

A.J.R. 13 of the 70th Session

ASSEMBLY JOINT RESOLUTION NO. 13—COMMITTEE ON CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 5, 1999

Referred to Committee on Constitutional Amendments

SUMMARY—Proposes to amend Nevada Constitution to revise term of office of justice of the supreme court or judge of district court who is appointed to fill vacancy. (BDR C-916)

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 revise the term of office of a justice of the supreme court or judge of a district court who is appointed to fill a vacancy.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That section 20 of article 6 of the Constitution of the
3 State of Nevada be amended to read as follows:

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

8 ~~[2.—The]~~ ***Except as otherwise provided in subsection 2, the*** term of
9 office of any justice or judge so appointed expires on the first Monday of
10 January following the ~~[next]~~ ***first*** general election ~~[.]~~ ***that is held at least 12***
11 ***calendar months after the date on which the appointment was made. At***
12 ***that general election, a justice or judge must be elected to fill the***
13 ***remainder of the term.***

14 ***2. If the date on which the appointment was made is within the 12***
15 ***calendar months immediately preceding the expiration of the term of the***
16 ***vacated office, the term of office of the justice or judge appointed***
17 ***pursuant to subsection 1 is the remainder of the unexpired term of office.***

18 3. Each nomination for the supreme court shall be made by the
19 permanent commission, composed of:

20 (a) The chief justice or an associate justice designated by him;

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1 (b) Three members of the State Bar of Nevada, a public corporation
2 created by statute, appointed by its board of governors; and

3 (c) Three persons, not members of the legal profession, appointed by the
4 governor.

5 4. Each nomination for the district court shall be made by a temporary
6 commission composed of:

7 (a) The permanent commission;

8 (b) A member of the State Bar of Nevada resident in the judicial district
9 in which the vacancy occurs, appointed by the board of governors of the
10 State Bar of Nevada; and

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

13 5. If at any time the State Bar of Nevada ceases to exist as a public
14 corporation or ceases to include all attorneys admitted to practice before
15 the courts of this state, the legislature shall provide by law, or if it fails to do
16 so the court shall provide by rule, for the appointment of attorneys at law to
17 the positions designated in this section to be occupied by members of the
18 State Bar of Nevada.

19 6. The term of office of each appointive member of the permanent
20 commission, except the first members, is 4 years. Each appointing authority
21 shall appoint one of the members first appointed for a term of 2 years. If a
22 vacancy occurs, the appointing authority shall fill the vacancy for the
23 unexpired term. The additional members of a temporary commission shall be
24 appointed when a vacancy occurs, and their terms shall expire when the
25 nominations for such vacancy have been transmitted to the governor.

26 7. An appointing authority shall not appoint to the permanent
27 commission more than:

28 (a) One resident of any county.

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

30 No member of the permanent commission may be a member of a commission
31 on judicial discipline.

32 8. After the expiration of 30 days from the date on which the
33 commission on judicial selection has delivered to him its list of nominees for
34 any vacancy, if the governor has not made the appointment required by this
35 section, he shall make no other appointment to any public office until he
36 has appointed a justice or judge from the list submitted.

37 If a commission on judicial selection is established by another section of
38 this constitution to nominate persons to fill vacancies on the supreme
39 court, such commission shall serve as the permanent commission
40 established by subsection 3 of this section.

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