

SENATE BILL NO. 42—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain court rules and decisions. (BDR 1-389)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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; revising provisions governing the printing and distribution of certain court rules and the decisions of the Nevada Supreme Court and the Nevada Court of Appeals; eliminating the requirement for the Nevada Supreme Court to provide by rule for mandatory training concerning certain litigation involving medical malpractice for certain district judges; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Legislative Counsel to keep the material in the Nevada Revised Statutes and its annotations current by preparing and having printed replacement and supplementary pages of the Nevada Revised Statutes. (NRS 220.100, 220.160) Under existing law, the Nevada Revised Statutes is required to include the rules of the Nevada Supreme Court and the district courts of this State. (NRS 220.110) **Section 8** of this bill removes the requirement for the inclusion of these rules in the Nevada Revised Statutes. **Section 1** of this bill instead requires the Nevada Supreme Court to cause the printing in pamphlet, book or electronic form of the rules of the Nevada Supreme Court and the district courts of this State. **Section 1** additionally requires the Nevada Supreme Court to distribute a copy of these rules without charge to certain persons and agencies entitled by existing law to receive without charge decisions of the Nevada Supreme Court and the Nevada Court of Appeals. (NRS 2.345)

Existing law creates the State Printing Office within the Legislative Counsel Bureau and provides that the head of the State Printing Office is the State Printer. (NRS 344.021) Under existing law, the Clerk of the Nevada Supreme Court and the Official Reporter, as the reporters of decisions, are required to make a synopsis and file with the State Printer a copy of each opinion and synopsis of the Nevada



Supreme Court and the Nevada Court of Appeals. (NRS 2.320) Upon receipt of each opinion and synopsis, the State Printer is required to: (1) print each Supreme Court decision and Court of Appeals decision in pamphlet form, which is commonly referred to as the Advance Opinions; and (2) furnish the Clerk of the Nevada Supreme Court with as many copies of the Advance Opinions as the Clerk determines is necessary for distribution to certain persons. (NRS 2.340) **Sections 3 and 4** of this bill remove the requirement that the State Printer print the Advance Opinions and, instead, require the Nevada Supreme Court to cause the printing of the Advance Opinions in pamphlet or electronic form. **Section 5** of this bill: (1) specifies that the Nevada Supreme Court is authorized to distribute the Advance Opinions in either pamphlet form or electronic form to certain persons and agencies entitled by existing law to receive the Advance Opinions without charge; and (2) adds the Legislative Counsel to the list of persons entitled to receive the Advance Opinions without charge. (NRS 2.345) **Section 2** of this bill removes the authority of the Clerk of the Nevada Supreme Court to charge a fee for decisions of the Supreme Court compiled in electronic format to certain persons entitled by **section 5** to receive without charge decisions of the Nevada Supreme Court and the Nevada Court of Appeals in pamphlet or electronic form.

Existing law: (1) requires the State Printer to cause to be printed bound volumes of the decisions of the Nevada Supreme Court and the Nevada Court of Appeals, which are known as the Nevada Reports; (2) requires the Director of the Legislative Counsel Bureau to distribute each volume of Nevada Reports without charge to certain persons; and (3) authorizes the Director to sell Nevada Reports. (NRS 2.350, 2.380, 345.020, 345.050) **Sections 6, 11, 12 and 14** of this bill transfer these duties and authorities to the Nevada Supreme Court. **Section 11** of this bill additionally: (1) specifies that the Nevada Supreme Court is authorized to distribute in either book form or electronic form each volume of Nevada Reports to persons entitled by existing law to receive Nevada Reports; and (2) adds the Legislative Counsel to the list of persons entitled to receive Nevada Reports without charge. (NRS 345.020) **Section 14** of this bill further provides that money received by the Nevada Supreme Court from the sale of Nevada Reports is required to be accounted for separately in the State General Fund for the exclusive use of the Nevada Supreme Court.

**Sections 7, 9, 10, 13 and 15** of this bill make conforming changes relating to the transfer of the duty to cause the printing of the decisions of the Nevada Supreme Court and the Nevada Court of Appeals from the State Printer to the Nevada Supreme Court.

**Section 16** of this bill eliminates a statutory requirement for the Nevada Supreme Court to provide by rule for mandatory training concerning the complex issues involved in certain medical malpractice cases for each district judge to whom such cases are assigned. (NRS 3.029)

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

**Section 1.** Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

***The Supreme Court shall:***

***1. Cause the printing of the rules promulgated by the Supreme Court and the district courts in pamphlet, book or electronic form; and***



2. *Distribute without charge a copy of the rules printed pursuant to subsection 1 to each person and agency entitled to a copy of the decisions of the Supreme Court and the Court of Appeals in pamphlet or electronic form pursuant to NRS 2.345.*

**Sec. 2.** NRS 2.250 is hereby amended to read as follows:

2.250 1. The Clerk of the Supreme Court may demand and receive for the services of the Clerk rendered in discharging the duties imposed upon him or her by law the following fees:

(a) Except as otherwise provided in paragraph (d), whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court the sum of \$200.

(b) Except as otherwise provided in paragraph (d), a party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court the sum of \$100.

(c) Except as otherwise provided in paragraph (d), in addition to the fees required pursuant to paragraphs (a) and (b):

(1) Whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of \$50.

(2) A party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court a court automation fee of \$50.

➤ The Clerk of the Supreme Court shall remit the fees collected pursuant to this paragraph to the State Controller for credit to a special account in the State General Fund. The State Controller shall distribute the money received to the Office of Court Administrator to be used for advanced and improved technological purposes in the Supreme Court. The special account is restricted to the use specified, and the balance in the special account must be carried forward at the end of each fiscal year. As used in this paragraph, "technological purposes" means the acquisition or improvement of technology, including, without limitation, acquiring or improving technology for converting and archiving records, purchasing



1 hardware and software, maintaining the technology, training  
2 employees in the operation of the technology and contracting for  
3 professional services relating to the technology.

4 (d) No fees may be charged by the Clerk in:

5 (1) Any action brought in or to the Supreme Court wherein  
6 the State of Nevada or any county, city or town thereof, or any  
7 officer or commission thereof is a party in his, her or its official or  
8 representative capacity, against the State of Nevada, county, city,  
9 town, officer or commission;

10 (2) A habeas corpus proceeding of a criminal or quasi-  
11 criminal nature; or

12 (3) An appeal taken from, or a special proceeding arising out  
13 of, a criminal proceeding.

14 (e) A fee of \$60 for Supreme Court decisions in pamphlet form  
15 for each year, or a fee of \$30 for less than a 6 months' supply of  
16 decisions, to be collected from each person who requests such  
17 decisions, except those persons and agencies set forth in NRS 2.345.  
18 The Clerk may charge a reasonable fee to all parties ~~[-, including,~~  
19 ~~without limitation, the persons and agencies set forth in NRS 2.345,]~~  
20 for access to decisions of the Supreme Court compiled in an  
21 electronic format ~~[-],~~ *except those persons and agencies set forth*  
22 *in NRS 2.345.*

23 (f) A fee from a person who requests a photostatic copy or a  
24 photocopy print of any paper or document in an amount determined  
25 by the justices of the Supreme Court.

26 2. The Clerk of the Supreme Court shall not charge any fee that  
27 is not authorized by law.

28 3. The Clerk of the Supreme Court shall keep a fee book or  
29 electronic record in which the Clerk shall enter in detail the title of  
30 the matter, proceeding or action, and the fees charged therein. The  
31 fee book or electronic record, as applicable, must be open to public  
32 inspection in the office of the Clerk.

33 4. The Clerk of the Supreme Court shall publish and post by  
34 conventional or electronic means, in some conspicuous place in the  
35 Clerk's office and on the Internet website of the Clerk, a table of  
36 fees for public inspection.

37 5. All fees prescribed in this section must be paid in advance, if  
38 demanded. If the Clerk of the Supreme Court has not received any  
39 or all of the fees which are due to the Clerk for services rendered in  
40 any suit or proceeding, the Clerk may have execution therefor in the  
41 Clerk's own name against the party from whom they are due, to be  
42 issued from the Supreme Court upon order of a justice thereof or  
43 from the Court upon affidavit filed.

44 6. The Clerk of the Supreme Court shall give a receipt on  
45 demand of the party paying a fee. The receipt must specify the title



of the cause in which the fee is paid and the date and the amount of the payment.

7. The Clerk of the Supreme Court shall, when depositing with the State Treasurer money received for Court fees, render to the State Treasurer a brief note of the cases in which the money was received.

**Sec. 3.** NRS 2.320 is hereby amended to read as follows:

2.320 The Clerk of the Supreme Court and the Official Reporter are ex officio reporters of decisions. Whenever any case is finally determined by the Supreme Court or the Court of Appeals, the reporters of decisions shall make a synopsis of the opinion and decision of the Supreme Court or the Court of Appeals, as applicable, in the case. ~~[A copy of the opinion together with the synopsis must be filed by the reporters of decisions with the State Printer.]~~

**Sec. 4.** NRS 2.340 is hereby amended to read as follows:

2.340 ~~[1.] The [State Printer shall furnish the reporters of decisions with proof sheets for their verification and correction before publication in permanent form. The State Printer then]~~ *Supreme Court* shall ~~[print immediately]~~ *cause the printing of* each complete Supreme Court decision and Court of Appeals decision in pamphlet *or electronic* form . ~~[and shall furnish the Clerk of the Supreme Court with as many pamphlet copies of each decision as the Clerk determines are necessary for distribution to licensed attorneys, or any person mentioned in NRS 2.345, or for his or her use and the use of the justices of the Supreme Court and the judges of the Court of Appeals. Each decision must be printed and pamphlet copies returned to the Clerk of the Supreme Court within 14 days, not including the day of delivery, after the decision has been furnished to the State Printer by the Clerk of the Court. For good cause shown, the Chief Justice of the Supreme Court may extend the time within which the decision or decisions may be published.]~~

~~—2. At the time of delivering the copy of any decision to the State Printer pursuant to the provisions of NRS 2.320, which must be immediately after the decision is filed, the Clerk of the Supreme Court shall take a receipt for the decision. The receipt must set forth the date of delivery and the title and number of the case.]~~

**Sec. 5.** NRS 2.345 is hereby amended to read as follows:

2.345 The following persons and agencies are entitled to the ~~[supreme court]~~ decisions *of the Supreme Court and the Court of Appeals* in pamphlet *or electronic* form without charge:

1. Each of the judges of the District Court of the United States, one copy.

2. The Supreme Court Law Library, two copies.



3. Each state officer, district judge, district attorney, county clerk, justice of the peace and municipal judge in this State, one copy.

4. *The Legislative Counsel.*

5. Each public library in this State, one copy.

~~[5.]~~ 6. Each library in the Nevada System of Higher Education, one copy.

~~[6.]~~ 7. Each newspaper published in this State, and each commercial television and radio station transmitting in this State, one copy upon its annual request therefor.

**Sec. 6.** NRS 2.380 is hereby amended to read as follows:

2.380 The ~~[State Printer]~~ *Supreme Court* shall cause to be printed ~~[upon good paper and in a workmanlike manner, bound in buckram and delivered to the Legislative Counsel Bureau]~~ a number of copies of each volume of decisions published *on or* after ~~[February 16, 1967, not less than 750 and]~~ *October 1, 2021*, sufficient in the opinion of the ~~[Director of the Legislative Counsel Bureau]~~ *Chief Justice of the Supreme Court* to meet the requirements for free distribution pursuant to NRS 345.020 and for sale.

**Sec. 7.** NRS 3.160 is hereby amended to read as follows:

3.160 *1.* Upon the certification by any district judge of any judicial district or by the county clerk of any county to the Director of the Legislative Counsel Bureau certifying that certain volumes of the Statutes of Nevada or *certain volumes of Nevada Reports printed before October 1, 2021*, are missing from the library of any district judge, the Legislative Counsel Bureau shall furnish, free of charge from the supply on hand, to the district judge in any judicial district, the missing volumes of the Statutes of Nevada or Nevada Reports for use by the district judge in the district judge's library.

*2. Upon certification by any district judge of any judicial district or by the county clerk of any county to the Clerk of the Supreme Court certifying that certain volumes of Nevada Reports printed on or after October 1, 2021, are missing from the library of any district judge, the Clerk of the Supreme Court shall furnish, free of charge from the supply on hand, to the district judge in any judicial district, the missing volumes of Nevada Reports for use by the district judge in the district judge's library.*

**Sec. 8.** NRS 220.110 is hereby amended to read as follows:

220.110 Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
2. The Constitution of the State of Nevada.
3. The laws of this state of general application.
4. A full and accurate index of the statute laws.



1        5. Such annotations, historical notes ~~{, Supreme Court and~~  
2 ~~district court rules}~~ and other information as the Legislative Counsel  
3 deems appropriate to include.

4        **Sec. 9.** NRS 344.040 is hereby amended to read as follows:

5        344.040 The State Printer shall:

6        1. Supervise the operations of the State Printing Office.

7        2. Take charge of and be responsible for all manuscripts or  
8 other matter which may be delivered to the State Printer for printing  
9 or reproduction.

10       3. Receive and promptly execute all orders for printing or  
11 reproduction required by the Legislative Counsel Bureau ~~{,}~~ *or* the  
12 Nevada Legislature. ~~{for the Supreme Court of Nevada.}~~

13       4. Maintain perpetual inventory records of equipment in the  
14 State Printing Office.

15       **Sec. 10.** NRS 344.047 is hereby amended to read as follows:

16       344.047 No governmental entity is required to use the services  
17 of the State Printing Office, and the State Printing Office is not  
18 required to produce any work for a governmental entity, except with  
19 respect to work required by statute to be produced for ~~;~~

20 ~~—1. The~~ *the* Legislative Counsel Bureau or the Nevada  
21 Legislature. ~~;~~ ~~and~~

22 ~~—2. The Supreme Court of Nevada.}~~

23       **Sec. 11.** NRS 345.020 is hereby amended to read as follows:

24       345.020 ~~{Upon receipt of copies of each volume of Nevada~~  
25 ~~Reports from the State Printer, the Director of the Legislative~~  
26 ~~Counsel Bureau}~~ *The Supreme Court* shall distribute ~~{them}~~ *each*  
27 *volume of Nevada Reports in book or electronic form* without  
28 charge as follows:

29       1. To each of the judges of the District Court of the United  
30 States for the District of Nevada, one copy.

31       2. The Supreme Court Law Library, two copies.

32       3. To each justice of the Supreme Court, Clerk of the Supreme  
33 Court, judge of the Court of Appeals, district judge, district attorney,  
34 county clerk, justice of the peace and municipal judge in this State,  
35 one copy.

36       4. *The Legislative Counsel.*

37       5. To each public library in this State, one copy.

38 ~~{5.}~~ 6. To each library in the Nevada System of Higher  
39 Education, one copy.

40 ~~{6.}~~ 7. To the Nevada Historical Society, one copy.

41 ~~{7.}~~ 8. Upon request, to any state, county or municipal officer.

42       **Sec. 12.** NRS 345.023 is hereby amended to read as follows:

43       345.023 The Legislative Counsel Bureau shall distribute, free  
44 of charge, such additional copies of the Statutes of Nevada ~~{and of~~  
45 ~~Nevada Reports}~~ to the Supreme Court Law Library as in the





1 opinion of the Director thereof may secure an interchange of  
2 appropriate works for the library.

3 **Sec. 13.** NRS 345.040 is hereby amended to read as follows:

4 345.040 1. The Legislative Counsel Bureau shall stamp or  
5 mark all books to be distributed ~~§~~ *by the Legislative Counsel*  
6 *Bureau or the Supreme Court*, as provided by law, to Supreme  
7 Court justices, judges of the Court of Appeals, district judges, state,  
8 county and municipal officers, justices of the peace and municipal  
9 judges as follows: “State property, to be turned over to your  
10 successor in office.”

11 2. Each person who receives a book so distributed shall retain  
12 the book for the use of the person’s office and deliver all books so  
13 received to the person’s successor in office, who shall give his or  
14 her receipt therefor.

15 3. The Legislative Counsel Bureau *or the Nevada Supreme*  
16 *Court, as applicable*, shall keep proper records showing to whom  
17 the books were issued and the location of the books so distributed,  
18 and shall file the records in its office. Except as otherwise provided  
19 in NRS 3.160, the Legislative Counsel Bureau *or the Supreme*  
20 *Court, as applicable*, shall not supply a missing or second volume  
21 other than at the price established pursuant to NRS 345.050.

22 **Sec. 14.** NRS 345.050 is hereby amended to read as follows:

23 345.050 1. The Director of the Legislative Counsel Bureau  
24 may sell the following publications:

25 (a) ~~§~~ *Nevada Reports*.

26 ~~—(b)§~~ Statutes of Nevada.

27 ~~§(c)§~~ (b) Compilation of laws:

28 (1) Compiled Laws of Nevada (1861—1873), by Bonnifield  
29 and Healy (two volumes).

30 (2) General Statutes Nevada 1885 (1861—1885), by Bailly &  
31 Hammond.

32 (3) Compiled Laws of Nevada 1861—1900, by Cutting.

33 (4) Revised Laws of Nevada 1912, Volumes I and II (two  
34 volumes).

35 (5) Revised Laws of Nevada 1919, Volume III.

36 (6) Nevada Revised Statutes with annotations, including  
37 replacement and supplementary pages.

38 ~~§(d)§~~ (c) Miscellaneous publications:

39 (1) Nevada Constitutional Debates & Proceedings 1864.

40 (2) Nevada and Sawyer’s Digest 1878.

41 (3) Nevada Digest Annotated (1912), by Patrick.

42 (4) Journals of the Assembly or Senate.

43 (5) Appendices to journals of Senate and Assembly.

44 2. The Director shall:





(a) Set the prices for the publications sold pursuant to subsection 1.

(b) Charge and collect a fee to cover the costs of postage and handling related to the sale of copies of Nevada Reports.

3. No volume may be sold or delivered until the purchase price for the volume and the fee for postage and handling have been paid.

4. ~~Money received from the sale of Nevada Reports, excluding any money collected for postage and handling, must be deposited in the State General Fund.~~ Money received from the sale of all ~~other~~ publications enumerated in subsection 1 ~~and any money collected for postage and handling related to the sale of Nevada Reports~~ must be deposited in the Legislative Fund.

*5. The Supreme Court may sell copies of volumes of Nevada Reports at prices set by the Supreme Court, and money received from such sales, including, without limitation, money collected for postage and handling related to such sales, must be accounted for separately in the State General Fund for the exclusive use of the Supreme Court.*

**Sec. 15.** NRS 380.170 is hereby amended to read as follows:

380.170 Upon request, the Director of the Legislative Counsel Bureau shall distribute without charge to the county clerk of each county, for the use of the law library established therein pursuant to the provisions of this chapter:

1. A copy of each publication provided in NRS 345.050.

2. A copy of ~~each volume of Nevada Reports and~~ the Statutes of Nevada theretofore published.

3. A copy of each other publication of the Legislative Counsel Bureau.

**Sec. 16.** NRS 3.029 is hereby repealed.

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## TEXT OF REPEALED SECTION

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### **3.029 Training concerning complex issues of litigation alleging professional negligence by provider of health care.**

1. The Supreme Court shall provide by court rule for mandatory appropriate training concerning the complex issues of litigation alleging professional negligence for each district judge to whom actions involving professional negligence are assigned.

2. As used in this section, "professional negligence" has the meaning ascribed to it in NRS 41A.015.

