

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
FEBRUARY 18, 1975

The meeting was called to order at 8:27 a.m.

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Senator Floyd R. Lamb was in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator B. Mahlon Brown
Senator William J. Raggio
Senator Warren L. Monroe
Senator Clifton Young

ABSENT: Senator Lee E. Walker

OTHERS: Judge E. M. Gunderson, Supreme Court
Robert Davenport, Clerk, Supreme Court
Barbara White, Law Librarian
Rod Goff, Public Defender
Cy Ryan, UPI
Howard Barrett, Budget Director
Ron Sparks, Fiscal Analyst
Senator Hilbrecht

Judge E.M. Gunderson emphasized the need for the requested new positions. Judge Gunderson said that there has been an increase in habeas corpus and extraordinary writ matters.

Judge Gunderson said that there is a problem of maintaining a training program for Justices of Peace and Municipal Court Judges. Judge Gunderson said that the agency hoped for a bill that will assess the people who use these lower court justices to contribute to a fund for the training. Senator Gibson asked the amount of money needed for such a course. Judge Gunderson said that he thought \$33,000 would be plausible. The Crime Commission, Judge Gunderson continued, might fund the project for the coming year, but the Commission indicated that the Court should make a Legislative approach for appropriations. Senator Monroe asked what the money was spent for. Judge Gunderson said that there would be a summer seminar in Tonopah, and a winter seminar at the Trial College in Reno, hopefully with a two-week curriculum.

Senator Gibson asked if the Supreme Court employees had enough room in the Supreme Court Building. Judge Gunderson said that it was crowded, but the Planning Board might remodel the Hero's Memorial Building for the Attorney General's staff, and the Supreme Court could have the whole building.

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SUPREME COURT (Cont.)

Senator Gibson asked if the law clerk is a lawyer. Judge Gunderson said that all law clerks have degrees, and preference is given to Nevadans. Senator Gibson asked if the law clerks stay with the Court about a year. Judge Gunderson said that historically only the Senior Law Clerk has stayed longer.

Senator Raggio asked why the Legal Secretaries and Senior Clerk Typists are unclassified. Mr. Howard Barrett said that the positions of the Supreme Court are not reviewed by the Budget Office.

Senator Raggio asked about the "Contractual Services", and the "Other Contract Service". Judge Gunderson said that the first request is for the lower court justice training program previously mentioned, and the second request is for the leasing of office equipment.

Senator Gibson asked if the purpose of the Law Student Training Program is to get the participants to take the Bar exam. Judge Gunderson said that most of the students have passed the Bar; and that the Program is designed to familiarize law clerks with Nevada materials.

Senator Young asked about the salaries of the Justices. Judge Gunderson said that some of the Justices receive \$7,000 from the Pardon's Board. Mr. Barrett explained that all the Justice's receive \$35,000, but due to the law that Justices cannot have a salary increase while in office, the Pardon's Board is used to supplement the incomes.

Senator Young asked if there was any way of making it mandatory for the judges to attend the training sessions. Judge Gunderson said that the Judges receive travel subsistence and air fare, and are paid to attend. Judge Gunderson said that previously he used the District Judge's Travel Fund as a State cash match for funding.

Senator Young asked about the case of Gordon vs. Nevada State Court. Judge Gunderson said that this was a California Supreme Court decision, and is currently pending in the Federal Supreme Court. Senator Raggio asked if the Nevada State Supreme Court had made a ruling on this case. Judge Gunderson said that the Court has not ruled, and the Court has said that it will not take the case on the basis of an extraordinary writ. Senator Young asked if the training program for

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SUPREME COURT (Cont.)

the Justices of Peace will eliminate matters such as that. Judge Gunderson said that there is a real prospect that the U.S. Supreme Court will very likely say that this case involves a violation of due process, therefore it behooves the State Court to train at the Trial College and also set up a Judicial Council that will concern itself with the qualifications and discipline of judges.

Senator Brown asked if the salaries of the Supreme Court compare with the private sector. Judge Gunderson said that speaking for himself, he felt that his secretary is making what she could command privately. Mr. Barrett said that his Department makes on judgement on the salaries at all.

There was some discussion from Mr. Barrett and from the Senators over the Court's claim that they are consistent with the Budget Office's fifteen percent increase request. Mr. Robert Davenport said that the Court was asking for fifteen percent retroactive to January, 1975, and seven percent beginning at January 1, 1976. Judge Gunderson said that the additional fifteen percent is not over what we initially requested, and encompasses everything we contemplated for merit. Senator Young then said, the Court is asking for less than most of the executives who want fifteen percent, as well as, merit. Mr. Barret said this is true.

BOARD OF PARDONS

Mr. Robert Davenport said that this is a statutory budget that makes up the difference in Justice salaries.

Senator Monroe asked why the Board is required to pay industrial insurance. Mr. Davenport said that the Court has always paid this insurance in this budget, as well as, for the Supreme Court, and that he believed this was a procedure required by N.I.C.

Senator Young asked about retirement. Mr. Davenport said that all the Justices receive two-thirds of the \$35,000 amount.

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DISTRICT JUDGES SALARY

Mr. Davenport said that this is a statutory budget.

DISTRICT JUDGES' TRAVEL

Mr. Davenport said that there has never been enough money in "out-of-state" funds to pay for more than three judges to attend conferences, i.e., the Tri-State Conference (New Mexico, Nevada, and Utah). Judge Gunderson said that with twenty-three trial judges in the State and with \$250.00 allocated for each judge for out-of-state travel, most will not be able to attend the Conference, unless Nevada is the host State.

SUPREME COURT JUSTICES & WIDOW'S PENSIONS

Mr. Davenport said that this was also a statutory budget. Senator Raggio asked that the Court furnish a list with the names and the amounts received.

DISTRICT JUDGES AND WIDOWS PENSIONS

Mr. Davenport said that the Widowers are:
Henderson, Guild, and Hawkins
Mr. Davenport said that the Retired are:
Wines, Marshall, Brown, Watson, Compton and Craven.

Judge Gunderson said that there is proposed legislation to raise the benefits of the widows to \$500.00/month.

LAW LIBRARY

Mrs. Barbara White said that the new position of Library Assistant needs to be full-time in order that library projects will have some degree of continuity.

Senator Raggio asked why the Library furnishes the NRS supplements to other states. Mrs. White said that the codes are exchanged.

Senator Monroe noted the difference in the agency request, and the Governor's recommendation for rent. Mr. Barrett said that the reason was that the Buildings and Grounds budget was not given what the Buildings and Grounds thought they were going to receive.

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PUBLIC DEFENDER

Mr. Rod Goff said there has been a forty-one percent increase in the workload since December, 1974.

Senator Gibson said that he felt frustration in the fact that LEEA would create positions and then withdraw funds. Mr. Barrett said that his office also is frustrated by this. Senator Gibson asked how this could be stopped. Mr. Barrett suggested that the Senator write the Crime Commission.

Senator Raggio asked if the recommendations for the "Misdemeanor Defense Costs" were contract services. Mr. Goff said that they were.

Mr. Goff said that the Post-Conviction Relief is currently funded by the Statutory Contingency Fund, however it is now recommended that the county District Courts bill the Public Defender's office for this relief.

Senator Brown asked if any of the agency's deputies have a private practice. Mr. Goff said that he, himself, did not, and that at the time of hiring, Mr. Goff requests that the deputies do not practice privately.

Senator Monroe asked if there is any way to limit the amount of habeas corpus appeals. Mr. Goff said that the inmates need counseling on this, and are in need of some education as to their rights.

SCR 2

See attached Bill for summary.

Senator Brown	--	Do Pass
Senator Monroe	--	2nd
Senator Lamb	--	"No" Vote

Motion carried.

SB 143

See attached Bill for summary.

Mr. Barrett suggested that Line 5 be amended to read as follows: "2. The sum of \$737,295 . . .", should read, "2. The sum of \$538,085 . . ."

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SB 143 (Cont.)

Senator Monroe -- Do Pass, with Amendment
Senator Raggio -- 2nd
Motion Carried.

SB 142

See attached Bill for summary.

Senator Gibson asked if any further legislation would be necessary. Mr. Barrett said no.

Senator Gibson -- Do Pass
Senator Monroe -- 2nd
Motion carried.

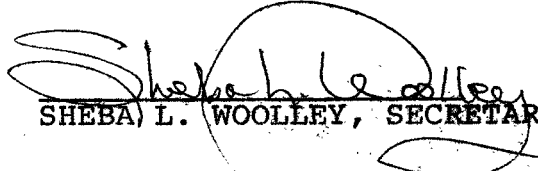
SB 141

See attached Bill for summary.

Senator Gibson -- Do Pass
Senator Monroe -- 2nd
Motion carried.

There being no further business, the meeting adjourned at 10:30 a.m.

RESPECTFULLY SUBMITTED:


SHEBA L. WOOLLEY, SECRETARY

APPROVED:


FLØYD R. LAMB, CHAIRMAN

S. C. R. 2

**SENATE CONCURRENT RESOLUTION NO. 2—COMMITTEE
ON LEGISLATIVE FUNCTIONS**

FEBRUARY 7, 1975

—○—
Referred to Committee on Finance

SUMMARY—Providing for certain expenses in connection with legislative hearings outside Carson City. (BDR 805)

◆
EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE CONCURRENT RESOLUTION—Authorizing expenditure of up to \$1,000 from the legislative fund for certain expenses in connection with joint hearings of legislative standing committees held outside Carson City.

- 1 *Resolved by the Senate of the State of Nevada, the Assembly con-*
2 *curing,* That expenditures of up to \$1,000 from the legislative fund be
3 authorized for the purpose of covering senate and assembly expenses for
4 staff and arrangements in connection with joint hearings of the standing
5 committees of the 58th session of the legislature held outside Carson City;
6 and be it further
7 *Resolved,* That such expenditures be made only on the approval of the
8 chairmen of the legislative functions committees of the senate and assem-
9 bly.

S. B. 143

SENATE BILL NO. 143—COMMITTEE ON FINANCE

FEBRUARY 4, 1975

Referred to Committee on Finance

SUMMARY—Makes general fund supplemental appropriations for support of Nevada state prison. Fiscal Note: No. (BDR S-831)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making additional and supplemental appropriations from the general fund in the state treasury for the support of the Nevada state prison; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. There is hereby appropriated from the general fund in
2 the state treasury to the Nevada state prison:
- 3 1. The sum of \$79,354 for the fiscal year beginning on July 1, 1973,
4 and ending on June 30, 1974;
- 5 2. The sum of \$737,295 for the fiscal year beginning on July 1,
6 1974, and ending on June 30, 1975,
7 as additional and supplemental appropriations to those allowed and made
8 by section 36 of chapter 769, Statutes of Nevada 1973.
- 9 SEC. 2. After June 30, 1975, unexpended balances of the appropria-
10 tions made by section 1 shall not be encumbered or committed for expen-
11 diture and shall revert to the general fund.
- 12 SEC. 3. This act shall become effective upon passage and approval.

S. B. 142

SENATE BILL NO. 142—COMMITTEE ON FINANCE

FEBRUARY 4, 1975

Referred to Committee on Finance

SUMMARY—Makes appropriation to state board of examiners for purpose of paying costs connected with proposed issue of state park bonds. Fiscal Note: No. (BDR S-776)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an appropriation from the general fund in the state treasury to the state board of examiners for the purpose of paying costs of bond counsel, issuance of the prospectus and printing of the bonds connected with the proposed issue of state park bonds.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. There is hereby appropriated from the general fund in
- 2 the state treasury to the state board of examiners the sum of \$8,000 for
- 3 the purpose of paying the costs of bond counsel, issuance of the pros-
- 4 pectus and printing of the bonds connected with the proposed issue of
- 5 state park bonds in the amount of \$1,200,000.
- 6 SEC. 2. This act shall become effective upon passage and approval

S. B. 141

SENATE BILL NO. 141—COMMITTEE ON FINANCE

FEBRUARY 4, 1975

—○—
Referred to Committee on Finance

SUMMARY—Makes appropriation to reserve for statutory contingency fund.
Fiscal Note: No. (BDR S-772)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT making an appropriation from the general fund to the reserve for statutory contingency fund.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 **SECTION 1.** There is hereby appropriated from the general fund in
- 2 the state treasury the sum of \$103,442 to the reserve for statutory con-
- 3 tingency fund created pursuant to NRS 353.264.
- 4 **SEC. 2.** This act shall become effective upon passage and approval.