

MINUTES ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS, 55TH LEGISLATIVE 187  
SESSION, FEBRUARY 27, 1969

Present: Smith, Branch, Lingenfelter, Dini, Getto, Bryan Hafen, Hilbrecht

Absent: Wood

Chairman Smith convened the meeting and announced that there were two guests present to speak on the "ombudsman" bill. For the purpose of introduction and discussion he turned to chair over to Assemblyman Hilbrecht who is the sponsor of AB 1.

Mr. Hilbrecht said that the first speaker would be President N. Edd Miller of the University of Nevada who had studied the ombudsman concept in seminar and that Mr. Russell McDonald, who as head of the Legislative Counsel, was a sort of unofficial ombudsman would also make some remarks. He introduced President Miller.

Dr. Miller said that the ombudsman concept was firsts introduced on college campuses about three years ago. San Jose State in California, New York University at Stonebrook and the University of Minnesota have instituted ombudsmen on their campuses. The notion motivating this on college campuses is to attempt to locate problem areas and find ways of solving these problems before they reach crisis proportions. It is useful also in providing a channel of communication for the students without going through the involved processes that have developed in the fast growth of university populations and faculty. The concept has worked well at these three universities and since is being adopted at about eight other schools.

Technically, the way it operates is: a student has been selected as ombudsman who is well respected; in other situations a college teacher or administrator serves. He is a one-man grievance committee. His second function is as a channel of direct communication-a red-tape cutter in matters brought to his attention. He reports directly to the President of the University and is able to get quick response. This is the decisive factor--speed. Another function is that the ombudsman is able to locate problem areas before they become problems. What are the places that are apt to develop problems? He is in a position to discover these. Dr. Miller said he would be happy to answer any questions. This is just a brief outline. It is too recent in origin to develop thoroughly but it has worked well.

Assemblyman Hilbrecht asked if the University of Nevada is in the process of establishing such an office. Dr. Miller said that they have been studying this kind of office and plan to test it on an experimental basis.

Assemblyman Lingenfelter said that he could understand the agency on a campus level but asked Dr. Miller if he could correlate it to a state level. Assemblyman Hilbrecht said that he felt the relationship is very directly similar. It would give the citizen a direct line of communication up to the state government. We are only talking about a recommending and advisory position. A state ombudsman could also recommend curative remedies. He

would have to communicate with the various heads of the agencies. He would provide another door of communication. Assemblyman Lingenfelter then asked Dr. Miller if it has been shown effective on these other campuses. Dr. Miller said that the accounts from the three campuses indicated that it has been. At San Jose State the ombudsman was able to point the direction to black student housing, for example, as a possible problem area. He was able to assist black students with their problems before they got to an administrative level. He merely points the way. Often students are not sure to whom they should go. At the University of Nevada if we place this on an experimental basis, the job would be given to a faculty member on a part-time basis.

Assemblyman Hilbrecht said that he understood that in practice to date the ombudsman has proved to be a very effective fact-finding agency. Dr. Miller said that he should have mentioned that aspect also. This is one of the very important functions well performed and relating to the problem area type of thing.

Assemblyman Hilbrecht then introduced Russell McDonald.

Mr. McDonald stated that the ombudsman concept arose in the Scandinavian countries where it was recognized that even in a well run government a citizen could not always get through to the government. He said that he has served in public office nearly all of his adult life and was only too familiar with the citizen who could not find the information he needed or was misinformed as to how he should find it. The Legislative Counsel presently is inundated with mailed complaints, requests for the letter of the law, requests for information and the like. The time does not exist nor does the staff to handle these and at best all that can be done is to acknowledge their receipt. Many citizens feel that they are getting a runaround.

Mr. McDonald stated that when his office was requested to draft this bill it was not known how to structure the agency. Should he belong in the executive branch? We decided that he should fall on the legislative level. The communication system would be improved by the office. The only agency in the government now which in any way serves the functions of an ombudsman is the grand jury. And of necessity the grand jury is restricted only to matters of law. The vast area of problems that arise from governmental functions and are less than legal violations have no avenue for the citizen to find relief. There is of course the possibility that a citizen can go to the public press and/or the mass meeting concept but he would not be recognized unless his complaint were of some sort of sensational nature. An ombudsman through his fact-finding function could make recommendations before it comes to the public.

Assemblyman Hilbrecht asked Mr. McDonald if any of the presently organized functions of the legislative counsel could be utilized to the service of an ombudsman and in that manner would lessen the cost of establishing a new agency. Mr. McDonald advised that the research part of the legislative counsel as now constituted would be effective as an aid to the ombudsman position.

Chairman Smith asked Mr. McDonald if with the recognized growth every day he felt the creation of an ombudsman would meet a valid

necessity in our present governmental structure.

Mr. McDonald said that the bill as drafted follows a model act drawn by the Harvard Law School. He said further that the act has been utilized by various municipalities in the creation of positions on the local level. The question was raised of whether or not this concept would be better left to local government development. Mr. McDonald said that it is possible that we should pursue this on a city or county level. He said that it could be easily implemented into that level of development.

Mr. McDonald emphasized that with the new legislature building presently under construction that facilities would exist for the research area of the legislative counsel and, if created, the ombudsman office in which the library and reference area could be utilized to the utmost.

Assemblyman Getto asked that with the creation of a new agency of this kind would the pressures not be too great for feasible handling.

Mr. McDonald acknowledged that the office would have to have a man of almost "disciple"-dedicated and without emotional involvement. He would have to be very thorough and well tempered.

It was developed that under our present legislative system, the position of the ombudsman could contain and research problems brought to his attention between legislative sessions at a more leisurely pace and with better results. Assemblyman Hilbrecht presented the instance of where legislation is often well intentioned in its objectives but through the haste of legislative pressure is ill conceived in its preparation. It was suggested that the fact-finding arm of an ombudsman would help to lessen that possibility.

Chairman Smith then thanked both Dr. Miller and Mr. McDonald and they were excused. He turned the committee's attention to a series of bills that were known as the "printer's bills". Specifically there are AB 284, 285, 286, 287, and 288.

Chairman Smith said that State Highway Engineer John E. Bawden was present with his department's aides and Mr. Bob Lloyd of the Department of Education were present to be heard.

Mr. Bawden addressed the committee with particular regard to AB 288 which provides centralized administration of multiple duplication and reproduction services. He outlined to the committee the importance of this function with the State Highway Department within its specialized performance. He said that this bill could, he envisioned, be highly detrimental to the demands of his department. The nature of the reproduction of plans, specifications, and map plats is peculiar to the department and also their need is geared to the function of his department in meeting the demands of bid work and federally involved time schedules. This priority problem would very seriously be involved in any shift of this function to a centralized point where other priorities could affect the priorities of his department. He said that the services developed within his department over the years were motivated by the needs of

his department. He stated that he had serious reservations about the removal of these services to another chief. He said that he did not want to appear selfish in this position but that he felt the needs of his department should not in the best interests of the objectives his department serve be subjugated to the multiple demands of another agency. It was developed that the equipment his department has to serve the reproduction functions is used constantly to meet the needs of his office.

Another facet involved is the fact that much of the work is by its nature subject to federal matching-fund contracts and that by a process developed over many years of hard negotiations the expense of these functions is refunded to the department from federal funds. This refunding process would be jeopardized by any alterations of the present structure. Mr. Bawden said that Mr. Orvis E. Reil, Chief Planning Survey Engineer, and Mr. Cockiny were the superintending officers of the reproduction work in his department and they were present to answer any question the committee wished to present.

The committee then questioned the gentlemen with regard to the cost and utilization of the equipment in their department as well as the manpower demands. It was developed that the highway department has a rather elaborate plant. They have three multilith machines, and several offset printing machines or presses. They do not use mimeograph but do utilize Xerox processes. It was further developed that the department does aerial photographic work as a supplement to that which is privately contracted.

Mr. Bawden said that the relationship of his department with that of the State Printing Office has been a good one and that the State Printing Office does provide services involving book-type publication. It was developed that the technical classification of the printing done in his department was such that professional printers were not employed. Mr. Bawden said that the reproduction work done in his department, he thought, was done at a lower cost to the state than if it were transferred to another agency.

Mr. Bob Lloyd, Associate Superintendent of the Operations Division, State Department of Education, then presented to the committee his comments. He said that his department like that of the Highway Department visualized definite priority problems arising from the adoption of the provisions of AB 288. His department is also using federal funds to support the reproduction services used within its projects. The movement of equipment and function to another agency could mean the loss of this federal support. The Federal Officer from the Audit Department of San Francisco has been in the area recently and advised Mr. Lloyd that the provisions of AB 288 could easily lead to a situation where the federal support would be withdrawn. He said that two men are employed in the department's reproduction area and they work full time and are necessary to meet the particular demand of that department.

Mr. Bawden stated that he did not have any comments to make with regard to AB 287. It was developed that AB 286 would allow the department to do what it is already doing now. Technically the only one authorized to do offset printing now is the State Printer. AB 287 and AB 288 are companion bills.



Mr. E. L. Newton of the Nevada Taxpayers Association asked permission to comment on these bills. He said that the matter of duplication is one that you cannot look at in the same manner as you might look at other mechanical processes. He said that nowadays duplicating equipment is comparatively inexpensive and that you can waste more manpower time in running around to duplicating agencies than it is worth in efficient operation of agency needs. He cited to the committee the example of his own office wherein it is essential to get reproduction work done over a weekend. The cost of going to a private printer who will guarantee this type of deadline work is too high. It involves weekend overtime costs. It also involves the private printer's reluctance to accept this type of work. Therefore the alternative is to do it yourself and it has proved more efficient and inexpensive to do so. He said that electrostatic copying machines when first on the market were about \$2,000. Now they can be purchased for around \$150. They pay for themselves quickly in their on-the-spot productivity.

Mr. Newton expressed his concern to the committee over the provisions of Section 2, 3, and 4 of AB 287. He said that the State Printer would in effect be a Czar as far as duplication work is concerned. In every project that Highway Department and the Education Department would have to check with the State Printer. It is sufficient that they have to check with the legislature now. It should not be made more restrictive.

It was developed that the good provisions of AB 286 would take care of any of the constructive intent of AB 287.

Chairman Smith thanked the Highway Department representatives and Mr. Newton and Mr. Lloyd for their presentations. They were then excused.

The committee then discussed the series of bills upon which comments had been made. Assemblyman Hilbrecht expressed concern that some interested persons had not appeared to comment on AB 284 and 285 as well as AB 286 and the balance of the bills. The committee noted that AB 284 would delete the requirement that legal notices or advertisements be published in the county where publication is required. This ramification as Mr. Newton had commented would lead to an opportunity for people who don't want the public to know what is going on to publish notices where they would not be seen.

Hilbrecht moved AB 284 be indefinitely postponed.  
Motion seconded.  
Motion unanimously passed.

Lingenfelter moved AB 287 be indefinitely postponed.  
Hilbrecht seconded.  
Motion unanimously passed.

Lingenfelter moved AB 288 be indefinitely postponed.  
Hilbrecht seconded.  
Motion unanimously passed.

The committee agreed to defer action on AB 285 until further consideration could be given.

Lingenfelter moved Do Pass AB 286.  
Getto seconded.

Motion unanimously passed. Dini did not vote.

Assemblyman Hilbrecht said that he was ready to report back on the amendment for AB 311 which increases the penalty for failure to have a contractor's license. He said that his research developed that a fine of \$1,000 would correlate to a gross misdemeanor and the committee could elect to insert the gross misdemeanor offense along with the fine.

Bryan Hafen moved the amendment be made a fine of \$1,000 and that AB 311 be given a Do Pass as amended.

Hilbrecht seconded.

Motion passed over the objection of Dini and Getto.

The committee discussed the lack of appearance of those who had expressed an interest in AB 286. It was thought that the action of the committee should be deferred until these persons had been given an opportunity to appear.

Lingenfelter moved to rescind the committee action of AB 286.  
Motion seconded.

Motion unanimously passed.

Two bills calling for salary and compensation increases in Elko County were discussed.

Lingenfelter moved Do Pass AB 426.  
Dini seconded.

Motion unanimously passed.

Hilbrecht moved Do Pass AB 427.

Dini seconded.

Motion unanimously passed.

The meeting adjourned.