

SENATE BILL NO. 245—SENATOR MCGINNESS

FEBRUARY 23, 1999

Referred to Committee on Finance

SUMMARY—Allows justice or judge who retired under public employees' retirement system and who is recalled to active service to earn credit toward supplemental pension. (BDR 1-1103)

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

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

AN ACT relating to retirement; allowing a justice or judge who retired under the public employees' retirement system and who is recalled to active service to earn credit toward a supplemental pension; 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 percent of the sum received as a salary for his judicial
16 services during the last year thereof, payable every 2 weeks from money
17 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 percent
4 of the sum received as a salary for his judicial services during the last year
5 thereof, payable as provided in subsection 2.

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

10 5. *Any justice who has retired pursuant to chapter 286 of NRS and is*
11 *thereafter recalled to additional active service in the court system is*
12 *entitled to receive annually from the State of Nevada, as a supplemental*
13 *pension during the remainder of his life, a sum of money equal in*
14 *amount to 4.1666 percent of the sum received as a salary for his judicial*
15 *services during the last year thereof, for each year of additional active*
16 *service up to a maximum of 22 years, payable every 2 weeks from money*
17 *provided by direct legislative appropriation. Each year of additional*
18 *active service must be calculated based upon the time the justice actually*
19 *spends in the additional active service.*

20 6. Any justice who has the years of service necessary to retire but has
21 not attained the required age may retire at any age with a benefit actuarially
22 reduced to the required retirement age. A benefit under this subsection must
23 be reduced in the same manner as benefits are reduced for persons retired
24 under the public employees' retirement system.

25 ~~16.1~~ 7. Any person receiving a pension pursuant to the provisions of
26 this section is entitled to receive post-retirement increases equal to those
27 provided for persons retired under the public employees' retirement system.

28 ~~17.1~~ 8. Any justice who desires to receive the benefits of this section
29 must file with the state controller and the state treasurer an affidavit setting
30 forth the fact that he is ending his service, the date and place of his birth,
31 and the years he has served in any district court or the supreme court.

32 ~~18.1~~ 9. Upon such notice and filing of the affidavit, the state controller
33 shall draw his warrant, payable to the justice who has thus ended his
34 service, upon the state treasurer for the sum due to him, and the state
35 treasurer shall pay the sum out of money provided by direct legislative
36 appropriation.

37 ~~19.1~~ 10. The faith of the State of Nevada is hereby pledged that this
38 section shall not be repealed or amended so as to affect any justice who
39 may have ended his service pursuant to it.

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

41 3.090 1. Any judge of the district court who has served as a justice of
42 the supreme court or judge of a district court in any one or more of those
43 courts for a period or periods aggregating 22 years and has ended such

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

6 2. Any judge of the district court who has served as a justice of the
7 supreme court or judge of a district court in any one or more of those courts
8 for a period or periods aggregating 5 years and has ended such service is,
9 after reaching the age of 60 years, entitled to receive annually from the
10 State of Nevada, as a pension during the remainder of his life, a sum of
11 money equal in amount to 4.1666 percent of the sum received as a salary
12 for his judicial services during the last year thereof, payable every 2 weeks
13 from money provided by direct legislative appropriation.

14 3. Any judge of the district court who qualifies for a pension under the
15 provisions of subsection 2 is entitled to receive, for each year served
16 beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent
17 of the sum received as a salary for his judicial services during the last year
18 thereof, payable as provided in subsection 2.

19 4. Any judge who has retired pursuant to subsection 3 and is thereafter
20 recalled to additional active service in the court system is entitled to receive
21 credit toward accumulating 22 years' service for the maximum pension
22 based upon the time he actually spends in the additional active service.

23 5. *Any judge who has retired pursuant to chapter 286 of NRS and is*
24 *thereafter recalled to additional active service in the court system is*
25 *entitled to receive annually from the State of Nevada, as a supplemental*
26 *pension during the remainder of his life, a sum of money equal in*
27 *amount to 4.1666 percent of the sum received as a salary for his judicial*
28 *services during the last year thereof, for each year of additional active*
29 *service up to a maximum of 22 years, payable every 2 weeks from money*
30 *provided by direct legislative appropriation. Each year of additional*
31 *active service must be calculated based upon the time the judge actually*
32 *spends in the additional active service.*

33 6. Any district judge who has the years of service necessary to retire
34 but has not attained the required age may retire at any age with a benefit
35 actuarially reduced to the required retirement age. A retirement benefit
36 under this subsection must be reduced in the same manner as benefits are
37 reduced for persons retired under the public employees' retirement system.

38 ~~16.1~~ 7. Any person receiving a pension pursuant to the provisions of
39 this section is entitled to receive post-retirement increases equal to those
40 provided for persons retired in the public employees' retirement system.

41 ~~17.1~~ 8. Any judge of the district court who desires to receive the
42 benefits of this section must file with the state controller and the state

1 treasurer an affidavit setting forth the fact that he is ending his service, the
2 date and place of his birth, and the years he has served in any district court
3 or the supreme court.

4 ~~{8.}~~ 9. Upon such notice and filing of the affidavit, the state controller
5 shall draw his warrant, payable to the judge who has thus ended his service,
6 upon the state treasurer for the sum due to him, and the state treasurer shall
7 pay the sum out of money provided by direct legislative appropriation.

8 ~~{9.}~~ 10. The faith of the State of Nevada is hereby pledged that this
9 section shall not be repealed or amended so as to affect any judge of the
10 district court who may have ended his service pursuant to it.

11 **Sec. 3.** NRS 286.305 is hereby amended to read as follows:

12 286.305 1. Any justice of the supreme court and any district judge
13 who became a member before July 1, 1977, may remain a member of the
14 system. Those justices or district judges may choose to gain service credit
15 for previous service as provided in NRS 286.300.

16 2. The State of Nevada shall be deemed, for the purpose of this
17 chapter, to be the public employer of such justice or judge, and shall
18 contribute to the public employees' retirement fund and the public
19 employees' retirement administrative fund, in the manner provided in this
20 chapter for public employers.

21 3. Any justice of the supreme court and any district judge who is a
22 member of the system and who qualifies for a pension under the provisions
23 of NRS 2.060 or 3.090 may withdraw from the public employees'
24 retirement fund the amount credited to him in the account. ~~{No}~~ *Except as*
25 *otherwise provided in subsection 5 of NRS 2.060 and subsection 5 of*
26 *NRS 3.090, no* justice or judge may receive benefits under both this
27 chapter and under NRS 2.060 or 3.090.

28 **Sec. 4.** This act becomes effective upon passage and approval.