

MEMBERS PRESENT

Chairman Dini
Mr. Marvel
Mr. Fitzpatrick
Mrs. Westall
Mr. Harmon
Dr. Robinson
Mr. Craddock
Mr. Jeffrey
Mr. Getto
Mr. Bedrosian
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

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Chairman Dini called the meeting to order at 8:00 A.M. and announced the order of business would be to hear AB 36, 288, 289, 290, and 386.

AB 289 - ELIMINATES CERTAIN CONSULTING AND REPORTING REQUIREMENTS RELATING TO STATE PURCHASING AND PROVIDES FOR ANNUAL EQUIPMENT LIST

ROBERT O. DIMMICK, Deputy Legislative Auditor

Mr. Dimmick stated the Bill is a result of the audit of the Purchasing Division. He advised the Committee there is an archaic section of the statute which pertains to the Supt. of Public Instructions and the State Text Book Commission meeting with the Chief of the Purchasing Division to purchase text books. Mr. Dimmick stated that no meetings of this nature have ever been held. He advised the Committee neither the Dept. of Education nor the school districts buy the text books through the Purchasing Division. Mr. Dimmick proposed an amendment to lines 15 through 29, page 2, of AB 289. Mr. Dimmick mentioned that he had distributed copies of the proposed amendment to the Committee which is attached hereto as part of the record. He stated the amendment was discussed with Mr. Terry Sullivan, Chief of the Purchasing Division, and he had no objections to it. Mr. Dimmick then went on to elaborate on their recommendation.

Mr. Dimmick stated if the proposed amendment were adopted, line 33 on page 2 would be changed from 6 to 5; line 39, page 2, would be changed from 6 to 5; line 2, on page 3, would be changed from 5 to 4. Section 4 of AB 289 repeals NRS 333.090 which statute requires the Chief of the Purchasing Division to make a bi-annual report to the Purchasing Division to make a bi-annual report to the Director of General Services and the report has never been made, and it is felt it is not necessary for it to be made.

MRS. RENK, Nevada State Purchasing Division

Mrs. Renk stated the Bill had been recommended by the Legislative Counsel Bureau after an audit of the Division. Mrs. Renk stated there were three portions proposed for amendment or appeal. She stated they were in support of the Bill and the amendments as outlined by Mr. Dimmick.

AB 290 - PROVIDES FOR ADDITIONAL LOCATIONS FOR THE RECEIPT OF BIDS FOR STATE PURCHASES

MRS. RENK, Nevada State Purchasing Division

Mrs. Renk stated this Bill would amend NRS 333.300 to provide for additional locations for bid openings. She stated the present law only allows them to be opened in Carson City. She stated there were complaints from companies in Las Vegas and other areas of the state in regard to the situation. Mrs. Renk stated the companies felt it would be more beneficial to them if bids unique to their particular areas could be opened there rather than in Carson City, and with the tremendous growth state-wide the occasions would become more frequent.

AB 288 - CHANGES REQUIREMENT FOR PUBLISHING ORDINANCES OF CERTAIN CITIES

MAYOR MERTON DOMONOSKE, Fallon, Nevada

The Mayor stated the Bill does what every county has been doing in the state and most of the cities, namely, publishing by title as to the final adoption of any ordinance. He stated that in the public interest it was

felt publishing by title is adequate and giving notice before publication would give time for discussion. He stated that publishing the ordinance in full does very little except cause confusion and few people read it once it has been passed. The Mayor asked the consideration of the Committee in adopting the Bill.

Chairman Dini inquired as to the cost of printing the ordinances and the Mayor responded he had been given figures of between \$2,000 and \$4,000 a year.

JOE JACKSON, Nevada State Press Association

Mr. Jackson had a prepared text which he read into the record and is made a part hereof. He stated that under present statute all 5 cities (Fallon, Winnemucca, Lovelock, Ely and Yerington) are required to publish new ordinances in full in a newspaper of general circulation. He stated that if Assembly Bills 228* and 386 become law publication would be by title only. He stated they were opposed to reducing ordinance publication to a few lines which would impose conditions on the average citizen to go down to City Hall, read the proposed ordinance hastily, try to understand the wording, and make a decision as to whether the proposal would be harmful or beneficial to the community. He went on to elaborate on the different groups of people who would be adversely affected by passage of the Bills. He stated it was their position that the Legislature kill the two Bills, or, on the other hand, extensively amend them.

Chairman Dini inquired of Mr. Jackson if he had any proposed amendments and Mr. Jackson responded the amendment would be on page 2 of the Bill where it says, "filed by title only", to insert "with adequate summary", and publication be before consideration by the Council. Mr. Jeffrey stated that it was his belief publishing an ordinance in full defeats its purpose because when someone gets tied up in the legal language they don't get far in reading it. He stated he believed publishing in full is really a waste of time and money for everybody concerned.

G.P. ETCHEVERRY, Nevada League of Cities, Executive Dir.

Mr. Etcheverry stated he had been Mayor of Ely for fourteen years, was familiar with the types of publications being discussed, and the prohibitive nature

cost-wise of them. He stated he wished to express his support on AB 288 and 386 which were just about one and the same. He said they were looking for avenues to cut their costs as far as local governments are concerned, and he said one thing should be made clear and that is it is published after the fact now and not prior to the fact - after the ordinance is changed then it is published and he stated he didn't think that was right. Mr. Etcheverry stated that the four general law cities fully endorse the Bill.

PETER KELLY, Nevada Press Assn.

Mr. Kelly stated he had a letter from the Mason Valley News commenting on AB 288 and 386 and he read excerpts from the letter written by Jim Sanford, Editor of the Mason Valley News, who had enclosed an editorial he had written on the subject, a copy of which is attached hereto and made a part of the record. Mr. Sanford writes the important thing is protecting the public's right to know and for that reason he (Mr. Sanford) would not object to a law requiring a printed summary of an ordinance as long as the summary was required to offer a full and logical explanation of the ordinance.

Chairman Dini asked Mr. Kelly if he had any language for the summary and Mr. Kelly said he would get together with the cities and some other officials, work out some suitable language, and bring it back to the Committee if that were suitable. Chairman Dini said it would be appropriate.

AB 386 - AMENDS YERINGTON CITY CHARTER TO PERMIT
PUBLICATION OF ADOPTED ORDINANCES BY
TITLE ONLY

FRANK MCGOWAN, City Manager, City of Yerington

Mr. McGowan stated he was present to encourage the passage of AB 386. Mr. McGowan went on to elaborate on the experiences his city has had with the prohibitive cost of printing ordinances. He related one problem of drafting an ordinance which was rather lengthy, lacked the funds for publication, cut the wording, and the effectiveness of the ordinance was lessened by having done so. Mr. McGowan said at times the City of Yerington is scraping the bottom of the barrel and do not like to put out a large sum of money to

print an ordinance that the public is not paying attention to anyway.

Chairman Dini requested Mr. Kelly, Mr. Jackson, Mr. McGowan, the City Council of Yerington, and the City of Fallon to get together and work out some proposed language on the summary which, he said, would be valuable to the Committee, and then get a report to him when it was done.

AB 36 - ABOLISHES PERSONNEL DIVISION OF DEPT. OF ADMINISTRATION AND CREATES DEPT. OF PERSONNEL

ASSEMBLYMAN ALAN GLOVER, Carson City

Mr. Glover stated the Bill was a result of a sincere effort to improve how the state personnel system operated by making it a separate department and removing it from the Dept. of Administration which is basically the budget office. He stated decisions on personnel should not be made for strictly budgetary reasons. He stated it was a major problem and ways had to be found, by changing the structure, to improve the system. He called the attention of the Committee to several pages of the Bill where the only changes were in deleting the word "administration" and replacing it with the word "personnel". Mr. Glover stated if they are free from the control of the budget office they would be able to make decisions in the area of personnel and not be subject to basing all their decisions on budgetary matters. He stated the Budget Director is the boss of personnel. Mr. Glover stated it was a Bill to help personnel improve their operations.

Chairman Dini stated the chain of command changes, it becomes a separate department, and it goes directly under the Governor, to which Mr. Glover responded he was correct. Chairman Dini then stated the director becomes unclassified which was one of the key issues. He asked Mr. Glover if they would still have the latitude they have now in working with other local governments and Mr. Glover responded he could see no reason why they would not. Mr. Dini asked if they had adequate employees in the division right now to set up another department without additional help so there would be no fiscal impact. Mr. Glover responded they would probably get requests over the years for additional personnel. Mr. Marvel asked the salary of the director and Mr. Wittenberg responded it was \$32,000.

ROBERT GAGNIER, Executive Director, SNEA

Mr. Gagnier stated he was speaking in favor of AB 36. He stated the actual meat of the Bill was on pages 1, 3, and 4. He stated all they had done was to take a division and make it an agency. Mr. Gagnier advised the intent of the Bill was to clearly create a Dept. of Personnel as a cabinet rank agency in state government. He stated at the present time it was a subserviant division that has to go through a chain of command before it reaches the Governor. He stated this resulted in a number of problems and that decisions were being made based upon budgetary impact rather than good personnel practices. He stated further that an agency that makes its decisions based upon budgetary considerations rather than good personnel practices is immediately suspect by the employees, administrators, and outside forces. He stated what they were asking for is equal treatment at the cabinet level. Mr. Gagnier said the Bill does nothing more than take the division, change the title of the head of it, put it at a cabinet level, and unclassified service.

JIM WITTENBERG, representing Dept. of Administration

Mr. Wittenberg stated that Budget and Personnel are closely correlated and they should dovetail. He stated probably about 60-65% of the budget is in the form of personnel and, as a result, decisions should be made considering the cost issue. Mr. Wittenberg stated on many occasions when there is a difference that he deems serious enough to go to the Governor that is precisely what he does. He stated he did think there would be some kind of cost impact and possibly in the legal and accounting areas. Mr. Wittenberg stated he would like to hear of some examples of how the system would be improved by what is proposed but has heard nothing in regard to that by prior testimony. He stated he thought that the current structure wherein the Director of Personnel is classified is the best of the two options. He stated what was being spoken about in classified verses unclassified is due process. He stated it was a myth you can't fire a classified employee and they are fired every day. He stated he thought it was irresponsible not to care about cost factors.

Chairman Dini announced the testimony on AB 36 was concluded.

Chairman Dini suggested to the Committee that AB 288 and AB 386 be held in abeyance until such time as language from the various individuals in connection with same is received.

COMMITTEE ACTION:

AB 289 - Mr. Harmon moved AMEND and DO PASS, seconded by Mr. Jeffrey, and unanimously carried.

AB 290 - Mr. Getto moved DO PASS, seconded by Mr. Jeffrey, and unanimously carried.

Chairman Dini opened discussion on AB 36 stating he was not sure the Committee would want to take action on it this date. Chairman Dini said in his opinion the Bill doesn't do anything. Mrs. Westall stated she felt being under the Budget Director is a real handicap. Mr. Fitzpatrick said he felt it should be a separate division. He stated they should just hire and fire and be involved in personnel relations. Mr. Marvel stated he didn't see where it accomplishes too much; just unclassifying the director. Mr. Jeffrey stated he had heard from Mental Health, George Miller, and others, where the Budget Director cuts positions without any consultation with the agency chiefs and department heads, and not really understanding the operation. Mr. Jeffrey said he couldn't help but think this kind of move might help that situation. Mr. Getto stated he felt that the working between the State Personnel Dept. and the Budget Director should be very close.

Chairman Dini suggested to the Committee that they hold the Bill for a few days so he could get a little more information. He stated he would like to know more about how they negotiated the state employee's salary between the administration, etc.

Chairman Dini asked Dr. Robinson if he was ready to act on AB 85. Dr. Robinson stated they would have the final information needed today.

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

Respectfully submitted,

Sandra Stutzman
Assembly Attache

3. The records of property and equipment of the state shall be maintained at all times to show the officers entrusted with the custody thereof and transfers of property between such officers. [Each using agency shall maintain current inventory records.] Each using agency shall conduct an annual physical count of all property and equipment charged to it and shall reconcile the results of the annual physical count with the inventory records maintained by [it.] the chief. The chief shall maintain the current inventory records for each state agency with the exception of the employment security department, the Nevada department of fish and game, the Nevada industrial commission, the department of highways or the department of motor vehicles,

[4. Except as provided in this subsection, each using agency] who shall annually submit to the chief an itemized listing of equipment for which it is responsible. [The listing must include an identifying title, the identification number, and the original cost of each equipment item listed for which the using agency is responsible. This subsection does not apply to the employment security department, the Nevada department of fish and game, the Nevada industrial commission, the department of highways or the department of motor vehicles.]



Nevada State Press Association

February 20, 1979

Joe Jackson,
2375 South Arlington Ave.
Reno, Nevada 89509

Statement of the Nevada State Press Association
relative to Assembly Bills 228 and 386.

Assembly Bill 228 affects the publication of ordinances in four general law cities: Fallon, Winnemucca, Lovelock and Ely. Assembly Bill 386 pertains to the charter of the City of Yerington.

Under present statute, all five cities are required to publish new ordinances in full in a newspaper of general circulation. If these two bills become law, publication would be by title only. The Legislature, in enacting charter changes during the 1971 session, permitted most of the charter cities to publish by title only; thus we have some 10 cities which publish by title only, and some five cities publishing ordinances in full.

The Nevada State Press Association believes that citizens of the five communities publishing in full should take comfort in the protection provided by the full publication requirement and in the knowledge that the public officials they elected to serve them are keeping faith by letting them know what is going on in the community. We oppose these proposals to reduce ordinance publication to a few lines, slicing our the meat of proposed measures under which the people have to live. We oppose the imposition of conditions which would require the average citizen to go down to city hall, read the proposed ordinance hastily, try to understand the wording and make a decision, as to whether the proposal would be harmful or beneficial to the community as a whole, or various groups within the community. Persons other than those living in town would also be affected by much of the legislation. These bills would work a real hardship on farmers and ranchers who might not live in a community but trade there and often own town property. *we don't see notices of ordinances most contain all the garbage here there must be an adequate summary before*

This proposal came up during the 1977 session in a Senate bill which received no action. At that time this association, along with publishers from Fallon and Lovelock told the Senate Government Affairs Committee that failure to publish in full works a real hardship on the public. The Nevada League of Cities contended that publication in full is quite expensive. But the press association obtained figures which indicate this is not the case. The City of Fallon paid the Fallon Standard \$934.33 in 1976, a year in which many Fallon ordinances were reworked. The City of Winnemucca paid \$530.42 to publish city ordinances that same year, including a lengthy dog control ordinance. On the other hand, Winnemucca paid \$40,000 in architectural fees in connection with a bond issue which didn't pass. *Lovelock paid the Review-Miner \$636.85 for legal notices in 1976*

Surely the amounts paid for publication in full haven't been excessive, nor are they likely to be. And remember, it is the taxpayer's money which is being spent to let him know what is going on in the community where he makes his home, rears his family and conducts his business. It is right to read about it in his own home, where he can come to a clear decision without being shoved, jostled and jammed down at city hall.



Nevada State Press Association

Statement re AB 228 and AB 386

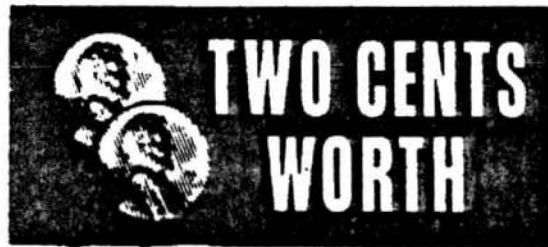
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That's what public notices are all about, going back to early times in England when the need to let people know brought about the publication of the first English language newspaper. Public officials have long recognized that publication of public notices provides protection for them as well as for those who elected them.

Yet there is a constant attack on such notices before the state and national legislatures, a whittling away, and each successful effort on cutting down on public notices opens the door a little bit wider. The 1977 Nevada Legislature passed a strong law requiring open meetings, although exempting the Legislature. Attempts to weaken that law have already been exerted in the 1979 session. Also in 1977 the Legislature passed an act reducing the number of times of publication of corporation statements from five times to two. In this session the Assembly has already unanimously a resolution which if given eventual approval would bring this body within the framework of the Open Meeting Law. The resolution is before the Senate Government Affairs Committee with no action scheduled as yet. A Senate resolution designed to accomplish the same effect lies in the upper house legislative functions committee. A reprehensible piece of legislation which would deprive the citizens of most of their rights under the state's public records law has been introduced by, and referred back to, this government affairs committee. By way of background, in 1978 then-Gov. Mike O'Callaghan appointed a committee on privacy and security to prepare legislation which would conform with guidelines set forth by the federal Law Enforcement Assistance Administration. The committee worked more than six months to come up with a proposal which we felt won the approval of both Governor O'Callaghan, and our new governor, Robert List. The legislation was to have been sent to the bill drafter. I don't know what happened to it, but it certainly isn't AB 310.

If the whittling continues, and is allowed by the Legislature, it could well be that one dreadful day changes in the law at state, city and county levels, affecting the lives of many persons, could quietly proceed without notice. Farmers and ranchers could be deprived of knowledge if water rights legals were dropped. Contractors might never know what is coming up for bid. Credit managers, and businessmen in general would have no divorce legals to guide them. Public notices on zoning matters are of utmost importance to property owners, school districts and business in general. Printing the delinquent tax list is a boon to county coffers, bringing quicker payment. Publishing by newspaper is cheaper, more efficient than direct, individual communication.

The Nevada State Press Association is hopeful that this committee will see fit to stop this whittling, at least for this legislative session. The best place to start would be by killing these two measures under consideration today.



THE PUBLIC'S RIGHT TO KNOW VS. \$

Where do you draw the line between the public's right to know and saving of taxpayer money?

A couple of rather unobtrusive-looking bills emerged this week at the Nevada Legislature which we feel pose a definite threat to the public's right to know while listing as a reason the savings of taxpayer pennies—and that is what it amounts to—pennies.

One of the measures is aimed squarely at the City of Yerington.

AB 288 would change the provisions of statute that require the publication (in a newspaper) in full of new ordinances. The bill would allow publication by title only and would affect directly the cities of Ely, Fallon, Lovelock and Winnemucca.

A second bill (AB 386) would create the exact same situation in Yerington.

The bills have been introduced to a money-conscious Legislature during a session when cutting government spending is the "in" thing to do. Government in cities and at every other level is indeed big business today; and we, like other taxpayers, feel there is a lot of waste in government and there are areas which can be trimmed without curtailing vital services through "overkill". But, when it comes to endangering the public's right to know for \$119.65, that requires at least a second look.

That's right! The City of Yerington paid only \$119.65 to publish a total of six legal notices involving ordinances during all of 1978 as required by the existing law. I think it is safe to say the newspaper is not opposed to the bill because it would bankrupt us. There were plenty of other required legal publications last year—such as quarterly reports, bills allowed, notices of public hearings, etc.—all of which are designed to keep the taxpayer informed about where and how his dollar is being spent; but the city paid only \$119.65 for the publication of ordinances last year. That would appear to negate the financial reason for the legislative proposal.

As for cost, we were willing to bet that it cost more money to print the bill than it cost the city last year to publish its new and/or amended ordinances. A check with the State Printing Office proved us right. During the 1977 session, 1557 pieces of legislation [including histories and journals for each day] were printed at a total printing bill of \$475,000. That amounts to roughly \$305 per bill—realizing of course that some bills are lengthy and others like this one are about a page and a half. The price tag is still high.

In all fairness, it must be noted that the cities of Ely, Fallon, Lovelock, Winnemucca and Yerington (as featured in the two bills) are apparently the only cities in Nevada still required by nature of charter to publish ordinances in full. Others are allowed under law to publish by title.

But, that doesn't necessarily make it better or right. There are other things about our community which are different from others and we pride ourselves in them. Perhaps Yerington should take pride in the fact that it makes an extra effort to keep its citizens informed.

The best argument we've heard in favor of AB 386 (dealing solely with Yerington) is that the MVN does such a thorough job of covering Lyon County activities that we would pick up any new ordinance and make a news report about it anyway. Thus the public would be informed and the city could save \$119.65.

We would like to see that though it is true—at least as far as the complete coverage goes. But, what happens if we slip up or aren't paying attention; or an effort is made to hide something under a say-nothing title? What would happen in a community which didn't have a good newspaper? You know the answer as well as I do—there's the possibility, right?

Rather than take any chances, we feel it's worth \$119.65 of taxpayer money each year to keep the Yerington public informed.

—JS

