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ASSEMBLY JOINT RESOLUTION NO. 8—ASSEMBLYMEMBERS  
DALIA AND BACKUS

FEBRUARY 19, 2025

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Referred to Committee on Judiciary

SUMMARY—Proposes to amend the Nevada Constitution to provide for the establishment of a business court. (BDR C-668)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to require the Legislature, to the extent money is available, to provide by law for the establishment of a business court.

**Legislative Counsel’s Digest:**

1 This resolution proposes an amendment to the Nevada Constitution to require  
2 the Legislature, to the extent money is available, to provide by law for the  
3 establishment of a business court which, if established, will have exclusive original  
4 jurisdiction to hear disputes involving shareholder rights, mergers and acquisitions,  
5 fiduciary duties, receiverships involving business entities and other commercial or  
6 business disputes in which equitable or declaratory relief is sought. If the  
7 Legislature establishes a business court, the constitutional amendment proposed by  
8 this resolution requires the Legislature to: (1) provide by law for the appointment of  
9 business court judges by the Governor from among three nominees for each seat  
10 chosen by the Commission on Judicial Selection; (2) prescribe by law the powers,  
11 duties and responsibilities of any such judges; and (3) fix by law the terms of any  
12 such judges. The constitutional amendment proposed by this resolution also  
13 provides that if the Legislature establishes a business court, the Supreme Court and  
14 the court of appeals will have appellate jurisdiction of cases within the original  
15 jurisdiction of the business court. Finally, the constitutional amendment proposed  
16 by this resolution makes various conforming changes to provisions in the Nevada  
17 Constitution relating to the business court.



1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF  
2 NEVADA, JOINTLY, That a new section, designated Section 3B, be  
3 added to Article 6 of the Nevada Constitution to read as follows:

4 *Sec. 3B. 1. The Legislature shall, to the extent*  
5 *money is available, provide by law for the establishment of a*  
6 *business court consisting of three judges or such greater*  
7 *number as the Legislature may provide by law.*

8 *2. If the Legislature provides by law for the*  
9 *establishment of a business court pursuant to subsection 1,*  
10 *the business court shall have exclusive original jurisdiction*  
11 *to hear disputes involving shareholder rights, mergers and*  
12 *acquisitions, fiduciary duties, receiverships involving*  
13 *business entities and other commercial or business disputes*  
14 *in which equitable or declaratory relief is sought.*

15 *3. If the Legislature provides by law for the*  
16 *establishment of a business court pursuant to subsection 1,*  
17 *the Legislature shall:*

18 *(a) Provide for the appointment of:*

19 *(1) Business court judges by the Governor in*  
20 *accordance with subsection 4; and*

21 *(2) A chief judge of the business court by the Chief*  
22 *Justice of the Supreme Court;*

23 *(b) Prescribe by law the powers, duties and*  
24 *responsibilities of business court judges in accordance with*  
25 *subsection 5; and*

26 *(c) Fix by law the:*

27 *(1) Terms of office of business court judges in*  
28 *accordance with subsection 6; and*

29 *(2) Term of a chief judge of the business court in*  
30 *accordance with subsection 7.*

31 *4. The judges of the business court must be appointed*  
32 *by the Governor from among three nominees selected for*  
33 *each individual seat by the permanent Commission on*  
34 *Judicial Selection described in subsection 3 of Section 20 of*  
35 *this Article. A nominee selected by the Commission must, as*  
36 *determined in the reasonable discretion of the Commission,*  
37 *have substantial experience as a practitioner or judge in one*  
38 *or more areas of law within the jurisdiction of the business*  
39 *court.*

40 *5. A business court judge must, for matters with the*  
41 *jurisdiction of the business court, have the same powers and*  
42 *duties and be subject to the same limitations and restrictions*  
43 *that are applicable to a district judge.*

44 *6. Except for the business court judges initially*  
45 *appointed, the term of office of each business court judge*



1 *must be 6 years. No person so appointed may serve more*  
2 *than 2 consecutive terms.*

3 *7. Except for the initial chief judge of the business*  
4 *court, the chief judge serves a term of 6 years. The chief*  
5 *judge may:*

6 *(a) Succeed himself or herself.*

7 *(b) Resign the position of chief judge without resigning*  
8 *from the business court.*

9 And be it further

10 RESOLVED, That Section 1 of Article 6 of the Nevada  
11 Constitution be amended to read as follows:

12 Section 1. *1.* The judicial power of this State is vested  
13 in a court system, comprising a Supreme Court, a court of  
14 appeals, *a business court, if the Legislature establishes such*  
15 *a court pursuant to Section 3B of this Article,* district courts  
16 and justices of the peace.

17 *2.* The Legislature may also establish, as part of the  
18 system, courts for municipal purposes only in incorporated  
19 cities and towns.

20 And be it further

21 RESOLVED, That Section 4 of Article 6 of the Nevada  
22 Constitution be amended to read as follows:

23 Sec. 4. *1.* The Supreme Court and the court of appeals  
24 have appellate jurisdiction in all civil cases arising in district  
25 courts *or business court, if the Legislature establishes*  
26 *such a court pursuant to Section 3B of this Article,* and also  
27 on questions of law alone in all criminal cases in which the  
28 offense charged is within the original jurisdiction of  
29 the district courts. The Supreme Court shall fix by rule the  
30 jurisdiction of the court of appeals and shall provide for the  
31 review, where appropriate, of appeals decided by the court of  
32 appeals. The Supreme Court and the court of appeals have  
33 power to issue writs of mandamus, certiorari, prohibition, quo  
34 warranto and habeas corpus and also all writs necessary or  
35 proper to the complete exercise of their jurisdiction. Each  
36 justice of the Supreme Court and judge of the court of appeals  
37 may issue writs of habeas corpus to any part of the State,  
38 upon petition by, or on behalf of, any person held in actual  
39 custody in this State and may make such writs returnable  
40 before the issuing justice or judge or the court of which the  
41 justice or judge is a member, or before any district court in  
42 the State or any judge of a district court.

43 *2.* In case of the disability or disqualification, for any  
44 cause, of a justice of the Supreme Court, the Governor may  
45 designate a judge of the court of appeals or a district judge to



1 sit in the place of the disqualified or disabled justice. The  
2 judge designated by the Governor is entitled to receive his  
3 actual expense of travel and otherwise while sitting in the  
4 Supreme Court.

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

11 And be it further

12 RESOLVED, That Section 7 of Article 6 of the Nevada  
13 Constitution be amended to read as follows:

14 Sec. 7. The times of holding the Supreme Court, the  
15 court of appeals , *the business court, if the Legislature*  
16 *establishes such a court pursuant to Section 3B of this*  
17 *Article*, and the district courts must be as fixed by law. The  
18 terms of the Supreme Court must be held at the seat of  
19 government unless the Legislature otherwise provides by law,  
20 except that the Supreme Court may hear oral argument at  
21 other places in the State. The terms of the court of appeals  
22 *and the business court, if the Legislature establishes such a*  
23 *court pursuant to Section 3B of this Article*, must be held at  
24 the place provided by law. The terms of the district courts  
25 must be held at the county seats of their respective counties  
26 unless the Legislature otherwise provides by law.

27 And be it further

28 RESOLVED, That Section 8 of Article 6 of the Nevada  
29 Constitution be amended to read as follows:

30 Sec. 8. 1. The Legislature shall determine the number  
31 of justices of the peace to be elected in each city and  
32 township of the State and shall fix by law their qualifications,  
33 their terms of office and the limits of their civil and criminal  
34 jurisdiction, according to the amount in controversy, the  
35 nature of the case, the penalty provided or any combination of  
36 these.

37 2. The provisions of this section affecting the number,  
38 qualifications, terms of office and jurisdiction of justices of  
39 the peace become effective on the first Monday of January,  
40 1979.

41 3. The Legislature shall also prescribe by law the  
42 manner, and determine the cases, in which appeals may be  
43 taken from justices and other courts. The Supreme Court, the  
44 court of appeals, *the business court, if the Legislature*  
45 *establishes such a court pursuant to Section 3B of this*



1 *Article*, the district courts and such other courts as the  
2 Legislature designates are courts of record.

3 And be it further

4 RESOLVED, That Section 11 of Article 6 of the Nevada  
5 Constitution be amended to read as follows:

6 Sec. 11. The justices of the Supreme Court, the judges  
7 of the court of appeals , *the business court judges, if the*  
8 *Legislature establishes such a court pursuant to Section 3B*  
9 *of this Article*, and the district judges are ineligible to any  
10 office, other than a judicial office, during the term for which  
11 they have been elected or appointed. All elections or  
12 appointments of any such judges by the people, Legislature or  
13 otherwise during said period to any office other than judicial  
14 are void.

15 And be it further

16 RESOLVED, That Section 15 of Article 6 of the Nevada  
17 Constitution be amended to read as follows:

18 Sec. 15. The justices of the Supreme Court, the judges  
19 of the court of appeals, *the business court judges, if the*  
20 *Legislature establishes a business court pursuant to Section*  
21 *3B of this Article*, and the district judges are each entitled to  
22 receive for their services a compensation to be fixed by law  
23 and paid in the manner provided by law, which must not be  
24 increased or diminished during the term for which they have  
25 been elected ~~or~~ *or appointed*, unless a vacancy occurs, in  
26 which case the successor of the former incumbent is entitled  
27 to receive only such salary as may be provided by law at the  
28 time of his election or appointment. A provision must be  
29 made by law for setting apart from each year's revenue a  
30 sufficient amount of money to pay such compensation.

31 And be it further

32 RESOLVED, That Section 20 of Article 6 of the Nevada  
33 Constitution be amended to read as follows:

34 Sec. 20. 1. When a vacancy occurs before the  
35 expiration of any term of office in the Supreme Court , ~~or~~  
36 the court of appeals *or the business court, if the Legislature*  
37 *establishes such a court pursuant to Section 3B of this*  
38 *Article*, or among the district judges, the Governor shall  
39 appoint a justice or judge from among three nominees  
40 selected for such individual vacancy by the Commission on  
41 Judicial Selection.

42 2. ~~The~~ *Except as otherwise provided in this*  
43 *subsection, the* term of office of any justice or judge so  
44 appointed expires on the first Monday of January following  
45 the next general election. *Any business court judge who is*



1 *appointed to fill a vacancy before the end of a term shall*  
2 *serve the remainder of the unexpired term.*

3 3. Each nomination for the Supreme Court , ~~for~~ the  
4 court of appeals *or the business court, if the Legislature*  
5 *establishes such a court pursuant to Section 3B of this*  
6 *Article*, must be made by the permanent Commission,  
7 composed of:

8 (a) The Chief Justice or an associate justice designated by  
9 him;

10 (b) Three members of the State Bar of Nevada, a public  
11 corporation created by statute, appointed by its Board of  
12 Governors; and

13 (c) Three persons, not members of the legal profession,  
14 appointed by the Governor.

15 4. Each nomination for the district court must be made  
16 by a temporary commission composed of:

17 (a) The permanent Commission;

18 (b) A member of the State Bar of Nevada resident in the  
19 judicial district in which the vacancy occurs, appointed by the  
20 Board of Governors of the State Bar of Nevada; and

21 (c) A resident of such judicial district, not a member of  
22 the legal profession, appointed by the Governor.

23 5. If at any time the State Bar of Nevada ceases to exist  
24 as a public corporation or ceases to include all attorneys  
25 admitted to practice before the courts of this State, the  
26 Legislature shall provide by law, or if it fails to do so the  
27 Supreme Court shall provide by rule, for the appointment of  
28 attorneys at law to the positions designated in this Section to  
29 be occupied by members of the State Bar of Nevada.

30 6. The term of office of each appointive member of the  
31 permanent Commission, except the first members, is 4 years.  
32 Each appointing authority shall appoint one of the members  
33 first appointed for a term of 2 years. If a vacancy occurs, the  
34 appointing authority shall fill the vacancy for the unexpired  
35 term. The additional members of a temporary commission  
36 must be appointed when a vacancy occurs, and their terms  
37 expire when the nominations for such vacancy have been  
38 transmitted to the Governor.

39 7. An appointing authority shall not appoint to the  
40 permanent Commission more than:

41 (a) One resident of any county.

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

43 ➤ No member of the permanent Commission may be a  
44 member of the Commission on Judicial Discipline.



1           8. After the expiration of 30 days from the date on which  
2 the Commission on Judicial Selection has delivered to him its  
3 list of nominees for any vacancy, if the Governor has not  
4 made the appointment required by this Section, he shall make  
5 no other appointment to any public office until he has  
6 appointed a justice or judge from the list submitted.

7 And be it further

8       RESOLVED, That Section 21 of Article 6 of the Nevada  
9 Constitution be amended to read as follows:

10       Sec. 21. 1. A justice of the Supreme Court, a judge of  
11 the court of appeals, *a business court judge, if the*  
12 *Legislature establishes such a court pursuant to Section 3B*  
13 *of this Article*, a district judge, a justice of the peace or a  
14 municipal judge may, in addition to the provision of Article 7  
15 for impeachment, be censured, retired, removed or otherwise  
16 disciplined by the Commission on Judicial Discipline.  
17 Pursuant to rules governing appeals adopted by the Supreme  
18 Court, a justice or judge may appeal from the action of the  
19 Commission to the Supreme Court, which may reverse such  
20 action or take any alternative action provided in this  
21 subsection.

22       2. The Commission is composed of:

23       (a) Two justices or judges appointed by the Supreme  
24 Court;

25       (b) Two members of the State Bar of Nevada, a public  
26 corporation created by statute, appointed by its Board of  
27 Governors; and

28       (c) Three persons, not members of the legal profession,  
29 appointed by the Governor.

30       ↳ The Commission shall elect a Chairman from among its  
31 three lay members.

32       3. If at any time the State Bar of Nevada ceases to exist  
33 as a public corporation or ceases to include all attorneys  
34 admitted to practice before the courts of this State, the  
35 Legislature shall provide by law, or if it fails to do so the  
36 Supreme Court shall provide by rule, for the appointment of  
37 attorneys at law to the positions designated in this Section to  
38 be occupied by members of the State Bar of Nevada.

39       4. The term of office of each appointive member of the  
40 Commission, except the first members, is 4 years. Each  
41 appointing authority shall appoint one of the members first  
42 appointed for a term of 2 years. If a vacancy occurs, the  
43 appointing authority shall fill the vacancy for the unexpired  
44 term. An appointing authority shall not appoint more than one  
45 resident of any county. The Governor shall not appoint more



1 than two members of the same political party. No member  
2 may be a member of a commission on judicial selection.

3 5. The Legislature shall establish:

4 (a) In addition to censure, retirement and removal, the  
5 other forms of disciplinary action that the Commission may  
6 impose;

7 (b) The grounds for censure and other disciplinary action  
8 that the Commission may impose, including, but not limited  
9 to, violations of the provisions of the Code of Judicial  
10 Conduct;

11 (c) The standards for the investigation of matters relating  
12 to the fitness of a justice or judge; and

13 (d) The confidentiality or nonconfidentiality, as  
14 appropriate, of proceedings before the Commission, except  
15 that, in any event, a decision to censure, retire or remove a  
16 justice or judge must be made public.

17 6. The Supreme Court shall adopt a Code of Judicial  
18 Conduct.

19 7. The Commission shall adopt rules of procedure for  
20 the conduct of its hearings and any other procedural rules it  
21 deems necessary to carry out its duties.

22 8. No justice or judge may by virtue of this Section be:

23 (a) Removed except for willful misconduct, willful or  
24 persistent failure to perform the duties of his office or  
25 habitual intemperance; or

26 (b) Retired except for advanced age which interferes with  
27 the proper performance of his judicial duties, or for mental or  
28 physical disability which prevents the proper performance of  
29 his judicial duties and which is likely to be permanent in  
30 nature.

31 9. Any matter relating to the fitness of a justice or judge  
32 may be brought to the attention of the Commission by any  
33 person or on the motion of the Commission. The Commission  
34 shall, after preliminary investigation, dismiss the matter or  
35 order a hearing to be held before it. If a hearing is ordered, a  
36 statement of the matter must be served upon the justice or  
37 judge against whom the proceeding is brought. The  
38 Commission in its discretion may suspend a justice or judge  
39 from the exercise of his office pending the determination of  
40 the proceedings before the Commission. Any justice or judge  
41 whose removal is sought is liable to indictment and  
42 punishment according to law. A justice or judge retired for  
43 disability in accordance with this Section is entitled thereafter  
44 to receive such compensation as the Legislature may provide.





1           10. If a proceeding is brought against a justice of the  
2 Supreme Court, no justice of the Supreme Court may sit on  
3 the Commission for that proceeding. If a proceeding is  
4 brought against a judge of the court of appeals, no judge of  
5 the court of appeals may sit on the Commission for that  
6 proceeding. If a proceeding is brought against a district judge,  
7 no district judge from the same judicial district may sit on the  
8 Commission for that proceeding. If a proceeding is brought  
9 against a justice of the peace, no justice of the peace from the  
10 same township may sit on the Commission for that  
11 proceeding. If a proceeding is brought against a municipal  
12 judge, no municipal judge from the same city may sit on the  
13 Commission for that proceeding. If an appeal is taken from an  
14 action of the Commission to the Supreme Court, any justice  
15 who sat on the Commission for that proceeding is disqualified  
16 from participating in the consideration or decision of the  
17 appeal. When any member of the Commission is disqualified  
18 by this subsection, the Supreme Court shall appoint a  
19 substitute from among the eligible judges.

20           11. The Commission may:

21           (a) Designate for each hearing an attorney or attorneys at  
22 law to act as counsel to conduct the proceeding;

23           (b) Summon witnesses to appear and testify under oath  
24 and compel the production of books, papers, documents and  
25 records;

26           (c) Grant immunity from prosecution or punishment when  
27 the Commission deems it necessary and proper in order to  
28 compel the giving of testimony under oath and the production  
29 of books, papers, documents and records; and

30           (d) Exercise such further powers as the Legislature may  
31 from time to time confer upon it.

32 And be it further

33           RESOLVED, That Section 3 of Article 7 of the Nevada  
34 Constitution be amended to read as follows:

35           Sec. 3. For any reasonable cause to be entered on the  
36 journals of each House, which may or may not be sufficient  
37 grounds for impeachment, the justices of the Supreme Court,  
38 the judges of the court of appeals, *the judges of the business*  
39 *court, if the Legislature establishes such a court pursuant to*  
40 *Section 3B of Article 6 of this Constitution*, and the judges of  
41 the district courts must be removed from office on the vote of  
42 two thirds of the members elected to each branch of the  
43 Legislature. The justice or judge complained of must be  
44 served with a copy of the complaint against him, and have an  
45 opportunity of being heard in person or by counsel in his



1 defense. No member of either branch of the Legislature is  
2 eligible to fill the vacancy occasioned by such removal.

3 And be it further

4 RESOLVED, That Section 8 of Article 15 of the Nevada  
5 Constitution be amended to read as follows:

6 Sec. 8. The Legislature shall provide for the speedy  
7 publication of all statute laws of a general nature and such  
8 decisions of the Supreme Court , ~~and~~ the court of appeals  
9 *and the business court, if the Legislature establishes such a*  
10 *court pursuant to Section 3B of Article 6 of this*  
11 *Constitution*, as it may deem expedient. All laws and judicial  
12 decisions must be free for publication by any person. No  
13 judgment of the Supreme Court , ~~or~~ the court of appeals *or*  
14 *the business court, if the Legislature establishes such a*  
15 *court pursuant to Section 3B of Article 6 of this*  
16 *Constitution*, shall take effect and be operative until the  
17 opinion of the court in such case is filed with the clerk of said  
18 court.

19 And be it further

20 RESOLVED, That this resolution becomes effective upon  
21 passage.





