

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

FEBRUARY 8, 1977

The meeting was called to order at 9:04 a.m. Senator Close was in the chair.

PRESENT: Senator Close
Senator Bryan
Senator Dodge
Senator Sheerin
Senator Foote
Senator Gojack
Senator Ashworth

ABSENT:

SB 151 Changes salary and duties of State Court Administrator.

See minutes of February 1, 1977, for further discussion on this bill.

Testimony was presented before the Committee by the following:

John De Graff, State Supreme Court Judicial Planner stated that after the first hearing it was suggested that the Committee would find it useful to go through the material that the sub-committee had studied. The material that he brought with him, and given to the Committee, provided a study of the recommendations of that committee. One of the things brought out was the recommendation that the office of State Court Administrator be funded by Legislative appropriation. He stated that in the past this has been on the books under NRS 1.330, but there has been no appropriation to the Supreme Court to fund the State Administrator, and the Committee recommended that the money be provided for that office to function again. He felt the salary of the administrator be set within the limits of State Legislative appropriations rather than be specified by law. That the statutory duties of the administrator include responsibilities of data processing, fiscal and personnel administration. When AJR 18 was passed the expenses of the State Court system will be funded out of the State Treasury beginning fiscal year 79-80. It suggests that the Supreme Court create some kind of agency or body to develop a comprehensive plan to carry out full state funding. He stated there were also reprints of pertinent national standards relating to court administration. Standard 1.41 of the ABA, provides for the court administration office and deals with much the same subjects which are included in SB 151 44

Also, the National Advisory Commission on Criminal Justice Standards and Goals, Standard 9.1, is probably closest to SB 151. He stated that these standards are what they are aiming for.

Senator Close questioned that as it states at the direction of the Chief Justice, why can't he advise or direct the development of a uniform system to develop compiling of statistics. Why do they want it in the law rather than at his direction?

Mr. De Graff stated that it could be done by the direction of the Chief Justice and the Supreme Court, however, this would express a Legislative intent. He feels that the bill would help in the area of direction for non-court employees, and would improve the court system on a clearer basis.

Gerry Lopez, Statute Revisor stated that they had trouble gathering statistics as this is one of the main problems in the court system. He stated that assuming the accuracy of the data made available was fairly close, they were able to compile the charts and show general evaluations and trends. He said the first three charts show the revenue that was produced by the courts by fund. On page 15 the revenues were compared as to these specific funds. The General Fund supports all of the expenses for the Supreme Court and the salaries for the District Court, the County General Fund picks up the expenses of the municipal courts. Personnel expenses, operating expenses, capital outlay, this would come out of the district courts. The State picks up only the salaries of the district judges. He stated that the municipal courts are the only ones operating without a deficit.

Senator Close stated that he could see the counties going to a uniform court system because of the deficits, but not the cities as they would be giving up a part of their revenue.

Michael Brown, State Supreme Court Assistant Planner testified that the reason for this bill was for the Legislature to decide which positions could be funded out of the State General Fund and which positions would have to be picked up by say the municipal courts. He said basically the courts are self supporting, the question is how much money can you take away from the cities.

Mr. Lopez stated that if the State takes over the entire expense of the Court System it would take over about \$760,00 that the system had to put out to support
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the courts. The State would be picking that up, so certainly the State could ask that the cities provide at least that much of the income that they derive from the courts, to the State General Fund.

Mr. Brown stated that the intent was that after the establishment of the court administrator and its staff to make a study and recommendations to the next session of the legislature on the whole matter of funding. What they want is only to proceed with some direction and then come back with a plan for uniformity and for some budgeting next time.

Senator Foote stated that they had found in the sub-committee that they simply did not have the facts that they needed to come back and say these are the bills we want. The bills that the Council Bureau has drafted are only to enable us to find out some of this statistical information. Their intent is to establish uniform personnel policies and a statistical function, with a uniform record keeping policy.

Senator Close stated he felt the bill should be taken line by line to decide what the Committee wished to do. They concurred as follows:

- lines 5 and 6, no problems.
 - line 10 put in the word procedures.
 - line 15 through line 17 delete.
 - line 20, no problems.
 - line 21 put a period after judges. Delete the remaining sentence and down to 24.
 - line 1 and 2 on page 2, delete mandatory language.
 - line 11 delete the language "policies and"
- The remainder of the bill is as written.

Senator Bryan moved amend and "do pass" and re-refer to Finance.

Seconded by Senator Gojack.

The motion carried unanimously.

SCR 3

Requests development of plan to provide full state funding and unitary budgeting for court system and directs court administrator to submit additional budget.

The Committee concurred that the language was much clearer and should stand. They felt there should be some legislative review and have the Court Administrator and whatever staff he needs along with the Legislative Council bureau gather the information they need for funding to present to the next session.

They felt there should be some language in the bill to mandate the Courts cooperation with the Council Bureau.

Senator Bryan moved amend and "do pass" and re-refer to Finance.
Senator Sheerin seconded the motion.
The motion passed unanimously.

SB 23 Extends testamentary capacity to certain minors.

See minutes of February 7, 1977 for further discussion on this bill.

Senator Dodge stated that at the last discussion he wanted to talk to someone about this matter. The fellow told him that he would not recommend this. He stated that people of that age do not always have the same ideas as to what should be done with the money. There has to be some guidance.


Senator Close stated they needed more information on this bill before proceeding further with it.

There being no further business the meeting was adjourned.

Respectfully submitted,


Virginia C. Letts, Secretary

APPROVED:


SENATOR MELVIN D. CLOSE JR., CHAIRMAN