

SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(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 Legislative Operations and Elections

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*



1 *decision of the State Engineer. In all other cases, the*  
2 Supreme Court and the court of appeals have appellate  
3 jurisdiction in all civil cases arising in district courts, and also  
4 on questions of law alone in all criminal cases in which the  
5 offense charged is within the original jurisdiction of the  
6 district courts. ~~{The}~~ *Except as otherwise provided in this*  
7 *subsection, the* Supreme Court shall fix by rule the  
8 jurisdiction of the court of appeals and shall provide for the  
9 review, where appropriate, of appeals decided by the court of  
10 appeals. The Supreme Court and the court of appeals have  
11 power to issue writs of mandamus, certiorari, prohibition, quo  
12 warranto and habeas corpus and also all writs necessary or  
13 proper to the complete exercise of their jurisdiction. Each  
14 justice of the Supreme Court and judge of the court of appeals  
15 may issue writs of habeas corpus to any part of the State,  
16 upon petition by, or on behalf of, any person held in actual  
17 custody in this State and may make such writs returnable  
18 before the issuing justice or judge or the court of which the  
19 justice or judge is a member, or before any district court in  
20 the State or any judge of a district court.

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

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

34 And be it further

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

37 Sec. 6. 1. The District Courts in the several Judicial  
38 Districts of this State have original jurisdiction in all cases  
39 excluded by law from the original jurisdiction of justices'  
40 courts ~~{}~~ *except those cases within the original jurisdiction*  
41 *of the court of appeals.* They also have final appellate  
42 jurisdiction in cases arising in Justices Courts and such other  
43 inferior tribunals as may be established by law. The District  
44 Courts and the Judges thereof have power to issue writs of  
45 Mandamus, Prohibition, Injunction, Quo-Warranto,



1 Certiorari, and all other writs proper and necessary to the  
2 complete exercise of their jurisdiction. The District Courts  
3 and the Judges thereof shall also have power to issue writs of  
4 Habeas Corpus on petition by, or on behalf of any person who  
5 is held in actual custody in their respective districts, or who  
6 has suffered a criminal conviction in their respective districts  
7 and has not completed the sentence imposed pursuant to the  
8 judgment of conviction.

9 2. The legislature may provide by law for:

10 (a) Referees in district courts.

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

13 And be it further

14 RESOLVED, That this resolution becomes effective upon  
15 passage.

