

ASSEMBLY BILL NO. 622—COMMITTEE ON JUDICIARY
(ON BEHALF OF ADMINISTRATIVE OFFICE OF THE COURTS)

MARCH 19, 1999

Referred to Concurrent Committees on Judiciary
and Ways and Means

SUMMARY—Increases benefits for surviving spouses of justices of supreme court and district judges. (BDR 1-841)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to the judiciary; increasing the benefits provided to the surviving spouses of justices of the supreme court and district 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 2.070 is hereby amended to read as follows:
2 2.070 1. If a justice of the supreme court at the time of his death had
3 retired and was then receiving a pension ~~under the provisions of~~
4 *pursuant to* NRS 2.060, or if at the time of his death the justice had not
5 retired but had performed sufficient service for retirement ~~under the~~
6 ~~provisions of~~ *pursuant to* NRS 2.060, the surviving spouse, if the spouse
7 has attained the age of 60 years, is entitled, until his death or remarriage, to
8 receive monthly payments ~~of \$2,000 per month.~~ *in an amount which is*
9 *the greater of:*
10 (a) *Fifty percent of the pension that the justice at the time of his death*
11 *was receiving or was entitled to receive pursuant to NRS 2.060 plus an*
12 *amount equal to the amount of any future post-retirement increases that*
13 *are provided after the date on which the surviving spouse becomes*
14 *eligible to receive such payments for persons retired pursuant to the*
15 *public employees' retirement system; or*

1 *(b) Three thousand dollars plus an amount equal to the amount of*
2 *any post-retirement increases that are provided after July 1, 1999, for*
3 *persons retired pursuant to the public employees' retirement system and*
4 *any future increases provided after the date on which the surviving*
5 *spouse becomes eligible to receive such payments.*

6 2. If a surviving spouse of a justice is not eligible to receive benefits
7 pursuant to subsection 1, he is entitled, until his death or remarriage or
8 until he becomes eligible to receive those benefits, to receive payments
9 equal in amount to the payment provided in subsection 1 of NRS 286.674
10 for the spouse of a deceased member of the public employees' retirement
11 system ~~[-]~~ *plus an amount equal to the amount of any future post-*
12 *retirement increases that are provided after the date on which the*
13 *surviving spouse becomes eligible to receive such payments for persons*
14 *retired pursuant to the public employees' retirement system.*

15 3. To obtain these benefits, the surviving spouse must make
16 application to the board, commission or authority entrusted with the
17 administration of the ~~[judges' pensions]~~ *pension of the justice* and furnish
18 such information as may be required pursuant to reasonable regulations
19 adopted for the purpose of carrying out the intent of this section.

20 4. ~~[Any person receiving a benefit pursuant to the provisions of this~~
21 ~~section is entitled to receive post-retirement increases equal to those~~
22 ~~provided for persons retired under the public employees' retirement~~
23 ~~system.~~

24 ~~—5.]~~ It is the intent of this section that no special fund be created for the
25 purpose of paying these benefits, and all payments made ~~[under the~~
26 ~~provisions of]~~ *pursuant to* this section are to be made out of and charged
27 to ~~[any]~~ *a* fund created for the purpose of paying pension benefits to
28 justices of the supreme court.

29 **Sec. 2.** NRS 3.095 is hereby amended to read as follows:

30 3.095 1. If a district judge at the time of his death had retired and
31 was then receiving a pension ~~[under the provisions of]~~ *pursuant to* NRS
32 3.090, or if at the time of his death the judge had not retired but had
33 performed sufficient service for retirement ~~[under the provisions of]~~
34 *pursuant to* NRS 3.090, the surviving spouse, if the spouse has attained the
35 age of 60 years, is entitled, until his death or remarriage, to receive
36 monthly payments ~~[of \$2,000 per month.]~~ *in an amount which is the*
37 *greater of:*

38 *(a) Fifty percent of the pension that the judge at the time of his death*
39 *was receiving or was entitled to receive pursuant to NRS 3.090 plus an*
40 *amount equal to the amount of any future post-retirement increases that*
41 *are provided after the date on which the surviving spouse becomes*
42 *eligible to receive such payments for persons retired pursuant to the*
43 *public employees' retirement system; or*

1 **(b) Three thousand dollars plus an amount equal to the amount of**
2 **any post-retirement increases that are provided after July 1, 1999, for**
3 **persons retired pursuant to the public employees' retirement system and**
4 **any future increases provided after the date on which the surviving**
5 **spouse becomes eligible to receive such payments.**

6 2. If a surviving spouse of a judge is not eligible to receive benefits
7 pursuant to subsection 1, he is entitled, until his death or remarriage or
8 until he becomes eligible to receive those benefits, to receive payments
9 equal in amount to the payment provided in subsection 1 of NRS 286.674
10 for the spouse of a deceased member of the public employees' retirement
11 system ~~[-]~~ **plus an amount equal to the amount of any future post-**
12 **retirement increases that are provided after the date on which the**
13 **surviving spouse becomes eligible to receive such payments for persons**
14 **retired pursuant to the public employees' retirement system.**

15 3. To obtain these benefits, the surviving spouse must make
16 application to the board, commission or authority entrusted with the
17 administration of the ~~[judges' pensions]~~ **pension of the judge** and furnish
18 such information as may be required pursuant to reasonable regulations
19 adopted for the purpose of carrying out the intent of this section.

20 4. ~~{Any person receiving a benefit pursuant to the provisions of this~~
21 ~~section is entitled to receive post-retirement increases equal to those~~
22 ~~provided for persons retired under the public employees' retirement~~
23 ~~system.~~

24 ~~—5.]~~ It is the intent of this section that no special fund be created for the
25 purpose of paying these benefits, and all payments made ~~[under the~~
26 ~~provisions of]~~ **pursuant to** this section are to be made out of and charged
27 to ~~[any]~~ **a** fund created for the purpose of paying pension benefits to
28 district judges.

29 **Sec. 3.** The amendatory provisions of this act, which provide for
30 certain increases in the benefits of surviving spouses of justices of the
31 supreme court and district judges, apply only to payments of benefits made
32 on or after July 1, 1999.

33 **Sec. 4.** This act becomes effective on July 1, 1999.