

SENATE BILL NO. 69—COMMITTEE ON FINANCE

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Finance

SUMMARY—Revises provisions governing judicial retirement.
(BDR 1-496)

FISCAL NOTE: Effect on Local Government: No.
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 judiciary; revising provisions relating to the eligibility of members of the Judicial Retirement Plan to retire; revising provisions governing the benefits of a retired justice or judge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the eligibility of members of the Judicial Retirement Plan to retire at a certain age if the member has a certain number of years of service. (NRS 1A.350) **Section 1** of this bill provides that such a member may retire at the age of 55 years if he or she has at least 22 years of service.

Existing law also authorizes a retired justice or judge who accepts employment as a senior justice, senior judge, senior justice of the peace or senior municipal judge of the Nevada Court System to qualify to receive allowances under the Judicial Retirement Plan for the duration of his or her active service if the justice or judge is at least 60 years of age at the time of his or her reemployment and accepts the employment at least 6 months after the effective date of his or her retirement. (NRS 1A.360) **Section 2** of this bill reduces the minimum required period before the acceptance of employment from 6 months to 90 days after the effective date of the retirement of the justice or judge.

Additionally, existing law provides that a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace or senior municipal court judge is entitled to receive a retirement allowance in addition to compensation for his or her service and is entitled to receive additional service credit for actual time served if he or she reenrolled in a retirement plan. (NRS 2.060, 3.090) Existing law further provides that such provisions, in addition to certain other provisions relating to the benefits of a retired



21 justice or judge, expire by limitation on June 30, 2015. (Chapter 398, Statutes of
22 Nevada 2009, p. 2222) **Section 3** of this bill removes this sunset provision.

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

1 **Section 1.** NRS 1A.350 is hereby amended to read as follows:

2 1A.350 1. A member of the Judicial Retirement Plan is
3 eligible to retire at the age of 65 years if the member has at least 5
4 years of service, at the age of 60 years if the member has at least 10
5 years of service , *at the age of 55 years if the member has at least*
6 *22 years of service* and at any age if the member has at least 30
7 years of service.

8 2. Any member of the Judicial Retirement Plan who has the
9 years of creditable service necessary to retire, but has not attained
10 the required age, if any, may retire at any age with a benefit
11 actuarially reduced to the required retirement age. Except as
12 otherwise required as a result of NRS 1A.410, a retirement benefit
13 pursuant to this subsection must be reduced by 4 percent of the
14 unmodified benefit for each full year that the member is under the
15 appropriate retirement age, and an additional 0.33 percent for each
16 additional month that the member is under the appropriate
17 retirement age. Any option selected pursuant to this subsection must
18 be reduced by an amount proportionate to the reduction provided in
19 this subsection for the unmodified benefit. The Board may adjust the
20 actuarial reduction based upon an experience study of the System
21 and recommendation by the actuary.

22 **Sec. 2.** NRS 1A.360 is hereby amended to read as follows:

23 1A.360 1. Except as otherwise provided in subsection 4 and
24 NRS 1A.370, if a retired justice or judge accepts employment as a
25 justice of the Supreme Court, judge of the Court of Appeals, district
26 judge, justice of the peace or municipal judge in any judicial
27 capacity, including, without limitation, employment as a senior
28 justice, senior judge, senior justice of the peace or senior municipal
29 judge of the Nevada Court System, the retired justice or judge is
30 disqualified from receiving any allowances under the Judicial
31 Retirement Plan for the duration of his or her active service.

32 2. If a retired justice or judge accepts any employment other
33 than that described in subsection 1, the justice or judge is entitled to
34 the same allowances as a retired justice or judge who has no
35 employment.

36 3. If a retired justice or judge who accepts employment as a
37 justice of the Supreme Court, judge of the Court of Appeals, district
38 judge, justice of the peace or municipal judge in a judicial capacity
39 pursuant to this section elects not to reenroll in the Judicial



1 Retirement Plan pursuant to subsection 1 of NRS 1A.370, the Court
2 Administrator if the retired justice or judge is a justice of the
3 Supreme Court, a judge of the Court of Appeals or a district judge,
4 the county if the retired justice or judge is a justice of the peace or
5 the city if the retired justice or judge is a municipal judge, may pay
6 contributions on behalf of the retired justice or judge to a retirement
7 fund which is not a part of the Judicial Retirement Plan in an
8 amount not to exceed the amount of the contributions that the Court
9 Administrator, county or city would pay to the System on behalf of
10 a participating justice or judge who is employed in a similar
11 position.

12 4. The provisions of subsection 1 do not apply to a retired
13 justice or judge who accepts employment as a senior justice, senior
14 judge, senior justice of the peace or senior municipal judge of the
15 Nevada Court System if the retired justice or judge is at least 60
16 years of age at the time of reemployment and the retired justice or
17 judge accepts the employment at least ~~6 months~~ 90 days after the
18 effective date of his or her retirement pursuant to subsection 2 of
19 NRS 1A.130.

20 **Sec. 3.** Section 11 of chapter 398, Statutes of Nevada 2009, at
21 page 2222, is hereby amended to read as follows:

22 Sec. 11. This act becomes effective on July 1, 2009 . ~~f~~
23 ~~and expires by limitation on June 30, 2015.~~

24 **Sec. 4.** 1. This section and section 3 of this act become
25 effective upon passage and approval.

26 2. Sections 1 and 2 of this act become effective on July 1,
27 2015.

