

ASSEMBLY BILL NO. 44—ASSEMBLYMAN ARBERRY

PREFILED JANUARY 21, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing eligibility for retirement for certain members of public employees' retirement system. (BDR 23-1268)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 public employees' retirement system; authorizing certain public employees to retire at any age if the sum of the age and years of service of the employee is equal to or greater than 75 years; 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.** NRS 286.510 is hereby amended to read as follows:
- 2 286.510 1. Except as otherwise provided in subsection 2, a member
- 3 of the system is eligible to retire ~~at~~ :
- 4 (a) *At* age 65 if he has at least 5 years of service ~~at~~ ;
- 5 (b) *At* age 60 if he has at least 10 years of service ~~at~~ ; *and*
- 6 (c) *At* any age if ~~he~~ :
- 7 (1) *He* has at least 30 years of service ~~at~~ ; *or*
- 8 (2) *He has at least 5 years of service and the sum of his age and*
- 9 *years of service is equal to or greater than 75 years.*
- 10 2. A police officer or fireman is eligible to retire at age 65 if he has at
- 11 least 5 years of service, at age 55 if he has at least 10 years of service, at
- 12 age 50 if he has at least 20 years of service, and at any age if he has at least
- 13 30 years of service. Only service performed in a position as a police officer
- 14 or fireman, established as such by statute or regulation, and credit for
- 15 military service, may be counted toward eligibility for retirement pursuant
- 16 to this subsection.

3. 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. 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 286.6793 is hereby amended to read as follows:

286.6793 1. Retirement allowances for members who are active on or after July 1, 1989, become vested on the date that the employee completes 5 years of accredited contributing service.

2. Benefits for survivors offered pursuant to this chapter become vested on the date that the employee completes 10 years of accredited contributing service or becomes entitled to begin receiving benefits or on the date of his death, whichever event occurs first.

3. Unless otherwise specifically provided by the amendatory act, any change in the provisions of this chapter is retroactive for all service of any member before the date of vesting, but no change may impair any vested allowance or benefit.

4. Any person employed by the state or its political subdivisions who ~~is~~ :

(a) *Is* a participating member of the system on or after July 1, 1989 ~~who has~~ ;

(b) *Has* been employed for a period of 5 or more years ~~who leaves~~ ;

(c) *Leaves* the employ of the state or its political subdivisions before the attainment of the minimum service retirement age ~~and who has~~ *applicable to his years of service credit; and*

(d) *Has* not received a refund of his employee contributions, upon reaching the minimum service retirement age applicable to his years of service credit, may receive the same benefits to which he would otherwise have been entitled had he continued membership in the system.

5. Upon the termination or partial termination of the system:

(a) Except as otherwise provided in paragraph (b), all accrued benefits that are funded become 100 percent vested and nonforfeitable.

1 (b) A member who receives his vested accrued benefits in a complete
2 cash distribution before the termination is not entitled to the vesting of any
3 benefits which have been forfeited.

4 **Sec. 3.** NRS 289.290 is hereby amended to read as follows:

5 289.290 1. A person designated by the administrator of the division
6 of agriculture of the department of business and industry as a field agent or
7 an inspector pursuant to subsection 2 of NRS 561.225 has the powers of
8 peace officers to make investigations and arrests and to execute warrants of
9 search and seizure, and may temporarily stop the movement of livestock
10 and carcasses for purposes of inspection.

11 2. An inspector of the state board of sheep commissioners and his
12 deputies have the powers of a peace officer.

13 3. An officer appointed by the Nevada junior livestock show board
14 pursuant to NRS 563.120 has the powers of a peace officer for the
15 preservation of order and peace on the grounds and in the buildings and the
16 approaches thereto of the livestock shows and exhibitions that the board
17 conducts.

18 4. In carrying out the provisions of chapter 565 of NRS, an inspector of
19 the division of agriculture has the powers of a peace officer to make
20 investigations and arrests and to execute warrants of search and seizure.
21 This subsection does not authorize any inspector to retire under the public
22 employees' retirement system before having attained the minimum service
23 *retirement age ~~of 60 years.~~ applicable to his years of service credit, as set*
24 *forth in subsection 1 of NRS 286.510.*

25 **Sec. 4.** NRS 561.225 is hereby amended to read as follows:

26 561.225 1. The administrator shall appoint such technical, clerical
27 and operational staff as the execution of his duties and the operation of the
28 division may require.

29 2. The administrator may designate such division personnel as are
30 required to be field agents and inspectors in the enforcement of the
31 provisions of Titles 49 and 50 of NRS. Nothing in this subsection
32 authorizes any division personnel so designated by the administrator to
33 retire from the public employees' retirement system before having attained
34 the minimum service retirement age ~~of 60 years.~~ *applicable to his years*
35 *of service credit, as set forth in subsection 1 of NRS 286.510.*

36 **Sec. 5.** The provisions of subsection 1 of NRS 354.599 do not apply to
37 any additional expenses of a local government that are related to the
38 provisions of this act.