

SENATE  
GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - May 5, 1977

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

Also Present: See Guest Register

Chairman Gibson opened the forty-fifth meeting of the Government Affairs Committee at 1:40 p.m. with all members present.

AB-634

Provides for withholding progress payments on public works projects under certain circumstances. (BDR 28-1509)

Stan Jones, Commissioner of Labor, testified in favor of the bill stating that it is impossible for him to visit each public works job throughout Nevada and this bill will help in this area. Mr. Jones noted that sometimes it was made most difficult for him to review records on location, this bill will give the contractor and subcontractor some incentive to cooperate with his office.

Lou Paley, A.F.L.C.I.O., testified in favor of the bill and concurred with Mr. Jones' testimony.

Motion of "Do Pass" by Senator Hilbrecht, seconded by Senator Schofield. Motion carried unanimously.

AB-437

Requires posting of notices of meetings of public bodies and voids improper actions; creates vacancy in public office for attendance at unlawful meeting. (BDR 18-1715)

Robert Cox, Legal counsel for Washoe County School District, stated that they still have some problems with the bill. Mr. Cox preferred the word "administrative" be deleted from line 9 on page 1. Questioned if "administrative" would mean the cabinet of a school district. Mr. Cox felt very strongly that the negotiation meetings for contracts should be closed. Mr. Cox further stressed when a student is being considered for suspension or dismissal this should be closed to the public also. Another point of concern was on the definition of "emergency". Mr. Cox felt that the definition was narrowly defined and should be defined as a danger to the welfare of the people. The next point of concern was over the period of voidability. Their bonding counsel indicated that they would not be able to give an opinion with this provision in the bill. The forfeiture of office was too severe a penalty in Mr. Cox's opinion. Mr. Cox concluded that in SB-333 the 2/3rds vote would be hard to follow when a member of the board would like to have a closed meeting on personnel matters. This should be

confined to a closed meeting without the 2/3rds majority vote.

Assemblyman Murphy passed out copies of an editorial from the Las Vegas Review. (See Attachment #1) Mr. Murphy stated that he did not want to see the forfeiture of office language removed from the bill. He felt that was a just punishment for the offender.

Mr. Murphy felt that the Public Service Commission should not be exempt from the open meeting laws. Oposes language regarding the attorney, client relationship, read portions of Attachment #1 to the committee regarding this relationship.

Senator Hilbrecht questioned the bill not protecting an attorney, client relationship; would make it almost impossible to discuss both the pro's and con's of the case at hand.

Senator Gojack asked if the twenty-four hour period for notification of an emergency meeting was long enough. She directed this question to Mr. Murphy and wondered if he had received testimony during his hearings on this bill to that effect. Mr. Murphy responded that he did not.

Bob Warren, Nevada League of Cities, still contested the definition of a quorum on page 1, lines 4 and 5. The small communities where there are only three on a council will be hindered by this legislation. Suggested using the definition on quorum as provided in SB-333.

Senator Gojack understood the problem but felt that it would be difficult, on the other hand, to prevent the abuses. He also agreed that it would be difficult to word it to help the small communities and still prevent the abuses.

Mr. Warren informed the committee that Mr. Kent Dawson, City Attorney from Henderson, called to say that there are no provisions in their city Charter to conform with either AB-437 or SB-333.

Mrs. Pat Gothberg, Common Cause, stated that while sitting in on the hearings in the Assembly Government Affairs she remembered that there was some testimony regarding the 24 hour period for emergency meetings being not long enough. Especially a meeting posted on Friday afternoon for a meeting to begin Monday morning.

Bob Petroni, Clark County School District, still had some problems with the agenda as defined in the bill. Questioned if this agenda could be amended during the meeting to discuss matters that were not noted on the "official" agenda.

Senator Gojack felt that discussion could take place but voting on the issue that has come up should be postponed until another meeting when the matter can be placed on an agenda.

Mr. Petroni also concurred with Mr. Warren's concern of the definition of "quorum".

Heber Hardy, Public Service Commission, reiterated his testimony on the

definition of a "quorum" and other problems they have with the bill in Meeting No. 38 on April 20, 1977. Mr. Hardy also had problems with the severity of the forfeiture of office as a penalty for those who did not comply with the law as set forth in AB-437.

Senator Hilbrecht felt that Mr. Hardy was stating that any body that publishes a written opinion or decision that open meetings are really not that important. Mr. Hardy concurred with that statement as far as the decision making process is concerned. We are just like a court in that respect.

Senator Hilbrecht felt that there might be a difference between agencies that specify their decisions are based on findings of fact and conclusions. As they operate of somewhat of a quasi-judicial function and should be somewhat separate from the other agencies and boards.

There was no further testimony on this time and the committee took no action.

AB-154

Amends Nevada Civil Defense Act to provide for additional powers of Governor and situations for use. (BDR 36-27)

Assemblyman Jacobson, sponsor, testified to the committee that the major portions of this bill are to bring the language up to current practices from when it was last reviewed in 1953. One particular change occurs in the language that states that during an emergency an unoccupied area could be used for shelter, etc. The original language stated an "occupied" area which could be interpreted to be a home that someone is living in.

Mr. Jacobson also stated that another portion of the bill that was changed was on Page 9, line 31. The law originally stated that prisoners could be released during an emergency and it now states that they should be moved but still be confined in order to maintain the safety of the general public.

There was no further testimony on this bill and no action was taken.

AB-732

Requires developing and carrying out of management plan for Marlette Lake-Hobart Reservoir watersheds by State Department of Conservation and Natural Resources. (BDR S-1700)

Assemblyman Jacobson testified to this bill and indicated that a report showed that water quality at the lake could use much improvement. Felt that after two years we would have a good idea of what needs to be developed.

Motion to "Do Pass" by Senator Hilbrecht, seconded by Senator Schofield. Motion carried unanimously

AB-557

Makes delegation by cities or county governing body of certain authority over parcel maps optional. (BDR 22-1428)

Tom Moore, representing Clark County, testified that if AB-475 does not go through and become law then this bill needs to be implemented in order to give the city and county options for approval of the parcel map.

Bob Warren, Nevada League of Cities, testified that this bill will help the smaller communities where you need someone else to also have the ability to approve the parcel maps.

Jim Stewmen, Home Builders Association, testified in agreement with Mr. Moore's statements but also felt that the word "adjacent" should be replaced with "abutting".

Senator Foote informed the men that this is in the law and it is not new language. Mr. Stewman stated that he still would prefer the change in wording. At this point Senator Hilbrecht referred the committee to Section 35 of AB-475 and felt that the amended version of this section would take care of the problem that Mr. Stewman testified to.

There was no further testimony taken on this bill and there was no action taken.

AB-191

Removes residence requirements for certain state officers. (BDR 18-671)

Chairman stated that all this bill does is remove the residence requirement of some state officers being required to live in Carson City, i.e. Secretary of State.

Senator Raggio felt that the provision was archaic and should be amended. There are many people who work for the State that live at Lake Tahoe or Reno.

There was discussion about the bill possibly leading to people living too far from the place of business to do a good job but it was felt that practically this would not occur.

Motion of "Do Pass" by Senator Schofield, seconded by Senator Raggio. Motion carried. Senator Hilbrecht cast a no vote and Senator Gojack was recorded as not voting.

AB-557

Makes delegation by cities or county governing body of certain authority over parcel maps optional. (BDR 22-1428)

Motion to "Indefinitely Postpone" by Senator Hilbrecht, seconded by Senator Faiss. Motion carried unanimously. (The provisions of this bill are covered in AB-475 and there is no need for this bill now)

AB-710

Provides for advisory review by Legislature of regulations of executive department. (BDR 18- 1615)

SB-62

Provides for codification and review of administrative regulations.  
(BDR 18-107)

The committee discussed both AB-710 and SB-62 in the amended form by the Assembly. It was felt that AB-710 should be amended to provide for the provisions in SB-62.

Wil Crockett, Bill Drafter from the L.C.B. who was involved in the drafting of AB-710 stated that the difference between the two bills was that SB-62 provided a milder form for regulatory review. SB-62 also provided for codification. He noted that AB-710 would add 35 days time to the period that it would become effective and it also provides for the waiver of review.

Chairman Gibson stated that in talking with Senator Dodge, sponsor of SB-62, it was his feeling that the committee could do as they desired on this bill. The Chairman recommended that we adopt AB-710 with the key provisions agreed upon by the committee in SB-62.

Senator Hilbrecht stated that he would like to provide language in AB-710 to provide that the legislative commission would review the administrative regulations as a regular part of their meetings. He also wanted the Legislative Counsel Bureau to review and make recommendations.

Chairman Gibson stated that he also talked with Assemblyman Dini and he was in agreement with the amendment suggestion that Senator Hilbrecht requested.

Motion to "Amend and Do Pass" by Senator Gojack, seconded by Senator Faiss. Motion carried unanimously. (Amendment was to have the Legislative Counsel Bureau review and make recommendation to the Legislative Commission. It was also decided that this would become a regular part of the commission meetings. Chairman Gibson requested Senator Hilbrecht to get the amendments.

Chairman Gibson asked the committee to consider concurring with the amendments in SB-62. Motion to "Concur with Amendments to SB-62 by Senator Raggio, seconded by Senator Gojack. Motion carried unanimously.

SB-440

Revises mediation and factfinding provisions of local government labor relations law and provides for arbitration. (BDR 23-1850)

Chairman Gibson had the amendments prepared for the committee's consideration, (See Attachment #2) and read them to the committee. The Chairman then recommended that the committee concur with the amendments.

Motion to "Concur with the Amendments to SB-440" by Senator Raggio, seconded by Senator Gojack. Motion carried unanimously.

SB-198

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

Chairman Gibson passed out copies of the amendments to SB-198 as agreed upon by the Assembly Government Affairs committee. (See Attachment #3)

Senator Raggio made a motion to concur with the Assembly Amendments to SB-198, seconded by Senator Faiss. Motion carried with one no vote cast by Senator Foote.

AB-445

Prohibits local government approval of subdivision map without plan for installing watermeters. (BDR 22-1525)

Bob Warren, Nevada League of Cities, testified to the committee that in Elko there is a high content of sand in the water which will erode the water meter over a period of time. The only alternative to this is to provide a filtering system which would be very costly to the small communities. Mr. Warren requested some amendatory language which would provide some flexibility in communities with similar problems as experienced in Elko.

Senator Hilbrecht felt that the bill did not mandate that they install water meters immediately but that they provide planning for such installations.

Motion of "Do Pass" by Senator Hilbrecht, seconded by Senator Faiss. Motion carried with one no vote cast by Senator Raggio.

At this point the meeting was recessed and reconvened at 9:00 a.m. on May 6, 1977.

Chairman Gibson called the meeting to order with all present at 9:00 a.m. on May 6.

AB-716

Authorizes State Land Registrar to convey, by quitclaim deed, certain real property to City of Reno. (BDR S-1722)

Norman Hall, Director of Department of Conservation and Natural Resources was on hand to familiarize the committee with a map indicating the land in question. Mr. Dell Rice, Property Manager for the City of Reno was also on hand to go over the map and answer any questions that the committee had on the bill.

Russ McDonald, Washoe County, stated that he was instructed by the County Commissioners Association to object to the bill with regards to the language in Section 1. This objection has been disregarded and it is now felt that the County can work out the problems and live with the bill in the present form.

Motion of "Do Pass" by Senator Raggio, seconded by Senator Schofield. Motion carried unanimously.

Senator Raggio had the amendments in printed form on AB-401. This bill was amended in Meeting No. 42, April 29, 1977 and the motion during that meeting was "Amend and Do Pass". The amendments as printed were acceptable to the committee.

Senate Government Affairs  
Minutes of Meeting No. 45  
May 6, 1977  
Page 7

AB-475

revises land division laws. (BDR 22-559)

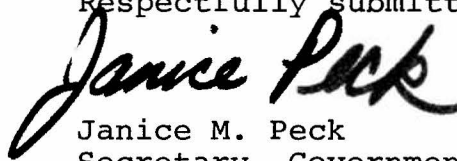
Chairman Gibson went over the amendments with Senator Hilbrecht for the committee. These amendments were decided upon during Meeting #43, April 30, 1977 and Meeting No. 44, May 2 and 3, 1977. The only correction that was made was to make the law apply for both cities and counties, See Section 2.

Frank Daykin, Legislative Counsel, was on hand to help the committee understand the wording used in the amendments. Mr. Daykin stated that he would correct Section 2 to apply to both cities and counties.

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

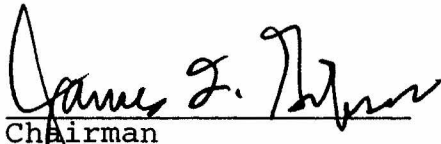
With no further business the meeting was adjourned at 10:00 a.m.

Respectfully submitted,



Janice M. Peck  
Secretary, Government Affairs

Approved:

  
Chairman

On May 7, 1977 at 2:30 p.m. Chairman Gibson called an informal meeting of the Government Affairs Committee to discuss the disposition of AB-721 (Summary - Amends Carson City charter to create office of city comptroller) The committee considered amending the bill by making the date effective the first Monday in January, 1979. This would make law effective with the new term of office.

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

## R-J Viewpoint

# Amendments 'close' open meeting law

Legislation introduced to strengthen the Nevada Open Meeting Law has been amended to the point that it would close more doors than it would open.

So many exemptions have been attached to Senate and Assembly open meeting proposals, that if either bill becomes law in present form, the people will be barred from more meetings than under the existing statute.

Both the Senate version, introduced by Sen. Mary Gojack, and the Assembly version, introduced by Assemblyman Patrick Murphy, propose to clarify present law by requiring that deliberations on public business be conducted in public. The two bills also call for advanced public notice of all meetings and make voidable any action taken in violation of the open meeting law.

Recent activities of public officials in both the southern and northern ends of the state indicate that these provisions would significantly improve the law.

However, the improvements must not be made at the expense of adding additional exemptions.

Gojack's bill, which passed the Senate on a unanimous vote Tuesday, allows public bodies to close their meetings to consider the professional competence of employes, consider the deployment of security personnel or consult with legal counsel "concerning pending or contemplated litigation."

The size of those loopholes is exceeded only by another provision of her bill that exempts any meeting "at which matters relating to official business are not discussed or are discussed only incidentally."

If government officials had trouble finding a way to evade the current open meeting law, they will be delighted with Gojack's exemption that allows them to discuss the public's business "incidentally" in private.

Murphy's bill, which was tabled in the Assembly last week for additional amendments, allows the Public Service Commission to meet in secret to determine the disposition of utility rate change requests.

Although the PSC presently makes such determinations behind closed doors, the open meeting law does not permit the activity.

Another amendment to Murphy's bill which was attached and rescinded, and might be included again, allows elected officials of governments that do not employ managers to consult with each other in private.

Proponents of that amendment claim the operations of small city and county governments would be stymied if the officials had to call a public meeting every time they had to make a decision.

But don't the taxpayers of smaller communities have just as much right as the taxpayers of larger cities and counties to know what their elected officials are doing with their money?

If the lawmakers insist on including these exemptions in the law, then the people of Nevada would be better served if both bills are killed.

If the lawmakers, however, truly believe in the public's right to know, they will delete the exemptions and adopt the better of the two bills.

Murphy's proposal, minus the PSC and small town exceptions, offers the best improvements to the law.



Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to <del>Assembly</del> / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	
Date: _____	Date: _____	Bill / <del>Resolution</del> No. <u>440</u> (BDR <u>23-1850</u> )
Initial: _____	Initial: _____	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by <u>Committee on Government Affairs</u>
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date: _____	Date: _____	
Initial: _____	Initial: _____	

1977 Amendment N<sup>o</sup> 194

Amend section 1, page 1, delete lines 2 and 3 and insert:  
 "thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. In the case of an employee organization and a local government employer to which section 3 of this act applies, the following departures from the provisions of NRS 288.200 also apply:

1. If the parties have not reached agreement by March 15, either party may submit the dispute to an impartial factfinder at any time for his findings.
2. In a regular legislative year, the factfinding hearing shall be stayed up to 20 days after the adjournment of the legislature sine die.
3. Any time limit prescribed by this section or NRS 288.200 may be extended by agreement of the parties.

Sec. 3. 1. As used in this section, "firemen" means those persons who are".

Amend section 1, page 1, line 9, after "findings" insert:  
"and recommendations".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 respectively.

Amend section 3, page 2, delete line 31 and insert:  
"288.200 Except in cases to which sections 2 and 3 of this act apply:

1. If by April 1 [,] the parties have not reached".
- Amend section 3, page 2, line 32, delete open and closed brackets.  
 Amend section 3, page 2, line 33, delete italicized period and open bracket.  
 Amend section 3, page 2, line 34, delete open and two closed brackets.  
 Amend section 3, page 2, delete line 35 and insert:  
"parties except as provided in subsections 6 and 7."

- Amend section 3, page 2, line 46, delete open and closed brackets.
- Amend section 3, page 3, line 3, delete "[15] 25" and insert: "15".
- Amend section 3, page 3, line 4, delete italicized period and open bracket.
- Amend section 3, page 3, line 5, delete closed bracket.

1628

#2

Amend section 3, page 3, line 6, delete "[10] 20" and insert: "10".

Amend section 3, page 3, line 9, delete open bracket.

Amend section 3, page 3, line 10, delete closed bracket.

Amend section 3, page 3, delete lines 12 and 13 and insert:

"7. If the parties do not mutually agree to make".

Amend section 3, page 3, line 29, delete open bracket.

Amend section 3, page 3, line 30, delete "mendations] findings" and insert:  
mendations".

Amend section 3, page 3, delete line 43 and insert:  
recommendations or award."

Amend section 3, page 3, delete lines 49 and 50.

Amend section 4, page 4, line 1, delete "section 1" and insert:  
'sections 2 and 3 ".

Amend section 4, page 4, lines 3 and 4, delete "that section." and insert:  
'those sections."

Amend the title of the bill on the second line delete "provisions;"  
and insert:

"provisions and"

ASSEMBLY ACTION

SENATE ACTION

ASSEMBLY / ~~SENATE~~ AMENDMENT BLANK

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Amendments to ~~Assembly~~ / Senate  
 Bill / ~~Joint Resolution~~ No. 440 (BDR 23-1850)  
 Proposed by Committee on Government Affairs

1977 Amendment N<sup>o</sup> 1252 A

Consistent with Amendment No. 194

Amend section 1, page 2, delete line 9 and insert:

"30 days, each of the parties shall submit a single written statement containing its final".

Amend section 1, page 2, line 12, delete "offers," and insert "written statements,".

ASSEMBLY ACTION

SENATE ACTION

ASSEMBLY / ~~SENATE~~ AMENDMENT BLANK

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Adopted   
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 Initial:  
 Concurred in   
 Not concurred in   
 Date:  
 Initial:

Amendments to ~~Assembly~~ <sup>Senate</sup> ~~Senate~~

Bill / ~~Joint Resolution~~ No. 198 (BDR S-847)

Proposed by Committee on Government Affairs

1977 Amendment N<sup>o</sup> 1027 A



Amend section 3, page 2, line 47, by deleting the period and inserting:  
 ", as amended."

Amend section 6, page 3, by deleting line 28 and inserting:

"3. Each member of the board is entitled to receive \$160 per month or \$40".

Amend section 21, page 7, by deleting lines 9 to 12, inclusive, and inserting:

"of the authority and the public interest or necessity demand the issue of general obligation bonds to purchase, construct, or otherwise acquire, maintain, improve or equip airports, the board shall order the submission of the proposition of issuing such bonds to the registered voters of the authority at an election".

Amend section 23, page 7, by deleting lines 42 and 43, and inserting:  
 "issue and sell such bonds of the authority for the".

Amend section 23, page 7, by deleting lines 48 and 49 and inserting:

"2. Submission of the proposition of incurring such bonded indebtedness at such an election does not prevent or".

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / <del>SENATE</del> AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to <del>Assembly</del> / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / <del>XXXXX</del> Resolution No. <u>198</u> (BDR S-847)
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Proposed by <u>Committee on Government Affairs</u>
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Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
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1977 Amendment N<sup>o</sup> 170



Amend the bill as a whole by adding a new section designated section 33, following section 32 to read:

"Sec. 33. 1. If either city fails to appoint its representatives to the board of trustees of the authority as required by section 5 of this act, the board of county commissioners of Washoe County shall appoint the required number of residents of that city to represent it.

2. If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the authority, before the authority has received money sufficient to employ an attorney, the district attorney of Washoe County shall defend the action on behalf of the authority."

# CITY OF RENO

POST OFFICE BOX 1900  
RENO, NEVADA 89505

May 4, 1977

Honorable James Gibson  
Senate Government Affairs Committee  
Legislative Building  
401 South Carson  
Carson City, Nevada 89710

Dear Senator Gibson:

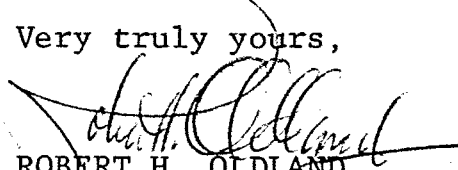
The City of Reno is very interested in Assembly Bill 716 which would deed a portion of the State Fairgrounds to the City of Reno for East Ninth Street widening and remove certain restrictions on five acres of land located at Kietzke Lane and the Truckee River.

For the last two years, the City has proposed to widen East Ninth Street from Wells Avenue to Sutro Street so that the street would be improved from Wells Avenue to El Rancho Boulevard in Sparks. Washoe County, who is constructing its administration building at the Fairgrounds, is also interested in the East Ninth Street area. It would be of benefit to both the County and the City to improve East Ninth Street prior to the completion and opening of the first building at the County complex.

The City has plans to build a Corporation Yard on East Commercial Row and Kietzke Lane in conjunction with property the State of Nevada has restricted to park and recreational use. The City presently has 8.08 acres being used for a Corporation Yard and would like the adjacent 4.455 acres released from the park and recreation restrictions. In return for the release the City would restrict 2.54 acres of property on the Truckee River for park and recreation use which would further extend the Green-belt in Reno.

We hope that Assembly Bill 716 could be passed this session since the monies for the above mentioned projects have been budgeted for this year and it would be unrealistic and improper planning to wait two years until the next legislative session convenes.

Very truly yours,

  
ROBERT H. OLDLAND  
City Manager

RHO/ms

cc: Senate Gov. Affairs Com. Member ✓  
Mike Ewald, Spec. Asst. to the City Manager  
Robert Sanford, Public Works Director  
Robin Bogich, City Clerk  
Mayor and City Council

16334