

SENATE BILL NO. 409—COMMITTEE ON FINANCE  
(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

MARCH 24, 2003

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Referred to Committee on Finance

SUMMARY—Authorizes justices of the peace and municipal judges to participate in Judicial Retirement Plan under certain circumstances. (BDR 1-414)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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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AN ACT relating to the judiciary; authorizing for justices of the peace and municipal judges to participate in the Judicial Retirement Plan under certain circumstances; 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.** Chapter 1A of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. A justice of the peace or municipal judge may participate***  
4     ***in the Judicial Retirement Plan if:***  
5         ***(a) The board of county commissioners elects to allow the***  
6         ***justices of the peace of the county or the city council elects to***  
7         ***allow the municipal judges of the city to participate in the Judicial***  
8         ***Retirement Plan; and***  
9         ***(b) The justice of the peace or the municipal judge elects to***  
10        ***participate in the Judicial Retirement Plan.***  
11     ***2. Each justice of the peace or municipal judge who is***  
12     ***allowed and who elects to participate in the Judicial Retirement***  
13     ***Plan pursuant to this section must receive benefits for retirement,***  
14     ***benefits for disability and survivor benefits under the Judicial***



\* S B 4 0 9 R 1 \*

1 *Retirement Plan, if eligible to receive such benefits under the*  
2 *Judicial Retirement Plan.*

3 3. *If the board of county commissioners rescinds its election*  
4 *to allow the justices of the peace of the county or the city council*  
5 *rescinds its election to allow the municipal judges of the city to*  
6 *participate in the Judicial Retirement Plan, any justice of the*  
7 *peace or municipal judge who elected to participate in the Judicial*  
8 *Retirement Plan before the effective date of the rescission is*  
9 *entitled to continue to participate in the Judicial Retirement Plan.*

10 4. *A justice of the peace or municipal judge who is a member*  
11 *of the Public Employees' Retirement System established pursuant*  
12 *to chapter 286 of NRS on the date that he elects to participate in*  
13 *the Judicial Retirement Plan must give written notice to the Board*  
14 *of his intention to withdraw from the Public Employees'*  
15 *Retirement System and to become a member of the Judicial*  
16 *Retirement Plan.*

17 5. *If the Board receives notice pursuant to this section that a*  
18 *justice of the peace or municipal judge intends to withdraw from*  
19 *the Public Employees' Retirement System, it shall transfer from*  
20 *the Public Employees' Retirement Fund to the Judicial Retirement*  
21 *Plan the accrued actuarial liability and credit for service earned*  
22 *by the justice or judge while a member of the Public Employees'*  
23 *Retirement System as determined by an actuary of the Judicial*  
24 *Retirement System. The service so transferred must be accredited*  
25 *under the Judicial Retirement Plan as if performed in the Public*  
26 *Employees' Retirement System.*

27 6. *A justice of the peace or municipal judge who exercises the*  
28 *option granted by this section may not reestablish the service for*  
29 *which the liabilities were transferred.*

30 7. *No justice of the peace or municipal judge or survivor of a*  
31 *justice of the peace or municipal judge may receive benefits under*  
32 *both this chapter and chapter 286 of NRS.*

33 8. *A justice of the peace or municipal judge or survivor of a*  
34 *justice of the peace or municipal judge who is receiving a*  
35 *retirement allowance from the Public Employees' Retirement*  
36 *System on July 1, 2003, is not eligible for transfer to the Judicial*  
37 *Retirement Plan.*

38 **Sec. 2.** NRS 1A.030 is hereby amended to read as follows:

39 1A.030 1. "Compensation" means the salary paid to a justice  
40 of the Supreme Court or district judge by this state , *to a justice of*  
41 *the peace by a county or to a municipal judge by a city*, including:

42 (a) Base pay, which is the monthly rate of pay excluding all  
43 fringe benefits;

44 (b) Additional payment for longevity; and



\* S B 4 0 9 R 1 \*

1 (c) Payment for extra duty assignments if it is the standard  
2 practice of this state to include such pay in the employment contract  
3 or official job description for the calendar year in which it is paid  
4 and such pay is specifically included in the justice's or judge's  
5 employment contract or official job description.

6 2. The term does not include any type of payment not  
7 specifically described in this section.

8 **Sec. 3.** NRS 1A.040 is hereby amended to read as follows:

9 1A.040 "Disability retirement allowance" means monthly  
10 payments from the Judicial Retirement Fund paid to disabled retired  
11 justices of the Supreme Court, ~~or~~ district judges, *justices of the*  
12 *peace or municipal judges* pursuant to the Judicial Retirement Plan.

13 **Sec. 4.** NRS 1A.060 is hereby amended to read as follows:

14 1A.060 "Retired justice or judge" means a justice of the  
15 Supreme Court, ~~or~~ district judge, *justice of the peace or*  
16 *municipal judge* who was a member of the Judicial Retirement Plan  
17 at the time he retired or *a justice of the Supreme Court or district*  
18 *judge* who decides, pursuant to NRS 1A.270 or 1A.280, to receive  
19 benefits for retirement pursuant to the Judicial Retirement Plan.

20 **Sec. 5.** NRS 1A.070 is hereby amended to read as follows:

21 1A.070 "Service" means all creditable employment which is  
22 validated pursuant to the provisions of this chapter and can be used  
23 in determining eligibility and scope of benefits for justices of the  
24 Supreme Court, ~~or~~ district judges, *justices of the peace or*  
25 *municipal judges* pursuant to the Judicial Retirement Plan.

26 **Sec. 6.** NRS 1A.080 is hereby amended to read as follows:

27 1A.080 "Service retirement allowance" means monthly  
28 payments from the Judicial Retirement Fund paid to a retired justice  
29 of the Supreme Court, ~~or~~ district judge, *justice of the peace or*  
30 *municipal judge* pursuant to the Judicial Retirement Plan for the  
31 remainder of his life.

32 **Sec. 7.** NRS 1A.100 is hereby amended to read as follows:

33 1A.100 1. A system of retirement providing benefits for the  
34 retirement, disability or death of all justices of the Supreme Court  
35 and district judges, *and certain justices of the peace and municipal*  
36 *judges*, and funded on an actuarial reserve basis is hereby  
37 established and must be known as the Judicial Retirement System.

38 2. The System consists of the Judicial Retirement Plan and the  
39 provisions set forth in NRS 2.060 to 2.083, inclusive, and 3.090 to  
40 3.099, inclusive, for providing benefits to justices of the Supreme  
41 Court or district judges who served either as a justice of the  
42 Supreme Court or district judge before November 5, 2002. Each  
43 justice of the Supreme Court or district judge who is not a member  
44 of the Public Employees' Retirement System is a member of the  
45 *Judicial Retirement* System.



\* S B 4 0 9 R 1 \*

1       3. The official correspondence and records, other than the files  
2 of individual members of the System or retired justices or judges,  
3 and the minutes and books of the System are public records and are  
4 available for public inspection.

5       4. The System must be administered exclusively by the Board,  
6 which shall make all necessary rules and regulations for the  
7 administration of the System. The rules must include, without  
8 limitation, rules relating to the administration of the retirement plans  
9 in accordance with federal law. The Legislature shall regularly  
10 review the System.

11       **Sec. 8.** NRS 1A.110 is hereby amended to read as follows:

12       1A.110 All records maintained for a member of the System,  
13 retired justice or judge, justice *of the Supreme Court* or *district*  
14 judge who retired pursuant to NRS 2.060 to 2.083, inclusive, or  
15 pursuant to NRS 3.090 to 3.099, inclusive, or his beneficiary may be  
16 reviewed and copied only by the System, the member, the Court  
17 Administrator, *the board of county commissioners if the records*  
18 *concern a justice of the peace or retired justice of the peace whom*  
19 *the board of county commissioners allowed to participate in the*  
20 *Judicial Retirement Plan pursuant to section 1 of this act, the city*  
21 *council if the records concern a municipal judge or retired*  
22 *municipal judge whom the city council allowed to participate in*  
23 *the Judicial Retirement Plan pursuant to section 1 of this act,* the  
24 spouse of the member, or the retired justice or judge or his spouse,  
25 or pursuant to a court order, or by a beneficiary after the death of the  
26 justice or judge on whose account benefits are received pursuant to  
27 the System. Any member, retired justice or judge, justice *of the*  
28 *Supreme Court* or *district* judge who retired pursuant to NRS 2.060  
29 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099, inclusive, or  
30 beneficiary may submit a written waiver to the System authorizing  
31 his representative to review or copy all such records.

32       **Sec. 9.** NRS 1A.160 is hereby amended to read as follows:

33       1A.160 1. The Judicial Retirement Fund is hereby  
34 established as a trust fund.

35       2. It is hereby declared to be the policy of the Legislature that  
36 the Judicial Retirement Fund is established to afford a degree of  
37 security to long-time justices of the Supreme Court , ~~and~~ district  
38 judges , *justices of the peace and municipal judges* in this state.  
39 The money in the Fund must not be used or appropriated for any  
40 purpose incompatible with the provisions of this chapter or NRS  
41 2.060 to 2.083, inclusive, or 3.090 to 3.099, inclusive. The Fund  
42 must be invested and administered to ensure the highest return  
43 consistent with safety in accordance with accepted investment  
44 practices.



\* S B 4 0 9 R 1 \*

1 3. All money appropriated by the Legislature to the Judicial  
2 Retirement Fund, all money submitted to the System for deposit in  
3 the Fund pursuant to NRS 1A.180 and all income accruing to the  
4 Fund from all other sources must be deposited in the Fund.

5 4. The interest and income earned on the money in the Judicial  
6 Retirement Fund, after deducting any applicable charges, must be  
7 credited to the Fund.

8 5. The System must pay all retirement allowances, benefits,  
9 optional settlements and other obligations or payments payable by  
10 the System pursuant to this chapter and NRS 2.060 to 2.083,  
11 inclusive, and 3.090 to 3.099, inclusive, from the Judicial  
12 Retirement Fund. The money in the Fund must be expended by the  
13 Board for the payment of expenses authorized by law to be paid  
14 from the Fund.

15 **Sec. 10.** NRS 1A.180 is hereby amended to read as follows:

16 1A.180 1. Beginning July 1, 2003, the Court Administrator  
17 shall submit to the System for deposit in the Judicial Retirement  
18 Fund on behalf of each *justice of the Supreme Court or district*  
19 *judge who is a* member of the System the percentage of  
20 compensation of the member that is determined by the actuary of the  
21 System to be required to pay the normal cost incurred in making  
22 payments *for such members* pursuant to subsection 5 of NRS  
23 1A.160 and ~~any~~ *the* administrative expenses of the System ~~that~~ *that*  
24 *are attributable to such members.* Such payments must be:

25 (a) Accompanied by payroll reports that include information  
26 deemed necessary by the Board to carry out its duties; and

27 (b) Received by the System not later than 15 days after the  
28 calendar month for which the compensation and service credits of  
29 members of the System are reported and certified by the Court  
30 Administrator. The compensation must be reported separately for  
31 each month that it is paid.

32 2. Beginning July 1, 2003, the Court Administrator shall pay to  
33 the System for deposit in the Judicial Retirement Fund from any  
34 fund created for the purpose of paying pension benefits to justices of  
35 the Supreme Court or district judges an amount as the contribution  
36 of the State of Nevada as employer which is actuarially determined  
37 to be sufficient to provide the System with enough money to pay  
38 ~~the~~ *the* benefits *for justices of the Supreme Court and district*  
39 *judges* for which the System will be liable.

40 3. *Upon the participation of a justice of the peace or*  
41 *municipal judge in the Judicial Retirement Plan pursuant to*  
42 *section 1 of this act, the county or city shall submit to the System*  
43 *for deposit in the Judicial Retirement Fund on behalf of each*  
44 *justice of the peace or municipal judge who is a member of the*  
45 *System the percentage of compensation of the member that is*



1 *determined by the actuary of the System to be required to pay the*  
2 *normal cost incurred in making payments for such members*  
3 *pursuant to subsection 5 of NRS 1A.160 and the administrative*  
4 *expenses of the System that are attributable to such members.*  
5 *Such payments must be:*

6 (a) *Accompanied by payroll reports that include information*  
7 *deemed necessary by the Board to carry out its duties; and*

8 (b) *Received by the System not later than 15 days after the*  
9 *calendar month for which the compensation and service credits of*  
10 *members of the System are reported and certified by the county or*  
11 *city. The compensation must be reported separately for each*  
12 *month that it is paid.*

13 4. *Upon the participation of a justice of the peace or*  
14 *municipal judge in the Judicial Retirement Plan pursuant to*  
15 *section 1 of this act, the county or city shall pay to the System for*  
16 *deposit in the Judicial Retirement Fund an amount as the*  
17 *contribution of the county or city as employer which is actuarially*  
18 *determined to be sufficient to provide the System with enough*  
19 *money to pay the benefits for justices of the peace and municipal*  
20 *judges for which the System will be liable.*

21 **Sec. 11.** NRS 1A.220 is hereby amended to read as follows:

22 1A.220 1. The Board, subject to the limitations of this  
23 chapter, is responsible for managing the System.

24 2. The Board shall:

25 (a) Arrange for a biennial actuarial valuation and report of the  
26 actuarial soundness of the System to be prepared by an independent  
27 actuary based upon data compiled and supplied by employees of the  
28 System, and shall adopt actuarial tables and formula prepared and  
29 recommended by the actuary;

30 (b) Provide for a biennial audit of the System, including, without  
31 limitation, the Judicial Retirement Administrative Fund, by an  
32 independent certified public accountant; and

33 (c) Provide an annual report concerning the Judicial Retirement  
34 System established pursuant to this chapter to the Court  
35 Administrator, *each board of county commissioners that allows a*  
36 *justice of the peace to participate in the Judicial Retirement Plan*  
37 *pursuant to section 1 of this act, each city council that allows a*  
38 *municipal judge to participate in the Judicial Retirement Plan*  
39 *pursuant to section 1 of this act, the Governor and each member of*  
40 *the Legislature, and make the report available to all members of the*  
41 *Judicial Retirement System upon request. The report must contain,*  
42 *when available, a review of the actuarial valuation required by*  
43 *paragraph (a).*

44 3. The Board may:



\* S B 4 0 9 R 1 \*

1 (a) Adjust the service or correct the records, allowance or  
2 benefits of any member of the System, retired justice or judge or  
3 beneficiary after an error or inequity has been determined, and  
4 require repayment of any money determined to have been paid by  
5 the System in error, if the money was paid within 6 years before  
6 demand for its repayment.

7 (b) Examine and copy personnel and financial records of ~~the~~ :  
8 (1) A justice of the Supreme Court or district judge that are  
9 maintained by the Court Administrator.

10 (2) *A justice of the peace who participates in the Judicial*  
11 *Retirement Plan pursuant to section 1 of this act that are*  
12 *maintained by a county.*

13 (3) *A municipal judge who participates in the Judicial*  
14 *Retirement Plan pursuant to section 1 of this act that are*  
15 *maintained by a city.*

16 (c) Require an annual notarized statement from a retired justice  
17 or judge or beneficiary that he is in fact receiving an allowance or  
18 benefits, and withhold the allowance or benefits if he fails to  
19 provide the statement.

20 4. As used in this section, "error or inequity" means the  
21 existence of extenuating circumstances, including, without  
22 limitation, a member's reasonable and detrimental reliance on  
23 representations made by the System which prove to be erroneous, or  
24 the mental incapacity of the member.

25 **Sec. 12.** NRS 1A.250 is hereby amended to read as follows:

26 1A.250 Except as specifically provided in this chapter, the  
27 accounts of members of the System and recipients of benefits of the  
28 System must be administered in accordance with the provisions of  
29 chapter 286 of NRS as if the justice of the Supreme Court, ~~the~~  
30 district judge, *the justice of the peace or the municipal judge* were  
31 or had been a member of the Public Employees' Retirement System.

32 **Sec. 13.** NRS 1A.260 is hereby amended to read as follows:

33 1A.260 1. No person may become a member of the Judicial  
34 Retirement System unless he is a justice of the Supreme Court or a  
35 district judge ~~the~~, *or a justice of the peace or municipal judge who*  
36 *is allowed and elects to participate in the Judicial Retirement Plan*  
37 *pursuant to section 1 of this act.*

38 2. Except as otherwise provided in NRS 1A.370, persons  
39 retired under the provisions of this chapter who are employed as a  
40 justice of the Supreme Court, ~~the~~ district judge, *justice of the*  
41 *peace or municipal judge* in any judicial capacity, including,  
42 without limitation, employment as a senior justice, ~~the~~ senior judge  
43 *, senior justice of the peace or senior municipal judge* of the  
44 Nevada Court System, are not eligible to become members of the  
45 System.





1       **Sec. 14.** NRS 1A.290 is hereby amended to read as follows:

2       1A.290   1. Membership of a justice of the Supreme Court or a  
3       district judge in the System terminates upon:

- 4       (a) The death of ~~the~~ *the* member;  
5       (b) Receipt of retirement allowances by ~~the~~ *the* member of the  
6       Judicial Retirement Plan or retirement benefits pursuant to NRS  
7       2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099,  
8       inclusive; or  
9       (c) Receipt of disability allowances by ~~the~~ *the* member of the  
10      Judicial Retirement Plan or disability benefits pursuant to NRS  
11      2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099,  
12      inclusive.

13      2. *Membership of a justice of the peace or municipal judge in*  
14      *the System terminates upon:*

- 15      (a) *The death of the member;*  
16      (b) *Receipt of retirement allowances; or*  
17      (c) *Receipt of disability allowances.*

18      3. A retired justice or judge is not entitled to any right  
19      conferred by this chapter upon a member of the System unless the  
20      provision conferring that right expressly states that it is conferred  
21      upon a retired justice or judge.

22      ~~3.~~ 4. A justice *of the Supreme Court or a district* judge who  
23      retired pursuant to NRS 2.060 to 2.083, inclusive, or pursuant to  
24      NRS 3.090 to 3.099, inclusive, is not entitled to any right conferred  
25      by this chapter upon a member of the System unless the provision  
26      conferring that right expressly states that it is conferred upon a  
27      justice or judge who retired pursuant to NRS 2.060 to 2.083,  
28      inclusive, or pursuant to NRS 3.090 to 3.099, inclusive.

29      **Sec. 15.** NRS 1A.300 is hereby amended to read as follows:

30      1A.300   1. A plan under which all justices of the Supreme  
31      Court and district judges who are elected or appointed for the first  
32      time as either a justice of the Supreme Court or district judge on or  
33      after November 5, 2002, and who take office on or after January 1,  
34      2003, and who do not elect to remain in the Public Employees'  
35      Retirement System, if eligible to do so, must receive benefits for  
36      retirement, disability and death , *and under which justices of the*  
37      *peace and municipal judges who are allowed to participate in the*  
38      *plan pursuant to section 1 of this act may receive benefits for*  
39      *retirement, disability and death,* is hereby established and must be  
40      known as the Judicial Retirement Plan.

41      2. Each justice of the Supreme Court or district judge elected  
42      or appointed for the first time as either a justice of the Supreme  
43      Court or district judge on or after November 5, 2002, and who takes  
44      office on or after January 1, 2003, and who does not elect pursuant  
45      to NRS 1A.280 to remain in the Public Employees' Retirement



\* S B 4 0 9 R 1 \*



1 System, if eligible to do so, is a member of the Judicial Retirement  
2 Plan.

3 3. *Each justice of the peace and municipal court judge who is*  
4 *allowed and who elects to participate in the Judicial Retirement*  
5 *Plan pursuant to section 1 of this act is a member of the Judicial*  
6 *Retirement Plan.*

7 4. Benefits are earned pursuant to the Judicial Retirement Plan  
8 in the manner set forth in NRS 1A.120 to 1A.150, inclusive,  
9 1A.190, 1A.240 and 1A.310 to 1A.670, inclusive.

10 **Sec. 16.** NRS 1A.360 is hereby amended to read as follows:

11 1A.360 1. Except as otherwise provided in subsection 4 and  
12 NRS 1A.370 and 1A.380, if a retired justice or judge accepts  
13 employment as a justice of the Supreme Court , ~~for~~ district judge ,  
14 *justice of the peace or municipal judge* in any judicial capacity,  
15 including, without limitation, employment as a senior justice , ~~for~~  
16 senior judge , *senior justice of the peace or senior municipal judge*  
17 of the Nevada Court System, he is disqualified from receiving any  
18 allowances under the Judicial Retirement Plan for the duration of his  
19 active service.

20 2. If a retired justice or judge accepts any employment other  
21 than that described in subsection 1, the justice or judge is entitled to  
22 the same allowances as a retired justice or judge who has no  
23 employment.

24 3. If a retired justice or judge who accepts employment as a  
25 justice of the Supreme Court , ~~for~~ district judge , *justice of the*  
26 *peace or municipal judge* in a judicial capacity pursuant to this  
27 section elects not to reenroll in the Judicial Retirement Plan  
28 pursuant to subsection 1 of NRS 1A.370, the Court Administrator *if*  
29 *the retired justice or judge is a justice of the Supreme Court or a*  
30 *district judge, the county if the retired justice or judge is a justice*  
31 *of the peace or the city if the retired justice or judge is a municipal*  
32 *judge,* may pay contributions on behalf of the retired justice or  
33 judge to a retirement fund which is not a part of the Judicial  
34 Retirement Plan in an amount not to exceed the amount of the  
35 contributions that the Court Administrator , *county or city* would  
36 pay to the System on behalf of a participating justice or judge who is  
37 employed in a similar position.

38 4. The System may waive , for one period of 30 days or less , a  
39 retired ~~justice's~~ *justice of the Supreme Court's* or *district* judge's  
40 disqualification under this section if the Chief Justice of the  
41 Supreme Court certifies in writing, in advance, that the retired  
42 justice or judge is recalled to meet an emergency and that no other  
43 qualified person is immediately available. *The System may waive,*  
44 *for one period of 30 days or less, a retired justice of the peace's*  
45 *disqualification under this section if the county commission of the*



\* S B 4 0 9 R 1 \*

1 *jurisdiction in which the justice of the peace is to be assigned*  
2 *certifies in writing, in advance, that the retired justice of the peace*  
3 *is recalled to meet an emergency and that no other qualified*  
4 *person is immediately available. The System may waive, for one*  
5 *period of 30 days or less, a retired municipal judge's*  
6 *disqualification under this section if the city council of the*  
7 *jurisdiction in which the municipal judge is to be assigned certifies*  
8 *in writing, in advance, that the retired municipal judge is recalled*  
9 *to meet an emergency and that no other qualified person is*  
10 *immediately available.*

11 **Sec. 17.** NRS 1A.360 is hereby amended to read as follows:

12 1A.360 1. Except as otherwise provided in subsection 4 and  
13 NRS 1A.370, if a retired justice or judge accepts employment as a  
14 justice of the Supreme Court , ~~for~~ district judge , *justice of the*  
15 *peace or municipal judge* in any judicial capacity, including,  
16 without limitation, employment as a senior justice , ~~for~~ senior judge  
17 *, senior justice of the peace or senior municipal judge* of the  
18 Nevada Court System, he is disqualified from receiving any  
19 allowances under the Judicial Retirement Plan for the duration of his  
20 active service.

21 2. If a retired justice or judge accepts any employment other  
22 than that described in subsection 1, the justice or judge is entitled to  
23 the same allowances as a retired justice or judge who has no  
24 employment.

25 3. If a retired justice or judge who accepts employment as a  
26 justice of the Supreme Court , ~~for~~ district judge , *justice of the*  
27 *peace or municipal judge* in a judicial capacity pursuant to this  
28 section elects not to reenroll in the Judicial Retirement Plan  
29 pursuant to subsection 1 of NRS 1A.370, the Court Administrator *if*  
30 *the retired justice or judge is a justice of the Supreme Court or a*  
31 *district judge, the county if the retired justice or judge is a justice*  
32 *of the peace or the city if the retired justice or judge is a municipal*  
33 *judge,* may pay contributions on behalf of the retired justice or  
34 judge to a retirement fund which is not a part of the Judicial  
35 Retirement Plan in an amount not to exceed the amount of the  
36 contributions that the Court Administrator , *county or city* would  
37 pay to the System on behalf of a participating justice or judge who is  
38 employed in a similar position.

39 4. The System may waive , for one period of 30 days or less , a  
40 retired ~~justice's~~ *justice of the Supreme Court's* or *district* judge's  
41 disqualification under this section if the Chief Justice of the  
42 Supreme Court certifies in writing, in advance, that the retired  
43 justice or judge is recalled to meet an emergency and that no other  
44 qualified person is immediately available. *The System may waive,*  
45 *for one period of 30 days or less, a retired justice of the peace's*



\* S B 4 0 9 R 1 \*

1 *disqualification under this section if the county commission of the*  
2 *jurisdiction in which the justice of the peace is to be assigned*  
3 *certifies in writing, in advance, that the retired justice of the peace*  
4 *is recalled to meet an emergency and that no other qualified*  
5 *person is immediately available. The System may waive, for one*  
6 *period of 30 days or less, a retired municipal judge's*  
7 *disqualification under this section if the city council of the*  
8 *jurisdiction in which the municipal judge is to be assigned certifies*  
9 *in writing, in advance, that the retired municipal judge is recalled*  
10 *to meet an emergency and that no other qualified person is*  
11 *immediately available.*

12 **Sec. 18.** NRS 1A.370 is hereby amended to read as follows:

13 1A.370 1. A retired justice or judge who accepts employment  
14 as a justice of the Supreme Court, ~~or~~ district judge, *justice of the*  
15 *peace or municipal judge* in any judicial capacity, including,  
16 without limitation, employment as a senior justice, ~~or~~ senior judge  
17 *, senior justice of the peace or senior municipal judge* of the  
18 Nevada Court System, may enroll in the Judicial Retirement Plan as  
19 of the effective date of that employment. As of the date of  
20 enrollment:

21 (a) He forfeits all retirement allowances for the duration of that  
22 employment; and

23 (b) Except as otherwise required as a result of NRS 1A.400 or  
24 1A.410, if the duration of the employment is at least 6 months, he  
25 gains additional service credit for that employment and is entitled to  
26 have a separate service retirement allowance calculated based on his  
27 compensation and service, effective upon the termination of that  
28 employment. If the duration of the employment is:

29 (1) Less than 5 years, the additional allowance must be added  
30 to his original allowance and must be under the same option and  
31 designated the same beneficiary as the original allowance; or

32 (2) Five years or more, the additional allowance may be  
33 under any option and designate any beneficiary in accordance with  
34 NRS 1A.430.

35 2. The original service retirement allowance of such a retired  
36 justice or judge must not be recalculated based upon the additional  
37 service credit, nor is he entitled to any of the rights of membership  
38 that were not in effect at the time of his original retirement. The  
39 accrual of service credit pursuant to this section is subject to the  
40 limits imposed by:

41 (a) NRS 1A.440; and

42 (b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415.

43 3. Except as otherwise required as a result of NRS 1A.400 or  
44 1A.410, a retired justice or judge who has been receiving a  
45 retirement allowance pursuant to the Judicial Retirement Plan and



1 who is reemployed and is enrolled in the Plan for at least 5 years  
2 may have his additional credit for service added to his previous  
3 credit for service. This additional credit for service must not apply  
4 to more than one period of employment after the original retirement.

5 4. The survivor of a deceased member of the Judicial  
6 Retirement Plan who had previously retired and was reemployed  
7 and enrolled in the Plan, who qualifies for benefits pursuant to NRS  
8 1A.340 and 1A.530 to 1A.670, inclusive, is eligible for the benefits  
9 based on the service accrued through the second period of  
10 employment.

11 **Sec. 19.** NRS 1A.380 is hereby amended to read as follows:

12 1A.380 1. The provisions of subsection 1 of NRS 1A.360 do  
13 not apply to a retired justice or judge who accepts employment as a  
14 justice of the Supreme Court , ~~for~~ district judge , *justice of the*  
15 *peace or municipal judge* in a judicial capacity if:

16 (a) He fills a position for which there is a critical labor shortage;  
17 and

18 (b) At the time of his reemployment, he is receiving:

19 (1) An unmodified benefit; or

20 (2) A benefit actuarially reduced pursuant to subsection 2 of  
21 NRS 1A.350 and has reached the required age at which he could  
22 have retired with an unmodified benefit.

23 2. A retired justice or judge who is reemployed under the  
24 circumstances set forth in subsection 1 may reenroll in the Judicial  
25 Retirement Plan as provided in NRS 1A.370.

26 3. The Supreme Court shall designate positions in the Judicial  
27 Branch of State Government for which there are critical labor  
28 shortages.

29 **Sec. 20.** NRS 1A.440 is hereby amended to read as follows:

30 1A.440 Except as otherwise required as a result of NRS  
31 1A.400 or 1A.410:

32 1. Except as otherwise provided in this subsection, a monthly  
33 service retirement allowance must be determined by multiplying a  
34 member of the Judicial Retirement Plan's average compensation by  
35 3.4091 percent for each year of service, except that a member of the  
36 Plan is entitled to a benefit of not more than 75 percent of his  
37 average compensation with his eligibility for service credit ceasing  
38 at 22 years of service.

39 2. For the purposes of this section, "average compensation"  
40 means the average of a member of the Plan's 36 consecutive months  
41 of highest compensation as certified by the Court Administrator ~~if~~  
42 *if the member is a justice of the Supreme Court or a district judge,*  
43 *by the county if the member is a justice of the peace or by the city*  
44 *if the member is a municipal judge.*



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1     **Sec. 21.** NRS 1A.470 is hereby amended to read as follows:

2     1A.470 1. In addition to the options provided in NRS  
3 287.023 and subject to the requirements of that section, any justice  
4 of the Supreme Court , ~~or~~ district judge , *justice of the peace or*  
5 *municipal judge* who retires under the conditions set forth in NRS  
6 1A.350 and, at the time of his retirement, was covered or had his  
7 dependents covered by any group insurance or medical and hospital  
8 service established pursuant to NRS 287.010 and 287.020, has the  
9 option of having the Executive Officer of the Board deduct and pay  
10 his premium or contribution for that group insurance or medical and  
11 hospital service coverage, as well as the amount due or to become  
12 due upon any obligation designated by the Board pursuant to  
13 subsection 2, from his monthly retirement allowance until:

14     (a) He notifies the Executive Officer of the Board to discontinue  
15 the deduction; or

16     (b) Any of his dependents elect to assume the premium or  
17 contribution applicable to the dependent's coverage before the death  
18 of such a retired justice or judge and continue coverage pursuant to  
19 NRS 287.023 after his death.

20     2. The Board may adopt regulations to carry out the provisions  
21 of subsection 1, including, without limitation, regulations governing  
22 the number and types of obligations, amounts for the payment of  
23 which may be deducted and paid by the Board at the option of the  
24 retired justice or judge pursuant to this section.

25     3. The Executive Officer of the Board, the Board and the  
26 System are not liable for any damages resulting from errors or  
27 omissions concerning the deductions and payment of premiums or  
28 contributions authorized pursuant to this section unless willful  
29 neglect or gross negligence is proven.

30     **Sec. 22.** NRS 1A.480 is hereby amended to read as follows:

31     1A.480 1. A member of the Judicial Retirement Plan who has  
32 5 years or more of service credit and who becomes totally unable to  
33 perform his current job or any comparable job for which he is  
34 qualified by his training and experience ~~or~~ because of injury or  
35 mental or physical illness of a permanent nature is eligible to apply  
36 for disability retirement if:

37     (a) Except as otherwise provided in subsection 5, his  
38 employment as a justice of the Supreme Court , ~~or~~ district judge ,  
39 *justice of the peace or municipal judge* will be terminated because  
40 of the disability;

41     (b) He is employed as a justice of the Supreme Court , ~~or~~ a  
42 district judge , *a justice of the peace or a municipal judge* at the  
43 time of application for disability retirement;



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1 (c) He proves that his disability renders him unable to perform  
2 the duties of his present position and of any other position he has  
3 held within the past year;

4 (d) He files a notarized application for disability retirement with  
5 the System which indicates a selection of option and to which is  
6 attached a personal statement by the member of the Judicial  
7 Retirement Plan [H] describing the disability, the duties which he can  
8 and cannot perform, and any benefits he is entitled to receive for  
9 disability from any other public source; and

10 (e) The Court Administrator *if the member is a justice of the*  
11 *Supreme Court or a district judge, the county if the member is a*  
12 *justice of the peace or the city if the member is a municipal judge,*  
13 files an official statement certifying the member's employment  
14 record, record of disability, absences that have occurred because of  
15 the disability, the effect upon the work of the member after the  
16 disability, and job functions that can and cannot be performed  
17 because of the disability.

18 2. Except as otherwise required as a result of NRS 1A.410, the  
19 amount of the disability retirement allowance must be calculated in  
20 the same manner as provided for service retirement calculations in  
21 NRS 1A.440, except that no reduction for the age of a member of  
22 the Judicial Retirement Plan may be made and that the allowance  
23 must be reduced by the amount of any other benefit received from  
24 any source on account of the same disability:

25 (a) If the benefit is provided or was purchased by the  
26 expenditure of money by a Nevada public employer; and

27 (b) To the extent that the total of the unmodified benefit and the  
28 other benefit would otherwise exceed his average compensation.

29 3. A member of the Judicial Retirement Plan may apply for  
30 disability retirement even if he is eligible for service retirement.

31 4. Each child of a deceased recipient of a disability retirement  
32 allowance is entitled to receive the benefits provided by NRS  
33 1A.580 only if the decedent had not reached the age and completed  
34 the service required to be eligible for a service retirement allowance,  
35 except that these benefits must not be paid to anyone who is named  
36 as a beneficiary under one of the options to an unmodified  
37 allowance.

38 5. If a member of the Judicial Retirement Plan whose  
39 application for disability retirement has been:

40 (a) Approved [H] dies before his employment is terminated, but  
41 within 60 days after his application was approved; or

42 (b) Mailed before his death , as indicated by the date of the  
43 postmark dated by the post office on the envelope in which it was  
44 mailed, dies before the Board has acted upon his application and the  
45 Board approves thereafter his application,



1 his beneficiary is entitled to receive an allowance under the option  
2 selected rather than the benefit otherwise provided for a survivor.

3 6. The termination or adjustment of a disability retirement  
4 allowance resulting from the death of a recipient of an allowance  
5 pursuant to this section must not become effective until the first day  
6 of the month immediately following the death of the recipient.

7 7. As used in this section, "public employer" has the meaning  
8 ascribed to it in NRS 286.070.

9 **Sec. 23.** NRS 1A.510 is hereby amended to read as follows:

10 1A.510 1. Except as otherwise provided in subsection 2,  
11 whenever a recipient of a disability retirement allowance pursuant to  
12 NRS 1A.480 returns to employment as a justice of the Supreme  
13 Court, ~~or~~ district judge, *justice of the peace or municipal judge*,  
14 the allowance must be discontinued and his service credit at the time  
15 of disability retirement must be restored. The member shall retire  
16 under the same retirement plan previously selected for retirement on  
17 account of disability if he returns to disability retirement or elects  
18 service retirement within 1 year after his return to employment.

19 2. A recipient of a disability retirement allowance may be  
20 employed and continue to receive his allowance if he applies to the  
21 Board for approval of the employment before he begins to work and  
22 the Board approves his application. The application must include:

- 23 (a) A full description of the proposed employment; and  
24 (b) A statement written by the member of the System declaring  
25 the reasons why the proposed employment should not be found to  
26 conflict with his disability.

27 **Sec. 24.** NRS 1A.570 is hereby amended to read as follows:

28 1A.570 1. Except as otherwise provided in subsection 3, if a  
29 deceased member of the Judicial Retirement Plan had 2 years of  
30 creditable service in the 2 1/2 years immediately preceding his  
31 death, or if the employee had 10 or more years of creditable service,  
32 certain of his dependents are eligible for payments as provided in  
33 NRS 1A.530 to 1A.670, inclusive. If the death of the member  
34 resulted from a mental or physical condition which required him to  
35 leave his position as a justice of the Supreme Court, ~~or~~  
36 judge, *justice of the peace or municipal judge* or go on leave  
37 without pay, eligibility pursuant to the provisions of this section  
38 extends for 18 months after his termination or commencement of  
39 leave without pay.

40 2. If the death of a member of the Judicial Retirement Plan  
41 occurs while he is on leave of absence for further training and if he  
42 met the requirements of subsection 1 at the time his leave began,  
43 certain of his dependents are eligible for payments as provided in  
44 subsection 1.





1       3. If the death of a member of the Judicial Retirement Plan is  
2 caused by an occupational disease or an accident arising out of and  
3 in the course of his employment, no prior creditable service is  
4 required to make his dependents eligible for payments pursuant to  
5 NRS 1A.530 to 1A.670, inclusive, except that this subsection does  
6 not apply to an accident occurring while the member is traveling  
7 between his home and his principal place of employment.

8       4. As used in this section, "dependent" includes a survivor  
9 beneficiary designated pursuant to NRS 1A.620.

10       **Sec. 25.** NRS 1A.670 is hereby amended to read as follows:

11       1A.670 The amount of each monthly allowance paid as  
12 specified in NRS 1A.580 to 1A.660, inclusive, must not exceed the  
13 deceased member of the Judicial Retirement Plan's average  
14 compensation and must be reduced by the amount of any other  
15 benefit received from any source:

16       1. If that benefit was provided or purchased by the expenditure  
17 of money by this state ~~if~~ *if the deceased member was a justice of*  
18 *the Supreme Court or district judge, by the county if the deceased*  
19 *member was a justice of the peace or by the city if the deceased*  
20 *member was a municipal judge,* except for lump-sum payments  
21 under a group insurance program; and

22       2. To the extent that the total of the allowance and the other  
23 benefit would otherwise exceed the deceased member's average  
24 compensation.

25       **Sec. 26.** NRS 286.293 is hereby amended to read as follows:

26       286.293 1. The following employees of public employers  
27 shall participate in the System:

28       (a) Those employed on or after July 1, 1977, in positions  
29 considered to be half-time or more according to the full-time work  
30 schedule established for that public employer.

31       (b) Elected officials or persons appointed to elective positions  
32 who are elected or appointed after July 1, 1975, except where  
33 excluded by NRS 286.297 ~~and~~ *and except justices of the peace and*  
34 *municipal judges who are allowed and who elect to participate in*  
35 *the Judicial Retirement Plan pursuant to section 1 of this act.*

36       (c) A member whose allowance is vested or who is contributing  
37 immediately before a legislative session who is employed on or after  
38 January 1, 1981, by either house of the Legislature or by the  
39 Legislative Counsel Bureau.

40       (d) A member of the Nevada Gaming Commission.

41       2. The Board shall establish standards for determining what  
42 constitutes a full-time work schedule pursuant to paragraph (a) of  
43 subsection 1.

44       **Sec. 27.** 1. This section, sections 1 to 16, inclusive, and 18 to  
45 26, inclusive, of this act become effective on July 1, 2003.



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- 1       2. Section 17 of this act becomes effective at 12:01 a.m. on
- 2       July 1, 2005.
- 3       3. Sections 16 and 19 of this act expire by limitation on
- 4       June 30, 2005.

