

MEMBERS PRESENT: Chairman Dini  
Vice Chairman Schofield  
Assemblyman Craddock  
Assemblyman DuBois  
Assemblyman Jeffrey  
Assemblyman May  
Assemblyman Mello  
Assemblyman Nicholas  
Assemblyman Polish  
Assemblyman Prengaman  
Assemblyman Redelsperger

MEMBERS ABSENT: None

GUESTS PRESENT: Assemblyman Banner  
Please refer to the guest list attached to  
the minutes of this meeting.

Mr. Dini called the meeting to order at 8:05 A.M.

Assemblyman Banner testified on AB 301. Mr. Banner stated that AB 301 came to me as a result of being aware of a problem that existed with the group insurance. Under the statute 286.510 in the retirement act it allows for people who retire to get pension from the retirement system to continue the group insurance as you know. In Clark County we have been doing that and also if the person retired through a disability, we allowed the same right. That is if anybody who got a retirement check then they were considered eligible to continue with the group insurance.

It was discovered later with the Metro Police that 286.620 which is the disability retirement allowance, if a person got that, then he would not be qualified and all this does is bring those people in or allow those people to be treated just as if they retired under the normal way. That is the only difference. Mr. Banner stated that Clark County had been doing it anyway. We just want to make what we are doing legal. There are other people - we don't need all this fine print. There is somebody else here to testify - the Metro Police.

Mr. Larry Irvine, President of the Las Vegas Police Protective Association, testified next. He indicated that they became interested in this particular aspect of the insurance for retirees towards the end of the last session of the legislature when we realized that somehow Assembly Bill 249 from the last session had overlooked the area of the people going out on disability retirement and as Mr. Banner pointed out, it left us in a situation where our members who went out on the disability retirement legally could not be carried on our group insurance plan. We drafted a letter that you have a copy of to Mr. Bryan asking him about this to get an opinion on whether or not we could legally carry them and as you can

see I got about a page and a half response from him telling me that he could not give me an opinion and he then referred it to Mr. Frank Daykin and he advised us that in essence we would be in violation by carrying these people in our group insurance program. We just don't feel as it stands right now it is fair to those people. We have one individual, a police officer, sixteen years a veteran who is permanently paralyzed from the waist down as a result of an accident, and as the law stands now, he would not be entitled to our group medical insurance. We do have some people as Mr. Banner pointed out that we have been carrying. Initially we weren't aware that it was against the law. We of course are now and that is why we are here now to try and get this cleaned up. I would imagine that every entity within the state or most of them, are probably carrying individuals at the present who by the law they should not be carrying in their group insurance and this particular bill here merely cleans that up and gives those people the option to participate in that program.

Mr. Dini asked if the committee had any questions.

Mr. Irvine's letter to the Attorney General, together with the reply thereto, is attached to the minutes of this meeting as EXHIBIT A.

Mr. Irvine stated that as it stands now, the individual pays his own premiums once he goes out on retirement. This one portion would make it possible for the entities to pick up a portion of that premium if they so desired, as much as the State does now. I believe the State picks up \$15.00 of the retiree's premium at the current time.

Mr. Polish asked if this was just for the police and firemen.

Mr. Irvine indicated that that was basically what they were concerned with at the present time. Mr. Irvine further indicated that Washoe County has been doing it for a number of years and the state employees also get a portion of their premium paid.

Mr. Will Deiss, Vice President of the International Police and a member of the State Retirement Board. Under the present law it is only addressing itself to retirement. It does not spell out like the previous two witnesses have said, disability retirement. Now it is permissive for the entities to pick up a portion of the medical insurance premiums for all retirees not to exceed the existing premium. As Mr. Irvine has stated, in Washoe County they pay a portion of the medical insurance premium predicated on the retiree's longevity - 10 years, 25%, 15 years, a greater portion and 20 years I believe they go out at 50%. All this would do would be to strengthen the law to protect the individual that went out on the disability. Some of the groups around the state have their own master insurance policies. Like some of the police and fire unions control the policy and the entities just pay the premiums. They are protected. They probably have that spelled out in the contracts, but there are a lot of people who cannot

the luxury of collective bargaining that won't be protected under an individual contract. Another thing to clean it up to protect that person that went out on the disability, you've got to remember if we had to drop the person that was disabled, you are depriving his family. I think that is the key - the main thrust of the bill. We are depriving the family, the wife and the children of a medical insurance program. So all they are doing is spelling out retirement or strengthening disability under the NRS statute. I don't think there is any impact to government, because it is permissive. We pay our own medical insurance program, or the school teachers pay their own insurance once they leave for the dependent and the spouse. All the retirement system does is collect the premium and deduct it from his retirement annuity. There is no cost.

Mr. Warren Fowler, representing the Retired Public Employees of Nevada testified next. Although the police and firemen seem to be the primary sponsors of this, as I read the bill, it would apply to all people who retire under the public retirement system in Nevada and this seems to be something that should be done to clean up the bill to finally - it is not clear whether disabled retirees are covered or not. There is a question, and I think this spells it out and there will be no doubt about it in the future. I don't think it applies to too many people. I am sure that we don't have that many in the other retired system other than police and firemen and the fiscal impact - there are - the state of course, does pay the \$15.00. The Washoe County, Washoe Medical and the City of Carson City are currently paying a portion of the insurance premium so we would endorse this heartily as cleaning up a bill that finally, after a good many years, we are maybe going to get the thing finally settled.

Mr. Dini asked if there was any further testimony, either for or against on AB 301. This concluded the testimony on AB 301.

Mr. Dini indicated that the next bill to be heard by the committee would be AB 310.

The first speaker for AB 310 was Judge Donald M. Moseley, Municipal Judge of Las Vegas, Nevada. I have distributed some material to the committee, which is attached to the minutes of this meeting as EXHIBIT B. Obviously you have not had time to go over it. I would like to read in pertinent part from it. Judge Moseley indicated that this would set the tenure of the request. Judge Moseley then read from Exhibit B to the committee.

Judge Moseley indicated that he would point out that this would not be a request for a raise. It is merely a request for a change in laws, including the City Charter which prohibits raises during our term. This would be permissive legislation enabling the City Council to raise our salaries during our term. Two of the four municipal court judges have already been raised to \$37,500 and we are awaiting some permissive legislation allowing the other two judges to be raised to that amount. At present we would have a

situation where two of the judges would be making \$37,500.00 for two years while the other two would be making \$26,000 doing the identical jobs.

Judge Moseley indicated that this would involve Charter Provision 2090. Judge Moseley indicated that they would have to ask for this change in the charter to make the NRS change effective in Las Vegas. Along with that document I am giving you an amendment that I would propose which changes, just in small detail, the language of the bill that is now submitted. I would point out that the bill as it is now submitted reads, in the lower portion, "all officers of any city (and I am reading from 266.450) except a police judge, are entitled to receive such compensation as may be fixed by ordinance, but the compensation of any such officers must not be increased or diminished to take effect during the time of their office." This has been construed to be read in certain light, to mean that the police judges are entitled to a salary, but they could be given certainly less than that so the amendment that I am asking for would alleviate that problem.

Judge John Morrison, Sparks Municipal Judge, testified next. Judge Morrison indicated that he concurred on what Judge Moseley has stated here. I have been on the bench for some fifteen years and what happens is that every four years we are up for our salary increase. Since 1974, I have received a salary increase of 8% but the cost of living according to CPI in San Francisco of the Bay area which the City of Sparks uses, the increase there was 12%. In 1975 I received a 14% increase. CPI of course was 10% so I broke even there with the eight years, and the last 1979 shows that the increase on CPI has jumped it to 34%. What I am saying here is that although we start at the beginning at a level with the cost of living but as the four years progresses we begin to lose on the money matters at this point. Two years ago, I received a raise of 7%. That's when the City also decided that we would go along with President Carter and bite the bullet. The first year the 7% was wiped out. We now have to go the remaining three years on the old 7% of which we are losing. Six years ago, I received 14%; the first year again the cost of living jumped over 14% and this why I would like to see this taken out of the charter so that we could receive every year and let the council decide on the cost of living as they do with the others. The Justice Courts have the same thing. They receive a raise very year. I feel that we are based by the legislature to abide by the rules and regulations.

The next speaker was Judge Michael Roth, Municipal Judge of the City of Reno. As you know there are two municipal judges for the City of Reno and as department heads of that department we are not entitled to any increase in our salaries or any cost of living increase as some of the other department heads - in fact all of the other department heads for the City of Reno are. I concur with the statements that have been made by Judge Moseley and Judge Morrison and point out that there are not really going

to be that many judges affected by this but those that are are doing a good job, I think, and good service. For example our particular court brings in over \$2,000,000 in fines and is an active court as far as number of people are concerned and which are processed through the court. A cost of living increase again would be discretionary with the council, the City Council, and this bill would merely provide them the avenue or the means to allow us to have it if they thought that we deserved it. Again, it would be discretionary with them, but at the present time there are many department heads who receive more than the judges. I have about 20 years of experience in law and I know that Judge Morrison and Judge Moseley and many of the other judges have equal amounts of experience and I think it would be appropriate to entice good people to run for the judiciary. Responsible people who can make good decisions. Right now in addition to the department heads that make more than the judges, many people in the police department such as the police liutenants make as much or more than the judges and I have no qualms with that. I am glad to see them making it, but I think with the responsibilities that the judges have that they should have a chance to at least have a cost of living increase.

Mr. May asked if his salary was fixed in the charter.

Judge Roth stated that that was correct and that it was fixed by resolution of the City Council pursuant to Article 4 of the Reno City Charter, Article 4.040 I believe it is. It again is up to the city council to decide by resolution that they want to change it or not.

Mr. Dini asked if he was elected.

Judge Roth stated yes he was, for a four year term.

Mr. Dini asked if he then appointed his deputies.

Judge Roth stated they do not have additional judges but we have staff of bailiffs and court clerks to do the paperwork.

This concluded the testimony on AB 310.

The next bill before the committee was AB 311.

Mr. Pat Pine, Assistant Comptroller for Clark County testified first. The rationale behind AB 311 which we are in support of is that we believe that we should compensate our employees a greater amount for the use of private vehicles on the job. Currently under the law, NRS 281.160 allows 19¢ per mile reimbursement. This proposal would allow us to go to 24¢ a mile. Our basic justification for that request is that there has been obviously an increase in cost to individuals to use private vehicles on the job. For a mid size or a compact we know that the actual cost per mile is something greater than 19¢ a mile. We did go out and get some estimates of what the cost per mile was and what some people were paying reimbursement

frankly we picked 24¢ as sort of what most people felt comfortable with requesting.

Mr. DuBois asked if Mr. Pine felt that the savings which they might accrue in having the individuals use their private vehicles can offset the additional costs?

Mr. Pine said that our presumption is that it would more than offset it. On a county vehicle we know that a minimum of 30¢ a mile - so that to the extent that our employees are willing to use a private vehicle at 24¢ we are saving six cents for every mile that is traveled private versus a county vehicle and that excludes capital costs. If we had to expand our fleet, then we would have to pick up some additional capital costs on our fleet.

Mr. Dini asked if Mr. Pine had a figure for Clark County's capital costs on this?

Mr. Pine indicated that he thought they were paying in excess of \$5,000.00 depending on the bids we get and sometimes \$6,000.00 to \$7,000.00, depending on the type of vehicle. I do know that we are no longer getting bids below \$5,000.00 even for the most economical vehicles on a fleet purchase.

Mr. DuBois asked how many miles they got before they traded them in.

Mr. Pine stated that they are running theirs for more miles. For a long time we were rotating on like a four to five year basis. The last two years primarily due to budget restraints, we have not been adding vehicles to the fleet and we are running a longer life. We are now hanging on to cars longer and longer and so what is happening is that while we are saving money on the capital end we are facing increased maintenance costs because we are running those cars harder and wearing them down more.

Mr. Redelsperger asked if we had a limit on the NRS statutes for state employees?

Mr. Dini stated it was 19¢.

Mr. Pine stated that he always had the option of using a pool vehicle or my own vehicle. In my person case I use my own vehicle a lot and say I go out to a meeting at the hospital and I have not been submitting for reimbursement. But I do not in my particular occupation hit the road that much so to speak. Some other employees are on the road a lot and running to various meetings throughout the Valley can run up considerable mileage and they have to make the choice between using a pool vehicle and their private cars and to the extent that you reimburse them a little better, the more they will say I will use my private car.

At the federal level, public law 96-346, passed October 1980 allows the federal government to reimburse at the rate of 25¢ per mile. Hertz Auto estimated that their fleet vehicles total cost is in the neighborhood of 38¢ a mile for a mid size sedan and that includes all costs, depreciation, maintenance, fuel, licensing, registration, insurance, and any other costs that might be involved.

In addition, we had information from AAA. They did a study about a year ago which said that the cost for an average mid size vehicle without air conditioning was in the neighborhood of 23¢ a mile. That is one year old so we know that that cost is somewhat higher than 23¢ a mile and furthermore that is based on vehicles without air conditioning and many parts of the state obviously air conditioning is essential. We also know that in the AAA report even though that 23¢ a mile is a national average, the western region is by far the highest cost area for a vehicle.

Now you might be curious why the county would come in on fiscal grounds in favor of this. Our county automotive fleet cost for an administrative type mid size sedan is at a minimum of 30¢ a mile so to the extent that we can encourage our employees to use private vehicles on the job, we can actually do that cheaper than going out and supplying more county owned vehicles and paying the cost per mile there, so we believe the fiscal impact would be positive on the county. You do have to have a reimbursement level however, that is high enough to encourage your employees to use their private vehicles, and they have indicated to us that at 19¢ a mile they are not particularly happy about that level. However, if we went to the neighborhood of 24¢ they would be more willing to use their private vehicles than they are today.

Mr. Dini asked what they allowed now.

Mr. Pine answered 19¢.

Mr. Redelsperger asked what a legislator got now.

Mr. Pine stated 20¢.

Mr. Jeffrey stated that it seemed to him that this should be set by ordinance really.

Mr. Dini stated that this was put in their previously because whenever the state went up they went up automatically.

Mr. Pine stated that they looked at various levels anywhere from 23¢ to 25¢ and people are debating what was the most appropriate. I do not think that 24¢ has any more strength than say 23¢ or 25¢. I think we are negotiable. I think the essential point we want to bring in is that we do think there needs to be some increase and we would be willing to discuss what level is the most appropriate. All of the estimates we got from various places varied so much that it is hard to pin down one exact number and quite

Mr. Bob Sullivan, representing Douglas, Carson, Lyon, Storey and Churchill County, testified next. He indicated that there was not much more he could say to the testimony given before you except that these counties that I represent discourage the use of private vehicles because we do put in a lot of miles. There is a lot of area between Yerington and Fernley or if you are going into Fallon from Carson City. More than often we want to use that public vehicle. On the other hand there are occasions where a private vehicle is a necessity, and the current rate of 19¢ a mile is a joke. I would like to say that there are some other counties besides Clark County that share in this dilemma even though again we have a policy to use our public vehicles wherever possible.

Testimony on AB 311 was concluded.

The next bill to be heard by the committee was AB 322.

Mr. Bob Warren, Executive Secretary to the Nevada Mining Association. Enactment of this bill could generate nothing but happiness, good will and prosperity. It has the bipartisan support of our President and former President Carter. I really feel that this bill has good merit. In the past the bill - the requirement for this minerals week was met only by a proclamation from the Governor and has always been carefully worded and most welcome, but there has not been an opportunity to actually go into the field and have inspections or open house days for the mining industry because of the weather in February, which is often the worst time of the year to visit a mine in Northern Nevada. It was suggested that we move into the summer, perhaps in June as indicated here so that if the local communities wanted to make a fuss over their much revered mine they could hold an open house and have an appropriate celebration and that is the purpose of this very fine piece of legislation.

Mr. Nicholas asked if the first week in June historically been anybody else's week?

Mr. Warren stated that when this was written he hoped that the Researchers took a look at that. I did not. It was not requested by me because its author is in another hearing at this very moment. I don't think however, any research had been done on that. Certainly I would be happy to make an inquiry of the Governor's Office to find out if there are any other proclamations that might be in competition.

Ms. Joyce Hall testified on AB 323. She stated that she did not know where this bill originated from. Miss Hall indicated that she was the administrator of the division. Our responsibilities are outlined fairly clearly. They are in the statute. I am assuming that this would just require us to file a report in a little more detail of what we had accomplished during the year. It would of course require more work. If that is the desire we will certainly comply.



Mr. Redelsperger asked if the fiscal note of \$2,000 was correct.

Ms. Hall indicated that she would assume that it was correct.

Mr. Dini asked if the committee would consider AB 301. Mr. Nicholas moved for a Do Pass on AB 301, which was seconded by Mr. DuBois. The motion carried unanimously.

The committee next considered AB 310. Mr. Dini stated that he would like to appoint a subcommittee because he believed this bill needs a lot of work. The subcommittee would consist of Mr. Prengaman, Mr. Jeffrey and Mr. Dini.

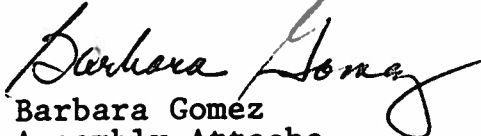
The committee next considered AB 311. Mr. Dini asked if Mr. Redelsperger and Mr. DuBois would do some research on this bill.

AB 322 was discussed next. Mr. May moved for a Do Pass on AB 322 which was seconded by Mr. Mello. The motion carried unanimously.

The committee next discussed AB 323. Mr. Craddock moved for a Do Pass on AB 323, which was seconded by Mr. Polish. The motion carried unanimously.

There being no further business to come before the meeting, the meeting adjourned at 8:50 A.M.

Respectfully submitted,

  
Barbara Gomez  
Assembly Attache

ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

GUEST LIST

Date March 24, 1981

Please Print

PLEASE PRINT <u>YOUR NAME</u>	PLEASE PRINT <u>REPRESENTING:</u>	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO.
Joyce Hall	Div. of Mineral Resources			AB 323
Bob WARREN	NEV. MINING ASSN	+		AB 323 323

Please Print

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ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

GUEST LIST

Date March 24, 1981

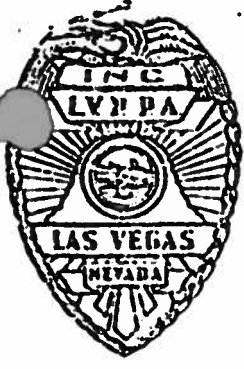
<u>PLEASE PRINT YOUR NAME</u>	<u>PLEASE PRINT REPRESENTING:</u>	<u>I WISH TO SPEAK</u>		<u>BILL NO.</u>
		<u>FOR</u>	<u>AGAINST</u>	
Larry Irvine	L.V. Police Protective Assn	✓		AB 301
ARVIS HARDING	" " " "			
Will Diers	International Police	✓		
John M. Morrison	Sparks Municipal Judge	✓		AB 310
MURPHY ROTH	Rocky Mountain Group			AB 310
FATRIKATINE	CLARK COUNTY	✓		AB 311

MAR 26 1980

# Las Vegas Police Protective Association Metro, Inc.

1200 E. BONANZA, LAS VEGAS, NEVADA 89101

Phone (702) 384-8692



March 24, 1980

**PRESIDENT**  
LAHRY IRVINE

**VICE-PRESIDENT**  
JULIE GOLDBERG

**SECRETARY**  
VICKI GUSTAFSON

**TREASURER**  
ALLAN NORLAND

**BOARD OF MANAGERS**  
ROBERT ROBERTSON  
DENNIS ZINDA  
LOREN DOWNING  
ROBERT SJOGREN  
DAN CONNELL

The Honorable Richard Bryan  
Attorney General, State of Nevada  
Office of the Attorney General  
Capitol Complex  
Carson City, Nevada 89701

Dear Mr. Bryan:

The group insurance policy covering all employees of the Clark County Metropolitan Police Department is issued to the Las Vegas Police Protective Association. Accordingly, it is incumbent upon us to be responsible for various contract interpretations as they relate to existing State statutes.

We have encountered some difficulty in interpreting the classification of retired persons who are eligible to continue group insurance under the terms of NRS 287.023. Specifically, NRS 287.023 defines eligibility as an officer or employee who "retires under the conditions set forth in NRS 286.510." Our question is: would the same officer or employee who receives a disability retirement allowance under NRS 286.620 also be eligible to continue the insurance? A further question would be: if the answer to the previous question was "no", then could a person take the group insurance if they were eligible under NRS 286.510 but elected instead to accept the disability retirement allowance under NRS 286.620?

I think you will find some background information in a review of this situation to be helpful. Assembly Bill 249 as introduced on February 1st in the 1979 session of the Legislature provided for continuation of group insurance for persons receiving a disability retirement allowance pursuant to NRS 286.620. However, AB-249 as finally passed deleted the reference to NRS 286.620.

In short, we are asking that you give us an opinion on the legislation as it relates to retirees under our group insurance program. The situation is somewhat critical in that we have people who are leaving employment and accepting disability retirement allowances. It is also a most important issue from the standpoint of fiscal liability, since accepting a disabled person in the insurance program on a long-term basis would obviously impact future renewal actions from the insurance company.

MEMBER  
INTERNATIONAL UNION OF POLICE ASSOCIATIONS, APLICIO

1064



Exhibit A

Your early consideration in reviewing this matter and giving us an opinion will be more than appreciated.

Sincerely,

Larry Irvine, President

LI/vmg

cc: Bob Huffman  
Mutual Administrators

APR 23 1980



**STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL**

**CAPITOL COMPLEX  
CARSON CITY 89710  
(702) 685-4170**

**RICHARD H. BRYAN  
ATTORNEY GENERAL**

**LARRY D. STRUVE  
CHIEF DEPUTY ATTORNEY GENERAL**

**April 10, 1980**

**Larry Irvine, President  
Las Vegas Police Protective  
Association Metro, Inc.  
1200 East Bonanza  
Las Vegas, Nevada 89101**

**Re: Your Opinion Request of March 24, 1980**

**Dear Mr. Irvine:**

Attorney General Richard Bryan has asked me to respond to your letter of March 24, 1980, in which you requested our Office to respond to certain questions relating to continued eligibility for group insurance coverage with respect to persons who receive a disability retirement allowance subsequent to retirement from the Clark County Metropolitan Police Department.

Pursuant to the statutory authority governing the functions of this Office in issuing legal opinions, the Nevada Attorney General is only authorized to render his written legal opinion to officers in the Executive Branch of State Government and to local District Attorneys and City Attorneys. Our Office is unfortunately not authorized to respond to requests for legal assistance from organizations such as the Las Vegas Police Protective Association.

Attorney General Bryan regrets that our Office cannot provide a legal opinion on the questions you have raised, but he has suggested that you may wish to bring this matter to the attention of a legislator from Clark County, who may be able to secure an analysis of your questions from the Legislative Counsel, Mr. Frank Daykin. It would appear that an initial review of the questions you have raised will involve an analysis of the provisions of A.B. 249, as enacted by the 1979 Nevada Legislature. Perhaps the

Larry Irvine  
April 10, 1980  
Page 2

Legislative Counsel's Office can assist in providing information to the legislator with whom you discuss this matter why NRS 286.620 was deleted from A.B. 249 as finally enacted.

We are sorry we cannot provide you with an opinion in this matter, but hope you will understand the reasons behind the statutory policy with which this Office must comply.

Sincerely,

RICHARD H. BRYAN  
Attorney General

By   
Larry D. Struve  
Chief Deputy Attorney General

LDS:jc

OCT 14 1980

STATE OF NEVAD.  
LEGISLATIVE COUNSEL BUREAU  
LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710

LEGISLATIVE COMMISSION (702) 885-5627  
KEITH ASHWORTH, Senator, Chairman  
Arthur J. Palmer, Director, Secretary  
INTERIM FINANCE COMMITTEE (702) 885-5640  
DONALD R. MELLO, Assemblyman, Chairman  
Ronald W. Sparks, Senate Fiscal Analyst  
William A. Bible, Assembly Fiscal Analyst



ARTHUR J. PALMER, Director  
(702) 885-5627

FRANK W. DAYKIN, Legislative Counsel (702) 885-5627  
JOHN R. CROSSLEY, Legislative Auditor (702) 885-5620  
ANDREW P. GROSE, Research Director (702) 885-5617

September 24, 1980

Assemblyman

Dear

This answers your question on the continuation of group health insurance for a retired public employee. As explained in the letter from the Las Vegas Police Protective Association to the attorney general, a copy of which you enclosed, A.B. 249 as introduced would have added disability retirement (NRS 286.620) to service retirement (NRS 286.510) as a condition permitting continuation under NRS 287.023.

The reference to disability was removed by amendment, leaving only service retirement. The language of NRS 287.023 which remains is clearly exclusive, and the amendment shows that the legislature intended to keep it so. It is therefore my opinion that a person who retires on account of disability is not eligible to continue his group insurance. It does not matter whether he is eligible for service retirement; unless he actually retires under NRS 286.510 he is excluded from continuing his group coverage.

Very truly yours,

Legislative Counsel

FWD:cb

1068



Material concerning a matter scheduled for hearing  
Tuesday, March 24, 1981.

We, the Municipal Court Judges of Las Vegas, are requesting a change in that portion of NRS 5.030, NRS 266.450 and City Charter provision 2.090 (5) which prohibits the raising of Municipal Court Judges' salaries during their term of office. Recognizing that these laws were originally passed in 1865, 1907 and 1971, respectively, we are in accord with their historic intent; that of preventing elected officials from obtaining office and immediately contriving to increase their salaries. However, a new factor has been introduced in modern times which greatly affects this rationale; that of inflation. It is our position that inflation makes raises during our four year terms necessary. Presently, a Municipal Court Judge in Las Vegas makes \$26,000 per year. A projection of the affect of inflation on this salary, based upon the 1980 inflationary rate of 13.5% clearly shows that in real terms, the purchasing power will be reduced over the four year term 54%, to \$11,960 the fourth year. This figure is only \$3,510 above that of the Federal Government's established poverty level of \$8,450.

Workmen today in the private sector do not expect to be employed at a frozen wage for a period of four years, and it is our honest belief that the same workmen (our constituents) do not expect their elected officials to endure that hardship either.

In October, 1980, the Las Vegas City Commission in recognizing this problem, raised the Municipal Court Judges' salaries to \$37,500 per year, which was that which was then paid to their counterparts in the county, the Justices of the Peace. However, due to the prohibition against raises during the term of office (which we now seek to change) this adjusted salary will apply to only two of the four Municipal Court Judges, as they will begin new terms June 3, 1981. The remaining two judges, whose new terms will not begin until June 8, 1983, will continue to serve at their present salary. These circumstances create the unseemly situation of having two judges receive \$37,500 per year, while two others in the same court system, performing an identical function, receive \$26,000 per year. It should be noted that no similar problem exists within the Clark County Justice Court system in that at this time all five Justices receive \$39,900 as a result of raises given in January of this year.

Salaries in various other jurisdictions range as follows:

Clark County District Court	\$43,000 per year
Reno Municipal Court	\$32,000 per year
North Las Vegas Municipal Court	\$37,500 per year (effective 7-1-81)
California Municipal Courts	\$52,000 to \$63,000 per year

In addition to the judicial salaries listed above, it is common for Municipal Court Judges to work daily in their courtrooms with professionals in law enforcement and the legal profession who earn from \$10,000 to \$15,000 more per year than the judge setting on the bench.

Our request has been reviewed and unanimously approved by the State Judicial Council and the Legislative Committee of the Nevada Judges Association. We sincerely hope that favorable consideration will be given its' passage.

Attached for your perusal is a copy of a memorandum sent from the Las Vegas City Manager to the City Commissioners concerning raises in salary for Municipal Court Judges, October 13, 1980.

INTER-OFFICE MEMORANDUM

Date

October 13, 1980

TO: Mayor Bill Briare  
 Commissioner Ron Lurie  
 Commissioner Paul Christensen  
 Commissioner Al Levy  
 Commissioner Roy Noofter

FROM: *Russ Dorn*  
 Russell W. Dorn  
 City Manager

SUBJECT: Judges Salary Ordinance

COPIES TO:

The proposed Municipal Court Judges Salary Ordinance will increase the salary of the position of Municipal Court Judge to the same level currently paid to Clark County Justice Court Judges and will not take effect until after the Municipal Judges election in June 1981. The ordinance provides that, effective July 1, 1981, the salaries for the judges position in Departments II and III be set at \$35,000 a year, the same salary currently earned by the Justice Court Judges. Three years from now (July, 1983) the salaries for all four Municipal Court Judges positions will increase to \$40,000. Although this represents a 54% increase, it actually is equivalent to a 9% annual cost of living increase over six years beginning from 1977 when the present salary of \$26,000 was set. This increase is proposed in order to keep pace with anticipated salary increases by other judicial jurisdictions in the state over the next three years. The proposal to stagger the salaries over three years is necessary because of current city charter provisions prohibiting elected officials salary adjustments during prescribed terms of office.

The last salary increase for the position of Municipal Court Judge was approved in 1977 when the salary increased to \$26,000. This salary level has remained unchanged for the past 3½ years. During this period of time, salary increases in other judicial jurisdictions in Nevada have created a situation where the position of Las Vegas Municipal Court Judge is among the lowest paid judges position in the state and nation. For example, listed below are the current salaries of Nevada/California judges all of whom have seen increases in the past year:

Clark County District Court.....	\$43,000
Clark County Justice Court.....	\$39,900
Reno Municipal Court.....	\$32,000
California Municipal Courts.....	\$52,000 - \$63,000

These comparative salaries emphasize the great disparities that exist between the salaries Las Vegas Municipal Court Judge positions receive and those of other jurisdictions. It should also be noted that the current average case load in Municipal Court is approximately the same as the average case load in Justice Court although the salary differential between the two is \$13,900 per year.

In the fall of 1978, the Nevada Administrative Office of the Courts conducted a Court Salary Study for the 1979 Nevada Legislature. Among the recommendations submitted to the legislature was a proposal that the salary of Municipal Court Judges in the larger jurisdictions in the state be set at \$36,000 to more accurately reflect their court case loads and populations served. However, the salaries for our Municipal Court positions remain 23-35% less than other similar positions in the State of Nevada.

In addition to the pay disparities that exist, the cost of living index has increased 36% from July, 1977 to July, 1980. During this three-year period, city employees have received cost of living increases totaling 33%. If the salaries of Municipal Court Judges had only kept pace with inflation, they currently would be earning approximately \$35,000 or \$9,000 more than their present salary level.

The job standards and requirements for the position of Municipal Court Judge have been set at a highly professional level: the position is full time; the individual seeking the position must be a licensed attorney; and, the incumbent is prohibited from pursuing an outside legal practice. These standards, along with the extreme pay disparities that exist, suggest that the proposed salary adjustments are both reasonable and conservative. I recommend that the salary ordinance, as proposed, be approved.

We, the Municipal Court Judges of Las Vegas, are requesting a change in that portion of NRS 5.030, NRS 266.450 and City Charter provision 2.090 (5) which prohibits the raising of Municipal Court Judges' salaries during their term of office. Recognizing that these laws were originally passed in 1865, 1907 and 1971, respectively, we are in accord with their historic intent; that of preventing elected officials from obtaining office and immediately contriving to increase their salaries. However, a new factor has been introduced in modern times which greatly affects this rationale; that of inflation. It is our position that inflation makes raises during our four year terms necessary. Presently, a Municipal Court Judge in Las Vegas makes \$26,000 per year. A projection of the affect of inflation on this salary, based upon the 1980 inflationary rate of 13.5% clearly shows that in real terms, the purchasing power will be reduced over the four year term 54%, to \$11,960 the fourth year. This figure is only \$3,510 above that of the Federal Government's established poverty level of \$8,450.

Workmen today in the private sector do not expect to be employed at a frozen wage for a period of four years, and it is our honest belief that the same workmen (our constituents) do not expect their elected officials to endure that hardship either.

In October, 1980, the Las Vegas City Commission in recognizing this problem, raised the Municipal Court Judges' salaries to \$37,500 per year, which was that which was then paid to their counterparts in the county, the Justices of the Peace. However, due to the prohibition against raises during the term of office (which we now seek to change) this adjusted salary will apply to only two of the four Municipal Court Judges, as they will begin new terms June 3, 1981. The remaining two judges, whose new terms will not begin until June 8, 1983, will continue to serve at their present salary. These circumstances create the unseemly situation of having two judges receive \$37,500 per year, while two others in the same court system, performing an identical function, receive \$26,000 per year. It should be noted that no similar problem exists within the Clark County Justice Court system in that at this time all five Justices receive \$39,900 as a result of raises given in January of this year.

Salaries in various other jurisdictions range as follows:

Clark County District Court	\$43,000 per year
Reno Municipal Court	\$32,000 per year
North Las Vegas Municipal Court	\$37,500 per year (effective 7-1-81)
California Municipal Courts	\$52,000 to \$63,000 per year

In addition to the judicial salaries listed above, it is common for Municipal Court Judges to work daily in their courtrooms with professionals in law enforcement and the legal profession who earn from \$10,000 to \$15,000 more per year than the judge setting on the bench.

Our request has been reviewed and unanimously approved by the State Judicial Council and the Legislative Committee of the Nevada Judges Association. We sincerely hope that favorable consideration will be given its' passage.

Attached for your perusal is a copy of a memorandum sent from the Las Vegas City Manager to the City Commissioners concerning raises in salary for Municipal Court Judges, October 13, 1980.