

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 2, 2005

Senate called to order at 11 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord God of heaven and earth, we ask of Thee this day to lead us in all decisions and direction by Your guiding hand. May it be our desire to walk in a manner worthy of the positions entrusted to us thus ensuring that we would not be disqualified in the end. "The manner in which one endures what must be endured is more important than the thing that must be endured." Lord give us godly strength to endure throughout these days.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Judiciary, to which was referred Senate Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Senate Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 1, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 7, Amendment No. 17, and respectfully requests your honorable body to concur in said amendment.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: 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, Fatima Rivas and MINEWEB: Dorothy Y. Kosich.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Mathews:

Senate Bill No. 152—AN ACT relating to physical therapists; authorizing the State Board of Physical Therapy Examiners to require an applicant or licensee to appear before the Board to ascertain his fitness or qualifications for licensure; revising the provisions governing the approval of schools and educational curricula for physical therapy; authorizing certain persons to practice without a license pending an examination for licensure; requiring the use of a form provided by the Board for the renewal of a license to practice physical therapy; authorizing the Board to establish a fee to review a course of continuing education; authorizing a civil penalty; and providing other matters properly relating thereto.

Senator Mathews moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Hardy, Schneider, Townsend, Nolan, Beers, Amodei, Coffin, Lee, McGinness and Titus:

Senate Bill No. 153—AN ACT relating to common-interest communities; prohibiting a community manager who imposes a fine against a unit's owner or a tenant or guest of the unit's owner from soliciting or accepting any percentage of the fine or any fee for collecting the fine; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 154—AN ACT relating to elections; changing the period for the filing of declarations, acceptances and certificates of candidacy for certain judicial offices; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Titus, Wiener, Horsford, Care, Carlton, Coffin, Lee, Mathews and Schneider:

Senate Bill No. 155—AN ACT relating to public health; requiring hospitals to provide patients with certain information regarding the Bureau for Hospital Patients; and providing other matters properly relating thereto.

Senator Titus moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Lee:

Senate Bill No. 156—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to establish a program of agronomy, horticulture, landscape ecology, and design and plant sciences within the College of Agriculture of the University of Nevada, Reno; prescribing the requirements for the program; authorizing courses offered as part of the program to be offered at other campuses and through distance education; making an appropriation; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senators Wiener, Hardy, Titus, Heck, Mathews, Horsford and Nolan:

Senate Bill No. 157—AN ACT relating to health care; requiring the Director of the Office for Consumer Health Assistance to establish and maintain an Internet website to provide certain information to consumers concerning prescription drugs and pharmaceutical services; requiring the Director to establish and maintain a toll-free telephone number for consumers to request and obtain the information provided on the Internet website; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 15.

Amend section 1, page 3, line 7, by deleting "436.2." and inserting: "436.2, *as amended or substituted in revision by the Federal Trade Commission.*".

Amend section 1, page 3, line 16, by deleting "25" and inserting "15".

Amend section 1, page 3, line 18, by deleting "10" and inserting "5".

Amend sec. 2, page 3, by deleting line 31 and inserting: "~~section, and~~ the terms of the *buyer's contract for membership in the organization and the terms of any contract* with the buyer ~~[-]~~ *for the purchase of goods or services.*".

Amend sec. 3, page 4, line 21, by deleting "aggregate".

Amend sec. 3, page 4, by deleting lines 25 through 28 and inserting:

"(b) *Must be conditioned on compliance by such an affiliate organization with the provisions of NRS 598.840 to 598.930, inclusive, the terms of the buyer's contract for membership in the affiliate organization and the terms of any contract with the buyer for the purchase of goods or services; and*".

Amend sec. 5, page 5, line 20, by deleting "and" and inserting "~~and~~".

Amend sec. 5, page 5, line 22, by deleting "598.885." and inserting: "598.885 ~~+~~;

8. *Clearly specify the buyer's right to rescind the contract and to be given a refund pro rata pursuant to NRS 598.910 and the conditions and limitations on that right;*

9. *Clearly specify the buyer's right to a refund on the purchase of goods pursuant to NRS 598.895 and the conditions and limitations on that right; and*

10. *Clearly specify whether or not the buyer is given any other rights to a refund on the purchase of goods or services and, if so, any conditions and limitations on those rights."*

Amend sec. 6, page 6, by deleting line 5 and inserting: "organization moves its place of business; and".

Amend sec. 6, page 6, by deleting lines 7 and 8 and inserting: "ordering service are shipped, at the election of the buyer, to either the buyer's residence, as indicated in the contract, or a freight receiver within 20 miles of that".

Amend the title of the bill by deleting the tenth and eleventh lines and inserting: "accounts; requiring that the membership contract between a buyer and an organization clearly specify certain of the buyer's rights and the conditions and limitations on those rights; revising provisions that authorize a buyer to rescind his membership contract if".

Senator Lee moved the adoption of the amendment.

Remarks by Senator Lee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 12.

Bill read third time.

Remarks by Senator Nolan.

Roll call on Senate Bill No. 12:

YEAS—21.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

Remarks by Senator Wiener.

Roll call on Senate Bill No. 27:

YEAS—21.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59.

Bill read third time.

Roll call on Senate Bill No. 59:

YEAS—21.

NAYS—None.

Senate Bill No. 59 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66.

Bill read third time.

Remarks by Senators Raggio and Hardy.

Roll call on Senate Bill No. 66:

YEAS—21.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 87.

Bill read third time.

Remarks by Senators Nolan and Beers.

Roll call on Senate Bill No. 87:

Yeas—21.

Nays—None.

Senate Bill No. 87 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 7.

The following Assembly amendment was read:

Amendment No. 17.

Amend the resolution as a whole by adding the primary joint sponsors and non-primary joint sponsors who signed on the attached document in accordance with Joint Standing Rule No. 5.

Senator Horsford moved that the Senate concur in the Assembly amendment to Senate Concurrent Resolution No. 7.

Remarks by Senator Horsford.

Motion carried.

Resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, Wednesday, March 2, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 6.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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.

Senator Titus moved the adoption of the resolution.

Remarks by Senator Titus.

Senator Titus requested that her remarks be entered in the Journal.

This resolution speaks for itself. It addresses Dr. Seuss and many of his famous books. I have a book with me, today, titled; *Oh, the Places You Will Go*. I think this is appropriate and would like to read from a portion of this book.

If you learn to read, oh you will succeed.

Yes, you will indeed.

Ninety-eight and three-fourths percent guaranteed.
You will be on your way up; you will be seeing great sights.
You will join the high flyers; you will soar to high heights.
Congratulations, today is your day.
You are off to great places; you are off and away.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 11:43 p.m.

SENATE IN SESSION

At 4:58 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Smith and Assemblyman Hardy were at the bar of the Senate. Assemblywoman Smith invited the Senate to meet in Joint Session with the Assembly to hear Chief Justice Nancy A. Becker.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:59 p.m.

IN JOINT SESSION

At 5:04 p.m.

President Hunt presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Coffin, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

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

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

Chief Justice Becker delivered her message.

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. We have with us, today, judges from the district courts, justices' courts and municipal courts, 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 9th 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 accents. They were watching 50s 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 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:

The 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. I will 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 tee 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 was not 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 resulting 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. The 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, 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, 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.

Motion carried.

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

Senator Schneider moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:32 p.m.

SENATE IN SESSION

At 5:35 p.m.

President Hunt presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Silver Stage High School: Chris DeGeorge, Sara Hyatt, Jessica Canterbury, Tom Campbell, Robert Lane, Garrett Herbert, Eric Pruitt, Emily Liddacoat, Shannon Thiessen, Charles Boutwell, Liz Berhendt, Jessica Dawson, Tyler Lenox, Trent Skretta, Rebecca Roberts, Amy Meadows, Amanda Paul, Wyly Sandidge, Dawn Bell, Will Hall-Bolton, Tim Goff, Halsey Thompson, Jonathan Aviero, Tabitha Roybal, Matt Garito, Miranda Hawley, Joe Nesbit, Bobby Harris, Anthony Lafoon, Eric Kinney, Mike Shinn, Ian Wood, Anthony Jefferis, Tyler Reid, Stephanie Boettcher, Keven Mueller, Jamie Ball, Deanna Musty, Brian Taylor, Bobby Little, Randi Beal, Marvin Smith, James Varner, Richard Rios, Heather Brown, John Ragusa, Jeromy Childs, Matthew Burton, Brandon Boede, Denise Mefford, Allison Thiessen, Krymsen Hernandez, Wendy Ball, Kiley Woosley, Candace Smith, Jessie Shirley, Jaimie Shirley, Heather Taylor, Jessica Hill, Sonya Thuemler, Cherry Davis, Damian Tromerhauser, Megan Pruitt, Raechell Artrup, Walter Ball, Keith Mueller, Colton Alphin-Huber, Larry Stegall, Kyra White, Keith Pierson; teachers: Mr. Dyer, Mr. Aldridge and principal: Mr. Regalado.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Raylene Overton.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Angela Strahan and Alex Mensing.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Erin McCarthy.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Jillian Gooch and Chris Lin-Brandt.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Lynn Warne, Travis Hagen and Lilly Jacobsen.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Kevin Carter.

Senator Raggio moved that the Senate adjourn until Thursday, March 3, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 5:36 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate