 477 in control of the Commissioner of Insurance. For seven years (1965 to 1972) the State Fire Marshal was stagnated under this same arrangement. Every decision, and move, had to be viewed for its political effect. Safety took a back seat until the fire service demanded a change. In 1973, the Commissioner of Insurance consented to let our office function as a separate Division and the legislature agreed. From 1973, until today, all of the accomplishments heretofore mentioned were made possible.

I am aware of the problems involved in my work. I live in Nevada. My solution to all of this controversy is to research and change the law and not place the State Fire Marshal, and his deputies, in the unclassified service of the state where their every effort to improve life safety and fire protection will be based on outside interest and political considerations.

I look upon our efforts as assistance to local effort and in almost every case, with few exceptions, we are able to help solve their problems without resistance or fanfare. Now and then we do find ourselves faced with obstacles such as the Elko Hospital or the Hotel Mizpah. In every contested action we have resolved the problem without sacrificing safety or going to court. Reasonable men can resolve differences, and we hold no antagonism against anyone who differs in his or her opinion--nor do we penalize anyone for arguing their case against ours.

Members of the Committee, it takes time to make changes and apply new methods. Nevada is hoping to be part of a nationwide effort to reduce the loss of life and property from fire. Nevada citizens deserve to reap the benefits of research and development and to learn how to live safely in our combustible environment.

I have been asked by the National Fire Prevention and Control Administration to head this effort in Nevada in exchange for financial assistance to any recognized programs we can develop. With this statement you are in possession of this Federal plan in reduced form. You, also, have a copy of our rural survey of volunteer fire departments. Can you, in good conscience, ignore the benefits our small agency is doing and is capable of doing?

In conclusion, may I respectfully suggest that this Committee assign a study of the State Fire Marshal's duties and responsibilities with the view of improving our Statute NRS 477, and in so doing eliminate the uncertainty and conflict that appears in every Session of the Nevada State Legislature.

I appreciate this opportunity to appear before you today and thank you for your indulgence and consideration.

Respectfully submitted,



Dan J. Quinan  
Nevada State Fire Marshal

DJQ:kr

## 1. AUTHORITY

Section 7(f) of the Federal Fire Prevention and Control Act of 1974 (Public Law 93-498) authorizes the National Fire Prevention and Control Administration to provide assistance to state and local fire service training programs through grants, contracts or otherwise.

### A. STATEWIDE ORGANIZATIONAL DESIGN

The organizational design for statewide fire education and training is intended to be a document which describes the organizational network or system through which education and training is being developed and provided for fire personnel and for others engaged in fire prevention and control throughout the state.

The document will identify and describe the responsibilities and major activities of the various organizational entities that make up the fire education and training network throughout the state; it will also describe the relationships that exist, or ought to exist, among the various organizational entities and, where necessary, will more clearly define responsibilities and clarify roles. The Statewide Organizational Design will identify a representative entity within the state to be responsible for coordinating the on-going development of improved education and training.

The Statewide Organizational Design will not only reflect the various responsibilities and roles of those engaged in fire education and training, it will also encourage the coordination and cooperation of these resources toward a common purpose: the improved education and training of those involved in fire prevention and control throughout the state. Such a document will serve to uncover unnecessary duplication of efforts or gaps in the education and training network. With responsibilities specifically defined among the various fire education and training organizations and agencies, those clearly accountable for specific portions of fire education and training will be encouraged to improve the quality of their education and training services and make them more widely available.

A statewide organizational design should take into account every organizational entity that is actively engaged in the education or training of fire service personnel and others involved in fire safety throughout the state. This will include fire agencies themselves, whether local, regional, state, federal or private, which either operate, conduct or share in education or training programs for their personnel.

The Organizational Design will include universities, colleges and community colleges, vocational technical schools and other educational or training organizations--whether local, regional, state, federal or private--involved in the professional or career development of fire service personnel or others engaged in fire prevention and control activities within the state. It will involve all levels of fire service training--basic, in-service and specialized; and it will involve the

various levels of educational offerings--credit, accredited and degree programs. The design should also inventory the responsibility, authority and functions of state agencies having fire prevention and control missions. These agencies may be a resource or recipient of fire education and training or have responsibility in fire education and training.

Finally, it will involve those officials, organizations or agencies having responsibilities for setting entrance and promotional standards, certification or accreditation, testing or evaluation, and the planning and/or coordination of improvements in fire education and training throughout the state.

The Statewide Organizational Design, both in its development and as a finished document, should be the result of a cooperative effort by representatives of these various entities.

Among those who should have a representative voice in determining the Statewide Organizational Design, in defining major responsibilities, and in establishing priorities and goals for improving the statewide education and training network would be: representatives of the fire service profession--paid and volunteer; labor and management; fire prevention representatives; representatives of the university, college and community college system; representatives of the vocational technical education programs; representatives of state and local governments, urban areas of the state as well as rural; representatives from the general citizenry and other appropriate private organizations such as the insurance industry, or public agencies such as civil service and community development.

The Statewide Organizational Design, as a finished document, will contain four major parts:

1. GENERAL--identifying and describing the fire education and training network as it exists throughout the state, making policy statements and establishing general goals regarding the system and its improvement.

2. PHYSICAL DESIGN OF THE SYSTEM--including a clear definition of all the components of the system, their major responsibilities and an organizational chart depicting the interrelationships of the various entities of the statewide fire education and training network.

3. DETAILED DESCRIPTION OF THE COMPONENTS--stating in more specific terms the major responsibilities, the roles and the major functions and activities of each of the components of the statewide fire education and training network.

4. PLANNING ENTITY AND ADVISORY GROUP--identifying a planning entity within the state responsible for coordinating the development and production of the Statewide Fire Education and Training Plan. This planning entity must be responsive to the various organizations, agencies and interest groups expected to participate in or be affected by the plan. These groups may be included as an integral part of the planning entity itself or they may function collectively in the form of a special advisory group.

# NEVADA STATE FIREMEN'S ASSOCIATION, INC.

April 11, 1977

Honorable James I. Gibson, Chairman  
Senate Government Affairs Committee  
Nevada State Legislative Building  
401 South Carson  
Carson City, Nevada 89701

RE: Senate Bill 435

Sir:

The fire services of the State of Nevada have the awesome responsibility for the protection of lives and property from fire. The fire services are also dedicated to reducing loss of life and property damage by practicing what is known as fire prevention, which includes such activities as: public awareness, public education and fire and life safety code enforcement.

In 1965 our state legislature realized that the State of Nevada like many other states has a responsibility to the people of the state to provide for life safety from fire. Therefore, NRS 477 known as the Fire Marshal's Act was passed.

In the 12 years we have had a State Fire Marshal's office, some state regulations have been adopted to provide for better and safer construction of buildings, for life safety of those who occupy certain buildings, and regulations for installation and maintenance of fire protection equipment, to name a few.

In some areas of the state, local government has adopted more stringent fire and life safety codes by ordinance. Some of the larger fire departments have fully paid and competent members of their department permanently assigned to the duties of fire prevention and code enforcement, including arson investigation.

However, the great majority of the communities of this state are protected by volunteer firemen. These dedicated men volunteer their time and risk their lives to protect the people of their community in the event of fire.

In many cases, it is difficult and awkward for a volunteer firemen to enforce state regulations on his neighbors, employer, relatives, etc., although these volunteer firemen are performing

LETTER - Honorable James I. Gibson  
April 11, 1977  
Page 2

a vital and valuable service to their community, few of these men have the time to volunteer to become proficient in the technical fields of fire prevention and arson investigation. The services of the State Fire Marshal are needed to some degree in all areas of the state.

The State Fire Marshal has often been unable to provide the assistance sometimes requested from outlying areas in the state. As a result, hazardous conditions continue to exist in many areas and fire causes are sometimes left undetermined with the possibility of arson going undetected.

There is an enormous amount of assistance and guidance that could be provided to these areas by the State Fire Marshal's office.

As a result of the National Commission of Fire Prevention and Control's Report entitled "America Burning", the National Fire Prevention and Control Administration was created. The congressional mandate of the N.F.P.C.A. is to support, assist, and reinforce the fire prevention efforts of state and local governments.

The State of Nevada was one of the first thirteen states to receive a grant from the N.F.P.C.A. The grant was for a statewide 5 year plan for fire training and education. In the future the magnitude and scope of the N.F.P.C.A. programs will become more and more significant with the possibility of funding assistance to the state for the implementation of our fire prevention and education programs. With federal focus now on fire prevention and control and with the current attention to fire prevention and control within our fire service organizations here in Nevada, it would be a serious mistake to abolish the office of the State Fire Marshal.

Each state, local government and fire service agency and organization has a responsibility to continue to improve existing programs and to implement new programs where they are non existant if we are to be successful in reducing the terribly unnecessary life loss and property damage resulting from fire.

The Nevada State Firemen's Association has joined with other life safety officials throughout the state in recommending that an interim study committee be appointed, comprised of legislative branch, building industry, board of architects and life safety officials to study possible statutory problems

LETTER - Honorable James I. Gibson  
April 11, 1977  
Page 3

which could be improved to enable the State Fire Marshal's office to provide the assistance and guidance in those areas where the need for such assistance exists.

The Nevada State Firemen's Association strongly opposes SB 435 and urges this committee to VOTE NO.

Respectfully,



Jim Harris, President  
Nevada State Firemen's Association

ASSEMBLY ACTION

SENATE ACTION

~~ASSEMBLY~~ SENATE AMENDMENT BLANK

Adopted

Lost

Date:

Initial:

Concurred in

Not concurred in

Date:

Initial:

Adopted

Lost

Date:

Initial:

Concurred in

Not concurred in

Date:

Initial:

Amendments to ~~ASSEMBLY~~ / Senate

Bill / ~~XXXXX RESOLUTION~~ No. 198 (BDR S-847)

Proposed by Committee on Government Affairs

1977 Amendment N<sup>o</sup> 89

Replaces Amendment No. 403A.

Amend section 5, page 3, line 4, delete "comprised of five" and insert "composed of seven".

Amend section 5, page 3, line 5, delete "two" and insert "four".

Amend section 12, page 5, line 15, insert:

", subject to the approval of the board of county commissioners of Washoe County," after "board".

Amend section 13, page 5, line 23, insert:

", subject to the approval of the board of county commissioners of Washoe County," after "shall".

Amend section 14, page 5, line 49, insert:

", with the approval of the board of county commissioners of Washoe County," after "make".

Amend section 17, page 6, line 21, insert:

", with the approval of the board of county commissioners of Washoe County," after "may".

Amend section 20, page 6, line 39, delete "four trustees," and insert: "five trustees and with the approval of the board of county commissioners of Washoe County,".

Amend section 21, page 7, delete lines 1 through 4 and insert:

"of the authority and the public interest or necessity demand the crea-".



CITY OF RENO  
POST OFFICE BOX 1900  
RENO, NEVADA 89505

April 5, 1977

Committee on Government Affairs

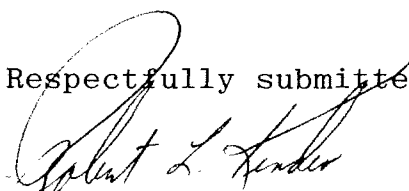
Mr. Chairman and Honorable Members:

Attached are copies of the bond schedules from the City of Reno 1977-78 budget. They reflect that if the City sells \$3,000,000 of storm drain bonds it will have \$24,620,000 in outstanding bonds on July 1, 1977.

The maximum bond indebtedness the City could incur is \$89,617,608. This amount is 15% of \$597,450,722 (taxable property assessed valuation).

The 15% limit is set by Section 7.010 of the Reno City Charter.

Respectfully submitted,

  
Robert L. Kendro  
Finance Director

RLK:ACM:pr  
Attachments

ARTICLE VII

LOCAL BONDS AND FRANCHISES

**Sec. 7.010 Debt limit.** 1. The city shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the city.

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the city derived from other than general ad valorem taxes.

**Sec. 7.020 Acquisition, operation of municipal utilities.** The city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

**Sec. 7.030 Borrowing money.** 1. Subject to the limitations imposed by this article, the city may borrow money for any corporate purpose, including, without limitation any purpose authorized by this charter or by Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued, except for securities issued under section 6.020.

2. The city council shall submit any proposal to borrow money, except an emergency loan as defined and authorized by chapter 354 of NRS, as amended from time to time, and except for any securities issued under section 6.020, but including any securities payable from pledged revenues, to the registered voters of the city in the manner provided by NRS 350.010 to 350.070, inclusive, as amended from time to time.

3. Any property tax levied to pay the principal of or interest on such indebtedness authorized under subsection 2 shall be levied upon all taxable property within the city.

4. Any ordinance pertaining to the sale or issuance of bonds or other securities, including without limitation securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the city council in any ordinance that it is of this kind shall

BUDGET SUMMARY FOR CITY OF RENO  
(Local Government)

SUMMARY OF AD VALOREM TAX BASE FOR TAX LEVY

Real Property Roll	\$ 534,684,805
Unsecured Property Roll	\$ 62,765,917
Net Proceeds of Mines	\$ -0-
Total Assessed Valuation	\$ 597,450,722

BUDGET FOR FISCAL  
YEAR 1977-78

ESTIMATED RESOURCES

IND NO.	FUND	*	**	OPENING FUND BALANCE	NONPROPERTY TAX REVENUES	PROPERTY TAX REQUIRED	TAX RATE	TOTAL FUND RESOURCES
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	General		A	3,992,339	18,536,669	5,376,655	.8999	27,905,663
2	Debt Serv.		D	1,138,938	-0-	1,458,182	.2441	2,597,120
<b>TOTAL</b>				<b>5,131,277</b>	<b>18,536,669</b>	<b>6,834,837</b>	<b>1.1440</b>	<b>30,502,783</b>

Other Funds:  
(List)

3	Revenue Sharing	M	R	181,408	772,301			953,709
4	Sewer	A	E	756,012	33,533,913			34,289,925
5	Airport	A	E	338,611	8,000,579			8,339,190
6	Insurance	A	T	373,928	70,000			443,928
7	Park Fees	A	T	353,820	120,000			473,820
8	Comm. Develop.	A	R	-0-	1,583,200			1,583,200
9	Motor Veh.	A	E	290,700	1,211,600			1,502,300
10	Golf Course	A	E	(5,650)	287,500			281,850
11	Sky Tavern	A	E	4,587	147,100			151,687
12	73 Spec. Assm.	A	C	-0-	30,145			30,145
13	74 Spec. Assm.	A	C	175,203	-0-			175,203
14	75 Spec. Assm.	A	C	-0-	42,527			42,527
15	76 Spec. Assm.	A	C	-0-	51,444			51,444
16	77 Spec. Assm.	A	C	-0-	1,000,000			1,000,000
17	Tax Incr. C/P	A	C	-0-	3,975,000			3,975,000
18	Traf. Imp. C/P	A	C	-0-	425,000			425,000
19	Street C/P	A	C	1,501,339	186,990			1,688,329
20	Pub. Sfty. C/P	A	C	54,000	134,500			188,500
21	Truckee R. C/P	A	C	591,251	-0-			591,251
22	Storm Dr. C/P	A	C	2,160,000	-0-			2,160,000
23	Corp. Yd. C/P	A	C	1,344,026	1,485,974			2,830,000
24	Pk&Rec. C/P	A	C	-0-	50,000			50,000
25	General C/P	A	C	50,500	-0-			50,500
26	City Hall C/P	A	C	-0-	1,613,835			1,613,835
<b>SUB-TOTAL</b>				<b>8,169,735</b>	<b>54,721,608</b>			<b>62,891,343</b>
<b>GRAND TOTAL</b>				<b>13,301,012</b>	<b>73,258,277</b>	<b>6,834,837</b>	<b>1.1440</b>	<b>93,394,126</b>

\* Show method of accounting:  
\*\* Show type of fund:

- |                      |                               |                        |
|----------------------|-------------------------------|------------------------|
| M - Modified Accrual | A - Appropriation             | C - Capital Projects   |
| A - Accrual          | E - Enterprise                | T - Trust & Agency     |
|                      | I - Intergovernmental Service | Sp- Special Assessment |
|                      | S - Self Supporting Activity  | D - Debt Service       |
|                      | R - Special Revenue           | LGB 01                 |

- \* L - Short-term Financing
- 0 - General
- R - Revenue
- S - Special Assessment

CITY OF RENO  
(Name of Local Government)

BUDGET FOR FISCAL  
YEAR 1977-78

GENERAL OBLIGATION, REVENUE AND ASSESSMENT BONDS AND SHORT-TERM FINANCING

(1) NAME OF BOND OR LOAN	(2) * TYPE	(3) TERM	(4) ORIGINAL AMOUNT OF ISSUE	(5) ISSUE DATE	(6) INT. RATE	(7) BUDGET YEAR REQUIREMENTS			(10) TOTAL AMOUNT REQUIRED
						(7) OUTSTANDING BALANCE 7/1/77	(8) INTEREST PAYABLE	(9) PRINCIPAL PAYABLE	
FUND:** GENERAL FUND						\$	\$	\$	\$
MUNI RECREATION	0	20	500,000	1-1-59	3.50	54,000	1,890	27,000	28,890
MUNI FIRE DEPARTMENT	0	20	260,000	1-1-59	3.75	42,000	1,354	14,000	15,354
1963 STREET IMPROV.	0	20	228,000	8-1-64	3.25	84,000	2,625	12,000	14,625
1963 CITY HALL BONDS	0	20	950,000	8-1-64	3.00	350,000	10,862	50,000	60,862
1965 CITY PRISON	0	20	500,000	2-1-65	3.00	200,000	6,550	25,000	31,550
1965 CITY BRIDGE	0	20	1,500,000	2-1-65	3.25	600,000	19,537	75,000	94,537
1966 STREET IMPROV.	0	16	1,500,000	9-1-66	6.00	1,270,000	57,875	85,000	142,875
1971 STREET	0	20	1,000,000	8-1-71	6.50	910,000	51,704	26,666	78,370
MULTI- 1974 G.O. PURPOSE	0	20	4,500,000	4-8-74	7.00	4,261,156	252,183	193,846	446,029
TRUCKEE RIVER	0	13	2,000,000	11-1-75	6.139	2,000,000	123,913	-0-	123,913
STORM DRAIN	0	20	3,000,000			3,000,000	111,555	150,000	261,555
SUB TOTAL - G.O. DEBT SERVICE						12,771,156	640,048	658,512	1,298,560

\*\*  
List and subtotal each fund separately per instructions

\* L - Short-term Financing  
 O - General  
 R - Revenue  
 S - Special Assessment

CITY OF RENO  
 (Name of Local Government)

GENERAL OBLIGATION, REVENUE AND ASSESSMENT BONDS AND SHORT-TERM FINANCING

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
NAME OF BOND OR LOAN	* TYPE	TERM	ORIGINAL AMOUNT OF ISSUE	ISSUE DATE	INT. RATE	BUDGET YEAR REQUIREMENTS			TOTAL AMOUNT REQUIRED
						OUTSTANDING BALANCE 7/1/77	INTEREST PAYABLE	PRINCIPAL PAYABLE	
FUND:** SEWER						\$	\$	\$	\$
1965 CITY SEWER	O	28	4,000,000	2-1-65	3.375	2,995,000	100,724	145,000	245,724
1966 SEWER BONDS A	O	20	1,500,000	9-1-66	6.00	1,425,000	65,000	50,000	115,000
1966 SEWER BONDS B	O	25	3,500,000	9-1-66	6.00	3,115,000	142,030	90,000	232,030
1971 SEWER	O	25	1,000,000	8-1-74	6.50	910,000	51,703	26,667	78,370
1974 SEWER	O	20	1,000,000	4-8-74	7.00	946,922	56,041	43,077	99,118
SUB TOTAL - SEWER DEBT SERVICE						9,391,922	415,498	354,744	770,242

\*\* List and subtotal each fund separately per instructions

1191

CITY OF RENO  
(Name of Local Government)

BUDGET FOR FISCAL  
YEAR 1977-78

- \* L - Short-term Financing
- 0 - General
- R - Revenue
- S - Special Assessment

GENERAL OBLIGATION, REVENUE AND ASSESSMENT BONDS AND SHORT-TERM FINANCING

(1) NAME OF BOND OR LOAN	(2) * TYPE	(3) TERM	(4) ORIGINAL AMOUNT OF ISSUE	(5) ISSUE DATE	(6) INT. RATE	(7) BUDGET YEAR REQUIREMENTS			(10) TOTAL AMOUNT REQUIRED
						(8) OUTSTANDING BALANCE 7/1/77	(8) INTEREST PAYABLE	(9) PRINCIPAL PAYABLE	
FUND:** AIRPORT						\$	\$	\$	\$
1958 MUNI AIRPORT	0	20	1,000,000	6-1-58	3.50	53,000	1,855	53,000	54,855
1961 MUNI AIRPORT	0	20	500,000	5-1-61	3.75	108,000	4,091	27,000	31,091
1966 AIRPORT	0	15	1,000,000	9-1-66	6.0	500,000	22,500	75,000	97,500
1971 AIRPORT PORTION	0	20	1,000,000	8-1-71	6.50	910,000	51,703	26,667	78,370
1974 AIRPORT PORTION	0	20	1,000,000	4-8-74	7.00	946,922	56,041	43,077	99,118
SUB-TOTAL AIRPORT						2,517,922	136,190	224,744	360,934
TOTAL - ALL DEBT SERVICE						24,621,000	1,191,736	1,238,000	2,429,736

\*\*  
List and subtotal each fund separately per instructions

1192

SENATE

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS  
MONDAY

Date April 11, 1977 Time 1:30 p.m. Room 243

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

SB-333	Sets out additional requirements for public meetings. (BDR 19-858)	
SB-435	Abolishes State Fire Marshal Division in Department of Commerce and reassigns functions. (BDR 18-18)	
SB-443	Requires zoning changes to fit population plan. (BDR 22-1549)	
SB-444	Relates land use planning to hydrographic basins. (BDR 22-1547)	
FOR COMMITTEE ACTION ONLY - NOT A HEARING !		
SB-100	Permits counties to provide for additional accumulations of sick and disability leave by its officers and employees for use in cases of long-term or chronic illness or any injury. (BDR 20-492)	
SB-101	Provides for collective bargaining agreement on annual and sick leave for county officers and employees and provides for extended use of sick leave credits.	
SB-169	Entitles employees under State Personnel System to receive payment or retirement service credit for portion of unused sick leave. (BDR 23-45)	
SB-198	Creates Washoe County Airport Authority. (BDR S-847)	
SB-347	Requires local government budgets to be prepared using line-item method and to reflect actual current expenditures. (BDR 31-1058)	
SB-351	Creates State Ethics Commission and provides procedures and ethical rules to govern conduct of elective public officers other than judicial. (BDR 23-1076)	
SB-168	Increases number of required reports of candidates' campaign contributions and expenses and lowers threshold of requirement for reporting campaign contributions. (BDR 24-439)	
AB-159	Removes limitations on political candidates' campaign expenditures. (BDR 24-103)	
SB-153	Reorganizes functions of energy and natural resource conservation. (BDR 18-22)	
Appointment of county salary sub-committee to work with like committee of Assembly Government Affairs Committee.		