

**MINUTES OF THE MEETING
OF THE
COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
March 16, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 9 a.m. on Monday, March 16, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Ira Hansen, Chairman
Assemblyman Erven T. Nelson, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblyman Nelson Araujo
Assemblywoman Olivia Diaz
Assemblywoman Michele Fiore
Assemblyman David M. Gardner
Assemblyman Brent A. Jones
Assemblyman P.K. O'Neill
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman James Ohrenschall (excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Linda Whimple, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Valerie Wiener, Chair, State Task Force on Alzheimer's Disease
Frances Doherty, District Court Judge, Second Judicial District Court
Kim Spoon, Private Citizen, Reno, Nevada
Shelly A. Register, Private Citizen, Reno, Nevada
Susan DeBoer, Public Guardian, Office of the Washoe County Public Guardian
Desiree DuCharme, Public Guardian, Clark County Public Guardian's Office
Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts
Bailey Bartolin, representing Legal Aid Center of Southern Nevada
Andres Moses, Staff Attorney, Eighth Judicial District Court
Timothy Andrews, Assistant Court Administrator, Eighth Judicial District Court
Jeff Fontaine, Executive Director, Nevada Association of Counties

Chairman Hansen:

[Roll was taken and protocol was explained.] Before we get into the bills, we will be having a work session on Wednesday. There are at least four bills we will be hearing, and they will be posted quickly so everyone knows what we are dealing with. We may also have an additional work session on Thursday, so we will be working on getting those details finalized. There are two bills on the agenda today; the first one is Assembly Bill 9. Who is here to present that bill today?

**Assembly Bill 9: Amends provisions concerning estates under guardianship.
(BDR 13-504)**

Valerie Wiener, Chair, State Task Force on Alzheimer's Disease:

I am former state Senator Valerie Wiener, and I appear before you today as Chair of the State Task Force on Alzheimer's Disease (TFAD). As Chair, I am testifying before you on Assembly Bill 9. This is a measure that we had asked the Interim Health Committee to bring to the Legislature this session. So that you will understand what it took me about a year to figure out, you may hear

me interchange my references of dementia and Alzheimer's. There are about 50 forms of dementia, and Alzheimer's comprises about 70 percent of those, so we will often reference Alzheimer's and that is the Task Force name ([Exhibit C](#)).

The TFAD was established in law last session. It is housed in the Aging and Disability Services Division of the Department of Health and Human Services. We have ten appointed members, two of whom are legislators, and they bring an expertise in the medical arena of societal community public policy, and certainly the issues of family. This particular task force is required in statute to provide an updated state plan to the Governor and legislators by February 1 of each year, so we spend the year working on updates, revisions, and taking things out that are not quite as necessary anymore or they have already been addressed. In addition, we provide an annual report.

You should have copies of the plan ([Exhibit D](#)) and the annual report ([Exhibit E](#)) before you. It is truly a labor of love; the people on this task force are extraordinarily passionate about working on these issues. You will find 20 recommendations; the original task force that was formed by Assembly Concurrent Resolution 10 of the 76th Session was sponsored by then-Assemblywoman Debbie Smith, and it required that we do something about an estate plan on Alzheimer's, and that is where we started. With that, we started with 117 recommendations and we whittled it down to 20, and we still have 20. In the state plan, recommendation 10 deals with out-of-state placements. The bill before you addresses our concerns about assets under \$10,000, and you will also see provisions related to those people who were placed out of state.

Alzheimer's and dementia are on the rise. One in nine people has some form of dementia, and 37,000 people in Nevada have been diagnosed. Most of those people are in-state; however, we only have three dedicated full-time residential facilities that deal directly with Alzheimer's or other forms of dementia. The vast majority stay in the state. They are either in group homes or other facilities, but most of them stay at home and are provided for by families or other unpaid caregivers, including volunteers. There are those who were sent out of state. They were sent out of state because often there is not a facility in Nevada that can take care of their needs. Currently, there are about 75 or 80 people who are being provided for out of state, and section 1, subsection 2, paragraph (b) deals with that directly with regard to out-of-state placements. Our intent is to protect financial resources under \$10,000.

Since the introduction of A.B. 9, I have had many conversations about this measure and am very respectful of the fiscal impact that you are well aware of—more than \$1 million to Clark County and about \$60,000 to

Washoe County—that would be substantially incurred because of subsection 2, paragraph (a). With the conversations that have transpired since the bill has been in print and with the conversations that have been allowed to unfold, we certainly respect that kind of a fiscal impact. I believe that all of us who have been a part of these conversations agree that it is very important to protect assets of those Alzheimer's people, and certainly monitor the assets of those who are placed out of state. Simply, but not so simply, when we cannot find a place to care for these people in our state and it is required that we send them out of Nevada, we truly believe it is important that we ensure that their assets are monitored or reviewed.

I understand that there is great support for deleting subsection 2, paragraph (a), because of the fiscal impact and we certainly understand and support that at this time if, indeed, the agreement is also to retain subsection 2, paragraph (b), which will address the out-of-state placements, and the assets of those 75 or 80 people. I understand, too, that there has been some concern about there being an accounting of those dollars in terms of legal language. We had conversations this morning about monitoring and reviewing those assets rather than providing an actual accounting. Certainly, that would be a great step in the right direction, so we are okay with it.

Again, it is about people who are not asked to leave the state, but are forced to leave the state because of medical conditions. They are our residents, they are our neighbors, and they are our families, so we strongly urge you to support A.B. 9 with the changes that I have discussed before the Committee today.

Chairman Hansen:

So essentially we are going to consider a friendly amendment to delete subsection 2, paragraph (a)?

Valerie Wiener:

Yes. Because of conversations this morning, there has been some concern that this would still require an accounting of those assets for out-of-state placement, and it is a legislative tweak, wordsmithing, that is very important to the people who are concerned about this. If it were changed or clarified to be a legal review or something that is official and done annually that would be fine, but the word "accounting" is problematic for many of the people who are involved with this.

Chairman Hansen:

We will see if we can clean that up. Is there anyone else you would like to have testify at this time?

Valerie Wiener:

Yes, Frances Doherty. We have worked in concert with this and she is here to talk about the legal side of it.

Frances Doherty, District Court Judge, Second Judicial District Court:

Senator Wiener has brought forth a powerful bill in the eyes of the Judiciary. We have reviewed the bill and the members of the Judiciary who work in this area have had several conversations about this bill, and I would like to show you first and foremost that we, who work with guardianships and wards, take that responsibility very seriously. We spend a lot of time on our cases, whether they are reviewed in court or reviewed outside of court, and we carry a significant burden and worry how each and every ward we oversee is being protected and having their needs met.

We discussed this bill—some of us who work in this area—when we were at the Family Law Conference last week in Ely. There was a general consensus that we would like to accomplish all of the goals of this bill, but we do not have the fiscal ability. We appreciate the amendment to eliminate section 1, which would otherwise require that we review all cases in which the diagnosis of dementia is identified. That would be the majority of our pending and inactive review cases, and there would be hundreds more cases to review. We do that by paper review and we had a series of elements that we reviewed, which showed that the needs of the wards are being met. But the out-of-state placements are another issue. We do not have jurisdiction over the providers of those out-of-state entities; we do not have jurisdiction over the regulators of those nursing home entities; we do not have a lot of knowledge of those communities. It is the consensus of the court that there are a very minimal number of wards who are placed out of state because we think it is our job to keep them in Nevada, in their communities, in their homes, or connected to the individuals who are their families and friends.

When we do place wards out of state, it is an appropriate expectation of each and every court to review those cases at a judicial hearing each year on the anniversary of their guardianship. We do not want to start making, however—and the language is slightly blurred in this section—guardians who are overseeing wards with very tiny estates, but they are placed out of state to start providing the court with accountings. What we want is to review every out-of-state placement. They are largely wards who have assets below \$2,000, and they are largely placed in Medicaid facilities. We want to see how they are doing in those facilities. We are kind of suggesting a little bit of a fudge to section 2, and I will suggest what that might be. I have talked with the other stakeholders in this area. The suggestion is that all guardianships in which a ward is placed out of state, regardless of whether the estate is summary, shall

be reviewed annually at a hearing by the court. That is the point. We want to know how those individuals are, how their medical needs are being met, and certainly we will review the circumstances of their finances; we would hope they would increase.

The main issue is if that ward is being cared for. Has anyone seen, touched, felt, or talked to a medical provider of that ward in the last year? We do not have that ability on paper to really recognize the level of care and treatment needs that that ward has without a fuller discussion, which would occur at a hearing. I have summarized my testimony for efficiency sake. I would hope that Senator Wiener and the Committee would consider this very important improvement that all the judges see as appropriate to the legislative considerations that you have here this morning. [Submitted prepared testimony ([Exhibit F](#)).]

Assemblyman Jones:

Are you finding that these people are being taken advantage of? Is that a concern or a potential?

Judge Doherty:

Every single case has the potential for a ward to be underserved or neglected. Within the state we have a realm of resources and support available to the court to trigger an investigation, to bring an agency in, to discuss circumstances, or to allow the court to verify whether a treatment is being appropriately delivered or is a mistreatment. We do not have any of that when our ward is in Utah or Idaho. We do not have any connection to that ward other than we know the placement is there. That is why we need to bring a little bit more wraparound—a review of those individuals to make sure that the questions we have answered in our in-state cases can be answered in our out-of-state cases, and you cannot do that by paper review. That is the point. I do not think anyone in this room or in Las Vegas disagrees that our out-of-state placements are more fragile and more in need of a connection to the court that is not satisfied by a paper review.

Chairman Hansen:

Are there any further questions at this time? [There were none.] Is there anyone in Las Vegas who would like to testify in favor of A.B. 9 at this time? [There was no one.] Is there anyone in Carson City who would like to testify in favor of A.B. 9?

Kim Spoon, Private Citizen, Reno, Nevada:

I am a private professional guardian with Guardianship Services of Nevada and in my twenty-third year. My first six years were with the Washoe County Public Guardian's office, and I am on my seventeenth year with Guardianship Services.

Shelly A. Register, Private Citizen, Reno, Nevada:

I am also a professional guardian with Guardianship Services of Nevada. I have been acting as a guardian in the state of Nevada since 2002. My first three years were with the Public Guardian's Office in Washoe County and since 2006 with my current company.

Kim Spoon:

Originally, we had come in and said that we were against the bill; we were not really sure why it was being done. Assemblyman Jones, you had asked about statistics and we are not aware of those. With the changes that are being proposed, it is absolutely fine in terms of the wraparound for the out-of-state cases. We have several out-of-state people that we are guardians for. Why they are sent out of state is a different issue because there is nothing in the state of Nevada for behavioral-challenged people with dementia that would enable us to keep them in Nevada. That is a whole different issue that we would like to address someday down the road. We have tried several times in the past, and it just has not gone through, but we are keeping at it.

We do not have a problem with A.B. 9 with the changes that are being proposed. We just wanted to say that we originally were against it.

Shelly Register:

We did originally come here to testify against this bill because we spent significant time trying to find out what this bill was about. One of the concerns I have is that we have had a very difficult time getting any response from anyone to tell us why this bill was out there, even pointing us to the committee that had actually developed the bill. As I said when I came in, if I do not know what a bill is intended to improve, I am going to testify against it. Luckily enough, we are here, we have had an opportunity to talk to the people involved, and yes, we would support the changes in this bill, which would allow for an annual review of patients who are out of state.

As Kim said, there are issues involved with behavioral placements. I believe that in the fiscal hearings, Administrator Jane Gruner from the Aging and Disability Services Division had proposed some additional funding for behavioral placement. I would encourage that those funds be provided because we can keep some of our people in state if we are able to develop some

behavioral placements here. That is something we lack severely as well as placements for people with severe mental health issues. So the bill to allow an annual review is a good thing, and I think that we always want to know that there are efforts to bring our people back. Whether I am with the public sector or the private sector, we are required to do everything we can to find a place within the state of Nevada for these people.

When we place people out of state, a number of those behavioral placements are in Utah and Idaho with licensed facilities in those states. I want you to know that we have regular contact with those facilities to ensure that our people are getting the services they need and to find out how they are doing. We have—both in the public sector and the private sector—gone to those states to check on our clients. We cannot go as often as we could to see those people if they were in our states, but we do make the efforts. When we try to work with our counterparts, when we as Guardianship Services of Nevada are going to the other states to check on clients, we offer to check on the clients for other guardians in the area so that we can consolidate and try to save money for the public sector as well. With the amendments to A.B. 9, I would support it.

Susan DeBoer, Public Guardian, Office of the Washoe County Public Guardian:

I think I signed in to oppose because I oppose the original bill, but with the amendments, we certainly support it. I want to go on the record by saying that part of our intention of opposing this was to make sure we do not make this more difficult for family members that have had to place their loved ones out of state if hearings are required, if there has to be an attorney to submit documentation to the court, or if the ward has to come back into the state to be seen by the court. This would present a financial burden to families. As far as the Public Guardian in office is concerned, we support these amendments and look forward to working with anyone that would have us. [Submitted prepared testimony ([Exhibit G](#)).]

Chairman Hansen:

Is there anyone else who would like to testify in favor of A.B. 9 at this time? [There was no one.] Is there anyone in Carson City or Las Vegas who would like to testify against A.B. 9? [There was no one.] Is there anyone who would like to testify in the neutral position on A.B. 9?

Desiree DuCharme, Public Guardian, Clark County Public Guardian's Office:

I am a supervisor and acting public guardian for Clark County. Originally, we were in opposition to A.B. 9; however, based on the revisions and amendments, we would be in support and neutral on the bill. [Submitted prepared testimony ([Exhibit H](#)).]

Chairman Hansen:

Are there any questions? [There were none.]

Valerie Wiener:

We will work with Judge Doherty with some of the tweaking we have suggested. We will provide text to assure the Committee we are working closely with you for the clarifications that we have provided today.

Chairman Hansen:

We will close the hearing on A.B. 9 and open the hearing on Assembly Bill 219.

[Submitted for inclusion is ([Exhibit I](#)), which is the conceptual amendment discussed in the hearing.]

**Assembly Bill 219: Revises provisions relating to court interpreters.
(BDR 1-272)**

Assemblywoman Olivia Diaz, Assembly District No. 11:

I am presenting Assembly Bill 219, and it is supposed to be a straightforward bill. During the last session, we brought forth Assembly Bill No. 365 of the 77th Session in which we wanted to make sure that in court proceedings, people who have limited English proficiency receive adequate information while they were in the court system, so we made sure we stipulated that and also in the optimal cases, we could get a court interpreter for them. If there was not a court interpreter, then we would get a registered or alternate court interpreter. In that instance, if we could not get one that was registered, then we would let judges, at their discretion, pick someone who seemed knowledgeable enough in both languages to carry out the interpreting in the court proceedings.

During the interim, Assemblywoman Flores and I were contacted because there were some terms of art that we did not put into A.B. No. 365 of the 77th Session. As you read through it, you might have noticed a lot of certifications being crossed out and credentialing replacing certification. That is because the Administrative Office of the Courts (AOC) is the entity by which people seek their court interpreting credentials, so they have to pass difficult examinations in the language that they are seeking to interpret in the courts. If they are not credentialed court interpreters, then they can become ones who are registered. There are different levels, and the ultimate one to be a court interpreter is the hardest. Registered is not as difficult as becoming a court interpreter, and then the alternate would be established by the judge. You also might note in A.B. 219 that "language barrier" is being replaced with "limited English proficiency," because that is the term of art for this area.

Section 9, subsection 1, paragraph (b) somehow was omitted out of the drafting last time, but this puts us in compliance with what the Department of Justice requires us to provide. It says, "An interpreter must be appointed at public expense for a person with limited English proficiency who: (a) Is a defendant or a witness in a criminal proceeding, (b) Is a party or witness in a civil proceeding." Again, I state that this is just to be in compliance with what the Department of Justice requires states to do. That is basically the genesis of A.B. 219. I will also have Mr. Graham comment on the bill.

Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts:

The fun thing about working in the Judiciary is that you get a variety of areas that are not within your ordinary realm. Quite frankly, interpreter services was something I needed to do some research on after working with the Committee and Assemblywoman Diaz last session.

It is hard to imagine, but in 1964, Title VI of the Civil Rights Act mandated a number of requirements for due process, and even though some of us are uncomfortable with it, my father said, "If you pay the fiddler, you get to call the tunes." Sometimes that applies when we get federal money. Frankly, the federal government, whether we like it or not, reaches so, so far. Not only the governmental entities, but with any entity that is actually involved with federal funding, there is a requirement that interpreters be provided essentially at no cost to the individual that needs the service. This has been the rule for years and years in criminal proceedings, juvenile proceedings, and a number of other areas. What has happened is that a number of states have not taken steps that even get them into compliance in any way. It does not just apply to the courts. This is important because every executive agency and police department has to be aware of this. From the mandate, it is clear that interpreters need to be provided at no cost to not only the criminal defendant but to civil litigants as well.

Now the good news is that by writing this provision, we can provide for civil interpreters, and we are in compliance statutorily with what is mandated. We have been providing many interpreters, not only in criminal matters but in some civil matters as well. A number of jurisdictions have felt that by changing this, it will have a huge and significant impact upon their programs. I seriously wonder about that because in most cases our courts are already pretty well in compliance. We hear stories about multimillion-dollar litigation from foreign jurisdictions and having to have interpreters here in Nevada. I would suspect that if multimillion-dollar litigation is being carried out, there will be more interpreters there than you can shake a stick at, and I doubt very much if the counties are going to be on the tab for paying for those.

It is amazing the number of languages that we can provide interpreters for. If you are like me, every once in a while you will hear something on the news about some small nation somewhere that you have never even heard of, but some of the languages are just as foreign to me; no pun intended. For instance, in Clark County there is Gujarati. Well, if they are in court, there are 800 of them with limited English proficiency living in Nevada, and lo and behold, somewhere in the court process, maybe as far away as Wisconsin, we have an interpreter who is qualified in the state of Nevada that could be provided to those people.

Chairman Hansen:

I have a question on that because it is something that really caught my eye. Now we are adding all civil proceedings and my understanding is—according to Assemblywoman Diaz's testimony—that it is actually required by the Department of Justice. We do not have an option on it.

Ben Graham:

It really is.

Chairman Hansen:

In the example you are giving, a person who lives in Wisconsin, for 800 people in the state of Nevada, will have to be flown in at state expense to interpret for them? How does that work?

Ben Graham:

We can do it through phone connection in most instances.

Chairman Hansen:

So it keeps the cost level a little reasonable?

Ben Graham:

Yes. I hate to say this, but the last thing we want is the Department of Justice showing up and knocking at the door with a dozen people with clipboards and tape recorders, who start from one end of the state to the other—not just with the Judiciary, but all of our agencies—and want to know how we are doing. If our statute says that we can charge for civil—ding, ding, ding. That gives notice that statutorily we are not even in compliance. A number of states—Colorado, Washington, Maine—have come in and made the state enter into a consent decree. We get sued and we get a consent decree mandating all kinds of things—many of which we are doing—but removing this provision removes the statutory noncompliance that I am concerned about.

Chairman Hansen:

What would Thomas Jefferson say? I would love to have him come and give us a thorough briefing on what the original concepts of federalism once meant.

Assemblyman Wheeler:

I, too, was bothered by the civil part, but if we have to be in compliance with federal law—much like my bill on veterans' disability—I understand; we have to be in compliance with federal law. Can there be a provision where the state can be reimbursed for the interpreter by the loser of the civil trial?

Ben Graham:

We are not changing the statutory scheme for reimbursement. Remember that the law says there have to be qualified interpreters. I jokingly said that if the law said we had to provide transportation, it does not mean that we are going to send a driver with a limousine. In some cases, you may not have to have a certified interpreter, but it will be up to the courts in many instances to determine if they are qualified. There is still a provision that reimbursement could be sought. Whether that is in compliance or not, that is a whole different issue.

Assemblywoman Diaz:

I believe Mr. Moses and some of the county people who will come and testify later might be able to answer that question. I believe they did mention to me that sometimes they do recoup some of the costs.

Assemblyman Wheeler:

Can it be written into the law that—in a civil case only—there must be a reimbursement procedure?

Ben Graham:

It is currently in the law that the counties can seek reimbursement. It is not mandated, but under certain circumstances they can. Statutorily it is already there.

Assemblyman Gardner:

Thank you for bringing this; I think it is a really good bill about expanding access to court. I actually use it all the time. I believe this is already the law in federal courts. You just tell the judge, and they will call them up. It is a very simple process—they translate everything and then they hang up. From what I have dealt with, there did not seem to be any large inconvenience to it. I really appreciate this bill and think it is a good idea.

Assemblywoman Diaz:

I brought this bill forward at the last session because court interpreters came to me and said that we really need to make sure our judges are doing the most they can to ensure that our limited English proficiency people are understanding the proceedings. A lot of them were sitting and waiting for their turn to be interpreted, and they were not hearing accurate interpretations with the going back and forth between the judge and the different parties. I also thought we could improve the efficiency of our courts and make sure people are really understanding what they are facing, what the charges are, and what they have to follow through with in order to not be on that merry-go-round carousel to be back in the court because they did not follow through. I think understanding is really important, and the best we can do is offer people communication in their first language.

Assemblyman Nelson:

When I toured the school district a few months ago, I was told that the school district teaches in over 140 languages. I do not know if that is what you anticipate going on in our courts, but since you can do it telephonically, hopefully that solves that problem.

Assemblywoman Diaz:

In working on this bill in the interim, it was brought to my attention that the language that is most represented is Spanish and that is where we have tons of certified court interpreters. After you get through the Spanish interpreters, the number really drops off for all the other languages. Hopefully, people can see this as an area where they are already knowledgeable in a language and, if they acquire the English, they could also serve as court interpreters for many of the other languages that you just spoke about—the 140-plus that are existing, at least in Clark County.

Assemblywoman Seaman:

The language is being changed from certification to credentialing, so is the training different? If so, what does the training entail to become credentialed or certified?

Ben Graham:

The AOC has an ongoing court interpreter program with testing, workshops, tests, and court observation. It is pretty extensive to determine that we are getting qualified interpreters. There was concern among the Office of the Courts about what credentialing means. Credentialing is not really a "thing," but it is a process. Under that you would become certified or, with proper training, you would become registered or alternate, and then there can be other qualified interpreters. Not all are necessarily certified, but credentialing

is more the process and offers some flexibility of training and getting qualified interpreters. There have been some additions since the hearings two years ago.

Assemblywoman Diaz:

A certified court interpreter is the most qualified of interpreters that a judge can get. That person has to complete an orientation workshop, pass the Nevada certified court interpreter written test, pass the Nevada certified court interpreter oral examination, provide verification of Nevada court observations, and then submit two fingerprint cards as a background check. Even within the court interpreters, there is a master level that they can obtain. The registered court interpreter has less things that they have to satisfy in order to be an interpreter.

There are different strata—certified being the top, registered is the middle, and alternate. There is nothing else. For example, there is an individual who speaks Swahili. Right now our court system does not offer certification for every single language that exists. They only offer certification in the most common foreign languages that we are able to offer these examinations in. So then we have to be creative about how we offer an alternate certification program for those other languages that we do not have a built-up system in order for us to test, written and spoken, for the certified court interpreters.

Assemblywoman Seaman:

Is it fair to say that we are lowering the standards from certification to credentialing to fit—I am not really understanding.

Assemblywoman Diaz:

Basically, credentialing is the term of art. It is the umbrella. Any court interpreter will be under the umbrella of credentialing.

Chairman Hansen:

Are there any further questions? [There were none.] Assemblywoman Diaz, do you have anyone else lined up that you would like me to call up?

Assemblywoman Diaz:

That is it for us; thank you.

Chairman Hansen:

Is there anyone else in Carson City or Las Vegas who would like to testify in favor of A.B. 219 at this time?

Bailey Bartolin, representing Legal Aid Center of Southern Nevada:

I am pretending to be Jon Sasser for the moment, so I am representing Legal Aid Center of Southern Nevada. We wanted to state on the record our support for this bill. We only do civil cases and this is a problem that many of our clients face. We hope that they can receive this help.

Chairman Hansen:

Is there anyone else who would like to testify in favor of A.B. 219? [There was no one.] Is there anyone to testify in opposition of A.B. 219 in Carson City or Las Vegas? [There was no one.] Is there anyone here in the neutral position?

Andres Moses, Staff Attorney, Eighth Judicial District Court:

The court is neutral on this bill. I want to answer Assemblyman Wheeler's question. The statute is *Nevada Revised Statutes* 50.050, section 3, which allows the court to tax the interpreter as costs in civil cases. I also have Tim Andrews with me, who is our assistant court administrator and oversees the interpreter's office in Las Vegas. He can provide some commentary on the bill.

Timothy Andrews, Assistant Court Administrator, Eighth Judicial District Court:

I oversee the interpreter's office. The court's position on the bill is neutral. We prepared a fiscal note to the best of our ability, and I am here to attempt to answer any questions you might have on the note or how the interpreter's office functions in general.

Assemblyman Nelson:

I looked on the Nevada Electronic Legislative Information System (NELIS) and did not see any fiscal notes, so tell me what your fiscal note is. Actually, I was very surprised that there were no fiscal notes.

Andres Moses:

I submitted a fiscal note about two days ago, and I emailed the Legislative Counsel Bureau this morning to ask why it was not on there. I am not sure why it was not. There is a substantial impact to our court by adding all civil cases. I think Mr. Andrews can take us through that impact if you would like to hear it.

Chairman Hansen:

Mr. Andrews, I am curious about the amount of the fiscal note, but you will get to rehash this in front of the Ways and Means Committee. What is the estimated cost to the Eighth District Court?

Timothy Andrews:

The note that we prepared estimated—it is a rudimentary estimate—about \$2 million-plus per year to accommodate the increase in volume of the cases. The total number of cases the interpreter's office processed for fiscal year 2014 was 86,175, which services not only the district court but also the justice court, the Division of Child and Family Services, Child Protective Services Department, and other county entities. Those are all the cases for which an interpreter would have been available. It does not represent the actual number of cases where an interpreter was provided. We divided that number into our current budget of \$1.469 million and came up with an estimate of an average of \$17 per case. Then we extrapolated and added the civil cases and family cases that we do not cover for both district and justice court. There are 229,420 of those cases, so we multiplied that number by 17 and ended up with a total budget of \$3.9 million, which is a shortfall of \$2.4 million. There are a number of factors that would influence that number up or down. It could be far lower or it could be higher. It is the best that we can provide at this time.

Chairman Hansen:

There was a ripple of concern at your mention of those numbers, however, I will remind the Committee that we are a policy committee. It is certainly something we should keep in mind, but it is not our job here to argue whether or not it is going to cost \$2.4 million or \$1.5 million or whatever. Are there any questions for Mr. Andrews or Mr. Moses at this time? [There were none.]

Jeff Fontaine, Executive Director, Nevada Association of Counties:

We are neutral on the bill. I am here to say that we certainly understand the federal requirement under federal law to provide these court interpreters. I want to make sure that everyone understands there has been some reference to this being a state expense, but it is something that the counties end up having to pay, and all counties would be required to participate in these expenses as well. I also want to mention the fact that I know several counties did prepare fiscal notes that do not appear on NELIS, and hopefully they will be on there soon.

The other comment I have has to do with a question Assemblyman Wheeler raised with regard to whether or not there could be reimbursements for some of these costs under certain circumstances. We would like to understand that a little bit better. For example, what about a frivolous lawsuit? Would there be an opportunity to recoup costs under those circumstances? Is there an opportunity to look at and determine whether or not the individual has the ability to pay for an interpreter before this becomes a public expense? Again, we are neutral on the bill; we just have a couple of questions and certainly there will be a fiscal note.

Assemblyman Wheeler:

Would you be more comfortable with the bill if an amendment was put in—as I would—that mandated reimbursement by the losing party in civil cases?

Jeff Fontaine:

I am sure that it would reduce the cost. I would have to check with the rest of the counties to answer that question, but it certainly is something we would like to consider.

Chairman Hansen:

What is the current budget in the counties? Apparently, they are already providing this. Do you have any idea what they are currently paying to provide this service? Do you know if they are currently paying for civil procedures as well as criminal?

Jeff Fontaine:

I do not know the answer to that question, whether they are paying those costs today or not, and if they are what those costs might be. We can certainly get you that information.

Chairman Hansen:

I do not want to get too far into the fiscal side of it because that is really not germane to what we deal with here but, obviously, it will be a concern for them down the road. Are there any further questions at this time? [There were none.] Is there anyone else who would like to testify in the neutral position on A.B. 219? [There was no one.]

Assemblywoman Diaz:

I cannot stress enough that if you were in another country, such as Germany, and they had someone interpreting your court proceeding and this person had a third-grade level English knowledge, then you probably would feel a level of discomfort answering any of the questions because maybe you are not clear as to what is really happening if it is not being communicated to you in a manner that is easy for you to understand and follow through with. I believe that even though some individuals have expressed the concern that the costs might go up, if we keep our courts efficient in the way they run, it could be a cost-saving measure because then you do not have people coming back to the system since they did not understand what to do in the first place.

Chairman Hansen:

We will close the hearing on A.B. 219. Is there anyone who would like to take advantage of the public comment period at this time? [There was no one.] Anyone in Las Vegas? [There was no one.] We will close public comment.

As you will see, after today we are going to be extremely busy. Our Monday Committee meeting on March 23 will begin at 8 a.m. We will also probably go until 11 o'clock very consistently, so you might let your leadership know. If your caucus has been starting at 10:45 a.m., we might not quite make it on time. I will try to get everyone out of here ideally by 11 o'clock at the latest. We may also end up doing a few evening sessions just to keep up with the volume. Judiciary typically has one of the highest—if not the highest—volume of bills that pass through a committee, and we are going to try to give as many bill hearings as we reasonably can.

I will have subcommittee Chairwoman Seaman discuss the plans on the homeowners association (HOA) subcommittee.

Assemblywoman Seaman:

Beginning tomorrow evening at 6 p.m., we will start a working session for the HOA subcommittee. We will be doing working sessions on that regularly as we get the bills, but tomorrow we start at 6 p.m.

Chairman Hansen:

Is there any further business that needs to come before the Committee at this time? [There was none.] This meeting is adjourned [at 9:53 a.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblyman Ira Hansen, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 16, 2015

Time of Meeting: 9 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 9	C	Valerie Wiener, State Task Force on Alzheimer's Disease	Testimony
A.B. 9	D	Valerie Wiener, State Task Force on Alzheimer's Disease	Testimony
A.B. 9	E	Valerie Wiener, State Task Force on Alzheimer's Disease	Testimony
A.B. 9	F	Frances Doherty, Second Judicial District Court, Washoe County	Testimony
A.B. 9	G	Susan DeBoer, Office of the Washoe County Public Guardian	Testimony
A.B. 9	H	Desiree DuCharme, Clark County	Testimony
A.B. 9	I	Frances Doherty, Second Judicial District Court, Washoe County	Proposed Amendment