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SENATE BILL NO. 438—COMMITTEE ON FINANCE  
(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

MARCH 29, 2005

Referred to Committee on Finance

SUMMARY—Authorizes justices of the peace and municipal judges to participate in Judicial Retirement Plan under certain circumstances. (BDR 1-217)

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.

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AN ACT relating to the judiciary; authorizing 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***



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, 2005, 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



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



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.



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~~  
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 State of Nevada shall pay to the  
33 System for deposit in the Judicial Retirement Fund from any fund  
34 created for the purpose of paying pension benefits to justices of the  
35 Supreme Court or district judges an amount as the contribution of  
36 the State of Nevada as employer which is actuarially determined to  
37 be sufficient to provide the System with enough money to pay ~~all~~  
38 *the* benefits *for justices of the Supreme Court and district judges*  
39 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 5. Except as otherwise provided in this subsection, the total  
22 contribution rate that is actuarially determined for members of the  
23 Judicial Retirement Plan must be adjusted on the first monthly  
24 retirement reporting period commencing on or after July 1 of each  
25 odd-numbered year based on the actuarially determined contribution  
26 rate indicated in the biennial actuarial valuation and report. The  
27 adjusted rate must be rounded to the nearest one-quarter of  
28 1 percent. The total contribution rate must not be adjusted pursuant  
29 to this subsection if the existing rate is within one-half of 1 percent  
30 of the actuarially determined rate.

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

32 1A.220 1. The Board, subject to the limitations of this  
33 chapter, is responsible for managing the System.

34 2. The Board shall:

35 (a) Arrange for a biennial actuarial valuation and report of the  
36 actuarial soundness of the System to be prepared by an independent  
37 actuary based upon data compiled and supplied by employees of the  
38 System, and shall adopt actuarial tables and formulas prepared and  
39 recommended by the actuary;

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

43 (c) Provide an annual report concerning the **Judicial**  
44 **Retirement]** System established pursuant to this chapter to the Court  
45 Administrator, *each board of county commissioners that allows*



1 *justices of the peace to participate in the Judicial Retirement Plan*  
2 *pursuant to section 1 of this act, each city council that allows*  
3 *municipal judges to participate in the Judicial Retirement Plan*  
4 *pursuant to section 1 of this act, the Governor and each member of*  
5 the Legislature, and make the report available to all members of the  
6 ~~[Judicial Retirement]~~ System upon request. The report must contain,  
7 when available, a review of the actuarial valuation required by  
8 paragraph (a).

9 3. The Board may:

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

16 (b) Examine and copy personnel and financial records of ~~[a]~~ :

17 (1) A justice of the Supreme Court or district judge that are  
18 maintained by the Court Administrator ~~[+]~~;

19 (2) *A justice of the peace who participates in the Judicial*  
20 *Retirement Plan pursuant to section 1 of this act that are*  
21 *maintained by a county; and*

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

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

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

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

35 1A.250 Except as specifically provided in this chapter, the  
36 accounts of members of the System and recipients of benefits of the  
37 System must be administered in accordance with the provisions of  
38 chapter 286 of NRS as if the justice of the Supreme Court, ~~[or]~~ the  
39 district judge, *the justice of the peace or the municipal judge* were  
40 or had been a member of the Public Employees' Retirement System.

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

42 1A.260 1. No person may become a member of the ~~[Judicial~~  
43 ~~Retirement]~~ System unless he is a justice of the Supreme Court or a  
44 district judge ~~[+]~~, *or a justice of the peace or municipal judge who*



1 *is allowed and elects to participate in the Judicial Retirement Plan*  
2 *pursuant to section 1 of this act.*

3 2. Except as otherwise provided in NRS 1A.370, persons  
4 retired under the provisions of this chapter who are employed as a  
5 justice of the Supreme Court , ~~for~~ district judge , *justice of the*  
6 *peace or municipal judge* in any judicial capacity, including,  
7 without limitation, employment as a senior justice , ~~for~~ senior judge  
8 , *senior justice of the peace or senior municipal judge* of the  
9 Nevada Court System, are not eligible to become members of the  
10 System.

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

12 1A.290 1. Membership of a justice of the Supreme Court or a  
13 district judge in the System terminates upon:

14 (a) The death of ~~for~~ *the* member;

15 (b) Receipt of retirement allowances by ~~for~~ *the* member of the  
16 Judicial Retirement Plan or retirement benefits pursuant to NRS  
17 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099,  
18 inclusive; or

19 (c) Receipt of disability allowances by ~~for~~ *the* member of the  
20 Judicial Retirement Plan or disability benefits pursuant to NRS  
21 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099,  
22 inclusive.

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

25 (a) *The death of the member;*

26 (b) *Receipt of retirement allowances; or*

27 (c) *Receipt of disability allowances.*

28 3. A retired justice or judge is not entitled to any right  
29 conferred by this chapter upon a member of the System unless the  
30 provision conferring that right expressly states that it is conferred  
31 upon a retired justice or judge.

32 ~~for~~ 4. A justice *of the Supreme Court* or *a district* judge who  
33 retired pursuant to NRS 2.060 to 2.083, inclusive, or pursuant to  
34 NRS 3.090 to 3.099, inclusive, is not entitled to any right conferred  
35 by this chapter upon a member of the System unless the provision  
36 conferring that right expressly states that it is conferred upon a  
37 justice or judge who retired pursuant to NRS 2.060 to 2.083,  
38 inclusive, or pursuant to NRS 3.090 to 3.099, inclusive.

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

40 1A.300 1. A plan under which all justices of the Supreme  
41 Court and district judges who are elected or appointed for the first  
42 time as either a justice of the Supreme Court or district judge on or  
43 after November 5, 2002, and who take office on or after January 1,  
44 2003, and who do not elect to remain in the Public Employees'  
45 Retirement System, if eligible to do so, must receive benefits for





1 retirement, disability and death , *and under which justices of the*  
2 *peace and municipal judges who are allowed to participate in the*  
3 *plan pursuant to section 1 of this act may receive benefits for*  
4 *retirement, disability and death*, is hereby established and must be  
5 known as the Judicial Retirement Plan.

6 2. Each justice of the Supreme Court or district judge elected  
7 or appointed for the first time as either a justice of the Supreme  
8 Court or district judge on or after November 5, 2002, and who takes  
9 office on or after January 1, 2003, and who does not elect pursuant  
10 to NRS 1A.280 to remain in the Public Employees' Retirement  
11 System, if eligible to do so, is a member of the Judicial Retirement  
12 Plan.

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

17 4. Benefits are earned pursuant to the Judicial Retirement Plan  
18 in the manner set forth in NRS 1A.120 to 1A.150, inclusive,  
19 1A.190, 1A.240 and 1A.310 to 1A.670, inclusive.

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

21 1A.360 1. Except as otherwise provided in subsection 4 and  
22 NRS 1A.370, if a retired justice or judge accepts employment as a  
23 justice of the Supreme Court , ~~or~~ district judge , *justice of the*  
24 *peace or municipal court judge* in any judicial capacity, including,  
25 without limitation, employment as a senior justice , ~~or~~ senior judge  
26 *, senior justice of the peace or senior municipal judge* of the  
27 Nevada Court System, he is disqualified from receiving any  
28 allowances under the Judicial Retirement Plan for the duration of his  
29 active service.

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

34 3. If a retired justice or judge who accepts employment as a  
35 justice of the Supreme Court , ~~or~~ district judge , *justice of the*  
36 *peace or municipal judge* in a judicial capacity pursuant to this  
37 section elects not to reenroll in the Judicial Retirement Plan  
38 pursuant to subsection 1 of NRS 1A.370, the Court Administrator *if*  
39 *the retired justice or judge is a justice of the Supreme Court or a*  
40 *district judge, the county if the retired justice or judge is a justice*  
41 *of the peace or the city if the retired justice or judge is a municipal*  
42 *judge*, may pay contributions on behalf of the retired justice or  
43 judge to a retirement fund which is not a part of the Judicial  
44 Retirement Plan in an amount not to exceed the amount of the  
45 contributions that the Court Administrator , *county or city* would



1 pay to the System on behalf of a participating justice , or judge who  
2 is employed in a similar position.

3 4. The System may waive , for one period of 30 days or less , a  
4 retired ~~[justice's]~~ *justice of the Supreme Court's* or *district* judge's  
5 disqualification under this section if the Chief Justice of the  
6 Supreme Court certifies in writing, in advance, that the retired  
7 justice *of the Supreme Court* or *district* judge is recalled to meet an  
8 emergency and that no other qualified person is immediately  
9 available. *The System may waive, for one period of 30 days or less,*  
10 *a retired justice of the peace's disqualification under this section if*  
11 *the board of county commissioners of the jurisdiction in which the*  
12 *justice of the peace is to be assigned certifies in writing, in*  
13 *advance, that the retired justice of the peace is recalled to meet an*  
14 *emergency and that no other qualified person is immediately*  
15 *available. The System may waive, for one period of 30 days or less,*  
16 *a retired municipal judge's disqualification under this section if*  
17 *the city council of the jurisdiction in which the municipal judge is*  
18 *to be assigned certifies in writing, in advance, that the retired*  
19 *municipal judge is recalled to meet an emergency and that no*  
20 *other qualified person is immediately available.*

21 **Sec. 17.** NRS 1A.370 is hereby amended to read as follows:

22 1A.370 1. A retired justice or judge who accepts employment  
23 as a justice of the Supreme Court , ~~[or]~~ district judge , *justice of the*  
24 *peace or municipal judge* in any judicial capacity, including,  
25 without limitation, employment as a senior justice , ~~[or]~~ senior judge  
26 *, senior justice of the peace or senior municipal judge* of the  
27 Nevada Court System, may enroll in the Judicial Retirement Plan as  
28 of the effective date of that employment. As of the date of  
29 enrollment:

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

32 (b) Except as otherwise required as a result of NRS 1A.400 or  
33 1A.410, if the duration of the employment is at least 6 months, he  
34 gains additional service credit for that employment and is entitled to  
35 have a separate service retirement allowance calculated based on his  
36 compensation and service, effective upon the termination of that  
37 employment. If the duration of the employment is:

38 (1) Less than 5 years, the additional allowance must be added  
39 to his original allowance and must be under the same option and  
40 ~~[designated]~~ *designate* the same beneficiary as the original  
41 allowance; or

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



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

7 (a) NRS 1A.440; and

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

9 3. Except as otherwise required as a result of NRS 1A.400 or  
10 1A.410, a retired justice or judge who has been receiving a  
11 retirement allowance pursuant to the Judicial Retirement Plan and  
12 who is reemployed and is enrolled in the Plan for at least 5 years  
13 may have his additional credit for service added to his previous  
14 credit for service. This additional credit for service must not apply  
15 to more than one period of employment after the original retirement.

16 4. The survivor of a deceased member of the Judicial  
17 Retirement Plan who had previously retired and was reemployed  
18 and enrolled in the Plan, who qualifies for benefits pursuant to NRS  
19 1A.340 and 1A.530 to 1A.670, inclusive, is eligible for the benefits  
20 based on the service accrued through the second period of  
21 employment.

22 **Sec. 18.** NRS 1A.440 is hereby amended to read as follows:

23 1A.440 Except as otherwise required as a result of NRS  
24 1A.400 or 1A.410:

25 1. Except as otherwise provided in this subsection, a monthly  
26 service retirement allowance must be determined by multiplying a  
27 member of the Judicial Retirement Plan's average compensation by  
28 3.4091 percent for each year of service, except that a member of the  
29 Plan is entitled to a benefit of not more than 75 percent of his  
30 average compensation.

31 2. For the purposes of this section, "average compensation"  
32 means the average of a member of the Plan's 36 consecutive months  
33 of highest compensation as certified by the Court Administrator ~~[-]~~  
34 *if the member is a justice of the Supreme Court or a district judge,*  
35 *by the county if the member is a justice of the peace or by the city*  
36 *if the member is a municipal judge.*

37 **Sec. 19.** NRS 1A.470 is hereby amended to read as follows:

38 1A.470 1. In addition to the options provided in NRS  
39 287.023 and subject to the requirements of that section, any justice  
40 of the Supreme Court , ~~[-]~~ district judge , *justice of the peace or*  
41 *municipal judge* who retires under the conditions set forth in NRS  
42 1A.350 and, at the time of his retirement, was covered or had his  
43 dependents covered by any group insurance or medical and hospital  
44 service established pursuant to NRS 287.010, 287.020 or paragraph  
45 (b), (c) or (d) of subsection 1 of NRS 287.025, has the option of



1 having the Executive Officer of the Board deduct and pay his  
2 premium or contribution for that group insurance or medical and  
3 hospital service coverage, as well as the amount due or to become  
4 due upon any obligation designated by the Board pursuant to  
5 subsection 2, from his monthly retirement allowance until:

6 (a) He notifies the Executive Officer of the Board to discontinue  
7 the deduction; or

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

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

17 3. The Executive Officer of the Board, the Board and the  
18 System are not liable for any damages resulting from errors or  
19 omissions concerning the deductions and payment of premiums or  
20 contributions authorized pursuant to this section unless willful  
21 neglect or gross negligence is proven.

22 **Sec. 20.** NRS 1A.480 is hereby amended to read as follows:

23 1A.480 1. A member of the Judicial Retirement Plan who has  
24 5 years or more of service credit and who becomes totally unable to  
25 perform his current job or any comparable job for which he is  
26 qualified by his training and experience ~~and~~ because of injury or  
27 mental or physical illness of a permanent nature is eligible to apply  
28 for disability retirement if:

29 (a) Except as otherwise provided in subsection 5, his  
30 employment as a justice of the Supreme Court, ~~or~~ district judge,  
31 *justice of the peace or municipal judge* will be terminated because  
32 of the disability;

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

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

39 (d) He files a notarized application for disability retirement with  
40 the System which indicates a selection of option and to which is  
41 attached a personal statement by the member of the Judicial  
42 Retirement Plan ~~and~~ describing the disability, the duties which he can  
43 and cannot perform, and any benefits he is entitled to receive for  
44 disability from any other public source; and



1 (e) The Court Administrator *if the member is a justice of the*  
2 *Supreme Court or a district judge, the county if the member is a*  
3 *justice of the peace or the city if the member is a municipal judge,*  
4 files an official statement certifying the member's employment  
5 record, record of disability, absences that have occurred because of  
6 the disability, the effect upon the work of the member after the  
7 disability, and job functions that can and cannot be performed  
8 because of the disability.

9 2. Except as otherwise required as a result of NRS 1A.410, the  
10 amount of the disability retirement allowance must be calculated in  
11 the same manner as provided for service retirement calculations in  
12 NRS 1A.440, except that no reduction for the age of a member of  
13 the Judicial Retirement Plan may be made and that the allowance  
14 must be reduced by the amount of any other benefit received from  
15 any source on account of the same disability:

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

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

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

22 4. Each child of a deceased recipient of a disability retirement  
23 allowance is entitled to receive the benefits provided by NRS  
24 1A.580 only if the decedent had not reached the age and completed  
25 the service required to be eligible for a service retirement allowance,  
26 except that these benefits must not be paid to anyone who is named  
27 as a beneficiary under one of the options to an unmodified  
28 allowance.

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

31 (a) Approved  dies before his employment is terminated, but  
32 within 60 days after his application was approved; or

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

37 ➔ his beneficiary is entitled to receive an allowance under the  
38 option selected rather than the benefit otherwise provided for a  
39 survivor.

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

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



1       **Sec. 21.** NRS 1A.510 is hereby amended to read as follows:

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

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

15       (a) A full description of the proposed employment; and

16       (b) A statement written by the member of the System declaring  
17 the reasons why the proposed employment should not be found to  
18 conflict with his disability.

19       **Sec. 22.** NRS 1A.570 is hereby amended to read as follows:

20       1A.570 1. Except as otherwise provided in subsection 3, if a  
21 deceased member of the Judicial Retirement Plan had 2 years of  
22 creditable service in the 2 1/2 years immediately preceding his  
23 death, or if the employee had 10 or more years of creditable service,  
24 certain of his dependents are eligible for payments as provided in  
25 NRS 1A.530 to 1A.670, inclusive. If the death of the member  
26 resulted from a mental or physical condition which required him to  
27 leave his position as a justice of the Supreme Court , ~~for~~  
28 judge , *justice of the peace or municipal judge* or go on leave  
29 without pay, eligibility pursuant to the provisions of this section  
30 extends for 18 months after his termination or commencement of  
31 leave without pay.

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

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

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



1     **Sec. 23.** NRS 1A.670 is hereby amended to read as follows:

2     1A.670 The amount of each monthly allowance paid as  
3 specified in NRS 1A.580 to 1A.660, inclusive, must not exceed the  
4 deceased member of the Judicial Retirement Plan's average  
5 compensation and must be reduced by the amount of any other  
6 benefit received from any source:

7     1. If that benefit was provided or purchased by the expenditure  
8 of money by this State ~~§~~ *if the deceased member was a justice of*  
9 *the Supreme Court or district judge, by the county if the deceased*  
10 *member was a justice of the peace or by the city if the deceased*  
11 *member was a municipal judge,* except for lump-sum payments  
12 under a group insurance program; and

13     2. To the extent that the total of the allowance and the other  
14 benefit would otherwise exceed the deceased member's average  
15 compensation.

16     **Sec. 24.** NRS 286.293 is hereby amended to read as follows:

17     286.293 1. The following employees of public employers  
18 shall participate in the System:

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

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

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

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

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

35     **Sec. 25.** This act becomes effective on July 1, 2005.



