

MINUTES OF MEETING - WAYS AND MEANS COMMITTEE - NEVADA STATE LEGISLATURE
1968 SPECIAL SESSION - FEBRUARY 20, 1968

The meeting was called to order by Chairman Glaser at 2:20 PM in the Ways and Means Room.

Present: Glaser, Mello, Ashworth, Bowler, Webb, Howard, Young
Absent: Jacobsen, Tyson

S. B. 18: Provides for emergency assistance to school districts from state distributive school fund.

Senator Lamb was present to bring the committee up to date on the developments of this bill which is still in Senate Finance. He said the Department of Education wanted to be able to approve any emergency grants. The committee wants to keep the Board of Examiners in the bill, which was later found to be required by statute anyway. They also want included the stipulation that the Interim Committee must be called in whenever emergency funds of \$50,000 or over are requested. This Interim Committee would sit as a third member with the Department of Education and Board of Examiners in such cases. By statute we cannot put this into the bill but by gentlemen's agreement can effect it. Actually, this Interim Committee would have a great deal of influence even though it cannot be put into law. It has not been decided how many committee members would be on this Interim Committee, but I would like to see the whole Finance and Ways and Means Committees on it.

Mr. Howard Barrett said that if \$60,000, for example, was requested, but the two members agreed upon \$50,000, the third member (Interim Committee) would not be called in.

Mr. Ashworth suggested that the amount be lower than \$50,000.
Mr. Webb suggested a percentage instead of the flat figure.

After Senator Lamb was excused from the meeting, Mr. Barrett told the committee there is a lot more to be said, but it might be better to wait until the bill gets out of Senate Finance and over here. Then Mr. Larson could come in and interpret the changes the Department is suggesting. The Memo which was presented was joint between Mr. Larson and Mr. Barrett.

S. B. 10: Makes appropriation to reserve for statutory contingency fund; provides state expenses under Uniform Criminal Extradition Act to be paid from reserve for statutory contingency fund. Cost to state: \$17,529

Mr. Barrett said that the \$17,529 is not the cost of the state paying the extradition costs. It is the amount needed to bring this fund back up to the statutory limit of \$20,000. The \$17,529 has been spent out of the fund for various things definitely set by statute and used only for these purposes. He enumerated some of the items such as the bulk for attorney fees for indigent prisoners, court reporters' fees, search and escape costs, etc. These costs were charged to the state by the bill of '63 or '65.

Concerning the extradition costs, the last session of the Legislature made it a state responsibility to pay these costs, previously paid for by county of residence, but overlooked appropriating any money for this added state responsibility. It was felt that rather than set up an additional fund for this, they could be paid through the statutory contingency fund already set up.

Mr. Bowler commented on the availability of employment for the inmates to earn some money while in prison. He suggested that these inmates be forced to earn some of the money for the payment of their attorney fees.

Mr. Barrett said that those needing legal services are probably the ones who cannot work anywhere; they are probably maximum security risks. The law back in '65 provided for adequate legal rights for prisoners. This was not a portion of the revised criminal code, but a result of the concern of the Supreme Court for protection of civil liberties. If we were to change our state law, it would cost more in the long run as the prisoners would charge they were denied due process of the law. The change in paying the extradition costs is a part of the '67 revision.

Mr. Oliver asked if there were claims pending in addition to the \$1800 already mentioned as being due in Ormsby County for search and related costs for 5 prisoners. Mr. Barrett clarified that the extradition procedures do not go through his office, but the Governor's office. He has no indication of how much, but the counties have been holding their bills waiting for the money to be appropriated so the state can take over.

Mr. Ashworth asked for an estimate on the charge of an attorney for one of these cases of indigent prisoners. Mr. Barrett said he could find the figures, but an estimate would be between \$200 and \$300 per claim.

Mr. Bowler pursued the idea of using Public Defenders instead of hiring attorneys for these claims. Clark County has several deputies whose services could perhaps be utilized for this and the only expense would be for travel to the prison. When he was serving on the Parole Board, 70% of the crimes were committed in Clark County, so if this is still the case it would probably be the same percentage seeking legal advice for appeals. Discussion on Clark County not being willing to provide this kind of service.

Mr. Webb said Mr. Bowler's point was well taken but we can't go about changing the statute during this special session.

Mr. Ashworth commented on the ongoing and rising cost nature of this contingency fund with the attorney fees coming in all the time. He said this is not the purpose of a contingency fund. He would suggest an amendment taking this item of attorney fees out of the contingency fund and placing it in some other budget, perhaps Welfare.

Discussion on the position of the state if we did not fund this. We are obligated by statute so subject to suit.

Discussion on putting this item in some other budget, perhaps the prison. The Attorney General would not be involved because the legal advice would be on the side of the prisoners. The Warden might be able to keep some

control on the use of the fund. However, the Supreme Court would be apt to view this as a subversion of civil liberties.

Mr. Barrett said this is not literally a contingency fund. Before this statute was on the books, each individual bill was considered separately. This fund was created to take care of them all. It is more a miscellaneous and recurring budget than a contingency.

Meeting adjourned at 3:15 PM.