

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 25, 2021

Senate called to order at 11:15 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Don Baumann.

Everlasting Father and Eternal God, we begin this Session by remembering the often-unsung heroes of the Senate, the family members and close friends who form the support network so vital for each person who serves in this Chamber to do their best.

We ask that You strengthen and protect the Senators' families in their absence. Enable them to encourage each member of their family, resolve any issues that arise and affirm their love for one another. May they be able to address their roles as spouses, parents, grandparents and caregivers while performing the duties of their office. We ask that You bless each of these people so important to the members of this Chamber, the ones that help them begin this day with a smile.

In Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 24, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolution No. 8 of the 80th Session.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 7—Recognizing the 200th anniversary of Greek independence.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senator Ohrenschall.

I thank the Chamber for considering this resolution today, and I am honored to speak to it. I believe I may currently be the only member of the Legislature of Greek descent. My mother was born in Greece, and my grandmother, through a circuitous route, brought her to the United States when she was eight-months old. She had not intended to make this Country her new home, but due to circumstances outside of her control, she did.

I have had the privilege and honor of learning a lot about the contributions of Greek-Americans in Nevada. The beginning of the war to gain independence from the Ottoman Empire was 200 years ago today, not too long after our own Nation sought independence. Greece has proven to be a great friend to the United States through the years. In the 1800s, many young Greeks immigrated to the United States to work in the copper mines of eastern Nevada and Utah. They were an important part of the backbone that helped get that precious metal out of the ground before we had the technological innovations we now have. I have had the great honor of visiting the areas

served by the Senator from District 19. I have been able to stand in front of the tiny Greek Orthodox Church in McGill that dates back to the days of the early Nevadans who emigrated from Greece to help build our State, build better lives for themselves and send a little money home to their families in Greece.

Through the years, the relationship between Greece and the United States has continued to be strong. After the end of WWII, Greece was and continues to be a loyal ally of the United States. They have hosted United States' military bases on Greek soil to try to protect the security interests of the United States, NATO and their own country. There is still a military presence on Greek soil today.

Greek-Americans who live in Nevada have had involvement and ownership related to the gaming industry in both Reno and southern Nevada. In North Las Vegas, there is a casino founded by Jerry Lodge and Angelo Stamis. In Reno, there is a casino founded by the late Peter Cladianos, who recently passed away. Greeks have been active in the gaming industry in Nevada.

Greek-Americans have been active participants in public life here in Nevada on both sides of the aisle, Democrat and Republican. Former Attorney General George J. Chanos, City Councilman Stavros Anthony, Congresswoman Shelley Berkley, our current Congresswoman Dina Titus, former University regent Chris Karamanos, former University regent and Ambassador Sig Rogich have all stepped up to try to serve our community and give back. There is also a young Greek-American Metro officer, Shay Mikolonis, who is still struggling to recover from the injuries he suffered on June 1, 2020.

I am proud of the contributions Greek-Americans have made to our Country and to Nevada. I am honored this Body is recognizing the 200th anniversary of Greek independence. I hope the relationship between the United States, Nevada and Greece will continue to be strong. I appreciate the Body considering this resolution, and I urge its passage.

Resolution adopted.

Senator Ohrenschall moved that all necessary rules be suspended and that the resolution be immediately transmitted to the Assembly.

Motion carried.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Senate Bill No. 352—AN ACT relating to education; requiring the Commission on Professional Standards in Education to adopt regulations related to paraprofessionals and to student teaching; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education (by request):

Senate Bill No. 353—AN ACT relating to education; requiring the Department of Education to review examinations and assessments for certain information; requiring the Department to adopt regulations that prescribe certain limitations on examinations and assessments; authorizing the board of trustees of a school district or the governing body of a charter school to request a waiver from the State Board of Education for certain limitations; authorizing the State Board to grant a waiver in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Senate Bill No. 354—AN ACT relating to education; providing for the inclusion of an indicator to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school in the statewide system of accountability; requiring the Department of Education to develop a statewide framework for restorative justice; providing for the inclusion of unaccompanied pupils in certain procedures related to the discipline of pupils; providing for the consideration of homelessness in the discipline of pupils; extending the requirement to establish a plan of action based on restorative justice to the suspension and removal of pupils from public school; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 355—AN ACT relating to offenses; establishing procedures for certain misdemeanor offenses to be adjudicated as civil infractions; revising the jurisdiction of justice and municipal courts for purposes relating to civil infractions; providing a civil penalty for civil infractions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary (by request):

Senate Bill No. 356—AN ACT relating to youthful offenders; providing for a study of certain issues relating to the housing of youthful offenders; requiring the transmittal of a report of the findings of the study to the Legislative Committee on Child Welfare and Juvenile Justice; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary (by request):

Senate Bill No. 357—AN ACT relating to the Department of Corrections; requiring the Department to track and report expenses that are directly related to housing youthful offenders; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 358—AN ACT relating to crimes; revising provisions relating to the interception of certain wire communications; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 359—AN ACT relating to crimes; providing that certain prohibited acts are also punishable as arson under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 360—AN ACT relating to public employment; revising the membership, appointment and qualifications of certain members of the Public Employees' Retirement Board; revising the appointment of certain members of the Board of the Public Employees' Benefits Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 361—AN ACT relating to governmental administration; requiring the Board of Regents of the University of Nevada to report certain information to the Interim Finance Committee annually if it creates a comprehensive system for the compensation of the unclassified employees of the Nevada System of Higher Education; requiring the Interim Finance Committee to make certain determinations regarding such a comprehensive system for the compensation of the unclassified employees of the System; providing for the separate transmission of certain budgetary information relating to such a comprehensive system for the compensation of the unclassified employees of the System in certain circumstances; encouraging the Board to establish a comprehensive system for the compensation of the unclassified employees of the System that contains certain provisions; encouraging the Board to evaluate factors relating to compensation of unclassified employees of the System and make recommendations to the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Growth and Infrastructure:

Senate Bill No. 362—AN ACT relating to public transit; revising provisions governing the provision of certain services as part of a public transit system; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Education:

Senate Bill No. 363—AN ACT relating to education; requiring the governing body of each charter school that enters into a contract with certain organizations to report certain information to the State Public Charter School Authority in each even-numbered year; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 42.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 42 removes the requirement that the rules of the Nevada Supreme Court and district courts be included in the *Nevada Revised Statutes* and requires, instead, that the Supreme Court print these documents and distribute them in either pamphlet or electronic format according to statutory requirements. The bill also transfers from the State Printing Office to the Supreme Court the responsibility for printing and distributing the *Advance Opinions* of the Court and the *Nevada Reports* in the same manner. Funds generated by the sale of these documents are to be deposited in the State General Fund for the exclusive use of the Nevada Supreme Court.

The bill eliminates a statutory requirement for the Nevada Supreme Court to train district court judges on complex medical-malpractice issues.

Roll call on Senate Bill No. 42:

YEAS—21.

NAYS—None.

Senate Bill No. 42 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65.

Bill read third time.

Remarks by Senator Donate.

Senate Bill No. 65 revises provisions relating to the composition and administration of the State Department of Agriculture. The measure creates four Divisions within the Department as follows: Division of Administrative Services; Division of Animal Industry; Division of Food and Nutrition, and Division of Plant Health and Compliance.

The name of the existing fifth Division is changed from the Division of Consumer Equitability to the Division of Measurement Standards. The Department's Director must appoint administrators of each of the five Divisions who are in the unclassified service of the State and serve at the pleasure of the Director. The Director retains the authority to alter the organization of the Department and reassign responsibilities and duties as the Director deems appropriate.

Finally, the bill assigns the title of State Veterinarian to the existing position within the Department that is responsible for activities relating to the protection and promotion of the livestock industry and revises the minimum qualifications for the position.

Roll call on Senate Bill No. 65:

YEAS—21.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 196 prohibits a health-care provider from performing or supervising a pelvic examination on an anesthetized or unconscious patient without first obtaining the patient's informed consent, except under certain circumstances. The bill also prohibits a health-care provider, or a person supervised by a health-care provider, from supervising or performing a pelvic examination that the provider is not appropriately licensed, certified or registered to perform, or that is not within the provider's scope of practice. Finally, the bill authorizes the imposition of professional discipline or denial of a license or certificate for a provider who performs or supervises a prohibited pelvic examination.

Roll call on Senate Bill No. 196:

YEAS—21.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 11:33 a.m.

SENATE IN SESSION

At 4:47 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Scheible:

Senate Bill No. 364—AN ACT relating to health care; requiring certain medical facilities to provide training relating to caring for victims of sexual assault and attempted sexual assault to employees who provide such care; requiring such facilities to provide emergency contraception to such victims upon request; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 365—AN ACT relating to youthful offenders; directing the Department of Corrections and the Division of Child and Family Services of the Department of Health and Human Services to develop a pilot program to house youthful offenders in the custody of the Division of Child and Family Services until they are 18 years of age; directing the Department of Corrections and the Division of Child and Family Services to submit a report on the status of the pilot program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 366—AN ACT relating to juvenile justice; authorizing a juvenile court to order a child who has been found incompetent to receive treatment at certain facilities operated by the Division of Child and Family Services of the Department of Health and Human Services; requiring such a facility to accept such a child for treatment; prohibiting a child found to be incompetent from being committed to the custody of a correctional facility; allowing a child found to be incompetent to petition to seal his or her record; requiring the submittal of certain data and information relating to the competency of children; requiring the development and submittal of a plan for the structure of services for the competency of children; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Revenue and Economic Development:

Senate Bill No. 367—AN ACT relating to taxation; revising provisions governing the excise tax on live entertainment; and providing other matters properly relating thereto.

Senator Neal moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 368—AN ACT relating to the Lake Tahoe Basin; requiring the issuance of general obligation bonds to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 369—AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community or to ensure the appearance of the person in court; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 370—AN ACT relating to food policy; creating the Home Feeds Nevada Agriculture Food Purchase Program and the Nutritious Food Purchase Account; requiring the Director of the State Department of Agriculture to develop a procedure through which the Director may purchase nutritious foods that are grown, produced or processed in this State; requiring the Director to distribute nutritious food to certain food banks; requiring the food banks to distribute such food to persons in need; requiring the food banks to submit quarterly reports to the Director; requiring the Director to submit an annual written report to the Council on Food Security; and providing other matters properly relating thereto.

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

Motion carried.

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

Senate in recess at 4:50 p.m.

IN JOINT SESSION

At 4:52 p.m.

President Marshall presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Denis, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

Chief Justice James Hardesty delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

EIGHTY-FIRST SESSION, 2021

Thank you so much for your extraordinarily kind reception. I really appreciate it, and I know my colleagues on the Court do as well. With permission from your leadership, I was able to remove my mask. I think my wife was happier about that than anybody. Governor Sisolak, Speaker Frierson, Majority Leader Cannizzaro, Minority Leader Titus, Senator Settelmeyer, distinguished members of the Senate and Assembly, honorable constitutional officers, thank you for the opportunity to speak to the 81st Session of the Nevada Legislature on behalf of our State's judicial system.

My purpose this evening is to update you on certain matters affecting the Judicial Branch of Nevada's government. Before I do, I want to say on behalf of Nevada's legal system, we offer our heartfelt condolences to all those who lost loved ones and suffered other hardships during the pandemic. We sincerely thank all of the healthcare workers and frontline responders who have worked tirelessly to keep us safe. On behalf of the legal system, we would like to take this opportunity to thank Governor Sisolak and his staff for their work in early January to add the Judiciary, its court staff, and members of Nevada's legal system to the frontline priority lanes for vaccinations against this terrible disease. By January 11, we successfully developed a priority plan for the judicial system and transmitted to the State Health Department the names and contact information for 2,274 State and federal judges, seniors, magistrates, masters, district attorneys, public defenders, U.S. Attorneys and staff seeking vaccination. By January 22, we conveyed to the State a priority plan and names for the vaccination of 6,544 nongovernment attorneys and their staffs, all of whom were engaged in frontline activities and exposed to the virus. Many thanks go out to Supreme Court Human Resources Director McKenna McCormack and staff member Vicki Elefante for the time they spent compiling the judiciary and staff list and to Kim Farmer, Executive Director of the Nevada State Bar, for coordinating the outreach and compilation of the list of attorneys and their staffs. You might be interested to know that in a recent survey of the Nevada Appellate Courts employees, 74 percent of those seeking vaccination will be fully vaccinated by May 1. The success of the vaccine effort for the courts and legal system will make a big difference in our decision to open the State.

Since 1981, our Country has commemorated Women's History Month. In this, we take time to reflect on the advances women have made over the past decade or two. I thought it would be interesting to recall that two remarkable women were born on this day in history: Gloria Steinem, March 25, 1934, and Aretha Franklin, March 25, 1942. I submit it is notable also that Ruth Bader Ginsburg was born on March 15, 1933. What an appropriate month to celebrate the advancement of women in our Country. Without a doubt, all three women were leaders in the cause of equal rights for women. Nevada has a lot to celebrate as we recognize the advancement of women in critical positions of public service in our State. As examples, women hold a majority of the seats in our Legislature and serve in both of Nevada's seats in the United States Senate. I would like to comment about the historical achievements by women in Nevada and the ongoing transformation of the makeup of Nevada's Judiciary. Since Miriam Shearing became the first woman elected to Nevada's District Court in 1982, the Legislature has increased the number of district court judges to 90. Following the elections this past November, 56 of those 90 judges are women. In 1992, Justice Shearing was elected as the first female justice to serve on the Nevada Supreme Court. In

2019, Nevada made history when, as a result of the 2018 elections, a majority of the justices on the Nevada Supreme Court are women. I submit the advancement of women in a traditionally male-dominated part of the legal profession deserves recognition, especially during Women's History Month.

I would like to introduce my friends and colleagues on the Nevada Supreme Court. They are not here tonight; they wish they could be. They promised me they would be watching, and they better be: Associate Chief Justice Ron Parraguirre, Justice Lidia Stiglich, Justice Elissa Cadish, Justice Abbi Silver, Justice Kristina Pickering, and the most recently elected justice, Douglas Herndon. I would also like to recognize our colleagues on the Nevada Court of Appeals: Chief Judge Michael Gibbons, Judge Jerome Tao and Judge Bonnie Bulla. It is my privilege to serve with all of these distinguished jurists, and I would like to publicly thank them for their support during my service as Chief Justice. All of us offer a special thank you to the Clerk of the Supreme Court, Elizabeth Brown; the Assistant Clerk for the Court of Appeals, Kurt Jensen; Chief Legal Counsel, Phaedra Kalicki; Reporter of Decisions, Kim Edwards; the recently appointed State Court Administrator, Katherine Stocks; and the dedicated, hardworking staff of the Nevada Appellate Courts and the Administrative Office of the Courts (AOC). As many of you may recall, Robin Sweet recently retired as the Director of AOC. We would like to thank and recognize Robin for her dedication and years of service to the Supreme Court and the people of the State of Nevada.

Tonight, it is my privilege to speak on behalf of the justices, the 3 Court of Appeals judges, the 90 district court judges, the 67 justices of the peace, the 30 municipal court judges and over 2,000 court employees throughout our State.

Nevada's judicial officers and court employees are committed to the administration of fair and impartial justice according to the rule of law in criminal, civil, family and juvenile matters. In fulfilling our constitutional and statutory duties, we are mindful of the importance of providing timely access to the court system and resolving cases as efficiently as budgets and caseloads will permit. As Chief Justice, I offer my profound thanks to all of them and their staffs for their dedicated service to all Nevadans.

On their behalf, I am proud to report to you tonight on several matters of interest to the Judicial Branch of State government.

In November 2014, the voters amended the *Nevada Constitution* adding a Court of Appeals to our State's appellate system. Since its inception in January 2015, and through December 2020, parties have filed 15,119 cases with the Supreme Court, and the Nevada appellate courts have collectively resolved 16,202 cases, significantly reducing our backlog while also publishing 570 opinions on Nevada law. Throughout this six-year period, the budget supporting the Court of Appeals has remained substantially as predicted in 2014. We are all proud of the public-private partnership that brought a beautiful, nationally recognized courthouse to downtown Las Vegas while saving the taxpayers thousands of dollars in annual rent, all in all, a successful business plan.

The pandemic has forced all of us to face challenges that we could never have imagined a year ago. While the pandemic brought our society to a halt, the disputes resolved by the court system did not go on lockdown. Indeed, some cases, such as domestic violence, sexual exploitation, families in crisis or substance abuse, have likely intensified.

Courts, as you know, are traditionally places where many people, sometimes hundreds, come together in person. In-person visits to the courthouses around the State to participate in jury service, pay parking tickets, seek restraining orders, resolve landlord-tenant disputes, et cetera, became dangerous due to the potential exposure to the virus. Obviously, that could not continue. As the realities of the pandemic became clear, the Judiciary shifted, where it could, to technology to hold hearings remotely. I would like to thank and recognize Chief Justice Pickering and Chief Judges Linda Bell, Scott Freeman, Suzan Baucum, Melissa Saragosa, Sam Bateman and many more judges around the State for their tireless leadership on so many issues that literally kept the courts operating this past year. A very special thank you goes out to the incredible court administrators and information technology staff for their innovations and creativity that allowed us to pivot the court systems to a virtual format in a matter of days.

Shifting many in-court proceedings onto remote platforms may ultimately be one of the few bright spots to come out of the pandemic. Many lawyers and users of the public judicial system welcome the convenience of appearing remotely, rather than taking the time needed to come to a brick-and-mortar courthouse. At Incline Village Justice Court, Judge Alan Tiras implemented a

virtual traffic calendar. With the exception of a few demands for in-person trials, the Court is completely current despite a record year in case filings. In the Eighth Judicial District, the Court IT staff moved quickly to develop custom software entitled "Order in the Court," which enables attorneys and the public to submit proposed orders remotely and receive signed orders electronically. Since the software application was implemented courtwide in September, 105,930 orders have been processed. The District has also developed electronic search warrants for both judges and law enforcement officers. The process has saved law enforcement, at least, two hours per warrant, and the Court has processed 5,850 electronic warrants since April 2020.

In my judgment, remote hearings also promote transparency, as court proceedings are accessible to greater numbers of the public via videoconferencing platforms. It saves money. By way of example, the AOC Judicial Education Department collaborated with the specialty courts to host the first ever, statewide Specialty Courts Conference. Over 200 attended each day, saving over \$87,000 when compared to the previous year's in-person conference.

However, this transformative shift to the use of remote platforms has highlighted several problems for the Judiciary and the citizens we all serve. Not everyone has access to broadband services or sufficient bandwidth or technology to connect to remote hearings. Sometimes, participants in a remote court proceeding forget or disregard the decorum required for a court hearing. Just as an aside, it really is not a good idea to call into a court hearing on your traffic violation while you are driving or, in one case in southern California you may have read about, while you are actually conducting surgery on your patient. Moreover, while e-Filing is a preferable way to file documents with the court and reduce the number of people coming to the courthouses, not all courts in Nevada have that capacity and many that do, have systems that are far more cumbersome than originally imagined. I urge the Legislature's support for the Supreme Court's one-shot request to begin implementation of AOC statewide e-Filing system in every court in Nevada.

All of that said, some of the courts' work simply cannot be done remotely, most notably, jury trials in criminal and civil cases. Jury trials were suspended at the beginning of the pandemic because they require the presence of too many people: jurors, parties, witnesses, attorneys, the judge and staff. Limited spacing, close courtroom configurations, jury boxes and aging courthouses have prevented most of the courts in our State from conducting jury trials. After the shutdown through February 1 of this year, only five criminal trials, one civil jury trial have been conducted in Clark County and just three criminal jury trials in Washoe County. As a consequence, large backlogs of criminal and civil jury trials have developed around the State. For example, in Clark County, as of March 11, there were 252 capital murder cases, 1,386 felony cases and 4,448 civil jury trials scheduled for trial in 2021. Particularly troubling, currently, there are 182 defendants in criminal cases in the Clark County District Court who have invoked their constitutional right to a speedy trial within 60 days of their arraignment. In Washoe, 92 criminal cases and 186 civil cases are set for jury trials in 2021. In short, the two largest judicial districts in the State lack the capacity to conduct jury trials in a timely fashion, or even at all, as I will explain. The dockets continue to grow.

What many may not appreciate is the limitation on spacing the courtrooms in our State have sufficient to provide appropriate safety for all of the participants in the trials. Currently, Clark County District Courts have two courtrooms retrofitted to accommodate criminal jury trials and one courtroom in the convention center to accommodate civil trials. Yet, these venues are not near enough for the pending backlog. In Washoe County, while they retrofitted two courtrooms on the upper floors of the courthouse, repairs to two elevators, that only transport two people at a time, over the next eight months that service an aging courthouse will place severe limitations to conduct criminal jury trials. In Elko, six jury trials have been conducted since September 2020: three in the convention center until it was no longer available to the court, one in the Stockman's Casino, one in the largest courtroom in the courthouse and one in the County Commission chamber. At this rate, I am expecting to hear any day that the next trial will be conducted in a barn outside the city. In Ely, a double-defendant murder trial has been delayed over a year because there are insufficient funds to rent that city's convention center to conduct the trial. In Winnemucca just last week, Judge Montero, frustrated over the length of delay in a civil trial, personally took a saw to his jury box to create spacing so that the trial could proceed. The delays are not limited to the district courts. As an example, Sparks Justice Court is not able to conduct jury trials in

15 pending domestic-violence cases because of the lack of proper spacing in their courtroom and jury box. Henderson Justice Court is in need of a jury box in Courtroom 4 and advanced air-quality systems in all of their courtrooms to meet Centers for Disease Control and Prevention guidelines.

It is safe to say that the highest priority for the judicial system is to restart jury trials and begin to clear the growing backlog. I have asked every judicial district in the State to submit a plan to create more venues, retrofit courtrooms and provide safe facilities to conduct jury trials. In the coming days, I will present a statewide plan to the Governor, and I request the opportunity to present it to you, to restart jury trials and reduce backlogs. We respectfully request the opportunity to present these plans to the Legislature, and we urge you to consider allocating some of the funds from the recently adopted American Rescue Plan to pay the costs that will be necessary to restore justice in our State. Improvements to existing venues, financial support to access larger venues and increased deployment of senior judges to every district will help create an environment to settle or try the pending cases. As you all respect, the right to a jury trial is fundamental to our democracy. Regrettably, the pandemic has delayed access to that fundamental right, and we need to fix this now.

Over the years, the responsibilities of the Judicial Branch have grown. Whether we like it or not, the state courts of this Country are in the eye of the storm; we have become the emergency room for society's worst ailments: substance abuse, family violence, mental illness, residential evictions and more. This reality has forced the courts to approach cases with innovation and collaboration with all involved. I would like to cite several instances or examples.

In 2015, for example, the State faced an embarrassing number of cases of guardianship abuse. Following extensive study by the Supreme Court's Guardianship Reform Commission, the 79th Legislative Session approved numerous reforms to the adult and minor guardianship statutes. These measures included a Protected Person Bill of Rights, the requirement for preliminary care plans and budgets in each case and the appointment of legal counsel for proposed protected persons. In addition, Assembly Bill 130 of the 79th Session created the State Guardianship Compliance Office to assist district courts during administration and oversight of guardianship proceedings. Since then, the district courts have made substantial improvements to their data collection and case supervision processes. The Compliance Office has audited estates worth a total of \$95,892,800 and found approximately \$9,107,773 worth of guardianship estate funds that were at risk of loss. Since March 2018, the Office has established an 800-number hotline, has conducted 151 audits, 157 quality of care investigations, 72 pre-guardianship investigations and located 272 persons who could not be found that were subject to guardianship proceedings. Further, the Supreme Court adopted statewide rules and standardized forms governing guardianship proceedings. I submit that these measures, collectively, including your work, have resulted in the termination of guardianships that should never have been ordered in the first place; the avoidance of guardianships where least restrictive, alternative means for protection were available; the location of people and assets subject to the system, and a system for investigations and accountability in guardianship cases. We thank you for your attention to this matter.

Nevada's drug courts and other specialty courts continue the incredible journey that began in 1992 when Nevada launched the Nation's fifth drug court in the Country. It is a journey that saves lives, families and the futures of unborn babies. It is also a journey that reduces recidivism, playing a key role in the many reforms proscribed in Assembly Bill 236 of the 80th Session adopted in the 2019 Legislature. The diversion of those suffering from substance abuse and mental-health challenges will reduce the need for more jails and prisons. Nevada's Statewide Specialty Court Funding Committee has launched two initiatives this year that will provide additional accountability for these programs: first, a study of recidivism, and second, a peer review of sister courts. With the assistance of the Nevada Department of Health and Human Services biostatistician department, an assessment of successful specialty court participants for 2017 showed the average recidivism rate to be 25 percent. In other words, consistent with national averages, 75 percent of successful graduates have not had a conviction since participation in their specialty court. We thank the Legislature for your ongoing support of these courts.

In addition, some judicial districts have initiated programs in partnership with local law enforcement to divert individuals away from the justice system to community-based services for treatment and life-skills training. One such program is the new Law Enforcement Intervention for Mental Health and Addiction (LIMA) in Clark County. The Law Enforcement Intervention for

Mental Health and Addiction is a 9- to 12-month pre-booking diversion program in which Las Vegas Metro redirects those with low-level, drug-related charges into community-based services. From February 27, 2020, to March 5, 2021, LIMA has assisted 142 participants with transitional housing and other services ranging from employment to medical treatment, and none of those people ended up in the jails.

In 2019, the Supreme Court commissioned the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges (NCJJ) to assess the family-court operation model adopted by the Legislature in 1993. The goal of the assessment was to determine whether the family courts in Nevada are meeting legislative expectations and family expectations, following state and local court rules, and resolving legal disputes timely and effectively. After more than ten months of interviews, detailed surveys, and on-site visits, the NCJJ released a 68-page report that can be found on the Supreme Court website concluding that the State should continue to sustain and support the coordinated family-division model as originally conceived in the legislation 25 years earlier. It also made seven recommendations. I would like to highlight three.

First, and critically, both Clark and Washoe Counties have outgrown the footprint of their facilities, and the urgency of the situation will continue to increase as the population and workloads increase. Outdated facilities in both of those jurisdictions are the most prominent threat to achieving the goals of the coordinated family divisions. Second, both jurisdictions are operating with fewer judicial-officer resources than all of the jurisdictions the researchers used to compare Clark and Washoe Counties with, even after the addition of judicial officer positions in 2021. Clark County would require over seven additional positions, and Washoe County would require at least four to even begin approaching parity with comparable jurisdictions at the low end of the judicial-resource spectrum. Third, establish an Office of Family Division Services within AOC to improve family operating-division goals, support judicial specialization, coordinate data and develop state-of-the-art training solutions to one-family, one-judge case assignments. The pandemic has intercepted our progress on all of the recommendations, but I anticipate meaningful steps this year planning for the implementation of the remaining recommendations concerning workload studies and the use of masters as an appropriate judicial officer in family court proceedings.

When I addressed the Legislature in 2015, I listed a number of items on the agenda for Nevada's Judiciary. One included the subject of judicial education. At the time, we did not have an organized system for mandatory judicial education. I am pleased to report that judicial education committees, with the support of AOC, have developed mandatory education for every judge on numerous core legal and judicial subjects to be taken on a recurring basis. In addition, we support and agree with the need and inclusion of courses focusing on racial equality and implicit bias. Indeed, the district judges have already added an extensive program entitled the Red Door Project, in which I had the privilege of participating earlier this year with the Conference of Chief Justices, to their course list this May.

Last November, Nevadans amended the *Nevada Constitution* to reform the Nevada State Board of Pardons increasing the number of required meetings to four per year. This measure was presented to the voters because of the incredible backlog of pending cases and the limited staff to investigate and present reports on applicants. Indeed, the Board has but one staff member and over 240 cases in the queue to be investigated and presented to the Pardons Board. Regrettably, many of the agencies that support the work of the Board had already submitted their budgets before the election, thus, preventing them from including in their budgets the staffing necessary to support the reconfigured Board. This week, the Pardons Board received presentations from the Nevada Department of Corrections, the Division of Parole and Probation and the Parole Board concerning the budget requirements to support this new constitutional mandate. The Board urges the Legislature to include these enhancements in the agency budgets to help the Board reduce these backlogs as promised.

The subject of residential evictions has been, and continues to be, a frustrating and vexing subject for all involved. The good news is that more than 25,000 households received assistance from the initial Coronavirus Aid, Relief, and Economic Security Act Fund. The second round of federal funding through the Emergency Rental Assistance Program created by Congress in December will add \$161 million in funds in Clark County alone and is projected to assist another

40,000 households. Millions more in rent relief are projected from the American Rescue Plan. One would think that with millions of dollars available in rent relief, the eviction issue would not be so difficult. It is far more complex than what appears on the surface, in large part driven by the time it takes to qualify tenants under the federal guidelines and then connect them and their landlords to this resource. As recently reported, there are over 20,000 applications for rent relief pending in Clark County and 4,585 eviction cases in the Las Vegas Justice Court awaiting an eviction hearing. The number of applicants and cases threatens to overwhelm the system and the courts.

As you know, Home Means Nevada has operated an alternative dispute resolution program pursuant to rules adopted by the Supreme Court last fall. I sincerely thank Shannon Chambers, her team, and the many mediators who, on very short notice, stepped in to help the parties resolve disputes concerning unpaid rent. With the status of eviction moratoriums unclear, it will be critical for all the branches of State government to work closely together to find effective solutions for landlords and tenants over the coming weeks and months. The Judiciary stands ready to work with all parties to implement case-management plans that are consistent with statutory provisions you enact.

As some of you may know, the Supreme Court recently entered an order creating a Commission to Study the Adjudication of Water Law Cases. The petition seeking this commission received broad support from throughout the State and provides an opportunity to thoroughly examine the adjudication of this vital public resource. I appointed the commission membership this week, and our work will begin immediately. The commission's findings and recommendations are due April 1, 2022.

I am excited about the future of Nevada's judicial system, and I hope you will join with me in securing the right to a jury trial in our State as soon as reasonably affordable. Our judges and court employees are enthusiastic, innovative and engaged, working every day to bring equal justice to all. As Justice Breyer noted in his book, *Making Our Democracy Work*, we cannot take the public's confidence in the courts for granted, ever. I agree and believe that Nevada's courts will continue to earn the public's trust and confidence if we adhere to the rule of law, if we are proactive in the management of our cases, if we provide access to our courts, if we treat each person who appears before us with respect and dignity, if we are accountable in our behavior and decisions, if we are fiscally responsible and if we are transparent in the administration of justice.

I want to thank you all sincerely for the honor of appearing before you this evening.

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

Motion carried.

Assemblyman Hafen moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:35 p.m.

SENATE IN SESSION

At 5:36 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Growth and Infrastructure:

Senate Concurrent Resolution No. 8—Expressing support for the identification of key transportation priorities for the Lake Tahoe Basin.

Senator Harris moved that the resolution be referred to the Committee on Growth and Infrastructure.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Growth and Infrastructure:

Senate Bill No. 371—AN ACT relating to motor vehicles; revising provisions governing the pilot program that the Department of Motor Vehicles is required to conduct to gather data relating to certain motor vehicles in this State; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 29.

Senator Cannizzaro moved that the Senate adjourn in honor of Greek Independence Day until Friday, March 26, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:38 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate