

**THE TWENTY-NINTH DAY**

---

CARSON CITY (Monday), March 7, 2011

Senate called to order at 11:06 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Our Father in Heaven,

A new week is upon us. Help us to put aside any arrogance, anger or bitterness and approach the week ahead of us with humility, zeal, compassion and unity.

I pray in the Name of the One who taught us to love.

AMEN

Pledge of Allegiance to the Flag.

Senator Horsford 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 COMMITTEE

*Mr. President:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

ALLISON COPENING, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 86, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 157; Assembly Bills Nos. 15, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 3, 2011

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 10, 88, 183.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, March 4, 2011

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 43, 66.

MATTHEW BAKER

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

March 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 2, 11, 71, 104, 118, 122.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 10, 43, 54, 64, 72, 75, 76, 87, 97, 99.

MARK KRMPOTIC  
*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 54 be re-referred to the Committee on Finance.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Senator Wiener and Assemblyman Segerblom:

Senate Bill No. 221—AN ACT relating to personal financial administration; providing for nonprobate transfers of property to take effect on the death of the owner of the property; establishing provisions relating to transfers of property which are found or presumed to be void and providing the effect of such transfers; providing for the independent administration of estates; revising provisions concerning the administration of trusts and estates; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Copening:

Senate Bill No. 222—AN ACT relating to common-interest communities; enacting provisions governing registration of tenants of units' owners with associations or their agents; prescribing the maximum amount of the fee which an association or agent may charge for the registration of a tenant; authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations prescribing the amount of such a fee; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Breeden, Parks, Manendo and Assemblyman Segerblom:

Senate Bill No. 223—AN ACT relating to animals; making certain willful and malicious acts of cruelty to an animal punishable as a felony; clarifying that a retailer, dealer or operator who separates a dog or cat from its mother is guilty of a misdemeanor under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Parks, Leslie, Denis, Wiener, Breeden, Copening, Halseth, Kihuen, Lee, Manendo, McGinness, Schneider, Settlemeyer; Assemblymen Hambrick, Ocegueda, Smith, Frierson, Horne, Aizley, Anderson, Conklin, Hogan and Pierce:

Senate Bill No. 224—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to include certain substances known as fake cocaine on the list of schedule I controlled substances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Cegavske:

Senate Bill No. 225—AN ACT relating to public health; establishing provisions for the designation of certain hospitals as primary stroke centers; authorizing the State Board of Health to adopt regulations; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Leslie, Parks; Assemblymen Pierce and Carlton:

Senate Bill No. 226—AN ACT relating to trapping; making it unlawful for a person to trap a fur-bearing mammal within a certain distance of an occupied dwelling under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 10.

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

Motion carried.

Assembly Bill No. 43.

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

Motion carried.

Assembly Bill No. 66.

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

Motion carried.

Assembly Bill No. 88.

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

Motion carried.

Assembly Bill No. 183.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.

Bill read third time.

Remarks by Senator Wiener.

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

Senate Bill No. 7 requires a State agency that files an emergency regulation to, if practicable, make the regulation public no later than 9 a.m. on the first working day before the regulation is filed with the Office of the Secretary of State. A State agency must also make public, if practicable, an emergency regulation that is the subject of any agency hearing no later than 9:00 a.m. on the first working day before the hearing. The bill provides that the emergency regulation must be made public by providing a copy to a member of the public upon request and making a copy of the emergency regulation available on the agency's Internet website.

The bill is effective on October 1, 2011.

Roll call on Senate Bill No. 7:

YEAS—21.

NAYS—None.

Senate Bill No. 7 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92.

Bill read third time.

Remarks by Senator Hardy.

Senator Hardy requested that his remarks be entered in the Journal.

Senate Bill No. 92 expands the permissible purposes for which money may be expended from a development revolving fund to include use by a redevelopment agency for the improvement, with certain limitations, of schools in a city or county with a redevelopment area within its boundaries. The bill also requires a redevelopment agency to file a report with its governing agency and with the Director of the Legislative Counsel Bureau, and sets forth the required contents of the report.

Roll call on Senate Bill No. 92:

YEAS—21.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109.

Bill read third time.

Remarks by Senator Parks.

Senator Parks requested that his remarks be entered in the Journal.

Senate Bill No. 109 excludes from the definition of "revenue" proceeds from the interstate sale of natural gas to a wholesale provider of electric energy for the purposes of cities and counties imposing the business license fee on public utilities.

Testimony indicated that a change in the definition of "revenue" in Nevada Revised Statutes 354.598818 to exclude "a wholesale provider of electric energy" would eliminate the collection of a franchise fee by a city or county from such wholesale providers.

This bill is effective on July 1, 2011.

Roll call on Senate Bill No. 109:

YEAS—21.

NAYS—None.

Senate Bill No. 109 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134.

Bill read third time.

Roll call on Senate Bill No. 134:

YEAS—21.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192.

Bill read third time.

Remarks by Senators Leslie, Kieckhefer, McGinness, Brower and Horsford.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR LESLIE:

Thank you, Mr. President. I wanted to let the body know that I consulted with our Legal Counsel at the Legislative Counsel Bureau and with the Regional Transportation Commission (RTC) concerning Senate Bill No. 192. I was assured that the concerns were adequately addressed in the first reprint of the bill.

For the record, under the current provisions of Senate Bill No. 192, a Regional Transportation Commission may use any of the proceeds distributed to the RTC pursuant to Senate Bill No. 192 for any other projects that an RTC is currently authorized to undertake pursuant to Chapter 277A or 373 of Nevada Revised Statutes (NRS) which includes the repair renovation or other improvement of sewers, water lines and storm drains in conjunction with those projects.

Additionally, Mr. President, I have been reassured that this bill addresses the same two cents of operating tax rate that is already diverted in the Governor's budget and is not an additional two cents on top of that.

SENATOR KIECKHEFER:

Thank you, Mr. President. Unfortunately, I am speaking against this bill today. I appreciate my colleague from Clark County, District No. 4, for bringing up this bill to address the serious problem of unemployment in the construction industry. We all know what the ramifications of significant unemployment have been to our communities and the families affected.

There are several components of this bill I like. They are the attempt to generate jobs and to shift those dollars held in local governments to perform work outside of local governments and to the private sector. I agree it could best be utilized for the greatest efficiency as well.

There are several reasons why I cannot support the bill. The first is that the property tax dollars that are being utilized in this legislation are two cents that are otherwise being redirected to higher education in the Governor's budget. Not only does it create a significant shortfall in the Governor's proposed budget, but it creates another gap within our education system which we are all trying to figure out how to address throughout this budget process. There are jobs within higher education as well, so it could have an impact on employment within the system of higher education. We have talked regularly about where a property tax shift such as this would most appropriately fit within the system, whether university level or community colleges. That is an ongoing conversation I would like to see continue as many of the people who are unemployed in this State try to figure out how best to redirect their education to be able to ensure that they can find employment moving forward in our new economy. As a part of that, the effective date of this bill is July 1, 2011.

The money in this legislation is currently in our State budget in our general fund. We will be utilizing it throughout the rest of this fiscal year. I do not believe that the rush to get the legislation passed is necessary. We can have this conversation as a component of our overall budget discussion because the legislation does not take effect until the next fiscal year.

I would like to continue this discussion and I would ultimately be able to support this legislation, but as it fits into the Governor's budget, I cannot do so. With all due respect, I will be voting no.

SENATOR MCGINNESS:

Thank you, Mr. President. I appreciate the comments of my colleague from Washoe District No. 4. I will also be voting against this bill. This bill forces counties to allocate additional money for transportation projects. It also allows them to increase their bonding capacity, but the economy of Nevada at this time continues to struggle. Forcing counties to raise taxes is not the answer. Everyone is for jobs. We want to create jobs and get our fellow Nevadans back to work. This encourages a hole in the executive budget and I encourage my colleagues to vote "no."

SENATOR BROWER:

Thank you, Mr. President. I would like to associate myself with the remarks from the previous speakers.

I commend the Majority Leader and the other sponsors for bringing this bill forward, but as I said during the hearing which was held the same day the bill was introduced, when it comes to legislation, the devil is in the details. At that time, many of us had not had a chance to read it. As I have had a chance to look at the details of this bill, while it does have some worthy overall goals, there are some details that are problematic.

My colleague from Washoe County addressed some of those details. My colleague from Churchill County addressed some of the others. However, at this time, with the budget situation as it is, diverting further funds away from education is not an option. I would invite the sponsors to put the bill back on the Secretary's Desk. There may be a way to amend this bill further, to put it into a shape that can garner a bigger majority of support from this body and may allow it to fit into the Governor's overall proposed budget, and that does not further divert much needed funds from education. I invite the sponsors to consider that and if we could do that today, that would be great. We can then continue discussion on how to make the bill better. If we cannot do that, then, unfortunately, I will have to oppose the bill.

SENATOR HORSFORD:

Thank you, Mr. President. I appreciate the concerns of my colleagues who have spoken today as well as the information that was shared by the Chair of the Committee on Revenue.

Job creation is not a partisan issue. I do not take lightly the fact that there are members from the other side who support the Governor's approach to divert existing revenues from Clark County and Washoe County towards funding higher education, however, until we get our economy growing and put people back to work, we will not have money to pay for anything; whether it is K-12 or higher education, public safety or other vital services that our constituents depend upon.

To be clear, this measure, Senate Bill No. 192 does not increase any taxes, period. It diverts, as the Governor's plan does, a portion of the ad valorem tax for the creation of these private sector jobs. It is modeled after successful legislation that was, I believe, unanimously approved during the Twenty-sixth Special Legislative Session, legislation that has created 2,500 private sector jobs throughout the State in Clark County and Washoe County and is helping to address our infrastructure needs. This legislation does exactly the same thing with a little more money so that we can put more people who are on the unemployment lines back to work now. I respectfully appreciate the concerns of the members who have expressed their concerns about this bill.

Let us be clear, we have stated that job creation will be the number one priority of this Legislature. We will continue to work together to find ways to responsibly balance the budget that does not gut education. To suggest that we have to wait for job creation until we settle the budget is delaying a process that our constituents desperately need us to address now. That is job creation. This measure does that. I am committed, as others are, to find responsible ways to not just fund higher education the way the Governor proposes now, but to restore funding that has been proposed to be cut. That will take much more than this resource before us, today, can do. This measure simply puts people back to work now utilizing a successful model that this body approved during the Twenty-sixth Special Legislative Session. It does not raise revenue. It utilizes a portion of the ad valorem proceeds from Clark County and Washoe County for this purpose.

It includes a provision that asks our local government partners to do what they can with the limited resources that they have to ensure that every possible opportunity to contract out resources is done with the private sector. That will grow our economy. That will put people back to work, and that will improve the situation where by we will be able to fund education, public safety, health and human services and the other vital programs we are required to provide.

My colleague from Washoe Senate District No. 3 asked if I would be willing to put this back on the Secretary's Desk. With all due respect, to my colleague, this measure has been readily available for amendments. The Chair of the Committee on Government Affairs offered a very good amendment to not add an additional imposition on local governments. That amendment was adopted by this body. The Chair of the Committee on Revenue had a concern about how the measure would have impacted the Washoe RTC. As she indicated in her remarks, she received a legal opinion that the language in this bill addresses that concern. I have always been open to, and the Chair of the Select Committee on Economic Growth & Employment has been open to, receiving ideas and suggestions and we have had plenty of time to consider those recommendations. As I have said from the first day, creating jobs in this Session is our number one priority. That is why this measure needs to move forward. Thank you.

Roll call on Senate Bill No. 192:

YEAS—11.

NAYS—Brower, Cegavske, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson, Settlemeyer—10.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the Senate recess until 5:15 p.m.

Motion carried.

Senate in recess at 11:44 a.m.

## SENATE IN SESSION

At 5:23 p.m.

President Krolicki presiding.

Quorum present.

Senator Wiener moved that the action whereby Assembly Bill No. 183 was referred to the Committee on Government Affairs be rescinded.

Remarks by Senator Wiener.

Motion carried.

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

Motion carried.

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

Senate in recess at 5:25 p.m.

## SENATE IN SESSION

At 5:28 p.m.

President Krolicki presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblymen Segerblom and Hansen were at the bar of the Senate. Assemblyman Segerblom invited the Senate to meet in Joint Session with the Assembly to hear Chief Justice Michael L. Douglas.

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

Senate in recess at 5:29 p.m.

## IN JOINT SESSION

At 5:32 p.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President appointed a Committee on Escort consisting of Senator Brower and Assemblyman Ohrenschall to wait upon the Supreme Court Justices and escort them to the Assembly Chamber.

The President appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Horne to wait upon Chief Justice Michael L. Douglas and escort him to the Assembly Chamber.

Chief Justice Douglas delivered his message.

MESSAGE TO THE LEGISLATURE OF NEVADA  
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, Lt. Governor Krolicki, Speaker Ocegüera, Senator Horsford, Senator McGinness, Assemblyman Goicoechea, members of the Senate and the Assembly, and honorable Constitutional officers, and honored guests.

Tonight, I address you on behalf of my friends and colleagues on the Nevada Supreme Court: Associate Chief Justice Nancy Saitta, Justice Michael Cherry, Justice Mark Gibbons, Justice Kristina Pickering, Justice James Hardesty, and Justice Ron Parraguirre.

I also address you on behalf of the Nevada Judiciary—the municipal courts, the justice courts, and the district courts, as well as the nearly 2,000 Judicial Branch employees of the cities, counties, and State that make up those courts and provide service to the people of Nevada each day by affording a safe place for dispute resolution in civil, family, juvenile, and criminal proceedings to the individuals under emotional stress due to being entangled in the judicial system.

Also with us this evening are several of the State's judges including chief judges from our two urban judicial areas—Judge Steinheimer from Washoe County, and Judge Togliatti from Clark County, along with Chief Judge Bennett-Heron, Clark County Justice Court, their chief. Additionally, this evening we have Judge Tatro from Carson City Justice Court, who is also the President of the Nevada Judges of Limited Jurisdiction; Judge Montero, District Court Judge representing Humboldt, Pershing and Lander Counties; Judge Rogers, District Court Judge from Churchill and Lyon; Judge Deriso from Sparks Justice Court; Judge Richards from New River Justice Court; Judge Tiras from Incline Justice Court and Judge Nash-Holmes from Reno Municipal Court. Additionally with us is Steve Grierson, Chief Administrator of Clark County District Courts and Justice Court; Dean John White from the Boyd School of Law; Bill Dressel, President of the National Judicial College; Cam Ferenbach, President of the State Bar of Nevada, along with members of the Board of Governors.

Additionally, I would like to recognize Kathleen Harrington. Kathleen, I would like to ask you to stand. Kathleen just retired after 30-plus years of service to the State of Nevada, first with the Department of Prisons as its librarian; then with the National Judicial College; and thereafter, for 28 years, with the Nevada Supreme Court, the last eight of those years as the head librarian. It goes without saying that she will be missed by her coworkers, but more importantly by the people of Nevada whom she provided assistance to will miss you the most. Thank you for all that you did, and good luck and best wishes in the days ahead.

I have been provided with a challenge and opportunity to provide you with thoughts from the Nevada Judiciary. Since the Depression of the 1930s, we have not seen a more challenging time for the people of the State of Nevada than right now. Regardless of political parties and philosophies, one thing is clear—tough choices will be made as to the budget. To the extent necessary and possible, the Nevada Judiciary will do its share to support our State. The Supreme Court, an equal constitutional branch of Nevada government, has operated on less than 1 percent of the State's budget during the last budget cycle, and the Supreme Court has proposed its new budget with a 16.87 percent reduction that is \$2.3 million for the years 2011 through 2013. It will be a challenge, but we will, once again, do more with less; we understand that Nevada is at a crossroads. No one envies the tough choices that have to be made by you, the Legislature, for the welfare of the people of Nevada, and it is clear that you have been chosen to find solutions—to

think outside the box, if you will—for the people of Nevada who need your leadership at this time.

We should not forget the obvious; we are the Battle Born State, and we operate under a Constitution and the rule of law that provides for stability and predictability for our free market and personal freedoms, unlike other places in the world. Under our State Constitution, each branch of government has its own responsibilities to the people. The Judicial Branch cannot pass laws like you, the Legislature, and the Judicial Branch cannot approve or veto laws like the Governor. The Judicial Branch interprets and honors laws as passed pursuant to our Constitution.

To fulfill that responsibility, the Judicial Branch must be independent of politics and personalities and concerns as to public popularity. The Judicial Branch, the Court, has but one true allegiance—that is to the Constitution and the rule of law. That belief is captioned in the words of the Pledge of Allegiance, and you can find those words in the top of your Nevada Supreme Court rotunda—"Liberty and Justice for All." It's just that simple.

Former United States Supreme Court Justice Lewis Powell once remarked: "It is perhaps the most inspiring ideal of our society. . . . It is fundamental that justice should be the same in substance and availability, without regard to status." Thus, the core function, if you will, of the Judicial Branch is to resolve disputes under the rule of law—our Constitution—in a fair, impartial, and timely manner.

That is the Judicial Branch's responsibility under the Constitution, which is what we must do, despite the budget challenges we face today. Thus, in light of our challenges, I will not offer you a new vision of Nevada's judicial future. What I will do is state that your Judicial Branch will continue to do its part and look at how we can better deliver dispute resolution service to the people of Nevada.

As to our service, dispute resolution, the Nevada Judicial Branch—municipal, justice, district and the Supreme Court—resolved over 2 million cases in years 2009 and 2010. The Nevada Supreme Court resolved 4,586 cases in that time period, with a 104 percent clearance rate. However, due to our caseload, we still had to carry forward 1,514 pending cases at the beginning of 2011, with the expectation that 2,050 new appeals will be filed in both 2011 and 2012. Thus, I note that old saying, "Justice delayed is justice denied."

Additionally, I would point out that our caseload and the case types of the district courts don't track the same. At the Supreme Court, 47 percent of our cases are criminal, 33 percent are civil, and 17 percent are others, with 3 percent being family and juvenile, while at the district courts, 51 percent of the cases are family, 28 percent are civil, 11 percent are juvenile, with 10 percent criminal—just something to think about.

But cases and case numbers don't tell the whole story. Each of those 2 million-plus cases requires a sensibility to the needs of someone's liberty and freedom, or the disposition of someone's property, or the custody of someone's children. The enormity of dealing with a person under stress with limited resources has become more daunting in these challenging times. Limited resources, increased work loads, greater case complexity, as well as more self-represented parties in court are just an overview of the issue. The nightly news provides pictures and sounds of the coming attractions for the court. Stories on the news related to drug use and violence, violent events, followed by stories of sagging businesses, unemployment, mortgage foreclosure, and child—domestic—and elder abuse, should give all of us pause as to the challenge of the State Judicial Branch.

That reality is that the State Judicial Branch must provide dispute resolution for all under the rule of law with limited funds. That will require us to think outside the box—outside of our normal comfort zone. That resolution requires more than just standing before judges or having jury trials.

In the criminal context, resolution might be a trip to specialty court. So what is specialty court? Specialty courts use problem solving processes designed to address the root causes of some criminal activity. Some of the prominent types of specialty courts are drug courts, mental health courts, DUI courts, and prison reentry courts. Specialty courts may additionally specialize to address the needs of adults, families, juveniles, and low-level repeat offenders directly affected by the root problem of drugs, alcohol, and mental health issues.

We have been blessed in Nevada by legislative support of the specialty court programs. Pioneer Judges like Peter Breen, Jack Lehman, John McGroarty, and Archie Blake have led the way. And new leaders like Judge Jackie Glass, Judge Andrew Puccinelli and Judge Cedric Kerns have followed with new programs to break the cycle of despair.

Specialty courts provide a direct benefit to all of us. Specialty courts benefit the county and State budget by reducing time in jail at taxpayers' expense and allowing the individual to return to being a contributing member of our local communities. In 2009 to 2010, Nevada specialty courts had 5,167 persons enrolled, graduated 2,542 persons, had 133 drug-free babies related to participants, with 2,700 cases continuing into the start of this year.

So let me tell you a quick story about Las Vegas Municipal Court Judge Cedric Kerns. He has the YO Court—that's Youth Offender Court. Individuals are both young and addicted to drugs. In one specific case, the female had been using crack, her mug shot from a year ago was that of a crack head. Her family had lost all hope. They thought she was going to die, but a new arrest and the YO court saved her. Judge Kerns created a year-long program with counseling, housing assistance, and court supervision that fights to keep the participants straight for a year with a plan on how to live. Judge Kerns says it's a fight—a struggle—"We save what we can save or we go down fighting." YO Court is a 20-defendant program; however they have 30 enrolled in the program, with funding provided by NRS 176.0613 and private funds. It is just one of the specialty courts within our state that tries to resolve disputes outside the box. All Nevada counties have a specialty court program through the Nevada courts.

In the civil context, before the Foreclosure Mediation Program, a desperate homeowner might have had a problem finding anyone in authority with his bank or a lender willing to listen to his home payment problem; conversely the banks and the lenders were not getting responses from homeowners in default. You, the Legislature, created a program in 2009 to address that problem and asked the Court to run it, to allow a new form of dispute resolution as to owner-occupied mortgage defaults. The program provided an opportunity for the homeowners and the lender to discuss, through the mediation program, alternatives to foreclosure—new payment plans, cash for keys, short sales. The program uses no State funds and is run, at its inception, outside the courthouse, with both sides having a right of judicial review. As to that Foreclosure Mediation Program, in 2010:

- 79,232 notices of default were filed in our State (non specific as to owner-occupied)
- 8,738 requests for mediation
- 6,614 were assigned to mediation
- 4,212 mediations were completed
- 89 percent of mediations avoided foreclosure
- 74 percent of homes were retained by the owner

This program has been hailed as cutting-edge and is now a model for other states; that is dispute resolution outside the box, and it is also branches of governments working together for all Nevadans.

I end now, not because I am finished, but due to time. I would love to tell you more about the Judicial Branch, about Law Day Live and texting; the Court Improvement Program (CIP) designed to help welfare families and foster kids; or Access to Justice, with the private Bar pro bono attorneys helping poor Nevadans; or Nevada's other program that has drawn national attention, related to improving indigent criminal defense; or our use of technology in the courts—wecast, public information portals, E-filing, E-tickets, and more. But, time is an issue. If I were to try to tell you about all the Judicial Branch does, we would be here until tomorrow, so if you have a question, give me or my fellow justices a call and we will be more than happy to talk with you about the courts' programs.

So let me close with this: remember, justice belongs to all the people, not to either political party, and not to any special interest. A system of justice, the rule of law, is necessary to support our economy and to support our personal freedoms under our Constitution. A system of justice can only exist as long as the people have trust and confidence that dispute resolution will be fair, impartial, and timely.

The Judicial Branch of Nevada is committed to "justice for all" and the rule of law for all the people of Nevada.

Thank you for listening, and I know you will answer the challenge for Nevada in the coming days.

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

Motion carried.

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

Senator Kihuen moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:59 p.m.

#### SENATE IN SESSION

At 6:06 p.m.

President Krolicki presiding.

Quorum present.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Phillip Regeski.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Sarah Gee.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Denise O. McGuinn and Daniel Greenspun.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to the following students and chaperones from Hug High School: Trevor Ray Bach, Guillermo Becerra, Arnold Adrian Cardenas, Brenda Cartagena, Luis Escalera, Xarius Hampton-Mckinney, William Hilliary, Joseph Jaevis Johnson, Briana Lucas, Hugo Jair Maza, Cecilia Rocio Mendoza, Abraham David Miguel Gomez, Brandon Lee Mikoleit, Treyon Montgomery, Joshua Placencia, Eric Prisciliano, Jasmin Prisciliano, Abel John Santos, Carmen Soto, Selisha Tae Steele, Pauline Acosta; chaperones: Mario Fitzpatrick and Estela Gerlinger.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Doug Hill.

Senator Horsford moved that the Senate adjourn until Wednesday, March 9, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 6:07 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*