

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 governing the benefits of a retired justice or judge; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a retired justice or judge who accepts employment as a  
 2 senior justice, senior judge, senior justice of the peace or senior municipal judge of  
 3 the Nevada Court System to qualify to receive allowances under the Judicial  
 4 Retirement Plan for the duration of his or her active service if the justice or judge is  
 5 at least 60 years of age at the time of his or her reemployment and accepts the  
 6 employment at least 6 months after the effective date of his or her retirement. (NRS  
 7 1A.360) **Section 2** of this bill changes the minimum age requirement to a  
 8 requirement that, at the time of reemployment, the retired justice or judge must be  
 9 receiving: (1) a benefit that is not actuarially reduced; or (2) a benefit that is  
 10 actuarially reduced but the retired justice or judge has reached the required age at  
 11 which he or she could have retired with a benefit that was not actuarially reduced.  
 12 **Section 2** also reduces the minimum required period before the acceptance of such  
 13 employment from 6 months to 90 days after the effective date of the retirement of  
 14 the justice or judge. **Section 2.5** of this bill authorizes a retired justice or judge who  
 15 is a member of the Public Employees’ Retirement System and who accepts  
 16 employment as a senior justice, senior judge, senior justice of the peace or senior  
 17 municipal judge with the Nevada Court System to continue to receive allowances  
 18 under the Public Employees’ Retirement System for the duration of that  
 19 employment.

20 Additionally, existing law provides that a retired justice or judge who is  
 21 reemployed and commissioned as a senior justice, senior judge, senior justice of the  
 22 peace or senior municipal court judge is entitled to receive a retirement allowance  
 23 in addition to compensation for his or her service and is entitled to receive  
 24 additional service credit for actual time served if he or she reenrolled in a



\* S B 6 9 R 1 \*

25 retirement plan. (NRS 2.060, 3.090) Existing law further provides that such  
26 provisions, in addition to certain other provisions relating to the benefits of a retired  
27 justice or judge, expire by limitation on June 30, 2015. (Chapter 398, Statutes of  
28 Nevada 2009, p. 2222) **Section 3** of this bill removes this sunset provision.

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

1 **Section 1.** (Deleted by amendment.)

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

3 1A.360 1. Except as otherwise provided in subsection 4 and  
4 NRS 1A.370, if a retired justice or judge accepts employment as a  
5 justice of the Supreme Court, judge of the Court of Appeals, district  
6 judge, justice of the peace or municipal judge in any judicial  
7 capacity, including, without limitation, employment as a senior  
8 justice, senior judge, senior justice of the peace or senior municipal  
9 judge of the Nevada Court System, the retired justice or judge is  
10 disqualified from receiving any allowances under the Judicial  
11 Retirement Plan for the duration of his or her active service.

12 2. If a retired justice or judge accepts any employment other  
13 than that described in subsection 1, the justice or judge is entitled to  
14 the same allowances as a retired justice or judge who has no  
15 employment.

16 3. If a retired justice or judge who accepts employment as a  
17 justice of the Supreme Court, judge of the Court of Appeals, district  
18 judge, justice of the peace or municipal judge in a judicial capacity  
19 pursuant to this section elects not to reenroll in the Judicial  
20 Retirement Plan pursuant to subsection 1 of NRS 1A.370, the Court  
21 Administrator if the retired justice or judge is a justice of the  
22 Supreme Court, a judge of the Court of Appeals or a district judge,  
23 the county if the retired justice or judge is a justice of the peace or  
24 the city if the retired justice or judge is a municipal judge, may pay  
25 contributions on behalf of the retired justice or judge to a retirement  
26 fund which is not a part of the Judicial Retirement Plan in an  
27 amount not to exceed the amount of the contributions that the Court  
28 Administrator, county or city would pay to the System on behalf of  
29 a participating justice or judge who is employed in a similar  
30 position.

31 4. The provisions of subsection 1 do not apply to a retired  
32 justice or judge who accepts employment as a senior justice, senior  
33 judge, senior justice of the peace or senior municipal judge of the  
34 Nevada Court System if the retired justice or judge ~~is at least 60~~  
35 ~~years of age at~~ :

36 (a) ~~At the time of reemployment [and the retired justice or judge~~  
37 ~~accepts], is receiving:~~



1           ***(1) A benefit that is not actuarially reduced pursuant to***  
2 ***subsection 2 of NRS 1A.350; or***

3           ***(2) A benefit actuarially reduced pursuant to subsection 2***  
4 ***of NRS 1A.350 and the retired justice or judge has reached the***  
5 ***required age at which he or she could have retired with a benefit***  
6 ***that was not actuarially reduced pursuant to subsection 2 of NRS***  
7 ***1A.350; and***

8           ***(b) Accepts*** the employment at least ~~16 months~~ ***90 days*** after the  
9 effective date of his or her retirement pursuant to subsection 2 of  
10 NRS 1A.130.

11       **Sec. 2.5.** NRS 286.520 is hereby amended to read as follows:

12       286.520 1. Except as otherwise provided in this section and  
13 NRS 286.525, the consequences of the employment of a retired  
14 employee are:

15       (a) A retired employee who accepts employment or an  
16 independent contract with a public employer under this System is  
17 disqualified from receiving any allowances under this System for  
18 the duration of that employment or contract if:

19           (1) The retired employee accepted the employment or  
20 contract within 90 calendar days after the effective date of the  
21 employee's retirement; or

22           (2) The retired employee is employed in a position which is  
23 eligible to participate in this System.

24       (b) If a retired employee accepts employment or an independent  
25 contract with a public employer under this System more than 90  
26 calendar days after the effective date of the employee's retirement in  
27 a position which is not eligible to participate in this System, the  
28 employee's allowance under this System terminates upon the  
29 employee's earning an amount equal to one-half of the average  
30 salary for participating public employees who are not police officers  
31 or firefighters in any fiscal year, for the duration of that employment  
32 or contract.

33       (c) If a retired employee accepts employment with an employer  
34 who is not a public employer under this System, the employee is  
35 entitled to the same allowances as a retired employee who has no  
36 employment.

37       2. The retired employee and the public employer shall notify  
38 the System:

39           (a) Within 10 days after the first day of an employment or  
40 contract governed by paragraph (a) of subsection 1.

41           (b) Within 30 days after the first day of an employment or  
42 contract governed by paragraph (b) of subsection 1.

43           (c) Within 10 days after a retired employee earns more than one-  
44 half of the average salary for participating public employees who



1 are not police officers or firefighters in any fiscal year from an  
2 employment or contract governed by paragraph (b) of subsection 1.

3 3. For the purposes of this section, the average salary for  
4 participating public employees who are not police officers or  
5 firefighters must be computed on the basis of the most recent  
6 actuarial valuation of the System.

7 4. If a retired employee who accepts employment or an  
8 independent contract with a public employer under this System  
9 pursuant to this section elects not to reenroll in the System pursuant  
10 to subsection 1 of NRS 286.525, the public employer with which the  
11 retired employee accepted employment or an independent contract  
12 may pay contributions on behalf of the retired employee to a  
13 retirement fund which is not a part of the System in an amount not  
14 to exceed the amount of the contributions that the public employer  
15 would pay to the System on behalf of a participating public  
16 employee who is employed in a similar position.

17 5. If a retired employee is chosen by election or appointment to  
18 fill an elective public office, the retired employee is entitled to the  
19 same allowances as a retired employee who has no employment,  
20 unless the retired employee is serving in the same office in which  
21 the retired employee served and for which the retired employee  
22 received service credit as a member. A public employer may pay  
23 contributions on behalf of such a retired employee to a retirement  
24 fund which is not a part of the System in an amount not to exceed  
25 the amount of the contributions that the public employer would pay  
26 to the System on behalf of a participating public employee who  
27 serves in the same office.

28 6. The System may waive for one period of 30 days or less a  
29 retired employee's disqualification under this section if the public  
30 employer certifies in writing, in advance, that the retired employee  
31 is recalled to meet an emergency and that no other qualified person  
32 is immediately available.

33 7. A person who accepts employment or an independent  
34 contract with ~~either~~ :

35 (a) *Either* house of the Legislature or ~~by~~ the Legislative  
36 Counsel Bureau ; or

37 (b) *The Nevada Court System as a senior justice, senior judge,*  
38 *senior justice of the peace or senior municipal judge,*

39 ↪ is exempt from the provisions of subsections 1 and 2 for the  
40 duration of that employment or contract.

41 8. A person who accepts employment with a volunteer fire  
42 department of which all the volunteers have become members of the  
43 System pursuant to NRS 286.367 is exempt from the provisions of  
44 subsections 1 and 2 for the duration of that employment.



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

3               Sec. 11. This act becomes effective on July 1, 2009 . ~~†~~  
4               ~~and expires by limitation on June 30, 2015.†~~

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

7       2. Sections 2 and 2.5 of this act become effective on July 1,  
8 2015.







