

Amendment No. 790

Senate Amendment to Senate Bill No. 58	(BDR 1-436)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EGO



Date: 5/27/2023

S.B. No. 58—Revises provisions related to the Judicial Department of the State Government. (BDR 1-436)



SENATE BILL NO. 58—COMMITTEE ON FINANCE

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Finance

SUMMARY—Revises provisions related to the Judicial Department of the State Government. (BDR 1-436)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the judiciary; ~~creating the Judicial Fund and the Judicial Infrastructure Contingency Account;~~ revising provisions relating to ~~certain administrative assessments;~~ **the employees of the Judicial Department of the State Government;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Existing law creates the Legislative Fund as a special revenue fund for the use of the Legislature. Money in the Legislative Fund does not revert to the State General Fund at the end of a fiscal year and is carried forward to the next fiscal year. (NRS 218A.150) Section 2 of this bill: (1) creates the Judicial Fund as a special revenue fund for the use of the Judicial Department of the State Government; and (2) provides that money in the Judicial Fund does not revert to the State General Fund at the end of a fiscal year and is carried forward to the next fiscal year. Section 2 also specifies the authorized purposes for expenditures of money from the Judicial Fund.~~

~~Existing law creates various accounts in the State General Fund to be used to pay for unforeseen expenses resulting from emergencies, including the Emergency Account, the Interim Finance Committee’s Contingency Account and the Disaster Relief Account. (NRS 353.263, 353.266, 353.2735) Section 3 of this bill creates the Judicial Infrastructure Contingency Account in the State General Fund to be used by the Judicial Department of the State Government in case of certain emergencies related to its physical or information technology infrastructure.~~

~~Under existing law, a person who pleads or is found guilty or guilty but mentally ill of a misdemeanor is required to pay an administrative assessment in addition to any other penalty imposed by the court. A portion of the proceeds collected from such administrative assessments is required to be deposited in the State General Fund and distributed to the Office of Court Administrator for allocation for certain prescribed uses relating to the Judicial Department of the State Government. Existing law specifically prescribes the amount of those proceeds that the Office of Court Administrator is required to allocate for such uses. (NRS 176.059) Section 4 of this bill eliminates the prescribed amounts for the uses of the proceeds, and therefore allows any amount of the proceeds to be used for one or more of those uses.~~

~~Existing law authorizes a temporary advance from the State General Fund to a budget account which is wholly or partially supported by administrative assessments for~~

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27 ~~misdeemeanors. The amount of such an advance is limited to not more in the aggregate in any~~
 28 ~~fiscal year of one-twelfth of the portion of the total money received in the previous year which~~
 29 ~~represents the share of administrative assessments presently allocated to the account. (NRS~~
 30 ~~353.359) Section 5 of this bill increases the maximum amount of such a temporary advance to~~
 31 ~~one-quarter of that portion.~~

32 ~~— Under existing law, any appropriation from the Legislature from the State General Fund~~
 33 ~~for the support or operation of the Supreme Court for a fiscal year is required to be reduced to~~
 34 ~~the extent that the amount of any administrative assessments distributed to the Office of Court~~
 35 ~~Administrator for allocation to the Supreme Court exceeds the amount which is authorized by~~
 36 ~~the Legislature for expenditure from those assessments for that fiscal year. (NRS 2.185)~~
 37 ~~Section 6 of this bill eliminates this requirement.]~~

38 Existing law authorizes the Governor, within the limits of available money, to
 39 employ such persons as the Governor deems necessary to provide staff for the Office of
 40 the Governor and requires the Governor to adopt certain rules and policies and
 41 determine the salaries and benefits of those employees. (NRS 223.085) Section 1 of this
 42 bill provides the Nevada Supreme Court with the same authority with respect to
 43 employees of the Judicial Department of the State Government. Sections 7-12 of this bill
 44 make conforming changes related to this authority. Section 13 of this bill requires the
 45 Nevada Supreme Court to submit quarterly reports to the Interim Finance Committee
 46 during the 2023-2025 biennium regarding any changes in salaries for existing positions
 47 and the salaries for any new positions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 1 of NRS is hereby amended by adding thereto ~~the~~
 2 ~~provisions set forth as sections 2 and 3 of this act.] a new section to read as~~
 3 ~~follows:~~

4 1. The Supreme Court may, within the limits of available money, employ
 5 such persons as it deems necessary to provide an appropriate staff for the
 6 Judicial Department of the State Government.

7 2. The Supreme Court shall:

8 (a) Determine the salaries and benefits of the persons employed pursuant to
 9 subsection 1, within limits of money available for that purpose; and

10 (b) Adopt such rules and policies as it deems appropriate to establish the
 11 duties and employment rights of the persons employed pursuant to subsection 1.

12 **Sec. 2.** ~~{1. The Judicial Fund is hereby created as a special revenue fund~~
 13 ~~for the use of the Judicial Department of the State Government.~~

14 ~~— 2. Support for the Judicial Fund:~~

15 ~~— (a) Must be provided by money appropriated by the Legislature from the~~
 16 ~~State General Fund or money authorized for expenditure by the Legislature, or~~
 17 ~~both.~~

18 ~~— (b) May be provided by gifts, donations, bequests or grants.~~

19 ~~— 3. Money in the Judicial Fund does not revert to the State General Fund at~~
 20 ~~the end of the fiscal year, and the balance in the Judicial Fund must be carried~~
 21 ~~forward to the next fiscal year.~~

22 ~~— 4. Expenditures from the Judicial Fund may be made for, without~~
 23 ~~limitation:~~

24 ~~— (a) The payment of necessary expenses of the Supreme Court;~~

25 ~~— (b) The payment of necessary expenses of the Court of Appeals;~~

26 ~~— (c) The payment of the salaries and benefits of the justices of the Supreme~~
 27 ~~Court, judges of the Court of Appeals and district judges;~~

~~(d) The payment of necessary improvements to the Supreme Court Building and other buildings used by the Judicial Department of the State Government and the grounds of those buildings;~~

~~(e) The payment of necessary expenses for the operation, activities and programs of the Office of Court Administrator; and~~

~~(f) The payment of necessary expenses of the Supreme Court Law Library.~~

~~5. Expenditures from the Judicial Fund for purposes other than those specified in subsection 4 or authorized specifically by another statute may be made only upon the authority of the Chief Justice or his or her designee.~~

~~6. All money in the Judicial Fund must be paid out on claims approved by the Chief Justice or his or her designee.] (Deleted by amendment.)~~

Sec. 3. ~~[1. The Judicial Infrastructure Contingency Account is hereby created in the State General Fund for the use of the Judicial Department of the State Government in the event of an emergency.~~

~~2. When the Chief Justice or his or her designee finds that an emergency exists which requires an expenditure for which no appropriation has been made, or in excess of an appropriation made, the Chief Justice or his or her designee may authorize an expenditure from the Judicial Infrastructure Contingency Account to meet the emergency.~~

~~3. Expenditures from the Judicial Infrastructure Contingency Account must be accounted for in accordance with generally accepted accounting principles, as defined in NRS 353.3076.~~

~~4. Money in the Judicial Infrastructure Contingency Account does not revert to the State General Fund at the end of a fiscal year, and the balance in the Judicial Infrastructure Contingency Account must be carried forward to the next fiscal year.~~

~~5. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action to prevent or mitigate any interruption in the operations of the Judicial Department of the State Government as a result of damage to the physical or information technology infrastructure of the Judicial Department.] (Deleted by amendment.)~~

Sec. 4. [NRS 176.059 is hereby amended to read as follows:

~~176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:~~

Fine	Assessment
\$5 to \$49	\$30
Fine	Assessment
50 to 59	\$45
60 to 69	50
70 to 79	55
80 to 89	60
90 to 99	65
100 to 199	75
200 to 299	85
300 to 399	95
400 to 499	105
500 to 1,000	120

1 ~~If the justice or judge sentences the defendant to perform community service in lieu~~
2 ~~of a fine, the justice or judge shall include in the sentence the amount of the~~
3 ~~administrative assessment that corresponds with the fine for which the defendant~~
4 ~~would have been responsible as prescribed by the schedule in this subsection.~~

5 ~~2. The provisions of subsection 1 do not apply to:~~

6 ~~— (a) An ordinance regulating metered parking; or~~

7 ~~— (b) An ordinance which is specifically designated as imposing a civil penalty~~
8 ~~or liability pursuant to NRS 244.3575 or 268.019.~~

9 ~~3. The money collected for an administrative assessment must not be~~
10 ~~deducted from the fine imposed by the justice or judge but must be taxed against~~
11 ~~the defendant in addition to the fine. The money collected for an administrative~~
12 ~~assessment must be stated separately on the court's docket and must be included in~~
13 ~~the amount posted for bail. If bail is forfeited, the administrative assessment~~
14 ~~included in the amount posted for bail pursuant to this subsection must be disbursed~~
15 ~~in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or~~
16 ~~the charges are dismissed, the money deposited with the court must be returned to~~
17 ~~the defendant. If the justice or judge cancels a fine because the fine has been~~
18 ~~determined to be uncollectible, any balance of the fine and the administrative~~
19 ~~assessment remaining unpaid shall be deemed to be uncollectible and the defendant~~
20 ~~is not required to pay it. If a fine is determined to be uncollectible, the defendant is~~
21 ~~not entitled to a refund of the fine or administrative assessment the defendant has~~
22 ~~paid and the justice or judge shall not recalculate the administrative assessment.~~

23 ~~4. If the justice or judge permits the fine and administrative assessment to be~~
24 ~~paid in installments, the payments must be first applied to the unpaid balance of the~~
25 ~~administrative assessment. The city treasurer shall distribute partially collected~~
26 ~~administrative assessments in accordance with the requirements of subsection 5.~~
27 ~~The county treasurer shall distribute partially collected administrative assessments~~
28 ~~in accordance with the requirements of subsection 6.~~

29 ~~5. The money collected for administrative assessments in municipal court~~
30 ~~must be paid by the clerk of the court to the city treasurer on or before the fifth day~~
31 ~~of each month for the preceding month. The city treasurer shall distribute, on or~~
32 ~~before the 15th day of that month, the money received in the following amounts for~~
33 ~~each assessment received:~~

34 ~~— (a) Two dollars to the county treasurer for credit to a special account in the~~
35 ~~county general fund for the use of the county's juvenile court or for services to~~
36 ~~juvenile offenders. Any money remaining in the special account after 2 fiscal years~~
37 ~~must be deposited in the county general fund if it has not been committed for~~
38 ~~expenditure. The county treasurer shall provide, upon request by a juvenile court,~~
39 ~~monthly reports of the revenue credited to and expenditures made from the special~~
40 ~~account.~~

41 ~~— (b) Seven dollars for credit to a special revenue fund for the use of the~~
42 ~~municipal courts. Any money remaining in the special revenue fund after 2 fiscal~~
43 ~~years must be deposited in the municipal general fund if it has not been committed~~
44 ~~for expenditure. The city treasurer shall provide, upon request by a municipal court,~~
45 ~~monthly reports of the revenue credited to and expenditures made from the special~~
46 ~~revenue fund.~~

47 ~~— (c) Five dollars to the State Controller for credit to the State General Fund.~~

48 ~~— (d) The remainder of each assessment to the State Controller for credit to a~~
49 ~~special account in the State General Fund for distribution as provided in subsection~~
50 ~~8.~~

51 ~~6. The money collected for administrative assessments in justice courts must~~
52 ~~be paid by the clerk of the court to the county treasurer on or before the fifth day of~~
53 ~~each month for the preceding month. The county treasurer shall distribute, on or~~

1 before the 15th day of that month, the money received in the following amounts for
2 each assessment received:

3 ~~— (a) Two dollars for credit to a special account in the county general fund for~~
4 ~~the use of the county's juvenile court or for services to juvenile offenders. Any~~
5 ~~money remaining in the special account after 2 fiscal years must be deposited in the~~
6 ~~county general fund if it has not been committed for expenditure. The county~~
7 ~~treasurer shall provide, upon request by a juvenile court, monthly reports of the~~
8 ~~revenue credited to and expenditures made from the special account.~~

9 ~~— (b) Seven dollars for credit to a special revenue fund for the use of the justice~~
10 ~~courts. Any money remaining in the special revenue fund after 2 fiscal years must~~
11 ~~be deposited in the county general fund if it has not been committed for~~
12 ~~expenditure. The county treasurer shall provide, upon request by a justice court,~~
13 ~~monthly reports of the revenue credited to and expenditures made from the special~~
14 ~~revenue fund.~~

15 ~~— (c) Five dollars to the State Controller for credit to the State General Fund.~~

16 ~~— (d) The remainder of each assessment to the State Controller for credit to a~~
17 ~~special account in the State General Fund for distribution as provided in subsection~~
18 ~~8.~~

19 ~~— 7. The money apportioned to a juvenile court, a justice court or a municipal~~
20 ~~court pursuant to this section must be used, in addition to providing services to~~
21 ~~juvenile offenders in the juvenile court, to improve the operations of the court, or to~~
22 ~~acquire appropriate advanced technology or the use of such technology, or both.~~
23 ~~Money used to improve the operations of the court may include expenditures for:~~

24 ~~— (a) Training and education of personnel;~~

25 ~~— (b) Acquisition of capital goods;~~

26 ~~— (c) Management and operational studies; or~~

27 ~~— (d) Audits.~~

28 ~~— 8. Of the total amount deposited in the State General Fund pursuant to~~
29 ~~paragraph (d) of subsection 5 and paragraph (d) of subsection 6, the State~~
30 ~~Controller shall distribute the money received to the following public agencies in~~
31 ~~the following manner:~~

32 ~~— (a) Not less than 51 percent to the Office of Court Administrator for [allocation~~
33 ~~as follows:~~

34 ~~— (1) Forty six and three quarters percent of the amount distributed to the~~
35 ~~Office of Court Administrator for:~~

36 ~~— (I) *~~

37 ~~— (1) The administration of the courts;~~

38 ~~— [(II)] (2) The development of a uniform system for judicial records;~~

39 ~~[and~~

40 ~~— [(III)] (3) Continuing judicial education [;~~

41 ~~— (2) Thirty seven and three quarters percent of the amount distributed to the~~
42 ~~Office of Court Administrator for the];~~

43 ~~— (4) The Supreme Court [;~~

44 ~~— (3) Three and one half percent of the amount distributed to the Office of~~
45 ~~Court Administrator for the];~~

46 ~~— (5) The payment for the services of retired justices, retired judges of the~~
47 ~~Court of Appeals and retired district judges [;~~

48 ~~— (4) Twelve percent of the amount distributed to the Office of Court~~
49 ~~Administrator for the]; and~~

50 ~~— (6) The provision of specialty court programs.~~

51 ~~— (b) Not more than 49 percent must be used to the extent of legislative~~
52 ~~authorization for the support of:~~

53 ~~— (1) The Central Repository for Nevada Records of Criminal History;~~

~~(2) The Peace Officers' Standards and Training Commission;~~
~~(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;~~
~~(4) The Fund for the Compensation of Victims of Crime;~~
~~(5) The Advisory Council for Prosecuting Attorneys; and~~
~~(6) Programs within the Office of the Attorney General related to victims of domestic violence.~~

~~9. Any money deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.~~

~~10. As used in this section:~~

~~(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.~~

~~(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.~~ **(Deleted by amendment.)**

Sec. 5. [NRS 353.359 is hereby amended to read as follows:

~~353.359 1. The State Controller shall draw his or her warrant, upon application by an agency responsible for the administration of an account which is wholly or partially supported by administrative assessments pursuant to NRS 176.059, for not more in the aggregate in any fiscal year than [1/12th] one-quarter of the portion of the total money received in the previous year which represents the share of administrative assessments presently allocated to the account.~~

~~2. An agency shall not apply for an advance pursuant to subsection 1 unless the application is first approved by the Director of the Office of Finance.~~

~~3. Any money which is advanced from the State General Fund to an account pursuant to subsection 1 must be repaid as soon as the money which the advance replaced is deposited in the account. If the money deposited in the account in any fiscal year is insufficient to pay back the money advanced, an amount equal to the shortfall is hereby contingently appropriated from the State General Fund to the account.~~

~~4. The Director of the Office of Finance shall notify the Fiscal Analysis Division of the Legislative Council Bureau if:~~

~~(a) The Director approves an advance pursuant to subsection 2;~~

~~(b) The money deposited in an account in any fiscal year is insufficient to pay back the money advanced pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 6. [NRS 2.185 is hereby repealed.] (Deleted by amendment.)

Sec. 7. NRS 1.340 is hereby amended to read as follows:

1.340 The Court Administrator, with the approval of the Supreme Court, may appoint and fix , within the limits of legislative appropriations, the compensation of such assistants as are necessary to enable the Court Administrator to perform the duties required by NRS 1.320 to 1.370, inclusive.

Sec. 8. NRS 2.230 is hereby amended to read as follows:

2.230 The Clerk of the Supreme Court may, under the hand and seal of the Clerk, appoint deputies in his or her office ~~+~~, , within the limits of legislative appropriations. A deputy so appointed may, during the absence or inability of the Clerk of the Supreme Court, perform all of the duties of a ministerial nature requisite and pertaining to the office.

Sec. 9. NRS 2.240 is hereby amended to read as follows:

2.240 The Clerk of the Supreme Court is authorized to employ , within the limits of legislative appropriations, persons necessary to carry out the duties of his or her office.

Sec. 10. NRS 2.295 is hereby amended to read as follows:

1 2.295 The Supreme Court, or a majority thereof, is authorized to appoint and
 2 employ within the limits of legislative appropriations, one or more persons to
 3 provide for the safety and security of the justices and employees of the Supreme
 4 Court and to carry out any necessary police duties at the direction of the Chief
 5 Justice to maintain safe and reasonable access to justice for residents of Nevada.

6 **Sec. 11. NRS 2.310 is hereby amended to read as follows:**

7 2.310 The Supreme Court may within the limits of legislative
 8 appropriations, appoint an Official Reporter who must be a certified court reporter
 9 and who shall perform such duties as may be required by the Court.

10 **Sec. 12. NRS 2.430 is hereby amended to read as follows:**

11 2.430 1. The Supreme Court may appoint a Librarian, who shall serve at the
 12 pleasure of the Supreme Court.

13 2. The Supreme Court Law Librarian, with the approval of the Supreme
 14 Court, may within the limits of legislative appropriations, employ such personnel
 15 as the execution of the Librarian's duties and the maintenance and operation of the
 16 Library may require.

17 3. All of the personnel of the Supreme Court Law Library are exempt from
 18 the provisions of chapter 284 of NRS, and are entitled to such leaves of absence as
 19 the Supreme Court prescribes.

20 **Sec. 13. During the 2023-2025 biennium, the Nevada Supreme Court**
 21 **shall submit a quarterly report to the Interim Finance Committee regarding:**

22 **1. Any change made during that calendar quarter to the salaries**
 23 **approved for positions in the Judicial Department Staff Salaries budget**
 24 **account by the 82nd Session of the Nevada Legislature.**

25 **2. Any new position created during that calendar quarter and the salary**
 26 **for that position.**

27 ~~[Sec. 7.]~~ **Sec. 14.** This act becomes effective on July 1, 2023.

f

~~TEXT OF REPEALED SECTION~~

~~— 2.185 — Appropriation for support or operation of Court must be reduced based
 on administrative assessments to be allocated to Court; duty of Court.~~

~~— 1. — Any amount appropriated by the Legislature from the State General Fund
 for the support or operation of the Supreme Court during a fiscal year must be
 reduced to the extent that the amount of any administrative assessments distributed
 to the Office of the Court Administrator for allocation to the Supreme Court
 pursuant to NRS 176.059 exceeds the amount which is authorized by the
 Legislature for expenditure from those assessments for that fiscal year.~~

~~— 2. — The Supreme Court shall reserve for reversion each fiscal year the amount
 by which an appropriation from the State General Fund must be reduced pursuant
 to subsection 1, and that amount reverts to the State General Fund upon the close of
 that fiscal year by the State Controller.]~~