

SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada Constitution to provide that the Nevada Court of Appeals has original jurisdiction over certain cases relating to water. (BDR C-310)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide that the Nevada Court of Appeals has original jurisdiction over certain cases relating to water.

Legislative Counsel's Digest:

1 Under the Nevada Constitution, the district courts of this State have original
2 jurisdiction over all cases excluded by law from the original jurisdiction of the
3 justice courts, and the Nevada Supreme Court and Nevada Court of Appeals have
4 appellate jurisdiction over civil cases arising in district courts and in criminal cases
5 within the original jurisdiction of the district courts. (Nev. Const. Art. 6, §§ 4, 6)
6 This resolution proposes to amend the Nevada Constitution to provide that the
7 Nevada Court of Appeals has original jurisdiction in any civil case brought by a
8 person challenging a final order or decision of the State Engineer.

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 4 of Article 6 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 4. 1. The *court of appeals has original*
5 *jurisdiction in all civil cases arising from a final order or*
6 *decision of the State Engineer. In all other cases, the*



Supreme Court and the court of appeals have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. ~~[The]~~ *Except as otherwise provided in this subsection, the* Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals. The Supreme Court and the court of appeals have power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus and also all writs necessary or proper to the complete exercise of their jurisdiction. Each justice of the Supreme Court and judge of the court of appeals may issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody in this State and may make such writs returnable before the issuing justice or judge or the court of which the justice or judge is a member, or before any district court in the State or any judge of a district court.

2. In case of the disability or disqualification, for any cause, of a justice of the Supreme Court, the Governor may designate a judge of the court of appeals or a district judge to sit in the place of the disqualified or disabled justice. The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 6 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 6. 1. The District Courts in the several Judicial Districts of this State have original jurisdiction in all cases excluded by law from the original jurisdiction of justices' courts ~~[H]~~ *except those cases within the original jurisdiction of the court of appeals.* They also have final appellate jurisdiction in cases arising in Justices Courts and such other inferior tribunals as may be established by law. The District Courts and the Judges thereof have power to issue writs of Mandamus, Prohibition, Injunction, Quo-Warranto, Certiorari, and all other writs proper and necessary to the



complete exercise of their jurisdiction. The District Courts and the Judges thereof shall also have power to issue writs of Habeas Corpus on petition by, or on behalf of any person who is held in actual custody in their respective districts, or who has suffered a criminal conviction in their respective districts and has not completed the sentence imposed pursuant to the judgment of conviction.

2. The legislature may provide by law for:

(a) Referees in district courts.

(b) The establishment of a family court as a division of any district court and may prescribe its jurisdiction.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

