

ASSEMBLY JOINT RESOLUTION NO. 18—COMMITTEE ON
CONSTITUTIONAL AMENDMENTS

MARCH 15, 1999

Referred to Committee on Constitutional Amendments

SUMMARY—Proposes to amend Nevada Constitution to make various changes concerning terms of supreme court justices and district judges. (BDR C-1623)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to authorize the legislature to provide by law for staggered terms for district judges and to provide that a person who is appointed to fill a vacancy in an office for district judge or supreme court justice serves for the remainder of the unexpired term of his predecessor.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA,
2 JOINTLY, That sections 5 and 20 of article 6 of the Constitution of the State
3 of Nevada be amended to read respectively as follows:
4 Sec. 5. ***1.*** The state is hereby divided into Nine Judicial Districts of
5 which the county of Storey ~~[shall constitute]~~ ***is*** the First; The county of
6 Ormsby the Second; the county of Lyon the Third; The county of Washoe
7 the Fourth; The counties of Nye and Churchill the Fifth; The county of
8 Humboldt the Sixth; The county of Lander the Seventh; The county of
9 Douglas the Eighth; and the county of Esmeralda the Ninth. The county of
10 Roop shall be attached to the county of Washoe for judicial purposes until
11 otherwise provided by law. The Legislature may, however, provide by law
12 for an alteration in the boundaries or divisions of the Districts herein
13 prescribed, and also for increasing or diminishing the number of the
14 Judicial Districts and Judges therein. But no such change shall take effect,
15 except in case of a vacancy, or the expiration of the term of an incumbent
16 of the Office. At the first general election under this Constitution there shall
17 be elected in each of the respective Districts (except as in this Section
18 hereafter otherwise provided) One District Judge, who shall hold Office
19 from and including the first Monday of December AD. Eighteen hundred

1 and Sixty four and until the first Monday of January in the year Eighteen
2 hundred and Sixty seven. After the said first election, there shall be elected
3 at the General election which immediately precedes the expiration of the
4 term of his predecessor, One District Judge in each of the respective
5 Judicial Districts (except in the First District as in this Section hereinafter
6 provided.) The District Judges shall be elected by the qualified electors of
7 their respective districts, and shall , *except as otherwise provided in*
8 *subsection 2*, hold office for the term of 6 years (excepting those elected at
9 said first election) from and including the first Monday of January, next
10 succeeding their election and qualification; Provided, that the First Judicial
11 District shall be entitled to, and shall have Three District Judges, who shall
12 possess co-extensive and concurrent jurisdiction, and who shall be elected
13 at the same times, in the same manner, and shall hold office for the like
14 terms as herein prescribed, in relation to the Judges in other Judicial
15 Districts, any one of said Judges may preside on the empanneling
16 [empaneling] of Grand Juries and the presentment and trial on indictments,
17 under such rules and regulations as may be prescribed by law.

18 *2. The Legislature may provide by law for the arrangement of the*
19 *terms of the District Judges so that an equal number of terms, as nearly*
20 *as may be, expire every 2 years.*

21 Sec. 20. 1. When a vacancy occurs before the expiration of any term
22 of office in the supreme court or among the district judges, the governor
23 shall appoint a justice or judge from among three nominees selected for
24 such individual vacancy by the commission on judicial selection ~~1.~~

25 ~~2. The term of office of any justice or judge so appointed expires on~~
26 ~~the first Monday of January following the next general election.~~

27 ~~3.] to serve the remainder of the unexpired term.~~

28 *2.* Each nomination for the supreme court shall be made by the
29 permanent commission, composed of:

- 30 (a) The chief justice or an associate justice designated by him;
31 (b) Three members of the State Bar of Nevada, a public corporation
32 created by statute, appointed by its board of governors; and
33 (c) Three persons, not members of the legal profession, appointed by the
34 governor.

35 ~~14.] 3.~~ Each nomination for the district court shall be made by a
36 temporary commission composed of:

- 37 (a) The permanent commission;
38 (b) A member of the State Bar of Nevada resident in the judicial district
39 in which the vacancy occurs, appointed by the board of governors of the
40 State Bar of Nevada; and

41 (c) A resident of such judicial district, not a member of the legal
42 profession, appointed by the governor.

1 ~~15.1~~ 4. If at any time the State Bar of Nevada ceases to exist as a public
2 corporation or ceases to include all attorneys admitted to practice before
3 the courts of this state, the legislature shall provide by law, or if it fails to
4 do so the court shall provide by rule, for the appointment of attorneys at
5 law to the positions designated in this section to be occupied by members
6 of the State Bar of Nevada.

7 ~~16.1~~ 5. The term of office of each appointive member of the permanent
8 commission, except the first members, is 4 years. Each appointing authority
9 shall appoint one of the members first appointed for a term of 2 years. If a
10 vacancy occurs, the appointing authority shall fill the vacancy for the
11 unexpired term. The additional members of a temporary commission shall
12 be appointed when a vacancy occurs, and their terms shall expire when the
13 nominations for such vacancy have been transmitted to the governor.

14 ~~17.1~~ 6. An appointing authority shall not appoint to the permanent
15 commission more than:

16 (a) One resident of any county.

17 (b) Two members of the same political party.

18 No member of the permanent commission may be a member of a
19 commission on judicial discipline.

20 ~~18.1~~ 7. After the expiration of 30 days from the date on which the
21 commission on judicial selection has delivered to him its list of nominees
22 for any vacancy, if the governor has not made the appointment required by
23 this section, he shall make no other appointment to any public office until
24 he has appointed a justice or judge from the list submitted.
25 If a commission on judicial selection is established by another section of
26 this constitution to nominate persons to fill vacancies on the supreme court,
27 such commission shall serve as the permanent commission established by
28 subsection ~~13.1~~ 2 of this section.