

Amendment No. 306

Assembly Amendment to Assembly Bill No. 54 (BDR 1-388)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 54 (§§ 1, 1.5).

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) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MNM/BAW



Date: 4/15/2013

A.B. No. 54—Revises provisions relating to fees charged and collected in justice courts. (BDR 1-388)



ASSEMBLY BILL NO. 54—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fees charged and collected in justice courts. (BDR 1-388)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 courts; authorizing a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court to offset the costs of operating a law library established in the county; requiring the county treasurer to deposit the filing fees received into a special account to be used to support the operation of such a law library; revising certain fees in the justice court; requiring the county treasurer to deposit a portion of ~~the~~ such fees received from justice courts into a special account to be used for certain purposes; requiring the county treasurer to reduce annually the amount deposited into the special account in certain circumstances; requiring each justice court that collects fees to submit an annual report to the board of county commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of any county to establish by ordinance a law library to be governed and managed by a board of law library trustees. (NRS 380.010) Section 1 of this bill authorizes a board of county commissioners to impose by ordinance a filing fee relating to actions and proceedings in the justice court, in an amount not to exceed \$8, to offset a portion of the costs of operating such a law library. Section 1 also provides that in a county in which such a fee has been imposed, the justice of the peace shall, on a monthly basis, pay to the county treasurer any such fees collected during the preceding month. The county treasurer is required to deposit the fees received into a special account administered by the county and maintained for the benefit of such a law library.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. Each justice of the peace ~~shall~~ is required to pay to the county treasurer all such fees charged and collected, with certain exceptions. (NRS 4.060)

~~(This)~~ Section 1.5 of this bill increases the amount of certain fees charged and collected by the justice court and revises the tiers upon which certain fees are based.

~~(This bill)~~ Section 1.5 also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of ~~(the)~~ each justice (court) court within the county. The money in the account ~~(must not be used to supplant existing budgets for the support or operation of the justice courts within the county, and)~~ must be used only: (1) for purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for ~~(the)~~ a justice (court) court or a multi-use facility that includes ~~(the)~~ a justice (court) court; (2) to acquire advanced technology for the use of ~~(the)~~ a justice (court) court; (3) to acquire equipment or additional staff to enhance the security of the facilities used by ~~(the)~~ a justice (court) court, justices of the peace, staff of ~~(the)~~ a justice (court) court and residents of this State who access the justice courts; ~~(and)~~ (4) to pay for the training of staff or the hiring of additional staff to support the operation of ~~(the)~~ a justice (court) court; and (5) to pay for one-time projects for the improvement of a justice court. Section 1.5 also requires: (1) the county treasurer to reduce on an annual basis, if necessary, the amount deposited into the special account in certain circumstances; and (2) each justice court that collects fees to submit to the board of county commissioners of the county in which the justice court is located an annual report that contains certain information.

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other fee required by law, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of operating a law library established in that county by the board of county commissioners pursuant to NRS 380.010, in an amount not to exceed \$8, to be paid on the commencement of any action or proceeding in the justice 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.

2. On or before the fifth day of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall deposit the fees received into a special account administered by the county and maintained for the benefit of a law library established pursuant to NRS 380.010. The money in the account must be used only to support the operation of such a law library.

~~(Section 1)~~ Sec. 1.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$1,000	\$28.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500	\$ 50.00
If the sum claimed exceeds \$2,500 but does not exceed \$4,500 <u>\$5,000</u>	100.00

1	If the sum claimed exceeds \$4,500 but does not	
2	exceed \$6,500	125.00
3	If the sum claimed exceeds \$6,500 but does not	
4	exceed \$7,500	150.00
5	If the sum claimed exceeds 127,500 \$5,000 but does	
6	not exceed \$10,000	175.00
7	<i>In all <u>a civil action</u> <u>action for unlawful detainer</u></i>	
8	<i><u>pursuant to NRS 40.250 to 40.254 40.290 to</u></i>	
9	<i><u>40.420, inclusive, in which a notice to quit has been</u></i>	
10	<i><u>served pursuant to NRS 40.255</u></i>	225.00
11	In all other civil actions	128.00 50.00
12		
13	(b) For the preparation and filing of an affidavit and order in an action	
14	commenced pursuant to chapter 73 of NRS:	
15		
16	If the sum claimed does not exceed \$1,000	125.00 45.00
17	If the sum claimed exceeds \$1,000 but does not	
18	exceed \$2,500	145.00 65.00
19	If the sum claimed exceeds \$2,500 but does not	
20	exceed \$5,000	165.00 85.00
21	If the sum claimed exceeds \$5,000 but does not	
22	exceed \$7,500	125.00
23		
24	(c) On the appearance of any defendant, or any number of defendants	
25	answering jointly, to be paid by the defendant or defendants on filing the first paper	
26	in the action, or at the time of appearance:	
27		
28	In all civil actions	112.00 50.00
29	For every additional defendant, appearing separately	16.00 25.00
30		
31	(d) No fee may be charged where a defendant or	
32	defendants appear in response to an affidavit and order issued	
33	pursuant to the provisions of chapter 73 of NRS.	
34	(e) For the filing of any paper in intervention	16.00 25.00
35	(f) For the issuance of any writ of attachment, writ of	
36	garnishment, writ of execution or any other writ designed to	
37	enforce any judgment of the court, <i>other than a writ of</i>	
38	<i>restitution</i>	16.00 25.00
39	(g) <i>For the issuance of any writ of restitution</i>	75.00
40	(h) For filing a notice of appeal, and appeal bonds	112.00 25.00
41	One charge only may be made if both papers are filed	
42	at the same time.	
43	(h) (i) For issuing supersedeas to a writ designed to	
44	enforce a judgment or order of the court	112.00 25.00
45	(i) (j) For preparation and transmittal of transcript and	
46	papers on appeal	112.00 25.00
47	(j) (k) For celebrating a marriage and returning the	
48	certificate to the county recorder or county clerk	50.00
49	(k) (l) For entering judgment by confession	16.00 50.00
50	(l) (m) For preparing any copy of any record,	
51	proceeding or paper, for each page	1.30 1.00
52	(m) (n) For each certificate of the clerk, under the seal	
53	of the court	\$3.00

~~1~~ ~~(o)~~ For searching records or files in his or her
 2 office, for each year.....\$1.00

~~3~~ ~~(p)~~ For filing and acting upon each bail or property
 4 bond.....~~1\$40.00~~ **\$50.00**

5 2. A justice of the peace shall not charge or collect any of the fees set forth in
 6 subsection 1 for any service rendered by the justice of the peace to the county in
 7 which his or her township is located.

8 3. A justice of the peace shall not charge or collect the fee pursuant to
 9 paragraph ~~(k)~~ of subsection 1 if the justice of the peace performs a marriage
 10 ceremony in a commissioner township.

11 4. Except as otherwise provided by an ordinance adopted pursuant to the
 12 provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day
 13 of each month, account for and pay to the county treasurer all fees collected
 14 **pursuant to subsection 1** during the preceding month, except for the fees the justice
 15 of the peace may retain as compensation and the fees the justice of the peace is
 16 required to pay to the State Controller pursuant to subsection 5.

17 5. The justice of the peace shall, on or before the fifth day of each month, pay
 18 to the State Controller:

19 (a) An amount equal to \$5 of each fee collected pursuant to paragraph ~~(k)~~ of
 20 subsection 1 during the preceding month. The State Controller shall deposit the
 21 money in the Account for Aid for Victims of Domestic Violence in the State
 22 General Fund.

23 (b) One-half of the fees collected pursuant to paragraph ~~(p)~~ of subsection
 24 1 during the preceding month. The State Controller shall deposit the money in the
 25 Fund for the Compensation of Victims of Crime.

26 **6. ~~The~~ Except as otherwise provided in subsection 7, the county treasurer**
 27 **shall deposit 25 percent of the fees received pursuant to subsection 4 into a**
 28 **special account administered by the county and maintained for the benefit of**
 29 **~~the~~ each justice ~~of the~~ court within the county. The money in that account**
 30 **~~must not be used to supplant existing budgets for the support or operation of the~~**
 31 **~~justice courts within the county, and~~ must be used only to:**

32 (a) **Acquire land on which to construct additional facilities or a portion of a**
 33 **facility for ~~the~~ a justice ~~of the~~ court or a multi-use facility that includes ~~the~~ a**
 34 **justice ~~of the~~ court;**

35 (b) **Construct or acquire additional facilities or a portion of a facility for**
 36 **~~the~~ a justice ~~of the~~ court or a multi-use facility that includes ~~the~~ a justice**
 37 **~~of the~~ court;**

38 (c) **Renovate, remodel or expand existing facilities or a portion of an existing**
 39 **facility for ~~the~~ a justice ~~of the~~ court or a multi-use facility that includes ~~the~~ a**
 40 **justice ~~of the~~ court;**

41 (d) **Acquire furniture, fixtures and equipment necessitated by the**
 42 **construction or acquisition of additional facilities or a portion of a facility or the**
 43 **renovation, remodeling or expansion of an existing facility or a portion of an**
 44 **existing facility for ~~the~~ a justice ~~of the~~ court or a multi-use facility that**
 45 **includes ~~the~~ a justice ~~of the~~ court;**

46 (e) **Acquire advanced technology for the use of ~~the~~ a justice ~~of the~~ court;**

47 (f) **Acquire equipment or additional staff to enhance the security of the**
 48 **facilities used by ~~the~~ a justice ~~of the~~ court, justices of the peace, staff of ~~the~~**
 49 **a justice ~~of the~~ court and residents of this State who access the justice courts;**

50 (g) **Pay for the training of staff or the hiring of additional staff to support the**
 51 **operation of ~~the~~ a justice ~~of the~~ court, and court;**

52 (h) **Pay debt service on any bonds issued pursuant to subsection 3 of NRS**
 53 **350.020 for the acquisition of land or facilities or for the construction,**

1 *renovation, remodeling or expansion of facilities for ~~the~~ a justice ~~courts~~ court*
2 *or a multi-use facility that includes ~~the~~ a justice ~~courts~~ court; and*

3 *(i) Pay for one-time projects for the improvement of a justice court.*

4 *↪ Any money remaining in the account at the end of a fiscal year must be*
5 *carried forward to the next fiscal year.*

6 *7. The county treasurer shall, if necessary, reduce on an annual basis the*
7 *amount deposited into the special account pursuant to subsection 6 to ensure that*
8 *the total amount of fees collected by a justice court pursuant to this section and*
9 *paid by the justice of the peace to the county treasurer pursuant to subsection 4*
10 *is, for any fiscal year, not less than the total amount of fees collected by that*
11 *justice court and paid by the justice of the peace to the county treasurer for the*
12 *fiscal year beginning July 1, 2012, and ending June 30, 2013.*

13 *8. Each justice court that collects fees pursuant to this section shall submit*
14 *to the board of county commissioners of the county in which the justice court is*
15 *located an annual report that contains:*

16 *(a) An estimate of the amount of money that the county treasurer will deposit*
17 *into the special account pursuant to subsection 6 from fees collected by the*
18 *justice court for the following fiscal year; and*

19 *(b) A proposal for any expenditures by the justice court from the special*
20 *account for the following fiscal year.*

21 **Sec. 2.** This act becomes effective on July 1, 2013.