

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS
AND THE
SENATE COMMITTEE ON FINANCE
JOINT SUBCOMMITTEE ON GENERAL GOVERNMENT**

**Seventy-Fourth Session
March 7, 2007**

The Assembly Committee on Ways and Means and the Senate Committee on Finance, Joint Subcommittee on General Government was called to order by Chair Kathy McClain at 8:06 a.m., on Wednesday, March 7, 2007, in Room 2134 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblywoman Kathy McClain, Chair
Assemblyman Tom Grady
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Joseph Hogan
Assemblywoman Ellen Koivisto
Assemblyman David R. Parks

SENATE COMMITTEE MEMBERS PRESENT:

Senator Bob Beers, Chair
Senator Bob Coffin
Senator Dean A. Rhoads

STAFF MEMBERS PRESENT:

Mark W. Stevens, Assembly Fiscal Analyst
Larry Peri, Principal Deputy Fiscal Analyst
Melinda Martini, Program Analyst
Christine Bashaw, Committee Secretary
Patti Adams, Committee Assistant



Chairwoman McClain welcomed the Judicial Branch and stated that because there were a lot of different requests, the Subcommittee wanted a general overview of what the Judicial Branch encompassed without specifics on individual budgets. The Subcommittee would discuss some general concerns before starting the individual budgets.

A. William Maupin, Chief Justice, Supreme Court, stated the Judicial Branch was ready to address the Subcommittee concerns and understood the Subcommittee would cover Specialty Courts issues, judicial salaries, and technology issues. The Judicial Branch has a great interaction with the Legislature and Senator Beers concerning technology issues. Chief Justice Maupin wanted to work with the Legislature in dealing with technology issues.

Chief Justice Maupin began the overview by stating the court system in Nevada was comprised of Municipal Courts, Justice Courts, District Courts, and the Supreme Court. Municipal Courts primarily handle prosecution of misdemeanor offences which occur within incorporated cities. Justice Courts handle misdemeanor prosecutions for offences which occur in the unincorporated areas, but also provide screening for major felony and gross misdemeanor cases for District Courts. The District Courts handle all the major civil cases, cases in controversy in excess of \$10,000, and all major felony and gross misdemeanor prosecutions. The Supreme Court was the only appellate court in the State, which must hear all appeals from final decisions in District Courts.

Chief Justice Maupin continued with the overview of budget issues from [Exhibit C](#), page 2:

- BA 1494, Supreme Court, which provides for the operation expenditures of the Supreme Court including Justices and staff salary and fringe benefits.
- BA 1490, District Judges' Salary, which provides for the salaries of the 64 district judges.
- BA 1495, Specialty Courts, which provides funding for Specialty Court programs for testing, treatment, and oversight of certain persons whom the court had jurisdiction and who the court has determined abuses drugs or alcohol or suffers from a mental illness.
- BA 1496, Senior Justice and Senior Judge Program, which provides for payment for services of retired justices and judges.
- BA 1483, Administrative Office of the Courts, which was supported by administrative assessments.
- BA 1484, Division of Planning and Analysis, which provides for researching, planning, and implementing a uniform system of judicial records which includes collection, analyzing, and reporting statewide trial court statistics and, also, provides for other research and tracking projects.
- BA 1486, Uniform System of Judicial Records.
- BA 1487, Judicial Education.
- BA 1498, Judicial Selection, which provides for funding the judicial selection process to fill mid-term judicial vacancies.
- BA 1493, Judicial Travel and Support.
- BA 2889, Law Library.

Chief Justice Maupin added that because of the interest and concern with Specialty Courts, Justice Michael Douglas, Chairman of the Specialty Court

Funding Commission and several Specialty Court judges were present to make presentations.

Chairwoman McClain stated the Legislature had received information that revenues were not coming in as expected, but the judicial budget requested a 36 to 38 percent increase in General Fund appropriations. The Subcommittee had major concerns regarding:

1. Court administrative assessment revenues.
2. Salary Increases for Supreme Court Justices and District Court Judges [E810].
3. Unclassified salary increases [E806].
4. Transfer of training costs from administrative assessments to the state General Fund [E500, E501, E502, E503, E900, E901, E902, and E903].
5. Internet and technology enhancements.
6. New positions.
7. Supplemental appropriations.

Chairwoman McClain continued that items proposed to be funded by General Fund needed to be prioritized and the Subcommittee requested an update within ten days on projections of the court administrative assessment revenue. Chief Justice Maupin replied the Justice Branch could comply and understood the Subcommittee's concerns. Chief Justice Maupin stated some items requested, particularly staff, were important because additional staff was needed to reduce the time for case dispositions, providing a service to the people. Additional staff was the first priority for the Judicial Branch.

Chairwoman McClain indicated that the base budget was reasonable and would not to be changed, but the proposed enhancements would be reviewed.

Chief Justice Maupin answered that the Judicial Branch had divided the proposed enhancements into operational and administrative priorities and provided the proposal in a letter to the Fiscal Division dated March 1, 2007. Melinda Martini, Program Analyst, Fiscal Analysis Division, stated she had never received the proposal. Chairwoman McClain remarked that the Subcommittee needed to have all items prioritized and Senator Beers stated all decision units should be prioritized, except the base budget and decision units M100, and M300.

Senator Beers said it appeared the administrative assessment revenue was underprojected which increased utilization of General Fund revenue in the budget. Deanna Bjork, Budget and Finance Manager, Administrative Office of the Courts (AOC), stated she was responsible for revenue projections for administrative assessments, which were based on the number and value of each administrative assessment. Ms. Bjork continued that in fiscal year (FY) 2006, the increase in the number of administrative assessments was 15.8 percent and in FY 2005, the increase was 0.1 percent. Senator Beers confirmed that this was an increase in the number of assessments, not in the revenue.

Senator Beers continued that there was also an increase in dollars per assessment, and Ms. Bjork agreed, but stated that increase was factored into the projections. Ms. Bjork explained there were several factors to consider when making projections: administrative assessments were based on the number of citations, and of those citations, the number of convictions, and of those convictions, the number of administrative assessments actually imposed. Ms. Bjork continued that a conviction did not mean there would be an

administrative assessment, because community service and jail sentences did not require such assessments. Ms. Bjork used the increase in the number of citations and the average increase in the number of convictions from the Uniform System of Judicial Records that were projected for the next two fiscal years. Ms. Bjork continued that the projections showed citations would increase 2 percent each year and convictions would increase 3 percent each year, so to further increase the revenue forecasts based on those percentages did not seem reasonable. Senator Beers interjected that revenue had increased 13.7 percent in FY 2005, 13.1 percent in FY 2006, and 18 percent year-to-date, but the budget projected only 4 percent increases this fiscal year and in each year of the 2007-09 biennium. Ms. Bjork replied the FY 2007 projections were from the last biennium which the Legislature approved, and those numbers were understated. Senator Beers replied that there had been consistent increases over the budgeted figures for revenue. Ms. Bjork replied the total amount of revenue received had exceeded past projections, but to project the revenue, the expected number of administrative assessments and the average amount paid were used. The average amount paid per administrative assessment declined in FY 2006 from FY 2005, but the number of administrative assessments significantly increased, which was the result of an increase in traffic citations.

Senator Beers asked what the police departments in Clark County had said about the hiring of new officers. Ron Titus, Director, AOC, stated the Judicial Branch had not spoken to Clark County but referred the Subcommittee to [Exhibit D](#) which showed the average cost per administrative assessment. Senator Beers asked whether information on police hiring inside Clark County could be given to staff one week prior to the next meeting and whether that information could be incorporated into a revised projection for administrative assessment revenue, and Mr. Titus agreed. Senator Beers continued that the Governor had recommended 60 new Highway Patrol Troopers in the budget, and Clark County had increased the Sales and Use Tax to hire additional police officers, and asked whether, with those new hirings, could there be an upward revision of administrative assessment revenue. Mr. Titus answered that in the last two years, case management systems had been implemented in all courts, and collections and dollars per assessment had increased. Mr. Titus commented that the changing of collection practices in some courts could effect revenue collections. Mr. Titus referred to [Exhibit D](#) and stated a weighted average of the dollars-per-assessment and the number of assessments was used for the revenue projections.

Senator Beers asked whether the Judicial Branch had requested an increase in the use of administrative assessment revenue which would have a General Fund impact of \$500,000, and Ms. Bjork referred to page 11 of [Exhibit C](#) which stated Specialty Court administrative assessment were collected pursuant to Nevada Revised Statutes (NRS) 176.0613. Specialty Court administrative assessments were a flat rate of \$7. Page 11 explained that in FY 2006 the number of assessments collected was 496,601. Ms. Bjork recited that not all administrative assessments collected have the Specialty Court assessment because of where the court ranked in the collection of the administrative assessments. In FY 2006, 93.8 percent of administrative assessments included the \$7 Specialty Court administrative assessments. It was estimated that 96 percent of the projections for administrative assessments included the \$7 specialty court assessment. Specialty Court assessment revenue was projected at \$3.6 million in FY 2008 and \$3.7 million in FY 2009.

Mr. Titus referred to page 3 of [Exhibit D](#) which showed in FY 2008 an estimated increase of \$800,000 in administrative assessments which would offset General Fund support.

Chairwoman McClain believed that the increase in law enforcement officers hired and mitigation of the problems in the Department of Corrections could add to administrative assessments. Ms. Bjork stated new law enforcement officers were not included in the administrative assessments projections because that data was not available when projections were made. Chairwoman McClain stated the Clark County police departments' hires would be over a ten-year period.

Chief Justice Maupin referenced the concern about the increases which were not congruent with the collection, and referred to page 11 of [Exhibit C](#), in FY 2002, FY 2003 and FY 2004 the income fell below the budgeted projections and created a shortfall in collections for those years. This resulted in reduced revenue projection for FY 2005. Chairwoman McClain replied the Subcommittee did not want overly inflated projections, but the Judicial Branch projections needed further review.

Senator Beers clarified the 60 Highway Patrol Troopers were in the current budget and no one had that information until session started, but the Subcommittee expected to receive a "painful contraction of General Fund availability at the next meeting of the Economic Forum."

Senator Beers continued there were two ways to fund activities, one was administrative assessments and the other was General Fund, so there needed to be a realistic projection for administrative assessments. Chief Justice Maupin proposed the Judicial Branch provide a conservative and an ambitious revenue projection for the Subcommittee's consideration.

Senator Coffin stated two long-term strategies, one was creation of a Business Court to handle commercial litigation, and the other was a bill introduced to appoint judges, rather than elect them. Senator Coffin asked Chief Justice Maupin to address these issues.

Chief Justice Maupin started with the Business Court question. Six years ago, members of Legislature approached Justice Rose and Chief Justice Maupin about the prospect of Business Court dockets, and the Judicial Branch asked for the opportunity to judicially create the business dockets. Chief Justice Maupin stated that business dockets were created in Clark County and Washoe County and explained how those business courts worked. The Washoe County project had been successful. The business court concept had worked early on in Las Vegas, but the Eighth Judicial District had reassigned judges to keep the Business Court viable. However, when Business Court dockets were created, it committed judicial resources that taxed the remaining judicial activities. Chief Justice Maupin stated that he did not oppose a legislative approach to create a Business Court and dedicate judges to the effort, and he believes it could be done without a constitutional amendment.

On the question of the appointment of judges, Chief Justice Maupin responded that the judges under the Missouri Plan would still have to run for retention under the bill being considered, and did not know whether that program would reduce long sentences. Chief Justice Maupin thought the Subcommittee might consider revising the mandatory sentences imposed for drug trafficking, which were aimed at the big drug cartels, but instead small-time drug couriers were

getting 15-year mandatory sentences. The Judicial Branch would be requesting amendments to these laws in order to give judges more discretion.

Chairwoman McClain requested the Judicial Branch include in its priority list, the base salary increases, longevity pay increases, and unclassified salary increases and questioned the rationale behind the longevity increase and how this benefit compared to other states.

Mr. Titus stated someone from Nevada District Judges Association would be able to discuss those issues in Budget Account (BA) 1490, but Chairwoman McClain interjected the longevity increase affected several other accounts. Mr. Titus stated the longevity increases were recommended by the Governor's Task Force on Judicial Compensation. Chief Justice Maupin reinforced that the Judicial Branch was not asking for an increase in longevity pay.

Ms. Bjork clarified the Governor's Task Force on Judicial Compensation made several recommendations regarding District Judge and Justice salaries. Those recommendations included an increase in salaries, an increase in longevity pay, and an increase in the salaries of Chief Judges and the Chief Justice in the State. These increases were in BA 1490, BA 1494, and BA 1496 and would take effect January 1, 2009.

Chairwoman McClain questioned that if the amount was in the budget, why was the increase also in a bill. Chief Justice Maupin stated the salary bill was a separate statute, so when a salary was increased, the statute had to be amended.

Senator Beers had not seen results of the Governor's Task Force on Compensation, but was curious whether a maximum of 30 percent longevity pay made Nevada competitive with other states.

Senator Beers added that, when prioritizing the enhancement units, the Judicial Branch should separate some of the large salary increases into subunits if the Subcommittee decided to increase some but not all salaries.

Assemblyman Hardy stated that Nevada ranked 24th for salaries, but among the states, questioned where Nevada ranked regarding the other benefits. There was no response provided at this time.

JUDICIAL BRANCH
DISTRICT JUDGES' SALARY (101-1490)
BUDGET PAGE COURTS - 17

Chairwoman McClain opened the hearing on BA 1490. Jennifer Togliatti, Judge, Eighth Judicial District Court, who also represented the Nevada District Judges Association, emphasized that the Constitution prohibited pay raises for judges during terms of office and noted the next term for 82 percent of the judges would begin in January 2009. Judge Togliatti asked the Subcommittee to consider whether the proposed salaries were reasonable for years 2009 through 2015. Judge Togliatti continued with information from the Governor's Task Force on Compensation, which listed the names of Task Force members and compared salary and benefits of court officers in different counties in Nevada, plus salary and benefits of trial judges in the western region of the United States. Judge Togliatti compared the rates per case handled in different counties and Los Angeles.

In response to a question from Chairwoman McClain, Chief Justice Maupin responded that on the Judicial Branch's priority list, judicial salaries would be above the cutoff line.

Chief Justice Maupin explained on December 21, 2006, the Governor's Task Force on Compensation report for former Governor Guinn was signed and a copy had been sent to the Legislative Counsel Bureau. The Chief Justice provided a copy to the Subcommittee ([Exhibit E](#)) and said the report would answer questions related to Judge Togliatti's comments and also provided the *2006 Annual Report of the Judiciary* ([Exhibit F](#)). Chief Justice Maupin explained the idea was to develop a salary package which would be attractive and entice private practitioners into the judiciary, senior members in public service into the judiciary, and veteran judges nearing retirement to stay in the judiciary.

Senator Beers stated the Fiscal Division had calculated that after the recommended salary increases, Nevada would rank first for District Court judge salaries in the United States and tied for first with California for Supreme Court Justices salaries. Senator Beers quoted the report ([Exhibit E](#)) indicated "many states have been in the process of addressing salary increases for their judges" and asked which states were referred to in the report. Judge Togliatti stated two California judicial districts were tied to annual increases as negotiated by state employees contracts, and judges in King County [Seattle, Washington] received annual pay increases as recommended by a standing state salary commission which met every two years. She noted there were mechanisms in place to address judges' salaries in different ways in many states, but pay increases for Nevada Judges was every six years or nothing.

Senator Coffin commented the subject would be reviewed again, but salary decisions for judges through the year 2015 needed to be made.

JUDICIAL BRANCH
SPECIALTY COURT (101-1495)
BUDGET PAGE COURTS - 26

Chairwoman McClain opened the hearing on BA 1495. Justice Michael Douglas, Supreme Court, referred to Specialty Courts as problem-solving courts in which Nevada had been in the forefront across the nation the last few years. Justice Douglas gave a history of the implementation of Specialty Courts and listed the different types of Drug Courts, Mental Health Courts and other therapeutic courts. Justice Douglas applauded the partnership with the Legislature and the Executive Branch that made the programs successful and would have specialty court judges testify about their experiences, needs, successes and problems. The Specialty Courts have been funded statewide based upon available funds; however, this method had underfunded the actual needs of the Specialty Courts. Justice Douglas mentioned the Methamphetamine epidemic in rural areas, where the Specialty Courts were trying to make a difference, break the dependency cycle, and help participants become productive members of society.

Justice Douglas mentioned reentry programs for prisoners, and what the potential savings if Drug Courts and Mental Health Courts were used to reduce the number of inmates, and facilitate Immigration and Customs Enforcement (ICE) releases.

Justice Douglas introduced Senior Judge Jack Lehman who retired in 2003, but returned to preside over a Drug Court.

Judge Lehman explained the Clark County Drug Court was started in October 1992, which became the fifth drug court in the United States, and noted there were now approximately 3,000 drug courts across the country. Drug courts solved problems and kept people from involvement in the criminal justice system and out of prison. Judge Lehman explained ([Exhibit G](#)) the prison reentry program was started in 2000, and by 2006, 107 participants had graduated. The program saved 93 years of prison time, at a cost \$23,000 per year, which represented a savings of \$2,139,000. After deducting the cost of treatment, there was still a net savings of \$1,818,000.

Chairwoman McClain questioned the difference between the Drug Court and the prison reentry program recidivism rate, and Judge Lehman answered that the Clark County Drug Court rate was 17 percent and felt the prison reentry program recidivism rate was comparable.

Senator Beers stated that the base budget eliminated any breakdown on the type of expenditure within the Specialty Court budget for the western, eastern and central and Washoe regions, for example. The Subcommittee requested that the Specialty Court budget be split into multiple accounts, one account for each type of specialty court. In the future, Senator Beers hoped to have geographic or district division of expenses divided within each account.

Ron Titus, Director and State Court Administrator, Office of the Courts, had provided to LCB staff proposed budgets for each court that submitted a budget to the Judicial Branch. Mr. Titus preferred the idea of separate Specialty Court budgets and would see what could be done.

Senator Beers questioned and Mr. Titus confirmed that the disaggregated information would be provided at the same time as the priority list.

Senator Beers asked what the cost per case would be by court type.

Justice Douglas interjected that the differences in the cost per case for various courts was something the Judicial Branch had been struggling with since the inception of the program. He noted that, in the rural areas, the lack of available counselors and the travel distance for participants in programs had increased costs. Senator Beers had heard some Specialty Court actions seemed to be more expensive than incarceration.

Senator Rhoads asked and Mr. Titus answered that there were 31 drug courts in Nevada.

Senior District Judge Archie Blake, Specialty Courts Division, said he and Judge Peter Breen handled the Specialty Courts in the Washoe and western regions. Judge Blake discussed the increase in participants in Washoe and the western region Specialty Courts. There was a federal evaluation of the western region Drug Court in May 2006, which indicated there was a program retention rate of 76 percent, compared to the U.S. average of 60 percent, and the western region's recidivism rate was 17.6 percent. In answer to a question from Chairwoman McClain, regarding the recidivism rate for prison reentry participants, Judge Blake said it was substantially lower than the 17.6 percent overall rate. Judge Blake stated he had information in regard to Senator Beers' request on the cost per case. Judge Blake said the cost per participant was

originally anticipated to be \$2,100, but the cost was \$2,500 to \$2,800 in a rural area. Judge Blake compared rural areas to urban areas, listed the other agencies the Specialty court worked with, listed types of addictions in these programs, and identified the need for more money for residential treatment.

Judge Blake said the 2006 federal evaluation in 2006 reported that the western region Drug Court saved an estimated \$6.7 million dollars in detention costs since September 2001.

Chairwoman McClain asked about the success of the Drug Courts in finding counselors and other staff. Judge Blake answered that available treatment providers in rural areas were a major problem, and his court used every legally recognized treatment provider within that jurisdiction.

Chairwoman McClain asked whether Specialty Courts were able to work with welfare and mental health agencies, and Judge Blake answered that they did in Washoe County.

Assemblyman Parks questioned, if there were more money for residential treatments, would the ability to provide services become more available, and Judge Blake replied that it would, especially in Carson City.

Chairwoman McClain asked that Judge Jackie Glass, Eighth Judicial District Court, answer the same questions for southern Nevada. Judge Glass said if the south received more money for residential treatment, more beds could be found. She said the south's relationship with the mental health agency was outstanding. Judge Glass stated that only 75 participants could be maintained, but if space was available, there could be 500 participants. She then referred to [Exhibit H](#) showing statistics before and after the start of the Mental Health Court program.

Assemblyman Grady asked about the actual time judges spend with a participant. Judge Blake replied in his region every participant was seen by a judge every two weeks.

Senator Coffin questioned Judge Glass whether a participant was brought into the Mental Health Court system after being adjudicated for a felony, and Judge Glass replied the court could intervene before adjudication and briefly explained the process. Senator Coffin and Judge Glass also briefly discussed how the Mental Health Courts interact with law enforcement.

Judge Glass concluded there was cooperation amongst the Specialty Court judges and said the Mental Health Courts cost more because participants had to be in a residential program, but the program was still less expensive than incarceration.

Judge Andrew Puccinelli, Fourth Judicial District Court, stated that Specialty Courts were not just a judge, but a team. Judge Puccinelli gave an overview of his district [eastern region] and the problems encountered. Programs in his district have been in existence for two and a half years and now had 165 Drug Court participants. Judge Puccinelli continued with the accomplishments in Elko County where businesses donated money to the Drug Court.

Judge John Tatro, Justice of the Peace, started the Mental Health Court in Carson City in March 2005, which had 35 participants and a waiting list. Judge Tatro discussed the team that worked with the Specialty Courts and the

participants and their families. He then invited the Subcommittee to Mental Health Court to see how it worked.

Judge Stephen Dahl, Justice of the Peace, President of Nevada Judges Association represented the Justices' of the Peace and Municipal Court judges for Nevada who collected the administrative assessments. Judge Dahl told a story about a mentally disordered offender, who later committed a murder, and the difference Mental Health Court program could have made in his life. Judge Dahl continued that Specialty Courts had saved Nevada millions of dollars, but because administrative assessments were never going to keep up with the needs of the programs, assistance was needed from the State. Judge Dahl concluded that Specialty Courts were not necessarily the easiest program to fund, but were the right thing to fund.

Justice Douglas asked whether the Subcommittee had any specific questions regarding the Specialty Court to conclude this budget.

Senator Beers reiterated the request to separate the Specialty Court information by type and, if possible, by geographic location.

Senator Beers questioned a statement Judge Dahl made regarding the dollars saved because of the work of the Specialty Courts. Judge Dahl stated the cost to house a prisoner was approximately \$20,000 per year, where the cost per participant in some Specialty Courts was approximately \$15,000 per year. Judge Dahl would provide a more accurate comparison to the Fiscal Division.

Assemblyman Parks and Chairwoman McClain both serve on the Select Committee on Corrections, Parole, and Probation and invited judges to speak to the select committee.

Chairwoman McClain returned to BA 1490 after a break, and Chief Justice Maupin commented that the testimony of Specialty Court judges highlighted the need for the specialty courts. Chief Justice Maupin referred back to the salary question, and stated that according to the National Center of State Courts, on the base salary, Nevada was 14th for District Court Judges and when projected cost-of-living adjustments were added, Nevada ranked 31st. The symmetry of the pay raises that had been given to District Judges in the Supreme Court over the past years seems to have worked. Chief Justice Maupin continued that the theory was to have a pay package comparable with middle management or junior partners in law firms. Chief Justice Maupin concluded the Specialty Court costs per participant was far less than the \$20,000 annual cost for incarceration and the estimated \$50,000 per inmate cost in the future when new prison construction is included.

Chairwoman McClain stated the Judicial Branch would receive the requested items needed from Fiscal staff in writing and Senator Beers stated he agreed with the ranking of Nevada in salaries; however, after the recommended increases were applied to the same chart, Nevada would rank first in judicial salaries.

Jennifer Togliatti, Eighth Judicial District Court, reminded the Subcommittee that the raises would not take effect until 2009 and would remain in place through 2015. Senator Beers stated this created another problem because funding for raises effective in the last six months of the 2007-09 biennium would require at least four times that amount of money to support those raises

the next biennium. Judge Togliatti did not think Senator Beers's statement that Nevada would be first among the states in judicial salaries was a fair characterization. Senator Beers stated his statement was simply a comparison of the proposed 2009 salaries against the chart of 2006 salaries.

Senator Beers asked whether the National Center of State Courts included longevity, and Judge Togliatti replied she would provide the Subcommittee with all the salary information she had.

JUDICIAL BRANCH
SUPREME COURT (101-1494)
BUDGET PAGE COURTS – 1

Chairwoman McClain opened the hearing on BA 1494 and stated an overview was not necessary and would start with questions. Ron Titus, Director and State Court Administrator, Office of the Courts, asked whether the Subcommittee wanted to discuss positions or technology. Chairwoman McClain stated that the overview for the Supreme Court requested a 51 percent increase in General Fund support, and the items within the budget should be part of the prioritized list.

Chairwoman McClain discussed the new and reclassified positions and asked why these enhancements were needed and asked whether there was a backlog for unrepresented litigant cases. Mr. Titus answered the largest maintenance unit was M200, which funded five new attorneys and two paralegal positions. These positions were to address increased caseloads for unrepresented litigants and to concentrate on the complex civil litigation, among other things. Mr. Titus commented this request was prioritized on the letter previously submitted to the Fiscal Division.

Chairwoman McClain asked about the proposed rate of \$1,000 per case [E252] for settlement conferences and questioned how the rate was determined. Mr. Titus noted the current rate was \$720 per case and was increased based on the proposed salary increases for the judges. Chairwoman McClain asked for this rate increase to be included in the priority list.

Mr. Titus moved into the Information Technology enhancements. Chairwoman McClain asked how many phases was there of E-Filing program, and Mr. Titus answered two: the first phase allowed filing for registered users, and the second phase would allow public access to case-related documents. Chairwoman McClain asked whether this was related to the web-base case management system, and Mr. Titus replied yes.

Senator Beers stated the Court's current case management system was using both Microsoft Access 2003 and Microsoft SQL Server 2005, and Mr. Titus agreed. Senator Beers added this dual-software system was unusual, and Mr. Titus agreed and said E276 would correct the problem. Mr. Titus continued that the National Consortium for Justice Information and Statistics (SEARCH) evaluated the current case management system and found that Access and SQL were not the best combinations, so the Judicial Branch wanted Requests-For-Information (RFI) on a new system, which was the reason there was approximately \$870,000 budgeted in the second year of the 2007-09 biennium. Depending on the responses to the RFI, the system change could be completed in the next session. Senator Beers questioned the need for the two Crystal Reports servers and informed the Subcommittee that SQL, at no cost, came with a reporting tool for web-enablement of reports.

Mr. Titus disclosed the three biggest enhancements in the technology section were case management system [E276], e-filing [E275], and replacement equipment [E710].

Senator Beers inquired when the last time a back-up was restored, and Mr. Titus said the Judicial Branch had never restored, but backed up the system every night.

Chairwoman McClain asked about the transfer of training costs from administrative assessments to the General Fund. Mr. Titus replied the Judicial Branch thought Supreme Court training should be in the Supreme Court budget. The budget also requested a transfer of the court interpreter program out of the Supreme Court budget and into BA 1484, Division of Planning and Analysis, because court interpreters had no connection to the operations of the Supreme Court.

Senator Beers strongly encouraged that the Judicial Branch, when prioritizing, to think about the effects if all enhancement items were not granted. For example, what might happen if some lesser priority enhancement item was required to support a higher priority enhancement item.

Chairwoman McClain asked whether the primary location for all the Supreme Court Justices would be the Supreme Court Buildings in Carson City and what would happen to the Regional Justice Center in Las Vegas. Chief Justice Maupin answered the 17th floor of the Regional Justice Center had been leased by the Supreme Court. The Supreme Court in Carson City was originally designed in the late-1980s, and the Supreme Court took occupancy in 1991. The original designers provided five suites for full-time Justices, smaller chambers for visiting judges, and two offices with a common reception area. Chief Justice Maupin stated the building was designed for five Justices, but was never designed to be expanded and has never accommodated seven Justices. Justice Douglas still had his office in Las Vegas, but the goal was to have all Justices in Carson City. Chief Justice Maupin noted the Regional Justice Center was originally a temporary location for the Supreme Court, but all seven Justices still have chambers there and hear cases in Las Vegas.

Chief Justice Maupin disclosed that an internal study was completed regarding the structure and organization of the Administrative Office of the Courts (AOC). The AOC was being moved to Las Vegas, because most rural courts were closer to Las Vegas, plus the building in Carson City was fully occupied.

JUDICIAL BRANCH
LAW LIBRARY (101-2889)
BUDGET PAGE COURTS – 30

Chairwoman McClain opened the hearing on BA 2889. Senator Beers asked whether the State Library had a law library and Kathleen Harrington, Law Librarian for the Supreme Court, answered the law library in Carson City was under the jurisdiction of the Supreme Court, and the other two law libraries in the State were in Clark County and Washoe County.

Assemblywoman Koivisto asked whether the law school used the law library and Chief Justice Maupin replied the law school used its own law library at the University of Nevada, Las Vegas (UNLV).

Senator Coffin asked and Chief Justice Maupin answered that the Legislature used the Supreme Court Law Library. Kathleen Harrington, Law Librarian for the Supreme Court, stated the law library provided Westlaw for the Legislative Counsel Bureau (LCB), but the biggest user was the public.

JUDICIAL BRANCH

DIVISION OF PLANNING & ANALYSIS (101-1484)

BUDGET PAGE COURTS – 48

Chairwoman McClain opened the hearings on BA 1484 and explained hearings on the other budgets not covered today would be postponed.

Chairwoman McClain questioned the 88 percent increase in the General Fund support of this budget account. Ron Titus, Director and State Court Administrator, Office of the Courts, answered the largest enhancement items in the budget were:

- The senior court research analyst and administrative assistant positions.
- The court improvement coordinator position.
- Two additional statistical software modules (SPSS).
- A study mandated by *Nevada Revised Statutes* (S.B. No. 77, of the 73rd Legislative Session).

Chairwoman McClain stated S.B. No. 77 of the 73rd Legislative Session would expire in FY 2009 and questioned the request for the research analyst and clerk positions. Mr. Titus stated the Judicial Branch was required to have a study done on counseling availability in the rural areas in addition to the domestic violence study. The Judicial Branch had tried to obtain grant funding but was unsuccessful.

Mr. Titus stated that an interim report was completed, but the final report was proposed to be a longitudinal study that would track the perpetrators of domestic violence to see how well counseling met their rehabilitation needs.

Senator Beers asked whether data from before the program took effect was available to have something to compare against. Mr. Titus explained S.B. No. 77 of the 73rd Legislative Session was a compromise bill to allow biweekly counseling for certain offenders because counselors were not available in some rural areas.

Senator Beers said staff reviewed minutes from the March 10, 2005, Senate Committee on Judiciary hearing which indicated that the Deputy Director for the Administrative Office of the Courts testified that, if a Rural Court Coordinator was hired, that position could perform the administrative duties required in S.B. No. 77 of the 73rd Legislative Session. Mr. Titus replied some grant money was needed but would address this in the prioritization list. Senator Beers stated that if needed, the statute could be changed.

Chairwoman McClain questioned whether the new Court Improvement Program (CIP) Coordinator was required because of federal grants. Mr. Titus said the position was strongly encouraged because it helped with the Protection and Permanency for Dependent Children Committee. Chief Justice Maupin stated it was his decision to use an individual full-time for that purpose, and Chairwoman McClain wanted to make sure all positions were working together.

Chief Justice Maupin answered there were other grants outside the CIP that were in jeopardy of reverting to the federal government, and this position was also a liaison to local governments.

Senator Beers asked whether E720, the Statistical Package for the Social Sciences (SPSS) software request, provided more licensed copies of the software or added functionality. Deanna Bjork, Budget and Finance Manager, Office of the Courts, answered two new modules for the statistical software were requested for the research staff to analyze and compile the data submitted by the courts. There were currently two modules, which were insufficient. Senator Beers asked whether they were modules or copies and Robin Sweet, Deputy Director, Planning and Analysis and Court Services, answered that E720 were modules, not copies, which were requested to help with domestic violence study, so if that study was eliminated, those modules would not be needed.

Chairwoman McClain adjourned the meeting at 10:58 am.

RESPECTFULLY SUBMITTED:

Christine Bashaw
Committee Secretary

APPROVED BY:



Assemblywoman Kathy McClain, Chair

DATE: _____

Senator Bob Beers, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Assembly Committee on Ways and Means/Senate Committee on Finance Joint Subcommittee on General Government</u>			
Date: <u>March 7, 2007</u>		Time of Meeting: <u>8:06 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Chief Justice Maupin, Supreme Court	Budget Summary
	D	Ron Titus, Office of the Courts	Budget Summary Addendum
	E	Chief Justice Maupin , Supreme Court	Governor’s Task force on Compensation packet
	F	Chief Justice Maupin , Supreme Court	Annual Report of Nevada Judiciary
	G	Judge Jack Lehman, Drug Court	Drug Court Report
	H	Judge Jackie Glass, Mental Health Court	Mental Health Court Report