

ASSEMBLY BILL NO. 335—ASSEMBLYMEN TIFFANY, BACHE, GIBBONS,
HUMKE, PARNELL, VON TOBEL, WILLIAMS, LEE, NEIGHBORS, FREEMAN,
SEGERBLOM, BERMAN AND MORTENSON

FEBRUARY 26, 1999

Referred to Concurrent Committees on
Government Affairs and Judiciary

SUMMARY—Revises provisions regarding support by county of certain programs that provide free legal services to elderly and indigent persons. (BDR 20-1302)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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 legal services; requiring the board of county commissioners in certain counties to establish a procedure for the distribution of certain filing fees to programs that provide free legal services to indigent and elderly persons; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 244 of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. The board of county commissioners in a county that collects fees***
4 ***pursuant to NRS 19.031 shall establish, by ordinance, a procedure for***
5 ***the distribution of those fees to one or more of the programs described in***
6 ***subsection 1 of NRS 19.031 that provide legal services in civil actions***
7 ***without charge to indigent and elderly persons. The procedure must***
8 ***include, without limitation:***
9 ***(a) A process by which such a program may apply to the board to***
10 ***receive money from the fees collected pursuant to NRS 19.031; and***
11 ***(b) The criteria that the board will use to determine the distribution of***
12 ***the money from the fees to one or more of the programs that applied to***
13 ***receive money pursuant to paragraph (a).***

2. *In determining the distribution of the money from the fees, the board shall allocate the money in such a manner that the money is used to provide legal services in civil actions as follows:*

(a) *From each \$25 collected pursuant to subsection 1 of NRS 19.031:*

(1) *For the benefit of indigent persons in the county, \$15.50; and*

(2) *For the benefit of elderly persons in the county, \$9.50.*

(b) *From each \$14 collected pursuant to subsection 2 of NRS 19.031:*

(1) *For the benefit of indigent persons in the county, \$10; and*

(2) *For the benefit of elderly persons in the county, \$4.*

3. *The board shall select annually the one or more programs that will receive money from the fees collected pursuant to NRS 19.031 and direct the county treasurer to remit the money to the one or more programs selected in the amount determined by the board.*

Sec. 2. NRS 19.031 is hereby amended to read as follows:

19.031 1. Except as otherwise provided in subsection 2, in each county in which legal services are provided *in civil actions* without charge to indigent or elderly persons through ~~{a program}~~ *one or more programs* for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or *one or more* other ~~{program}~~ *programs* funded *in whole or in part by the county or a municipality or* by this state or the United States to provide legal assistance ~~{ } in civil actions,~~ the county clerk shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect a fee of \$25 from the party commencing or appearing in the action or proceeding. These fees are in addition to any other fees required by law.

2. In each county described in subsection 1, the county clerk shall, on the commencement of any action provided for in chapter 125 of NRS, and on the filing of any answer or appearance in any such action, charge and collect a fee of \$14 from the party commencing or appearing in the action. These fees are in addition to any other fees required by law.

3. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer the amount of all fees collected by him pursuant to subsections 1 and 2. Except as otherwise provided in subsection 5, the county treasurer shall remit quarterly ~~{to the organization operating the program for legal services all}~~ the money received by him from the county clerk ~~{ }.~~

~~4. The organization operating the program for legal services shall use any money received pursuant to subsection 3 as follows:~~

~~(a) From each \$25 collected pursuant to subsection 1:~~

1 ~~—(1) Fifteen dollars and fifty cents for the benefit of indigent persons~~
2 ~~in the county; and~~

3 ~~—(2) Nine dollars and fifty cents for the benefit of elderly persons in~~
4 ~~the county.~~

5 ~~—(b) From each \$14 collected pursuant to subsection 2:~~

6 ~~—(1) Ten dollars for the benefit of indigent persons in the county; and~~

7 ~~—(2) Four dollars for the benefit of elderly persons in the county.] as~~
8 *directed by the board of county commissioners pursuant to section 1 of*
9 *this act.*

10 *4. A program that receives money from fees collected pursuant to*
11 *this section shall submit a monthly report to the board of county*
12 *commissioners for the period during which the program receives the*
13 *money. The report must set forth the purposes for which the program*
14 *used the money.*

15 5. If the county treasurer receives notice from the state or a political
16 subdivision that an award of attorney's fees or costs has been made to ~~an~~
17 ~~organization that receives money] a program that is receiving money from~~
18 *fees collected* pursuant to this section and has been paid, he shall:

19 (a) Deduct an amount equal to the award from the amount to be paid to
20 the ~~organization;] program;~~ and

21 (b) Remit an equal amount to the state or to the political subdivision
22 that paid the fees or costs at the time when he would have paid it to the
23 ~~organization.] program.~~

24 6. The fees which are collected from a county must be used *to provide*
25 *legal services in civil actions* for the benefit of the indigent or elderly
26 persons , *including, without limitation, indigent or elderly persons who*
27 *are victims of domestic violence,* in that county.

28 **Sec. 3.** This act becomes effective on July 1, 1999.