

SENATE BILL NO. 556—COMMITTEE ON FINANCE

APRIL 11, 2007

Referred to Committee on Finance

SUMMARY—Makes various changes concerning the judicial system. (BDR 1-1475)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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.

AN ACT relating to the judicial system; creating the Supreme Court Commission on Law Libraries and the District Court Commission on Law Libraries; reorganizing the Second and Eighth Judicial Districts; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 184 of the 2001 Legislative Session created the Supreme Court Commission on Law Libraries and the District Court Commission on Law Libraries. The Supreme Court Commission on Law Libraries expired on December 31, 2006, and the District Court Commission on Law Libraries expired on January 2, 2005. (Chapter 597, Statutes of Nevada 2001, p. 3109)

Section 2 of this bill re-creates the Supreme Court Commission on Law Libraries, prescribes the duties of the Commission and establishes the salaries for the justices who serve on the Commission. (NRS 2.410) **Section 1** of this bill clarifies that salary from service on the Commission is included within the definition of salary for the purposes of the statutory provisions pertaining to pensions. (NRS 2.060)

Section 4 of this bill re-creates the District Court Commission on Law Libraries, prescribes the duties of the Commission and establishes the salaries for the judges who serve on the Commission. **Section 9** of this bill clarifies that salary from service on the Commission is included within the definition of salary for the purposes of the statutory provisions pertaining to pensions. (NRS 3.090)

Section 12 of this bill makes an appropriation to pay the salaries of the members of the Supreme Court Commission on Law Libraries and the District Court Commission on Law Libraries.

Existing law creates the Second and Eighth Judicial Districts with certain judges designated for the family court. (NRS 3.012, 3.018) **Sections 5-8** of this bill reorganize those districts to provide for the designation of family court judges separate from other judges in those districts. In addition, **sections 10 and 11** of this bill provide for the abolishment and recreation of the office of certain district



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judges. The first term of office for the new judges is 4 years. This reorganization will allow all district judges to be elected at the same time in those districts rather than at staggered times.

Section 13 of this bill provides that the provisions of this bill concerning the Commissions on Law Libraries become effective on January 1, 2009, if, and only if, Senate Bill No. 248 is enacted by the 74th Session of the Nevada Legislature and approved by the Governor.

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

Section 1. 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 monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

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 monthly from the Judicial Retirement Fund established pursuant to NRS 1A.160.

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 postretirement 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 Executive Officer of the Public Employees' Retirement Board 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. 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.

9. As used in this section, "salary" includes a salary received for service on a Supreme Court Commission created by statute.

Sec. 2. 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 Supreme Court Commission on Law Libraries shall meet at least quarterly and shall prepare and submit an annual report to the Office of the Court Administrator.

5. On January 5, 2009, 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



1 *begin on January 5, 2009, and end on January 2, 2011, and three*
2 *justices to serve terms which begin on January 6, 2009, and end*
3 *on December 31, 2012. If a justice appointed pursuant to this*
4 *subsection to serve on the Commission ceases to be a justice of the*
5 *Supreme Court, his term as a member of the Commission expires*
6 *on the date that he ceases to be a justice of the Supreme Court.*
7 *Such a vacancy on the Commission may only be filled by the*
8 *person appointed to fill the vacancy on the Supreme Court and*
9 *only for the remainder of the term for which he is appointed and*
10 *actually serves.*

11 *6. Each member of the Supreme Court Commission on Law*
12 *Libraries who is appointed pursuant to subsection 5 is entitled to*
13 *receive a salary of \$30,000 for each year that he serves on the*
14 *Commission, payable in biweekly installments.*

15 **Sec. 3.** Chapter 3 of NRS is hereby amended by adding thereto
16 the provisions set forth as sections 4, 5 and 6 of this act.

17 **Sec. 4. 1.** *There is hereby created a District Court*
18 *Commission on Law Libraries. The Commission shall:*

19 *(a) Make recommendations to and otherwise advise generally*
20 *the boards of law library trustees established pursuant to chapter*
21 *380 of NRS concerning policies and procedures related to*
22 *improving access by the public to the law and legal publications;*

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

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

35 *2. The District Court Commission on Law Libraries shall*
36 *meet at least quarterly and shall prepare and submit an annual*
37 *report to the Office of the Court Administrator.*

38 *3. On January 5, 2009, the:*

39 *(a) Chief Judge of the Second Judicial District shall appoint*
40 *two district judges from the Second Judicial District to serve terms*
41 *on the District Court Commission on Law Libraries which begin*
42 *on January 5, 2009, and end on January 3, 2011; and*

43 *(b) Chief Judge of the Eighth Judicial District shall appoint*
44 *six district judges from the Eighth Judicial District to serve terms*



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1 on the District Court Commission on Law Libraries which begin
2 on January 5, 2009, and end on January 3, 2011.

3 ➤ If a district judge appointed pursuant to this subsection to serve
4 on the District Court Commission on Law Libraries ceases to be a
5 district judge, his term as a member of the Commission expires
6 on the date that he ceases to be a district judge. Such a vacancy on
7 the Commission may only be filled by the person appointed to fill
8 the vacancy on the district court and only for the remainder of the
9 term for which he is appointed and actually serves.

10 4. On or after January 5, 2009, the Chief Judge of any other
11 judicial district may appoint one district judge to serve on the
12 District Court Commission on Law Libraries.

13 5. Each member of the District Court Commission on Law
14 Libraries who was appointed pursuant to subsection 3 is entitled to
15 receive a salary of \$30,000 for each year that he serves on the
16 Commission, payable in biweekly installments.

17 Sec. 5. For the Second Judicial District, in addition to the
18 district judges established pursuant to NRS 3.012, there must be
19 four district judges who are judges of the family court.

20 Sec. 6. For the Eighth Judicial District, in addition to the
21 district judges established pursuant to NRS 3.018, there must be
22 13 district judges who are judges of the family court.

23 Sec. 7. NRS 3.012 is hereby amended to read as follows:

24 3.012 For the Second Judicial District there must be ~~12~~ eight
25 district judges ~~[, 4 of whom must be]~~ who are not judges of the
26 family court.

27 Sec. 8. NRS 3.018 is hereby amended to read as follows:

28 3.018 For the Eighth Judicial District there must be ~~37~~ 24
29 district judges ~~[, 13 of whom must be]~~ who are not judges of the
30 family court.

31 Sec. 9. NRS 3.090 is hereby amended to read as follows:

32 3.090 1. Any judge of the district court who has served as a
33 justice of the Supreme Court or judge of a district court in any one
34 or more of those courts for a period or periods aggregating 22 years
35 and has ended such service is, after reaching the age of 60 years,
36 entitled to receive annually from the State of Nevada, as a pension
37 during the remainder of his life, a sum of money equal in amount to
38 three-fourths the sum received as a salary for his judicial services
39 during the last year thereof, payable monthly from the Judicial
40 Retirement Fund established pursuant to NRS 1A.160.

41 2. 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
43 those courts for a period or periods aggregating 5 years and has
44 ended such service is, after reaching the age of 60 years, entitled to
45 receive annually from the State of Nevada, as a pension during the



1 remainder of his life, a sum of money equal in amount to 4.1666
2 percent of the sum received as a salary for his judicial services
3 during the last year thereof, payable monthly from the Judicial
4 Retirement Fund established pursuant to NRS 1A.160.

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

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

16 5. Any district judge who has the years of service necessary to
17 retire but has not attained the required age may retire at any age with
18 a benefit actuarially reduced to the required retirement age. A
19 retirement benefit under this subsection must be reduced in the same
20 manner as benefits are reduced for persons retired under the Public
21 Employees' Retirement System.

22 6. Any person receiving a pension pursuant to the provisions of
23 this section is entitled to receive postretirement increases equal to
24 those provided for persons retired in the Public Employees'
25 Retirement System.

26 7. Any judge of the district court who desires to receive the
27 benefits of this section must file with the Executive Officer of the
28 Public Employees' Retirement Board an affidavit setting forth
29 the fact that he is ending his service, the date and place of his birth,
30 and the years he has served in any district court or the Supreme
31 Court.

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

35 *9. As used in this section, "salary" includes a salary received*
36 *for service on a District Court Commission created by statute.*

37 **Sec. 10.** 1. Each office of district judge for the family court
38 of the Second Judicial District which was created pursuant to NRS
39 3.012 and for which the term of office expires on January 3, 2011, is
40 hereby abolished and ceases to exist on January 3, 2011.

41 2. Each office of district judge for the family court of the
42 Eighth Judicial District which was created pursuant to NRS 3.018
43 and for which the term of office expires on January 3, 2011, is
44 hereby abolished and ceases to exist on January 3, 2011.



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Sec. 11. On January 3, 2011, there are hereby created two offices of district judge who must be judges for the family court of the Second Judicial District pursuant to section 5 of this act and six offices of district judge who must be judges for the family court of the Eighth Judicial District pursuant to section 6 of this act. The district judges for these offices must be selected at the general election held on November 2, 2010. The term of office of these judges expires on January 5, 2015.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of \$105,946 for the salaries of members of the Supreme Court Commission on Law Libraries created pursuant to section 2 of this act.

2. There is hereby appropriated from the State General Fund to the District Judges' Salary Account the sum of \$164,933 for the salaries of the members of the District Court Commission on Law Libraries created pursuant to section 4 of this act.

3. Any remaining balance of the appropriations made by subsections 1 and 2 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 13. 1. This section and sections 3, 10 and 11 of this act become effective on October 1, 2007.

2. Section 12 of this act becomes effective on July 1, 2008, if, and only if, Senate Bill No. 248 is enacted by the 74th Session of the Nevada Legislature and approved by the Governor.

3. Sections 1, 2, 4 and 9 of this act become effective on January 1, 2009, if, and only if, Senate Bill No. 248 is enacted by the 74th Session of the Nevada Legislature and approved by the Governor.

4. Sections 5 to 8, inclusive, of this act become effective on January 3, 2011.

5. Sections 4 and 9 of this act expire by limitation on January 3, 2011.

6. Sections 1 and 2 of this act expire by limitation on December 31, 2012.

