

Assembly Bill No. 303—Committee on Judiciary

CHAPTER.....

AN ACT relating to the public employees' retirement system; providing for the counting of certain service performed by certain injured police officers and firemen towards eligibility for retirement as a police officer or fireman; and providing other matters properly relating thereto.

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

Section 1. NRS 286.510 is hereby amended to read as follows:

286.510 1. Except as otherwise provided in ~~{subsection 2,}~~ *subsections 2 and 3*, a member of the system is eligible to retire at age 65 if he has at least 5 years of service, at age 60 if he has at least 10 years of service, and at any age if he has at least 30 years of service.

2. A police officer or fireman is eligible to retire at age 65 if he has at least 5 years of service, at age 55 if he has at least 10 years of service, at age 50 if he has at least 20 years of service, and at any age if he has at least 30 years of service. Only service performed in a position as a police officer or fireman, established as such by statute or regulation, *service performed pursuant to subsection 3* and credit for military service, may be counted toward eligibility for retirement pursuant to this subsection.

3. *Except as otherwise provided in subsection 4, a police officer or fireman who has at least 5 years of service as a police officer or fireman and is otherwise eligible to apply for disability retirement pursuant to NRS 286.620 because of an injury arising out of and in the course of his employment remains eligible for retirement pursuant to subsection 2 if:*

(a) He applies to the board for disability retirement and the board approves his application;

(b) In lieu of a disability retirement allowance, he accepts another position with the public employer with which he was employed when he became disabled as soon as practicable but not later than 90 days after the board approves his application for disability retirement;

(c) He remains continuously employed by that public employer until he becomes eligible for retirement pursuant to subsection 2; and

(d) After he accepts a position pursuant to paragraph (b), his contributions are paid at the rate that is actuarially determined for police officers and firemen until he becomes eligible for retirement pursuant to subsection 2.

4. *If a police officer or fireman who accepted another position with the public employer with which he was employed when he became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, he may begin to receive a disability retirement allowance without further approval by the board by notifying the board on a form prescribed by the board.*

5. Eligibility for retirement, as provided in this section, does not require the member to have been a participant in the system at the beginning of his credited service.

~~4.1~~ 6. Any member who has the years of creditable service necessary to retire but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 286.537, a retirement benefit under this subsection must be reduced by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age. Any option selected under this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The board may adjust the actuarial reduction based upon an experience study of the system and recommendation by the actuary.

Sec. 2. NRS 286.6765 is hereby amended to read as follows:

286.6765 1. Except as limited by subsection 2, the spouse of a deceased member who was fully eligible to retire, both as to service and age, is entitled to receive a monthly allowance equivalent to that provided by option 2 in NRS 286.590. This section does not apply to the spouse of a member who was eligible to retire only under subsection ~~4.1~~ 6 of NRS 286.510. For the purposes of applying the provisions of option 2, the deceased member shall be deemed to have retired on the date of his death immediately after having named the spouse as beneficiary under option 2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life. The spouse may elect to receive the benefits provided by any one of the following only:

- (a) This section;
- (b) NRS 286.674;
- (c) NRS 286.676; or
- (d) NRS 286.678.

2. The benefits provided by this section may only be paid to the spouses of members who died on or after May 19, 1975.

Sec. 3. This act becomes effective on July 1, 1999.