

Senate Bill No. 184—Committee on Judiciary

CHAPTER.....

AN ACT relating to the judicial system; adjusting prospectively the salaries of supreme court justices and district court judges; creating a supreme court and a district court commission on law libraries; making appropriations; and providing other matters properly relating thereto.

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

Section 1. NRS 2.050 is hereby amended to read as follows:

2.050 1. Until the first Monday in January ~~1997~~ 2003, the justices of the supreme court whose terms *of office* expire on the first Monday in January ~~1997~~ 2003 are entitled to receive an annual *base* salary of ~~85,000~~ \$107,600. From and after the first Monday in January ~~1997~~ 2003, their successors in office are entitled to receive ~~a salary of \$107,600~~ *an annual base salary of \$140,000*.

2. Until the first Monday in January ~~1999~~ 2005, the justices of the supreme court whose terms of office expire on the first Monday in January ~~1999~~ 2005 are entitled to receive an annual *base* salary of ~~85,000~~ \$107,600. From and after the first Monday in January ~~1999~~ 2005, their successors in office are entitled to receive ~~a salary of \$107,600~~ *an annual base salary of \$140,000*.

3. Until the first Monday in January ~~2001, the justice~~ 2007, the justices of the supreme court whose ~~term~~ terms of office ~~expires~~ expire on the first Monday in January ~~2001 is~~ 2007 are entitled to receive an annual *base* salary of ~~85,000~~ \$107,600. From and after the first Monday in January ~~2001, his successor~~ 2007, their successors in office ~~is~~ are entitled to receive ~~a salary of \$107,600~~.

~~4. The justices elected pursuant to subsection 4 of NRS 2.030 and their respective successors are entitled to receive a salary of \$107,600~~ *an annual base salary of \$140,000*.

~~5~~ 4. All salaries provided for in this section are payable in biweekly installments as other state officers are paid.

Sec. 2. NRS 2.060 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

10. As used in this section, "salary" includes a salary received for service on a supreme court commission created by statute.

Sec. 3. NRS 2.410 is hereby amended to read as follows:

2.410 *1.* The supreme court law library shall be under the supervision and control of the supreme court, which may make and enforce such rules and regulations as may be necessary for the government, use and services of the library. Such rules or regulations shall assure that the library is accessible for public use and to users in all parts of the state.

2. There is hereby created a supreme court commission on law libraries. The chief justice of the supreme court shall appoint justices of the supreme court who are interested in issues related to improving access by the public to the law and legal publications to serve on the commission.

3. The supreme court commission on law libraries shall:

(a) Advise the supreme court concerning the government, use and services of the supreme court law library, including, without limitation, any decisions made by the supreme court pursuant to subsection 1 and NRS 2.420 and 2.430;

(b) Coordinate the development of materials to aid persons who choose to represent themselves in litigation and other legal matters rather than retaining an attorney; and

(c) Provide assistance and advice to the district court commission on law libraries during its existence concerning the government, use and services of county law libraries.

4. The commission shall meet at least quarterly and shall prepare and submit an annual report to the administrative office of the courts.

5. On January 6, 2003, the chief justice of the supreme court shall appoint two justices of the supreme court to serve terms on the supreme court commission on law libraries which begin on January 6, 2003, and end on January 2, 2005, and three justices to serve terms which begin on January 6, 2003, and end on December 31, 2006. If a justice appointed pursuant to this subsection to serve on the supreme court commission on law libraries ceases to be a justice of the supreme court, his term as a member of the supreme court commission on law libraries expires on the date that he ceases to be a justice of the supreme court. Such a vacancy on the supreme court commission on law libraries may only be filled by the person appointed to fill the vacancy on the supreme court and only for the remainder of the term for which he is appointed and actually serves.

6. Each member of the supreme court commission on law libraries who is appointed pursuant to subsection 5 is entitled to receive a salary of \$32,400 for each year that he serves on the commission, payable in biweekly installments.

Sec. 4. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created a district court commission on law libraries. The commission shall:

(a) Make recommendations to and otherwise advise generally the boards of law library trustees established pursuant to chapter 380 of NRS concerning policies and procedures related to improving access by the public to the law and legal publications;

(b) Coordinate the development of materials to aid persons who choose to represent themselves in litigation and other legal matters rather than retaining an attorney; and

(c) In a county in which the board of county commissioners governs and manages a law library, make recommendations to and otherwise advise the board of county commissioners concerning any issues that arise as the board manages the law library, carries out its duties set forth in chapter 380 of NRS or exercises any power granted to a board of law library trustees pursuant to chapter 380 of NRS and concerning policies and procedures related to improving access by the public to the law and legal publications.

2. The district court commission on law libraries shall meet at least quarterly and shall prepare and submit an annual report to the administrative office of the courts.

3. On January 6, 2003, the:

(a) Chief judge of the second judicial district shall appoint two district judges from the second judicial district to serve terms on the district court

commission on law libraries which begin on January 6, 2003, and end on January 2, 2005; and

(b) Chief judge of the eighth judicial district shall appoint six district judges from the eighth judicial district to serve terms on the district court commission on law libraries which begin on January 6, 2003, and end on January 2, 2005.

If a district judge appointed pursuant to this subsection to serve on the district court commission on law libraries ceases to be a district judge, his term as a member of the district court commission on law libraries expires on the date that he ceases to be a district judge. Such a vacancy on the district court commission on law libraries may only be filled by the person appointed to fill the vacancy on the district court and only for the remainder of the term for which he is appointed and actually serves.

4. On or after January 6, 2003, the chief judge of any other judicial district may appoint one district judge to serve on the district court commission on law libraries.

5. Each member of the district court commission on law libraries who was appointed pursuant to subsection 3 is entitled to receive a salary of \$30,000 for each year that he serves on the commission, payable in biweekly installments.

Sec. 5. NRS 3.030 is hereby amended to read as follows:

3.030 1. Until the first Monday in January ~~1997,~~ 2003, the annual base salary of each district judge is ~~\$79,000,~~ \$100,000. From and after the first Monday in January ~~1997,~~ 2003, the annual base salary of each district judge is ~~\$100,000,~~ \$130,000.

2. If a district judge has served in his office for at least 4 years, he is entitled to an additional salary of 2 percent of his *annual* base salary for each year of service. The additional salary must not exceed 22 percent of his *annual* base salary.

3. The *annual* base salaries and the additional salary for longevity must be paid in biweekly installments out of the district judges' salary account of the supreme court.

4. No salary of any district judge may be paid in advance.

Sec. 6. NRS 3.090 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

10. As used in this section, "salary" includes a salary received for service on a district court commission created by statute.

Sec. 7. Section 9 of chapter 433, Statutes of Nevada 1997, at page 1532, as last amended by section 40 of chapter 105, Statutes of Nevada 1999, at page 459, is hereby amended to read as follows:

Sec. 9. 1. Sections ~~1 to 6, inclusive,~~ **1, 2, 3, 5 and 6** of this act ~~shall~~ expire by limitation on the date on which the qualified electors of this state approve a constitutional amendment that establishes an intermediate court of appeals within the State of Nevada.

2. Notwithstanding the provisions of subsection 1, the additional justices whose positions are abolished by the establishment of an intermediate court of appeals must be permitted to serve the remainder of the terms to which they were elected. At the end of those terms, the positions of the additional justices must be abolished, along with the positions of any staff hired directly to support the additional justices.

Sec. 8. 1. There is hereby appropriated from the state general fund to the district judges salary account the sum of \$156,150 for the payment of the salaries of the members of the district court commission on law libraries.

2. There is hereby appropriated from the state general fund to the supreme court the sum of \$97,538 for the payment of the salaries of the members of the supreme court commission on law libraries.

3. Any remaining balance of the appropriations made by subsections 1 and 2 must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 9. 1. This section and sections 1, 5 and 7 of this act become effective on October 1, 2001.

2. Section 8 of this act becomes effective on July 1, 2002.

3. Sections 2 and 3 of this act become effective on January 6, 2003, and expire by limitation on December 31, 2006.

4. Sections 4 and 6 of this act become effective on January 6, 2003, and expire by limitation on January 2, 2005.