

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
FEBRUARY 9, 1977

The meeting was called to order at 8:30 a.m.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator Eugene V. Echols
Senator Norman Ty Hilbrecht
Senator Thomas R. C. Wilson
Senator C. Clifton Young

EXCUSED ABSENCE: Senator Norman D. Glaser

OTHERS: Cameron Batjer, Chief Justice, Supreme Court
Bob Davenport, Clerk, Supreme Court
Michael Brown, Judicial Planning
John DeGraff, Judicial Planning
Rod Goff, Public Defender
James Guinan, District Judge
Keith Hayes, District Judge

Noel Manukian, District Judge
Roy Torvino, District Judge
Jack Porter, Director, Nevada State Museum
William V. Wright, Vice-Chairman, Board of Trustees
Bertha Martinoni, Assistant to Director
Mimi Rodden
Joe Guild
Noreen Humphries
Bob Lippold
Ken Cohen
Ronald W. Sparks, Chief Deputy, Fiscal Analyst
Howard Barrett, Budget Director
Cy Ryan, UPI

SUPREME COURT: This budget is not subject to executive review. Programs and anticipated activities of the Court are determined by the caseload and by the complexity of the law of those cases. The caseload at the time of the preparation of this budget is 39.4% above that of the past calendar year. Even this is not a true reflection of the increase in the Court's workload because of the many and various matters presented to the Court for disposal which are not shown in the statistics of cases filed and disposed of by formal opinion or order. The expense of operating the Court, endeavoring to keep abreast of the workload, is relative, and the requests for the forthcoming biennium are based accordingly.

The Court has assumed an active role to improve the judicial system on a statewide basis. During the past year, programs were instituted for the continuing education of municipal judges, justices of the peace, and district judges. The Court inaugurated a Nevada law student intern program. This program has been partially funded by a federal grant. It is requested that monies be provided from the general fund for the continuation of this program without the aid of federal funds.

The Court must now undertake the responsibility of the various functions necessary to implement the administration of a centralized court system. Toward this end, the Court is requesting, as a part of the Supreme Court budget, funds necessary for the Office of Court Administrator.

The Court recommends and requests that its employees be given a cost-of-living increase commensurate with that of classified employees.

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Current employees of the offices of Judicial Planning and Program Coordinator, now funded by Law Enforcement Assistance monies, have been placed within the budget request as existing positions and designated under the section "Court Administrator".

Four new positions are requested for the office of the Court's Chief Legal Advisor; six new positions for the Office of Court Administrator; one for the Office of the Clerk; and one, general clerical, who will serve all offices.

New furniture and office equipment for the Office of the Court Administrator, replacement furnishings for the offices of the Court's legal staff, and additional furniture and office equipment for the Office of the Clerk are also contained in the budget request.

Additional funds for law student training, grant funds, and legal defense for litigation brought against the Court are requested as separate line-items.

Justice Batjer stated that he would demonstrate some of the basic statistics and needs by a chart presentation.

He described types of cases which come before the Court, the judicial education program and the proposed centralized court system. He felt the Court had an obligation to continue the education programs; also it was most important to separate the judicial and administrative functions of the Court. He stressed the need for a Court Administrator in developing the court system. He stated there was a need to enlarge their physical plant. He discussed the possibilities of seven justices in the near future and the number who could serve on a panel most effectively, also offices to house them. He said they felt an obligation to develop centralized budgeting for the entire court system. He said the request for new personnel was the very minimum with which they could carry forward the new program that was a mandate on the Court as a result of the elections in the fall of 1976.

Justice Batjer suggested that questions relative to budgeting and the requested new personnel be directed to the staff with him as they had developed this planning to the present degree. He indicated he would be happy to speak to any question the Committee desired.

Discussion followed on the new positions, their duties and the proposed budgeting system. Senator Lamb stated that this review had taken more time than anticipated and he asked Justice Batjer if it would be possible for them to return at a later date for further discussion, as the people for the next scheduled hearing had traveled a long distance and needed to maintain a schedule. The Chief Justice agreed to come back later and the rest of the budgets under his jurisdiction and that of the Public Defender were postponed to a later date.

DISTRICT JUDGES SALARY: This budget is not subject to executive review. The difference between the agency request and the Governor's recommendation is due to the Governor's recommended fringe benefits and a recommendation to increase District Judges' salaries from \$30,000 to \$44,000 effective on January 1, 1979.

James Guinan, District Judge from Reno introduced himself, stating that he was Chairman of the District Judges Association's Legislative Committee and he was present because he understood the Committee were going to discuss salaries of the district judges. He indicated that there was a copy of the study, which was prepared to give to the Governor, on elected officials salaries. He stated that the Association relied on the study and thought it sound and hoped the Legislature would go along with it.

He referred to the opening which would soon occur on the Supreme Court, upon the retirement of Justice Zenoff, and said he had been advised that only four applications from practicing attorneys in the state had been received by the Selection Committee. He felt this indicated that the present salary was too low to attract people. He stated that this was one of the highest offices in the state, the highest judicial office, and while you would think it would be sought after, in reality it was not.

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Senator Gibson asked about the district judges interest in the office. Judge Guinan said that the district judges are paid less than a Supreme Court Justice, so it would be an increase in salary to them. Senator Gibson asked him if he was speaking of applications just from practicing attorneys.

Judge Guinan said the point is that while it was not expected that a man would make a salary equivalent to that of a very successful lawyer in private practice or in an executive position in a corporation, there has to be some relation between the two in order to encourage capable people to take that job.

Senator Lamb said he thought there was something more to it than that. An attorney who has his own firm, his home and children in school, would perhaps not be willing to pack up and move. He felt this was a situation that they would have to weigh and this might be more important than salary.

Senator Wilson stated that he recalled when Justice Collins left the bench, he did so because he could not afford to stay on. He had four kids in school and the Justice stated that he could not afford to stay while he had kids in school, so he must leave. Senator Wilson said he thought no one should have any illusions about this, as he felt it was a very legitimate question that had been raised.

Judge Guinan called their attention to a fact stated in the study that the great bulk of the proposed salary increase was simply to keep up with the cost of living. It was not an increase in real salary.

Senator Lamb said they were talking about the reality of whether people would want to leave their homes and become a Supreme Court Justice.

Senator Gibson said, in answer to Senator Wilson, that there were a lot of people who have kids in school who don't make \$30 to \$35 thousand a year.

Judge Guinan stated that they could make that kind of money if they left the bench and went into private practice or took a job with a corporation. He stated that many of the top jobs in corporations throughout the country are held by lawyers but they don't all practice law. They find something else to do that will pay them an adequate income.

Senator Wilson said he would like to respond, that part of the difference, at least from an attorney's prospective, is if you are going to take a case before a court with questions involving substantial issues in property or liberty or investments, you want the best man you can get on that court and the test really isn't whether the salary is above the average, whether there are 4,3,2, or 1 children, the question is whether you are going to get sufficiently competent, well trained, professionally respected people to serve as judges to hear questions of that consequence.

Senator Gibson said he had a question about the survey comparing Nevada with California, Oregon, and Washington as he did not see the logic there. He did not understand how Nevada could be compared to these states and not be compared with Utah, Montana, Idaho, Wyoming and some other states.

Judge Guinan stated that Nevada was 6th in per capita income in the country. A lawyer's income in this state, e.g., is much higher than it is in Utah. If a judge decides to be in private practice here, he will make a lot more money than a lawyer in private practice in Utah, or any of the other smaller states such as Wyoming.

Nevada's economy is entirely different from theirs. The size of the population in these various states is not under discussion but what kind of income you can make in a year in private practice or corporate business in the state.

Senator Gibson said that he honestly, when he read the report, felt they applied to the judiciary the rationale to support the thesis of the highest possible salaries that could be paid.

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Judge Hayes said, in reply to Senator Gibson, that Judge Thompson had a national salary comparison chart to which he could refer. Judge Thompson said Utah, which had been mentioned, was 42nd in the country per capita income; the State of Nevada is 9th. (Judge Guinan had said sixth, but Judge Thompson's survey was more recent.) He stated this was a part of the reason why they could not be compared. An attorney in Utah is used to earning and does earn a certain amount and the entire state is geared to a certain per capita income. Nevada is not like that. This state is more aligned financially with the western border states. This is only part of the reason. The other part is that because of the nature of the work, the case load and the kinds of cases handled in Nevada courts, the state is much more aligned with states such as California than it is with Utah. He stated that in the 8th Judicial District where he and Judge Hayes worked, they are running over 2,000 cases per judge per year. The judges in Utah do not have that kind of work and that makes a big difference. Senator Gibson said he was thinking of judges' salaries as listed in the National Council of State Governments, which included all the states. He did not have his copy with him, but as he recalled in almost every category on the judges salaries, Nevada was somewhere around 30.

Judge Thompson stated that according to the National Center for State Courts, published in Denver as of July 1976, the State of Nevada was 35th.

Judge Guinan stated that the American Judicature Society published current figures and he offered to supply the Committee with those. (Judge Thompson gave Senator Gibson the study from which he had been quoting.) Judge Guinan continued by saying that other legislatures were now considering other proposals so these figures are what salaries are currently and not what they will be after this session.

Senator Lamb asked Judge Hayes if he wished to make a statement. Judge Hayes stated that he felt very strongly that in view of the impact of inflation and in view of the nature of judicial work that the judiciary in Nevada is called to handle (and he specifically referred to the Southern District which he felt was a very litigious town), where they are expected to dispose of a great quantity of a great variety of very complex legal problems, that the laborer was worth his hire. He felt the salaries as called for in the report were only fair to the demands that were made upon the judiciary.

Senator Hilbrecht asked for clarification of the exact figure which they were requesting and Judge Hayes stated that \$44,000 is what they were saying was only adequate and only fair. Senator Lamb acknowledged Judge Manukian who stated that he supported previous comments but particularly Judge Hayes comments about living in a very litigious town. He felt this applied to the legislative body as well as the judiciary and also to the Executive Branch. All areas have become more litigious.

Judges are hearing matters, he stated, that 5, 8, or 10 years ago were unheard of in judicial proceedings in the judicial form. He cited a county within his district, Douglas, which had a population of 7,000 in 1970 and is now rapidly approaching 15,000. He cited the different types of cases that are now appearing on the court dockets along with increased case loads. He stated that he heard in the vicinity of 1,300 cases, which although substantially less than those cited by Judge Thompson, in a district where the judge is ex officio circuit judge with travel that extends the working day beyond what might be ordinarily considered a judicial day, it is a factor to be considered.

Judge Hayes distributed statistical data to members of the Committee, showing the magnitude of miscellaneous matters handled by the courts in Las Vegas last year. These cases were in addition to the civil and criminal. As a result of this case load they obtained the services of a man to act as Court Administrator to handle all administrative matters and thus free a judge to help with the disposition of court cases. Judge Hayes stated that he was proud that the Court System was performing, functioning, producing and for that purpose he felt that the judges were entitled to the compensation that the job required.

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Judge Guinan stated that he would provide the Committee with the same information from Washoe County Courts.

Senator Gibson asked about money in the retirement system. Mr. Barrett advised that some are in the state retirement system and some are on their own regular retirement. Judge Thompson said that some are not on any because they can't afford it. Senator Gibson was concerned with the \$60,000 figure, if that represented the amount for the nine district judges who were on state retirement. Mr. Barrett checked the figure and later advised that this was the computer generated figure and he would have to check it further.

Senator Echols inquired about the workload for judges in rural areas. Judge Guinan said he could not give statistics on them. He believed that they all worked hard, he knew that the judge in Elko carried a big load, but he could not speak for the others.

Judge Roy Torvino said he would like to speak to the issue. He reviewed briefly comments made by previous speakers. He wished to make one point which was that the salaries of \$30,000 were set in 1971 as a result of a committee report done in 1970, which was effective in 1971. If the new salary increase is effective in 1979, this will be nine years since there has been a salary increase. In 1970 it was not anticipated that there would be the level of inflation that has been happening. Figuring the 7% cost of living increase that other state employees have received, if you take five years at 7% you get 35% and that is the amount that is under consideration at the present time. He explained that it was so big to the judges because they have to wait 6, 7, or 8 years for it. It seems little to state employees when they get it a year at a time. He asked the Committee to consider this fact along with the others given that morning.

Senator Lamb thanked the judges for appearing and the Committee went on to the balance of the budget.

Bob Davenport from the Supreme Court spoke to the out-of-state and in-state travel. The Governor's recommendations were the same as the agency request.

Senator Gibson asked if there had been any impact on the implementation because of the new centralized court system. Mr. Davenport said they had added \$2,500 for each fiscal year which would be part of the outer district travel for district judges attending conferences and meetings pertaining to the unified court staff. Senator Lamb thanked Mr. Davenport for appearing.

NEVADA STATE MUSEUM: Mr. Jack Porter, Director of the Nevada State Museum introduced Mrs. Bertha Martinoni, his assistant, and Willima V. Wright, Vice-Chairman of the Board of Trustees. Mr. Porter made an opening statement on the functions and activities of the museum (copy attached).

Senator Lamb asked what plans they had for Southern Nevada. Mr. Wright replied that they had interest from the city in providing land in Lorenzi Park for the erection of a museum for Southern Nevada. They felt it was sometime away; but the plan is the result of a survey made a few years ago. The city would furnish the land and they would be able to work out a plan with them on utilities, parking, etc., and it would become a part of the cultural area of Lorenzi Park.

Travel and new positions were discussed. Senator Lamb asked if they were going to get the museum, were they going to wait two years. Mr. Wright stated that they would be back to ask for an appropriation to make a study, probably within the next two weeks. They felt this should be considered as separate from the regular budget. He spoke strongly in favor of the new position of Exhibit Technician requested but not recommended in the budget, saying there was a great need for this service. He stated that there were enough materials in storage in Carson City to put the museum in business in Las Vegas, and probably enough in Southern Nevada, where people were waiting for the museum to open to give things they had been saving, to create a problem of turning people away.

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The problem of vandalism and theft was discussed and the need for security measures. Upon request they gave Senator Young information on their exhibit program, explaining that they rent exhibit material from the Smithsonian for a few of them. Most of their permanent displays have been gifts.

Mr. Wright cited an instance that he felt would have to be a goal sooner or later. Some money was given to the museum in trust several years ago. The money was to be used to buy outstanding collections, within the state, of minerals etc. However the museum has used this dedicated money for operating expenses for years and have not been able to devote this money to the acquisition of material.

In answer to questions regarding the value of the material at the Museum, Mr. Porter stated that they had an inventory, but would have to have the inventory reappraised every year; and that was a virtually impossible task. However, he would estimate that the historical objects alone would be worth in excess of \$1. million.

Mimi Rodden spoke and introduced Joe Guild, both are trustees of the museum. She felt it should be recognized that in addition to the work done at the Carson City museum, they had done the exhibits at Elko Museum, all the exhibits in the Historical Society in Reno, as well as work in the Museum in Fallon. She felt the new position was vital in order to serve the entire state. She also mentioned that by state statute the Museum must remain open all year except for three days each year, but there is no provision in the appropriation to pay the overtime that is necessary.

Senator Gibson questioned the wisdom of having so many museums in the state. He wondered if it would not be well to consolidate the resources we have. Mr. Porter said that some of the smaller museums in Las Vegas are not going to change. The UNLV will probably serve as an additional facility on the campus and they are never going to generate the public attendance that a state museum in a good location would generate; their parking facilities are a problem. He stated that the Museum at Henderson would like to be the state museum for the south, but Henderson is rather remote. A study has shown that Lorenzi Park is three miles from the center of population in Las Vegas. Mr. Wright said that a strong point in favor of Lorenzi was that they believed that eventually there would be an art museum there, it is close to the freeway and that area will be the cultural center of Las Vegas.

He stated that other museums around the state cover specialized subjects and they are not interested in enlarging nor increasing their scope beyond the one field they are specializing in.

Noreen Humphries was recognized and she spoke concerning the Lost City Museum which deals with archaeology of that particular period. The State Museum works with them and helps whenever possible but they wish to remain the way they are and she felt this is the way it should be.

Senator Echols indicated an interest in the people in the gallery and Senator Lamb asked that they identify themselves. Mr. Porter stated that most of the people were members of the Guest Council of the Museum in Carson City. They serve as guides and provide an information service and they also give great service at the Museum.

Bob Lippold and Ken Cohen spoke of the interest the Museum has for tourists who return to Nevada just to see the Museum again. It not only provides a cultural spot for the community and tourists but it has a great economic impact on the community.

Senator Lamb thanked everyone for coming. The meeting adjourned at 10:30 a.m.

RESPECTFULLY SUBMITTED,


MURIEL P. MOONEY, SECRETARY

APPROVED:


FLOYD R. LAMB, CHAIRMAN

Robert Hippold	Carson City, Nev.		
Ken Cohen (Docent, N.S.M.)	"	"	"
Rose Cohen (Docent)	"	"	"
Beatrice Mann (Docent)	"	"	"
Gloria (Docent) Lerner	"	"	"
Marie Layman (Docent)	"	"	"
Mary Parrish (Docent)	"	"	"
Ellen Couch (Docent)	"	"	"
Roberta Page (Docent)	"	"	"
Stanley Miller (Docent) Museum	"	"	"
Michy Miller (Docent)	"	"	"
Lucille Petty (Member) Museum	"	"	"
Margaret Humphreys (Docent)	"	"	"
Wm. C. Johnston	"	"	"
Mimi Ridenour (Trustee)	"	"	"
Joseph Guild (Trustee)	"	"	"
ROBERTA PAGE (DOCENT)	"	"	"
ELLEN COUCH	"	"	"

NEVADA STATE MUSEUM INTRODUCTION

The Nevada State Museum has, since it was created by the Legislature in 1939, been attempting to carry out the legislative mandate by collecting, housing, caring for, and displaying, objects and specimens which interpret the natural history, prehistory and history of the State of Nevada. How well the museum has succeeded can be determined by the museum attendance records which show that from a modest total of 1,175 persons in 1941, the annual attendance at the museum has grown until it reached 547,510 persons in 1975. Total attendance over this period is 8,616,517, and it is anticipated that the ten millionth person to visit the Nevada State Museum will be logged into the museum during the summer of 1977.

The Museum is one of the major windows through which the visitor to Nevada sees the State. This is of some importance as the number of people who visit the museum each year is as great as the population of the State, and, due to the Museum, these people are made aware of the real Nevada that lies behind the facade of the casinos and supper clubs.

The Nevada State Museum has had, as an ongoing goal, the duty of providing museum services for public education and enjoyment throughout Nevada, and for coordinating a statewide effort to promote interest in, and to secure preservation of, important artistic, biological, historic and prehistoric values.

Due to its collecting activities in the fields of earth history, natural history, prehistory and history it has in 36 years become the State's largest resource of scientific and historic materials.

The Museum works in close cooperation with the University of Nevada System, at Reno, Las Vegas, and the Community College at Carson City. Additionally, it cooperates with other State Agencies and public and private institutions, whose aims, like the Museum's are educational and cultural.

The Museum is, however, primarily a service agency, designed to serve the present needs of the citizens of Nevada, and is a State resource which will become of increasing importance to the State of Nevada, and its citizens, in the future.