

Assembly

MINUTES - WAYS AND MEANS COMMITTEE
NEVADA STATE LEGISLATURE - 56th SESSION - MARCH 31, 1971

Chairman Young called the meeting to order at 4:15 P.M.

Present: R. Young, Howard, Capurro, Hafen, F. Young,
Brookman, Mello, Schofield, Swackhamer, Hilbrecht,
Lingenfelter

Absent: None

Guests: Earl Oliver, Fiscal Analyst; John Dolan, Budget Div.;
Judge Mendoza, James Carmody, Mr. LaBadie, Mrs. Miller,
Mrs. Steele,

A. B. 229 - Increases compensation of justices of supreme court
and district judges.

Judge Mendoza remarked that a companion bill S. B. 263 to
A. B. 229 was in the Senate. In its original form the bill
did not contain the salaries for the district court judges.
This provision has been amended in the bill. He remarked
that they did not have an opportunity to testify before
Senate Finance on this.

He remarked that SJR 23 has been passed and it will be on the
ballot next year. If it passes in the election of 1974, all
district judges will run for a term of six years.

Judge Mendoza stated that if these two bills pass, the district
judges salaries will be set until 1981. He stated that he
did not believe that this was the intent of the bill. District
judges feel that a study should be made of district judges
salaries. He remarked that former Governor Laxalt's study
on salaries did not include district court judge's salaries.

He felt that one of two things should be done: study the
problem of district judges salaries for the next two years
or consider the increase in salaries to compensate for
two additional years of the judges length of time in office.

Judge Mendoza remarked that the district court judges' salaries
was \$30,000 a year. If salary increase of 25% was computed on
the last two years, salaries should be \$32,500. This would
be one alternative. Another alternative would be to permit
the district judges to review this and submit their recommendation
for salaries.

He stated that if the bill passes, there will be 22 district
judges.

A. B. 228 - Authorizes counties to compensate district judges for services as ex officio circuit judges.

Judge Mendoza remarked that S. B. 186 was a companion bill. He remarked that A. B. 228 is permissible legislation and it allows the counties to supplement district judges' salaries. He remarked that this is not new or unique. Twelve states in the U. S. use this in handling the urban versus the rural problem. Refer to exhibit on supplement to salaries of general trial judges.

The district judges are not suggesting a figure for supplement to salaries but want the various counties to set it. This bill allows the State salaries for district judges to be uniform and allows for a supplement to their salary where the judicial load is high.

Judge Mendoza stated that the state is losing district judges because of the low salary level.

This bill would permit judges from smaller districts to sit in larger districts and help with the case load in times of need. When judges from smaller districts were assisting in larger districts, they would receive the same pay as the judges in the larger county. He remarked that visiting judges from smaller counties have problems with low per diem and problem of being out of counties during elections.

District judges salaries should be more competitive with appointed officers, according to Judge Mendoza.

Mr. Guinan, Board of Governors, State Bar Association, remarked that the salary bill (A. B. 229) was agreeable to them with the exception that it increases the spread between supreme court justices and district justices as there would be a \$4,000 difference. They do not oppose the county supplement to the district judges salaries. He remarked that they believe that a district judge should stay in their district most of the time except in emergencies.

S. B. 82 - Increases number of district judges in first, second and eighth judicial districts.

In determining the number of additional district judges in the large districts, Mr. Hilbrecht suggested considering the number of filings in the districts. Mr. Hilbrecht cited figures on filings in Clark County and Washoe County. He remarked that the ratio runs twice as many filings in Clark as in Washoe County. He felt that this might be one fair way to establish staffing in these two counties.

Judge Mendoza remarked that the case load distribution depositions were directly proportionate to the population. In 1967, Clark County was handling 53% of the case load of Nevada.

Mr. F. Young opposed raising district judges in Washoe County to 6 and the number of district judges in Clark County only to 10.

Mr. Guinan remarked that the problem in Washoe County is different. He stated that the commissioners in Clark County have stated that they cannot afford four more judges.

A. B. 75 - Authorizes increased pension for judges retiring after 16 years of service.

Judge Mendoza remarked that a district judge receives 1/3 of salary upon retirement after 12 years of service at age 60. He felt that by allowing a judge to continue up to his 16th year and retire at 1/2 of his salary would be extremely beneficial. Under this bill, no money would be appropriated until 1975.

Chairman Young remarked that this bill has been considered in previous legislative sessions and that it had always been killed. Judge Mendoza remarked that he felt it was a good bill.

Mr. Hilbrecht asked Judge Mendoza the length of time it took after filing for a case to get to jury trial. He replied that it takes a year in Clark County. Mr. Guinan stated that it takes 6 months in Washoe County.

Mr. Guinan testified that they would be willing to have 3 additional district judges now and one in the following year. Mr. Hilbrecht remarked that he was suggesting a compromise to cut down the appropriation for this biennium -

three for Clark County in the first part of the biennium and one on in Washoe County in the second part of the biennium.

A. B. 255 - Provides special juvenile court procedure for children in need of supervision.

Bill calls for a change in terminology of juvenile delinquents (truants, runaways, etc.) to be called "child in need of supervision."

Judge Mendoza cited NRS 62.200 whereby the court has the power to commit a child to an agency or to place him in a home. NRS 62.300 states that the juvenile court may use the facilities of the juvenile division. NRS 432.20e states that the welfare division is empowered to provide maintenance - clothing, transportation, medical services to children who are placed in custody of the welfare division.

Judge Mendoza remarked that Welfare Division's fear is that we are going to give them all of these children. He testified that out of 2,000 of these cases last year they only placed 2 children in the Welfare Division custody.

Judge Mendoza testified that the importance of the bill was just to get the status of child changed to that of "child in need of supervision" so that the child is not identified as a delinquent.

Mr. Labadie testified that he could understand the viewpoint of changing the delinquent to "child in need of supervision. But stated that the Welfare Division would not be equipped to keep all of these children in need of supervision if the courts gave all of these children to them. Fiscal impact could be some \$800,000.

Mr. Carmody remarked that he felt we confuse the issue avoiding placing the label on this kind of a child. He felt that these type of children should be seen by a mental health center, family counselor, etc. He stated that he did not see any increase in foster home placement.

Judge Mendoza remarked that Colorado also has this type of program. Chairman Young remarked that he has letters from Governor's of other states who were not happy with this program. Judge Mendoza remarked that it depended upon the

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administration of the program. He remarked that Mr. Cowan in Clark County was not in favor of this program; however, Dr. Kenny Guinn was in favor.

Being no further business, the meeting was adjourned at 5:15 P.M.