

FUNDING NEVADA'S COURTS



Bulletin No. 77-4

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

September 1976

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LEGISLATIVE COMMISSION

Senator Richard H. Bryan	Assemblyman Keith Ashworth
Senator Melvin D. Close, Jr.	Assemblyman Joseph E. Dini, Jr.
Senator Carl F. Dodge	Assemblyman Lawrence E. Jacobsen
Senator James I. Gibson	Assemblyman Paul W. May
Senator Lee E. Walker	Assemblyman Donald R. Mello
Senator Thomas R. C. Wilson	Assemblyman Sue Wagner

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the funding of the courts of the state.

WHEREAS, The American system of government is founded on the doctrine of the separation of powers in which no branch is preeminent over the others; and

WHEREAS, There are two aspects to this doctrine, one being the ability of any branch to prevent or obstruct the other two from acting and the other being that the system works only with the cooperation of all three branches; and

WHEREAS, The doctrine of the separation of powers is clearly established and understood at the federal and state levels but is far less clear at the local level; and

WHEREAS, There is a continuing problem in this state at the local level between governing boards responsible for raising and expending public funds and judicial officers charged with conducting the courts; and

WHEREAS, This problem, leading in some cases to confrontations and appeals to higher courts, is in large part a result of a dearth of guidance either in the constitution or the statutes on the proper delineation of powers at the local level; and

WHEREAS, Local governing bodies cannot discharge their constitutional and statutory responsibilities unless they can control local budgets; and

WHEREAS, By the same token, the courts cannot discharge their responsibilities unless they have adequate funding; and

WHEREAS, Whatever solution is decided upon to clarify proper roles, such solution will involve at least the legislature, the courts and local governing bodies; and

WHEREAS, The complexity and sensitivity of this issue demand that before taking any action, the legislature should be assured that it has examined all alternatives; and

WHEREAS, The proper functioning of local government and the courts depends upon a clear understanding of roles and responsibilities, such understanding to be mutually arrived at by the parties involved; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to study the problem of funding the courts of the state; and be it further

Resolved, That such study shall be conducted by a subcommittee composed of legislators, judges or other court personnel from all court levels affected and members of local governing bodies responsible for providing funding for courts; and be it further

Resolved, That the study shall examine and report on all alternatives for systems of court funding and disposition of court revenues to include suggestions for legislation that will facilitate such funding at the local level or that would provide state funding and state receipt of all court revenues; and be it further

Resolved, That the study should also include methods of increasing understanding of the judicial system by local governments and the citizens through the use of judicial councils or similar bodies; and be it further

Resolved, That the results of the study and any recommendations for legislation be reported to the 59th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 59th Session of the Nevada Legislature:

This report is submitted in compliance with Assembly Concurrent Resolution No. 84 of the 58th session of the Nevada legislature, which directed the legislative commission to study the problem of funding the courts of the state and of increasing public understanding of the judicial system through the use of judicial councils or similar bodies.

A.C.R. No. 84 also directed that the study be conducted by a subcommittee composed of legislators, judges or other court personnel from all court levels affected and members of local governing bodies responsible for providing funding for Nevada's courts. Accordingly, the legislative commission appointed a subcommittee composed of Senator Margie Foote as chairman and the following assemblymen as members: Alan H. Glover, Zelvin D. Lowman, Paul W. May and Robert L. Weise. The Honorable Noel E. Manoukian, District Judge of the Ninth Judicial District, and the Honorable Richard C. Minor, Justice of the Peace, Reno Township, served on the subcommittee as representatives respectively of the Nevada District Judges' Association and the Nevada Judges' Association. Mr. Charles Carpenter, a member of the board of county commissioners of Pershing County, represented the County Commissioners' Association. Other members of the judiciary, the State Bar of Nevada and local government as well as persons from federal and state executive agencies also made important contributions to this study.

In its report, the subcommittee has attempted to present its findings and recommendations briefly and concisely. Only that data which bears directly upon the recommendations is included. All supporting documents, including minutes, staff studies and other research materials, are on file with the legislative counsel bureau and are readily available to any legislator.

This report is transmitted to the members of the 1977 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee on funding of the courts of the state recommends for the consideration of the 59th session of the Nevada legislature:

1. That the office of state court administrator be funded by legislative appropriations.
2. That the salary of the state court administrator be set within the limits of legislative appropriations rather than specified by law.
3. That the statutory duties of the state court administrator include responsibilities relating to data processing and fiscal and personnel administration.
4. That if A.J.R. 18 of the 57th session, which would establish a unified court system, is ratified by the people:
 - (a) The expenses of the state court system be funded out of the state treasury beginning fiscal year 1979-1980;
 - (b) The legislature suggest that the Nevada supreme court create and budget for a judicial council or other appropriate agency to develop a comprehensive plan to carry out full state funding with unitary budgeting for the entire court system; and
 - (c) The state court administrator be directed to prepare and submit to the 60th session of the legislature a single budget for the state court system which carries out the comprehensive plan.
5. That fees charged for court-related services be increased.
6. That drivers' licenses not be reinstated or reissued to Nevada residents who violate their promise to appear in court on a citation for a moving traffic violation.
7. That fee retention by justices of the peace be eliminated and the legislature set a schedule of minimum salaries for the justices of the peace and the police judges.

REPORT OF THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE ON FUNDING OF THE
COURTS OF THE STATE

I. STATISTICS

In the course of its study in 1967-1968, the subcommittee for study of the Nevada court structure found that some statistical information bearing on the performance of the Nevada court system was "obtainable only with great difficulty from the records as [then] kept." (Page 39 of Bulletin No. 74.) The subcommittee recommended that an office of court administrator be established under the direction of the supreme court to supervise uniform recordkeeping throughout the court system and to collect and compile court statistics. (Appendix B of Bulletin No. 74.) The legislature did not create the office until 1971 and then made it dependent principally upon moneys expected from federal grants. (Page 1998, Statutes of Nevada 1971.) In 1973 and in 1975 the legislature did not make an appropriation for the support of the office of court administrator, and the office has remained unstaffed since that time.

The supreme court has had to rely in the meantime entirely on year-by-year federal grants to fund the position of court planning and coordinating officer which provides some planning and data collection capability, but mainly serves to administer the continuing education program for judges.

The result of this is that it is still as difficult to obtain reliable statistics on the courts as it was nearly a decade ago. Methods of recordkeeping vary so markedly from court to court that comparable statistics cannot be developed. Most Nevada courts simply lack the manpower, skills and equipment necessary to collect and analyze statistical data. Although federal grants have been available from time to time to provide training and equipment, often the 10 percent required in local matching funds has been unavailable. The subcommittee strongly feels that it is unwise both philosophically and practically for this state to rely on federal grants for the improvement of its court system. Program priorities are set at the national level and often change from year to year. Moreover, federal grants are only "seed" money, allocated for 1 to 3 years at most, after which the state or local government is expected to assume the costs of the program.

The subcommittee recognizes the need for a central office to develop and supervise a uniform system of recordkeeping and accounting for all the courts. Concomitantly, personnel policies

and procedures governing nonjudicial employees of the courts who are involved in these functions should also be made uniform. The subcommittee recommends that these responsibilities be added to the duties of the state court administrator.

To enable the supreme court to obtain a court administrator with appropriate training and experience, it appears necessary to change the statutory ceiling set on his salary 6 years ago. The subcommittee recommends that his salary be set within the limits of legislative appropriations as is the salary of the clerk of the supreme court. (See NRS 2.220.) BDR 1-3, attached as Appendix A, would carry out both recommendations. Of course, this bill depends upon legislative funding of the office of the court administrator. Therefore the subcommittee joins with the present subcommittee for study of the training, qualifications, workloads and leave policies of the judiciary and district attorneys, which experienced similar difficulties in obtaining information, in recommending that

THE SENATE STANDING COMMITTEE ON FINANCE AND THE ASSEMBLY STANDING COMMITTEE ON WAYS AND MEANS CONSIDER CAREFULLY THE DUTIES REQUIRED OF THE COURT ADMINISTRATOR BY LAW, AND PROVIDE A SUFFICIENT APPROPRIATION FOR HIS SALARY AND STAFF TO DISCHARGE THOSE DUTIES WITHOUT RELIANCE UPON SUPPORT FROM THE FEDERAL GOVERNMENT.

II. FUNDING THE NEVADA COURT SYSTEM

A. Full State Funding and Unitary Budgeting.

The basic method of financing Nevada's court system has not changed since the 1967-1968 study by the subcommittee for study of the Nevada court structure. Today as then it is a mixture of state and local funding. The state pays all expenses of the supreme court and the salaries of the district judges. All other expenses of the district courts and those of the justices' courts are borne by the county in which the court is held, except that some justices of the peace are permitted to retain as part of their compensation a portion of the fees paid by litigants. The expenses of each municipal court are paid by the municipality it serves. Federal grants, as indicated earlier, have provided an intermittent source of funding for certain court-related programs.

A general analysis of the receipts and expenditures for the courts of Nevada in the period beginning with fiscal year 1972 is presented in Exhibits 1 through 9. The subcommittee offers this data with caution. The accuracy of the data as reported is assumed. While some general statistical evaluations and trends can be made using these tables, they should not be used for detailed analyses because of the varying recordkeeping and accounting practices followed by the sources of the data. For the same reason, the amounts shown as receipts of the justices' courts do not include the fees which some of the justices of the peace retain as compensation. Other specific cautionary remarks are given in some of the tables themselves.

In 1968 the subcommittee for study of the Nevada court structure recommended that "the administration of justice be recognized as a legitimate state expense and paid entirely from the state treasury." (Page 37 of Bulletin No. 74.) The subcommittee pointed to the serious financial burden of costly criminal trials upon the smaller counties in particular and its practical effect upon the legislature's ability to classify crimes. The subcommittee saw that "only [with full state funding could] a uniform level of justice be made to prevail in all the counties of the state." It recognized too that in view of the counties' constant need for additional sources of revenue, state assumption of the courts' expenses would have the effect of providing financial relief at no additional cost to the taxpayer as compared to equivalent relief provided in some other form. (Page 37 of Bulletin No. 74.)

In the period since the 1967-1968 study, local government units responsible for funding the courts have come under severe pressure to cut budgets, including the judicial budget. At the same time, the workload of the courts has increased. The judges too are feeling intense public pressure to improve their performance. This tension between the constitutional and statutory responsibility of legislative bodies to fix appropriations and the judiciary's need for adequate funding to carry out its own constitutional and statutory duties has nearly always been eased in Nevada by mutual accommodation between the two branches of government. Only in comparatively rare instances have Nevada courts sought to compel the executive branch to furnish them with personnel, facilities or equipment they felt they needed.

Express statutory authority for such an action has existed in Nevada since 1865. (See NRS 2.150 and 3.100.) In addition,

Nevada courts like many other state courts have found that inherent in their constitutional status as a separate branch of government is the power to require financial support for their operation. But this power is not absolute. The supreme court has shown in its decisions to this time that payment will be compelled of only those expenditures which it determines are both "reasonable and necessary" to the functioning of the courts. A further restriction is that where the money for the expenditure is to come out of the state general fund, there must be an appropriation. Finally, the supreme court has indicated that it will take into account the financial condition of the county or the state in determining the reasonableness and necessity of an expenditure.

State assumption of the costs of the court system will not in itself, of course, eliminate all possibility of differences arising over the judicial budget. But the possibility can be minimized. First, through the preparation of a single budget for the entire court system by a central agency especially skilled and equipped for the task and next, by the consideration of that budget in a single arena at the highest policymaking levels in the state where similar technical resources are available.

The subcommittee sees other substantial advantages for a court system which obtains its funding from a single appropriating body. Unitary budgeting with full state funding would promote planning in judicial administration, permit a more equitable distribution of judicial services within Nevada, facilitate uniformity in job classification of judicial employees and provide a mechanism for administering the system as a whole. In this connection, the experience of the other states which have adopted this method of funding indicates to the subcommittee that full state funding and unitary budgeting work well where the individual courts comprise a unified court system and should be adopted in Nevada only in conjunction with the unification of our courts.

B. Disposition of Court Revenues.

The figures offered in Exhibit 5 suggest that as a whole Nevada's courts collect almost as much as and sometimes more revenue than is expended to operate them, even when it is considered that fines collected for violation of the state penal laws are paid into the state permanent school fund so that they are not available for the support of the courts. It seems apparent that if full state funding of the courts is to have little if any impact on the state

general fund, the state must receive a substantial portion of the revenues presently collected by the courts in addition to the increases in court revenues which can be expected to result from other measures recommended by this subcommittee. Yet the subcommittee recognizes the impact state receipt of all court revenues could have on the budgets of those municipalities and counties whose treasuries apparently enjoy a substantial excess of court revenues over expenditures. (See Exhibit 4, Schedule 4D and Exhibits 6 and 7.) How much of this net revenue should remain with local governments after the state relieves them of the costs of the court system is a policy question requiring a careful and extensive analysis that was clearly beyond the resources of this subcommittee.

That question, the question of exactly what services and positions the state should fund as part of the court system, and other issues concerning the details of full state funding and unitary budgeting must be carefully addressed before this method of funding is adopted. It appears to the subcommittee that with adequate funding and staffing a judicial council or other appropriate agency created by the supreme court could develop a comprehensive plan for full state funding and unitary budgeting and the state court administrator could prepare a single budget for the court system for review by the 60th session of the legislature. Accordingly, the subcommittee recommends that

IF THE PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE FOR A CENTRAL ADMINISTRATION OF THE COURT SYSTEM (A.J.R. 18 OF THE 57TH SESSION) IS APPROVED AND RATIFIED BY THE PEOPLE IN THE 1976 GENERAL ELECTION:

1. THE EXPENSES OF THE STATE COURT SYSTEM BE FUNDED OUT OF THE STATE TREASURY BEGINNING FISCAL YEAR 1979-1980;
2. THE LEGISLATURE SUGGEST THAT THE NEVADA SUPREME COURT CREATE AND BUDGET FOR A JUDICIAL COUNCIL OR OTHER APPROPRIATE BODY TO DEVELOP A COMPREHENSIVE PLAN TO CARRY OUT FULL STATE FUNDING WITH UNITARY BUDGETING FOR THE ENTIRE COURT SYSTEM; AND
3. THE STATE COURT ADMINISTRATOR BE DIRECTED TO PREPARE AND SUBMIT TO THE 60TH SESSION OF THE LEGISLATURE A SINGLE BUDGET FOR THE STATE COURT SYSTEM WHICH CARRIES OUT THE COMPREHENSIVE PLAN.

(See BDR 4, attached as Appendix B.)

III. SOURCES OF ADDITIONAL REVENUE

A. Fees.

Exhibits 1, 2 and 3 show that the fees charged to users of the courts for its services in civil matters constitute an important source of court revenue, particularly to the county treasuries. The subcommittee found that despite recent increases in some fees by the legislature, present fee levels still do not appear to reflect accurately the cost of the service provided. A study of court fees prepared in November 1975 by the National Center for State Courts indicates that the fees charged in Nevada are generally lower than in other states. The subcommittee recommends that

FEEs CHARGED FOR COURT-RELATED SERVICES BE INCREASED.

The subcommittee believes that the adjustments provided in BDR 1-2, attached as Appendix C, would not impede access to the courts for those unable to pay the fees. The court can waive the fees in such a case under NRS 12.015 and 63.040. The chief deputy fiscal analyst of the legislative counsel bureau estimates that the adjustments could make available in the biennium beginning July 1, 1977, as much as \$915,500 for the support of the courts. (See Exhibit 10.)

B. Traffic Fines.

Fines and bail forfeitures collected in the justices' courts and the municipal courts often comprise the single largest source of court receipts paid into the county and city treasuries. And fines for traffic violations must certainly account for the greater portion of these receipts. Yet it is estimated that in a year tens of thousands of Nevada drivers violate their written promise to appear in court on a traffic citation and for one reason or another cannot be served with a warrant. Consequently, a substantial amount of revenue for the counties and the cities, which could be made available for the support of the courts, is lost.

The subcommittee has examined a plan developed by the department of motor vehicles and the Nevada Judges' Association. Basically, under the plan Nevada drivers who are cited for moving traffic violations and then violate their written promise to appear in court on the citation are reported to the department. The driver's

license of the violator is flagged and cannot be reinstated or reissued to him until he appears in court or his case is disposed of. The plan calls for the local government unit to pay a fee for each name reported to reimburse the department for its costs in participating in the program. The chief deputy fiscal analyst of the legislative counsel bureau estimates that based upon the present practice of fining each such violator \$50, a large amount of revenue, as much as \$1.2 million, could be recovered and made available for the support of the state court system. Even if fines from only 10 percent of the violators were recovered, the local governments' fee would still be offset and an estimated \$120,000 collected. Therefore, the subcommittee recommends that

DRIVERS' LICENSES NOT BE REINSTATED OR REISSUED TO
NEVADA RESIDENTS WHO VIOLATE THEIR PROMISE TO APPEAR
IN COURT ON A CITATION FOR A MOVING TRAFFIC VIOLATION.

The subcommittee was told that there is now little interest in other states for an agreement on this subject. If that interest does develop, an interstate compact should be sought so that this program would apply to all drivers in Nevada. BDR 43-5, attached as Appendix D, authorizes the foregoing plan.

C. Elimination of Fee Retention.

Although the practice is presently permitted by constitution and by statute, the subcommittee believes that justices of the peace should not retain any portion of the fees they collect as part of their compensation. The subcommittee could find no reliable information on even approximate amounts of the fees retained. The quarterly financial statements filed by the justices of the peace under NRS 4.100 could not be used for this purpose because of the different methods used among the townships for making out the report. The subcommittee believes the criteria for setting the salaries of the justices of the peace and the police judges should be uniform throughout the system as it is for the district judges and the supreme court justices. Accordingly, the subcommittee recommends that

FEE RETENTION BY JUSTICES OF THE PEACE BE ELIMINATED
AND THAT THE LEGISLATURE SET A SCHEDULE OF MINIMUM
SALARIES FOR THE JUSTICES OF THE PEACE AND THE POLICE
JUDGES.

BDR 1-6, attached as Appendix E, would carry out this recommendation. The base amount of the annual salaries provided in the bill reflects current judicial salaries in Nevada and other similar states. The pay grade of the judge is to be fixed according to the portion of full-time employment he serves as determined by the supreme court. Whether or not A.J.R. 18 which would comprise the present courts into a court system is ratified by the people, the supreme court would appear to be best suited to make this determination, assuming it had the necessary statistical information and other data which the state court administrator could provide it. This provision of the bill is dependent therefore upon legislative adoption of the recommendation of this subcommittee and the present subcommittee for study of the training, qualifications, workloads and leave policies of the judiciary and district attorneys adequately to fund and staff the office of court administrator.

Exhibit 1

STATE OF NEVADA
COMBINED REVENUES PRODUCED BY THE COURTS
FISCAL YEAR ENDING JUNE 30, 1972

Court	State General Fund	State Permanent School Fund	County General Funds	Municipal General Funds	Total
<u>SUPREME COURT</u>					
Filing Fees	\$ 5,700	\$ --	\$ --	\$ --	\$ 5,700
Publication Sales	2,000	--	--	--	2,000
Total Supreme Court	\$ 7,700	\$ --	\$ --	\$ --	\$ 7,700
<u>DISTRICT COURTS</u>					
Clerk's Fees	\$ --	\$ --	\$ 826,000	\$ --	\$ 826,000
Civil Action Fees	273,400	--	--	--	273,400
Divorce Fees	14,800	--	--	--	14,800
Other Fees	--	--	74,000	--	74,000
Fines and Forfeitures	--	13,900	--	--	13,900
Total District Courts	\$288,200	\$ 13,900	\$ 900,000	\$ --	\$1,202,100
<u>JUSTICES' COURTS</u>					
Fines and Forfeitures	\$ --	\$388,700	\$ 759,900	\$ --	\$1,148,600
Total Justice Courts	\$ --	\$388,700	\$ 759,900	\$ --	\$1,148,600
<u>MUNICIPAL COURTS</u>					
Fines and Forfeitures	\$ --	\$ --	\$ --	\$1,998,700	\$1,998,700
Total Municipal Courts	\$ --	\$ --	\$ --	\$1,998,700	\$1,998,700
Total All Courts	\$295,900	\$402,600	\$1,659,900	\$1,998,700	\$4,357,100

Exhibit 2

STATE OF NEVADA
COMBINED REVENUES PRODUCED BY THE COURTS
FISCAL YEAR ENDING JUNE 30, 1973

<u>Court</u>	<u>State General Fund</u>	<u>State Permanent School Fund</u>	<u>County General Funds</u>	<u>Municipal General Funds</u>	<u>Total</u>
<u>SUPREME COURT</u>					
Filing Fees	\$ 7,900	\$ --	\$ --	\$ --	\$ 7,900
Publication Sales	1,700	--	--	--	1,700
Total Supreme Court	\$ 9,600	\$ --	\$ --	\$ --	\$ 9,600
<u>DISTRICT COURTS</u>					
Clerk's Fees	\$ --	\$ --	\$ 779,800	\$ --	\$ 779,800
Civil Action Fees	204,300	--	--	--	204,300
Divorce Fees	14,000	--	--	--	14,000
Other Fees	--	--	81,600	--	81,600
Fines and Forfeitures	--	15,700	--	--	15,700
Total District Courts	\$218,300	\$ 15,700	\$ 861,400	\$ --	\$1,095,400
<u>JUSTICES' COURTS</u>					
Fines and Forfeitures	\$ --	\$365,600	\$1,048,200	\$ --	\$1,413,800
Total Justice Courts	\$ --	\$365,600	\$1,048,200	\$ --	\$1,413,800
<u>MUNICIPAL COURTS</u>					
Fines and Forfeitures	\$ --	\$ --	\$ --	\$2,354,400	\$2,354,400
Total Municipal Courts	\$ --	\$ --	\$ --	\$2,354,400	\$2,354,400
Total All Courts	\$227,900	\$381,300	\$1,909,600	\$2,354,400	\$4,873,200

Exhibit 3

STATE OF NEVADA
COMBINED REVENUES PRODUCED BY THE COURTS
FISCAL YEAR ENDING JUNE 30, 1974

<u>Court</u>	<u>State General Fund</u>	<u>State Permanent School Fund</u>	<u>County General Funds</u>	<u>Municipal General Funds</u>	<u>Total</u>
<u>SUPREME COURT</u>					
Filing Fees	\$ 7,100	\$ --	\$ --	\$ --	\$ 7,100
Publication Sales	3,100	--	--	--	3,100
Total Supreme Court	\$ 10,200	\$ --	\$ --	\$ --	\$ 10,200
<u>DISTRICT COURTS</u>					
Clerk's Fees	\$ --	\$ --	\$ 834,100	\$ --	\$ 834,100
Civil Action Fees	271,000	--	--	--	271,000
Divorce Fees	16,800	--	--	--	16,800
Other Fees	--	--	89,100	--	89,100
Fines and Forfeitures	\$ --	\$ 14,800	\$ --	\$ --	\$ 14,800
Total District Courts	\$287,800	\$ 14,800	\$ 923,200	\$ --	\$1,225,800
<u>JUSTICES' COURTS</u>					
Fines and Forfeitures	\$ --	\$491,900	\$1,295,700	\$ --	\$1,787,600
Total Justice Courts	\$ --	\$491,900	\$1,295,700	\$ --	\$1,787,600
<u>MUNICIPAL COURTS</u>					
Fines and Forfeitures	\$ --	\$ --	\$ --	\$2,259,900	\$2,259,900
Total Municipal Courts	\$ --	\$ --	\$ --	\$2,259,900	\$2,259,900
Total All Courts	\$298,000	\$506,700	\$2,218,900	\$2,259,900	\$5,283,500

Exhibit 4

STATE OF NEVADA
COMPARISON OF FUND REVENUES TO FUND EXPENSES
SUMMARY
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>STATE GENERAL FUND</u>			
Revenues	\$ 295,900	\$ 227,900	\$ 298,000
Expenses	<u>1,105,800</u>	<u>1,165,600</u>	<u>1,260,800</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 809,900)</u>	<u>(\$ 937,700)</u>	<u>(\$ 962,800)</u>
<u>STATE PERMANENT SCHOOL FUND</u>			
Revenues	\$ 402,600	\$ 381,300	\$ 506,700
Expenses	<u> </u>	<u> </u>	<u> </u>
Excess (Deficit) of Revenues over Expenses	<u>\$ 402,600</u>	<u>\$ 381,300</u>	<u>\$ 506,700</u>
<u>COUNTY GENERAL FUNDS</u>			
Revenues	\$1,659,900	\$1,909,600	\$2,218,900
Expenses	<u>2,084,200</u>	<u>2,266,100</u>	<u>2,906,000</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 424,300)</u>	<u>(\$ 356,500)</u>	<u>(\$ 687,100)</u>
<u>MUNICIPAL GENERAL FUNDS</u>			
Revenues	\$1,998,700	\$2,354,400	\$2,259,900
Expenses	<u>606,300</u>	<u>684,400</u>	<u>760,900</u>
Excess (Deficit) of Revenues over Expenses	<u>\$1,392,400</u>	<u>\$1,670,000</u>	<u>\$1,499,000</u>
Combined Net Excess (Deficit) of Revenues over Expenses	<u>\$ 560,800</u>	<u>\$ 757,100</u>	<u>\$ 355,800</u>

Exhibit 4--Schedule 4A

STATE OF NEVADA
COMPARISON OF FUND REVENUES TO FUND EXPENSES
STATE GENERAL FUND
 FOR FISCAL YEARS ENDING
 JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>STATE GENERAL FUND COURT REVENUES</u>	<u>\$ 295,900</u>	<u>\$ 227,900</u>	<u>\$ 298,000</u>
<u>COURT EXPENSES</u>			
<u>Supreme Court</u>			
Personnel Services	\$ 324,100	\$ 338,700	\$ 377,100
Travel	4,200	3,700	4,900
Operating	83,700	87,900	133,100
Capital Outlay	9,000	4,300	16,100
Pensions and Widow Benefits	8,400	8,400	8,400
State Board of Pardons Commissioners	25,300	18,800	12,200
Other	10,500	10,000	700
Total Supreme Court	<u>\$ 465,200</u>	<u>\$ 471,800</u>	<u>\$ 552,500</u>
<u>District Courts</u>			
Personnel Services	\$ 541,800	\$ 568,100	\$ 581,700
Travel	23,300	19,100	17,100
Extraditions	35,900	51,200	58,100
Pensions and Widow Benefits	39,600	55,400	51,400
Total District Courts	<u>\$ 640,600</u>	<u>\$ 693,800</u>	<u>\$ 708,300</u>
Total State General Fund Court Expenses	<u>\$1,105,800</u>	<u>\$1,165,600</u>	<u>\$1,260,800</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 809,900)</u>	<u>(\$ 937,700)</u>	<u>(\$ 962,800)</u>

Exhibit 4--Schedule 4B

STATE OF NEVADA
COMPARISON OF FUND REVENUES TO FUND EXPENSES
STATE PERMANENT SCHOOL FUND
 FOR FISCAL YEARS ENDING
 JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>STATE PERMANENT SCHOOL FUND</u> <u>COURT REVENUES</u>	<u>\$ 402,600</u>	<u>\$ 381,300</u>	<u>\$ 506,700</u>
<u>STATE PERMANENT SCHOOL FUND</u> <u>COURT EXPENSES</u>	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
Excess (Deficit) of Revenues over Expenses	<u>\$ 402,600</u>	<u>\$ 381,300</u>	<u>\$ 506,700</u>

Exhibit 4--Schedule 4C

STATE OF NEVADA
COMPARISON OF FUND REVENUES TO FUND EXPENSES
COUNTY GENERAL FUNDS
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>COUNTY GENERAL FUNDS COURT REVENUES</u>	<u>\$1,659,900</u>	<u>\$1,909,600</u>	<u>\$2,218,900</u>
<u>COURT EXPENSES</u>			
<u>District Courts</u>			
Personnel Services	\$ 200,800	\$ 206,000	\$ 266,800
Operating	270,200	308,200	324,400
Capital Outlay	10,400	600	31,200
Other	787,900	858,800	1,140,000
Total District Courts	<u>\$1,269,300</u>	<u>\$1,373,600</u>	<u>\$1,762,400</u>
<u>Justices' Courts</u>			
Personnel Services	\$ 291,200	\$ 309,500	\$ 388,600
Operating	170,300	191,500	223,100
Capital Outlay	4,500	4,000	9,900
Other (1)	348,900	387,500	522,000
Total Justice Courts	<u>\$ 814,900</u>	<u>\$ 892,500</u>	<u>\$1,143,600</u>
Total County General Funds Court Expenses	<u>\$2,084,200</u>	<u>\$2,266,100</u>	<u>\$2,906,000</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 424,300)</u>	<u>(\$ 356,500)</u>	<u>(\$ 687,100)</u>

(1) Clark County's reported expenses not detailed in Annual Reports

Exhibit 4--Schedule 4D

STATE OF NEVADA
COMPARISON OF FUND REVENUES TO FUND EXPENSES
MUNICIPAL GENERAL FUNDS
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending		
	June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>MUNICIPAL GENERAL FUNDS COURT REVENUES</u>	<u>\$1,998,700</u>	<u>\$2,354,400</u>	<u>\$2,259,900</u>
<u>MUNICIPAL GENERAL FUNDS COURT EXPENSES</u>	<u>\$ 606,300</u>	<u>\$ 684,400</u>	<u>\$ 760,900</u>
Excess (Deficit) of Revenues over Expenses	<u>\$1,392,400</u>	<u>\$1,670,000</u>	<u>\$1,499,000</u>

Exhibit 5

STATE OF NEVADA
COMPARISON OF COURT REVENUES TO COURT EXPENSES
SUMMARY
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>SUPREME COURT</u>			
Revenues	\$ 7,700	\$ 9,600	\$ 10,200
Expenses	<u>465,200</u>	<u>471,800</u>	<u>552,500</u>
Excess (Deficit) of Revenues over Expenses	(\$ 457,500)	(\$ 462,200)	(\$ 542,300)
<u>DISTRICT COURTS</u>			
Revenues	\$1,202,100	\$1,095,400	\$1,225,800
Expenses	<u>1,909,900</u>	<u>2,067,400</u>	<u>2,470,700</u>
Excess (Deficit) of Revenues over Expenses	(\$ 707,800)	(\$ 972,000)	(\$1,244,900)
<u>JUSTICES' COURTS</u>			
Revenues	\$1,148,600	\$1,413,800	\$1,787,600
Expenses	<u>814,900</u>	<u>892,500</u>	<u>1,143,600</u>
Excess (Deficit) of Revenues over Expenses	\$ 333,700	\$ 521,300	\$ 644,000
<u>MUNICIPAL COURTS</u>			
Revenues	\$1,998,700	\$2,354,400	\$2,259,900
Expenses	<u>606,300</u>	<u>684,400</u>	<u>760,900</u>
Excess (Deficit) of Revenues over Expenses	<u>\$1,392,400</u>	<u>\$1,670,000</u>	<u>\$1,499,000</u>
Combined Net Excess (Deficit) of Revenues over Expenses	<u>\$ 560,800</u>	<u>\$ 757,100</u>	<u>\$ 355,800</u>

Exhibit 5--Schedule 5A

STATE OF NEVADA
COMPARISON OF COURT REVENUES TO COURT EXPENSES
SUPREME COURT
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>SUPREME COURT REVENUES</u>	\$ <u>7,700</u>	\$ <u>9,600</u>	\$ <u>10,200</u>
<u>SUPREME COURT EXPENSES</u>			
<u>State Expenses</u>			
Personnel Services	\$ 324,100	\$ 338,700	\$ 377,100
Travel	4,200	3,700	4,900
Operating	83,700	87,900	133,100
Capital Outlay	9,000	4,300	16,100
Pensions and Widow Benefits	8,400	8,400	8,400
State Board of Pardons Commissioners	25,300	18,800	12,200
Other	<u>10,500</u>	<u>10,000</u>	<u>700</u>
Total State Expenses	\$ <u>465,200</u>	\$ <u>471,800</u>	\$ <u>552,500</u>
Total Supreme Court Expenses	\$ <u>465,200</u>	\$ <u>471,800</u>	\$ <u>552,500</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 457,500)</u>	<u>(\$ 462,200)</u>	<u>(\$ 542,300)</u>

Exhibit 5--Schedule 5B

STATE OF NEVADA
COMPARISON OF COURT REVENUES TO COURT EXPENSES
DISTRICT COURTS
FOR FISCAL YEAR ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>DISTRICT COURTS REVENUES</u>	<u>\$1,202,100</u>	<u>\$1,095,400</u>	<u>\$1,225,800</u>
<u>DISTRICT COURTS EXPENSES</u>			
<u>State Expenses</u>			
Personnel Services	\$ 541,800	\$ 568,100	\$ 581,700
Travel	23,300	19,100	17,100
Extraditions	35,900	51,200	58,100
Pensions and Widow Benefits	39,600	55,400	51,400
Total State Expenses	<u>\$ 640,600</u>	<u>\$ 693,800</u>	<u>\$ 708,300</u>
<u>County Expenses</u>			
Personnel Services	\$ 200,800	\$ 206,000	\$ 266,800
Operating	270,200	308,200	324,400
Capital Outlay	10,400	600	31,200
Other (1)	787,900	858,800	1,140,000
Total County Expenses	<u>\$1,269,300</u>	<u>\$1,373,600</u>	<u>\$1,762,400</u>
Total District Courts Expenses	<u>\$1,909,900</u>	<u>\$2,067,400</u>	<u>\$2,470,700</u>
Excess (Deficit) of Revenues over Expenses	<u>(\$ 707,800)</u>	<u>(\$ 972,000)</u>	<u>(\$1,244,900)</u>

(1) Clark County's reported expenses not detailed in Annual Report

Exhibit 5--Schedule 5C

STATE OF NEVADA
COMPARISON OF COURT REVENUES TO COURT EXPENSES
JUSTICES' COURTS
FOR FISCAL YEARS ENDING
JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>JUSTICES' COURTS REVENUES</u>	<u>\$1,148,600</u>	<u>\$1,413,800</u>	<u>\$1,787,600</u>
<u>JUSTICES' COURTS EXPENSES</u>			
<u>County Expenses</u>			
Personnel Services	\$ 291,200	\$ 309,500	\$ 388,600
Operating	170,300	191,500	223,100
Capital Outlay	4,500	4,000	9,900
Other (1)	<u>348,900</u>	<u>387,500</u>	<u>522,000</u>
Total County Expenses	<u>\$ 814,900</u>	<u>\$ 892,500</u>	<u>\$1,143,600</u>
Total Justices' Courts Expenses	<u>\$ 814,900</u>	<u>\$ 892,500</u>	<u>\$1,143,600</u>
Excess (Deficit) of Revenues over Expenses	<u>\$ 333,700</u>	<u>\$ 521,300</u>	<u>\$ 644,000</u>

(1) Clark County's reported expenses not detailed in Annual Report

Exhibit 5--Schedule 5D

STATE OF NEVADA
COMPARISON OF COURT REVENUES TO COURT EXPENSES
MUNICIPAL COURTS
 FOR FISCAL YEARS ENDING
 JUNE 30, 1972, 1973 AND 1974

	Fiscal Year Ending June 30		
	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>MUNICIPAL COURTS REVENUES</u>	<u>\$1,998,700</u>	<u>\$2,354,400</u>	<u>\$2,259,900</u>
<u>MUNICIPAL COURTS EXPENSES</u>	<u>\$ 606,300</u>	<u>\$ 684,400</u>	<u>\$ 760,900</u>
Excess (Deficit) of Revenues over Expenses	<u>\$1,392,400</u>	<u>\$1,670,000</u>	<u>\$1,499,000</u>

Exhibit 6

Analysis of Income of District Courts and
Justices' Courts to County Expenses

Fiscal Year Ending June 30, 1974

	<u>Income</u>					
	<u>County Retained</u>	<u>Paid to State</u>	<u>Total</u>	<u>County Expenses¹</u>	<u>Net Income (Expenses)</u>	<u>Net County Income (Expenses)</u>
Carson City	\$ 88,800	\$ 17,400	\$ 106,200	\$ 81,400	\$ 24,800	\$ 7,400
Churchill	28,900	8,600	37,500	45,500	(8,000)	(16,600)
Clark	1,029,800	119,700	1,149,500	1,579,900	(430,400)	(550,100)
Douglas	94,300	32,700	127,000	78,589	48,411	15,711
Elko	106,200	65,100	171,300	77,900	93,400	28,300
Esmeralda	6,800	1,500	8,300	15,400	(7,100)	(8,600)
Eureka	3,900	3,100	7,000	18,800	(11,800)	(14,900)
Humboldt	41,200	1,800	43,000	44,390	(1,390)	(3,190)
Lander	22,200	-0-	22,200	29,800	(7,600)	(7,600)
Lincoln	21,300	1,800	23,100	11,900	11,200	9,400
Lyon	13,200	22,300	35,500	49,100	(13,600)	(35,900)
Mineral	6,000	23,400	29,400	50,200	(20,800)	(44,200)
Nye	13,100	6,100	19,200	50,800	(31,600)	(37,700)
Pershing	9,400	9,300	18,700	29,100	(10,400)	(19,700)
Storey	2,400	600	3,000	13,500	(10,500)	(11,100)
Washoe	708,800	174,300	883,100	686,000	197,100	22,800
White Pine	16,900	19,100	36,000	83,100	(47,100)	(66,200)
Totals	<u>\$2,213,200</u>	<u>\$506,800</u>	<u>\$2,720,000</u>	<u>\$2,945,379</u>	<u>\$ (225,379)</u>	<u>\$ (732,179)</u>

1. County expenses include direct costs of the district courts, justices' courts and libraries.

Exhibit 7

Analysis of Income of District Courts and
Justices' Courts to County Expenses

Fiscal Year Ending June 30, 1975

	<u>Income</u>					
	<u>County Retained</u>	<u>Paid to State</u>	<u>Total</u>	<u>County Expenses¹</u>	<u>Net Income (Expenses)</u>	<u>Net County Income (Expenses)</u>
Carson City	\$ 83,900	\$ 14,900	\$ 98,800	\$ 108,700	\$ (9,900)	\$ (24,800)
Churchill	27,300	13,500	40,800	47,700	(6,900)	(20,400)
Clark	1,328,600	152,500	1,481,000	1,688,200	(207,200)	(359,600)
Douglas	105,000	54,700	159,700	73,367	86,333	31,633
Elko	122,300	73,000	195,300	84,500	110,800	37,800
Esmeralda	6,300	1,100	7,400	23,400	(16,000)	(17,100)
Eureka	3,000	2,700	5,700	15,900	(10,200)	(12,900)
Humboldt	72,000	4,800	76,800	62,827	13,973	9,173
Lander	29,900	300	30,200	38,300	(8,100)	(8,400)
Lincoln	33,200	6,100	39,300	23,400	15,900	9,800
Lyon	21,200	25,000	46,200	65,400	(19,200)	(44,200)
Mineral	6,000	12,900	18,900	48,400	(29,500)	(42,400)
Nye	18,300	8,500	26,800	48,200	(21,400)	(29,900)
Pershing	36,000	21,300	57,300	40,500	16,800	(4,500)
Storey	2,900	1,400	4,300	13,300	9,000	(10,400)
Washoe	746,200	284,300	1,030,500	1,100,200	(69,700)	(354,000)
White Pine	26,100	14,400	40,500	104,000	(63,500)	(77,900)
Totals	<u>\$2,668,200</u>	<u>\$691,300</u>	<u>\$3,359,500</u>	<u>\$3,586,294</u>	<u>\$ (226,794)</u>	<u>\$ (918,094)</u>

1. County expenses include the direct costs of the district courts, justices' courts and law libraries.

Exhibit 8

Analysis of County General Fund Revenues to
District and Justice's Court Expenses

	<u>Fiscal Year Ending 6/30/74</u>			<u>Fiscal Year Ending 6/30/75</u>		
	<u>Court</u>	<u>Total</u>	<u>% Court</u>	<u>Court</u>	<u>Total</u>	<u>% Court</u>
	<u>Costs¹</u>	<u>General</u>	<u>Costs/G.F.</u>	<u>Costs¹</u>	<u>General</u>	<u>Costs/G.F.</u>
		<u>Fund Rev.</u>	<u>Revenue</u>		<u>Fund Rev.</u>	<u>Revenue</u>
Carson City	\$ 81,400	\$ 3,381,100	2.4%	\$ 108,700	\$ 3,746,500	2.90%
Churchill	45,500	1,146,200	4.0%	47,700	1,348,800	3.54%
Clark	1,579,900	33,206,300	4.76%	1,688,200	34,862,900	4.84%
Douglas	78,589	1,860,300	4.22%	73,367	2,099,300	3.49%
Elko	77,900	1,431,400	5.44%	84,500	1,741,000	4.85%
Esmeralda	15,400	486,600	3.16%	23,400	593,000	3.95%
Eureka	18,800	340,500	5.52%	15,900	412,300	3.86%
Humboldt	44,390	970,200	4.57%	62,827	1,081,800	5.80%
Lander	29,800	1,015,500	2.93%	38,300	1,283,000	2.99%
Lincoln	11,900	461,800	2.58%	23,400	532,800	4.39%
Lyon	49,100	1,143,500	4.29%	65,400	1,583,800	4.13%
Mineral	50,200	953,900	5.26%	48,400	1,103,500	4.39%
Nye	50,800	1,792,500	2.83%	48,200	2,224,400	2.17%
Pershing	29,100	458,800	6.34%	40,500	594,700	6.81%
Storey	13,500	300,700	4.48%	13,300	354,700	3.74%
Washoe	686,000	16,288,100	4.21%	1,100,200 ²	19,404,400	5.67%
White Pine	83,100	890,000	9.34%	104,000	1,024,600	10.15%
Totals	<u>\$2,945,379</u>	<u>\$66,127,400</u>	4.45%	<u>\$3,586,294</u>	<u>\$73,991,500</u>	4.84%

1. Court costs include the direct costs of the district court, justice's court and law library.
2. Several employees formerly accounted for in the clerk's office were transferred to the district court in fiscal 1975.

Exhibit 9

STATE OF NEVADA
PERMANENT SCHOOL FUND

ANALYSIS OF DISTRICT AND JUSTICE'S COURT FINES BY COUNTIES
FOR THE FISCAL YEAR ENDING JUNE 30, 1975

<u>COUNTY</u>	<u>District Court Fines</u>	<u>Justice's Court Fines</u>
Churchill	\$ 2,160.00	\$ 11,379.50
Clark	7,517.00	144,920.19
Douglas	1,300.00	53,393.00
Elko	6,328.00	66,703.50
Esmeralda	300.00	825.00
Eureka	-0-	2,680.00
Humboldt	1,450.00	2,350.00
Lander	301.00	-0-
Lincoln	898.00	5,207.00
Lyon	300.00	24,745.00
Mineral	828.50	12,095.00
Nye	427.00	8,081.50
Ormsby (Carson City)	100.00	14,808.00
Pershing	-0-	21,256.00
Storey	225.00	1,221.00
Washoe	10,470.00	183,857.00
White Pine	-0-	14,392.45
Total	<u>\$32,604.50</u>	<u>\$567,914.14</u>

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



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Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

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Ronald W. Sparks, *Senate Fiscal Analyst*
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June 11, 1976

M E M O R A N D U M

To: Members of the Legislative Commission's Subcommittee
on Funding of the Courts of the State (A.C.R. 84)

From: John F. Dolan, Chief Deputy Fiscal Analyst

Subject: Estimated fiscal impact of proposed legislation
revising courts' and clerks' fees

Supreme Court Filing Fees NRS 2.050

1. Current rate - \$25
2. Proposed rate - \$75
3. Collection history
1974-75 \$5,350
1975-76 5,900 (11 months)
4. Estimates

<u>Current Rate</u>		<u>Proposed Rate</u>	<u>Fiscal Impact</u>
1976-77	\$6,500		
1977-78	6,800	\$20,400	\$13,600
1978-79	7,200	21,600	14,400

5. The impact is on the general fund of the state

Justices' Courts NRS 4.060

These estimates are rougher approximations than those for the Supreme Court because:

1. There is no single source for the data.
2. The courts do not keep their records to segregate revenue by the various fees.
3. Existing fees are not proposed to increase at a consistent rate.

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Funding of the Courts of the State
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4. New fees with no historical data are proposed. The data that is used for the estimates below were developed from a questionnaire circulated to the justices' courts plus telephone conversations to the largest courts.

1. Filing Fees

	<u>(\$7 & \$5) Proceeds From Current Rate</u>	<u>(\$15 & \$10) Proceeds from Proposed Rate</u>	<u>Fiscal Impact</u>
1972-73	\$74,898*		
1973-74	85,532*		
1974-75	100,166*		
1975-76	110,000**		
1976-77	115,500**		
1977-78	122,000**	\$244,000	\$122,000
1978-79	130,000**	260,000	130,000

* Actual

** 10 percent growth estimated for 1975-76 and 5 percent thereafter.

2. Mail Service Charge (new)

	<u>Estimated Mailings</u>	<u>Proceeds from Proposed Rate</u>	<u>Fiscal Impact</u>
1977-78	6,000	\$12,000	\$12,000
1978-79	6,000	12,000	12,000

3. Filing Answer Containing Counterclaim or Cross-Claim (new)

	<u>Estimated Filings</u>	<u>Proceeds from Proposed Rate</u>	<u>Fiscal Impact</u>
1977-78	200	\$3,000	\$3,000
1978-79	200	3,000	3,000

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Funding of the Courts of the State
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4. Application For Order to Remove Tenant (new)

	<u>Estimated Applications</u>	<u>Proceeds from Proposed Rate</u>	<u>Fiscal Impact</u>
1977-78	5,000	\$10,000	\$10,000
1978-79	5,000	10,000	10,000

Summary of Estimated Fiscal Impact (Items 1-4)

1977-78	\$147,000	increased revenue
1978-79	155,000	increased revenue

The impact is on the county general fund or the justices' courts.

District Courts

NRS 19.013

Estimates of the fiscal impact of the proposed changes in district court fees are complicated by problems similar to those listed for the justice's court estimates. In fact estimation is probably less precise because filing fees are classified by the amount of recovery or estate in the proposed legislation and historical records are not available for these classifications. The estimates and assumptions to develop the estimates are listed below.

Estimated Fiscal Impact of Changing District
Court Fees in NRS 19.013

	<u>Proceeds from Current Rates</u>	<u>Proceeds from Proposed Rates</u>	<u>Fiscal Impact</u>
1977-78	\$493,000	\$778,500	\$285,500
1978-79	518,100	818,100	300,000

Assumptions:

1. Several of the fees in NRS 19.013 are proposed for change but the significant changes are for commencing a civil action, filing a probate petition, or a guardianship petition. Therefore only the impact of changing the fees in these actions is estimated.

Legislative Commission's Subcommittee on
Funding of the Courts of the State

(A.C.R. 84)

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2. Filings for civil actions, probate and guardianships for 1974-75 were extracted from a questionnaire developed by the subcommittee on court personnel. The 1974-75 base was increased by 5 percent per year.
3. The average increase for all filings is estimated to be \$10.

RECOMMENDED LEGISLATION

SUMMARY--Changes salary and duties of state court administrator.
Fiscal Note: No. (BDR 1-3)

AN ACT relating to the court administrator; changing his salary and duties; 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 1.330 is hereby amended to read as follows:

1.330 The court administrator shall:

1. Be appointed by the supreme court and shall serve at the pleasure of the court.

2. Receive an annual salary set by the supreme court [not to exceed \$22,500.] within the limits of legislative appropriations.

Sec. 2. NRS 1.360 is hereby amended to read as follows:

1.360 Under the [supervision and] direction of the supreme court, the court administrator shall:

1. Examine the administrative [methods and systems] procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this state and make recommendations, through the chief justice, for the improvement of such [methods and systems;] procedures;

2. Establish uniform personnel policies and procedures governing the recruitment, hiring, removal, compensation and training of all nonjudicial employees of the courts;

3. Examine the condition of the dockets of the [district] courts and determine the need for assistance by any [district] court;

[3.] 4. Make recommendations to and carry out the directions of the chief justice relating to the assignment of district judges [where district courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to judicial districts where the courts are in need of assistance;

4. Collect and compile statistical and other data and make reports of the business transacted by all courts] to assist in other judicial districts or to specialized functions established by law;

5. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the state court system and transmit such information to the supreme court [to the end] so that proper action may be taken in respect thereto;

[5.] 6. Prepare and submit a budget [estimates] of state appropriations necessary for the maintenance and operation of the [judicial system] state court system and make recommendations in respect thereto;

[6.] 7. Develop policies and procedures for accounting, auditing, procurement and disbursement for the state court system;

8. Collect statistical and other data and make reports relating to the expenditure of [public moneys, state and local,] all public moneys for the maintenance and operation of the [judicial system] state court system and the offices connected therewith;

[7.] 9. Formulate and submit to the supreme court [of this state] recommendations of policies or proposed legislation for the improvement of the [judicial system;] state court system; and

[8. Submit annually, on February 1, to the supreme court a report of the activities of the administrator's office for the preceding calendar year;

9.] 10. Attend to such other matters as may be assigned by the supreme court or prescribed by law.

SUMMARY--Requests development of plan to provide full state funding and unitary budgeting for court system and directs court administrator to submit additional budget. (BDR 4)

CONCURRENT RESOLUTION--Declaring the legislative intent to meet all expenses of the court system from the state treasury; requesting the preparation of a plan to provide state funding and unitary budgeting for the court system; and directing the state court administrator to prepare and submit an appropriate budget to the legislature.

WHEREAS, Increased volume and complexity of litigation and demand for auxiliary court services has created a need for financial support of the courts which many local governments cannot meet; and

WHEREAS, The legislative commission's subcommittee for study of the Nevada court structure in 1968 and subcommittee on funding of the courts of the state in 1976 have carefully examined the financing of Nevada's court system and have recommended that the expenses of the administration of justice be borne by the people of the state as a whole and paid from the state treasury; and

WHEREAS, State funding of the court system through a single budget would permit a more equitable distribution of judicial services among the counties, facilitate uniformity in job classification of judicial employees, and provide financial relief to the counties; now, therefore, be it

for the state court system for the biennium beginning July 1, 1979, and ending June 30, 1981, which carries out the comprehensive plan; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the legislative counsel to the chief justice of the supreme court of Nevada.

SUMMARY--Revises fees for court-related services. (Affects state and local government revenues.) (BDR 1-2)

AN ACT revising fees charged for court-related services; 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 2.250 is hereby amended to read as follows:

2.250 1. The clerk of the supreme court [may demand and receive] shall charge and collect for his services rendered in discharging the duties imposed upon him by law only the following fees:

(a) [Whenever any] Except as provided in paragraphs (b) and (c), when an appeal from the final judgment or any order of a district court [shall be] is taken to the supreme court, or [whenever any] a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus [,] or otherwise [, shall be] is brought in or to the supreme court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the filing of the transcript on such appeal, cross-appeal or petition in such special proceeding in the supreme court, pay the clerk of the supreme court the sum of [\$25, which payment shall be] \$75, which is payment in full of all fees of the clerk of the supreme court in the action or special proceeding.

(b) [No fees shall be charged by the clerk] The clerk shall charge no fee in any action brought in or to the supreme court wherein the state, or any county, city or town thereof, or any officer or commission thereof is a party in his or its official capacity, against the officer or commission.

(c) [In] The clerk shall charge no fee in habeas corpus proceedings of a criminal or quasi-criminal nature . [no fees shall be charged.]

(d) A fee of \$5 for supreme court decisions in pamphlet form for each fiscal year, or a fee of \$2.50 for less than 6 months' supply of such decisions, to be collected from any person except those persons and agencies mentioned in NRS 2.345.

2. [No other fees shall be charged than those specially set forth herein nor shall fees be charged for any other services than those mentioned in this section.

3.] The clerk of the supreme court shall keep in his office a fee book in which he shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book [shall be] is open to public inspection.

[4.] 3. The clerk of the supreme court shall publish and set up in some conspicuous place in his office a fee table for public inspection. [A] He shall forfeit a sum not exceeding \$20 for each day of his omission so to do , [shall be forfeited,] which

sum with costs may be recovered by any person by an action before any justice of the peace of [the same county.] Carson City.

[5.] 4. All fees prescribed in this section [shall be] are payable in advance, if demanded. If the clerk of the supreme court [shall not have] has not received any or all of his fees which may be due him for services rendered by him in any suit or proceeding, he may have execution therefor in his own name against the party or parties from whom they are due, to be issued from the supreme court upon order of a justice thereof or the court upon affidavit filed.

[6.] 5. The clerk of the supreme court shall give a receipt on demand of any party paying a fee. The receipt shall specify the title of the cause in which the fee is paid and the date and the amount of the payment.

[7.] 6. The clerk of the supreme court shall, on the 1st Monday of each quarter, pay to the state treasurer all moneys received by him for court fees, rendering to the state treasurer a brief note of the cases in which the moneys were received. The moneys so received by the state treasurer shall be placed in the general fund.

[8.] 7. If the clerk of the supreme court violates any of the provisions of [subsections 2 and 3 of this section, he shall be]

subsection 2, he is guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

[9.] 8. If the clerk of the supreme court [~~shall take~~] takes more or greater fees than are allowed [herein, he shall be] in this section, he is liable to indictment, and on conviction he shall be removed from office and fined in any sum not exceeding \$1,000.

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Justices of the peace shall [~~be allowed~~] charge and collect only the following fees [:] and those allowed by law for service as ex officio coroner:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced under chapter 73 of NRS [,] or an application governed by paragraph (n) of this subsection, to be paid by the party commencing the action..... [\$7.00] \$15.00

(b) For the preparation and filing of an affidavit and order in an action commenced under chapter 73 of NRS..... [5.00] 10.00

For the service by registered or certified mail of such affidavit and order..... 2.00

(c) [On] Except as provided in paragraph (d), on the appearance 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 [,] unless it is an answer which contains a counterclaim
or cross-claim, or at the time of appearance, if the appearance
or answer is oral..... \$2.00

[For every additional defendant, appearing
separately..... 1.00]

For filing an answer which contains a counterclaim
or cross-claim..... 15.00

(d) [No fee shall be charged] The justice of the
peace shall not charge a fee where a defendant or
defendants appear in response to an affidavit and
order issued under the provisions of chapter 73
of NRS.

(e) For the filing of any paper in intervention..... 2.00

(f) 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 court [,
after the issuance of four such writs]..... 1.00

(g) For filing a notice of appeal, and appeal
bonds..... 1.00

One charge only shall be made if both papers are
filed at the same time.

(h) For issuing supersedeas to a writ designed to
enforce a judgment or order of the court..... 1.00

(i) For preparation and transmittal of transcript
and papers on appeal..... 10.00

(j) For taking depositions in actions or other
matters not pending before the court, per folio..... .35

(k) For issuing a search warrant or commitment..... 1.00

(l) For celebrating a marriage and returning the
certificate to the county recorder..... 10.00

(m) For entering judgment by confession, as in the
district court..... \$3.00

(n) On application by affidavit for order to
remove tenant under NRS 40.253..... 2.00

2. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace 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, except fees which he may retain as compensation.

Sec. 3. NRS 4.110 is hereby amended to read as follows:

4.110 Any justice of the peace who [shall violate] violates any of the provisions of NRS [4.080,] 4.090 and 4.100 shall be fined not more than \$1,000.

Sec. 4. NRS 7.030 is hereby amended to read as follows:

7.030 Every person, before receiving a license to practice law, shall:

1. Take, before some officer authorized by the laws of this state to administer oaths, the oath prescribed by rule of the supreme court.

2. Pay to the clerk of the supreme court the sum of \$25. The clerk of the supreme court shall remit the fees to the state treasurer as provided by subsection [7] 6 of NRS 2.250. The moneys so received by the state treasurer shall be placed in the general fund.

Sec. 5. 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, except <u>actions for the recovery of money where the amount claimed exceeds \$10,000 and probate or guardianship proceedings</u> , 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]	<u>\$26.00</u>
<u>On such commencement or transfer where the amount claimed in an action to recover money exceeds \$10,000.....</u>		<u>31.00</u>

On an appeal to the district court of any case from
a justice's court or a municipal court, or on
the transfer of any case from a justice's court
or a municipal court, in addition to the court
fee now provided by law..... [10.00] 12.00

On the filing of a petition for letters testa-
mentary, or of administration or guardianship,
which fee shall include the court fee now pro-
vided 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]

\$5,000 but not more than \$10,000..... 20.00

Where the stated value of the estate is more
than \$10,000 but not more than \$30,000..... 25.00

Where the stated value of the estate is more
than \$30,000 but not more than \$60,000..... 30.00

Where the stated value of the estate is more
than \$60,000..... 50.00

Where the stated value of the estate is
[\$1,000] \$5,000 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]	<u>\$20.00</u>
On the filing of objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settle- ment of account or any other proceeding in an estate or guardianship matter, to be paid by the moving or objecting party.....	[5.00]	<u>15.00</u>
On the appearance 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 , <u>unless it is an</u> <u>answer which contains a counterclaim or</u> <u>cross-claim,</u>	[10.00]	<u>15.00</u>
[For every additional defendant, appearing separately.....	5.00]	
<u>On the filing of an answer which contains a</u> <u>counterclaim or cross-claim.....</u>		<u>26.00</u>
On the filing of any paper in intervention.....	[10.00]	<u>15.00</u>
<u>On the filing of a motion to modify or vacate a</u> <u>final judgment or decree of the district court....</u>		<u>26.00</u>
For issuing an execution or order of sale, in any action.....	[1.00]	<u>2.00</u>

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 which shall be in full for all services to be rendered in connection with the motion.....	[5.00]	<u>15.00</u>
For filing a notice of appeal and appeal bond, each..	[1.00]	<u>3.00</u>
For services connected with transmission of files and papers to the district court of another county or to a United States court, exclusive of express charge or postage.....	[\$2.50]	<u>\$5.00</u>
For filing remittitur from the supreme court.....	[1.00]	<u>2.00</u>
For recording judgment entered thereon, per folio.....	[.20]	<u>.25</u>
For issuing transcript of judgment and certifying thereto.....	[1.00]	<u>2.00</u>
For filing and docketing abstract of judgment of justice's court.....	[1.00]	<u>2.00</u>
For issuing execution thereon.....	[1.00]	<u>2.00</u>
For preparing any copy of any record, proceeding or paper on file in his office:		
When such copy is typed, per folio.....	[.20]	<u>.25</u>
When such copy is photostated, for each page....	.60	
For each certificate of the clerk, under the seal of the court.....	[1.00]	<u>2.00</u>

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate.....	1.00
For comparing such copy with the original, per folio.....	.05
For filing and indexing articles of incorporation....	2.50
For each amendment, acceptance of appoint- ment of resident agent, list of officers, dissolution or reinstatement or bond companies.....	1.00
For filing all papers to be kept by him, not other- wise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity.....	1.00
For administering each oath, without certificate, except in a pending action or proceeding.....	\$1.00
For issuing any certificate under seal, not other- wise provided for.....	1.00
For taking any affidavit, except in criminal cases...	[.50] <u>1.00</u>
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] are payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 [shall be] are 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] do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

4. [No fee shall be charged] The county clerk shall charge no fee to 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] or 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. 6. NRS 145.090 is hereby amended to read as follows:

145.090 The total of fees and costs of the clerk in a summary administration shall not exceed [\$25.] \$30.

Sec. 7. NRS 4.080 is hereby repealed.

SUMMARY--Provides procedure on failure to appear in court on traffic citation. (BDR 43-5)

Fiscal Note: Local Government Impact: Yes.

State or Industrial Insurance Impact: Yes.

AN ACT relating to traffic violations; providing a procedure on failure to appear in court on certain traffic citations; providing a fee for issuing a warrant pursuant to NRS 484.807; 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. Chapter 483 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. If a warrant issued for violation of a written promise to appear pursuant to a citation issued for violation of a traffic law or ordinance other than one governing standing or parking is not executed within 30 days after issue, and if the citation shows that the violator holds a Nevada driver's license, the court shall promptly report the inability to execute the warrant to the department on a form to be provided by the department. The report shall be accompanied by a \$5 fee for each name reported, payable to the motor vehicle fund from the treasury of the county or city from whose court the report issues. The department shall deposit the fee with the state treasurer to the credit of the motor vehicle fund.

2. For a person so reported, the department shall not reinstate a license after suspension, revocation or cancellation or issue a duplicate, renewal or changed license until the department has received further notice from the court that the applicant or licensee has appeared or the case has been adjudicated, appealed or otherwise disposed of as provided by law. The court shall give such notice, on a form to be provided by the department, within 1 judicial day after the action is taken.

Sec. 2. NRS 483.010 is hereby amended to read as follows:

483.010 NRS 483.010 to 483.630, inclusive, and section 1 of this act may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 3. NRS 484.807 is hereby amended to read as follows:

484.807 1. It is unlawful for any person to violate his written promise to appear given to a peace officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

2. A written promise to appear in court may be complied with by an appearance by counsel.

3. A warrant may issue upon a violation of a written promise to appear.

Sec. 4. Section 1 of this act applies to warrants issued on or after January 1, 1978, upon violation of promises contained in citations issued on or after December 1, 1977.

SUMMARY--Provides minimum salaries for justices of the peace and police judges. (Affects local government revenues and expenses.) (BDR 1-6)

AN ACT relating to judicial officers; eliminating coroner's fees and all retention of fees by justices of the peace; providing minimum salaries for justices of the peace and police judges; deleting provisions relating to such compensation from certain city charters; 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 4.040 is hereby amended to read as follows:

4.040 1. [The several boards of county commissioners of each county, at the regular meeting in July of any year in which an election of justices of the peace is held, shall fix the minimum compensation of the justices of the peace within their respective townships for the ensuing term, either by stated salaries, payable monthly, semimonthly or at regular 2-week intervals, or by fees, as provided by law, or both, and they may thereafter increase or change such compensation during the term but shall not reduce it below the minimum so established.

2. If it becomes necessary to appoint a justice of the peace at any time, the board of county commissioners in the county in which such appointment is made shall fix the compensation, either by salary or by fees, as provided by law, or both, for the term for which the

justice of the peace is appointed.] The minimum annual salaries of justices of the peace are fixed according to the schedule of grades of pay established pursuant to subsection 2 in the base amounts specified in subsection 4 plus any increment provided by subsection 5. Each board of county commissioners shall provide by ordinance for the payment of their salaries monthly, semimonthly or biweekly. A justice of the peace shall not retain any fees as compensation.

2. The supreme court shall determine within 30 days following the election of each justice of the peace what portion of full-time employment that justice of the peace shall serve in the county during the ensuing term. The grade of pay of the justice of the peace is fixed according to such portion of full-time employment as follows:

- (a) Less than 20 percent, grade 1;
- (b) Twenty percent or more but less than 40 percent, grade 2;
- (c) Forty percent or more but less than 60 percent, grade 3;
- (d) Sixty percent or more but less than 80 percent, grade 4; and
- (e) Eighty percent or more, grade 5.

The supreme court may change, during the term of the justice of the peace, the portion of full-time employment so established as changes in his workload warrant.

3. In determining the portion of full-time employment, time spent by a justice of the peace on the duties of a police judge shall be

counted and his salary shall be apportioned for payment between the county and the city according to the portion served respectively as justice of the peace and police judge.

4. The base amounts of the annual salaries fixed by this section are as follows:

<u>Grade</u>	<u>Base Amount</u>
<u>1.....</u>	<u>\$ 5,000</u>
<u>2.....</u>	<u>10,000</u>
<u>3.....</u>	<u>15,000</u>
<u>4.....</u>	<u>20,000</u>
<u>5.....</u>	<u>25,000</u>

5. Subject to the limitation imposed by subsection 7, after each full calendar year served in office, a justice of the peace is entitled to receive an additional salary of 5 percent of the base salary paid him in the preceding year, except that those persons holding office on January 1, 1977, are entitled to receive the first of such increment on July 1, 1977.

6. Subject to the limitation imposed by subsection 7, a board of county commissioners may increase or change during his term that portion of the compensation of a justice of the peace which is paid out of the county treasury but shall not reduce it below the minimum salary established pursuant to this section.

7. The annual salary of a justice of the peace shall not exceed 95 percent of the annual salary provided for district judges in NRS 3.030.

8. On and after July 1, 1979, any justice of the peace assigned to pay grade 5 is prohibited from engaging in the private practice of law.

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Justices of the peace shall [be allowed] charge and collect only the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced under chapter 73 of NRS, to be paid by the party commencing the action..... \$7.00

(b) For the preparation and filing of an affidavit and order in an action commenced under chapter 73 of NRS..... 5.00

(c) [On] Except as provided in paragraph (d), on the appearance 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..... 2.00

For every additional defendant, appearing separately..... 1.00

(d) [No fee shall be charged] The justice of the peace shall not charge a fee where a defendant or defendants

appear in response to an affidavit and order issued under the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... \$ 2.00

(f) 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 court, after the issuance of four such writs..... 1.00

(g) For filing a notice of appeal, and appeal bonds..... 1.00

One charge only shall be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court..... 1.00

(i) For preparation and transmittal of transcript and papers on appeal..... 10.00

(j) For taking depositions in actions or other matters not pending before the court, per folio..... .35

(k) For issuing a search warrant or commitment..... 1.00

(l) For celebrating a marriage and returning the certificate to the county recorder..... 10.00

(m) For entering judgment by confession, as in the district court..... 3.00

2. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace 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 .
[, except fees which he may retain as compensation.]

Sec. 3. NRS 4.100 is hereby amended to read as follows:

4.100 1. On the 1st Mondays of January, April, July and October, the justices of the peace [who receive fees under the provisions of NRS 4.060] shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees [or compensation, of whatever nature or kind,] received [in their several official capacities] during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees [or compensation] were received.

2. [Nothing in this section shall be so construed as to] This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 4. NRS 4.110 is hereby amended to read as follows:

4.110 Any justice of the peace who [shall violate] violates any of the provisions of NRS [4.080,] 4.090 and 4.100 shall be fined not more than \$1,000.

Sec. 5. NRS 4.120 is hereby amended to read as follows:

4.120 If any justice of the peace [shall take] charges more or greater fees than are allowed by law, he [shall be] is liable to

indictment, and on conviction shall be removed from office and fined [in any sum not exceeding] not more than \$1,000.

Sec. 6. NRS 4.130 is hereby amended to read as follows:

4.130 [Any] Each justice of the peace [receiving fees as provided by law] shall publish and set up in some conspicuous place in his office a fee table for public inspection. A sum not exceeding \$20 for each day of his omission so to do shall be forfeited, which sum with costs may be recovered by any person by an action before any justice of the peace of the same county.

Sec. 7. NRS 4.140 is hereby amended to read as follows:

4.140 All fees prescribed in NRS 4.060 [shall be] are payable in advance, if demanded. If a justice of the peace [shall not have received any or all of his fees, which may be] does not receive any fee due him for services rendered [by him] in any suit or proceedings, he may have execution therefor in his own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 8. NRS 4.340 is hereby amended to read as follows:

4.340 1. Whenever any justice of the peace, in consequence of ill health, absence from his township, disqualification, excessive

workload or other cause, is prevented from satisfactorily attending to his official duties, he may invite any other [duly] qualified justice of the peace of the same county to attend to his official duties, including those of registry agent and coroner. If he does not invite such a justice of the peace, the board of county commissioners may do so. A temporary vacancy resulting from absence, disability or other cause shall not be so filled for more than 30 days at any one time.

2. Where there is only one justice of the peace in any county and he [, in consequence of ill health, absence from his township, or other cause,] is similarly prevented from attending to his official duties, he may invite any other [duly] qualified justice of the peace of some other county to attend to his official duties, including those of registry agent and coroner. If he does not invite such a justice of the peace, the board of county commissioners may do so. A temporary vacancy resulting from absence, disability or other cause shall not be so filled for more than 30 days at any one time.

3. A justice of the peace [temporarily] acting in the place of another justice of the peace [shall have no claim for services rendered by him under this section against the county in which he may so temporarily reside.] or of a police judge is entitled to be paid from the county general fund or the city general fund an

amount equal to the salary of the local justice of the peace or police judge for whom he is acting, less his own salary prorated by time of service, plus actual travel and subsistence allowance authorized by NRS 4.050.

Sec. 9. NRS 5.030 is hereby amended to read as follows:

5.030 [The police judges shall receive compensation, to be fixed by the charter, or, when not so fixed, by the government of their respective cities, to be paid by such cities quarterly, in equal proportions. Such compensation shall not be increased or diminished during the period for which they are elected.] 1. Except as provided in subsection 3, the minimum annual salaries of police judges are fixed according to the schedule of grades of pay established pursuant to subsection 2 in the base amounts specified in subsection 4 plus any increment provided by subsection 5. The governing body of each city shall provide by ordinance for the payment of these salaries monthly, semimonthly or biweekly.

2. The supreme court shall determine within 30 days following the election of each police judge what portion of full-time employment the police judge shall serve in the city during the ensuing term. The grade of pay of the police judge is fixed according to such portion of full-time employment as follows:

(a) Less than 20 percent, grade 1;

(b) Twenty percent or more but less than 40 percent, grade 2;

(c) Forty percent or more but less than 60 percent, grade 3;

(d) Sixty percent or more but less than 80 percent, grade 4;

and

(e) Eighty percent or more, grade 5.

The supreme court may change during the term of the police judge the portion of full-time employment so established as changes in his workload warrant.

3. The minimum salary of a police judge who also serves as a justice of the peace is fixed by NRS 4.040. The governing body of the city shall provide for payment of the city's portion on the same schedule which the board of county commissioners establish for the county's portion.

4. The base amounts of the annual salaries payable under this section are as follows:

<u>Grade</u>	<u>Base Amount</u>
<u>1.....</u>	<u>\$ 5,000</u>
<u>2.....</u>	<u>10,000</u>
<u>3.....</u>	<u>\$15,000</u>
<u>4.....</u>	<u>20,000</u>
<u>5.....</u>	<u>25,000</u>

5. Subject to the limitation imposed by subsection 7, after each full calendar year served in office, a police judge is entitled to receive an additional salary of 5 percent of the base salary paid

him in the preceding year, except that those persons holding office on January 1, 1977, are entitled to receive the first of such increment on July 1, 1977.

6. Subject to the limitation imposed by subsection 7, the governing body of a city may increase or change during the term that portion of the compensation of a police judge which is paid out of the city treasury but shall not reduce it below the minimum salary established pursuant to this section.

7. The annual salary of a police judge shall not exceed 95 percent of the annual salary provided for district judges in NRS 3.030.

8. On and after January 1, 1978, any police judge assigned to pay grade 5 is prohibited from engaging in the private practice of law.

Sec. 10. 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] may 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] is 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.] 259.010 and 259.150 to 259.180, inclusive.

3. The boards of county commissioners shall require that the county coroner notify a decedent's next of kin without unreasonable delay.

4. 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] are 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] are prescribed by the ordinance. This subsection [shall apply] applies to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

Sec. 11. NRS 259.190 is hereby amended to read as follows:

259.190 The justice of the peace, acting as coroner, shall [, before his claim is allowed for such inquest, file with such claim] file an affidavit setting out the amount of money or property found with the deceased, and the coroner's disposition of [the same by him.] it.

Sec. 12. NRS 266.575 is hereby amended to read as follows:

266.575 In all cases in which the police judge [shall be] is disqualified [by reason of being a party, or being interested therein, to any proceeding pending in the municipal court, or

related to either defendant or plaintiff or complaining witness therein, as the case may be, by consanguinity or affinity within the third degree,] in any proceeding pending in the municipal court because he has an interest in it, or is a party or related by consanguinity or affinity within the third degree to any party or witness therein, or in case of his sickness, absence or inability to act, any justice of the peace of the county, on the written request of the mayor, shall act in place [and stead] of the police judge. [The council shall have power to apportion ratably the salary of such police judge to such justice of the peace so serving, and deduct the sum so apportioned from the salary of such police judge.]

Sec. 13. Section 4.030 of Article IV of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 304, is hereby amended to read as follows:

Sec. 4.030 Municipal court: Ex officio judge.

[1.] The justice of the peace of Carson City [shall be] is ex officio judge of the municipal court of Carson City.

[2. The salary of the ex officio judge of the municipal court shall be fixed by the board of supervisors and shall be paid in equal monthly installments.]

Sec. 14. Section 4.020 of Article IV of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as follows:

Sec. 4.020 Municipal court: [Municipal] Police judge.

[1.] The board of supervisors shall appoint a [municipal] police judge to preside over the municipal court.

Such person shall be:

[(a)] 1. A citizen of the United States.

[(b)] 2. A resident of the city for not less than 1 year immediately preceding his appointment.

[(c)] 3. A registered voter in the city.

[2. The salary of the municipal judge shall be fixed by the board of supervisors.]

Sec. 15. Section 4.020 of Article IV of the charter of the City of Gabbs, being chapter 265, Statutes of Nevada 1971, at page 396, is hereby amended to read as follows:

Sec. 4.020 Municipal court: [Municipal] Police judge.

1. The board of councilmen shall appoint a [municipal] police judge to preside over the municipal court.

2. [The salary of the municipal judge shall be fixed by the board of councilmen.]

3.] The [municipal] police judge shall be:

(a) A resident of the city for not less than 1 year prior to his appointment.

(b) A qualified elector in the city.

Sec. 16. Section 4.020 of Article IV of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 415, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of [municipal] police judge; salary.

[1.] The municipal court shall be presided over by a [municipal] police judge, who shall be:

[(a)] 1. Not less than 30 years of age.

[(b)] 2. A citizen of the United States.

[(c)] 3. A resident of the city for a continuous 3-year period immediately preceding his election.

[(d)] 4. A registered voter.

[(e)] 5. An owner of real property in the city.

[2. The salary of the municipal judge shall be fixed by the city council.]

Sec. 17. Section 4.020 of Article IV of the charter of the City of Las Vegas, being chapter 515, Statutes of Nevada 1971, as last

amended by chapter 752, Statutes of Nevada 1973, at page 1573, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of municipal judges; salary; term of office; master judge; departments.

1. Each numbered department of the municipal court shall be presided over by a municipal judge, who shall be:

(a) An attorney licensed to practice law in the State of Nevada or a previously elected and presently incumbent judge of the court.

(b) A registered voter, for at least 2 years immediately prior to the year in which the election is held, within the territory established by the boundaries of the city on the last day for filing an affidavit of candidacy.

2. [The salary of the municipal judges shall be fixed by the board of commissioners.

3.] The municipal judges shall be voted upon by the registered voters of the city at large and shall, except for the provisions of subsection 2 of section 5.010, serve for terms of four years.

[4.] 3. The municipal judge who holds seniority in years of service in office, either elected or appointed, shall be the master judge. In the event equal seniority is held, the master judge shall be chosen by the board of commissioners. The master judge shall:

(a) Be responsible for municipal court rules and regulations.

(b) Be responsible for setting trial dates and other matters pertaining to the court calendar.

(c) Perform such other tasks as may be required by the board of commissioners.

[5.] 4. The departments of the municipal court shall be numbered "1" through the appropriate arabic number as approved by the board of commissioners. A municipal judge shall be elected for each department by number.

[6.] 5. Alternate judges in sufficient numbers shall be appointed yearly by the mayor.

[7.] 6. The municipal judges shall devote full time to the duties of their office.

Sec. 18. Section 4.020 of Article IV of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1222, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of municipal judge; salary.

1. The municipal court shall be presided over by a municipal judge, who shall be:

(a) Not less than 25 years of age.

(b) A citizen of the United States.

(c) A resident of the city for a continuous 2-year period immediately preceding his election.

(d) A registered voter of the city for a continuous 2-year period immediately preceding his election.

(e) An owner of real property in the city for a 2-year period immediately preceding his election.

2. If so required by an ordinance duly enacted, candidates for the office of municipal judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 1.

[3. The salary of the municipal judge shall be fixed by the city council.]

Sec. 19. Section 4.020 of Article IV of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 553, Statutes of Nevada 1973, at page 881, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of municipal judge; salary.

1. The municipal court shall be presided over by a municipal judge, or judges as provided in section 4.010, who shall be:

(a) Over 25 years of age.

(b) An attorney licensed to practice law in the State of Nevada.

(c) A registered voter of the city.

2. The municipal judge or judges shall not engage in the private practice of law.

[3. The salary of the municipal judge or judges shall be fixed by resolution of the city council.]

Sec. 20. Section 4.020 of Article IV of the charter of the City of Sparks, being chapter 545, Statutes of Nevada 1971, at page 1153, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of municipal judge; salary.

[1.] The municipal court shall be presided over by a municipal judge, who shall be:

[(a)] 1. Not less than 25 years of age.

[(b)] 2. A citizen of the United States.

[(c)] 3. A resident of the city for a continuous 3-year period immediately preceding his election.

[(d)] 4. A registered voter for a continuous 3-year period immediately preceding his election.

[(e)] 5. An owner of real property in the city for a 3-year period immediately preceding his election.

[2. The salary of the municipal judge shall be fixed by the city council.]

Sec. 21. Section 4.020 of Article IV of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 56, Statutes of Nevada 1973, at page 78, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Municipal judge.

[1.] The judge of the municipal court of the city shall be appointed by the city council. The city council may appoint a qualified person to serve as acting judge of the municipal court during any period of absence or illness of the regularly constituted municipal judge.

[2. The salary of the municipal judge shall be fixed by the city council.]

Sec. 22. The provisions of sections 1 and 9 of this act shall not operate to reduce the salary which any justice of the peace or police judge was receiving on January 1, 1977.

Sec. 23. 1. NRS 4.080, 259.200, 259.210, 259.220, 259.230 and 259.240 are hereby repealed.

2. Section 4.020 of Article IV of the charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby repealed.