

ASSEMBLY BILL NO. 363—ASSEMBLYMEN DIAZ, ELLIOT
ANDERSON, KIRKPATRICK, CARRILLO, OHRENSCHALL;
ARAUJO, BENITEZ-THOMPSON, BUSTAMANTE ADAMS,
CARLTON, FLORES, JOINER, MUNFORD, NEAL, SPRINKLE
AND THOMPSON

MARCH 17, 2015

Referred to Committee on Government Affairs

SUMMARY—Provides an optional benefit to the surviving spouse
of a deceased police officer or firefighter.
(BDR 23-1056)

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.

AN ACT relating to public employees; providing an optional benefit
to the surviving spouse of a police officer or firefighter
who was killed in the line of duty; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth several benefit options for the surviving spouse of a
2 deceased member of the Public Employees' Retirement System. (NRS 286.674-
3 286.6766) This bill provides an additional benefit option for the surviving spouse of
4 a member who was a police officer or firefighter killed in the line of duty. This
5 additional option authorizes the surviving spouse to elect to receive a benefit that is
6 the equivalent to the greater of: (1) fifty percent of the salary of the member on the
7 date of the member's death; or (2) fifty percent of the retirement allowance that the
8 member was eligible to receive based on the member's years of service obtained
9 before the member's death without any reduction for age for the deceased member.



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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The spouse of a member who was a police officer or firefighter killed in the line of duty is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) Fifty percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. 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;

(d) NRS 286.6765; or

(e) NRS 286.6766.

4. For the purposes of this section, the Board shall define by regulation "killed in the line of duty."

Sec. 2. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive **H**,
and section 1 of this act:

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. "Spouse" means the surviving husband or wife of a deceased member.

Sec. 3. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 **H**
and section 1 of this act, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months



1 immediately preceding the member's death, or if the employee had
2 10 or more years of accredited contributing service, certain of the
3 deceased member's dependents are eligible for payments as
4 provided in NRS 286.671 to 286.679, inclusive ~~H~~, *and section 1 of*
5 *this act*. If the death of the member resulted from a mental or
6 physical condition which required the member to leave the employ
7 of a participating public employer or go on leave without pay,
8 eligibility pursuant to the provisions of this section extends for 18
9 months after the member's termination or commencement of leave
10 without pay.

11 2. If the death of a member occurs while the member is on
12 leave of absence granted by the member's employer for further
13 training and if the member met the requirements of subsection 1 at
14 the time the member's leave began, certain of the deceased
15 member's dependents are eligible for payments as provided in
16 subsection 1.

17 3. If the death of a member is caused by an occupational
18 disease or an accident arising out of and in the course of the
19 member's employment, no prior contributing service is required to
20 make the deceased member's dependents eligible for payments
21 pursuant to NRS 286.671 to 286.679, inclusive, *and section 1 of*
22 *this act*, except that this subsection does not apply to an accident
23 occurring while the member is traveling between the member's
24 home and the member's principal place of employment or to an
25 accident or occupational disease arising out of employment for
26 which no contribution is made.

27 4. As used in this section, "dependent" includes a survivor
28 beneficiary designated pursuant to NRS 286.6767.

29 **Sec. 4.** NRS 286.679 is hereby amended to read as follows:

30 286.679 1. If payments to a beneficiary pursuant to NRS
31 286.671 to 286.679, inclusive, *and section 1 of this act* cease before
32 the total contributions of a deceased member have been paid in
33 benefits, and there is no person entitled to receive such benefits
34 pursuant to any provision of this chapter, the surplus of such
35 contributions over the benefits actually received may be paid in a
36 lump sum to:

37 (a) The beneficiary whom the deceased member designated for
38 this purpose in writing on a form approved by the System.

39 (b) If no such designation was made or the person designated is
40 deceased, the beneficiary who previously received the payments.

41 (c) If no payment may be made pursuant to paragraphs (a) and
42 (b), the persons entitled as heirs or residuary legatees to the estate of
43 the deceased member.

44 2. A lump-sum payment made pursuant to this section fully
45 discharges the obligations of the System.



1 **Sec. 5.** This act becomes effective upon passage and approval.

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