

COUNTY COURTS FOR NEVADA



**LEGISLATIVE COMMISSION OF THE
LEGISLATIVE COUNSEL BUREAU**

STATE OF NEVADA

September 11, 1970

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COUNTY COURTS FOR NEVADA

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Assembly Concurrent Resolution No. 49—Committee on Judiciary

FILE NUMBER 105

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study county courts as proposed in Senate Joint Resolution No. 23 of the 55th session of the legislature.

WHEREAS, Senate Joint Resolution No. 23, which was introduced in the 55th session of the legislature of the State of Nevada, proposes to amend the judicial article of the Nevada constitution by, among other things, establishing a system of county courts; and

WHEREAS, This revision of the court structure, if adopted, will entail extensive new statutes, in the preparation of which the legislature should have the benefit of full research and investigation concerning county courts; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study of county courts and to include in such study the following factors:

1. Limits of jurisdiction;
2. Number of judges in each court;
3. Manner of appeal to the district court;
4. Electronic reporting; and
5. Any other matter necessary to complete a statute establishing county courts; and be it further

Resolved, That the legislative commission is hereby directed to make a report of such study and recommend to the 56th session of the legislature of the State of Nevada a statute to be enacted contingent for its effect upon the adoption of this amendment to the constitution.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 56th Session of the Nevada Legislature:

This report is submitted in compliance with Assembly Concurrent Resolution No. 49 of the 55th Session, which directed the legislative commission to study several enumerated aspects of the new county courts which would be created for the State of Nevada by the proposed revision of the judicial article of the constitution, and to draft an appropriate statute to become effective if the revision is in fact adopted. On June 20, 1969, the legislative commission appointed for this purpose a subcommittee consisting of Assemblyman Roy Lee Torvinen, chairman, Senators Procter R. Hug and C. Coe Swobe, and Assemblyman Norman Ty Hilbrecht.

The subcommittee was assisted in its work by advisers familiar with various phases of the operation of courts of limited jurisdiction, and held several public hearings. Its report was approved by this commission on September 11, 1970.

The subcommittee's report and suggested draft legislation are attached for your consideration.

Respectfully submitted,

LEGISLATIVE COMMISSION
State of Nevada

Carson City, Nevada
September 11, 1970

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE FOR STUDY OF COUNTY COURTS

This subcommittee was appointed pursuant to Assembly Concurrent Resolution No. 49 of the Fifty-fifth Session. That session of the legislature adopted Senate Joint Resolution No. 23, proposing to create a simplified and unified court system for the state, largely as proposed by a prior Subcommittee for Study of the Nevada Court Structure. The report of that subcommittee is contained in Legislative Counsel Bureau Bulletin No. 74, issued in December 1968.

The legislature, however, altered the proposed court structure by substituting for the proposed single trial court two levels of trial courts to be known respectively as the district court and county courts. The district court is already in existence as the trial court of general jurisdiction, which under the proposed amendment it would remain. The proposed amendment does not undertake to define either the internal organization or the limits of jurisdiction of the new county courts, thus leaving both to be prescribed by the legislature.

It was, therefore, the task of this subcommittee to draft a statute which would (1) fix suitable limits upon the jurisdiction of the county courts, (2) provide for their organization, including the duties of the justices of the peace as magistrates, and (3) purge from the statutes obsolete references to municipal courts and to the former duties of justices of the peace. In so doing, this subcommittee has striven to attain the goal set by the earlier recommendation, that all contested cases be tried by legally trained judges, and has confronted the same problem of diversity between the situations of the two metropolitan areas of the state and its sparsely settled rural areas. In these latter areas there is a real conflict between the goal of legally trained judges and the need for speedy and convenient justice.

The attached draft statute (Exhibit A) must speak for itself, but some comments are in order concerning the policy decisions made by the subcommittee and the reasons for so deciding. The first question studied was whether the county courts could be made courts of record. It was recognized by both this and the earlier subcommittee that the supply of trained court reporters is limited; hence, the addition of new courts of record might be feasible only if sound-recording equipment, monitored by a person of lesser training, could be satisfactorily used. Upon consideration of (1) the experience of the Alaska court system as reported by its Administrative Director, (2) the sound-recording equipment demonstrated and explained to the subcommittee by representatives of Dictaphone Corporation, and (3) the oral and written observations submitted by several court reporters, the subcommittee concluded that, although sound recording in the present state of the art is inferior to the performance of a well-trained human reporter, sound recording can be used satisfactorily. It therefore recommends that the county courts be made courts of record (section 2 of the draft statute) but that the district court be empowered to try an appeal de novo if justice so requires (sections 55 and 120 of the draft statute), thus safeguarding the parties from any

prejudice which might otherwise result from a mechanically defective record.

The subcommittee's next crucial decision was to recommend legally trained judges for all county courts. This permits the placing of a uniform limit upon their jurisdiction, and approaches the goal of "first class justice for all." The limit of \$1,500 was selected as appropriate for a court staffed by legally trained judges, and approximately equivalent in purchasing power to the \$300 limit when originally applied to justices' courts by the constitution a century ago.

Legally trained judges can be provided in the thinly populated counties of the state by assigning one judge to serve several counties, while in the two heavily populated areas it is necessary to assign several judges to one county. This is the same concept which has been successfully applied for a century to the district courts. In recognition of the caliber of legal ability desired and in order to attract qualified lawyers to serve as judges in the rural areas, the subcommittee recommends for the county judges an annual salary of \$22,000, which is \$2,000 less than the salary which will then be in effect for district judges.

In anticipating workloads in order to recommend specific numbers of judges, the subcommittee took into account that some of the work now performed by justices of the peace and municipal judges will continue to be performed by justices of the peace as magistrates of the county courts, especially the issuance of search warrants and warrants of arrest, the setting of bail and the arraignment of persons accused of misdemeanors.

The respective populations per judge of the county court system as established by the draft statute, according to the preliminary 1970 census figures, are:

Carson-Douglas.....	21,310
Churchill-Lyon.....	18,477
Clark.....	38,578
Elko.....	13,540
Esmeralda-Mineral-Nye.....	13,078
Eureka-Humboldt-Lander-Pershing.....	12,357
Lincoln-White Pine.....	12,443
Storey-Washoe.....	30,158

It may be noted that in the metropolitan areas where concentration of population permits some judges to sit continuously in one place, the population per judge is high; in the sparsely populated areas where distance is the governing factor, it is low but roughly equalized among such areas; while certain areas combine intermediate population with moderate travel.

In the field of small claims, the subcommittee recommends a compromise between the conflicting goals of legally trained judges for all cases and conveniently available justice, for even in the heavily populated counties where several county judges would be available at all times, there are small communities located far from any reasonable place for a court of record to sit. It is therefore provided that small claims will be filed with a justice of the peace, and determined by him unless either party demands a trial in the county court. Thus in the usual case where a small claim is uncontested, or where the parties so agree, the matter can be handled locally, but the right of even the smallest litigant to a hearing before a

legally trained judge is preserved. Because small claims matters may and probably often will be decided by laymen, the money limit is set at \$500.

Pursuant to the recommendation of the prior subcommittee and clear intent of the proposed judicial article to confine the courts to judging, the subcommittee recommends elimination of all nonjudicial duties such as performing marriages and serving as coroner and deputy registrar of voters from the normal duties of justices of the peace. However, it recognizes that in many small communities remoteness will make the presence of a justice of the peace necessary but his duties will be light. Therefore, the draft statute (at section 26) would authorize a board of county commissioners to assign additional duties to a justice of the peace with the consent of the district judge. His concentration upon service to the courts insofar as required is assured by the requirement of consent, but a capable man is not precluded from other public service. Because justices of the peace will meet essentially local and varying needs, the subcommittee recommends they be paid from the county treasuries.

Although the role of the justice of the peace as magistrate of the county court will involve no trial of a contested case except a small claim by consent of the parties, it will have an importance all its own. An illustration is the issuance of search warrants, whose issuance without the proper establishment of probable cause may lead to the suppression of vital evidence. Yet this office must, from the nature of conditions in Nevada, be filled almost always by persons untrained in the law. The prior subcommittee recommended establishment of a training program for justices of the peace through the National College of State Trial Judges. This subcommittee, after its further study of the intended role of the justice of the peace in the unified court system, endorses that recommendation and urges the prompt enactment of such a program by the 1971 legislature, for it is clear that, whether the present court structure continues or the proposed unified system is adopted, the need for such training now exists and will continue.

The subcommittee further recommends that the court administrator or some other suitable central agency periodically issue to the justices of the peace a summary of court decisions affecting their duties. Even after a training program, it is not reasonable to suppose that they can individually sift these from the Nevada Reports (see section 144 of the draft statute, amending NRS 345.020), much less garner others from the United States Supreme Court and lesser federal courts.

In its examination of the workload and present geographical disposition of judges and justices of the peace, based upon the studies of the prior subcommittee, the notes its staff collected in the course of those studies, and its own observation, this subcommittee feels compelled to comment that there exists at least one judicial district and several townships where neither distance from other judicial facilities nor population reasonably justifies the assignment of a separate judge or justice of the peace. The subcommittee therefore recommends that (1) the legislature realign the judicial districts where appropriate to modern conditions and (2) each board of county commissioners consider carefully whether each existing township is justified as a separate entity.

In summary, the subcommittee recalls the recitals of the original Senate Concurrent Resolution No. 18 of the Fifty-fourth Session, which initiated the study of the Nevada court structure, that

* * * The basic structure of Nevada's court system is now over 100 years old; and

* * * The problems faced by the courts today are vastly different and more complex than those of 100 years ago; and

* * * There have been numerous amendments and changes in the laws governing the court system made in a piecemeal fashion over the last 100 years; and

* * * All the citizens of Nevada desire efficient, effective and speedy administration of justice in this state; * * *

The subcommittee believes that replacing the existing justices' and municipal courts with county courts organized as provided in the attached draft statute will help to modernize this ancient patchwork and to promote the efficient, effective and speedy administration of justice in at least three ways:

1. It will relieve congestion in the district court by transferring to the county courts cases involving \$1,500 or less.

2. It will make available legally trained judges for the trial of every civil and criminal matter.

3. It will fully utilize the skills and experience of all the present justices of the peace by retaining them as magistrates to relieve the county judges of nontrial duties.

The subcommittee wishes to thank its advisers, Justice of the Peace William R. Beemer, Judge D. Francis Horsey, Dean Laurance M. Hyde, Jr., of the National College of State Trial Judges, Miss Isabel Leaf of the Las Vegas justice's court, and city attorneys Mario G. Recanzone, Esq., and Clinton E. Wooster, Esq., and all who offered their experience and opinions at the several public hearings.

ROY LEE TORVINEN, *Chairman*
PROCTER R. HUG
C. COE SWOBE
NORMAN TY HILBRECHT

EXHIBIT A

SUMMARY—Provides for organization of county courts. (BDR 1-3)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to courts of justice; providing for the organization and jurisdiction of county courts; providing for the appointment and jurisdiction of magistrates of the county courts; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. NRS 1.010 is hereby amended to read as follows:

1.010 The following shall be the courts of justice for this state:

1. The supreme court.
2. The district [courts.
3. Justices' courts.
4. Such municipal courts as may from time to time be established by the legislature in incorporated cities or towns.] *court.*
3. *County courts.*

SEC. 2. NRS 1.020 is hereby amended to read as follows:

1.020 The supreme court, the [several] district [courts, and such other courts as the legislature shall designate, shall be] *court and county courts are courts of record.*

SEC. 3. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a [justice's court or a municipal] *county* court shall be opened nor shall any judicial business be transacted except by a [justice's court or municipal] *county* court on Sunday, or on any day declared to be a holiday according to the provisions of NRS 236.010 or 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person in his behalf, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows: That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same. All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. **【Nothing herein contained shall】** *Subsection 1 does not* affect private transactions of any nature whatsoever.

SEC. 4. NRS 1.140 is hereby amended to read as follows:

1.140 Each of the following courts **【, and no other,】** shall have a seal:

1. The supreme court.
2. The district **【courts.】** *court.*
3. *County courts.*

SEC. 5. NRS 2.090 is hereby amended to read as follows:

2.090 The supreme court **【shall have】** *has* jurisdiction to review upon appeal:

1. A judgment in an action or proceeding **【,】** commenced in a district court, **【when the matter in dispute is embraced in the general jurisdiction of the supreme court,】** and to review upon appeal from such judgment any intermediate order or decision involving the merits and necessarily affecting the judgment.

2. An order granting or refusing a new trial in such cases; an order granting or refusing to change the place of trial of an action or proceeding after motion is made therefor in the cases in which that court has appellate jurisdiction; and from an order granting or refusing to grant an injunction or mandamus in the case provided for by law.

SEC. 6. NRS 2.120 is hereby amended to read as follows:

2.120 1. The supreme court may make rules not inconsistent with the constitution and laws of the state for its own government, the government of the district *court and the county* courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the supreme court which in no event shall be less than 30 days after entry of an order adopting such rules.

2. The supreme court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the supreme court which in no event shall be less than 60 days after entry of an order adopting such rules.

SEC. 7. NRS 3.190 is hereby amended to read as follows:

3.190 1. The district **【courts, severally, have】** *court has* original jurisdiction in **【**:

- (a) All cases in equity.
- (b) All cases at law which involve the title or the right of possession to, or the possession of real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine.
- (c) All actions to foreclose mechanics' liens.
- (d) All cases in which the demand, exclusive of interest, or the value of the property in controversy, exceeds \$300.
- (e) All cases relating to the estates of deceased persons, and the persons and estates of minors, idiots and insane persons.

- (f) The action of forcible entry and unlawful detainer.
- (g) All criminal cases not otherwise provided for by law.
- (h) All cases in which election to a public office, including the office of presidential elector, is contested, except those offices enumerated in NRS 293.407.

2. They shall also have **all matters judicial in nature outside the jurisdiction of the county courts.**

2. *The district court has final appellate jurisdiction in cases arising in **Justices' courts and such other inferior tribunals as may be established by law.** county courts.*

3. The district **courts and the** judges **thereof shall** have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction. They also **shall** have power to issue writs of habeas corpus, on petition by, or on behalf of, any person held in actual custody in their respective **districts.** *geographical divisions.*

SEC. 8. Chapter 4 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 22, inclusive, of this act.

SEC. 9. 1. *The number of judges assigned to the respective county courts is as follows:*

- (a) *For Carson City and Douglas County, one judge.*
- (b) *For Churchill and Lyon counties, one judge.*
- (c) *For Clark County, seven judges.*
- (d) *For Elko County, one judge.*
- (e) *For Esmeralda, Mineral and Nye counties, one judge.*
- (f) *For Eureka, Humboldt, Lander and Pershing counties, one judge.*
- (g) *For Lincoln and White Pine counties, one judge.*
- (h) *For Storey and Washoe counties, four judges.*

2. *The term of office of each judge elected for a county court is 6 years. The term of office of each judge appointed to fill a vacancy expires on the 1st Monday of January next following the first general election held after the year in which such judge was appointed.*

3. *At each general election which precedes the expiration of the term of one or more judges appointed or elected for a county court, the appropriate number of successor judges shall be elected.*

SEC. 10. *Resignation of office by a county judge shall be made to the governor.*

SEC. 11. 1. *Except as otherwise provided in subsection 2, no person is eligible for appointment, candidacy or election as county judge unless he is:*

- (a) *A qualified elector of this state;*
- (b) *Over the age of 25 years; and*
- (c) *An attorney at law licensed to practice in all the courts of this state.*

2. *A justice of the peace incumbent on the date of the general election in 1972 is eligible for appointment, election at the expiration of his appointed term, and reelection as a judge of the county court for his county and for any other county to which one or more judges are assigned in common with his county by section 9 of this act.*

SEC. 12. 1. *The annual salary of each county judge is \$22,000. This salary shall be paid in biweekly installments out of the county judges' salary fund, which is hereby created in the state treasury.*

2. *No salary of any county judge may be paid in advance.*

SEC. 13. 1. *A county judge shall not act as attorney or counsel in any court except in an action or proceeding to which he is a party on the record.*

2. *It is unlawful for any county judge to accept any fee, gratuity or any thing of value for or in connection with solemnizing any marriage in this state.*

SEC. 14. 1. *Any judge of a county court who has served as a justice of the supreme court or judge of a district or county court in any one or more of those courts for a period or periods aggregating 20 years and has ended such service, after such service of 20 years and after reaching the age of 60 years, is entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to two-thirds the sum received as salary for his judicial services during the last year thereof, payable in monthly installments from funds to be provided by direct legislative appropriation.*

2. *Any judge of a county court who has served as a justice of the supreme court or judge of a district or county court in any one or more of those courts for a period or periods aggregating 12 years and has ended such service, after such service of 12 years and after reaching the age of 60 years, is entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to one-third the sum received as salary for his judicial services during the last year thereof, payable in monthly installments from funds to be provided by direct legislative appropriation.*

3. *Any judge of a county court who desires to resign pursuant to the terms hereof shall do so by notice in writing to the governor, and shall file forthwith with the state controller and the state treasurer an affidavit setting forth the fact of his resignation, the date and place of his birth, and the years he has served in any of the courts above mentioned.*

4. *Upon resigning as above provided and the filing of the affidavit mentioned, by any person entitled so to do pursuant hereto, the state controller shall draw his warrant, payable to the individual who has thus resigned, upon the state treasurer for the sum due such person, and the state treasurer shall pay the same out of funds to be provided by direct legislative appropriation.*

5. *The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any judge of a county court who may have resigned pursuant hereto.*

SEC. 15. 1. *If a county judge at the time of his death had retired and was then receiving a pension under the provisions of section 14 of this act, or if at the time of his death he had not retired but had performed sufficient service for retirement under the provisions of section 14 of this act, his widow, if she has attained the age of 65 years, is entitled, until her death or remarriage, to receive the sum of \$350 per month.*

2. *To be entitled to receive the benefits provided in this section, the widow must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable rules and regulations to be adopted for the purpose of carrying out the intent of this section.*

3. *It is the intent of this section that no special fund be created for the purpose of paying the benefits provided by this section, and any and*

all payments made under the provisions of this section are specifically directed to be made out of and charged to any fund now or hereafter created for the purpose of paying pension benefits to county judges.

SEC. 16. 1. *Where two or more judges are assigned to a county or group of counties, their jurisdiction is concurrent and coextensive. They may provide by local rule, not inconsistent with law or any general rule adopted by the supreme court, for the convenient transaction of their judicial business.*

2. *Where but one judge is assigned to a county or group of counties and is unable by reason of absence or illness to attend to his judicial duties, or by reason of disqualification to act in a particular matter, or where 'all the judges so assigned are so unable, the chief justice may temporarily assign one or more judges of another county court, or a retired judge or justice of any court, to serve the county or counties so affected.*

SEC. 17. *A county judge may, during his continuance in office, sign any minutes and records of the county court for which he is incumbent, left unsigned by his predecessor in office or by any county judge previously sitting in the county, and such minutes and records, when thus signed, have the same force and effect to which they would have been entitled had they been signed by such predecessor in office, or by such judge previously sitting in the county.*

SEC. 18. 1. *The county courts have jurisdiction of:*

(a) All civil actions where the amount of money or the value of the property in controversy does not exceed \$1,500; and

(b) All criminal actions where the penalty provided does not exceed imprisonment for a term of 6 months, or a fine of \$500, or both such fine and imprisonment.

2. *The county courts may issue injunctions, restraining orders and all writs appropriate to the exercise of their jurisdiction defined by subsection 1. A county court shall not issue the writ of habeas corpus.*

3. *A county court shall not try title to office or the legality of any tax or assessment, or any proceeding governed by Title 11, 12 or 13 of NRS.*

SEC. 19. *The proceedings of the county courts shall be recorded and reported in the same manner as those of the district court, by an official reporter of any geographical division of the district court or by sound-recording equipment.*

SEC. 20. 1. *The judge or judges of each county court may establish by local rule the place or places within the county where court is held.*

2. *The judge or judges may require the board of county commissioners to provide suitable facilities at each such place, at the expense of the county unless otherwise provided pursuant to subsection 3.*

3. *The judge or judges may require any incorporated city within the county to provide for the use of the county court any facilities used or available on the date of the general election in 1972 for a municipal court.*

SEC. 21. 1. *The county clerk is ex officio clerk of the county court, shall keep its dockets and shall accept papers for filing in any action. This subsection does not apply to small claims actions before magistrates unless transferred to the county court.*

2. *Each judge of a county court may appoint a bailiff.*

3. The board of county commissioners shall fix and pay the salary of the bailiff and of any deputy county clerks whose services may be required by the county court.

SEC. 22. 1. The county clerk shall keep a record of the fines and forfeitures of bail collected by the county court for his county, classified to enable compliance with this section. On or before the 5th day of each month, he shall pay over to the county treasurer all such fines and forfeitures collected during the preceding month, stating the amount in each classification.

2. The county treasurer shall within 5 days thereafter:

(a) Remit to the state treasurer the full amount of all fines collected for violation of any penal law of this state, plus 20 percent of all other fines and bail forfeitures collected.

(b) Remit to the city treasurer or credit to the account of each city or town 80 percent of all fines and bail forfeitures collected for violation of any ordinance of that city or town.

(c) Credit to the general fund of the county 80 percent of all fines and bail forfeitures collected for violation of any county ordinance.

3. Fines for parking in violation of an ordinance of an incorporated city, where no warrant of arrest is issued, shall be collected by the city clerk and paid over without deduction to the city treasurer for credit to the general fund of the city.

SEC. 23. Chapter 5 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.

SEC. 24. A justice of the peace is a magistrate of a county court, and shall perform:

1. The functions prescribed in this chapter; and

2. Any other duty assigned to magistrates of the county courts by statute or rule promulgated by the supreme court.

SEC. 25. 1. The justices of the peace elected to that office, as it existed prior to the effective date of this act, at the general election in 1972, are justices of the peace for the purposes of this chapter until the 1st Monday of January 1975. Any vacancy in the office of justice of the peace occurring prior to the 1st Monday of January 1975, shall be filled as provided in subsection 2.

2. The judge or judges regularly assigned to each geographical division of the district court shall appoint an appropriate number of justices of the peace for each county court within the division. After the 1st Monday of January 1975, the justices of the peace shall serve at the pleasure of the judges of the division.

SEC. 26. 1. The board of county commissioners shall fix and pay the salary of each justice of the peace who serves as a magistrate of the county court for that county.

2. A board of county commissioners may, with the approval of the appointing judge or judges, assign other duties of a public nature to any designated justice of the peace, and compensate him separately for the performance of such duties.

SEC. 27. A justice of the peace shall:

1. Issue search warrants, summonses and warrants of arrest as provided by law;

2. Admit persons to bail as provided by law;

3. *Arraign defendants accused of public offenses triable in the county court of which he is a magistrate;*

4. *Accept the filing of claims, liquidated or unliquidated, for the recovery of \$500 or less in money only, and give notice of any such claim to the defendant; and*

5. *Hear, determine and enforce judgment of any claim filed pursuant to subsection 4 unless the plaintiff or defendant demands that it be heard and determined by a county judge.*

SEC. 28. 1. *Each justice of the peace shall, when either party to an action upon a small claim demands that it be heard and determined by a county court judge, transmit the papers in that action to the county clerk for further proceedings.*

2. *In all other small claim actions, he shall transmit the papers to the county clerk upon satisfaction of judgment or the expiration of 1 year after the most recent step taken in the action, whichever first occurs, for retention as the papers in other civil actions are retained.*

SEC. 29. 1. *The justice of the peace shall charge and collect a fee of \$5 for the preparation, filing and service of an affidavit and order pursuant to chapter 73 of NRS and N.J.R.C.P. 80C. He shall charge no fee for the appearance of a defendant in response to such order.*

2. *He shall remit to the county treasurer on or before the 5th day of each month all fees collected pursuant to this section during the preceding month.*

SEC. 30. NRS 6.020 is hereby amended to read as follows:

6.020 1. Upon satisfactory proof, made by affidavit or otherwise, the following-named persons, and no other, shall be exempt from service as grand or trial jurors:

(a) Any federal or state officer.

(b) Any judge, justice of the peace or attorney at law.

(c) Any county clerk, recorder, assessor, sheriff, deputy sheriff [, constable, deputy constable] or police officer.

(d) Any physician, dentist, graduate nurse or registered pharmacist.

(e) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.

(f) Any mail carrier engaged in the actual carrying of the United States mail on a star route in a rural area.

(g) Any teacher, principal or superintendent actually engaged in teaching or in the supervision of teaching in the public schools of this state, and any member of the faculty of the University of Nevada System, shall be exempt from jury duty during the session of the public schools or university of this state in which he is employed. Nothing in this paragraph shall excuse or be construed to excuse any teacher, principal, superintendent or university faculty member from jury duty during school vacation, except when he is taking training in his professional work or in finishing his school reports and other matters incident thereto within 1 month of the day of the closing of the school in which he is employed, or in preparation for the opening of school during the 2 weeks immediately preceding the opening of school.

(h) Any officer or correctional officer employed by the Nevada state prison.

(i) Any member or employee of the legislature or the legislative counsel bureau while the legislature is in session.

2. All persons of the age of 65 years or over are exempt from serving as grand or trial jurors. Whenever it shall appear to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 65 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

SEC. 31. NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court in and for any county with a population of 100,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, may by rule of court designate the clerk of the court or one of his deputies as jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, he shall in January of each year estimate the number of trial jurors which will be required for attendance on the district **[court]** *and county courts* until the next annual selection, and shall select such number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. He shall keep a record of the name, occupation and address of each person so selected.

SEC. 32. NRS 6.050 is hereby amended to read as follows:

6.050 1. In counties where there is no jury commissioner, the board of county commissioners in each county shall at its first regular meeting in each year, by an order duly made and entered on its minutes, estimate as nearly as possible the number of trial jurors that will be required for attendance on the district **[court of the county]** *and county courts* until the next annual selection of trial jurors. The board shall thereupon select from the qualified electors of the county, whether registered or unregistered, not exempt by law from jury duty, such number of qualified electors as it has been estimated to be necessary.

2. The board shall transmit to the county clerk, who shall keep a record thereof in his office, the name, occupation and address of each person so selected.

SEC. 33. NRS 6.090 is hereby amended to read as follows:

6.090 1. To constitute a regular panel of trial jurors for the district *or county* court such number of names as the district *or county* judge may *respectively* direct shall be drawn from the jury box. The **[district]** judge must make and file with the county clerk an order that a regular panel of trial jurors be drawn, and the number of jurors to be drawn must be named in the order. The drawing shall take place in the office of the county clerk, during regular office hours, in the presence of all persons who may choose to witness it. The panel shall be drawn by the **[district]** judge and clerk, or, if the **[district]** judge so directs, by any one of the county commissioners of the county and the clerk. If the **[district]** judge directs that the panel be drawn by one of the county commissioners of the county and the clerk, the **[district]** judge must make and file with the clerk an order designating the name of the county commissioner and fixing the number of names to be drawn as trial jurors and the time at which the persons whose names are so drawn shall be required to attend in court.

2. The drawing shall be conducted as follows:

(a) The number to be drawn having been previously determined by

the [district] judge, the box containing the names of the jurors shall first be thoroughly shaken. It shall then be opened and the [district] judge and clerk, or one of the county commissioners of the county and the clerk, if the [district] judge has so ordered, shall alternately draw therefrom one ballot until of nonexempt jurors the number determined upon is obtained.

(b) If the officers drawing the jury deem that the attendance of any juror whose name is so drawn cannot be obtained conveniently and inexpensively to the county, by reason of the distance of his residence from the court or other cause, his name may, in the discretion of the officers, be returned to the box and in its place the name of another juror drawn whose attendance the officers may deem can be obtained conveniently and inexpensively to the county.

(c) A list of the names so obtained shall be made out and certified by the officers drawing the jury, which list shall remain in the clerk's office subject to inspection by any officer or attorney of the court, and the clerk shall immediately issue a venire.

3. Every person named in the venire shall be served by the sheriff either personally or by mailing a summons to such person, commanding him to attend as a juror at a time and place designated therein. If the summons is mailed, it shall be certified and deposited in the post office, addressed to such person at his usual post office address. The receipt of the person so addressed for the certified summons shall be regarded as personal service of the summons upon such person. Mileage shall be allowed only for personal service. The postage and certification fee shall be paid by the sheriff and allowed him as other claims against the county. The sheriff shall make return of the venire at least the day before the day named for their appearance, after which the venire shall be subject to inspection by any officer or attorney of the court.

SEC. 34. NRS 7.260 is hereby amended to read as follows:

7.260 1. An attorney other than a public defender appointed by a [magistrate or a] *county court or the district court* to represent a defendant [before a magistrate] *at a preliminary examination* or to defend a person charged with any offense by indictment or information, or by a district court or the supreme court or a justice thereof to represent an indigent petitioner for a writ of habeas corpus, which petitioner is imprisoned pursuant to a judgment of conviction of a gross misdemeanor or a felony, is entitled to receive a fee to be set at the discretion of the appointing court, judge or justice, but the fee shall not be set at more than \$200 for services in a [justice's] *county court* and \$300 for services in [a] *the district court* unless the crime is punishable by death, in which event the fee for services in [a] *the district court* shall not be set at more than \$1,000. The fee shall be paid from the county treasury, unless the proceeding is based upon a petition for a writ of habeas corpus filed by an indigent petitioner imprisoned pursuant to a judgment of conviction of a gross misdemeanor or a felony, or upon an automatic appeal, in which cases the fee shall be paid from the reserve for statutory contingency fund pursuant to NRS 353.264.

2. If such an attorney is called by a court into a county other than the county in which he has his office, he shall be allowed in addition to the fee provided in subsection 1 traveling expenses and subsistence allowances in the amounts specified in NRS 281.160.

3. Compensation for services and expenses which is a county charge shall be paid by the county treasurer out of any moneys in the county treasury not otherwise appropriated, upon the certificate of the judge of the court that such attorney has performed the services required and incurred the expenses claimed. Compensation for services and expenses which is a state charge shall be paid from the reserve for statutory contingency fund upon approval by the state board of examiners.

4. An attorney cannot, in such case, be compelled to follow a case to another county or into the supreme court, and if he does so, he may recover an enlarged compensation to be graduated on a scale corresponding to the sums allowed.

SEC. 35. NRS 11.190 is hereby amended to read as follows:

11.190 Actions other than those for the recovery of real property, unless further limited by NRS 11.205 or by or pursuant to the Uniform Commercial Code, can only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged in a store account.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property; but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting such waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof; but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," having upon it at the time of its loss a recorded mark or brand, and when such animal was strayed or stolen from the true owner without his fault, the statute shall not begin to run against an action for the recovery of such animal until the owner has actual knowledge of such facts as would put a reasonable man upon inquiry as to the possession thereof by the defendant.

(d) An action for relief on the ground of fraud or mistake; the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon the liability incurred by the doing of an act in his official capacity and in virtue of his

office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to an individual, or to the state, or an individual and the state, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) An action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person shall apply only to causes of action which shall accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officers de facto:

(1) To recover any goods, wares, merchandise or other property seized by any such officer in his official capacity, as tax collector, or to recover the price or value of any goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention, sale of, or injury to any goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making such seizure.

(2) For money paid to any such officer under protest, or seized by such officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

(b) Actions or claims against a county, incorporated city, town or other political subdivision of the state which have been rejected by the board of county commissioners, city council or other governing body, as the case may be, after the first rejection thereof by such board, city council or other governing body, or the expiration of the time limited for failure to act by subsection 3 of NRS 41.036.

(c) Actions or claims against the state not arising out of contract, after rejection by the state board of examiners or the expiration of the time limited for their failure to act by subsection 2 of NRS 41.036. **]** *provided in sections 37 to 41, inclusive, of this act.*

SEC. 36. Chapter 11 of NRS is hereby amended by adding thereto the provisions set forth as sections 37 to 41, inclusive, of this act.

SEC. 37. *The following actions must be commenced within 6 years:*

1. *An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States.*

2. *An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.*

SEC. 38. *The following actions must be commenced within 4 years:*

1. *An action on an open account for goods, wares and merchandise sold and delivered.*

2. *An action for any article charged in a store account.*

3. *An action upon a contract, obligation or liability not founded upon an instrument in writing.*

SEC. 39. *The following actions must be commenced within 3 years:*

1. *An action upon a liability created by statute, other than a penalty or forfeiture.*

2. *An action for waste or trespass of real property; but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting such waste or trespass.*

3. *An action for taking, detaining or injuring personal property, including actions for specific recovery thereof; but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," having upon it at the time of its loss a recorded mark or brand, and when such animal was strayed or stolen from the true owner without his fault, the statute shall not begin to run against an action for the recovery of such animal until the owner has actual knowledge of such facts as would put a reasonable man upon inquiry as to the possession thereof by the defendant.*

4. *An action for relief on the ground of fraud or mistake; the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud or mistake.*

SEC. 40. *The following actions must be commenced within 2 years:*

1. *An action against a sheriff or coroner upon the liability incurred by the doing of an act in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.*

2. *An action upon a statute for a penalty or forfeiture, where the action is given to an individual, or to the state, or an individual and the state, except when the statute imposing it prescribes a different limitation.*

3. *An action for libel, slander, assault, battery, false imprisonment or seduction.*

4. *An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.*

5. *An action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this subsection relating to an action to recover damages for injuries to a person shall apply only to causes of action which accrued after March 20, 1951.*

SEC. 41. *The following actions must be commenced within 1 year:*

1. *An action against an officer, or officers de facto:*

(a) *To recover any goods, wares, merchandise or other property seized by any such officer in his official capacity, as tax collector, or to recover the price or value of any goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention, sale of, or injury to any goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making such seizure.*

(b) *For money paid to any such officer under protest, or seized by such officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.*

2. *Actions or claims against a county, incorporated city, town or other political subdivision of the state which have been rejected by the board of county commissioners, city council or other governing body, as*

the case may be, after the first rejection thereof by such board, city council or other governing body, or the expiration of the time limited for failure to act by subsection 3 of NRS 41.036.

3. *Actions or claims against the state not arising out of contract, after rejection by the state board of examiners or the expiration of the time limited for their failure to act by subsection 2 of NRS 41.036.*

SEC. 42. NRS 19.013 is hereby amended to read as follows:

19.013 1. Each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from [a district court of] another [county,] <i>geographical division</i> , except probate or guardianship proceedings, in addition to the court fee now provided by law, to be paid by the party commencing such action or proceeding or transfer.....	\$17.00
On an appeal to the district court of any case from a [justice's court or a municipal] <i>county</i> court, or on the transfer of any case from a [justice's court or a municipal] <i>county</i> court, in addition to the court fee now provided by law.....	10.00
On the filing of a petition for letters testamentary, or of administration or guardianship, which fee shall include the court fee now provided by law, to be paid by the petitioner:	
Where the stated value of the estate is more than \$1,000 and less than \$5,000.....	15.00
Where the stated value of the estate is \$5,000 or more.....	25.00
Where the stated value of the estate is \$1,000 or less, no fee may be charged or collected.	
On filing a petition to contest any will or codicil, to be paid by the petitioner.....	15.00
On the filing of objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any other proceeding in an estate or guardianship matter, to be paid by the moving or objecting party.....	5.00
On the appearance <i>in the district court</i> of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them.....	10.00
For every additional defendant, appearing separately.....	5.00
On the filing <i>in the district court</i> of any paper in intervention.....	10.00
For issuing <i>out of the district court</i> an execution or order of sale, in any action.....	1.00
On the commencement of any action or proceeding in the county court, other than in actions commenced under chapter 73 of NRS, to be paid by the party commencing the action.....	7.00

<i>On the appearance in the county court of any defendant, or any number of defendants answering jointly, to be paid by him or them on filing the first paper in the action, or at the time of appearance, if the appearance or answer is oral.....</i>	<i>\$2.00</i>
<i>For every additional defendant, appearing separately.....</i>	<i>1.00</i>
<i>For the filing in the county court of any paper in intervention.....</i>	<i>2.00</i>
<i>For the issuance of any writ of attachment, writ of garnishment, writ of execution, or any other writ designed to enforce any judgment of the county court, after the issuance of four such writs.....</i>	<i>1.00</i>
<i>For filing any notice of motion to move for a new trial of any civil action or proceeding, to be paid by the party filing [the same and] it, which shall be in full for all services to be rendered in connection with the motion.....</i>	<i>5.00</i>
<i>For filing a notice of appeal and appeal bond, each.....</i>	<i>1.00</i>
<i>In the county court, one charge only shall be made if both papers are filed at the same time.</i>	
<i>For services connected with transmission of files and papers to [the district] a court of another county or to a United States court, exclusive of express charge or postage.....</i>	<i>2.50</i>
<i>For filing remittitur from the supreme court.....</i>	<i>1.00</i>
<i>For recording judgment entered thereon, per folio.....</i>	<i>.20</i>
<i>For issuing transcript of judgment and certifying thereto....</i>	<i>1.00</i>
<i>[For filing and docketing abstract of judgment of justice's court.....</i>	<i>1.00</i>
<i>For issuing execution thereon.....</i>	<i>1.00]</i>
<i>For preparing any copy of any record, proceeding or paper on file in his office:</i>	
<i>When such copy is typed, per folio.....</i>	<i>.20</i>
<i>When such copy is photostated, for each page....</i>	<i>.60</i>
<i>For each certificate of the clerk, under the seal of the court.....</i>	<i>1.00</i>
<i>For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate.....</i>	<i>1.00</i>
<i>For comparing such copy with the original, per folio.....</i>	<i>.05</i>
<i>For filing and indexing articles of incorporation.....</i>	<i>2.50</i>
<i>For each amendment, acceptance of appointment of resident agent, list of officers, dissolution or reinstatement or bond companies.....</i>	<i>1.00</i>
<i>For filing all papers to be kept by him, not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity.....</i>	<i>1.00</i>
<i>For administering each oath, without certificate, except in a pending action or proceeding.....</i>	<i>1.00</i>

For issuing any certificate under seal, not otherwise provided for.....	\$1.00
For taking any affidavit, except in criminal cases.....	.50
For taking any acknowledgment.....	1.00
For searching records or files in his office, for each year.....	.50
For filing and recording a bond of a notary public.....	2.50

2. All fees prescribed in this section shall be payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 shall be in full for all services rendered by the county clerk in the case for which such fees are paid, to and including the making up of the judgment roll, but such fees shall not include payment for typing, copying, certifying or exemplifying or authenticating copies.

4. No fee shall be charged any attorney and counselor at law duly admitted to practice in the State of Nevada for searching records or files in the office of the clerk. No fee shall be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

5. Each county clerk shall, on or before the 5th day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

SEC. 43. NRS 22.010 is hereby amended to read as follows:

22.010 The following acts or omissions shall be deemed contempts:

1. Disorderly, contemptuous or insolent behavior toward the judge while he is holding court, or engaged in his judicial duties at chambers, or toward masters or arbitrators while sitting on a reference or arbitration, or [other judicial proceeding.] *toward a magistrate engaged in his official duties.*

2. A breach of the peace, boisterous conduct or violent disturbance in the presence of the court, or in its immediate vicinity, tending to interrupt the due course of the trial or other judicial proceeding.

3. Disobedience or resistance to any lawful writ, order, rule or process issued by the court or judge at chambers.

4. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness.

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court or judge at chambers.

6. Disobedience of the order or direction of the court made pending the trial of an action, in speaking to or in the presence of a juror concerning an action in which the juror has been impaneled to determine, or in any manner approaching or interfering with such juror with the intent to influence his verdict.

7. Every person who shall have been, or shall be hereafter, dispossessed or rejected from any piece, parcel, lot or tract of land by the judgment, decree or process of any court of competent jurisdiction, and who, not having any legal right so to do, shall reenter into or upon or take possession of any such land, or any part thereof, or induce or procure any person not having a legal right so to do, or who shall aid or abet therein, shall be deemed guilty of contempt of the court by which the judgment or decree was rendered or from which such process issued, and shall be tried and punished therefor, in the same manner and form as provided in cases of contempt not committed in the presence of the court.

[or justice of the peace.] Upon conviction for such contempt, the court **[or justice of the peace]** shall immediately issue an alias process, directed to the proper officer, and requiring him to restore the party entitled to the possession of such property under the original judgment, decree or process to such possession, of which he shall have been dispossessed by the wrongful conduct or act herein declared to be a contempt.

SEC. 44. NRS 22.020 is hereby amended to read as follows:

22.020 Every person dispossessed of or ejected from any real property by the judgment or process of any court of competent jurisdiction, and who, not having a right so to do, reenters into or upon or takes possession of any such real property, or induces or procures any person not having a right so to do, or aids or abets him therein, is guilty of a contempt of the court by which such judgment was rendered or from which such process issued, and shall be tried and punished therefor in the same manner and form as provided by law in cases of contempt not committed in the presence of the court. **[or justice of the peace.]**

SEC. 45. NRS 34.020 is hereby amended to read as follows:

34.020 1. This writ may be granted, on application, by the supreme court, a district court, or a judge of the district court. When the writ is issued by the district court or a judge of the district court it shall be made returnable before the district court.

2. The writ shall be granted in all cases when an inferior tribunal, board or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board or officer and there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.

[3. In any case prosecuted for the violation of a statute or municipal ordinance wherein an appeal has been taken from a justice's court or from a municipal court, and wherein the district court has passed upon the constitutionality or validity of such statute or ordinance, the writ shall be granted by the supreme court upon application of the state or municipality or defendant, for the purpose of reviewing the constitutionality or validity of such statute or ordinance, but in no case shall the defendant be tried again for the same offense.]

SEC. 46. NRS 40.253 is hereby amended to read as follows:

40.253 1. In addition to the remedy provided by subsection 3 of NRS 40.250 and by NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling, apartment or mobile home with periodic rent reserved by the month or any shorter period, is in default in payment of such rent, the landlord or his agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises at or before noon of the fifth full day following the day of service. Such notice shall advise the tenant of his right to contest such notice by filing, within 5 days, an affidavit with the **[justice of the peace]** *county court* that he is not in default in the payment of such rent.

2. Upon noncompliance with such notice:

(a) The landlord or his agent may apply by affidavit to the **[justice of the peace of the township wherein the dwelling, apartment or mobile home is located. Such justice of the peace may thereupon]** *county court* to issue an order directing the sheriff **[or constable]** of the county to remove the tenant within 24 hours after receipt of the order. The affidavit provided for in this paragraph shall contain:

(1) The date the tenancy commenced.

- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.

(b) The landlord or his agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

3. No action may be taken under subsection 2 if, within 5 days after service of the notice, the tenant files an affidavit as provided in subsection 1. Further proceedings for the removal of the tenant shall be governed by NRS 40.290 to 40.420, inclusive.

SEC. 47. NRS 40.300 is hereby amended to read as follows:

40.300 1. The plaintiff in his complaint, which shall be in writing, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty and may set forth therein any circumstances of fraud, force or violence which may have accompanied the alleged forcible entry, or forcible or unlawful detainer, and claim damages therefor, or compensation for the occupation of the premises or both. In case the unlawful detainer charged be after default in the payment of rent, the complaint must state the amount of such rent.

2. The summons shall be issued and served as in other cases, but the court [, judge or justice of the peace] *or judge* may shorten the time within which the defendant shall be required to appear and defend the action, in which case the officer or person serving the summons shall change the prescribed form thereof to conform to the time of service as ordered; but where publication is necessary the court shall direct publication for a period of not less than 1 week.

3. At any time after the filing of the complaint and issuance of summons, the court, upon application therefor, may issue a temporary writ of restitution; provided:

(a) That the temporary writ of restitution shall not issue *ex parte* but only after the issuance and service of an order to show cause why a temporary writ of restitution shall not be issued and after the defendant has been given an opportunity to oppose the issuance of the temporary writ of restitution.

(b) That the temporary writ of restitution shall not issue until the court has had an opportunity to ascertain the facts sufficiently to enable it to estimate the probable loss to the defendant and fix the amount of a bond to indemnify the party or parties against whom the temporary writ may be issued.

(c) That the temporary writ of restitution shall not issue until there has been filed with the approval of the court a good and sufficient bond of indemnification in the amount fixed by the court.

SEC. 48. NRS 40.340 is hereby amended to read as follows:

40.340 The court [*or justice of the peace*] may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, not exceeding 5 days; and when the defendant, his agent or

attorney, shall make oath that he cannot safely proceed to trial for want of some material witness, naming him, stating the evidence that he expects to obtain, showing that he has used due diligence to obtain such witness and believes that if an adjournment be allowed he will be able to procure the attendance of such witness, or his deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the complainant for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court [or justice of the peace] shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

SEC. 49. NRS 40.380 is hereby amended to read as follows:

40.380 Either party may, within 10 days, appeal from the judgment rendered. But an appeal by the defendant shall not stay the execution of the judgment, unless, within the 10 days, he shall execute and file with the court [or justice] his undertaking to the plaintiff, with two or more sureties, in an amount to be fixed by the court, [or justice,] but which shall not be less than twice the amount of the judgment and costs, to the effect that, if the judgment appealed from be affirmed or the appeal be dismissed, the appellant will pay the judgment and the cost of appeal, the value of the use and occupation of the property, and damages justly accruing to the plaintiff during the pendency of the appeal. Upon taking the appeal and filing the undertaking, all further proceedings in the case shall be stayed.

SEC. 50. NRS 40.420 is hereby amended to read as follows:

40.420 The writ of restitution [issued by a justice of the peace] shall be substantially in the following form:

The State of Nevada to the sheriff [or constable] of the county of.....
....., greeting: Whereas, A.B., of the county of,
[at a court of inquiry of an unlawful holding over of (lands) (tenements) (a mobile home), and other possessions, held at my office (stating the place), in the county aforesaid, on the day of,
A.D.,, before me, a justice of the peace for the county aforesaid,] by the consideration of the court, has recovered judgment against C.D., to have restitution of (here describe the premises as in the complaint). You are therefore commanded, that taking with you the force of the county, if necessary, you cause the said C.D. to be immediately removed from the aforesaid premises, and the said A.B. to have peaceable restitution of the same; and you are also commanded that of the goods and chattels of the said C.D., within said county, you cause to be made the sum of dollars for the said plaintiff, together with the costs of suit indorsed hereon, and make return hereof within 30 days from this date. Given under my hand, this day of,
A.D. E.F., [justice of the peace.] county (or district) judge.

SEC. 51. NRS 48.310 is hereby amended to read as follows:

48.310 Where criminal or quasi-criminal cases originating in the [municipal court] county court for violation of an ordinance of an incorporated town or city are brought before the district court, the county clerk shall give a statement of the amounts due to witnesses, in the manner and form provided in NRS 48.300, to the district judge, who shall, upon approval thereof, by an order subscribed by him, direct the

treasurer of the town or city to pay the same. Upon the production of the order, or a certified copy thereof, the treasurer of the town or city shall pay the sum specified therein out of any fund in the town or city treasury not otherwise specially appropriated or set apart. It shall not be necessary for such order to be otherwise audited or approved.

SEC. 52. Chapter 64 of NRS is hereby amended by adding thereto the provisions set forth as sections 53 to 55, inclusive, of this act.

SEC. 53. 1. *Except as otherwise provided with respect to appeals in this chapter, and until changed by appropriate action of the supreme court, the Nevada Justices' Court Rules of Civil Procedure apply to the proceedings in civil actions in county courts.*

2. *'In such interim application:*

(a) *Except to the extent otherwise provided for small claims in chapter 5 of NRS, the duties of the justice of the peace shall be performed by the county judge.*

(b) *Service of process shall be made by the sheriff in lieu of the constable.*

(c) *References to "township" or "city" are obsolete and have no effect.*

SEC. 54. 1. *Except where the nature of the provision precludes its application, or the action or proceeding is of a kind over which the county courts have not been given jurisdiction, the provisions of Titles 2, 3 and 4 of NRS apply to actions and other proceedings in the county courts.*

2. *This section does not limit the power of the supreme court to prescribe by rule the civil procedure in the county courts.*

SEC. 55. 1. *An appeal from a county court to the district court shall be judged upon the record without the taking of additional evidence, unless the district court finds that justice requires trial anew. N.J.R.C.P. 75(d), (f), (g), and (l) do not apply to an appeal taken under this subsection.*

2. *This section does not apply to proceedings before justices of the peace.*

SEC. 56. NRS 73.010 is hereby amended to read as follows:

73.010 [In all cases arising in the justice's court for the recovery of money, only where the amount claimed does not exceed \$300, and the defendant named is a resident of the township or city and county in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.]

1. *In a civil action in the county court for the recovery of money only, where the amount in controversy does not exceed \$500, the county judge or justice of the peace shall proceed in a simplified manner to be prescribed by rule by the supreme court.*

2. *Until changed, the provisions of N.J.R.C.P. 80A to 80H, inclusive, govern such proceedings.*

SEC. 57. NRS 73.020 is hereby amended to read as follows:

73.020 No attachment or garnishment shall issue in cases mentioned in this chapter, but execution may issue in the manner prescribed by law, as in other cases arising in [the justice's] a county court.

SEC. 58. NRS 73.060 is hereby amended to read as follows:

73.060 The general provisions of law applicable to the proceedings in [justices'] county courts not in conflict with this chapter shall apply so as to make the procedure in this chapter complete and effective.

SEC. 59. Chapter 73 of NRS is hereby amended by adding thereto a new section which shall read as follows:

No appeal lies from the decision of a justice of the peace who has, with the consent of the parties, heard and determined an action under this chapter.

SEC. 60. NRS 108.239 is hereby amended to read as follows:

108.239 1. Liens may be enforced by an action in any court of competent jurisdiction, on setting out in the complaint the particulars of the demand, with a description of the premises to be charged with the lien.

2. At the time of filing the complaint and issuing the summons, the plaintiff shall cause a notice to be published at least once a week for 3 successive weeks, in one newspaper published in the county, and if there is no newspaper published in the county, then in such mode as the court may determine, notifying all persons holding or claiming liens under the provisions of NRS 108.221 to 108.2394, inclusive, on the premises to file with the clerk and serve on the plaintiff and also on the defendant, if the defendant is within the state or is represented by counsel, written statements of the facts constituting their liens, together with the dates and amounts thereof. The statements shall be filed within 10 days of the last publication of the notice. The plaintiff and other parties adversely interested shall be allowed 5 days to answer such statements.

3. If it appears from the records of the county recorder that there are other lien claims recorded against the same premises at the time of the commencement of the action, the plaintiff shall, in addition to and after the initial publication of the notice as provided in subsection 2, mail to such other lien claimants, by registered or certified mail, or deliver in person a copy of the notice as published.

4. The summons and complaint shall be served upon the defendant, and the defendant shall be allowed to answer, deny or otherwise plead or defend, as provided by the Nevada Rules of Civil Procedure.

5. The court shall enter judgment according to the right of the parties, and shall, by decree, proceed to hear and determine the claims in a summary way, or may, if it be the district court, refer the same to a master to ascertain and report upon the liens and the amount justly due thereon. All liens not so exhibited shall be deemed to be waived in favor of those which are so exhibited.

6. On ascertaining the whole amount of the liens with which the premises are justly chargeable, as provided in NRS 108.221 to 108.2394, inclusive, the court shall cause the premises to be sold in satisfaction of the liens and costs, including costs of suit, and any party in whose favor such judgment may be rendered may cause the premises to be sold within the time and in the manner provided for sales on execution, issued out of any district court, for the sale of real property.

7. If the proceeds of sale, after the payment of costs, are not sufficient to satisfy the whole amount of such liens included in the decree of sale, then the proceeds shall be apportioned according to the right of the several parties. In case the proceeds of the sale amount to more than the sum of the liens and the cost of sale, then the remainder shall be paid over to the owner of the property.

8. Each party whose claim is not satisfied in the manner herein provided for shall have personal judgment for the residue against the party

legally liable for the same if such person has been personally summoned or has appeared in the action.

¶9. This section shall be applicable to actions in justices' courts as to action on, trial of and sale of premises under mechanics' liens, where the sum involved is within the provisions of paragraph (k) of subsection 1 of NRS 4.370.]

SEC. 61. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license shall be substantially in the following form:

Marriage License

State of Nevada

County of.....

} ss.

These presents are to authorize any minister who has obtained a certificate of permission, any supreme court justice [or] , district judge or county judge within this state, [or justice of the peace within a township wherein he is permitted to solemnize marriages,] or any commissioner of civil marriages or his deputy [within a commissioner township wherein they are permitted to solemnize marriages,] to join in marriage of in the county of State of Previously married? Wife deceased? Divorced? When? Where? And of in the county of State of Previously married? Husband deceased? Divorced? When? Where?; and to certify the same according to law.

Witness my hand and the seal of the district court of the judicial district of the State of Nevada, in and for the county of this day of A.D. 19.....

(Seal)

..... Clerk

..... Deputy clerk

SEC. 62. NRS 122.080 is hereby amended to read as follows:

122.080 [1.] After receipt of the marriage license previously issued to persons wishing to be married as provided in NRS 122.040 and 122.050, [it shall be lawful for] any justice of the supreme court, [or for] any judge of the district court, [or any justice of the peace in his township, if it is not a commissioner township,] any judge of a county court, or any commissioner of civil marriages [within his county and within a commissioner township therein, or any deputy commissioner of civil marriages within the county of his appointment and within a commissioner township therein, to] or his deputy may join together as husband and wife all persons not prohibited by this chapter.

[2. Nothing in this section shall be construed to prohibit:

(a) A justice of the peace of one township, while acting in the place and stead of the justice of the peace of any other township, from performing marriage ceremonies within the other township, if such other township is not a commissioner township.

(b) A justice of the peace of one township performing marriages in another township of the same county where there is no duly qualified and acting justice of the peace, if such other township is not a commissioner township.

3. Any justice of the peace in the state who solemnizes marriages or performs marriage ceremonies in a commissioner township is guilty of a misdemeanor.】

SEC. 63. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form shall be required except that the parties shall declare, in the presence of the justice, judge, minister, 【justice of the peace,】 commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witnesses, that they take each other as husband and wife.

2. In every case there shall be at least two witnesses present besides the person performing the ceremony.

SEC. 64. NRS 122.130 is hereby amended to read as follows:

122.130 1. Every person solemnizing a marriage shall make a record thereof, and within 30 days after the marriage shall make and deliver to the county recorder of the county where the license was issued a certificate under his hand containing the particulars mentioned in NRS 122.120.

2. The certificate may be in the following form:

State of Nevada }
County of..... } ss.

This is to certify that the undersigned, a minister of the gospel, (judge, 【justice of the peace of County,】 commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the day of, A.D. 19....., at (address or church), (city), join in lawful wedlock A.B. and C.D., with their mutual consent, in the presence of E.F. and G.H., witnesses.

.....
Title

3. All certificates shall be recorded by the county recorder in a book to be kept by him for that purpose. For recording the certificates he shall receive the fees designated in subsection 2 of NRS 122.060. All such fees shall be deposited in the county general fund.

SEC. 65. NRS 122.173 is hereby amended to read as follows:

122.173 The county clerk 【for each county in which a commissioner township is located】 shall be commissioner of civil marriages 【for such township. The commissioner of civil marriages】 and shall solemnize marriages 【within each commissioner township located】 within his county. The county clerk shall not receive additional compensation for acting in the capacity of commissioner of civil marriages.

SEC. 66. NRS 122.175 is hereby amended to read as follows:

122.175 1. The commissioner of civil marriages may appoint deputy commissioners of civil marriages, who shall solemnize marriages 【in commissioner townships】 under the direction of the commissioner, and who shall perform such other duties as the commissioner may direct. A deputy commissioner of civil marriages shall not solemnize marriages

at any time other than during the working hours or shift during which he is employed.

2. The deputy commissioners of civil marriages shall be employees of the county clerk's office, shall be compensated by salary and by such other benefits as are available to other county personnel regularly employed in the same county clerk's office. The compensation of any deputy commissioner of civil marriages shall not be based in any manner upon the number or volume of marriages that he may solemnize in the performance of his duties.

3. [In counties which contain commissioner townships and in which deputy commissioners of civil marriages are employed, no] No more than two deputy commissioners shall be on duty within the courthouse of such county for the purpose of solemnizing marriages at any one time.

SEC. 67. NRS 122.185 is hereby amended to read as follows:

122.185 The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a [justice of the peace within a township where such justice of the peace is permitted to perform marriages,] *judicial officer* or any minister of their choice who holds a valid certificate within the state perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage, including any extra charge to be made for solemnizing a marriage after regular working hours in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

SEC. 68. NRS 122.193 is hereby amended to read as follows:

122.193 Any person who violates any provision of NRS [122.171] 122.173 to 122.193, inclusive, is guilty of a misdemeanor.

SEC. 69. NRS 122.220 is hereby amended to read as follows:

122.220 1. It shall be unlawful for any supreme court justice, judge of [a] the district court, [or justice of the peace, or] *judge of a county court*, minister of any religious society or congregation, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage shall exhibit to him a license from the county clerk as provided by law.

2. Any supreme court justice, judge, [of a district court, or justice of the peace, or] minister, [or] commissioner of civil marriages or deputy

commissioner of civil marriages violating the provisions of subsection 1 shall be guilty of a misdemeanor.

SEC. 70. NRS 169.055 is hereby amended to read as follows:

169.055 "Criminal action" means the proceedings by which a party charged with a public offense is accused and brought to trial and punishment. A criminal action is prosecuted in the name of the State of Nevada **[.]** or the appropriate political subdivision, as plaintiff.

SEC. 71. NRS 169.095 is hereby amended to read as follows:

169.095 "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a public offense and includes:

1. Justices of the supreme court;
2. Judges of the district **[**courts;
3. **]** court;
3. *Judges of the county courts; and*
4. Justices of the peace. **[**;
4. Police judges; and
5. Others upon whom are conferred by law the powers of a justice of the peace in criminal cases. **]**

SEC. 72. NRS 169.125 is hereby amended to read as follows:

169.125 "Peace officer" includes:

1. The bailiff of the supreme court;
2. Sheriffs of counties and their deputies;
3. **[**Constables;
4. **]** Personnel of the Nevada highway patrol when exercising the police powers specified in NRS 481.150 and 481.180;
- [5.]** 4. The inspector of field agents of the motor carrier division of the department of motor vehicles when exercising the police powers specified in NRS 481.049.
- [6.]** 5. Members of and all inspectors employed by the public service commission of Nevada when exercising those enforcement powers conferred by chapters 704 to 706, inclusive, of NRS;
- [7.]** 6. Marshals and policemen of cities and towns;
- [8.]** 7. Parole and probation officers;
- [9.]** 8. Special investigators employed by the office of any district attorney or the attorney general;
- [10.]** 9. Arson investigators for fire departments specially designated by the appointing authority;
- [11.]** 10. Members of the University of Nevada System police department; and
- [12.]** 11. The state fire marshal and his deputies.

SEC. 73. NRS 170.060 is hereby amended to read as follows:

170.060 **[1.]** A complaint may be filed and warrant issued, as in other criminal cases, for the arrest of any person who has threatened to commit an offense against the person or property of another.

[2.] Such a complaint may also be filed in a municipal court. The city attorney shall act as prosecutor, and the proceedings shall conform to the requirements of NRS 170.070 to 170.170, inclusive. **]**

SEC. 74. NRS 170.070 is hereby amended to read as follows:

170.070 When the person complained of is brought before the **[**justice of the peace or magistrate, **]** county court, the trial on the charge shall proceed as in other criminal cases.

SEC. 75. NRS 170.090 is hereby amended to read as follows:

170.090 1. If, however, there is a just reason to fear the commission of the offense, the person complained of may be required to enter into a bond, in such sum, not exceeding \$5,000, as the [magistrate] court may direct, with one or more sufficient sureties, to keep the peace toward the people of this state, and particularly toward the complainant.

2. The bond shall be valid and binding for 6 months, and may, upon the renewal of the complaint, be extended for a longer period or a new bond may be required.

SEC. 76. NRS 170.100 is hereby amended to read as follows:

170.100 1. If the bond required by NRS 170.090 is given, the person complained of shall be discharged.

2. If he does not give it, the [magistrate] court must commit him to prison until he gives such bond, specifying in the warrant the requirement to give security, the amount thereof, and the omission to pay the same; but in no event shall the person complained of be confined in prison for a period of longer than 6 months for a failure or omission to give such bond.

SEC. 77. NRS 171.178 is hereby amended to read as follows:

171.178 1. A peace officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall, in all cases, take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to [commit] *admit to bail* persons charged with offenses against the laws of the State of Nevada.

2. When a person arrested without a warrant is brought before a magistrate, a complaint shall be filed forthwith.

3. Where the defendant can be admitted to bail without appearing personally before a magistrate, he shall be so admitted with the least possible delay, and required to appear [before a magistrate] *for arraignment or preliminary examination* at the earliest convenient time thereafter.

SEC. 78. NRS 171.184 is hereby amended to read as follows:

171.184 1. When a complaint is laid before a magistrate of the commission of a public offense triable in another county of the state, but showing that the defendant is in the county where the complaint is laid, the same proceedings must be had as prescribed in this chapter except that the warrant must require the defendant to be taken before the nearest or most accessible magistrate of the county in which the offense is triable, and the depositions of the complainant or prosecutor, and of the witnesses who may have been produced, must be delivered by the magistrate to the officer to whom the warrant is delivered.

2. The officer who executed the warrant must take the defendant before the nearest or most accessible magistrate of the county in which the offense is triable, and must deliver to him the depositions and the warrant, with his return endorsed thereon, and the magistrate must then proceed in the same manner as upon a warrant issued by himself.

3. If the offense charged in the warrant issued pursuant to subsection 1 is a misdemeanor, the officer must, upon being required by the defendant, take him before a magistrate of the county in which the warrant was issued, who must admit the defendant to bail, and immediately transmit the warrant, depositions and undertaking to the [justice of the peace or] clerk of the court in which the defendant is required to appear.

SEC. 79. NRS 171.196 is hereby amended to read as follows:

171.196 1. Where the offense is not triable in the **【justice's】** *county* court, the defendant shall not be called upon to plead. If the defendant waives preliminary examination, the magistrate shall forthwith hold him to answer in the district court.

2. If the defendant does not waive examination, the **【magistrate】** *county court* shall hear the evidence within 15 days, unless for good cause shown **【he】** *it* extends such time. Unless the defendant waives counsel, reasonable time shall be allowed for counsel to appear.

3. Where application is made for the appointment of counsel for an indigent defendant, the **【magistrate】** *court* shall postpone the examination until:

(a) The application has been granted or denied **【by a district judge;】** ; and

(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.

4. The defendant may cross-examine witnesses against him and may introduce evidence in his own behalf.

SEC. 80. NRS 171.198 is hereby amended to read as follows:

171.198 1. **【The magistrate shall employ a reporter to take down all】** *All the testimony and the proceedings on the hearing or examination 【.】 shall be reported or recorded,* and within such time as the court may designate **【have】** such testimony and proceedings *shall be* transcribed into typewritten transcript.

2. **【The reporter employed as provided in subsection 1 shall be sworn by the magistrate before whom such proceedings are held to record verbatim, truthfully and correctly such proceedings and testimony, and to make a true and correct transcript thereof into typewritten transcript.**

3. When the testimony of each witness is all taken and transcribed by the reporter, the reporter shall certify to the transcript in the same manner as for a transcript of testimony in the district court, which certificate shall authenticate the transcript for all purposes of this Title.

4. **【Prior to the date set for trial, either party may move the court before which the case is pending to add to, delete from, or otherwise correct the transcript to conform with the testimony as given and to settle the transcript so altered.**

【5. The compensation for the services of a reporter employed as provided in this section shall be the same as provided in subsection 1 of NRS 3.370, to be paid out of the county treasury as other claims against the county are allowed and paid.

6. Testimony reduced to writing and authenticated according to the provisions of this section must be filed by the examining magistrate with the clerk of the district court of his county, and in case the prisoner is subsequently examined upon a writ of habeas corpus, such testimony must be considered as given before such judge or court. **【A copy of the transcript shall be furnished without charge to the defendant and to the district attorney.**

【7.】 3. The testimony so taken may be used:

(a) By the defendant; or

(b) By the state if the defendant was represented by counsel or affirmatively waived his right to counsel,

upon the trial of the cause, and in all proceedings therein, when the witness is sick, out of the state, dead, or when his personal attendance cannot be had in court.

SEC. 81. NRS 171.204 is hereby amended to read as follows:

171.204 The **magistrate** court may, upon the request of the defendant, exclude from the examination every person except **his** the clerk, the prosecutor and his counsel, the attorney general, the district attorney of the county, the defendant and his counsel, the witness who is testifying, the officer having the defendant or a witness in his custody, and any other person whose presence is found by the magistrate to be necessary for the proper conduct of the examination.

SEC. 82. NRS 171.206 is hereby amended to read as follows:

171.206 If from the evidence it appears to the **magistrate** court that there is probable cause to believe that an offense has been committed and that the defendant has committed it, the **magistrate** county court shall forthwith hold him to answer in the district court; otherwise the **magistrate** county court shall discharge him. The **magistrate** county court shall admit the defendant to bail as provided in this Title. **After concluding the proceeding the magistrate shall transmit forthwith to the clerk of the district court all papers in the proceeding and any bail taken by him.**

SEC. 83. NRS 171.208 is hereby amended to read as follows:

171.208 Whenever a preliminary examination has not been had, the district court may for good cause shown at any time before a plea has been entered or an indictment found remand the defendant for preliminary examination to the appropriate **justice of the peace or other magistrate, and such justice or other magistrate** county court, and such court shall then proceed with the preliminary examination as provided in this chapter.

SEC. 84. Chapter 171 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. *Any defendant charged with a felony or a gross misdemeanor who is an indigent may, by oral statement to the district or county judge, request the appointment of an attorney to represent him.*

2. *Such request shall be accompanied by the defendant's affidavit, which shall state:*

(a) *That he is without means of employing an attorney; and*

(b) *Facts with some particularity, definiteness and certainty concerning his financial disability.*

3. *The judge shall forthwith consider the application and shall make such further inquiry as he may deem necessary. If the judge finds that the defendant is without means of employing an attorney, the judge shall appoint an attorney or designate the public defender to represent him.*

4. *The provision in this section for the appointment of an attorney by the county judge shall be limited to proceedings in the county court.*

SEC. 85. NRS 172.015 is hereby amended to read as follows:

172.015 Every public offense must be prosecuted by indictment or information, except:

1. Where proceedings are had for the removal of a civil officer.

2. Offenses arising in the militia when in actual service in time of

war, or which this state may keep, with the consent of Congress, in time of peace.

3. Offenses tried in [municipal or justices'] *county* courts, which shall be prosecuted by complaint.

SEC. 86. NRS 172.285 is hereby amended to read as follows:

172.285 1. If the court deems that the facts stated in a presentment constitute a public offense triable:

(a) In the district court, [of the county,] it shall direct the clerk to issue a warrant for the arrest of the defendant.

(b) In [another court of the county,] *the county court*, it shall forward the presentment to such court.

2. The clerk [, or justice of the peace in a case forwarded to him, may accordingly at any time thereafter] *shall when so directed by the appropriate judge* issue a warrant under the signature and seal of the court. [, if it has a seal.]

3. The magistrate before whom the defendant is brought shall proceed to examine the charge contained in the presentment and hold the defendant to answer such charge, or discharge him, in the same manner as upon a warrant of arrest on complaint.

SEC. 87. NRS 173.035 is hereby amended to read as follows:

173.035 1. An information may be filed against any person for any offense when the person:

(a) Has had a preliminary examination as provided by law before a [justice of the peace, or other examining officer or magistrate,] *county court*, and has been bound over to appear at the court having jurisdiction; or

(b) Has waived his right to a preliminary examination.

2. If, however, upon the preliminary examination the accused has been discharged, or the affidavit or complaint upon which the examination has been held has not been delivered to the clerk of the proper court, the district attorney may, upon affidavit of any person who has knowledge of the commission of an offense, and who is a competent witness to testify in the case, setting forth the offense and the name of the person or persons charged with the commission thereof, upon being furnished with the names of the witnesses for the prosecution, by leave of the court first had, file an information, and process shall forthwith issue thereon. The affidavit mentioned herein need not be filed in cases where the defendant has waived a preliminary examination, or upon such preliminary examination has been bound over to appear at the court having jurisdiction.

3. The information shall be filed within 15 days after the holding or waiver of the preliminary examination. All informations shall set forth the crime committed according to the facts.

SEC. 88. NRS 174.015 is hereby amended to read as follows:

174.015 1. Arraignment *before the district court* shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating to him the substance of the charge and calling on him to plead thereto. He shall be given a copy of the indictment or information before he is called upon to plead.

2. [In justice's court, before the trial commences,] *On arraignment before a justice of the peace or county judge for an offense triable in a county court*, the complaint must be distinctly read to the defendant before he is called upon to plead.

SEC. 89. NRS 174.055 is hereby amended to read as follows:

174.055 In the [justice's] county court, if the defendant pleads guilty, the court may, before entering such a plea or pronouncing judgment, examine witnesses to ascertain the gravity of the offense committed; and if it appears to the court that a higher offense has been committed than the offense charged in the complaint, the court may order the defendant to be committed or admitted to bail, to answer any indictment that may be found against him or any information which may be filed by the district attorney.

SEC. 90. NRS 174.075 is hereby amended to read as follows:

174.075 1. Pleadings in criminal proceedings shall be the indictment, the information and [, in justice's court,] the complaint, and the pleas of guilty, not guilty, not guilty by reason of insanity, and nolo contendere.

2. All other pleas, and demurrers and motions to quash are abolished, and defenses and objections raised before trial which heretofore could have been raised by one or more of them shall be raised only by motion to dismiss or to grant appropriate relief, as provided in this Title.

SEC. 91. NRS 175.011 is hereby amended to read as follows:

175.011 1. In [a] the district court, cases required to be tried by jury shall be so tried unless the defendant waives a jury trial in writing with the approval of the court and the consent of the state. A defendant who pleads not guilty to the charge of a capital offense must be tried by jury.

2. [In a justice's court, a case shall be tried by jury only if the defendant so demands in writing not less than 5 days prior to trial. Where a case is tried by jury, a reporter must be present who is an official reporter for a district court of this state, and shall report the trial.] *A criminal action in a county court shall not be tried by jury.*

SEC. 92. NRS 177.015 is hereby amended to read as follows:

177.015 [The party aggrieved in a criminal action, whether that party be the state or the defendant, may appeal as follows:

1. To the district court of the county from a final judgment of the justice's court.

2. To the supreme court from:

(a) A final judgment of the district court in all criminal cases.

(b) An order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.]

1. The party aggrieved in a criminal action may, to the extent authorized by subsections 2 and 3, appeal on questions of law alone:

(a) To the district court from an appealable determination of a county court.

(b) To the supreme court from an appealable determination of the district court.

2. The defendant may appeal from a final judgment or an order granting or refusing a new trial.

3. The state may appeal from an order:

(a) Granting a motion to dismiss, for acquittal, or in arrest of judgment.

(b) Granting or refusing a new trial.

(c) Of a county court granting a motion to suppress evidence.

SEC. 93. NRS 177.066 is hereby amended to read as follows:

177.066 In other cases, an appeal to the supreme court from a judgment or order must be taken within 30 days after its rendition. An appeal to **[a]** *the* district court from a **[final judgment of a justice's]** *county* court must be taken within **[the time specified in NRS 189.010.]** *10 days, except as further limited by NRS 189.120.*

SEC. 94. NRS 177.085 is hereby amended to read as follows:

177.085 1. **[An appeal taken by the state shall in no case stay or affect the operation of a judgment in favor of the defendant; but if the appeal by the state is from an order granting a motion to set aside an indictment or information, and upon such appeal the order is reversed,]** *If, on appeal by the state from an order granting a motion to dismiss, an allegedly defective indictment or information is found good,* the defendant shall thereupon be liable to arrest and trial upon the indictment or information. In all such cases any statute of limitations on the offense from which the appeal is taken is tolled from the time the notice of appeal is filed by the state until such appeal is heard and a ruling made thereon.

2. If the appeal by the state is from an order allowing a motion in arrest of judgment, or granting a motion for a new trial, and upon appeal the order is reversed, the trial court shall enter judgment against the defendant.

SEC. 95. NRS 177.115 is hereby amended to read as follows:

177.115 A sentence to pay a fine or a fine and costs, if an appeal is taken, may be stayed by a **[justice's court,]** *county court, by the* district court, or by the supreme court upon such terms as the court deems proper. The court may require the defendant pending appeal to deposit the whole or any part of the fine and costs in the registry of the court appealed from, or to give bond for the payment thereof, or to submit to an examination of assets, and it may make any appropriate order to restrain the defendant from dissipating his assets.

SEC. 96. NRS 178.397 is hereby amended to read as follows:

178.397 Every defendant accused of a gross misdemeanor or felony who is financially unable to obtain counsel is entitled to have counsel assigned to represent him at every stage of the proceedings from his initial appearance before a **[magistrate or the]** court through appeal, unless he waives such appointment.

SEC. 97. NRS 178.494 is hereby amended to read as follows:

178.494 If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure his presence by subpoena, **[the]** *any* magistrate may require him to give bail for his appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:

1. Commit him to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;

2. Order his release if he has been detained for an unreasonable length of time; and

3. Modify at any time the requirement as to bail.

SEC. 98. NRS 178.499 is hereby amended to read as follows:

178.499 1. At any time after a **[district or justice's]** court *or magistrate* has ordered bail to be set at a specific amount, and before acquittal or conviction, the court in which the defendant is required to appear may

upon its own motion or upon motion of the district attorney and after notice to the defendant or to his counsel, increase the amount of bail for good cause shown.

2. If the defendant has been released on bail prior to the time when the motion to increase bail is granted, the defendant shall either return to custody or give the additional amount of bail.

SEC. 99. NRS 178.534 is hereby amended to read as follows:

178.534 The order for the recommitment of the defendant shall:

1. Recite generally the facts upon which it is founded.

2. Direct that the defendant be arrested by any [sheriff, constable, marshal, policeman or other] peace officer within the state, and committed to the custody of the sheriff of the county where the depositions and statement were returned, or the indictment was found, or the information was filed, or the conviction was had, as the case may be, to be detained until legally discharged.

SEC. 100. NRS 178.542 is hereby amended to read as follows:

178.542 Each county clerk shall maintain a bail bond register in which the following information relative to each bail bond accepted by a [justice's or district court] *magistrate* within the county or the supreme court [as hereafter provided] shall be recorded:

1. The name of the defendant;

2. The name of the surety;

3. The amount of the bond;

4. The court [admitting the defendant to bail] *in which proceedings are pending* and the case number;

5. The date of exoneration or forfeiture of the bond;

6. The book and page of the minute order declaring the exoneration or forfeiture; and

7. The date of notice to the district attorney of any forfeiture of the bond.

SEC. 101. NRS 178.548 is hereby amended to read as follows:

178.548 1. The county clerk shall record in the bail bond register the information contained in the notices which are filed with him pursuant to NRS [178.544 and] 178.546 and shall obtain and record the necessary information relating to all bail bonds filed in the district court [of] *and county court for the county.*

2. No bail bond may be filed in any case file unless it has been registered by the county clerk and the registration number assigned to such bond in the bail bond register is recorded on the face of the bond.

3. The county clerk shall notify the district attorney in writing promptly upon the receipt of information indicating that a bail bond has been forfeited.

SEC. 102. NRS 178.572 is hereby amended to read as follows:

178.572 In any investigation before a grand jury [.] or trial in any court, [of record or justice's court,] the court on motion of the state may order that any material witness be released from all liability to be prosecuted or punished on account of any testimony or other evidence he may be required to produce.

SEC. 103. NRS 178.608 is hereby amended to read as follows:

178.608 Rules made by [justices' courts and district courts] *county courts and the district court* for the conduct of criminal proceedings shall not be inconsistent with this Title.

SEC. 104. NRS 179.310 is hereby amended to read as follows:

179.310 1. The governor shall offer a standing reward of \$250 for the arrest of:

(a) Each person engaged in the robbery of, or in the attempt to rob, any person or persons upon, or having in charge in whole or in part, any railroad train or other conveyance engaged at the time in conveying passengers, or any private conveyance within this state.

(b) Each person engaged in the robbery of, or in the attempt to rob, any person or persons upon any highway in this state.

2. The reward shall be paid to the person or persons making the arrest immediately upon the conviction of the person or persons so arrested, but no reward shall be paid except after such conviction.

3. The reward shall be paid from the reserve for statutory contingency fund upon approval by the state board of examiners.

4. The provisions of this section shall not apply to any [sheriff, constable, marshal or police] *peace* officer who shall make such arrest in the performance of the duties of his office in the county where such officer resides or in which his official duties are required to be performed.

SEC. 105. NRS 179.320 is hereby amended to read as follows:

179.320 A warrant of arrest may be in substantially the following form:

Warrant of Arrest

County of The State of Nevada, to any [sheriff, constable, marshal, policeman or] *peace* officer in this state: A complaint, upon oath, has been this day laid before me by A.B. that the crime of (designate it) has been committed, and accusing C.D. thereof; you are therefore commanded forthwith to arrest the above-named C.D. and bring him before me at (naming the place), or, in case of my absence or inability to act, before the nearest or most accessible magistrate in this county.

Dated at, this day of, 19.....

.....
(Signature and official title of magistrate)

SEC. 106. NRS 179.350 is hereby amended to read as follows:

179.350 A discharge after preliminary examination may be in substantially the following form:

Discharge

There being no sufficient cause to believe the within-named A.B. guilty of the offense within named, I order him to be discharged.

.....
[(Signature and official title of magistrate)] *County judge*

SEC. 107. NRS 179.355 is hereby amended to read as follows:

179.355 Commitment and bail may be in substantially the following form:

Commitment and Bail

It appearing to me by the within depositions and statement (if any) that the offense therein named (or any other offense according to the fact, stating generally the nature thereof) has been committed, and that there is sufficient cause to believe the within-named A.B. guilty thereof, I order that he be held to answer the same (and he is hereby committed to

County of The State of Nevada, to any [sheriff, constable, marshal, policeman, or] peace officer in this state: A presentment having been made or an indictment having been found (or information filed) on the day of, A.D. 19....., in the district court [of the, county of]

189.020 1. The party intending to appeal must file with the [justice] court and serve upon the [district] attorney *for the prosecution* a notice

entitled in the action, setting forth the character of the judgment, and the intention of the party to appeal therefrom to the district court.

2. Stay of judgment pending appeal is governed by NRS 177.105 and 177.115.

SEC. 115. NRS 189.030 is hereby amended to read as follows:

189.030 1. The [justice must, within 10] *county court must within 30 days after the notice of appeal is filed, transmit to the clerk of the district court all papers relating to the case and: [a certified copy of his docket.]*

(a) *The reporter's transcript of evidence or proceedings; or*

(b) *If the evidence or proceedings were audibly recorded, this record.*

2. *The form and manner of preparation of the record and other papers filed may be prescribed by the supreme court.*

SEC. 116. NRS 189.040 is hereby amended to read as follows:

189.040 1. [When an appeal is taken, the justice must,] *If the district court orders trial anew, and if application is made by the [district attorney,] attorney for the prosecution, the county court shall cause all material witnesses on behalf of the prosecution to enter into an undertaking in like manner as in a case where a defendant is held to answer on a preliminary examination.*

2. [When it shall satisfactorily appear] *If it satisfactorily appears by examination on oath of the witness or any other person that the witness is unable to procure sureties, the witness may be forthwith conditionally examined on behalf of the state.*

3. *The examination must be by question and answer in the presence of the defendant or after notice to him, if on bail, and reduced to writing, and the witness must thereupon be discharged.*

4. *The testimony as given, subscribed by the witness and duly certified to by the [justice,] county court, may be read in evidence by the state, or by the defendant, upon any subsequent trial of the same case in the district court on appeal, upon it being satisfactorily shown that the witness is either dead, unable to attend, or out of the state.*

SEC. 117. NRS 189.060 is hereby amended to read as follows:

189.060 1. The appeal may be dismissed on either of the following grounds:

(a) For failure to take [the same] *it* in time.

(b) For failure to appear in the district court when required.

2. *If the appeal is dismissed, a copy of the order of dismissal must be remitted to the [justice, who] county court, which may proceed to enforce the judgment.*

SEC. 118. NRS 189.065 is hereby amended to read as follows:

189.065 *An appeal shall be dismissed by the district court unless perfected by application of the defendant, within 60 days after the appeal is filed in the [justice's] county court, by having it set for trial.*

SEC. 119. NRS 189.120 is hereby amended to read as follows:

189.120 1. *The state may appeal to the district court from an order of a [justice's] county court granting the motion of a defendant to suppress evidence.*

2. *Such an appeal shall be taken:*

(a) *Within 2 days after the rendition of such an order during a trial or preliminary examination.*

(b) Within 5 days after the rendition of such an order before a trial or preliminary examination.

3. Upon perfecting such an appeal:

(a) After the commencement of a trial or preliminary examination, further proceedings in the trial shall be stayed pending the final determination of the appeal.

(b) Before trial or preliminary examination, the time limitation within which a defendant shall be brought to trial shall be extended for the period necessary for the final determination of the appeal.

SEC. 120. Chapter 189 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. *The appeal shall be judged in the district court upon the record without the taking of additional evidence, unless the district court finds that justice requires trial anew.*

2. *If the action is tried anew, it shall be tried without a jury.*

SEC. 121. NRS 202.320 is hereby amended to read as follows:

202.320 1. Any person having, carrying or procuring from another person any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of such deadly weapons in a rude, angry or threatening manner not in necessary self-defense, or who shall in any manner unlawfully use the same in any fight or quarrel, shall be guilty of a misdemeanor.

2. No sheriff, deputy sheriff, marshal [, constable] or other peace officer shall be held to answer, under the provisions of subsection 1, for drawing or exhibiting any of the weapons mentioned therein while in the lawful discharge of his duties.

SEC. 122. NRS 202.350 is hereby amended to read as follows:

202.350 1. It is unlawful for any person within the State of Nevada to:

(a) Manufacture or cause to be manufactured, or import into the state, or keep for sale, or offer or expose for sale, or give, lend or possess any instrument or weapon of the kind commonly known as a switchblade knife, blackjack, slung shot, billy, sand-club, sandbag or metal knuckles; or

(b) Carry concealed upon his person any explosive substance, other than fixed ammunition; or

(c) Carry concealed upon his person any dirk, dagger or dangerous knife; or

(d) Carry concealed on his person a pistol, revolver or other firearm, or any other dangerous or deadly weapon.

2. Any person who violates any of the provisions of subsection 1 is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

3. Nothing in subsection 1 of this section applies to or affects:

(a) Sheriffs, [constables,] marshals, peace officers, special police officers, policemen, whether active or honorably retired, other duly appointed police officers or persons having permission from the sheriff of the county as provided in subsection 4.

(b) Any person summoned by any peace officer to assist in making

arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

4. The sheriff of any county may, upon written application showing the reason or the purpose for which the concealed weapon is to be carried, grant permission to the applicant, authorizing a person to carry, in such county, the concealed weapon described in the permit. No permit may be granted to any person to carry a switchblade knife.

5. For the purposes of this section, a "switchblade knife" is a knife having the appearance of a pocket knife, and includes a spring-blade knife, a snap-blade knife, or any other similar type knife, the blade or blades of which are 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle, or other mechanical device, or are released by any type of mechanism whatsoever.

SEC. 123. NRS 202.360 is hereby amended to read as follows:

202.360 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

3. Any person who violates the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

4. Nothing in this section applies to or affects:

(a) Sheriffs, [constables,] marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

SEC. 124. NRS 204.040 is hereby amended to read as follows:

204.040 If any clerk, justice of the peace, sheriff [, constable] or other officer, who may receive any fine or forfeiture, shall refuse or neglect to pay over the same according to law, and within 30 days after the receipt thereof, he shall, in addition to being imprisoned and punished as provided by law, be liable upon his official bond for the amount thereof, with 50 percent damages and interest, to be recovered in like manner as for failing to pay over money received on execution.

SEC. 125. NRS 205.230 is hereby amended to read as follows:

205.230 1. All state, county, city and township peace and law enforcement officials, including sheriffs, their deputies, [constables, their deputies] and fish and game wardens, are empowered and directed to pursue, apprehend and arrest whenever or wherever, irrespective of county boundaries within the state, any person who shall feloniously steal, take and carry, lead, drive or entice away any horse, mare, gelding, colt, cow, bull, steer, calf, mule, jack, jenny or any one or more head of cattle or horses, or any sheep, goat, hog, poultry, shoat or pig not his own property but the property of another.

2. Upon apprehension and arrest of any person in violation of NRS 205.225, the arresting officer or officers shall forthwith take the person before the nearest or most accessible magistrate without unnecessary delay, to be there dealt with according to law.

SEC. 126. NRS 211.120 is hereby amended to read as follows:

211.120 The board of county commissioners in each county, the mayor and ~~board of aldermen~~ *city council* of each incorporated city, and the board of trustees of each incorporated town ~~are authorized and required to~~ *shall* make all necessary arrangements, as provided in NRS 211.120 to 211.170, inclusive, to utilize the labor of the prisoners committed to any jails within any county, city ~~or town~~ within this state, for a term of imprisonment by the judges of the ~~several district~~ *district court or county* courts within this state. ~~or the justices of the peace in any and all townships throughout this state.~~

SEC. 127. NRS 211.130 is hereby amended to read as follows:

211.130 All prisoners sentenced by the judge of any district court ~~or by the justice of the peace of any justice's court, and sentenced~~ *or county court* to a term of imprisonment in any county, city or town jail shall be deemed to have been also sentenced to labor during such term, unless the judge ~~or justice of the peace~~ sentencing the prisoner, for good cause, orders otherwise.

SEC. 128. NRS 218.500 is hereby amended to read as follows:

218.500 1. The secretary of state shall furnish to the superintendent of the department of state printing, within 3 days from the time he receives the same from the governor, after approval, a copy of all acts, joint and concurrent resolutions, and memorials passed at each session.

2. The superintendent of the department of state printing shall:

(a) Distribute one copy of each act as printed to each county clerk, county auditor, *county judge*, district judge, district attorney and justice of the peace in the state, and an appropriate number of copies to the director of the legislative counsel bureau.

(b) Immediately upon the adjournment of the session, collect, print and bind advance sheets of all acts, resolutions and memorials passed at the session.

(c) Distribute one copy of the advance sheets, without charge, to each county clerk, county auditor, *county judge*, district judge, district attorney and justice of the peace in the state, and an appropriate number of copies to the director of the legislative counsel bureau; and establish the price at which the advance sheets shall be sold to other persons.

3. The director of the legislative counsel bureau shall, immediately upon the adjournment of the session, prepare and deliver to the superintendent of the department of state printing an index of all acts, resolutions and memorials passed at the session.

4. The superintendent of the department of state printing, upon receipt of the index, shall prepare bound volumes of the Statutes of Nevada as provided in NRS 218.510.

SEC. 129. NRS 244.163 is hereby amended to read as follows:

244.163 1. The boards of county commissioners shall have the power and jurisdiction in their respective counties to create by ordinance the office of county coroner, to prescribe his qualifications and duties and to make appointments to such office.

2. ~~Any coroner so appointed shall be governed by the ordinances~~

pertaining to such office which may be enacted by the board of county commissioners, and the provisions of NRS 259.020 to 259.140, inclusive, and 259.190 to 259.240, inclusive, shall not be applicable.

3. For any offense relating to the violation or willful disregard of such duties or trusts of office as may be specified by the respective boards of county commissioners, all coroners holding office by appointment pursuant to this section shall be subject to such fines and criminal penalties, including misdemeanor penalties and removal from office by indictment, accusation or otherwise, as shall be prescribed by the [aforesaid] ordinance. This subsection shall apply to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

SEC. 130. NRS 246.060 is hereby amended to read as follows:

246.060 1. The county clerk shall be ex officio clerk of the board of county commissioners, and also clerk of the district court [of] *and county court* for his county.

2. He shall perform such duties as clerk of the district court *and county court* and clerk of the board of county commissioners, as required by law, and all other duties required by any other law of this state.

SEC. 131. NRS 252.090 is hereby amended to read as follows:

252.090 The district attorney shall [;

1. Attend the district] *attend the district court and the county courts* held in his county, for the transaction of criminal business.

[2. Attend justices' courts in his county, when required by justices of the peace, and conduct all prosecutions on behalf of the people for public offenses.]

SEC. 132. NRS 260.030 is hereby amended to read as follows:

260.030 1. The public defender shall be a qualified attorney licensed to practice in this state.

2. The public defender shall, when designated by the appropriate [magistrate or] judge of the district *or county* court, represent, without charge, each indigent person who is under arrest and held for a crime which constitutes a felony or gross misdemeanor.

SEC. 133. NRS 260.050 is hereby amended to read as follows:

260.050 When representing an indigent person, the public defender shall:

1. Counsel and defend him, if he is held in custody and charged with a public offense amounting to a felony or gross misdemeanor, at every stage of the proceedings following his designation by the appropriate [magistrate or judge of the district court;] *judge*; and

2. Prosecute any appeals or other remedies before or after conviction that he considers to be in the interests of justice.

SEC. 134. NRS 260.060 is hereby amended to read as follows:

260.060 For cause, the [magistrate or] district *or county* court may, on its own motion or upon motion of the public defender or the indigent person, appoint and compensate out of county funds an attorney other than, or in addition to, the public defender to represent such indigent person at any stage of the proceedings or on appeal in accordance with the laws of this state pertaining to the appointment of counsel to represent indigent criminal defendants.

SEC. 135. NRS 265.060 is hereby amended to read as follows:

265.060 All books, documents, records, papers and corporate seal

of any disincorporated city or town shall be deposited with the county clerk of the county wherein such city or town may be. [and all court records shall be deposited with the nearest justice of the peace of such county, who shall execute and complete all unfinished business.]

SEC. 136. NRS 266.790 is hereby amended to read as follows:

266.790 [1. If, at the time of the entry of the judgment disincorporating a city, the provisions of chapter 269 of NRS apply immediately to such disincorporated city, then any justice of the peace within the town, as provided in NRS 269.165, shall have jurisdiction to execute and complete all unfinished business standing on the court records of the disincorporated city.

2.] If, at the time of the entry of the judgment disincorporating a city which has a voting population of less than 600 therein, no written petition is filed as provided in subsection 2 of NRS 266.785, then the provisions of NRS 265.060 shall thereafter apply.

SEC. 137. Chapter 268 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any traffic citation or other complaint for the recovery of any fine or enforcement of any penalty under an ordinance of any incorporated city or town shall be issued and the action brought in the corporate name of the city as plaintiff.

SEC. 138. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers shall be elected:

- (a) A governor.
- (b) A lieutenant governor.
- (c) Two United States Senators.
- (d) The number of members of the House of Representatives of the United States to which this state may be entitled.
- (e) The number of presidential electors to which this state may be entitled.
- (f) Five justices of the supreme court.
- (g) District judges, as provided in NRS 3.010 [.] , and county judges, as provided in section 9 of this act.
- (h) Senators and members of the assembly.
- (i) A secretary of state.
- (j) A state treasurer.
- (k) A state controller.
- (l) An attorney general.
- (m) An inspector of mines.
- (n) Other officers whose elections are provided for by law.
- (o) For each county, and the equivalent officers for Carson City:
 - (1) One county clerk, who shall be ex officio clerk of the board of county commissioners and clerk of the district court [of] and county court for his county.
 - (2) One sheriff.
 - (3) One district attorney.
 - (4) One public administrator, except where otherwise provided by law.
 - (5) One county assessor, except where otherwise provided by law.
 - (6) One county treasurer, except where otherwise provided by law.
 - (7) One county surveyor.

(8) The number of county commissioners as provided by law.

(9) One county recorder, who shall be ex officio county auditor in counties having a population of less than 100,000 as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce.

[(10) Justices of the peace.

(11) Constables, except where otherwise provided by law.]

2. The following officers shall be appointed:

(a) Notaries public.

(b) Commissioners of deeds for the respective states and territories of the United States and foreign countries.

(c) All officers who are not elected.

SEC. 139. NRS 286.305 is hereby amended to read as follows:

286.305 1. Any justice of the supreme court and any district *or county* judge may become a member of the system in the manner provided by NRS 286.300.

2. The State of Nevada shall be deemed, for the purpose of this chapter, to be the public employer of such justice or judge, and shall contribute to the public employees' retirement fund and the public employees' retirement administrative fund, in the manner provided in this chapter for public employers.

3. Any justice of the supreme court and any district *or county* judge who has been a member of the system and who qualifies for a pension under the provisions of NRS 3.090, [or NRS] 2.060 *or section 14 of this act* may elect, when he is eligible for retirement, to withdraw from the public employees' retirement fund the amount credited to him in the account. No such justice or judge may receive benefits under both this chapter and [under] NRS 3.090, [or NRS] 2.060 [.] *or section 14 of this act*.

4. Service as a justice of the supreme court or as a district judge prior to July 1, 1960, may not be credited toward retirement until such justice or judge and the public employer have contributed to the public employees' retirement fund and the public employees' retirement administrative fund such sums as would have been contributed by each had such justice or judge been a member of the system from July 1, 1948, to and including the date such justice or judge elects to become a member of the system. The State of Nevada shall pay all public employer contributions for persons electing to redeem such prior service.

SEC. 140. NRS 293.0643 is hereby amended to read as follows:

293.0643 "Judicial officer" means any justice of the supreme court, [any] judge of [a] *the* district court or [any justice of the peace.] *judge of a county court.*

SEC. 141. NRS 293.197 is hereby amended to read as follows:

293.197 [In any judicial district of this state having more than one district judge, each department shall be a separate office for the purposes of nominating and electing the district judge thereof.] *Whenever two or more judges are to be elected for a county court or for a geographical division of the district court, each department of such court or division constitutes a separate judicial office for the purposes of nominating and electing its judge.*

SEC. 142. NRS 293.505 is hereby amended to read as follows:

293.505 1. [All justices of the peace, except those located in county seats, are ex officio deputy registrars for the purpose of carrying out the provisions of this chapter.

2.] The county clerk may appoint registered voters as deputy registrars, who shall register voters within the county for which they are appointed. Deputy registrars so appointed shall serve at the pleasure of the county clerk and shall perform their duties as the county clerk may direct.

[3.] 2. Deputy registrars may demand of any person who applies for registration all information required by the affidavit of registration, and may administer all oaths required by this chapter.

[4.] 3. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of such forms for more than 5 days.

[5.] 4. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession.

[6.] 5. Deputy registrars shall submit to the county clerk an alphabetical list of names of electors registered by him, giving the serial number of the affidavit used for each named registrant.

[7.] 6. Each deputy registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

SEC. 143. NRS 345.010 is hereby amended to read as follows:

345.010 Upon publication of the Statutes of Nevada, the secretary of state shall distribute them as follows:

1. To each of the judges of the District Court of the United States for the District of Nevada, one copy.

2. To the Nevada state library, two copies.

3. To each state officer, justice of the supreme court, clerk of the supreme court, district judge, *county judge*, county officer and justice of the peace in this state, one copy.

4. To each public library in this state, one copy.

5. To the Nevada historical society, one copy.

SEC. 144. NRS 345.020 is hereby amended to read as follows:

345.020 Upon receipt of copies of each volume of Nevada Reports from the superintendent of the department of state printing, as provided in NRS 2.380, the secretary of state shall distribute them as follows:

1. To each of the judges of the District Court of the United States for the District of Nevada, one copy.

2. To the Nevada state library, two copies.

3. To each state officer, justice of the supreme court, clerk of the supreme court, district judge, *county judge*, district attorney [.] and county clerk [., and justice of the peace] in this state, one copy.

4. To each public library in this state, one copy.

5. To the Nevada historical society, one copy.

SEC. 145. NRS 374.590 is hereby amended to read as follows:

374.590 1. At any time within 3 years after any person is delinquent in the payment of any amount herein required to be paid, or within 3 years after the last recording of an abstract under NRS 374.560, or of a certificate under NRS 374.575 the tax commission or its authorized representative may issue a warrant for the enforcement of any liens and for

the collection of any amount required to be paid to a county under this chapter.

2. The warrant shall be directed to any sheriff **[or constable]** and shall have the same effect as a writ of execution.

3. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

SEC. 146. NRS 374.595 is hereby amended to read as follows:

374.595 The tax commission may pay or advance to the sheriff **[or constable]** the same fees, commissions and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The tax commission, and not the court, shall approve the fees for publication in a newspaper.

SEC. 147. NRS 392.290 is hereby amended to read as follows:

392.290 All sheriffs, **[constables,]** policemen and town and city marshals shall assist principals and superintendents of schools in carrying out the provisions of NRS 392.230 to 392.290, inclusive.

SEC. 148. NRS 405.230 is hereby amended to read as follows:

405.230 1. Any person or persons who shall, in any manner, obstruct any road, street or alley, or in any manner injure the same, or prevent travel thereon, or who shall obstruct, dam or divert any stream or water so as to throw the same, or cause the flowage thereof, upon, across or along the pathway of any road, highway, street or alley shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the extent of damage to the section of the road, street, alley or highway damaged and in no event less than a misdemeanor.

2. The court before which such conviction shall be had shall order the sheriff **[or any constable]** of the county to abate, as a nuisance, any fence or other obstruction, to the free and convenient use and travel of such road, street or alley, or any obstruction from such stream so as to allow the same to flow in its natural bed.

SEC. 149. NRS 439.560 is hereby amended to read as follows:

439.560 All health officers, local boards of health, sheriffs, **[constables,]** policemen, marshals, all persons in charge of public buildings and institutions, and all other public officers and employees shall respect and enforce this chapter and all lawful rules, orders and regulations adopted in pursuance thereof in every particular affecting their respective localities and duties.

SEC. 150. NRS 446.940 is hereby amended to read as follows:

446.940 1. This chapter shall be enforced by the health authority in accordance with the interpretations thereof contained in the compliance provisions of regulations, hereby authorized to be adopted by the state board of health, detailing the requirements of this chapter.

2. All sheriffs, **[constables,]** policemen, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as he may request.

SEC. 151. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being shall be limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under **[NRS 259.050 or]** an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as he may authorize dissection.

(c) Where the husband, wife or next of kin charged by law with the duty of burial shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 341.500 to 451.585, inclusive.

2. Every person who shall make, cause or procure to be made any dissection of the body of a human being, except as provided in subsection 1, shall be guilty of a gross misdemeanor.

SEC. 152. NRS 465.040 is hereby amended to read as follows:

465.040 1. Whenever it shall come to the knowledge of any sheriff, **[constable,]** police or other peace officer that any person has in his possession any cards, tables, checks, balls, wheels, slot machines or gambling devices of any nature or kind used or kept for the purpose of playing at any of the games mentioned in NRS 465.010, or that any cards, tables, checks, balls, wheels, slot machines or gambling devices used or kept for such purposes may be found in any place, such sheriff, **[constable,]** police or other peace officer shall seize and take such cards, tables, balls, wheels, slot machines or other gambling devices and convey the same before a magistrate of the county in which such devices shall be found.

2. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors for the purpose of obtaining possession of any such gambling devices.

3. The magistrate shall inquire of such witnesses as he shall summon, or as may appear before him in that behalf, touching the nature of such gambling devices, and if the magistrate shall determine that the same are used or kept for the purpose of being used at any game or games of chance described in NRS 465.060 he shall order the same destroyed.

4. All persons having such possession of any of the articles described in subsection 1 shall be conveyed before a magistrate of such county and held or committed for appearance to answer any complaint which may be preferred against them for violation of NRS 465.010 to 465.060, inclusive.

SEC. 153. NRS 477.040 is hereby amended to read as follows:

477.040 1. All municipal fire chiefs or their designated representatives of every city or town in which a fire department is established **[,]** and the marshal or chief of police of any city or town in which no fire department exists **[,]** and the constable within their townships outside of cities and towns **]** shall, by virtue of the offices held by them, assist the state fire marshal without additional compensation, subject to the duties and obligations imposed by law.

2. Any of those persons who, under the provisions of subsection 1, are required to assist the state fire marshal, may, if otherwise eligible, retire from the public employees' retirement system when they have attained the age of 55 years.

SEC. 154. NRS 484.799 is hereby amended to read as follows:

484.799 1. Whenever a person is halted by a peace officer for any

violation of this chapter punishable as a misdemeanor and is not taken before a magistrate as required or permitted by NRS 484.793 and 484.795, the peace officer may prepare in quadruplicate a written traffic citation in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of his vehicle, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person shall appear in court, and such other pertinent information as may be necessary. The citation shall be signed by the peace officer.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.

3. The place specified in the notice to appear must be [before a magistrate, as designated in NRS 484.803.] *the county court which has jurisdiction of the offense.*

4. The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written traffic citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. A copy of the citation signed by the person charged shall suffice as proof of service.

SEC. 155. NRS 484.803 is hereby amended to read as follows:

484.803 [1. Whenever any person is taken before a magistrate or is given a written traffic citation containing a notice to appear before a magistrate as provided for in NRS 484.799, the magistrate shall be a justice of the peace or police judge who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred, except that when the offense is alleged to have been committed within an incorporated municipality wherein there is an established court having jurisdiction of the offense, the person shall be taken without unnecessary delay before that court.

2. For the purpose of this section, the terms "magistrate" and "court" include magistrates and courts having jurisdiction of offenses under the law of this state as committing magistrates and courts and those having jurisdiction of the trials of such offenses.] *Whenever any person is taken before a magistrate pursuant to this chapter, the magistrate shall be one of the officers enumerated in NRS 169.095 and that one who is nearest or most accessible to the place where the alleged violation occurred.*

SEC. 156. NRS 487.230 is hereby amended to read as follows:

487.230 1. Any sheriff, [constable,] member of the Nevada highway patrol, special investigator employed by the office of any district attorney or marshal or policeman of any city or town who has reason to believe that a vehicle has been abandoned in his jurisdiction may remove such vehicle from any public property.

2. Any person specified in subsection 1 who removes an abandoned vehicle shall take such vehicle to the nearest garage or other place designated by the department or political subdivision for storage.

SEC. 157. NRS 501.375 is hereby amended to read as follows:

501.375 1. Every game warden throughout the state [,] and every

sheriff [and constable] in his respective county is authorized and required to enforce this Title and to seize any wildlife taken or held in possession in violation of this Title.

2. Such officer shall have full power and authority:

(a) With or without a warrant, to open, enter or examine any camp, structure, aircraft, boat, vehicle, box, game bag or other package where he has reason to believe any wildlife taken or held in violation of any of the provisions of this Title is to be found, and to seize the same.

(b) To seize and hold for evidence only any wildlife so found and any guns, ammunition, traps, snares, tackle and other illegal devices or equipment, when it appears that a violation of this Title has occurred.

3. A dwelling house can be entered for examination only in pursuance of a warrant.

SEC. 158. NRS 562.530 is hereby amended to read as follows:

562.530 1. All federal authorities authorized as provided in NRS 562.520, and the various inspectors of this state, shall, subject to the approval of the board, have the power to call upon any [constable,] sheriff or other peace officer in any county in this state to assist them in the discharge of their duties in carrying out the provisions of this chapter and c. 60, 23 Stat. 32, approved May 29, 1884 (21 U.S.C. § 114), and such officers shall assist them when so requested.

2. The federal inspectors shall have the same power to enforce the laws of this state as the various inspectors of the state when authorized as provided in NRS 562.520 and when engaged in the discharge of their official duties.

3. Any person, company or corporation refusing to comply with the orders of such officer or federal inspector shall be guilty of a gross misdemeanor.

SEC. 159. NRS 568.300 is hereby amended to read as follows:

568.300 1. It shall be unlawful for any person to herd or graze any livestock upon the lands of another without having first obtained the consent of the owner of the lands so to do. The person claiming to be the owner of such lands shall have the legal title thereto, or an application to purchase the same with the first payment made thereon.

2. The livestock which is herded or grazed upon the lands of another, contrary to the provisions of subsection 1, shall be liable for all damages done by such livestock while being unlawfully herded or grazed on the lands of another, together with costs of suit and reasonable counsel fees, to be fixed by the court trying an action therefor. The livestock may be seized and held by a writ of attachment, issued in the same manner as provided in chapter 31 [or 71] of NRS, as security for the payment of any judgment which may be recovered by the owner of such lands for damages incurred by reason of violation of any of the provisions of this section. The claim and lien of a judgment or attachment in such an action shall be superior to any claim or demand which arose subsequent to the commencement of the action.

3. This section shall not apply to any livestock running at large on the ranges or commons.

SEC. 160. NRS 583.010 is hereby amended to read as follows:

583.010 1. No person shall bring, expose or offer for sale, or sell in any city or town within this state, for human food, any:

(a) Blown, meager, diseased or bad meat or game; or

(b) Unsound, diseased or unwholesome fish.

2. No person shall bring, expose or offer for sale, or sell in any city or town within this state, the flesh of any animal which, when killed, was sick or diseased, or that died a natural or accidental death.

3. No person shall slaughter, expose for sale or sell, or bring or cause to be brought into any city or town within this state, for human food, any calf unless it is in good, healthy condition and 4 weeks of age.

4. Any article or animal that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

5. Any person who, in violation of the provisions of this section, shall bring, slaughter, expose or offer for sale, or sell in any city or town within this state any article or animal which is unfit or unsafe for human food shall forfeit the same to the authorities.

6. Any sheriff, [constable,] policeman or other peace officer or the state health officer shall forthwith remove any of the animals or articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will insure safety and protection to the public.

7. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 161. NRS 583.060 is hereby amended to read as follows:

583.060 1. No person shall bring, expose or offer for sale, or sell in any city or town within this state for human food any unsound, diseased or unwholesome fruit, vegetables or other market produce.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell in any city or town within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, [constable,] policeman or other peace officer or the state health officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will insure safety and protection to the public.

5. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 162. NRS 583.070 is hereby amended to read as follows:

583.070 1. No person shall bring, expose or offer for sale, or sell in any city or town within this state for human food any blown, meager, diseased or bad poultry.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell in any city or town within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, **[constable,]** policeman or other peace officer or the state health officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will insure safety and protection to the public.

5. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 163. NRS 584.543 is hereby amended to read as follows:

584.543 **[Constables, police]** *Police* officers and sheriffs may render assistance to the commission, any member of the commission or any authorized representative of the commission, in the enforcement of the provisions of NRS 584.325 to 584.690, inclusive, upon request.

SEC. 164. NRS 612.690 is hereby amended to read as follows:

612.690 1. Every assignee, receiver, trustee in bankruptcy, liquidator, administrator, executor, sheriff **[, constable]** or any other person who shall sell substantially all of:

- (a) The business;
- (b) The stock of goods;
- (c) The furniture or fixtures;
- (d) The machinery and equipment; or
- (e) The goodwill,

of any employing unit shall, not less than 5 days prior to the date of such sale, notify the employment security department of the name and address of the person conducting such sale, the date, place and the terms of such sale, and shall give a description of the property to be sold.

2. Any assignee, receiver, trustee in bankruptcy, liquidator, administrator, executor, sheriff **[, constable]** or any other person who shall fail to observe the requirements of this section shall be personally responsible for all loss in contribution, interest or forfeit attributable to such failure to notify the employment security department as herein provided.

SEC. 165. NRS 616.375 is hereby amended to read as follows:

616.375 1. If any employer within the provisions of NRS 616.285 fails to provide and secure compensation under this chapter, any injured employee or his dependents may bring an action at law against such employer for damages as if this chapter did not apply.

2. The injured employee or his dependents may in such action attach the property of the employer at any time upon or after the institution of such action, in an amount fixed by the court, to secure the payment of any judgment which is ultimately obtained. The provisions of **[chapters 31 and 71]** *chapter 31* of NRS shall govern the issuance of, and proceedings upon, such attachment.

3. In such action as in this section provided, the employer shall not escape liability for personal injury or accident sustained by an employee of such employer, when the injury sustained arises out of and in the course of the employment, because of any of the defenses set forth in subsection 1 of NRS 616.300, and in such case the same presumptions as set forth in subsection 2 of NRS 616.300 shall apply.

SEC. 166. NRS 636.405 is hereby amended to read as follows:

636.405 1. **[Constables, police]** *Police* officers and sheriffs shall report violations of this chapter to the secretary, and shall render assistance to the board or any officer thereof when called upon so to do.

2. District attorneys shall prosecute violations of this chapter.

SEC. 167. NRS 642.500 is hereby amended to read as follows:

642.500 1. A petition for the revocation or suspension of a license may be filed by the attorney general or by the district attorney of the county in which the licensee resides or has practiced, or by any citizen residing in this state.

2. The petition shall be filed with the board and shall be entitled, "In the Matter of the Revocation (or Suspension) of the License of (Name of Licensee) to Practice Funeral Directing," and shall state the charges against the licensee with reasonable definiteness.

3. Upon the presentation of the petition to the board, the board shall make an order fixing a time and place of hearing thereon which shall not be less than 10 days nor more than 30 days thereafter.

4. Notice of filing of such petition and the time and place of hearing shall be served upon the licensee at least 10 days before such hearing. The notice may be served by any sheriff [or constable] or by any person especially appointed by the board.

SEC. 168. NRS 647.030 is hereby amended to read as follows:

647.030 Records of purchases; inspection by officers.

1. Every junk dealer shall keep a book in which shall be written in ink at the time of purchase a full and accurate description of each article purchased, together with the full name, residence and general description of the person or persons selling the same. No entry in the book shall be erased, mutilated or changed.

2. The book shall be open at all times to inspection by the sheriff of the county or any of his deputies, any member of the police force in the city or town, and any [constable or] other county or municipal official in the county in which the junk dealer does business.

SEC. 169. NRS 647.070 is hereby amended to read as follows:

647.070 Every junk dealer, before shipping or transporting any articles purchased, shall apply to the sheriff, a deputy or any [constable or] chief of police in the county from which such shipment is to be made, for inspection of the articles to be shipped. The application shall be signed by the applicant, and shall contain full information concerning the number, character and description of the articles proposed to be shipped. Any such officer shall retain the application and description, and shall issue to the applicant a permit for the shipment of articles enumerated and described in the application.

SEC. 170. Chapters 65 to 72, inclusive, 74, 258 and 259 of NRS and NRS 1.050, 2.080, 3.200, 4.010 to 4.380, inclusive, 5.010 to 5.090, inclusive, 40.410, 64.010, 64.020, 73.030, 122.171, 170.120, 171.116, 171.182, 171.188, 176.285, 177.025, 178.518, 178.544, 178.606, 189.010, 189.070, 189.080, 199.330, 248.250, 266.540 to 266.595, inclusive, 269.165, 354.180 and 475.130 to 475.200, inclusive, are hereby repealed.

SEC. 171. Section 10 of the charter of the City of Caliente, being chapter 289, Statutes of Nevada 1957, at page 402, is hereby amended to read as follows:

Section 10. Officers, Appointive and Ex Officio: Enumeration and Compensation of. The county assessor of the county of Lincoln shall be ex officio city assessor. Said officer shall perform the duties of his office under said city without extra compensation, but for the performance of the duties of city assessor relative to city assessments as in this act provided, the city council upon request of the city assessor, may

appoint, for such time as his services may be necessary a deputy city assessor to perform such duties relative to special assessments. The city council shall fix and pay the deputy such compensation as they deem fit. Said county assessor shall be liable on his official bond for the faithful discharge of the duties imposed on him by this act.

(1) City Clerk. The city council shall appoint a city clerk who shall be ex officio auditor, the salary of the combined offices shall be fixed, allowed and paid by said council.

(2) City Marshal. The city council shall appoint a city marshal who shall also be ex officio chief of police, license collector and pound master. The salary of the combined offices to be fixed, allowed and paid by said council. The said city marshal shall have the power to employ and dismiss police officers, subject to confirmation by the city council as hereinafter provided, as authorized by the city council from time to time, and to direct their work.

(3) [Police Judge. The city council shall appoint a police judge at a salary to be fixed by the said council.

(4) City Treasurer. The city council shall appoint a city treasurer at a salary to be fixed by said council.

[(5)] (4) City Attorney. The council may also at its discretion appoint a city attorney at a salary to be fixed by the city council or may at its discretion employ and compensate an attorney from time to time for such legal advice and services as they may deem necessary.

[(6)] (5) City Physician. The said city council may at its discretion appoint a city physician at a salary to be fixed by the council.

[(7)] (6) City Manager. The said city council may appoint a city manager and fix his compensation. He shall be selected solely upon the basis of qualification for the position which shall take into consideration his educational preparation, experience, executive and administrative ability, character and reputation, and in such selection the choice shall not be limited to inhabitants of the city or state. He shall be appointed for an indefinite period and may be removed in the same manner as provided for other appointments made by the council; provided however, that if removed at any time after having served for six months, he may demand written charges and a public hearing on the same before the city council prior to the date on which his final removal shall take effect. During the temporary absence or disability of the city manager the city council may designate some properly qualified person to perform the duties of his office.

[(8)] (7) Other Officers. The city council may from time to time ordain and establish other offices with the right to fill the same by appointment and prescribe the duties thereof. The duties and compensation of the appointive officers shall be fixed, allowed and paid by the city council out of such funds as the council may designate. And such duties or salary may be changed from time to time by the city council. Any one or more of such appointive offices may, at the discretion of the city council, be combined and the duties thereof be discharged by one person.

SEC. 172. Section 16 of the charter of the City of Caliente, being chapter 289, Statutes of Nevada 1957, as amended by chapter 523, Statutes of Nevada 1967, at page 1472, is hereby repealed.

SEC. 173. Section 30 of the charter of the City of Caliente, being

chapter 289, Statutes of Nevada 1957, at page 424, is hereby amended to read as follows:

Section 30. Provisions for Execution of Powers. When power is conferred upon the city council to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

【All actions brought to recover any fine or to enforce any penalty under any ordinance of the city shall be brought in the corporate name of the city as plaintiff; and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance, although the different causes of action existed at the same time, and if united would not have exceeded the jurisdiction of a justice of the peace.

All fines and forfeitures for the violation of ordinances and all】

All money collected for licenses or otherwise, shall be paid into the treasury of the city at such times and in such manner as may be prescribed.

SEC. 174. Section 32 of the charter of the City of Caliente, being chapter 289, Statutes of Nevada 1957, at page 424, is hereby amended to read as follows:

Section 32. Concurrent Jurisdiction. Any 【constable or】 sheriff *or deputy sheriff* may serve any process or make any arrest authorized to be made by any officer of the city.

SEC. 175. Article 4 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 304, is hereby repealed.

SEC. 176. Section 26 of chapter II of the charter of the City of Elko, being chapter 417, Statutes of Nevada 1965, at page 1106, is hereby amended to read as follows:

Section 26. Police—Duties. For the preservation of the peace, the police and watchmen shall have all the powers given by law to 【constables.】 *peace officers*. It shall be their duty to suppress all riots, disturbance and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the city, and to take the offender before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the supervisors, and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the supervisors for the good government of the city.

SEC. 177. Sections 27, 28 and 34 of chapter II of the charter of the City of Elko, being chapter 417, Statutes of Nevada 1965, at pages 1106 and 1122, respectively, are hereby repealed.

SEC. 178. Section 33 of chapter II of the charter of the City of Elko, being chapter 417, Statutes of Nevada 1965, at page 1122, is hereby repealed.

SEC. 179. Section 37 of chapter II of the charter of the City of Elko, being chapter 417, Statutes of Nevada 1965, at page 1122, is hereby amended to read as follows:

Section 37. Any [constable or] sheriff *or deputy sheriff* may serve any process or make any arrest authorized to be made by any officer of the city.

SEC. 180. Section 9 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, as amended by chapter 202, Statutes of Nevada 1961, at page 343, is hereby amended to read as follows:

Section 9. Officers, Appointive and Ex Officio—Enumeration of—Compensation. The county assessor of the county of Nye shall be ex officio assessor of the city of Gabbs [; the justice of the peace of Gabbs township, county of Nye, shall be ex officio police judge and preside over the municipal court of the city of Gabbs;] , *and* the city clerk shall be ex officio license collector of the city of Gabbs. [; the constable of Gabbs township, county of Nye, shall be ex officio city marshal of the city of Gabbs.] The assessor of the county of Nye and ex officio city assessor of the city of Gabbs shall perform the duties of his office under the city without extra compensation, but for the performance of the duties of city assessor relative to special assessments as in this act provided, the board of councilmen, upon the request of the city assessor may appoint, for such time as his services may be necessary, a deputy city assessor to perform such duties relative to special assessments; and the board of councilmen shall fix and pay the deputy such compensation as they deem fit. The assessor of the county of Nye [, the justice of the peace and the constable of Gabbs township, county of Nye, shall be liable on their official bonds] *is liable on his official bond* for the faithful discharge of [their] *the* duties imposed on [them] *him* by this act. [The board of councilmen may fix, allow and pay a salary or fees to the ex officio judge not in excess of \$150 each calendar month and to the ex officio city marshal not in excess of \$500 each calendar month.] The board of councilmen shall appoint a city clerk with a salary to be fixed by the board, which salary shall not be in excess of \$250 per calendar month; and fees, not in excess of 8 percent for services as city license collector. The board of councilmen shall appoint a city treasurer and for his services may receive a salary which shall not be in excess of \$250 each calendar month. The board may also in its discretion appoint or employ a city attorney and a city auditor from time to time and compensate them for such legal advice and services as they may deem necessary. The board of councilmen may from time to time ordain and establish other offices with the right to fill the same by appointment and prescribe the duties thereof. The duties and compensation of the appointive officers shall be fixed, allowed and paid by the board of councilmen out of such city funds as the board may designate. Any one or more of such appointive offices may, in the discretion of the board of councilmen, be combined and the duties thereof discharged by one person.

SEC. 181. Section 30 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, at page 674, is hereby amended to read as follows:

Section 30. Police—Duties. For the preservation of the peace, the police and watchmen shall have all the powers given by law to [constables.] *peace officers*. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the city, and to take the offender before the proper magistrate

or officer to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the councilmen, and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the councilmen for the good government of the city.

SEC. 182. Section 31 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, at page 674, is hereby repealed.

SEC. 183. Section 32 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, as amended by chapter 523, Statutes of Nevada 1967, at page 1475, is hereby repealed.

SEC. 184. Section 37 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, at page 685, is hereby repealed.

SEC. 185. Section 38 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, at page 685, is hereby amended to read as follows:

Section 38. All **【Fines】** *Moneys* to go to City Treasurer. All **【fines and forfeitures for the violation of ordinances and all】** money collected for licenses or otherwise shall be paid into treasury of the city, at such times and in such manner as may be prescribed by ordinance.

SEC. 186. Section 41 of the charter of the City of Gabbs, being chapter 381, Statutes of Nevada 1955, at page 686, is hereby amended to read as follows:

Section 41. Service of Process and Arrests. Any **【constable or】** *sheriff or deputy sheriff* may serve any process or make any arrest authorized to be made by any officer of the city.

SEC. 187. Sections 66 to 78, inclusive, and 80 of Article XIII of the charter of the City of Henderson, being chapter 240, Statutes of Nevada 1965, at pages 459 to 461, inclusive, are hereby repealed.

SEC. 188. The caption of Article XIII of the charter of the City of Henderson, being chapter 240, Statutes of Nevada 1965, at page 459, is hereby amended to read as follows:

Article XIII

【Municipal Court】 *Punishment of Ordinance Violations*

SEC. 189. Section 86 of Article XIV of the charter of the City of Henderson, being chapter 240, Statutes of Nevada 1965, at page 462, is hereby amended to read as follows:

Section 86. Chief of police: Duties. The chief of police shall:

1. **【Execute all process issuing from the municipal court.**

2. **】** Command and control the police force.

【3.】 2. Be vigilant in the detection of criminals and offenders and the speedy apprehension of the same.

【4.】 3. Diligently see that all ordinances of the city of a police nature, the general laws and the provisions of this charter are rigidly enforced and observed.

【5.】 4. Collect such license taxes as may be designated by the council. The time and manner of collection of license taxes shall be prescribed by ordinance.

【6.】 5. Perform such other duties as are prescribed by ordinance.

SEC. 190. Section 105 of Article XVIII of the charter of the City of

Henderson, being chapter 240, Statutes of Nevada 1965, at page 467, is hereby amended to read as follows:

Section 105. Payment of [fines, forfeitures, other] moneys into city treasury. All [fines and forfeitures for the violation of ordinances and all] money collected for licenses or otherwise shall be paid into the city treasury at such times and in such manner as may be prescribed by ordinance.

SEC. 191. Section 2 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by chapter 33, Statutes of Nevada 1957, at page 35, is hereby amended to read as follows:

Section 2. Officers—Elective. From and after the first day of July 1957, the elective officers of the city of Las Vegas shall consist of a mayor, four commissioners [.,] and a city attorney. [., and a judge of the municipal court.]

SEC. 192. Section 3 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by chapter 234, Statutes of Nevada 1969, at page 392, is hereby amended to read as follows:

Section 3. Officers, Election of—Elections, When and How Held; Commissioners' Classes of Ballot. On the first Tuesday after the first Monday in May 1957, and on the same day every four years thereafter, a primary municipal election shall be held at which time there shall be nominated candidates for the two commissioners' offices, the same being those designated as commissioners "2" and "4" whose terms expire in June 1957, and a city attorney.

[At the primary municipal election in May 1969 and every 4 years thereafter, there shall be nominated four candidates for the offices of judge of the municipal court.]

On the first Tuesday after the first Monday in May 1959, and on the same day every four years thereafter, a primary municipal election shall be held at which time there shall be nominated candidates for mayor, two commissioners' offices, the same being those designated as commissioners "1" and "3."

A candidate for any office to be voted for at the primary municipal election shall file an affidavit of candidacy with the city clerk, not less than thirty (30) days nor more than forty (40) days before the primary election. If the last day limited for filing an affidavit of candidacy shall fall on a Saturday, Sunday, legal holiday or any holiday proclaimed by the governor, then the period so limited shall expire on the preceding business day at 5 p.m. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee of \$50. All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city.

If, in the primary municipal election, one candidate shall receive more than a majority of votes cast in that election for the office for which he is a candidate, his name alone shall be placed on the ballot for the general municipal election. If, in the primary municipal election, no candidate shall receive a majority of votes cast in that election for which he is a candidate, then the names of the two candidates receiving the highest number of votes shall be placed on the ballot for the general city election.

If the results of the primary municipal election reveal that for each of the single offices to be filled, one nominee therefor received more than a majority of the votes cast for such office, all such nominees shall be declared elected and the general municipal election shall not be held.

A general municipal election shall be held in the city on the first Tuesday after the first Monday in June 1957, and on the same day every four years thereafter, at which time there shall be elected two commissioners, the same being designated as commissioners "2" and ["4"] "4," and a city attorney. All candidates shall be voted upon by the electors of the city at large.

[At the general municipal election in June, 1969 and every 4 years thereafter, the two candidates who, by vote of the electors of the city at large, receive the highest number of votes for the offices of municipal judge shall be declared elected.]

A general municipal election shall be held in the city on the first Tuesday after the first Monday in June 1959, and on the same day every four years thereafter, at which time there shall be elected a mayor and two commissioners, the same being designated as commissioners "1" and "3." All candidates shall be voted upon by the electors of the city at large.

The board of commissioners of the city shall, not later than the first Tuesday in March of each year in which city elections are to be held, order such elections and shall determine the places in the city for holding the same. The mayor shall forthwith make proclamation thereof, and otherwise the elections and the manner of holding the same shall be governed by the laws of the State of Nevada governing elections, and in the event there shall be any failure on the part of the general laws of the state to provide for some feature of the city elections, then the board of commissioners of the city shall have the power to provide for such deficiency. The four commissioners to be elected as provided for in this act shall be voted for and elected separately and shall be designated on the official ballot by numbering the same "1," "2," "3," and "4." Each person desiring to become a candidate for commissioner, as aforesaid, shall designate the number of the class to which he desires to become a candidate and his name shall be placed on the official ballots beneath the number he selected, and each voter shall vote for only one candidate in each class.

SEC. 193. Section 6 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by chapter 150, Statutes of Nevada 1969, at page 204, is hereby amended to read as follows:

Section 6. Officers, Elective—Qualifications of. The mayor, each of the four commissioners [.] and the city attorney [., and the judges of the municipal court] shall not be less than twenty-five (25) years of age, citizens of the United States, and qualified voters of the city of Las Vegas for at least two years immediately preceding the year in which the election is held. No incumbent elected city official shall be eligible for nomination or election to any elective office other than the office in which he is an incumbent, but nothing herein contained shall be construed so as to prevent any elected city official from first resigning his office and then becoming a candidate for an office in which he was not an incumbent. All such resignations, to be effective, shall be made at least 10 days prior to the last day for filing an affidavit of candidacy as provided in

section 3 of chapter II of this charter. All officers made elective by the popular vote shall within twenty days after the result of the election is ascertained qualify as required by this charter and the constitution and laws of the State of Nevada, and enter upon the duties of their office on the first Monday in July of the year in which said general election is held, and failing to do so within said time, such office shall be and become vacant.

SEC. 194. Section 14 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by chapter 150, Statutes of Nevada 1969, at page 205, is hereby amended to read as follows:

Section 14. Vacancy in Office—Resignation—Election of Successors. Resignation by the mayor [or] , any commissioner [,] or the city attorney, [or judges of the municipal court,] elected under this act, shall be made in writing to the board of commissioners for their action thereupon. In case of the removal of the [domiciles] *domicile* of the mayor [or] , any commissioner, the city attorney [,] or the judge of the municipal court, [or any other charter officer from the territorial limits of [said] *the* city, such removal shall ipso facto be deemed to create a vacancy in such office. In case of any vacancy from any cause in the office of mayor or any commissioner, or the office of city attorney, [or a judge of the municipal court,] the same shall be filled until the next general municipal election by a majority vote of the remaining members of the board of commissioners, although less than a quorum, who are present at a regular meeting, or special meeting called for that purpose. At the next general municipal election the office shall be filled by election for the balance of the unexpired term.

SEC. 195. Section 27 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, at page 157, is hereby amended to read as follows:

Section 27. Police—Duties. For the preservation of the peace, the police and watchmen shall have all the powers given by law to [constables.] *peace officers*. It shall be their duty to suppress all riots, disturbance and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the city and to take the offender before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the commissioners, and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the commissioners for the good government of the city.

SEC. 196. Section 28 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as amended by chapter 377, Statutes of Nevada 1963, at page 824, is hereby repealed.

SEC. 197. Section 29 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by chapter 150, Statutes of Nevada 1969, at page 206, is hereby repealed.

SEC. 198. Section 34 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, as amended by chapter 99, Statutes of Nevada 1947, at page 332, is hereby amended to read as follows:

Section 34. All **[Fines]** *Moneys* to Go to City Treasurer. All **[fines and forfeitures collected and received for the violation of ordinances and all]** money collected and received for licenses, permits or otherwise, shall be paid by the collecting and receiving officers into the city treasurer at such times and in such manner as is prescribed by this act or as may be prescribed by ordinance.

SEC. 199. Section 37 of chapter II of the charter of the City of Las Vegas, being chapter 132, Statutes of Nevada 1911, at page 172, is hereby amended to read as follows:

Section 37. Any **[constable or]** *sheriff or deputy sheriff* may serve any process or make any arrest authorized to be made by any officer of the city.

SEC. 200. Section 2 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 395, is hereby amended to read as follows:

Section 2. Officers, Elective. The elective officers of the city of North Las Vegas shall consist of a mayor and four councilmen. **[as above provided, together with one municipal court judge.]**

SEC. 201. Section 3 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as last amended by chapter 402, Statutes of Nevada 1969, at page 680, is hereby amended to read as follows:

Section 3. Officers, Election of; Election, When and How Held; Councilmen. The elective officers of the city of North Las Vegas, consisting of the mayor **[,]** *and* four councilmen **[and the municipal court judge,]** elected or appointed prior to **[the effective date of this act,]** *April 16, 1969*, shall go out of office and their terms shall expire on the Tuesday after the election to be held on the first Tuesday after the first Monday in June 1973, it being the intention to require the election of all elective officers in the manner hereinafter provided at the election to be held in June 1973, notwithstanding the fact that such elective officers may have been elected or appointed to fill unexpired terms for periods of time extending beyond the Tuesday after the election to be held on the first Tuesday after the first Monday in June 1973. On the first Tuesday after the first Monday in June 1973, and at each successive interval of four years, there shall be elected by the qualified voters of the city of North Las Vegas, at a general election to be held for that purpose, a mayor, in and for the city, who shall hold office for a period of four years, and until his successor shall have been elected and qualified. At the election on the first Tuesday after the first Monday in June 1973, there shall be elected by the qualified voters of the city, two councilmen who have received the largest number of votes cast in the city at such election. **[There shall also be elected at each biennial election one municipal court judge who shall be elected in the same manner as the mayor and council and who shall serve for a two-year period and until his successor shall have been elected and qualified.]** In the event of any tie, the results shall be determined by lot. On the first Tuesday after the first Monday in June 1971, and each successive interval of two years thereafter, there shall be elected in the city at large by the qualified voters of the city, two councilmen who shall hold office for four years and until their successors shall have been elected and qualified. The city council of the city shall order the general election, and shall determine the places in the city for the holding of the same, and the mayor of the city shall make proclamation thereof, and otherwise the

election and the manner of holding of the same shall be governed by the laws of the State of Nevada governing general elections so far as the same may be applicable thereto; and in the event there should be any failure on the part of the general election laws of the state to provide for some features of the city election in the city, the council of the city of North Las Vegas shall have the power to provide for such deficiency.

SEC. 202. Section 3.5 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as added by chapter 440, Statutes of Nevada 1965, and amended by chapter 402, Statutes of Nevada 1969, at page 681, is hereby amended to read as follows:

Section 3.5. Declaration of Candidacy, Filing, Primary Election. The city council shall provide by ordinance for a time before which persons seeking city office must declare their candidacy and file the necessary documents. If for any municipal general election held during or after 1971 there are three or more candidates for the **[offices]** *office* of mayor, **[or municipal court judge,]** or five or more candidates for the two city councilman offices to be elected, a primary election for such office or offices shall be held on the Tuesday following the 1st Monday of May preceding such general election. The names of the two candidates for mayor **[and municipal court judge]** and the names of the four candidates for city councilman who receive the highest number of votes in the primary election shall be placed on the ballot for the general election unless one of the candidates for mayor **[or municipal court judge]** receives a majority of the total votes cast for that office in the primary election, in which case only the name of that candidate shall be placed on the ballot for the general election.

SEC. 203. Section 10 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as amended by chapter 447, Statutes of Nevada 1963, at page 1212, is hereby amended to read as follows:

Section 10. Surety Bonds of Elected, Appointed Officers; Conditions; Filing.

1. Before entering upon his duties, the mayor **[,]** *and* each councilman **[and the police judge]** shall furnish to the city a surety bond in the principal amount of \$5,000 issued either by the state board of examiners pursuant to the provisions of NRS 282.230 to 282.350, inclusive, or if authorized by the provisions of NRS 282.240, by a surety company qualified to do business in the State of Nevada.

2. Appointed officers whose surety bonds are not otherwise fixed in amount by this charter shall furnish bonds in such principal amounts as may be fixed and required by the council. Such bonds may be issued by either the state board of examiners or by a surety company qualified to do business in the State of Nevada as provided in subsection 1.

3. The bonds required by subsections 1 and 2 shall be conditioned as required in NRS 282.280.

4. All surety bonds of elected and appointed officers shall be filed with the city clerk except the surety bond of the city clerk, which shall be recorded in the office of the county recorder of Clark County.

SEC. 204. Section 11 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as last amended by chapter 400, Statutes of Nevada 1967, at page 1079, is hereby amended to read as follows:

Section 11. Mayor, *and* Councilmen [and Judge of Municipal Court,], Salary of. The compensation of the mayor [.] *and* councilmen [and judge of the municipal court] shall:

1. Be fixed by the city council; and
2. Not be diminished or increased as to any such officer during the term for which he has been elected or appointed.

SEC. 205. Section 16 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as amended by chapter 296, Statutes of Nevada 1957, at page 471, is hereby amended to read as follows:

Section 16. Vacancy in Office; Resignation; Election of Successors. Resignation by the mayor or any other charter officer created by this act, shall be made in writing to the city council for their action thereupon. In case of the removal of the domiciles of the mayor or any councilman or any other charter officer from the territorial limits of said city, such removal shall ipso facto be deemed to create a vacancy in his office. In case of any vacancy from any cause in the office of mayor *or* any councilman, [or the municipal court judge,] the same shall be filled by appointment by the city council, which appointment shall expire at the next city general election and upon the qualification of the appointee's successor, at which election such officer shall be chosen for the balance of the unexpired term.

SEC. 206. Section 29 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 405, is hereby amended to read as follows:

Section 29. Police; Duties. For the preservation of the peace, the police and watchmen shall have all the powers given by law to [constables.] *peace officers*. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the city; and to take the offender before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known or believed to be guilty of crime or any violation of the ordinances of the councilmen, and to serve all processes that may be delivered to them for that purpose, and generally perform all such duties as may be required by the city council for the good government of the city.

SEC. 207. Section 30 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 406, is hereby repealed.

SEC. 208. Section 31 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as last amended by chapter 440, Statutes of Nevada 1965, at page 1189, is hereby repealed.

SEC. 209. Section 31.1 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as added by chapter 374, Statutes of Nevada 1955, and amended by chapter 118, Statutes of Nevada 1965, at page 215, is hereby repealed.

SEC. 210. Section 36 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 426, is hereby repealed.

SEC. 211. Section 37 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 426, is hereby amended to read as follows:

Section 37. All **【Fines】** *Moneys* to go to the City Treasury. All **【fines and forfeitures for the violation of ordinances and all】** money collected for licenses or otherwise **【,】** shall be paid into the treasury of the city at such times and in such manner as may be prescribed by ordinance.

SEC. 212. Section 39 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, at page 427, is hereby amended to read as follows:

Section 39. Any **【constable or】** *sheriff or deputy sheriff* may serve any process or make any arrest authorized to be made by any officer of the city.

SEC. 213. Section 45 of chapter II of the charter of the city of North Las Vegas, being chapter 283, Statutes of Nevada 1953, as last amended by chapter 440, Statutes of Nevada 1965, at page 1211, is hereby amended to read as follows:

Section 45. City Attorney.

1. There shall be a city attorney who shall:

- (a) Be an active member of the State Bar of Nevada.
- (b) Serve as chief legal officer to the council, the city manager and all city departments, offices and agencies.
- (c) Represent the city in all legal proceedings.
- (d) Perform any other duties prescribed by this charter or by ordinance.

2. The city attorney may be removed only by action of the city council.

3. There may be deputy city attorneys who shall:

- (a) Have the same qualifications as the city attorney; and
- (b) Have the same power to represent the city and perform the official business of the office of city attorney as is given to the city attorney.

4. The city attorney has the power to investigate violations of the ordinances of the city of North Las Vegas. **【or the laws of the State of Nevada over which the municipal court has jurisdiction.】** For the purpose of ascertaining facts in connection with the investigation, he has the power to compel the attendance and testimony of witnesses, to administer oaths, to examine such persons as he may deem necessary and to compel the production of books and documents. Failure to appear in response to a subpoena issued under this section or failure to respond to relevant questions or failure to produce relevant documents as requested shall be punishable as a civil contempt by the **【police】** judge of the **【municipal】** county court if upon the filing of a complaint by the city attorney and a hearing before the court, it is found that the person failing to comply did so willfully and without adequate excuse. Willful false swearing in such investigation and examinations constitutes perjury and shall be punished as such.

SEC. 214. Section 1 of Article II of the charter of the city of Reno, being chapter 102, Statutes of Nevada 1903, as added by chapter 71, Statutes of Nevada 1905, and last amended by chapter 85, Statutes of Nevada 1967, at page 146, is hereby amended to read as follows:

Section 1. The officers of the city shall be: seven members of the city council, one of whom shall be selected mayor, as hereinafter provided; city manager; city attorney; city clerk; **【judge of the municipal**

court;] city comptroller; city treasurer and tax receiver, the treasurer of Washoe County being ex officio city treasurer and tax receiver; city assessor, the assessor of Washoe County being ex officio city assessor; city engineer; chief of police; chief of fire department; board of health, consisting of not less than three nor more than five persons. The city council may by ordinance create any or all of the following offices: assistant city manager, director of public works, director of public safety, director of personnel and finance, and director of parks, recreation and public properties.

SEC. 215. Section 3 of Article IX of the charter of the city of Reno, being chapter 102, Statutes of Nevada 1903, as added by chapter 71, Statutes of Nevada 1905, and last amended by chapter 223, Statutes of Nevada 1945, at page 403, is hereby amended to read as follows:

Section 3. [The chief of police shall execute all processes issuing from the municipal court. In his absence or inability to act, his assistant may act in his place.] The chief of police shall, before entering upon the discharge of his duties, furnish a bond to said city, which shall apply in like manner to any assistant acting in his stead. Said bond shall be in a sum and conditioned as the city council shall require, and shall be approved by said council. The duties of said chief of police may be more fully defined and provided for by such ordinances of the city council as it shall from time to time enact. The city council is hereby empowered to prescribe such salary for the chief of police as it shall deem appropriate.

SEC. 216. Article XIV of the charter of the city of Reno, being chapter 102, Statutes of Nevada 1903, as added by chapter 71, Statutes of Nevada 1905, and as certain sections have thereafter been added or amended, is hereby repealed in its entirety.

SEC. 217. Section 1 of Article XVII of the charter of the city of Reno, being chapter 102, Statutes of Nevada 1903, as added by chapter 71, Statutes of Nevada 1905, and last amended by chapter 185, Statutes of Nevada 1963, at page 292, is hereby amended to read as follows:

Section 1. A primary municipal election shall be held in the city on the first Tuesday after the first Monday in May, 1963, and on the same day every 4 years thereafter, at which time there shall be nominated candidates for councilmen from the second and fourth wards and one councilman at large, city attorney [,] and city clerk. [and police judge.] There shall also be nominated at such election in 1963 candidates for councilman from the first, third and fifth wards and one councilman at large, to serve for terms of 2 years. On the first Tuesday after the first Monday in May 1965, and on the same day every 4 years thereafter, a primary council election shall be held, at which time there shall be nominated candidates for city councilman from the first, third and fifth wards and one councilman at large.

A candidate for any office to be voted for at a primary municipal or council election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of primary election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee of \$25 for filing an affidavit of candidacy. All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city.

All candidates shall be voted upon by the electors of the city at large. If only two candidates file affidavits of candidacy for an office, their names

shall not be placed on the ballot for the primary municipal or council election but shall be placed on the ballot for the general municipal or council election. If more than two candidates file affidavits of candidacy for an office, the names of the two candidates for each office receiving the highest number of votes in the primary municipal or council election shall be placed on the ballot for the general municipal or council election.

A general municipal election shall be held in the city on the first Tuesday after the first Monday in June, 1963, and on the same day every 4 years thereafter, at which time there shall be elected councilmen from the second and fourth wards and one councilman at large, one city attorney [.] and one city clerk. [and one police judge.] There shall also be elected at such election in 1963 councilmen from the first, third and fifth wards and one councilman at large to serve for terms of 2 years. On the first Tuesday after the first Monday in June 1965, and on the same day every 4 years thereafter, a general council election shall be held, at which time there shall be elected councilmen from the first, third and fifth wards of the city and one councilman at large. All candidates at the general municipal or council election shall be voted upon by the electors of the city at large.

All elections held under this charter shall be governed by the provisions of the election laws of the state, so far as the same can be made applicable and which are not inconsistent herewith. The conduct and carrying on of all city elections shall be under the control of the city council, and they shall by ordinance provide for the holding of the same, appoint the necessary officers thereof, and do all other or further things required to carry the same into effect.

SEC. 218. Article VIII of the charter of the City of Sparks, being chapter 180, Statutes of Nevada 1949, as certain sections have thereafter been amended, is hereby repealed in its entirety.

SEC. 219. Section 9.02 of Article IX of the charter of the City of Sparks, being chapter 180, Statutes of Nevada 1949, as amended by chapter 111, Statutes of Nevada 1953, at page 113, is hereby amended to read as follows:

Section 9.02. [The chief of police shall execute all process issuing from the police court. In his absence or inability to act a chief deputy may act.] The chief of police shall, before entering upon the discharge of his duties, furnish a bond to the city, which bond shall apply in like manner to any deputy acting in his stead. Said bond shall be in a sum and conditioned as the council shall require, and be approved by the council. The duties of the chief of police may be more fully defined and provided for by such ordinances as the council may from time to time enact. The chief of police shall receive such salary or compensation as may be prescribed by the city council.

SEC. 220. Section 14.04 of Article XIV of the charter of the City of Sparks, being chapter 180, Statutes of Nevada 1949, as last amended by chapter 469, Statutes of Nevada 1965, at page 1262, is hereby amended to read as follows:

Section 14.04. 1. No ordinance, order or resolution of the council, having for its object or effect, directly or indirectly, the increasing of the salary or compensation of any officer of or person employed under the city government, in excess of the maximum amount as herein provided for, shall be valid or effective for any purpose or purposes whatsoever.

2. The city council may, in the exercise of its sound discretion, increase or decrease the salaries or compensation of the city clerk, the city attorney, [the police judge,] all appointive city officers and city employees.

SEC. 221. Section 16 of Article XVI of the charter of the City of Sparks, being chapter 180, Statutes of Nevada 1949, as last amended by chapter 347, Statutes of Nevada 1963, at page 707, is hereby amended to read as follows:

Section 16. 1. A primary municipal election shall be held in the city on the first Tuesday after the first Monday in May 1963, and on the same day every 4 years thereafter, at which time there shall be nominated candidates for mayor, city clerk, councilmen as hereinbefore provided, *and* city attorney. [and police judge.] A candidate for any office to be voted for at the primary municipal election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of primary election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee of \$50 for filing an affidavit of candidacy for the office of mayor, or a filing fee of \$25 for filing an affidavit of candidacy for any other office. All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city. All candidates, except candidates for councilmen, shall be voted upon by the electors of the city at large. Candidates for councilmen shall be voted upon by the electors of their respective wards to represent the wards in which they reside, in accordance with the provisions of this charter, and from which they file their candidacy. The names of the two candidates receiving the highest number of votes in the primary municipal election shall be placed on the ballot for the general city election.

2. A general municipal election shall be held in the city on the first Tuesday after the first Monday in June 1963, and on the same day every 4 years thereafter, at which time there shall be elected one mayor, one city clerk, councilmen as hereinbefore provided, *and* one city attorney. [and one police judge.] All candidates at the general municipal election shall be voted upon by the electors of the city at large.

3. All elections held under this charter shall be governed by the provisions of the election laws of the state, so far as the same can be made applicable and which are not inconsistent herewith. The conduct and carrying on of all city elections shall be under the control of the city council, and they shall by ordinance provide for the holding of the same, appoint the necessary officers thereof, and do all other or further things required to carry the same into effect.

4. The officers of the city duly elected at the election held on the first Tuesday after the first Monday in May 1959, shall hold office until the first regular meeting of the council next succeeding that in which the canvass of returns is made following the general municipal election to be held in June 1963.

SEC. 222. Section 26 of chapter II of the charter of the City of Wells, being chapter 159, Statutes of Nevada 1967, at page 294, is hereby amended to read as follows:

Section 26. Police: Duties. For the preservation of the peace, the police and watchmen have all the powers given by law to [constables.]

peace officers. It is their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the city, and to take the offender before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of a crime or any violation of the ordinances of the councilmen, and to serve all processes that may be delivered to them for that purpose; and generally to perform all such duties as may be required by the councilmen for the good government of the city.

SEC. 223. Sections 27 to 36, inclusive, and 38 of chapter II of the charter of the City of Wells, being chapter 159, Statutes of Nevada 1967, at pages 294 to 296, inclusive, are hereby repealed.

SEC. 224. Section 37 of chapter II of the charter of the City of Wells, being chapter 159, Statutes of Nevada 1967, at page 296, is hereby amended to read as follows:

Section 37. Fines and penalties: Commitment; recovery by execution; chain gang.

1. Any person upon whom any fine or penalty is imposed may, upon the order of the court before whom the conviction is had, be committed to the county jail or the city jail, or to such other place as may be provided by the city for the incarceration of offenders, until such fine [.] and penalty [and costs] are fully paid.

2. The city council has power to provide by ordinance that every person committed shall be required to work for the city at such labor as his strength will permit, not exceeding 8 hours each working day; and for such work the person so employed shall be allowed \$4 for each day's work on account of such fine and costs. The council may provide for the formation of a chain gang for persons convicted of offenses in violation of the ordinances of the city, and for their proper employment for the benefit of the city, and to safeguard and prevent their escape while being so employed.

3. Fines [imposed by the municipal court] may be recovered by execution against the property of the defendant, or the payment thereof enforced by imprisonment in the city jail of the city at the rate of 1 day for every \$4 of such fine; or the court may, in its discretion, adjudge and enter upon the docket a supplemental order that such offender shall work on the streets or public works of the city, at the rate of \$4 for each day of the sentence, which shall apply on such fine until the same is exhausted or otherwise satisfied.

SEC. 225. Section 62 of chapter II of the charter of the City of Wells, being chapter 159, Statutes of Nevada 1967, at page 309, is hereby repealed.

SEC. 226. Section 63 of chapter II of the charter of the City of Wells, being chapter 159, Statutes of Nevada 1967, at page 309, is hereby amended to read as follows:

Section 63. All [fines] moneys to go to city treasurer. All [fines and forfeitures for the violation of ordinances and all] money collected for licenses or otherwise shall be paid into treasury of the city, at such times and in such manner as may be prescribed by ordinance.

SEC. 227. Sections 24 to 31, inclusive, and the preceding caption

“Judicial Department,” of the charter of the City of Yerington, being chapter 72, Statutes of Nevada 1907, at pages 164 to 166, inclusive, as section 24 was amended by chapter 523, Statutes of Nevada 1967, at page 1480, are hereby repealed.

SEC. 228. Section 32 of the charter of the City of Yerington, being chapter 72, Statutes of Nevada 1907, as amended by chapter 91, Statutes of Nevada 1931, at page 152, is hereby amended to read as follows:

Section 32. There shall be a chief of police of said city. He shall be appointed by the mayor, subject to confirmation by the council. He shall be an actual bona fide resident of the city. [; provided, that the constable of Mason Valley township shall be eligible for such appointment.] The chief of police shall command and control the police force and have power to appoint the necessary number of policemen required by the council; such appointees to be subject to approval and confirmation of, and salaries and compensation fixed by, the council. [During any incumbency of the constable of Mason Valley township in the office of chief of police, any regularly appointed deputies of said constable shall be policemen of said city.] The chief of police shall be vigilant in the detection of criminals and offenders, and the speedy apprehension of the same, and shall diligently see that all ordinances of the city of a police nature, the general laws, and the provisions of this charter are rigidly enforced and observed.

SEC. 229. Section 34 of the charter of the City of Yerington, being chapter 72, Statutes of Nevada 1907, at page 167, is hereby amended to read as follows:

Section 34. [The Chief of Police shall execute all process issuing from the Police Court. In his absence or inability to act his chief deputy may act.] The Chief of Police shall, before entering upon the discharge of his duty, furnish a bond to the city, which bond shall apply in like manner to any deputy acting in his stead. Said bond shall be in a sum and conditioned as the Council shall require, and be approved by the Council. The duties of the Chief of Police [and ex officio Chief of the Fire Department] may be more fully defined and provided for by such ordinances as the Council may from time to time enact. The Chief of Police shall receive such salary or compensation as the Council shall by ordinance prescribe; provided, that such salary when fixed, shall not be changed so as to increase the same oftener than once every two years.

SEC. 230. 1. On the 1st Monday in January 1973, every civil and criminal action or proceeding then pending in a justice's court or municipal court in the State of Nevada shall be transferred, by operation of this section, into the county court of the county in which such justice's court or municipal court is located, for further proceedings according to the statutes, rules of court or municipal ordinances applicable to the action or proceeding which were in force immediately prior to the date of transfer, whether or not such statutes, rules of court or ordinances were amended, repealed or superseded by this act.

2. Within 5 days after the 1st Monday in January 1973, each justice of the peace and municipal judge who was in office immediately prior to that date shall deliver all papers and dockets of his court to the county clerk of his county, identifying separately those which relate to actions or proceedings pending. If for any reason a justice of the peace or municipal judge is not available or fails to deliver his records, the county clerk

shall take possession of any such records of which he has or acquires knowledge, as soon as possible after the 2nd Monday in January 1973.

3. The running of any period of limitation for the filing of any action or proceeding or the taking of any step in a pending action or proceeding is suspended from the 1st Monday until the 2nd Monday in January 1973.

SEC. 231. The legislative counsel shall, in preparing the 1973 supplement to Nevada Revised Statutes with respect to any section which is not amended by this act or which is further amended by another act:

1. If a reference is made to the justice of the peace which is consistent with his duties under section 27 of this act, leave such reference unchanged.

2. If a reference is made to the justice of the peace, municipal judge or police judge which involves any power or duty assigned by this act to the county court, replace such reference with an appropriate reference to the county court.

3. If a reference is made to the justice of the peace which involves a power or duty assigned by this act to some person other than a county judge, correct such reference accordingly.

4. If a reference is made to the constable, replace such reference with an appropriate reference to:

(a) The sheriff, if it involves the service or execution of civil process.

(b) Any peace officer, if it involves law enforcement by criminal process or punishment.

5. If an internal reference is made to a repealed section in Title 6 of NRS, replace such reference with a reference to the corresponding section of Title 2 or 3.

SEC. 232. 1. This act shall become effective if and only if an amendment to the constitution of the State of Nevada creating county courts is approved by the people at the general election in 1972.

2. If such amendment is so approved, this act shall become effective:

(a) For the purpose of establishing the number of judges of the county courts, on the day after the canvass by the justices of the supreme court of the vote upon the approval of the constitutional amendment.

(b) For all other purposes, on the 1st Monday in January 1973.