

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
April 22, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:03 p.m. on Wednesday, April 22, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Ruben J. Kihuen
Senator Aaron D. Ford

COMMITTEE MEMBERS ABSENT:

Senator Michael Roberson (Excused)
Senator Scott Hammond (Excused)
Senator Tick Segerblom (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Lynette Jones, Committee Secretary

OTHERS PRESENT:

The Honorable James Hardesty, Chief Justice, Nevada Supreme Court

Chair Brower:

I will open the hearing with Assembly Bill (A.B.) 69.

ASSEMBLY BILL 69 (1st Reprint): Revises various provisions relating to the Judicial Branch of State Government. (BDR 1-497)

The Honorable James Hardesty (Chief Justice, Nevada Supreme Court):

I will present A.B. 69. This bill intends to update or repeal a number of statutes that require various courts in Nevada to perform outdated functions and tasks with unfunded mandates.

In 2013, Chief Justice Kristina Pickering requested the Judicial Council of the State of Nevada, Administrative Office of the Courts, to assemble statutes that required Nevada courts to report information to various groups and agencies. The various district courts, justices of the peace and municipal court judges identified almost 200 statutes. Based on that information, A.B. 69 was formulated by the Judicial Counsel, led by Robin Sweet, Director, Administrative Office of the Courts.

This bill amends 39 separate statutes by deleting various tasks that are no longer followed, no longer necessary or subsumed by technology. A new definition has been added to *Nevada Revised Statutes* (NRS) 19, and 12 statutes have been repealed due to technology and cost changes. I will not go through all the sections, but I will provide examples of the proposed amendments in the bill.

In section 1, we made changes to NRS 1.115 to conform to how the State approaches recycling paper. The bill eliminates provisions regarding a waiver of the requirement for courts to recycle. Instead, the courts will recycle to the extent reasonably possible.

Section 9 allows a justice of the peace to handle records in written form with conventional paper dockets or in an electronic format not previously recognized in statute.

For over a decade, the Nevada Supreme Court has published a statistical report pursuant to the Uniform System of Judicial Records (USJR). This report serves as the basis of information used for our annual report and provides statistical data about pending cases, disposition of cases and filed cases. Sections 3, 4, 8 and 10 eliminate the requirement of the Nevada Supreme Court to prepare this report. Instead, people will rely on the USJR for this information. In many instances, statutes say "in accordance with processes adopted by the Supreme Court." With this reference already in statute, we propose eliminating the unnecessary reporting requirement in favor of another method now in place.

Section 11 deletes provisions in NRS 6.090 that deal with the manner by which jurors are selected, especially in rural counties. The provisions require manually delivering names of prospective jurors to the county commission at the beginning of every year. The county commission uses the list to decide which jurors will constitute the venire for that county in the coming year. This is a process not used for 30 years.

Section 41 deletes NRS 2.260, which requires the Nevada Supreme Court to publish a list of pending cases in a newspaper on a quarterly basis. The same information is posted every day online. Posting this information in the newspaper is unnecessary and expensive. There is a \$50,000 cost to post the information quarterly, and this is not in our budget.

Chair Brower:

Have you been posting cases in the newspaper?

Chief Justice Hardesty:

No.

Chair Brower:

I have never seen this information posted in the newspaper.

Chief Justice Hardesty:

The courts have never been allocated the funds to meet this requirement nor have we requested the funds to do so. It is a waste of funds when anyone in the State can access all the court dockets online, including the publicly filed information on our docket sheet.

The overall purpose of A.B. 69 is to repeal or amend statutes no longer relevant or applicable. The bill removes processes and procedures subsumed by technology, which allow the courts to handle various tasks in a more cost-effective way. We identified over 200 outdated statutes, and we are amending or deleting about 41 of them.

Chair Brower:

Too often outdated statutes are ignored, and we do not endeavor to change them. Should the Committee be concerned with any of the bill's changes? Is there anything in the bill that merits further discussion?

Chief Justice Hardesty:

None of the bill's proposed changes are controversial. For example, changes proposed in sections 12 through 33 simply change the name of the county clerk to clerk of the court. This change recognizes the decision in the Nevada Supreme Court case, *State ex rel. Harvey v. Second Judicial District Court*, 117 Nev. 754, 32 P.3d 1263 (2001), which held that the court clerk is the clerk of the court. No changes in the bill need to be brought to the Committee's attention. We consider the proposed amendments to be perfunctory changes and cost-saving measures.

Chair Brower:

It is the Committee's obligation to scrutinize these proposed changes with an eye toward what might not be as simple as the Court suggests. After doing that, I would agree there are no changes in the bill that do not make sense. Were there amendments to the bill in the Assembly?

Chief Justice Hardesty:

Yes. Sections 4.2, 4.4, 4.6 and 35.5 were amended in the Assembly.

Sections 4.2, 4.4 and 4.6 respectively amend NRS 4.063, 4.065 and 4.071 to adjust for additional fees and define when fees must be paid.

Section 35.5 amends NRS 176.285 to read, "In Justice Court, when a fine is paid or bail is forfeited, the justice must pay the same to the county treasurer on or before the fifth day of the month immediately following the month in which the fine is paid or bail is forfeited."

This bill affects a wide range of statutes. I can offer the Committee supplemental information if there are additional questions.

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Chair Brower:

I will close the hearing on A.B. 69 and adjourn the meeting at 1:14 p.m.

RESPECTFULLY SUBMITTED:

Lynette Jones,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	1		Attendance Roster