JUDICIAL DEPARTMENT BILL DRAFT REQUEST FOR THE 2023 LEGISLATIVE SESSION

Authority: NRS 218D.190

Deadline: BDRs from the Judicial Department must be submitted by the Supreme Court by no later than **September 1, 2022**.

Person Submitting Request:

John McCormick

Person to Contact for Clarification or Additional Information:

Name: John McCormick

Email: jmccormick@nvcourts.nv.gov

Phone: 775-687-9813

1. **Intent of Proposed Bill or Resolution** (Describe the problem to be solved, intended effect, and/or the goal(s) of the proposed bill or resolution – may be attached as separate document):

The intent of this bill is to "clean-up" antiquated language in NRS Chapters 1, 2, and 281. It is also intended clarify certain statutory requirements imposed on the judiciary in general, and the Supreme Court and AOC in specific.

2. **If known, list any existing state law that is sought to be changed or which is affected by the measure (NRS Title(s), Chapter(s) and Section(s) affected, Statutes of Nevada Chapter(s) and Section(s) affected and/or Nevada Constitutional provision):**

Title 1, NRS 1.055, NRS 1.060, NRS 1.070, NRS 1.080, NRS 1.090, NRS 1.113, NRS 1.115, NRS 1.116, NRS 1.117, NRS 1.130, NRS 1.140, NRS 1.150, NRS 1.180, NRS 1.235, NRS 1.270, NRS 1.360, NRS 1.400, NRS 1.500, NRS 1.510, NRS 1.520, NRS 1.530, NRS 1.540, NRS 1.545, NRS 2.040, NRS 2.120, NRS 2.150, NRS 2.195, NRS 2.200, NRS 2.210, NRS 2.230, NRS 2.240, NRS 2.255, NRS 2.270, NRS 2.300, NRS 2.420, NRS 2.440, NRS 2.450; Title 23, NRS 281.010

3. **Any additional information that may be helpful in drafting the bill or resolution** (May include any relevant legislative measures, cases or federal laws or other supporting materials – may be attached):

Suggested language is attached.

4. **Effective Date:**

- ☐ Default (October 1, 2023)
- ☒ July 1, 2023
- ☐ January 1, 2024
- ☐ Upon Passage and Approval
- ☐ Other

5. **Description of any known cost to the State or a local government that would result from carrying out the changes in the bill if enacted:**

REQUIRED PREFILING:

A bill draft requested by the Supreme Court is required to be prefiled on or before November 16, 2022. By statute, such a measure that is not prefiled on or before that date is deemed to be withdrawn. There is no authority to waive this requirement.

Please submit the completed Bill Draft Request form by mail to: Bryan Fernley, Legislative Counsel, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701; by e-mail at Bryan.Fernley@lcb.state.nv.us; or by fax at (775) 684-6761.

Section 1 NRS 1.055 is hereby amended to read as follows:

1.055 ~~[A judge of any court of justice for this State shall cause the telephone number of his or her office that is located within the court to be published in the telephone directory that is provided to the public in the jurisdiction in which the court is located.]~~ ***The contact information for every court of justice in this State shall be made available to members of the public within the court's jurisdiction.***

Sec. 2 NRS 1.060 is hereby repealed:

DELETED BY AMENDMENT ~~[If no judge attends on the day appointed, or to which court may have been adjourned before 12 m., the sheriff or clerk shall adjourn the court until the next day at 10 a.m., and if no judge attends on that day before 12 m., the sheriff or clerk shall adjourn the court until the following day at the same hour; and so on, from day to day unless the judge, while in or out of the State, by letter or telegram, orders it to be adjourned to some day certain, fixed in the order, in which case it shall be so adjourned.]~~

Sec. 3 NRS 1.070 is hereby amended to read as follows:

1.070 A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued at any other place in the city or county than that appointed, when a public emergency so requires.~~[war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court,] may render it necessary;] and]~~ ***The judge*** may, in the same manner, revoke the order and, in his or her discretion, appoint another place in the same city or county for holding the court. ***Court may be held by electronic or telephonic means to promote the interest of justice.***

Sec. **4** NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place so appointed ***or may appear by electronic or telephonic means as allowed by the court, local court rule, or Supreme Court rule.***

Sec. 5 NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice shall be public except as otherwise provided by law; but the judge of any court may exclude any minor during any criminal trial therein except ~~[such minor be on trial, or when testifying as a witness]~~ ***when the minor is on trial or is testifying as a witness*** ~~[, or when the minor shall be a law student preparing to apply for a license to practice law]~~.

Sec. 6 NRS 1.113 is hereby amended to read as follows:

1.113 1. A court in this State may enter into contracts with issuers of credit cards or debit cards to provide for the acceptance of credit cards or debit cards by the court for the payment of money owed to the court for a fee, fine, administrative assessment, restitution or any other charge owed to the court.

2. If the issuer charges the court a fee for each use of a credit card or debit card, the court may require the cardholder to pay a convenience fee. The total convenience fees charged by the court in a fiscal year must not exceed the total amount of fees charged to the court by the issuer in that fiscal year.

3. For the purpose of this section, the provisions of NRS 603A.215 apply.

~~[3.]~~ ***4.*** As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder to a court for the convenience of using a credit card or debit card to make a payment to the court.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate, or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

Sec. 7 NRS 1.115 is hereby repealed:

DELTED BY AMENDMENT [~~**1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled, to the extent reasonably possible, the paper and paper products, electronic waste and other recyclable materials it produces. This subsection does not apply to:**~~

~~**(a) Construction and demolition waste; or**~~

~~**(b) Confidential documents if there is an additional cost for recycling those documents.**~~

~~**2. Before recycling electronic waste, each court of justice shall permanently remove any data stored on the electronic waste**~~.

~~**3. As used in this section:**~~

~~**(a) "Electronic waste" has the meaning ascribed to it in NRS 444A.0115.**~~

~~**(b) "Paper" has the meaning ascribed to it in NRS 444A.0123.**~~

~~**(c) "Paper product" has the meaning ascribed to it in NRS 444A.0126.**~~

~~**(d) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.]**~~

Sec. 8 NRS 1.116 is hereby repealed:

DELTED BY AMENDMENT ~~**[1. Before disposing of electronic waste, each court of justice in this State shall permanently remove any data stored on the electronic waste.]**~~

~~**[2. As used in this section, "electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.]**~~

Sec. 9 NRS 1.117 is hereby amended to read as follows

1.117 ~~**[1.]**~~ The Supreme Court may adopt rules not inconsistent with the laws of this State to provide for the electronic filing, storage and reproduction of documents filed with the courts of justice.

~~[2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.]~~

Sec. 10 NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone ***or electronic means*** and for the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 11 NRS 1.140 is hereby amended to read as follows:

1.140 The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010 shall have a seal. ***This seal must be in a format prescribed by Supreme Court rule, and shall be applied or affixed, maintained, stored, and secured in accordance with Supreme Court rule.***

Sec. 12 NRS 1.150 is hereby repealed:

DELTED BY AMENDMENT ~~[The several district courts for which separate seals have not been provided heretofore, or the respective judges thereof, by an order in writing filed with the respective clerks of such courts, shall direct such clerks to procure such seals, which seals shall have the following inscriptions surrounding the same. "District Court, ... District, County of ..... (or Carson City)," inserting the number of the district and the name of the county. Any such order that may have been made by any judge of a district court shall have the same effect as if it had been made in open court.]~~

Sec. 13 NRS 1.170 is hereby repealed:

DELETED BY AMENDMENT ~~The clerk of each court, or the:~~

~~1. Deputy clerk;~~

~~2. Justice of the peace if a deputy clerk has not been appointed for the justice court; or~~

~~3. Judge of a municipal court designated as a court of record pursuant to NRS 5.010 if a deputy clerk has not been appointed for that court,~~

➥ ~~shall keep the seal of the court.~~

Sec. 14 NRS 1.180 is hereby repealed:

DELETED BY AMENDMENT ~~[The seal of the court need not be affixed to any proceedings therein except:~~

~~1. To a summons, writ or commission to take testimony.~~

~~2. To the proof of a will, or the appointment of an executor, administrator or guardian.~~

~~3. To the authentication of a copy of a record or other proceeding of the court or an officer thereof.~~

~~4. To certificate of acknowledgment and all final process.]~~

Sec. 15 NRS 1.235 is hereby amended to read as follows:

1.235 ***The Supreme Court must provide a procedure for the disqualification of a judge other than a Supreme Court justice or judge of the Court of Appeals by rule.*** ~~[1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit of a party represented by an attorney must be accompanied by a certificate of the attorney of record that the affidavit is filed in good faith and not interposed for delay. Except as otherwise provided in subsections 2 and 3, the affidavit must be filed:~~

~~(a) Not less than 20 days before the date set for trial or hearing of the case; or~~

~~(b) Not less than 3 days before the date set for the hearing of any pretrial matter.~~

~~2. Except as otherwise provided in this subsection and subsection 3, if a case is not assigned to a judge before the time required under subsection 1 for filing the affidavit, the affidavit must be filed:~~

~~(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;~~

~~(b) Before the hearing of any pretrial matter; or~~

~~(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing,~~

➥ ~~whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.~~

~~3. If a case is reassigned to a new judge and the time for filing the affidavit under subsection 1 and paragraph (a) of subsection 2 has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.~~

~~4. At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.~~

~~5. Except as otherwise provided in subsection 6, the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:~~

~~(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;~~

~~**(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as applicable; or**~~

~~**(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to NRS 5.023 or 5.024, as applicable.**~~

~~**6. A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the affidavit is filed, admitting or denying any or all of the allegations contained in the affidavit and setting forth any additional facts which bear on the question of the judge's disqualification. The question of the judge's disqualification must thereupon be heard and determined by another judge agreed upon by the parties or, if they are unable to agree, by a judge appointed**~~:

~~**(a) If the judge is a district judge, by the presiding judge of the judicial district in judicial districts having more than one judge, or if the presiding judge of the judicial district is sought to be disqualified, by the judge having the greatest number of years of service;**~~

~~**(b) If the judge is a justice of the peace, by the presiding judge of the justice court in justice courts having more than one justice of the peace, or if the presiding judge is sought to be disqualified, by the justice of the peace having the greatest number of years of service;**~~

~~**(c) If the judge is a municipal judge, by the presiding judge of the municipal court in municipal courts having more than one municipal judge, or if the presiding judge is sought to be disqualified, by the municipal judge having the greatest number of years of service; or**~~

~~**(d) If there is no presiding judge, by the Supreme Court.]**~~

Sec. 16 NRS 1.270 is hereby repealed:

DELETED BY AMENDMENT ~~**[No judge or justice of the peace shall have a partner acting as attorney or counsel in any court in this State.]**~~

Sec. 17 NRS 1.360 Is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the ~~**[offices of the judges, clerks, court reporters and employees of all]**~~ courts of this State and make recommendations ~~[, through the Chief Justice,]~~ for the improvement ~~**[of those procedures]**~~ ***thereof***;

~~**[2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;**~~

~~**3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;]**~~

~~**[4.]**~~ ***2.*** Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

~~**[5.]**~~ ***3.*** Prepare and submit a budget of state appropriations necessary for the maintenance ~~**[and]**~~ operation***, advancement and improvement*** of the State Court System and make recommendations in respect thereto;

~~**[6.]**~~ ***4.*** Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~**[7.]**~~ ***5.*** Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~**[8.]**~~ ***6.*** Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~**[9.]**~~ ***7.*** Formulate and submit to the Supreme Court recommendations of ***rules,*** policies or proposed legislation for the improvement of the State Court System;

~~**[10.]**~~ ***8.*** On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created by NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~[11.]~~ ***9.*** Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 18 NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~[regulations]~~ ***rules*** for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 19 NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees ***as the court determines are reasonable and necessary*** ~~[as the court by whom they are employed shall certify to be just]~~.

Sec. 20 NRS 1.510 is hereby amended to read as follows:

1.150 1. The Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~[regulations]~~ ***rules*** which, subject to ~~[the availability of funding]~~ ***legislative appropriation***, establish a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The regulations established pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration ~~[, based upon the need for interpreters of those languages]~~.

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(e) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

(a) A complete set of his or her fingerprints; and

(b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific regulation of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, “person with limited English proficiency” means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. NRS 1.520 is hereby amended to reads as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[regulation]~~ ***rule*** necessary to carry out a program for the certification and registration of court interpreters.

2. Impose on a certified or registered court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a ~~[regulation]~~ ***rule*** of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 21 NRS 1.530 is hereby amended to read as follows

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[to the Chief Justice]~~ by the Court Administrator, a committee to advise the Court Administrator regarding adoption of ~~[regulations]~~ ***rules*** pursuant to NRS 1.510 and 1.520. The committee must consist of:

(a) A district judge;

(b) A justice of the peace or municipal judge ~~[in a county whose population is less than 100,000]~~;

(c) An administrator of a district court;

(d) An administrator of a justice court or municipal court ~~[in a county whose population is less than 100,000]~~;

(e) A representative of the Nevada System of Higher Education;

(f) A representative of a nonprofit organization ~~[for]~~ ***that serves*** persons who speak a language other than English;

(g) A person certified to act as an interpreter for a court of this State or a federal court;

(h) A person certified to act as an interpreter for a court of this State in the Spanish language; and

(i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ~~[ex officio]~~ chair of the committee ***and may designate a vice-chair***.

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~[fiscal]~~ year, including any ~~[development of recommendations for]~~ revisions to the Nevada State Court Language Access Plan adopted by the ~~[Nevada Certified Court Interpreter Program]~~ ***Court Administrator*** ~~[as established pursuant to NRS 1.510]~~; and

(b) Statistical information concerning the usage of court interpreters, including ~~[, without limitation,]~~ information on the usage of certified***,*** ~~[and]~~ registered ***and qualified*** court interpreters ~~[and the demand for court interpreters]~~ for persons with limited English proficiency in courts of this State.

Sec. 22 NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a certified or registered court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a certified or registered court interpreter without a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a ~~[regulation]~~ ***rule*** adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 23 NRS 1.545 is hereby amended to read as follows:

1.545 ~~[1.]~~ The Court Administrator shall develop and implement ~~[a process]~~ ***rules*** by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

~~[2. Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.~~

~~**3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.**~~

~~**4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration**~~.

~~**5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator**~~.

~~**6. The Court Administrator may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.**~~

~~**7. The Court Administrator may post on its Internet website:**~~

~~**(a) The requirements to obtain a certification or registration as a court interpreter; and**~~

~~**(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.**~~

~~**8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:**~~

~~**(a) The Central Repository for Nevada Records of Criminal History; and**~~

~~**(b) The Federal Bureau of Investigation.**~~

~~**9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.]**~~

~~**10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:**~~

~~**(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;**~~

~~**(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;**~~

~~**(c) The reasons for such determinations; and**~~

~~**(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.**~~

~~**11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.**~~

Sec. 24 NRS 2.040 is hereby amended to read as follows:

2.040 Whenever any vacancy shall occur in the office of justice of the Supreme Court, the Governor shall fill the same by granting a commission, ***to a candidate put forth by the Commission on Judicial Selection, which shall expire the Sunday before the first Monday in January following*** ~~**[at]**~~ the next general election by the people and upon the qualification of his or her successor, at which election a justice shall be chosen for the balance of the unexpired term.

Sec. 25 NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court ~~**[, which in no event shall be less than 30 days after entry of an order adopting such rules]**~~.

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court ~~***[which in no event shall be less than 60 days after entry of an order adopting such rules]***~~.

Sec. 26 NRS 2.150 is hereby amended to read as follows:

If ~~[a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business,]~~ ***an appropriate facility and necessary staff, material and technological resources*** ~~[is]~~ ***are*** not provided by the State the Court may direct the sheriff of any county where the session is held to provide ~~,]~~ ***an appropriate facility and necessary staff, material and technological resources*** ~~[a room, attendants, fuel, lights and stationery,]~~ and the expenses must be paid out of the State Treasury.

Sec. 27 NRS 2.195 is hereby amended to read as follows:

~~[1. Each justice of the Supreme Court may use a facsimile signature produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval of the Supreme Court, subject to the following conditions~~:

~~(a) That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.~~

~~(b) That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.~~

~~(c) That the entire mechanical device must at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the device.~~

~~2. No facsimile signature produced through a mechanical device authorized by the provisions of this section may be combined with the signature of another officer.]~~

Justices may use facsimile signatures as provided by Supreme Court rule.

Sec. 28 NRS 2.200 is hereby amended to read as follows:

2.200 1. The Supreme Court shall appoint a Clerk of the Supreme Court. ~~[; but any person elected to the office of Clerk of the Supreme Court before July 1, 1957, shall continue to hold such office until the expiration of the term for which he or she may have been elected.]~~

2. The Clerk of the Supreme Court shall hold office and be removable at the pleasure of the Supreme Court.

Sec. 29 NRS 2.210 is hereby repealed:

DELETED BY AMENDMENT ~~[No person shall be eligible to the office of Clerk of the Supreme Court unless the person:~~

~~1. Shall have attained the age of 21 years at the time of the appointment; and~~

~~2. Shall be a qualified elector and a citizen resident of this state for 1 year next preceding the appointment.]~~

Sec. 30 NRS 2.230 is hereby repealed:

DELETED BY AMENDMENT ~~[The Clerk of the Supreme Court may, under the hand and seal of the Clerk, appoint deputies in his or her office. A deputy so appointed may, during the absence or inability of the Clerk of the Supreme Court, perform all of the duties of a ministerial nature requisite and pertaining to the office.]~~

Sec. 31 NRS 2.240 is hereby repealed:

DELETED BY AMENDMENT ~~[The Clerk of the Supreme Court is authorized to employ persons necessary to carry out the duties of his or her office.]~~

Sec. 32 NRS 2.255 is hereby repealed:

DELETED BY AMENDMENT ~~[1. Violates any of the provisions of subsections 2 and 3 of NRS 2.250, the Clerk shall be fined in an amount not exceeding $1,000.~~

~~2. Takes greater fees than authorized by law, the Clerk shall, upon conviction, be removed from office and fined in an amount not exceeding $1,000.]~~

Sec. 33 NRS 2.270 is hereby repealed:

DELETED BY AMENDMENT ~~[From and after March 5, 1937, and continuing at convenient dates thereafter, the Clerk of the Supreme Court, with the approval of the justices, shall destroy any exhibits which have been in the Clerk's custody for at least 5 years and which shall have been considered by the justices to be of no further use or value. The Clerk shall destroy the exhibits by such means as the Clerk shall determine to be in conformity with the intent of this section.]~~

Sec. 34 NRS 2.300 is hereby amended to read as follows:

The Supreme Court ~~**[, or a majority thereof,]**~~ is authorized to employ [~~**stenographic clerks, law clerks, legal assistants, legal secretaries and other necessary employees within the limits of the appropriation made for the support of the Supreme Court.]**~~ ***such employees as it deems necessary for the operation, maintenance, advancement and improvement of the Court and the State Court System.***

Sec. 35 NRS 2.420 is hereby repealed:

DELETED BY AMENDMENT ~~**[The justices of the Supreme Court may designate the hours that the Supreme Court Law Library shall be open for the use of the public.]**~~

Sec. 36 NRS 2.440 is hereby repealed:

DELETED BY AMENDMENT ~~**[The Supreme Court Law Librarian shall:**~~

~~**1. Be a graduate of a library school accredited by the American Library Association;**~~

~~**2. Have at least 2 years of library experience in an administrative capacity; and**~~

~~**3. Have at least 1 year of training in a law school or 2 years of experience as an employee in a law library.]**~~

Sec. 37 NRS 2.450 is hereby repealed:

DELETED BY AMENDMENT ~~**[The Supreme Court Law Librarian shall submit a biennial report to the justices of the Supreme Court concerning the condition, operation and functioning of the Law Library.]**~~

Sec. 38 NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

(a) A Governor.

(b) A Lieutenant Governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this State may be entitled.

(e) The number of presidential electors to which this State may be entitled.

(f) ~~**[Five]**~~ ***J***ustices of the Supreme Court.

(g) Judges of the Court of Appeals ~~**[other than the initial three judges]**~~.

(h) District judges.

(i) Senators and members of the Assembly.

(j) A Secretary of State.

(k) A State Treasurer.

(l) A State Controller.

(m) An Attorney General.

(n) Other officers whose elections are provided for by law.

(o) For each county, and the equivalent officers for Carson City:

(1) One county clerk, who is ex officio clerk of the board of county commissioners and ***may be*** clerk of the district court of the county.

(2) One sheriff.

(3) One district attorney.

(4) One public administrator, except where otherwise provided by law.

(5) One county assessor, except where otherwise provided by law.

(6) One county treasurer, except where otherwise provided by law.

(7) The number of county commissioners as provided by law.

(8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.

(9) Justices of the peace.

(10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.