

SENATE JUDICIARY COMMITTEE

271

MINUTES OF MEETING HELD

19th DAY OF MARCH, 1973

The meeting was called to order at 9:00 a.m. Senator Close in the Chair.

PRESENT: Senator Dodge
Senator Bryan
Senator Wilson
Senator Hecht
Judge John Mendoza, 8th Judicial District
Chief Justice David Zenoff, Supreme Court
Geraldine Watson, Administrative Assistant,
State Library
Joseph Anderson, State Librarian
Barbara White, Director, Law Library
Mrs. Guild
Richard Morgan, Nevada Education Association

EXCUSED: Senator Swobe
Senator Foley

S.B. 351 - Transfers responsibility of signing work permits for certain minors to county clerk.

Judge John Mendoza testified that this bill originated at a judicial conference but there was some debate on this subject so the bill was not passed on by the conference.

The experience in Judge Mendoza's court has shown that the provision for judges' review of work permits is necessary and should be maintained.

S.B. 433 - Enables establishment of juvenile delinquency prevention program under direction of juvenile court.

Judge Mendoza testified that one of the problems his court has in applying for delinquency prevention money is that they don't have a specific charge in the statute that the juvenile court should be involved in delinquency prevention. The express charge in the statutes would overcome the problem of application for federal funding and would involve the court in youth services. There would be no financial implications involved with this bill.

S.B. 347 - Places the State Law Library under the control of the State Supreme Court.

Chief Justice Zenoff testified that there is a need to augment

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and supplement the reports and volumes presently in the law library. This need was not responded to by the State Library since they were not law oriented. This concept of a law library separate from the State Library had been introduced in the Legislature several times, but the former State Librarian wanted to retain the law library. Since that time, the State Library has been moved to a different location while the law library is still in the Supreme Court Building, and a new State Librarian has been appointed.

There was never a showing that the retention would save money, but conversely it costs the state more money. If this were passed, the law library would be under the jurisdiction of the Supreme Court, its employees would be considered unclassified as are other employees of the Supreme Court, and would be subject to the budget director and the legislature.

Mr. Anderson testified that it is his feeling that the judgment of the court, in terms of responsibility and over-all supervision, would improve the excellence and quality of the Law Library. He stated that Mrs. White, Supervisor of the Law Library, is devoting almost 20 per cent of her time to clerical routines such as shelving books, and that is a gross misuse of her time and experience.

Mr. Anderson requested that the committee amend this bill to specifically provide that the State Library be considered a public library for the purpose of receiving without charge copies of the NRS, Nevada Reports, Bound Statutes of Nevada, the Nevada Digest, and all annotations to NRS prepared by the Legislative Counsel Bureau. The State Library has the function of documenting these public records and making them available throughout the state, but does not have an appropriation in the budget to purchase those documents.

Senator Bryan moved to amend and re-refer to the Committee on Finance with a recommendation "DO PASS." Motion seconded by Senator Hecht. Motion carried.

S.B. 348 - Liberalizes pension provisions for
Supreme Court Justices and district
court judges.

Chief Justice Zenoff testified that one maladjustment that still exists in the system is that there is no encouragement to retain a judge after he has served for 12 years and is eligible for retirement at 1/3 his annual salary. If he did not retire then, he would have to serve another 8 years, or a total of 20 years, before he could receive full retirement pay (2/3 of annual salary).

This procedure puts the state's best interest in jeopardy. Many times judges who should retire after 16 years do not because they could not afford to live on 1/3 their salary. These judges would stay on and yet, because of illness or infirmity, could not effectively carry on the duties of the bench. This places quite a burden on his associates to carry the loan for him.

This bill would lower the minimum requirement for eligibility to 10 years and allow benefits for 1/3 after 10 years, 1/2 after 16 years and 2/3 after 20 years; each step between 10 years and 20 years would be calculated at 3-1/3 per cent for each additional year.

Judge Mendoza commented that this bill is necessary because several good judges have left the bench because they were looking at another 8 years before they received an increase in pension benefits. There are no vested rights under the present law.

The committee questioned whether the vested period should be lowered from 12 years to 10 years. They agreed with the concept of the bill but felt that the system of retirement for judges could not be compared with the state system. The vesting period was left to the discretion of the Finance Committee.

Senator Dodge moved to re-refer to the Committee on Finance with a recommendation "DO PASS." Senator Bryan seconded. Motion carried.

S.B. 352 - Increases benefits for widows of Supreme Court Justices and judges of district courts.

Chief Justice Zenoff testified that it should be the concern of everyone to give assistance to widows. A judge who gives 20 years of service should leave his widow with more than \$350.00 a month.

The widow of Judge Guild was present and testified that the present allowance of \$350 is very poor payment for a husband who served the length of time that hers did. She stated that if she did not receive social security and medicare, she would not be able to get along. Of course, she and most other widows of judges are in the bracket where they are too old to get meaningful employment.

Judge Mendoza remarked that the provision for judges to be eligible for pension at age 60 and widows to be eligible for benefits at 65 should be conformed.

Mr. Ray Morgan interjected that the Senate was considering an interim study of the retirement system which includes the district and supreme court judges in the state retirement system.

Senator Bryan stated that he had been contacted by equal rights enthusiasts who objected to the reference to widows receiving pension and no provision being made for widowers should a woman be elected to the bench. They have requested that the sections be harmonized.

The committee did not object to the inclusion of widowers but felt that the Finance Committee would be in a better position to determine widow's benefits. The committee will recommend that Finance incorporate the amendments mentioned if they have appetite for the bill.

Senator Dodge moved to re-refer to the Committee on Finance without recommendation. Senator Bryan seconded the motion. Motion carried.

S.J.R. 19 -Proposes to amend State Constitution by permitting appointment of temporary district court judges.

Chief Justice Zenoff testified that he endorses and supports this bill. He suggested that it include retired judges to be brought back into service at the discretion of the Chief Justice.

Judge Mendoza also commented that, although there was no unanimity of opinion at the judges conference, he felt there should be some provision for retired judges to serve. He did suggest building in some guidelines to establish how long the temporary judges would serve and under what circumstances.

Senator Dodge remarked that this type of bill was defeated last session since the counties would have to bear the expense of the temporary judge and they objected that they had not budgeted for it. When a judge was called back to serve, his retirement would stop and he would be paid the same as the judge in the district for whom he would be sitting.

Justice Zenoff commented further that the real answer to the problem of temporary judges is to make provision now to get additional permanent judges in those areas that need them.

S.J.R. 20 -Proposes to amend State Constitution by designating the chief justice as administrative head of the court system.

Justice Zenoff testified that 99 per cent of the time, he gets complete cooperation from the District Judges. This resolution would confirm the fact that when a chief justice calls any district judge for any reason, the district judge must comply where in the past there wasn't statutory authority, but the district judges complied anyway. It is a small step forward.

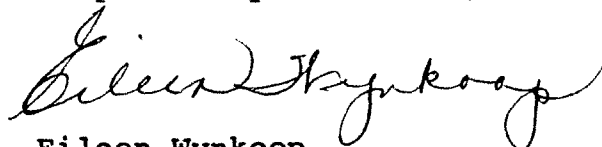
Senator Dodge stated that Mr. Torvinen had broken down the provisions of the proposal which was studied last year and defeated at the ballot to reform the entire court system. If this subject matter is included in those which he has broken out into separate bills, that should be studied since it had more muscle. The biggest weakness of the system today is that we don't have a correlated system; every judge is autonomous within the county. As a matter of accommodation they may abide by the master calendar judge, but they don't have to. In this day and age the system needs to be integrated and correlated with the chief justice as the head of the system.

Chairman Close objected that this would give the chief justice the power to assign a judge a specialized function, such as civil, criminal or family court. He felt there should be some provision for a judge to have a hand in deciding what he should hear since the people who elected him expect him to hear everything.

Judge Mendoza agreed with the concept that something be done within the judicial branch. However, he felt that the real problem with this is that the electors expect the judge in their district to be able to handle all matters and not only specialty areas. He felt this type of system would destroy the judge's ability to hear cases fairly and appropriately. When a judge must go before the public to secure votes, he might not be elected because the cases he is hearing do not appeal to the public.

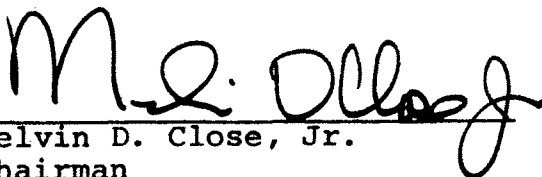
Meeting adjourned at 10:55 a.m.

Respectfully submitted,



Eileen Wynkoop
Secretary

APPROVED:



Melvin D. Close, Jr.
Chairman