

ASSEMBLY BILL NO. 592—COMMITTEE ON JUDICIARY
(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 17, 1999

Referred to Committee on Judiciary

SUMMARY—Revises formula for calculation of pensions of justices of supreme court and district court judges. (BDR 1-848)

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

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

AN ACT relating to the judiciary; revising the formula for the calculation of the pensions of the justices of the supreme court and district court judges; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 2.060 is hereby amended to read as follows:
2 2.060 1. Any justice of the supreme court who has served as a justice
3 or judge of a district court in any one or more of those courts for a period
4 or periods aggregating 22 years and has ended such service is, after
5 reaching the age of 60 years, entitled to receive annually from the State of
6 Nevada, as a pension during the remainder of his life, a sum of money
7 equal in amount to three-fourths the sum received as a salary for his judicial
8 services during the last year thereof, payable every 2 weeks from money
9 provided by direct legislative appropriation.
10 2. Any justice of the supreme court who has served as a justice or
11 judge of a district court in any one or more of those courts for a period or
12 periods aggregating 5 years and has ended such service is, after reaching
13 the age of 60 years, entitled to receive annually from the State of Nevada,
14 as a pension during the remainder of his life, a sum of money equal in
15 amount to ~~4.1666~~ **3.4091** percent of the sum received as a salary for his
16 judicial services during the last year thereof, payable every 2 weeks from
17 money provided by direct legislative appropriation.

1 3. Any justice of the supreme court who qualifies for a pension under
2 the provisions of subsection 2 is entitled to receive, for each year served
3 ~~{beyond 5 years}~~ up to a maximum of 22 years, an additional ~~{4.1666}~~
4 **3.4091** percent of the sum received as a salary for his judicial services
5 during the last year thereof, payable as provided in subsection 2.

6 4. Any justice **of the supreme court** who has retired pursuant to
7 subsection 3 and is thereafter recalled to additional active service in the
8 court system is entitled to receive credit toward accumulating 22 years'
9 service for the maximum pension based upon the time he actually spends in
10 the additional active service.

11 5. Any justice **of the supreme court** who has the years of service
12 necessary to retire but has not attained the required age may retire at any
13 age with a benefit actuarially reduced to the required retirement age. A
14 **retirement** benefit under this subsection must be reduced in the same
15 manner as benefits are reduced for persons retired under the public
16 employees' retirement system.

17 6. Any person receiving a pension pursuant to the provisions of this
18 section is entitled to receive post-retirement increases equal to those
19 provided for persons retired under the public employees' retirement system.

20 7. Any justice **of the supreme court** who desires to receive the benefits
21 of this section must file with the state controller and the state treasurer an
22 affidavit setting forth the fact that he is ending his service, the date and
23 place of his birth, and the years he has served in any district court or the
24 supreme court.

25 8. Upon such notice and filing of the affidavit, the state controller shall
26 draw his warrant, payable to the justice who has thus ended his service,
27 upon the state treasurer for the sum due to him, and the state treasurer shall
28 pay the sum out of money provided by direct legislative appropriation.

29 9. The faith of the State of Nevada is hereby pledged that this section
30 shall not be repealed or amended so as to affect any justice **of the supreme**
31 **court** who may have ended his service pursuant to it.

32 **Sec. 2.** NRS 3.090 is hereby amended to read as follows:

33 3.090 1. Any judge of the district court who has served as a justice of
34 the supreme court or judge of a district court in any one or more of those
35 courts for a period or periods aggregating 22 years and has ended such
36 service is, after reaching the age of 60 years, entitled to receive annually
37 from the State of Nevada, as a pension during the remainder of his life, a
38 sum of money equal in amount to three-fourths the sum received as a salary
39 for his judicial services during the last year thereof, payable every 2 weeks
40 from money provided by direct legislative appropriation.

41 2. Any judge of the district court who has served as a justice of the
42 supreme court or judge of a district court in any one or more of those courts
43 for a period or periods aggregating 5 years and has ended such service is,

1 after reaching the age of 60 years, entitled to receive annually from the
2 State of Nevada, as a pension during the remainder of his life, a sum of
3 money equal in amount to ~~{4.1666}~~ 3.4091 percent of the sum received as a
4 salary for his judicial services during the last year thereof, payable every 2
5 weeks from money provided by direct legislative appropriation.

6 3. Any judge of the district court who qualifies for a pension under the
7 provisions of subsection 2 is entitled to receive, for each year served
8 ~~{beyond 5 years}~~ up to a maximum of 22 years, an additional ~~{4.1666}~~
9 3.4091 percent of the sum received as a salary for his judicial services
10 during the last year thereof, payable as provided in subsection 2.

11 4. Any judge *of the district court* who has retired pursuant to
12 subsection 3 and is thereafter recalled to additional active service in the
13 court system is entitled to receive credit toward accumulating 22 years'
14 service for the maximum pension based upon the time he actually spends in
15 the additional active service.

16 5. Any ~~{district}~~ judge *of the district court* who has the years of service
17 necessary to retire but has not attained the required age may retire at any
18 age with a benefit actuarially reduced to the required retirement age. A
19 retirement benefit under this subsection must be reduced in the same
20 manner as benefits are reduced for persons retired under the public
21 employees' retirement system.

22 6. Any person receiving a pension pursuant to the provisions of this
23 section is entitled to receive post-retirement increases equal to those
24 provided for persons retired in the public employees' retirement system.

25 7. Any judge of the district court who desires to receive the benefits of
26 this section must file with the state controller and the state treasurer an
27 affidavit setting forth the fact that he is ending his service, the date and
28 place of his birth, and the years he has served in any district court or the
29 supreme court.

30 8. Upon such notice and filing of the affidavit, the state controller shall
31 draw his warrant, payable to the judge who has thus ended his service, upon
32 the state treasurer for the sum due to him, and the state treasurer shall pay
33 the sum out of money provided by direct legislative appropriation.

34 9. The faith of the State of Nevada is hereby pledged that this section
35 shall not be repealed or amended so as to affect any judge of the district
36 court who may have ended his service pursuant to it.

37 **Sec. 3.** This act becomes effective on July 1, 1999.