

Amendment No. 855

Assembly Amendment to Senate Bill No. 234 First Reprint

(BDR 1-775)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes 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"/>	_____
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Amend section 1, page 2, by deleting lines 6 through 11 and inserting:

“law in the courts of this State ~~[-]~~ *at the time of his election or appointment.*

(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) Unless he is a qualified elector and has been a bona fide”.

Amend section 1, page 2, line 14, by deleting “(d)” and inserting “~~[(d)]~~ (e)”.

Amend sec. 2, page 2, by deleting lines 27 through 32 and inserting:

“law in the courts of this State ~~[-]~~ *at the time of his election or appointment.*

RBL

Date: 5/23/2005

S.B. No. 234—Revises qualifications for Supreme Court Justices, district judges and justices of the peace.



(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) Unless he is a qualified elector and has been a bona fide”.

Amend sec. 2, page 2, line 35, by deleting “(d)” and inserting “~~[(d)]~~ (e)”.

Amend sec. 3, page 3, line 29, by deleting “1999.” and inserting “~~[1999.]~~ 2001.”.

Amend the bill as whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“**Sec. 4.** 1. The Legislature hereby finds and declares that:

(a) The State of Nevada continues to have the highest rate of population growth in the country;

(b) The growth in population has also caused the volume of cases filed in the courts of this State to grow exponentially;

(c) This increased caseload has placed a large burden on the Nevada Supreme Court to review and decide appeals from the lower courts;

(d) The burden on the judiciary has caused concern about the adequacy of the current judicial structure;

(e) The Legislature has a duty to provide for the funding of the State, including for a portion of the funding for the courts in this State; and

(f) To ensure its ability to appropriately budget and provide for the needs of the Judicial Branch of State Government, it would be beneficial to the Legislature if the Nevada Supreme Court would conduct a study and submit a report of the study with recommendations to the 74th Session of the

Nevada Legislature analyzing whether the State of Nevada would benefit from the establishment of an intermediate appellate court which includes consideration of:

(1) The increase in the number of cases submitted to each level of court in this State during the last 5 years;

(2) The effect that the establishment of an intermediate appellate court would have on the other courts in this State;

(3) The impact that the establishment of an intermediate appellate court would have on the judicial process in this State; and

(4) Any other matter relevant to the consideration of the establishment of an intermediate appellate court in this State.

2. If the Nevada Supreme Court recommends the establishment of an intermediate appellate court in this State, it would be beneficial for the study and report to include an analysis of:

(a) The appropriate number, qualifications and terms of judges who would serve on such a court;

(b) The facilities and staff that would be necessary for such a court;

(c) The jurisdiction to be assigned to such a court;

(d) The manner in which such a court would be integrated into the Judicial Branch of State Government; and

(e) The cost of establishing an intermediate appellate court and the fiscal impact that creating such a court would have on the other courts in this State.”.

Amend the title of the bill, third line, after “peace;” by inserting:

“urging the Supreme Court to conduct a study of the need for the establishment of an intermediate appellate court in this State;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises qualifications for certain judges and justices and urges Supreme Court to study need for establishment of intermediate appellate court.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law requires, in addition to other qualifications, that to be a candidate for or qualify for the office of justice of the Supreme Court, district judge or justice of the peace in certain townships a person must be an attorney licensed and admitted to practice law in the courts of this State. (NRS 2.020, 3.060, 4.010)

This bill provides an additional qualification for those judicial offices that a person must have been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a specific period before the election or appointment of the person to the office. The period that a person must have been licensed and admitted to practice law to qualify for the office of justice of the Supreme Court is at least 15 years, at least 2 years of which must have been in this State. The period that a person must have been licensed and admitted to practice law to qualify for the office of district judge is at least 10 years, at least 2 years of which must have been in this State. The period that a person must have been licensed and admitted to practice law to qualify for the office of justice of the peace in a township in which a justice of the peace is required to be a licensed attorney is 5 years. This new requirement concerning the office of justice of the peace does not apply to any person who held the office of justice of the peace on June 30, 2001.

This bill does not affect the current term of any justice of the Supreme Court, district judge or justice of the peace who is serving in that office on October 1, 2005.

This bill also urges the Nevada Supreme Court to conduct a study of and make recommendations concerning whether the State of Nevada would benefit from the establishment of an intermediate appellate court.