

SENATE BILL NO. 36—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

PREFILED JANUARY 26, 2007

Referred to Committee on Judiciary

SUMMARY—Authorizes the board of county commissioners to include longevity pay in the compensation of justices of the peace. (BDR 1-269)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 justices of the peace; authorizing the board of county commissioners of a county to include additional payment for longevity in the compensation of the justices of the peace of the county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Although the Nevada Constitution prohibits the Legislature from passing local
2 or special laws fixing the compensation of justices of the peace, the Nevada
3 Constitution allows the Legislature to authorize the board of county commissioners
4 of the counties to establish and regulate the compensation and fees of township
5 officers in their counties. (Nev. Const. Art. 4, § 20) Pursuant to this authority, the
6 Legislature required the board of county commissioners of a county to fix the
7 compensation of the justices of the peace of the county. (NRS 4.040) Under
8 existing law, elected county officers who have served in office for more than 4
9 years are entitled to receive additional payment for longevity, which is calculated as
10 a percentage of their base salaries set forth in statute. (NRS 245.043, 245.044) In
11 1984, the Attorney General opined that justices of the peace are not eligible to
12 receive the longevity pay that the elected county officers are eligible to receive.
13 (Att'y Gen. Op. 1984-18 (Dec. 17, 1984)) This bill authorizes a board of county
14 commissioners to include additional payment for longevity in the compensation of
15 the justices of the peace of the county.



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

- 1 **Section 1.** NRS 4.040 is hereby amended to read as follows:
2 4.040 1. The several boards of county commissioners of each
3 county, at the regular meeting in July of any year in which an
4 election of justices of the peace is held, shall fix the minimum
5 compensation of the justices of the peace within their respective
6 townships for the ensuing term, either by stated salaries, payable
7 monthly, semimonthly or at regular 2-week intervals, or by fees, as
8 provided by law, or both, and they may thereafter increase or change
9 such compensation during the term but shall not reduce it below the
10 minimum so established.
11 2. If it becomes necessary to appoint a justice of the peace at
12 any time, the board of county commissioners in the county in which
13 such appointment is made shall fix the compensation, either by
14 salary or by fees, as provided by law, or both, for the term for which
15 the justice of the peace is appointed.
16 3. *In fixing the compensation of the justices of the peace of*
17 *the county pursuant to this section, a board of county*
18 *commissioners may include additional payment for longevity.*

