

The meeting was called to order at 8:00 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Hernstadt
Senator Don Ashworth
Senator Dodge
Senator Ford
Senator Raggio
Senator Sloan

ABSENT: None

SB 366 Transfers to state responsibility for payment of salaries of justices of peace and police judges.

Terry Reynolds, Judicial Planner, Administrative Office of the Courts, testified in support of this measure. He stated that in 1968 and 1976, there was a legislative commission study done which recommended that the financing for the court system be paid by the state. The fiscal note on that package was approximately \$5.6 million. He stated that his office had done a study to classify judges' salaries, based on population and caseload. It was their feeling that those two criteria would be the most objective and accurate to measure.

Senator Raggio questioned the use of caseload as a basis for establishing salary. He stated that you are not always measuring the same thing. He asked what had been included.

Mr. Reynolds replied that they had looked at the gross caseload; traffic citations, filings, etc. He further stated that other states have begun "weighting" the cases but the state-of-the-art on that is not quite accurate enough.

Judge Steve Dolinger, Reno Municipal Court, and representing the Nevada Judge's Association; and Mr. Bullis, a Certified Public Accountant, testified in support of this measure. Judge Dolinger informed the committee that the Association was having drafted a measure that was quite similar to SB 366. He stated that they would rather amend this measure to include their proposals. He submitted to the committee their suggested amendments. (see attached Exhibit A)

Judy Bailey, Chief Deputy County Clerk, Washoe County, stated that she was opposed to Sections 8 and 9 which would allow police judges and justices' of the peace to solemnize marriages. She stated that that had been taken out of the statutes a few years ago because the caseload for the judges did not allow them time for that.

Judge Miriam Shearing, Las Vegas Justice Court, testified in support of this measure. She stated that salaries should be increased in order to attract qualified people for the position of judge. She agreed that Sections 8 and 9 should be deleted.

Judge Glen Anderson, East Fork Township, Minden, testified in support.

Senator Close pointed out that Judge Anderson's salary would increase from \$9,600 to \$22,000 per year. He asked if he felt that increase was justified.

Judge Anderson responded that the population in his district is rapidly increasing and that his caseload has increased 100% in the last year.

Senator Close asked what portion of that required actual court time as opposed to traffic citation type offenses.

Judge Anderson replied that about 35% of his cases were traffic related.

Judge Joe Druth, Goldfield Justice Court concurred with the previous comments.

In response to a question from Senator Sloan, Judge Druth stated that about 80% of his cases were traffic related.

The following people testified in support of this measure. Their comments were in concurrence with those previously made.

Judge Tabney, Henderson Township
Judge Theodore Gandolfo, Argenita Township
Judge John Morrison, Sparks Township
Judge Marly Robinson, Moapa Township
George Flint, representing the Nevada Wedding Industry

No action was taken at this time.

SB 373 Requires payment of fees when filing claim with medical-legal screening panel.

Rick Pugh, Executive Director, State Medical Association, and the Administrator for the medical portion of the medical-legal screening panel, testified in support of this measure. For his comments, see attached Exhibit B.

Roger Detweiler, Director of the State Bar Association, testified in support of this measure. He stated that at the present time, the State Bar and Medical Association bear the entire cost of the administration of the panels. He further stated that the bill was unclear with regard to the distribution of the fee. It was his understanding that the attorneys would have a filing fee and the doctors would pay an answering fee.

Senator Close asked what would happen if there was more than one doctor named.

He suggested amending the bill so that each participant would pay \$50.

He further suggested dividing the fees on a 50-50 basis inasmuch as the expenses are divided equally.

Senator Sloan moved to report SB 373 out of committee with an "amend and do pass" recommendation.

Seconded by Senator Raggio.

Motion carried unanimously. Senator Hernstadt was absent from the vote.

AB 227 Removes distinctions based on sex from statutes regulating prostitution.

Esther Nicholson, League of Women Voters, stated that they supported this measure as one more step towards the goal of removing all distinctions based on sex from the Nevada Statutes.

Larry Ketzenberger, Las Vegas Metropolitan Police Department, requested that line 4 "of previous chaste character" be deleted. He stated that it is impossible to get a successful prosecution in court by having to present this.

No action was taken at this time.

AB 378 Permits district attorney to certify photographs of certain property held as evidence and return property to owner before trial.

Larry Ketzenberger, Las Vegas Metropolitan Police Department, testified in support of this measure. He stated that the storage of evidence is a serious problem in Las Vegas. They presently have 7 different storage locations which presents a considerable cost to the department, and taxpayers in general. He further stated that the insurance rates are rising considerably in this area as a result of the items deteriorating while in storage.

Bill Kearns, Chief Deputy Counsel, Criminal Division, Clark County, and representing the Nevada District Attorneys' Association, stated that they were opposed to the bill in its present form.

Mike Malloy, Assistant District Attorney, Washoe County, testified in support of the measure. He and Mr. Kearns reviewed each subsection of the bill with the committee.

Subsection 1: Senator Raggio suggested deleting "rightful owner" and inserting "the person entitled or possession". He felt there could be situations where the rightful owner was unavailable and someone else had possession under bailment.

Line 6, both Mr. Malloy and Mr. Kearns agreed that the word "district" should be deleted and "prosecuting" inserted so that city attorneys could take advantage of this procedure. That should track throughout the bill.

Line 7, both Mr. Malloy and Mr. Kearns agreed it should read "prosecuting attorney of the jurisdictional entity handling the case" or something to that effect.

Subsection 2: Senator Close asked why this could not be done until there was a burden of storage. He suggested deleting "whenever storage of the property becomes a burden." Messrs. Malloy and Kearns stated that they would have no objection to that.

Subsection 3: No discussion.

Subsection 4: Messers. Malloy and Kern both agreed that this should be made applicable to municipal and justice courts, as well as district courts.

Mr. Kern stated that this was the section of the bill that he and Mr. Malloy were in disagreement on. It was Mr. Kern's position that the district attorney should have the discretion to make a case-by-case analysis as to whether or not the evidence should be returned to the victim.

Mr. Malloy stated that he was concerned that the bill as originally written (which is the one Mr. Kern supports) would be unconstitutional in that it possibly prevents the defendant from having an adequate opportunity to examine the evidence and make his objections. It could deny him due process under the 5th Amendment and the right of confrontation and adequate cross-examination of his accusers under the 6th Amendment. He further stated that he believed that there would not be too many cases which would be affected by this.

Mr. Kern stated that merely because photographs were taken did not mean that the property could not be brought into court. The photographs would be a back-up measure of protection. The original evidence would be permissible in court.

Senator Close suggested that in the appropriate case, you could petition the court for the release of the property.

Mr. Kern replied that, as written, you must notify the counsel for defense. He stated that often times the accused does not obtain counsel for several weeks.

Senator Close stated that that was why he suggested inserting "in the appropriate case."

Mr. Kern responded that he did not believe a hearing or notice of hearing should be required at all. The problem is solved when you introduce the evidence against them at the preliminary hearing.

It was his opinion that giving notice, and giving 10 days in which to object, would lead to objections every time, merely as a delaying tactic.

Senator Sloan stated that if the bill were passed as originally written, notice could be given even if the

statute did not require it. He felt that that would eliminate Mr. Malloy's concern about due process and lack of confrontation.

No action was taken at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cheri Kinsley, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman

1 In addition, filing fees for all civil cases in municipal
2 and justice courts are recommended to be increased \$2.00, all of
3 which shall be deposited with the local entity.

4 2. Those judges in grade 20 are prohibited from engaging
5 in the private practice of law.

6 3. That justices of the peace and municipal judges
7 whose salaries are classified at level six or below (see Attachment
8 B) be allowed to enter into remunerative agreements with their
9 respective counties and cities for the purposes of performing
10 marriages so long as such agreements in no way interfere with the
11 proper execution of judicial duties.

12 4. A judge's salary may be raised, but not lowered,
13 during his term of office.

14 5. No judge's salary will be lowered as a result of
15 this legislation.

16 6. That because the pay for justices of the peace and
17 municipal judges is not equal, as in the case of district judges,
18 the following be provided:

19 a. An appropriation equal to 5% of the total
20 salary costs be set aside in a separate category to
21 provide for visiting judges.

22 There are certain situations where a judge
23 may need emergency assistance in order to conduct the
24 Court's business. Examples of this are conflict of
25 interest requiring disqualification, illness, family
26 emergencies, and similar situations.

27 b. It is proposed that the Judicial Council will
28 establish certain court to court relationships so that
29 a visiting judge, or group of judges, is predetermined
30 to be qualified to sit in another court. This would
31 be based on court experience, case type experience,
32 education, and other measurable factors.

1 It is proposed that the visiting judge will
2 receive the difference between his salary and that of
3 the court visited. The salary will be computed on a
4 daily basis. In no event, however, shall any justice
5 of the peace or municipal judge exceed the maximum
6 salary as set forth in the compensation table for
7 grade 20. The assignments will be by order of the
8 Chief Justice of the Supreme Court based on Judicial
9 Council recommendations.

10 7. That because of steadily increasing caseload and
11 the difficulty of predicting the impact of increasing jurisdiction
12 in 1979, an appropriation equal to 15% of the total salary
13 appropriation be provided.

14 The Judicial Council will be requested to recommend
15 increases in salary based upon caseload growth if such is the
16 case, in accordance with the salary matrix, and the final action
17 would be taken by Interim Finance Committee in, or around, July,
18 1980.

19 The appropriation may be made to either a separate
20 budget account or to a fund controlled by Interim Finance.

21 8. That the justices of the peace and municipal judges
22 be provided retirement benefits commensurate with other judges as
23 provided in NRS. As a part of this, it is requested that full
24 transferability between judicial service and other public service
25 be established. This is necessary to preclude the loss of benefits
26 partially earned by previous public service. The retirement costs
27 should be paid by the state. Many of the judges have retirement
28 paid by the local government entity. To not pay the costs would
29 result in an 8% pay loss to the judges.

30 9. That the minimum salary for justice of the peace
31 or municipal court judge be at least \$1,200.00 per year.

32 10. That the maximum salary for any justice of the peace

1 or municipal court judge be not more than 90% of the annual salary
2 of a Nevada district court judge.

3 11. That all justices of the peace and municipal court
4 judges be given jurisdiction to perform marriages provided that
5 the performance of marriages shall not in any way be designated
6 as an official duty of the office.

7 12. New matrix to reflect a change in caseload figures.
8 See Attachment A.

9 13. See Attachment E for statistics regarding population,
10 caseload, present salary, proposed salary, and grade of the lower
11 court judges.

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ATTACHMENT A

	P O P U L A T I O N									
	<500	501-1,000	1,001-2,000	2,001-4,000	4,001-8,000	8,001-12,000	12,001-18,000	18,001-30,000	>30,001	
C A S E L O A D	<100/yr.	1	2	3	4	5	6	7	8	9
	100-800/yr.	2	3	4	5	6	7	8	9	10
	801-1,500/yr.	3	4	5	6	7	8	9	10	11
	1,501-2,500/yr.	4	5	6	7	8	9	10	11	12
	2,501-3,500/yr.	5	6	7	8	9	10	11	12	13
	3,501-4,500/yr.	6	7	8	9	10	11	12	13	14
	4,501-5,500/yr.	7	8	9	10	11	12	13	14	15
	5,501-6,500/yr.	8	9	10	11	12	13	14	15	16
	6,501-7,500/yr.	9	10	11	12	13	14	15	16	17
	7,501-9,000/yr.	10	11	12	13	14	15	16	17	18
	9,001-10,500/yr.	11	12	13	14	15	16	17	18	19
	>10,501/yr.	12	13	14	15	16	17	18	19	20

ATTACHMENT B

NEVADA COURT SYSTEM
COMBINED JUSTICES OF THE PEACE AND MUNICIPAL JUDGES
SALARY CLASSIFICATION PLAN

	<u>Approximate Month</u>	<u>Approximate Annual</u>
1.	100	1,200
2.	300	3,600
3.	500	6,000
4.	700	8,400
5.	900	10,800
6.	1100	13,200
7.	1300	15,600
8.	1500	18,000
9.	1700	20,400
10.	1900	22,800
11.	2100	25,200
12.	2300	27,600
13.	2500	30,000
14.	2600	31,200
15.	2700	32,400
16.	2800	33,600
17.	2900	34,800
18.	3000	36,000
19.	3100	37,200
20.	3200	38,400

Note:

1. The maximum salary would be determined by 90% of the salary of a district judge.
2. Reclassification would create changes in salary.

ATTACHMENT E - listed by caseload

Judicial District	Township or City	Population Per Judge	Caseload Per Judge	Present Salary	Proposed Salary	Indicated Grade
6 Second	Gerlach	795	<100	2,189	3,600	2
10 Second	Wadsworth	762	<100	1,500	3,600	2
13 Third	Beowawe	461	100	6,000	*6,000	2
21 Fourth	Jarbridge	34	<100	434	1,200	1
23 Fourth	Tecoma	239	<100	2,400	*2,400	1
27 Fifth	Gabbs	1,353	<100	5,200	6,000	3
32 Fifth	Round Mountain	290	<100	No Judge	1,200	1
33 Fifth	Schurz	489	<100	0	1,200	1
39 Sixth	Paradise Valley	301	<100	660	1,200	1
41 Seventh	Baker	131	<100	534	1,200	1
44 Seventh	Lund	285	<100	540	1,200	1
48 Eighth	Bunkerville	330	<100	2,604	*2,604	1
54 Eighth	Logan	577	<100	2,604	3,600	2
35 Sixth	Gold Run	279	150	No Judge	3,600	2
22 Fourth	Mountain City	1,221	200	3,600	8,400	4
30 Fifth	Mina	450	200	5,000	*5,000	2
60 Eighth	Overton	1,811	200	2,604	8,400	4
66 Ninth	Smith Valley	1,006	200	6,250	8,400	4
2 First	Virginia City	1,327	300	7,200	8,400	4
28 Fifth	Gabbs - M	980	300	1,080	6,000	3
38 Sixth	McDermitt	1,274	400	2,196	8,400	4
42 Seventh	Caliente - M	1,036	400	2,700	8,400	4
45 Seventh	Meadow Valley	974	400	3,000	6,000	3
14 Third	Eureka	629	800	8,000	*8,000	3
55 Eighth	Mesquite	913	800	2,604	6,000	3
20 Fourth	Jackpot	976	900	3,300	8,400	4
25 Fifth	Beatty	1,530	900	8,800	10,800	5
34 Fifth	Tonopah	3,099	900	12,000	13,200	6
56 Eighth	Moapa	478	900	2,604	6,000	3
61 Eighth	Searchlight	482	900	2,604	3,600	3
12 Third	Austin	629	1,000	8,440	*8,440	4
31 Fifth	Pahrump	1,303	1,200	8,080	10,800	5
46 Seventh	Pahrangat Valley	605	1,200	4,800	8,400	4
47 Seventh	Ely - M	5,791	1,200	1,800	15,600	7
17 Fourth	Carlin - C	1,471	1,300	10,824	*10,824	5
37 Sixth	Lovelock - M	1,820	1,300	9,600	10,800	5
57 Eighth	Nelson - C	7,691	2,000	4,030	18,000	8
15 Third	Fallon - M	4,172	2,259	14,000	18,000	8
9 Second	Verdi	984	2,500	7,200	10,800	5
63 Ninth	Dayton	4,626	2,650	9,200	20,400	9
11 Third	Argenta	3,423	3,000	10,800	18,000	8
18 Fourth	Eastline	105	3,000	1,524	10,800	5
29 Fifth	Hawthorne	5,332	3,500	7,200	20,400	9
62 Ninth	Canal	2,004	3,500	8,350	15,600	7
43 Seventh	Ely	8,710	3,600	18,704	25,200	11
16 Third	New River	12,810	4,000	6,600	27,600	12
64 Ninth	East Fork	6,924	4,000	9,600	22,800	10
65 Ninth	Mason Valley - C	7,071	4,500	7,300	22,800	10
36 Sixth	Lake	3,183	5,000	11,000	22,800	10
24 Fourth	Wells - C	2,383	6,000	5,544	25,200	11
26 Fifth	Goldfield	992	6,500	8,000	20,400	9

Judicial District	Township or City	Population Per Judge	Caseload Per Judge	Present Salary	Proposed Salary	Indicated Grade
50 Eighth	Henderson	22,244	7,000	18,319	33,600	16
40 Sixth	Union - C	5,627	7,500	10,920	30,000	13
1 First	Carson City - C	29,000	8,000	24,000	34,800	17
7 Second	Sparks	39,447	8,000	25,000	36,000	18
51 Eighth	Henderson - M	18,092	8,000	12,540	34,800	17
67 Ninth	Tahoe	5,399	8,000	14,028	31,200	14
19 Fourth	Elko - C	9,694	9,000	18,704	32,400	15
49 Eighth	Goodsprings	425	10,000	2,604	25,200	11
58 Eighth	No. Las Vegas	76,240	11,300	25,000	38,400	20
59 Eighth	No. Las Vegas - M	41,123	12,978	18,000	38,400	20
8 Second	Sparks - M	35,633	14,136	17,500	38,400	20
3 Second	Reno	62,192	17,500	29,000	38,400	20
4 Second	Reno	62,192	17,500	25,506	38,400	20
5 Second	Reno - M (2)	43,978	28,000	32,000	38,400	20
52 Eighth	Las Vegas (5)	64,815	28,750	30,000	38,400	20
53 Eighth	Las Vegas - M (4)	40,060	31,000	26,000	38,400	20

* Retain at Current Salary

C Serves as Justice of the Peace and Municipal Judge

M Municipal Judge

NEVADA STATE MEDICAL ASSOCIATION

3660 Baker Lane • Reno, Nevada 89509 • (702) 825-6788

April 4, 1979

TO: SENATE JUDICIARY COMMITTEE

FROM: Richard G. Pugh, CAE
Administrator, Medical Division
Medical-Legal Screening Panel

SUBJ: Testimony on SB 373

The Nevada State Medical Association strongly supports the concept of screening malpractice cases before they are taken to court. Nevada physicians and attorneys are pioneers in this approach, establishing a voluntary screening panel in the early 1960s and setting a pattern for many other states which later initiated similar panels. In 1975 the Medical-Legal Screening Panel* was enacted into law, and since that time it has been mandatory that all cases of potential malpractice be filed for review by the panels. The panels have worked effectively in the past, and we encourage your committee to do nothing that will interfere with the structure of this quasi state agency and which might result in these panels becoming less effective.

As you know, the panels are not funded by the state in any manner. Administrative expenses are shared by the Nevada Bar Association and the Nevada State Medical Association. This sharing of expenses has worked well in the past, but since passage of the 1975 law which mandated that all cases must be heard, the number has increased dramatically. Staff time, postage, copying, etc. has increased to the point that additional sources of support are being sought through the legislature.

<u>Cases Filed</u>	<u>Northern Panel</u>	<u>Southern Panel</u>
1976	19	41
1977	30	57
1978	38	65

In summary, the panels are working to the benefit of the people of Nevada, and we feel that SB 373 will ease the financial burdens of those associations required by law to administer this medical-legal activity.

RGP:d

*At present, two panels exist: one in Washoe County and one in Clark County.

SENATE BILL NO. 373—SENATORS CLOSE, DON ASHWORTH,
ECHOLS, FORD, DODGE AND SLOAN

MARCH 23, 1979

Referred to Committee on Judiciary

SUMMARY—Requires payment of fee when filing claim with medical-legal screening panel. (BDR 3-1163)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



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

AN ACT relating to claims of medical malpractice; prescribing a fee for presenting a request for hearing to a screening panel administrator; providing for deposit and expenditure of such fees; 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. NRS 41A.050 is hereby amended to read as follows:
2 41A.050 1. A claim is properly presented to a screening panel by
3 delivery of a request for hearing to any screening panel administrator
4 in person or by registered or certified mail.
5 2. The request for hearing [~~shall~~] *must* contain a clear and concise
6 statement of the facts of the case, showing the persons involved and the
7 dates and circumstances, so far as they are known, of the alleged medical
8 malpractice.
9 3. *Each request for hearing must be accompanied by a filing fee*
10 *of \$50. All filing fees received by the administrator must be deposited*
11 *in banks or savings and loan associations in the State of Nevada. The*
12 *fees may be expended upon presentation of claims to the administrator*
13 *by the State Bar of Nevada or the Nevada State Medical Association*
14 *for services in support of the screening panels.*