

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 2, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Reverend Larry Schneider.

Once again, let us begin our important work with prayer. As we perform our governing tasks today, we allow ourselves to feel and express from the source of divine love within us. In doing so, our words and works become a natural, joyful expression of love, and we are a true blessing to the citizens of Nevada. And so it is.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 6—Recognizing March 2, 2005, as “Read Across America” Day in Nevada in commemoration of Dr. Seuss’s birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street*, was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May of 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the number of words a first-grader could absorb, and using only those words, to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using only 220 of the words given to him, published *The Cat in the Hat*, which became an instant success; and

WHEREAS, In 1960, Bennett Cerf bet Mr. Geisel \$50 that he could not write an entire book using only 50 words, and from that challenge came the famous children's book *Green Eggs and Ham*, which was also an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 2005, as a special day in their program "Read Across America," the nationwide initiative that promotes reading every day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 2005, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date and share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Terry Hickman, President of the Nevada State Education Association, and Ken Lange, Executive Director of the Nevada State Education Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I believe the Members will find at their desks a hat. Could I ask the "Cat in the Hat" to stand with me for a moment? The importance of this particular resolution is almost self-explanatory. Today, with the permission of the Body, it is my intention to read a short, short section of *One Fish Two Fish Red Fish Blue Fish* to my grandson who is in Missoula, Montana, who is watching his grandfather today over the Internet. Connor:

"From there to here, from here to there, funny things are everywhere. One fish two fish red fish blue fish. Black fish blue fish old fish new fish. This one has a little star. This one has a little car. Say! What a lot of fish there are. Yes. Some are red. And some are blue. Some are old. And some are new. Some are sad. And some are glad. And some are very, very bad. Why are they sad and glad and bad? I do not know. Go ask your dad. Some are thin. And some are fat. The fat one has a yellow hat. From there to here, from here to there, funny things are everywhere. Here are some who like to run. They run for fun in the hot, hot sun. Oh me! Oh my! Oh me! Oh my! What a lot of funny things go by."

And I forgot to do the very basic thing that you need to do whenever you are reading to children, that is, to show the illustrations, which, of course, is what Dr. Seuss is most famous for.

"Some have two feet and some have four. Some have six feet and some have more. Where do they come from? I can't say. But I bet they have come a long, long way. We see them come. We see them go. Some are fast. And some are slow. Some are high. And some are low. Not one of them is like another. Don't ask us why. Go ask your mother. And now good night. It is time to

sleep. So we will sleep with our pet Zeep. Today is gone. Today was fun. Tomorrow is another one. Every day, from here to there, funny things are everywhere.”

Mr. Speaker, I would note that there is a Dr. Seuss hat on the desk that are gifts for the members. Depending upon your choice, you may keep them, if you wish. Of course, if you do keep them for yourself, the value of the hat is approximately \$6 and, therefore, it is a reportable expense. If you choose to give it to a child, as mine will be given to a child, then you should check that box. You can wear the hat and leave it on your place after adjournment, so all of you would put on your silly hat, from Dr. Seuss and the Cat in the Hat, if you wish.

With that, Mr. Speaker, I thank you for this opportunity. I think this is the sixth time I have had an opportunity to read a section of one of the classic Dr. Seuss books to the members of the Assembly and I thank you for your indulgence.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 6 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 157—AN ACT relating to municipal courts; authorizing a senior municipal court judge to serve in any municipal court in this State regardless of whether he is a resident of the city in which the municipal court to which he is assigned is located; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 158—AN ACT relating to state government; requiring a state agency, under certain circumstances, to provide notice to an officer, employee or contractor of the agency when the agency accesses or causes to be accessed a computer assigned or loaned to the officer, employee or contractor; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that be ASSOCIATED PRESS: Brad Horn; CCSN: Ed Curry; CORRAO VIDEO PRODUCTIONS: David A. Corrao; COVER EDGE FOR COX COMMUNICATIONS & CHARTER COMMUNICATIONS: James L. Parker, William George Pearce, Jr.; DON VETTER, NV CHAPTER AVC: Don Vetter; ELKO DAILY FREE PRESS:

Marianne Kobak; KAZR-TV CHANNEL 46: Julio Lainez, Fatimas Rivas; MINEWEB: Dorothy Y. Kosich be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

PRESENTATION OF PETITIONS

Initiative Petition No. 1— Provides for enactment of Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos.

Assemblywoman Buckley moved that the Initiative Petition be referred to the Committee on Judiciary.

Motion carried.

Initiative Petition No. 2— Provides for enactment of Responsibly Protect Nevadans From Second-Hand Smoke Act.

Assemblyman Ocegüera moved that the Initiative Petition be referred to the Committee on Judiciary.

Motion carried.

Initiative Petition No. 3—AN ACT relating to marijuana; providing that a person who is 21 years of age or older is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board and state prosecution for the possession, use and transfer of one ounce or less of marijuana and the use and possession of marijuana paraphernalia under certain circumstances; providing that retailers and wholesalers who perform certain acts pertaining to marijuana and marijuana paraphernalia are exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board and state prosecution; providing a penalty for a person who is 18 years of age or older who knowingly furnishes marijuana to a person who is under 18 years of age and at least 3 years his junior; providing a penalty for a minor to falsely represent himself to be 21 years of age in order to obtain marijuana; providing for the regulation of the cultivation, sale, transfer, possession and use of marijuana and marijuana paraphernalia under certain circumstances; providing for the licensing of retailers and wholesalers of marijuana and establishing fees for such licensing; enacting provisions governing the

taxation and sale of marijuana by retailers and wholesalers; increasing the penalty for the offense of operating a vehicle while under the influence of or while having a certain amount of alcohol or a controlled or prohibited substance in the body that results in substantial bodily harm or death; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the Initiative Petition be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblyman Hardy and Assemblywoman Smith as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Nancy A. Becker.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:04 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry and Mortenson, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Care and Assemblywoman Leslie to wait upon the Honorable Chief Justice Nancy A. Becker and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice Nancy A. Becker appeared before the Bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Becker and invited her to deliver her message.

Chief Justice Becker delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2005

Thank you, Lt. Governor Hunt, Senator Raggio, Mr. Speaker, distinguished members of the Senate and the Assembly, honorable constitutional officers, my esteemed colleagues of the Supreme Court and trial judiciary, and honored guests. It is my privilege and my honor to be able to present to you a synopsis of the tremendous efforts taken by the 150 men and women of Nevada's judiciary over the last biennium and our goals for the future.

First, however, I would like to introduce my colleagues, the Justices of the Nevada Supreme Court: Justice Bob Rose, Justice Bill Maupin, Justice Mark Gibbons, Justice Mike Douglas, Justice Jim Hardesty, and Justice Ron Parraguirre. I also want to convey the judiciary's appreciation of the Legislature's kind words and thoughts on the passing of our colleague the Honorable Myron E. Leavitt. He is sorely missed. Judges from the district courts, justices' courts, and municipal courts are also with us today and I would like them to stand and be recognized. Although you interact more with members of the Supreme Court, you should know that a District Judges' Association exists in Nevada and they are ably represented this year by their president, the Honorable Michael P. Gibbons of the Ninth Judicial District Court in Douglas County. Not to be outdone, the justices of the peace and municipal judges also have an association, and this year's president is the Honorable Cedric Kerns of the Las Vegas Municipal Court.

The courts also work with two other entities: the State Bar of Nevada, represented by President Anne Price McCarthy and Executive Director Allen Kimbrough, and the William Boyd School of Law, whose Dean, Richard Morgan, is also here today. Finally, I would like you to see the faces of the Supreme Court's executive staff: Janette Bloom, Clerk of the Court; Joe Carpenter, Legal Counsel Criminal Division; Leslie Davis, Legal Counsel Civil Division; Kathleen Harrington, Director of the Supreme Court Law Library; and Ron Titus, Director of the Administrative Office of the Courts.

What is a judge? The best description of the job I have found is not new; it was written in 1780 and it comes from the Constitution of the State of Massachusetts:

"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit."

There was a time when the "lot of humanity" did not include women and minorities. Indeed, when Drew Pearson and Robert Allen wrote a book about the United States Supreme Court in 1936, they entitled it *Nine Old Men*. As I stand here today, I am proud to say that the judiciary of Nevada has achieved a level of diversity unparalleled in the state's history. We are the "lot of humanity." I am an example of that diversity. Not just because I am a woman, but because of my family background. I am the granddaughter of three immigrants. Two were Irish Catholics, one was a Russian Jew. My fourth grandparent, who was born in America, was the son of German Jewish immigrants. When I was young, my Irish grandmother was visiting at the same time as one of my Russian great-aunts. Both had immigrated in their teens, so their English was spoken with heavy English accents. They were watching Fifties wrestling on the TV. One was cheering and swearing in Yiddish while the other was matching her in Gaelic. They understood, respected, and enjoyed each other's company, despite their divergent cultural backgrounds.

Every day, judges from diverse backgrounds make decisions affecting people's lives. Every day we are faced with complex decisions: should the death penalty be imposed, were the parties given a fair trial, how long should a child remain in foster care, who gets custody of the children. We resolve them to the best of our ability based on the law and the evidence presented in an individual case. The Honorable Felix Frankfurter, one of the most recognized jurists in American history, said that because judging involves fallible creatures it is essential to get

[people] who bring to their task, first and foremost, humility and an understanding of the range of problems and of their own inadequacy in dealing with them; loyalty . . . to nothing except the effort to find their path through precedent, through policy, through history, through their own gifts of insight to the best judgment that poor, fallible creatures can arrive at in the most difficult of all tasks, the adjudication between man and man, between man and state, through reason called law.

Such is the life of a judge. But there are many moments of joy, marriages, adoptions, and occasionally, an unusual request. A few years ago, I received a call from a friend. Knowing that I could perform marriages, she asked if I could marry Sloopy and Casey. I was very puzzled, because, you see, Sloopy and Casey are birds, cockatiels to be exact. My friend went on to explain that her granddaughter had seen the birds, and as my friend put it, she saw them vo-de-o-do-ing in their cage and asked if Sloopy and Casey were married, hence the reason for the phone call. I later unofficially presided over their joining. It must have had some meaning, however, because although Sloopy and Casey had been a couple for three years prior to the ceremony, they had no children. After the ceremony, they proceeded to hatch 17 chicks. Who knew?

So what does judging in general have to do with the state of the Judiciary? Our melting pot culture, combined with our unique governmental system, is what distinguishes us from other nations. A key factor in that government is the Judicial Branch and its relationship with the Legislative and Executive Branches. George Washington once wrote that: [T]he due administration of justice is the firmest pillar of good Government . . . [the judicial department is] essential to the happiness of our Country, and to the stability of its political system.

Our system of justice and the creation of three branches of government, Executive, Legislative, and Judicial, is a defining aspect of this great nation and state. Each year, judges from around the world attend courses at the National Judicial College to study America's judiciary. Since the fall of the Soviet Union, Russian Federation judges have attended seminars and classes, interacting with Nevada judges, in order to create a viable judicial branch in their country. Our system, which has stood the test of time for over 200 years, is a shining example of democracy in action. It exemplifies the Rule of Law: a society governed by law, not violence and terrorism. Because of our example, the Ukraine Republic adopted the Rule of Law. During their recent turmoil, all sides agreed to, and abided by, a legal decision of the Ukraine Supreme Court, thus avoiding military conflict. It is for this reason that other nations study our judicial system.

Yet a judicial system cannot stand alone. It exists with the cooperation and support of the Legislative and Executive Branches. Democracy, as we know, is a fluid concept. As noted by Ilka Chase: Democracy is not an easy form of government, because it is never final; it is a living, changing organism, with a continuous shifting and adjusting of balance between individual freedom and general order.

The Legislative and Executive Branches of this State, including the counties and cities, have been strong supporters of the Judicial Branch. Without you, Nevada's judiciary would still be locked in the 19th century. Your assistance was essential to the development of new programs and methods of managing cases with a united purpose of promoting access to justice for all Nevadans.

I want to tell you a story that illustrates this point. Sixteen years ago, justices of the peace and municipal judges had no authority to suspend misdemeanor sentences. We had little ability to tackle recidivism through programs to combat domestic violence and drunk driving. We discussed the matter with the counties and cities, prosecutors, and defense counsel, and all agreed that expanding the authority of the judges made sense. We came to you, the Legislature, to seek that authority and you granted it. Such programs, with intensive judicial monitoring, have lowered recidivism rates for misdemeanor crimes. Many of the legislators who sit here today made this possible and are still serving; legislators like Senators Coffin, Raggio, Rhoads, Titus, and Townsend, and Assemblymen Arberry, Carpenter, and Marvel.

But you need to know more. You need to know what Legislative, Executive, and Judicial efforts have meant to people. So I'll give you one example. Eighteen years ago there was no mental health court. However, all branches of government came together for a common cause. A loose consortium of downtown leaders, nonprofits, the Las Vegas Municipal Court, the

Las Vegas City Council, City Attorney's Office, the Clark County Public Defender, and the State Division of Mental Health, specifically Carlos Brandenburg, formed to try a new method of handling mentally ill individuals.

This is the true story of one of those individuals. I'll call him "John," though that is not his real name. I tell this story only to illustrate my point. Although there is humor in the story, there is nothing humorous about how mental illness affected John. John was arrested for stealing t-shirts from a downtown casino. He stole because he was unemployed as a result of his mental state. You see, when John was booked into the jail, he told officers he was from the planet Mars. A mental health social worker interviewed him and concluded John wasn't joking; he believed he was from Mars. Before his probable cause hearing, the prosecutor, public defender, and I were all informed of the circumstances. John indicated that he understood the charges against him and that stealing was illegal on Mars, too. He wanted to plead guilty, but was concerned that his spaceship would be towed if he stayed in jail too long. I inquired if the ship was disguised in some fashion and John told me yes, it looked like an old station wagon with California plates and he gave me a license number. We located the vehicle with the help of the hotel security where it was parked and, with their cooperation, saw that it wasn't towed. With the assistance of the social workers and nonprofits, we determined John wasn't dangerous, even when confronted about his beliefs. We were able to get John a job with an employer who understood John's delusion. John became independent again, working, paying taxes, and never coming before the law again. We, the Judicial, Legislative, and Executive Branches, in partnership with the community, gave John his life back.

In the 18 years since John's case, the judiciary has undergone substantial changes; changes made possible by the partnership between the three branches, locally and statewide. These are just some of the programs and processes created by the judiciary with the assistance of the Legislature, Governor, and local governments: Self-help Centers in the Washoe County and Clark County Family Divisions, with outreach to other counties and Carson City.

Last year, a quarter of a million people were assisted in accessing the courts. Over three million forms were accessed through the Centers' websites. Violence Intervention Programs—courts provide space for volunteers who assist victims of domestic violence with protective orders, shelter, and counseling information. Drug court programs servicing counties throughout the State resulted in 70 percent or greater decreases in recidivism rates, saving taxpayers hundreds of thousands of dollars. Last year alone, over 30 drug-free babies were born to participants in such programs. Court annexed short trial, arbitration, and mediation programs to facilitate the expeditious and cost-effective resolution of small civil suits. Fast-track criminal appeals, settlement conferences and panel hearings in the Supreme Court resulting in a 40 percent decrease in the Courts' backlog. Implementation of the Uniform System of Judicial Records, providing information on court operations and resources necessary to court management in the 21st century. Because of this system, the Supreme Court is able, now, to publish the annual reports. Reports like the one distributed to you earlier in this session, and available on our website, provide a wealth of information on the operations and needs of the Judicial Branch. Technology and case management systems enabling the nation's busiest courts to tackle overwhelming caseloads more efficiently. Creation of standardized forms for family matters and protection orders under the auspices of the Supreme Court Pro Se Assistance Council and the Supreme Court and District Court Law Library Commissions. Creation of standards and case-processing procedures for family cases that have become a model for family courts around the country. Support for legal services programs whose volunteer attorneys have provided millions of dollars of free legal services to economically disadvantaged citizens. Creation of rules and training for court staff and law librarians governing provision of services to self-represented litigants. Increased programs and representation for abused and neglected children under the auspices of Clark County Legal Services led by Assemblywoman Barbara Buckley. Implementation of the recommendations of the Supreme Court Jury Improvement Commission, whose work was recently recognized by American Bar Association President Robert Gray as a model for jury improvement in the nation.

I could go on, but the point has been made. Many judges, among them my colleagues on the Court, were instrumental in these programs. Governor Guinn and other members of the Executive Branch were also key advocates. Legislators like Speaker Perkins,

Assemblywoman Giunchigliani and Assemblyman Hettrick, Senators Beers, Cegavske, and Mathews played their part, and the local mayors, councilpersons, and commissioners were essential components. These programs are the result of enormous commitment by government as a whole.

Daniel Webster said: "Justice, Sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together."

The Legislative and Executive Branches are the personal trainers whose support allows the judicial ligaments to stretch. Still, every ligament can only stretch so far without rupturing. Growth in caseloads and lack of resources have already strained our judicial ligaments, along with our tendons and muscles. We wish to walk freely, not hobble on canes or crutches, and so we call upon you once again for help.

Over the last four years, caseloads in the Washoe-Reno-Sparks and Greater Las Vegas Judicial Districts have grown by over 40 percent. In some instances, the growth in filings has exceeded growth in the general population. In addition, the complexity of the cases has increased, requiring more judicial hours per case. This affects the ability of courts to process cases in a timely fashion. The American Bar Association standard regarding disposition times for criminal cases indicates that a court should dispose of 100 percent of its criminal cases within one year. Clark County, for example, disposes of only 63 percent of its criminal cases in one year and is falling further behind. And, although the Family Divisions of the Washoe County and Clark County District Courts are meeting standards for timely processing of domestic cases, the increased caseloads make it impossible to maintain those standards. The civil case dispositions also fall short of meeting ABA standards. Percentages alone do not give an adequate picture. We are talking about delays in thousands of cases.

These courts have implemented tremendous changes in case processing to improve case dispositions, but the growth is simply outstripping all of their efforts. The National Center for State Courts indicates that a trial judge's caseload should be about 1,400 cases per judge. In Washoe County that figure is 1,800 cases per judge and in Clark County each judge has 2,400 cases. For appellate courts, the standard is approximately 100 cases per justice. The Nevada Supreme Court's case per justice is 240 cases.

In the face of this overwhelming growth, we are seeking new judges and an increase in funding of the senior judge program to avoid causing Nevada's citizens increased delays in the resolution of their cases. No victim, litigant, business entity, or injured party should see a case linger for lack of judicial resources.

The rural courts are not without their problems. Our rural judges spend days traveling between communities. Citizens regularly travel over 100 miles roundtrip to access a courthouse. Juveniles must be driven hundreds of miles to facilities in other counties. My colleagues in rural communities face unique challenges. Take jury selection, for example. Even Mark Twain noted how difficult it can be to select a jury in a small community. He said: "... a jury of twelve men were impaneled—a jury who swore that they had neither heard, read, talked about, nor expressed an opinion concerning a murder which the very cattle in the corrals ... the sagebrush and the stones in the street were cognizant of."

Judges in rural areas know the litigants, the jurors, and the community. Each and every decision that judge makes will impact on that community. It is an awesome responsibility and I wish to publicly acknowledge their dedication and service to Nevada.

Last session, this august Body funded a study of the rural criminal justice system. A large facet of that study involved the courts. Thanks to the efforts of Senator McGinness and others, a comprehensive look at the needs of the rural justice system was accomplished. Issues such as lack of adequate local juvenile facilities, counselors, secured court facilities, and management staff were reviewed.

As a result of the study's recommendations, several bills will be introduced this session to address these issues, among them the construction of a new courthouse in Ely and the establishment of a rural court Coordinator position in the Administrative Office of the Courts.

Finally, I want to mention another report that you will be seeing in a few days. In 2003, then-Chief Justice Deborah Agosti undertook a formidable task. She created a Commission composed of judges, business leaders, representatives of local government, and legislators, including Senator Amodei and Assemblyman Anderson, to determine an estimate of the costs to run the

entire judiciary, not just the operations of the Supreme Court. Her efforts, together with those who served on the Commission, resulted in a comprehensive look at the cost to operate our statewide judicial system and how it is funded.

It has long been known that the Supreme Court's operations represent less than 1 percent of the State's total budget, but such information was not available about the total Judicial Branch because funding and expenses are divided between the State and the local governments. As a result of the Commission's efforts, we now know that the entire Judicial Branch would only make up 5 percent of the State's budget. When the Judicial Branch is compared to the combined budgets of the State and local governments, the Judicial Branch represents an even smaller percentage of the total expenditures.

But the Commission was just a first step. From here, we ask the help of the Legislature, community leaders, local governments, and the judiciary in taking the next step, implementation of the Commission's recommendations and formation of a second commission to determine the optimum method for funding the judiciary in the future.

I have spoken today of the past and the future, of all we have accomplished and all we can accomplish. This is the goal of the judiciary; to serve Nevada's citizens by providing a fair, impartial, cost-effective, and expeditious method of resolving disputes, protecting children, adjudicating guilt and, where possible, rehabilitating individuals into self-sufficient, productive citizens. Together we can achieve this goal. Thank you.

Senator Mathews moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Becker for her timely, able, and constructive message.

Seconded by Assemblywoman Koivisto.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Becker to the Bar of the Assembly.

Senator Schneider moved that the Joint Session be dissolved.

Seconded by Assemblywoman Weber.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Powell, Debbie Swanston, and Paul Swanston.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Hickman and Ken Lange.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Sass, Tracy Saunders, Norman Subotky, and Catherine Farahi.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tricia York and Susan Zeiter.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Arturo Rangel and Pamela Ross-Osinski.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Sloan.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Farahi.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Airica Blonsley, Crystal Wright, and Nate Weigl.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Brosy.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Huleva.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Kaler and Jennifer Lukins.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Bonham and Michelle Yee.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Alli Bolton.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Scuito and Jason Sellers.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Driver and Samantha Carter.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Majusiak and Kristie Belding.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Dillon.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Farrell and Duane Wallace.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Miyazaki and Molly Robbins.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Rod Walton.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Camilla Rubino and Lewis Green.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lara St. John.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Weston and Andrew Platon.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Henricks, Doris Azevedo, and Colleen Cooper.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Alissa Nourse and Connie Robertson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Titus.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Heffelfinger and Brenda Johnson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 3, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly