

ASSEMBLY BILL NO. 629—COMMITTEE ON JUDICIARY

(ON BEHALF OF ELKO COUNTY)

MARCH 19, 1999

Referred to Committee on Judiciary

SUMMARY—Provides that in certain counties board of county commissioners may determine whether to increase number of justices of the peace when population of township provides for increase. (BDR 1-675)

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 justices' courts; providing that in certain counties the board of county commissioners may determine whether to increase the number of justices of the peace when the population of a township provides for such an increase; 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.** NRS 4.020 is hereby amended to read as follows:
2 4.020 1. There must be one justice's court in each of the townships
3 of the state, for which there must be elected by the qualified electors of the
4 township at least one justice of the peace. Except as otherwise provided in
5 subsection 3, the number of justices of the peace in a township must be
6 increased according to the population of the township, as certified by the
7 governor in even-numbered years pursuant to NRS 360.285, in accordance
8 with and not to exceed the following schedule:
9 (a) In a county whose population is 400,000 or more, one justice of the
10 peace for each 100,000 population of the township, or fraction thereof.
11 (b) In a county whose population is 100,000 or more and less than
12 400,000, one justice of the peace for each 50,000 population of the
13 township, or fraction thereof.
14 (c) In a county whose population is less than 100,000, one justice of the
15 peace for each 34,000 population of the township, or fraction thereof.

1 (d) If a township includes a city created by the consolidation of a city
2 and county into one municipal government, one justice of the peace for
3 each 30,000 population of the township, or fraction thereof.

4 2. Except as otherwise provided in subsection 3, if the schedule set
5 forth in subsection 1 provides for an increase in the number of justices of
6 the peace in a township, the new justice or justices of the peace must be
7 elected at the next ensuing biennial election.

8 3. If the schedule set forth in subsection 1 provides for an increase in
9 the number of justices of the peace in a township :

10 (a) *In a county whose population is 100,000 or more* and, in the
11 opinion of a majority of the justices of the peace in that township, the case
12 load does not warrant an additional justice of the peace, the justices of the
13 peace shall notify the director of the legislative counsel bureau and the
14 board of county commissioners of their opinion ; *or*

15 (b) *In a county whose population is less than 100,000 and the board*
16 *of county commissioners determines not to increase the number of*
17 *justices of the peace in a township in accordance with the schedule set*
18 *forth in subsection 1, the board of county commissioners shall notify the*
19 *director of the legislative counsel bureau of its opinion,*

20 on or before March 15 of the even-numbered year in which the population
21 of the township provides for such an increase. The director of the
22 legislative counsel bureau shall submit the opinion to the next regular
23 session of the legislature for its consideration. If the justices of the peace
24 transmit such a notice to the director of the legislative counsel bureau and
25 the board of county commissioners, *or if the board of county*
26 *commissioners transmits such a notice to the director of the legislative*
27 *counsel bureau,* the number of justices must not be increased during that
28 period unless the legislature, by resolution, expressly approves the
29 increase.

30 4. Justices of the peace shall receive certificates of election from the
31 boards of county commissioners of their respective counties.

32 5. The clerk of the board of county commissioners shall, within 10
33 days after the election or appointment and qualification of any justice of
34 the peace, certify under seal to the secretary of state the election or
35 appointment and qualification of the justice of the peace. The certificate
36 must be filed in the office of the secretary of state as evidence of the
37 official character of that officer.

38 **Sec. 2.** This act becomes effective on July 1, 1999.