

SENATE BILL NO. 439—COMMITTEE ON GOVERNMENT AFFAIRS
(ON BEHALF OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM)

MARCH 24, 2003

Referred to Committee on Finance

SUMMARY—Makes various changes concerning Public Employees' Retirement System and Judicial Retirement System. (BDR 23-563)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 retirement systems; changing the term “fireman” to “firefighter”; requiring certain educational qualifications for certain persons employed by the Public Employees' Retirement Board; limiting the length of designations of certain positions in government as being positions for which a monthly service retirement allowance may be paid when a previously retired employee fills the position during a critical labor shortage; providing for an adjustment to the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan; authorizing certain justices of the Supreme Court and district judges to receive benefits for retirement, benefits for disability and survivor benefits pursuant to the Judicial Retirement Plan; eliminating the restriction relating to eligibility for service credit in the calculation of the monthly retirement allowance of a member of the Judicial Retirement Plan; authorizing members of the Public Employees' Retirement System and the Judicial Retirement System to designate additional payees to receive survivor benefits; and providing other matters properly relating thereto.



* S B 4 3 9 R 1 *

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

1 **Section 1.** NRS 286.031 is hereby amended to read as follows:
2 286.031 “Disability retirement allowance” means monthly
3 payments from the Public Employees’ Retirement Fund or the
4 Police and ~~Firemen’s~~ *Firefighters’* Retirement Fund paid to
5 disabled retired employees.

6 **Sec. 2.** NRS 286.042 is hereby amended to read as follows:
7 286.042 ~~“Fireman”~~ *“Firefighter”* means a member who is:

8 1. Filling a full-time position with a participating public
9 employer, the principal duties of which require emotional stability
10 and physical capacity in protecting the public and controlling and
11 extinguishing fires.

12 2. The former holder of a position defined in subsection 1 who
13 has:

14 (a) Earned at least 2 years of creditable service in that position;
15 and

16 (b) Been promoted or transferred within the chain of command
17 by the same public employer to a position related to protecting the
18 public and controlling and extinguishing fires.

19 3. The former holder of a position defined in subsection 1 who:

20 (a) Has earned at least 2 years of creditable service in that
21 position; and

22 (b) Is employed by a different public employer in a position that
23 would have been eligible under paragraph (b) of subsection 2 had he
24 remained with his former employer.

25 **Sec. 3.** NRS 286.070 is hereby amended to read as follows:

26 286.070 1. “Public employer” means the State, one of its
27 agencies or one of its political subdivisions, the System, irrigation
28 districts created under the laws of the State of Nevada, ~~“a nonprofit
29 corporation to which a public hospital has been conveyed or leased
30 pursuant to NRS 450.500,”~~ a public or quasi-public organization or
31 agency that is funded, at least in part, by public money, including a
32 regional transportation commission, a governing body of a charter
33 school and a council of governments created pursuant to the laws of
34 the State of Nevada.

35 2. State agencies are those agencies subject to state control and
36 supervision, including those whose employees are governed by
37 chapter 284 of NRS, unless specifically exempted therefrom, and
38 those which deposit money with the State Treasurer.

39 **Sec. 4.** NRS 286.080 is hereby amended to read as follows:

40 286.080 “Service retirement allowance” means monthly
41 payments from the Public Employees’ Retirement Fund or the



1 Police and ~~Firemen's~~ *Firefighters'* Retirement Fund paid to a
2 retired employee for the remainder of his life.

3 **Sec. 5.** NRS 286.130 is hereby amended to read as follows:

4 286.130 1. Three members of the Board must be persons
5 who:

6 (a) Have had at least 10 years of service as employees of the
7 State of Nevada or its political subdivisions;

8 (b) Are not elected officers of the State of Nevada or its political
9 subdivisions;

10 (c) Are active members of the System; and

11 (d) Are appointed from written nominations submitted by the
12 following groups:

13 (1) Employees of the State and the University and
14 Community College System of Nevada;

15 (2) The academic staff of school districts;

16 (3) Employees of cities, excluding Carson City;

17 (4) Employees of counties, including Carson City and
18 excluding employees of county hospitals;

19 (5) Employees of county hospitals, public utilities, power
20 districts, sanitation districts, classified school employees and
21 employees of other districts as determined by the Board; and

22 (6) Employees whose current positions entitle them to
23 participate in the Police and ~~Firemen's~~ *Firefighters'* Retirement
24 Fund.

25 Each nominee must be a member of the group or organization that is
26 nominating him.

27 2. Two members of the Board must be persons who:

28 (a) Have had at least 10 years of service as employees of the
29 State of Nevada or its political subdivisions;

30 (b) Are not elected officers of the State of Nevada or its political
31 subdivisions;

32 (c) Are active members of the System; and

33 (d) Are appointed from written nominations submitted by the
34 following groups:

35 (1) Administrators of school districts or members of boards
36 of trustees of school districts; and

37 (2) Members of boards of county commissioners or the
38 governing bodies of cities or administrators of counties or cities.

39 3. One member of the Board must be a person who:

40 (a) Is an employee of the State of Nevada or its political
41 subdivisions with at least 10 years of service;

42 (b) Is serving in a position at least equivalent to the manager of
43 a department or division;

44 (c) Is not an elected officer of the State of Nevada or its political
45 subdivisions; and



- 1 (d) Is an active member of the System.
2 4. One member of the board must be a person who:
3 (a) Has had at least 10 years of service as an employee of the
4 State of Nevada or its political subdivisions;
5 (b) Is not an elected officer of the State of Nevada or its political
6 subdivisions; and
7 (c) Is receiving an allowance for service or disability retirement
8 pursuant to this chapter.
9 5. A member of the Board shall serve for 4 years, so long as he
10 has the qualifications required by this section, and until his
11 successor is appointed and takes office. A member of the Board who
12 no longer has the qualifications specified in the subsection under
13 which he was appointed may serve the remainder of his term if the
14 member loses those qualifications in the final 24 months of his term.
15 **Sec. 6.** NRS 286.160 is hereby amended to read as follows:
16 286.160 1. The Board shall employ an Executive Officer who
17 serves at the pleasure of the Board. The Executive Officer shall
18 select an Operations Officer, Investment Officer, Assistant
19 Investment Officer, Manager of Information Systems,
20 Administrative Assistant and Administrative Analyst whose
21 appointments are effective upon confirmation by the Board. The
22 Operations Officer, Investment Officer, Assistant Investment
23 Officer, Manager of Information Systems, Administrative Assistant
24 and Administrative Analyst serve at the pleasure of the Executive
25 Officer.
26 2. The Executive Officer, Operations Officer, Investment
27 Officer, Assistant Investment Officer, Manager of Information
28 Systems, Administrative Assistant and Administrative Analyst are
29 entitled to annual salaries fixed by the Board with the approval of
30 the Interim Retirement and Benefits Committee of the Legislature
31 created pursuant to NRS 218.5373. The salaries of these employees
32 are exempt from the limitations of NRS 281.123.
33 3. The Executive Officer must:
34 (a) Be a graduate of a 4-year college or university with a degree
35 in business administration or public administration or equivalent
36 degree.
37 (b) Possess at least 5 years' experience in a high level
38 administrative or executive capacity, including responsibility for a
39 variety of administrative functions such as retirement, insurance,
40 investment or fiscal operations.
41 4. The Operations Officer , ~~and the~~ Investment Officer ,
42 *Assistant Investment Officer, Manager of Information Systems*
43 *and Administrative Analyst* must each be a graduate of a 4-year
44 college or university with a degree in business administration or
45 public administration or an equivalent degree.



1 5. Except as otherwise provided in NRS 284.143, the
2 Executive Officer shall not pursue any other business or occupation
3 or perform the duties of any other office of profit during normal
4 office hours unless on leave approved in advance. The Executive
5 Officer shall not participate in any business enterprise or investment
6 in real or personal property if the System owns or has a direct
7 financial interest in that enterprise or property.

8 **Sec. 7.** NRS 286.211 is hereby amended to read as follows:
9 286.211 1. The Board shall, with the advice of the Interim
10 Retirement and Benefits Committee of the Legislature created
11 pursuant to NRS 218.5373:

12 (a) Adopt regulations for the evaluation of requests for
13 enrollment under the Police and ~~{Firemen's}~~ *Firefighters'*
14 Retirement Fund; and

15 (b) Determine those positions eligible under the early retirement
16 provisions for police officers and ~~{firemen.}~~ *firefighters.*

17 2. Service in any position which has not been determined by
18 the Board to be eligible does not entitle a member to early
19 retirement as a ~~{fireman}~~ *firefighter* or police officer.

20 **Sec. 8.** NRS 286.225 is hereby amended to read as follows:
21 286.225 1. The Board shall establish a separate retirement
22 fund known as the Police and ~~{Firemen's}~~ *Firefighters'* Retirement
23 Fund.

24 2. All refunds, disability retirement allowances, benefits for
25 survivors, and service retirement allowances paid to police officers
26 and ~~{firemen}~~ *firefighters* and their beneficiaries ~~{shall}~~ *must* be
27 paid from the Police and ~~{Firemen's}~~ *Firefighters'* Retirement
28 Fund.

29 3. All contributions paid by and for police officers and
30 ~~{firemen-shall}~~ *firefighters must* be credited to the Police and
31 ~~{Firemen's}~~ *Firefighters'* Retirement Fund.

32 4. The Police and ~~{Firemen's}~~ *Firefighters'* Retirement Fund
33 ~~{shall}~~ *must* be administered by the Board and is subject to all
34 restrictions and regulations applicable to the Board.

35 5. Any postretirement increase appropriated by the Legislature
36 in accordance with this chapter, ~~{shall}~~ *must* be paid to eligible
37 retired police officers and ~~{firemen}~~ *firefighters* and their
38 beneficiaries from any such appropriation.

39 6. Investment return on moneys in the Police and ~~{Firemen's}~~
40 *Firefighters'* Retirement Fund ~~{shall}~~ *must* be deposited in that
41 Fund at the end of each fiscal year based on annual average yield of
42 the System.

43 7. The Board shall transfer appropriate employee and employer
44 contributions made by and for members who transfer to and from



1 the Public Employees' Retirement Fund and the Police and
2 ~~Firemen's~~ *Firefighters'* Retirement Fund.

3 **Sec. 9.** NRS 286.227 is hereby amended to read as follows:

4 286.227 1. There is hereby created a Police and ~~Firemen's~~
5 *Firefighters'* Retirement Fund Advisory Committee. The Board
6 shall determine the number of its members and appoint the
7 members. Each member serves at the pleasure of the Board.

8 2. The Committee shall make recommendations to the Board
9 concerning the administration of and benefits payable from the
10 Police and ~~Firemen's~~ *Firefighters'* Retirement Fund. The Board
11 shall consult with the Committee on all matters concerning this
12 Fund, and consider its recommendations upon their merits.

13 **Sec. 10.** NRS 286.230 is hereby amended to read as follows:

14 286.230 1. The Board shall establish a fund known as the
15 Public Employees' Retirement Administrative Fund in which must
16 be deposited all administrative fees.

17 2. The Board shall fix an administrative fee per capita
18 sufficient to pay the operating expense of the System. Except as
19 otherwise provided by NRS 1A.200 and 218.23745, the System
20 shall transfer monthly from the respective retirement funds to the
21 Public Employees' Retirement Administrative Fund the amount of
22 the per capita fee multiplied by the combined number of members
23 and persons receiving allowances from that Fund.

24 3. The Board may establish a separate and additional
25 administrative fee for police officers and ~~firemen~~ *firefighters* and
26 their public employers to pay the additional expense of maintaining
27 a separate fund and to pay the actual and necessary travel expenses
28 and other expenses, within the limits established by the Board, for
29 meetings of the Police and ~~Firemen's~~ *Firefighters'* Retirement
30 Fund Advisory Committee.

31 **Sec. 11.** NRS 286.260 is hereby amended to read as follows:

32 286.260 1. The Board shall provide for an individual account
33 for each member of the System. Each account ~~shall~~ *must* show the
34 amount of the member's contributions to the Public Employees'
35 Retirement Fund or Police and ~~Firemen's~~ *Firefighters'* Retirement
36 Fund and any changes in the account that may be legally authorized.

37 2. Any interest paid by a member with the repayment of
38 withdrawn contributions or purchase of any service ~~shall~~ *must* not
39 be credited to such member's account.

40 3. The Board is relieved of any further liability regarding a
41 member, his estate or a beneficiary upon the return of all employee
42 contributions to the member, his estate or beneficiary or a
43 combination thereof.



1 **Sec. 12.** NRS 286.300 is hereby amended to read as follows:
2 286.300 Except as otherwise required as a result of
3 NRS 286.537:

4 1. Any member of the System may, except as otherwise
5 provided in subsection 4, purchase all previous creditable service
6 performed with his present employing agency if that service was
7 performed before the enrollment of his agency in the System, even
8 if the service is still creditable in some other system where it cannot
9 be cancelled. The public employer must certify the inclusive dates
10 of employment and number of hours regularly worked by the
11 member to validate the service. The member must pay the full
12 actuarial cost as determined by the actuary.

13 2. In addition to the purchase authorized pursuant to the
14 provisions of subsection 1, any member who has 5 years of
15 creditable service may, except as otherwise provided in subsection
16 4, purchase up to 5 years of service. The member must pay the full
17 actuarial cost of the service as determined by an actuary of the
18 System.

19 3. In addition to the purchase authorized pursuant to the
20 provisions of subsection 1, any member who:

21 (a) Is a licensed teacher;

22 (b) Has 5 years of creditable service;

23 (c) Is, pursuant to statute, regulation or contract, entitled to
24 payment for unused sick leave; and

25 (d) Is employed by the board of trustees of a school district that
26 has, pursuant to subsection 5 of NRS 391.180, provided for the
27 payment of unused sick leave in the form of purchase of
28 service,

29 may, except as otherwise provided in subsection 4, cause to be
30 purchased on his behalf service credit, not to exceed the number of
31 hours of unused sick leave or 1 year, whichever is less. The full
32 actuarial cost of the service as determined by an actuary of the
33 System must be paid for such a purchase. Any service credit
34 purchased pursuant to this subsection must be included as a part of,
35 and is not in addition to, service purchased pursuant to subsection 2.

36 4. A person who becomes a member of the System for the first
37 time on or after January 1, 2000, may, on or after July 1, 2001,
38 purchase creditable service pursuant to subsection 1 or 2, or cause to
39 be purchased on his behalf service credit pursuant to subsection 3,
40 only if, at the time of the purchase, he is employed by a participating
41 public employer in a position ~~[whose occupant is thereby]~~ eligible
42 for membership in the System.

43 5. Any member of the System may use:



1 (a) All or any portion of the balance of the member's interest in
2 a qualified trust pursuant to section 401(a) of the Internal Revenue
3 Code, 26 U.S.C. § 401(a); or

4 (b) The money contained in an individual retirement account or
5 an individual retirement annuity of a member, the entire amount of
6 which is:

7 (1) Attributable to a qualified distribution from a qualified
8 trust pursuant to section 401(a) of the Internal Revenue Code, 26
9 U.S.C. § 401(a); and

10 (2) Qualified as an eligible rollover distribution pursuant to
11 section 402 of the Internal Revenue Code, 26 U.S.C. § 402,
12 to purchase creditable service pursuant to subsection 1 or 2.

13 6. A member of the System who purchases creditable service
14 pursuant to subsection 1 or 2 is entitled to receive a refund of any
15 contributions paid toward the purchase of the service only if he is no
16 longer in the employ of a participating public employer.

17 7. If a member of the System enters into an agreement whereby
18 he agrees to pay for the purchase of service credit in installments
19 and he defaults on that agreement, the member is entitled to receive
20 service credit in the proportion that the principal paid bears to the
21 principal due under the agreement.

22 **Sec. 13.** NRS 286.367 is hereby amended to read as follows:

23 286.367 1. The volunteers of a regularly organized and
24 recognized fire department may, by the joint application of a
25 majority of those volunteers addressed to the Board, become
26 members of the System. A volunteer ~~fireman~~ *firefighter* who joins
27 a fire department of which all the volunteers have become members
28 of the System becomes a member of the System. The volunteers of a
29 participating fire department may withdraw from the System by the
30 joint application of a majority of those volunteers addressed to the
31 Board.

32 2. The city, town, county or district which recognizes the
33 volunteers is the public employer and shall collect and pay over the
34 employee's share and pay the employer's share of the contribution
35 to the Public Employees' Retirement Fund and the Public
36 Employees' Retirement Administrative Fund, in the manner
37 prescribed in this chapter. The local government may, if so
38 requested by the volunteers, further contribute any amount by which
39 the sum receivable by each volunteer for any month is less than the
40 amount of his required share of the contribution, but no further
41 contributions may be placed in a volunteer's account with the
42 System or refunded to a volunteer or his employer upon the
43 volunteer's termination.

44 3. In determining the amount of contributions to be paid for the
45 volunteers, they are assumed to be receiving a wage established by



1 the local government which is not less than \$150 nor more than
2 \$750 per month.

3 4. Except as otherwise required as a result of NRS 286.535 or
4 286.537, the average compensation for a volunteer ~~fireman~~
5 *firefighter* is the weighted average of:

- 6 (a) The assumed wage as a volunteer ~~fireman~~ *firefighter*; and
- 7 (b) The average salary in other covered employment which,
8 if the service in that employment exceeds 3 years, is calculated upon
9 the 3 highest consecutive years.

10 The weight given to the assumed wage and average salary,
11 respectively, is proportionate to the length of service in each
12 capacity. Except as otherwise required as a result of NRS 286.535 or
13 286.537, average compensation is computed from the sum of the
14 assumed wage and actual salary if a member is employed
15 simultaneously as a volunteer ~~fireman~~ *firefighter* and as a regular
16 member.

17 5. Any dispute over the status of a person as a volunteer
18 ~~fireman~~ *firefighter* under this section must be conclusively
19 determined by the Board.

20 6. A volunteer ~~fireman~~ *firefighter* may purchase all previous
21 service as a volunteer ~~fireman~~ *firefighter* with any volunteer fire
22 department which is a member of the System. To validate such
23 service, the volunteer ~~fireman~~ *firefighter* must pay the full cost as
24 determined by the actuary. The employing agency may pay the
25 employer's share of the cost but is not required to do so.

26 7. In addition to the purchase authorized pursuant to the
27 provisions of subsection 6, a volunteer ~~fireman~~ *firefighter* who has
28 5 years creditable service as a volunteer ~~fireman~~ *firefighter* may
29 purchase up to 5 years of service to add to his volunteer service. The
30 member must pay the full actuarial cost of the service as determined
31 by an actuary of the System.

32 **Sec. 14.** NRS 286.410 is hereby amended to read as follows:

33 286.410 1. The employee contribution rate must be:

34 (a) The matching contribution rate for employees and employers
35 that is actuarially determined for police officers and ~~firemen~~
36 *firefighters* and for regular members, depending upon the retirement
37 fund in which the member is participating.

38 (b) Adjusted on the first monthly retirement reporting period
39 commencing on or after July 1 of each odd-numbered year based on
40 the actuarially determined contribution rate indicated in the biennial
41 actuarial valuation and report of the immediately preceding year.
42 The adjusted rate must be rounded to the nearest one-quarter of 1
43 percent.

44 2. The employee's portion of the matching contribution rate for
45 employees and employers must not be adjusted in accordance with



1 the provisions of paragraph (b) of subsection 1 if the existing rate is
2 within one-quarter of 1 percent of the actuarially determined rate.

3 3. From each payroll during the period of his membership, the
4 employer shall deduct the amount of the member's contributions and
5 transmit the deduction to the Board at intervals designated and
6 upon forms prescribed by the Board. The contributions must be paid
7 on compensation earned by a member from his first day of service.

8 4. Any employee whose position is determined after July 1,
9 1971, to be eligible under the early retirement provisions for police
10 officers and ~~firemen~~ *firefighters* shall contribute the additional
11 contributions required of police officers and ~~firemen~~ *firefighters*
12 from July 1, 1971, to the date of his enrollment under the Police and
13 ~~Firemen's~~ *Firefighters'* Retirement Fund, if employment in this
14 position occurred before July 1, 1971, or from date of employment
15 in this position to the date of his enrollment under the Police and
16 ~~Firemen's~~ *Firefighters'* Retirement Fund, if employment occurs
17 later.

18 5. Except as otherwise provided in NRS 286.430, the System
19 shall guarantee to each member the return of at least the total
20 employee contributions which the member has made and which
21 were credited to his individual account. These contributions may be
22 returned to the member, his estate or beneficiary or a combination
23 thereof in monthly benefits, a lump-sum refund or both.

24 6. Disabled members who are injured on the job and receive
25 industrial insurance benefits for temporary total disability remain
26 contributing members of the System for the duration of the benefits
27 if and while the public employer continues to pay the difference
28 between these benefits and his regular compensation. The public
29 employer shall pay the employer contributions on these benefits.

30 **Sec. 15.** NRS 286.421 is hereby amended to read as follows:

31 286.421 1. A public employer that elected to pay on behalf of
32 its employees the contributions required by subsection 1 of NRS
33 286.410 before July 1, 1983, shall continue to do so, but a public
34 employer may not elect to pay those contributions on behalf of its
35 employees on or after July 1, 1983.

36 2. An employee of a public employer that did not elect to pay
37 on behalf of its employees the contributions required by subsection
38 1 of NRS 286.410 before July 1, 1983, may elect to:

39 (a) Pay the contribution required by subsection 1 of NRS
40 286.410 on his own behalf; or

41 (b) Have his portion of the contribution paid by his employer
42 pursuant to the provisions of NRS 286.425.

43 3. Except for any person chosen by election or appointment to
44 serve in an elective office of a political subdivision or as a district
45 judge or a justice of the Supreme Court of this state:



1 (a) Payment of the employee's portion of the contributions
2 pursuant to subsection 1 must be:

3 (1) Made in lieu of equivalent basic salary increases or cost-
4 of-living increases, or both; or

5 (2) Counterbalanced by equivalent reductions in employees'
6 salaries.

7 (b) The average compensation from which the amount of
8 benefits payable pursuant to this chapter is determined must be
9 increased with respect to each month beginning after June 30, 1975,
10 by 50 percent of the contribution made by the public employer, and
11 must not be less than it would have been if contributions had been
12 made by the member and the public employer separately. In the case
13 of any officer or judge described in this subsection, any contribution
14 made by the public employer on his behalf does not affect his
15 compensation but is an added special payment.

16 4. Employee contributions made by a public employer must be
17 deposited in either the Public Employees' Retirement Fund or the
18 Police and ~~Firemen's~~ *Firefighters'* Retirement Fund as is
19 appropriate. These contributions must not be credited to the
20 individual account of the member and may not be withdrawn by the
21 member upon his termination.

22 5. The membership of an employee who became a member on
23 or after July 1, 1975, and all contributions on whose behalf were
24 made by his public employer must not be cancelled upon the
25 termination of his service.

26 6. If an employer is paying the basic contribution on behalf of
27 an employee, the total contribution rate, in lieu of the amounts
28 required by subsection 1 of NRS 286.410 and NRS 286.450, must
29 be:

30 (a) The total contribution rate for employers that is actuarially
31 determined for police officers and ~~firemen~~ *firefighters* and for
32 regular members, depending upon the retirement fund in which the
33 member is participating.

34 (b) Adjusted on the first monthly retirement reporting period
35 commencing on or after July 1 of each odd-numbered year based on
36 the actuarially determined contribution rate indicated in the biennial
37 actuarial valuation and report of the immediately preceding year.
38 The adjusted rate must be rounded to the nearest one-quarter of 1
39 percent.

40 7. The total contribution rate for employers must not be
41 adjusted in accordance with the provisions of paragraph (b) of
42 subsection 6 if the existing rate is within one-half of 1 percent of the
43 actuarially determined rate.



1 8. For the purposes of adjusting salary increases and cost-of-
2 living increases or of salary reduction, the total contribution must be
3 equally divided between employer and employee.

4 9. Public employers other than the State of Nevada shall pay
5 the entire employee contribution for those employees who
6 contribute to the Police and ~~Firemen's~~ *Firefighters'* Retirement
7 Fund on and after July 1, 1981.

8 **Sec. 16.** NRS 286.430 is hereby amended to read as follows:

9 286.430 1. Except as otherwise provided in subsection 8 and
10 NRS 286.300, a member may withdraw the employee contributions
11 credited to his individual account if:

12 (a) He has terminated service for which contribution is required;
13 or

14 (b) He is employed in a position for which contribution is
15 prohibited.

16 2. The System shall not refund these contributions until it has
17 received:

18 (a) A properly completed application for refund;

19 (b) A notice of termination from the member's public employer
20 or a certification by the public employer that the member is
21 employed in a position for which contribution is prohibited; and

22 (c) Except as otherwise provided in subsection 3, all
23 contributions withheld from such member's compensation.

24 3. If a member submits an application for a refund of his
25 contributions before all of his contributions which were withheld
26 have been remitted, the System may refund the portion of his
27 contributions which it has received.

28 4. If it is determined, after the System has refunded the
29 contributions of a member, that an additional amount of less than
30 \$10 is due to him, a refund of that amount need not be paid.

31 5. Refunds, pursuant to this section, must be made by check
32 mailed to the address specified by a member in his application for
33 refund.

34 6. The System shall transfer all money retained pursuant to
35 subsection 4 and the amount of any unclaimed refund checks to the
36 Public Employees' Retirement Fund or the Police and ~~Firemen's~~
37 *Firefighters'* Retirement Fund.

38 7. All membership rights and active service credit in the
39 System, including service for which the public employer paid the
40 employee contributions, are cancelled upon the withdrawal of
41 contributions from a member's account.

42 8. A member who transfers to a position for which contribution
43 is prohibited must remain in that position for at least 90 days before
44 he is eligible to receive a refund pursuant to this section.



1 **Sec. 17.** NRS 286.450 is hereby amended to read as follows:
2 286.450 1. The employer contribution rate must be:
3 (a) The matching contribution rate for employees and employers
4 that is actuarially determined for police officers and ~~firemen~~
5 *firefighters* and for regular members, depending upon the retirement
6 fund in which the member is participating.
7 (b) Adjusted on the first monthly retirement reporting period
8 commencing on or after July 1 of each odd-numbered year based on
9 the actuarially determined contribution rate indicated in the biennial
10 actuarial valuation and report of the immediately preceding year.
11 The adjusted rate must be rounded to the nearest one-quarter of 1
12 percent.
13 2. The employer's portion of the matching contribution rate for
14 employees and employers must not be adjusted in accordance with
15 the provisions of paragraph (b) of subsection 1 if the existing rate is
16 within one-quarter of 1 percent of the actuarially determined rate.
17 **Sec. 18.** NRS 286.510 is hereby amended to read as follows:
18 286.510 1. Except as otherwise provided in subsections 2 and
19 3, a member of the System is eligible to retire at age 65 if he has at
20 least 5 years of service, at age 60 if he has at least 10 years of
21 service and at any age if he has at least 30 years of service.
22 2. A police officer or ~~fireman~~ *firefighter* is eligible to retire at
23 age 65 if he has at least 5 years of service, at age 55 if he has at least
24 10 years of service, at age 50 if he has at least 20 years of service
25 and at any age if he has at least 25 years of service. Only service
26 performed in a position as a police officer or ~~fireman~~ *firefighter*,
27 established as such by statute or regulation, service performed
28 pursuant to subsection 3 and credit for military service, may be
29 counted toward eligibility for retirement pursuant to this subsection.
30 3. Except as otherwise provided in subsection 4, a police
31 officer or ~~fireman~~ *firefighter* who has at least 5 years of service as
32 a police officer or ~~fireman~~ *firefighter* and is otherwise eligible to
33 apply for disability retirement pursuant to NRS 286.620 because of
34 an injury arising out of and in the course of his employment remains
35 eligible for retirement pursuant to subsection 2 if:
36 (a) He applies to the Board for disability retirement and the
37 Board approves his application;
38 (b) In lieu of a disability retirement allowance, he accepts
39 another position with the public employer with which he was
40 employed when he became disabled as soon as practicable but not
41 later than 90 days after the Board approves his application for
42 disability retirement;
43 (c) He remains continuously employed by that public employer
44 until he becomes eligible for retirement pursuant to subsection 2;
45 and



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

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

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

15 6. Any member who has the years of creditable service
16 necessary to retire but has not attained the required age, if any, may
17 retire at any age with a benefit actuarially reduced to the required
18 retirement age. Except as otherwise required as a result of NRS
19 286.537, a retirement benefit pursuant to this subsection must be
20 reduced by 4 percent of the unmodified benefit for each full year
21 that the member is under the appropriate retirement age, and an
22 additional 0.33 percent for each additional month that the member is
23 under the appropriate retirement age. Any option selected pursuant
24 to this subsection must be reduced by an amount proportionate to
25 the reduction provided in this subsection for the unmodified benefit.
26 The Board may adjust the actuarial reduction based upon an
27 experience study of the System and recommendation by the actuary.

28 **Sec. 19.** NRS 286.520 is hereby amended to read as follows:

29 286.520 1. Except as otherwise provided in this section and
30 NRS 286.523 and 286.525, the consequences of the employment of
31 a retired employee are:

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

36 (1) He accepted the employment or contract within 90
37 calendar days after the effective date of his retirement; or

38 (2) He is employed in a position which is eligible to
39 participate in this System.

40 (b) If a retired employee accepts employment or an independent
41 contract with a public employer under this System more than 90
42 calendar days after the effective date of his retirement in a position
43 which is not eligible to participate in this System, his allowance
44 under this System terminates upon his earning an amount equal to
45 one-half of the average salary for participating public employees



1 who are not police officers or ~~firemen~~ *firefighters* in any fiscal
2 year, for the duration of that employment or contract.

3 (c) If a retired employee accepts employment with an employer
4 who is not a public employer under this System, the employee is
5 entitled to the same allowances as a retired employee who has no
6 employment.

7 2. The retired employee and the public employer shall notify
8 the System:

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

11 (b) Within 30 days after the first day of an employment or
12 contract governed by paragraph (b) ~~and~~ *of subsection 1.*

13 (c) Within 10 days after a retired employee earns more than one-
14 half of the average salary for participating public employees who
15 are not police officers or ~~firemen~~ *firefighters* in any fiscal year
16 from an employment or contract governed by paragraph (b) ~~of~~
17 subsection 1.

18 3. For the purposes of this section, the average salary for
19 participating public employees who are not police officers or
20 ~~firemen~~ *firefighters* must be computed on the basis of the most
21 recent actuarial valuation of the System.

22 4. If a retired employee who accepts employment or an
23 independent contract with a public employer under this System
24 pursuant to this section elects not to reenroll in the System pursuant
25 to subsection 1 of NRS 286.525, the public employer with which the
26 retired employee accepted employment or an independent contract
27 may pay contributions on behalf of the retired employee to a
28 retirement fund which is not a part of the System in an amount not
29 to exceed the amount of the contributions that the public employer
30 would pay to the System on behalf of a participating public
31 employee who is employed in a similar position.

32 5. If a retired employee is chosen by election or appointment to
33 fill an elective public office, he is entitled to the same allowances as
34 a retired employee who has no employment, unless he is serving in
35 the same office in which he served and for which he received
36 service credit as a member. A public employer may pay
37 contributions on behalf of such a retired employee to a retirement
38 fund which is not a part of the System in an amount not to exceed
39 the amount of the contributions that the public employer would pay
40 to the System on behalf of a participating public employee who
41 serves in the same office.

42 6. The System may waive for one period of 30 days or less a
43 retired employee's disqualification under this section if the public
44 employer certifies in writing, in advance, that the retired employee



1 is recalled to meet an emergency and that no other qualified person
2 is immediately available.

3 7. A person who accepts employment or an independent
4 contract with either house of the Legislature or by the Legislative
5 Counsel Bureau is exempt from the provisions of subsections 1 and
6 2 for the duration of that employment or contract.

7 **Sec. 20.** NRS 286.523 is hereby amended to read as follows:

8 286.523 1. The provisions of subsections 1 and 2 of NRS
9 286.520 do not apply to a retired employee who accepts
10 employment or an independent contract with a public employer
11 under the System if:

12 (a) He fills a position for which there is a critical labor shortage;
13 and

14 (b) At the time of his reemployment, he is receiving:

15 (1) ~~{An unmodified benefit;}~~ *A benefit that is not actuarially*
16 *reduced pursuant to subsection 6 of NRS 286.510;* or

17 (2) A benefit actuarially reduced pursuant to subsection 6 of
18 NRS 286.510 and has reached the required age at which he could
19 have retired with ~~{an unmodified benefit;}~~ *a benefit that was not*
20 *actuarially reduced pursuant to subsection 6 of NRS 286.510.*

21 2. A retired employee who is reemployed under the
22 circumstances set forth in subsection 1 may reenroll in the system as
23 provided in NRS 286.525.

24 3. Positions for which there are critical labor shortages must be
25 determined as follows:

26 (a) Except as otherwise provided in this subsection, the State
27 Board of Examiners shall designate positions in State Government
28 for which there are critical labor shortages.

29 (b) The Supreme Court shall designate positions in the Judicial
30 Branch of State Government for which there are critical labor
31 shortages.

32 (c) The Board of Regents shall designate positions in the
33 University and Community College System of Nevada for which
34 there are critical labor shortages.

35 (d) The Department of Education shall designate positions with
36 the various school districts for which there are critical labor
37 shortages.

38 (e) The governing body of a local government shall designate
39 positions with the local government for which there are critical labor
40 shortages.

41 (f) The Board shall designate positions within the System for
42 which there are critical labor shortages.

43 4. In determining whether a position is a position for which
44 there is a critical labor shortage, the designating authority shall give
45 consideration to:



- 1 (a) The history of the rate of turnover for the position;
- 2 (b) The number of openings for the position and the number of
- 3 qualified candidates for those openings;
- 4 (c) The length of time the position has been vacant; and
- 5 (d) The success of recruiting persons in other states to fill the
- 6 position.

7 *5. A designating authority shall not designate a position*
8 *pursuant to subsection 3 as a position for which there is a critical*
9 *labor shortage for a period longer than 2 years. To be*
10 *redesignated as such a position, the designating authority must*
11 *consider whether the position continues to meet the criteria set*
12 *forth in subsection 4.*

13 **Sec. 21.** NRS 286.525 is hereby amended to read as follows:

14 286.525 1. A retired employee who accepts employment in a
15 position ~~{whose occupant is thereby}~~ eligible for membership may
16 enroll in the System as of the effective date of that employment.
17 ~~[As]~~ *Except as otherwise provided in NRS 286.523, as* of the date
18 of enrollment:

19 (a) He forfeits all retirement allowances for the duration of that
20 employment.

21 (b) He is entitled to receive, after the termination of the
22 employment and upon written request, a refund of all contributions
23 made by him during the employment. Except as otherwise required
24 as a result of NRS 286.535 or 286.537, if he does not request the
25 refund and the duration of the employment was at least 6 months, he
26 gains additional service credit for that employment and is entitled to
27 have a separate service retirement allowance calculated based on his
28 compensation and service, effective upon the termination of that
29 employment. If the duration of the employment was:

30 (1) Less than 5 years, the additional allowance must be added
31 to his original allowance and must be under the same option and
32 designate the same beneficiary as the original allowance.

33 (2) Five years or more, the additional allowance may be
34 under any option and designate any beneficiary in accordance with
35 NRS 286.545.

36 2. The original service retirement allowance of such a retired
37 employee must not be recalculated based upon the additional service
38 credit, nor is he entitled to any of the rights of membership that were
39 not in effect at the time of his original retirement. The accrual of
40 service credit pursuant to this section is subject to the limits
41 imposed by:

42 (a) NRS 286.551; and

43 (b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415,
44 if the member's effective date of membership is on or after
45 January 1, 1990.



1 3. Except as otherwise required as a result of NRS 286.470,
2 286.535 or 286.537, a retired employee who has been receiving a
3 retirement allowance and who is reemployed and is enrolled in the
4 system for at least 5 years may have his additional credit for service
5 added to his previous credit for service. This additional credit for
6 service must not apply to more than one period of employment after
7 the original retirement.

8 4. The survivor of a deceased member who had previously
9 retired and was rehired and enrolled in the System, who qualifies for
10 benefits pursuant to NRS 286.671 to 286.6793, inclusive, is eligible
11 for the benefits based on the service accrued through the second
12 period of employment.

13 **Sec. 22.** NRS 286.575 is hereby amended to read as follows:

14 286.575 1. Except as otherwise required as a result of NRS
15 286.537, a postretirement allowance must be paid from the Public
16 Employees' Retirement Fund or the Police and ~~Firemen's~~
17 *Firefighters'* Retirement Fund to each member receiving a
18 disability allowance or service retirement allowance from that Fund
19 under the provisions of this chapter in the amount and manner
20 provided and from time to time adjusted by law. Each member
21 whose allowance was increased after his retirement by payments for
22 years of service in excess of 20 years is entitled to receive an
23 increase based upon his adjusted allowance.

24 2. Postretirement allowances must be considered a part of a
25 retired employee's monthly benefit and included in the allowance
26 paid to a beneficiary under one of the optional plans provided in
27 NRS 286.590.

28 **Sec. 23.** NRS 286.665 is hereby amended to read as follows:

29 286.665 1. Any contributions remaining in a member's,
30 retired employee's or beneficiary's individual account ~~shall~~ *must*
31 be transferred to the Public Employees' Retirement Fund or the
32 Police and ~~Firemen's~~ *Firefighters'* Retirement Fund upon the
33 death of the member, retired employee or beneficiary if there is no
34 heir, devisee or legatee capable of receiving the money.

35 2. If, within 6 years after any transfer under subsection 1, any
36 person appears and claims any money which was transferred to a
37 retirement fund, the claimant may file a petition in the district court
38 for Carson City stating the nature of his claim, with an appropriate
39 prayer for the relief demanded. A copy of the petition ~~shall~~ *must*
40 be served upon the Attorney General before or at the time of filing
41 it. Within 20 days after service, the Attorney General shall appear in
42 the proceeding and respond to the petition. If, after examining all the
43 facts, the Attorney General is convinced that the System has no
44 legal defense against the petition, he may, with the consent of the
45 court, confess judgment on behalf of the System.



1 3. If judgment is not confessed, the petition ~~shall~~ *must* be
2 considered at issue on the 20th day after its filing, and may be heard
3 by the court on that day, or at such future day as the court may
4 order. Upon the hearing, the court shall examine into the claim and
5 hear the allegations and proofs. If the court finds that the claimant is
6 entitled to any money transferred under subsection 1 to a retirement
7 fund, it shall order the Public Employees' Retirement Board to pay
8 such money forthwith to the claimant, but without interest or cost to
9 the Board.

10 4. All persons, except minors and persons of unsound mind,
11 who fail to appear and file their petitions within the time limited in
12 subsection 2 are forever barred. Minors and persons of unsound
13 mind may appear and file their petitions at any time within 5 years
14 after their respective disabilities are removed.

15 **Sec. 24.** NRS 286.667 is hereby amended to read as follows:
16 286.667 1. A retired employee whose service or disability
17 retirement allowance is payable from the Police and ~~Firemen's~~
18 *Firefighters'* Retirement Fund is entitled to receive his allowance
19 without modification.

20 2. Upon the death of such a person, a person who was his
21 spouse at the time of his retirement is entitled, upon attaining the
22 age of 50 years, to receive a benefit equal to 50 percent of the
23 allowance to which the retired employee was entitled.

24 3. This section does not apply to a person who:
25 (a) Begins receiving a service or disability retirement allowance
26 or a benefit from the Police and ~~Firemen's~~ *Firefighters'*
27 Retirement Fund before July 1, 1981.

28 (b) At the time of his retirement, elects one of the alternatives to
29 an unmodified retirement allowance.

30 4. Service performed after July 1, 1981, in positions other than
31 as a police officer or ~~fireman,~~ *firefighter*, except military service,
32 may not be credited toward the benefit conferred by this section. A
33 police officer or ~~fireman~~ *firefighter* who has performed service
34 which is not creditable toward this benefit may elect to:

35 (a) Select a retirement option other than one permitted by this
36 section;

37 (b) Receive the benefit conferred by this section with a spouse's
38 benefit reduced by a proportion equal to that which the service
39 which is not creditable bears to his total service; or

40 (c) Purchase the additional spouse's benefit at the time he retires
41 by paying the full actuarial cost as computed for his situation by the
42 actuary of the System.

43 5. The entire cost of the benefit conferred by this section must
44 be paid by the employee. Each employer must adjust the salaries of
45 its employees who are eligible for the benefit to offset its cost to the



1 employer. Employers who adjust salaries pursuant to this subsection
2 do not by doing so violate any collective bargaining agreement or
3 other contract.

4 **Sec. 25.** NRS 286.6705 is hereby amended to read as follows:

5 286.6705 1. Any check for benefits or a refund which has not
6 been paid within 5 years after being transferred to the account for
7 unclaimed benefits or refunds must be transferred to the Public
8 Employees' Retirement Fund or Police and ~~Fireman's~~
9 *Firefighters'* Retirement Fund, whichever is appropriate.

10 2. If, within 6 years after a check for benefits or a refund has
11 been transferred pursuant to subsection 1, any person appears and
12 claims the money, the claimant may file a petition in the district
13 court for Carson City stating the nature of his claim, with an
14 appropriate prayer for the relief demanded. A copy of the petition
15 must be served upon the Attorney General before or at the time it is
16 filed. Within 20 days after service, the Attorney General shall
17 appear in the proceeding and respond to the petition. If, after
18 examining all the facts, the Attorney General is convinced that the
19 System has no legal defense against the petition, he may, with the
20 consent of the court, confess judgment on behalf of the System.

21 3. If judgment is not confessed, the petition must be considered
22 at issue on the 20th day after its filing, and may be heard by the
23 court on that day, or at such future day as the court may order. Upon
24 the hearing, the court shall examine into the claim and hear the
25 allegations and proofs. If the court finds that the claimant is entitled
26 to any money transferred pursuant to subsection 1 to a retirement
27 fund, it shall order the ~~Public Employees' Retirement~~ Board to pay
28 the money forthwith to the claimant, but without interest or cost to
29 the Board.

30 4. All persons, except minors and persons of unsound mind,
31 who fail to appear and file their petitions within the time limited in
32 subsection 1 are forever barred. Minors and persons of unsound
33 mind may appear and file their petitions at any time within 5 years
34 after their respective disabilities are removed.

35 **Sec. 26.** NRS 286.6766 is hereby amended to read as follows:

36 286.6766 Any spouse eligible for payments under the
37 provisions of NRS 286.674 or 286.676 may elect to waive payment
38 of a monthly allowance and to receive instead in a lumpsum a
39 refund of all contributions to the Public Employees' Retirement
40 Fund or the Police and ~~Fireman's~~ *Firefighters'* Retirement Fund
41 made by a deceased member plus any contributions made by a
42 public employer in lieu of the employee's contributions, but if more
43 than one person is eligible for benefits on account of the
44 contributions of any one deceased member, no such lump-sum
45 payment may be made.



1 **Sec. 27.** NRS 286.6767 is hereby amended to read as follows:
2 286.6767 ~~[An-unmarried]~~

3 1. A member may designate, in writing, a survivor beneficiary
4 *and one or more additional payees* to receive the payments
5 provided pursuant to NRS 286.67675, 286.6768 or 286.67685 if the
6 member is unmarried on the date of his death.

7 2. A designation pursuant to ~~[this-section]~~ *subsection 1* must
8 be made on a form approved by the Executive Officer. *If a member*
9 *has designated one or more payees in addition to the survivor*
10 *beneficiary, the member must designate the percentage of the*
11 *payments that the survivor beneficiary and each additional payee*
12 *is entitled to receive.*

13 **Sec. 28.** NRS 286.67675 is hereby amended to read as
14 follows:

15 286.67675 1. ~~[The]~~ *Except as otherwise provided in this*
16 *subsection, the survivor beneficiary of a deceased member is*
17 *entitled to receive a cumulative benefit of at least \$450 per month. If*
18 *a member has designated one or more payees in addition to the*
19 *survivor beneficiary pursuant to NRS 286.6767, the cumulative*
20 *benefit paid pursuant to this subsection must be divided between*
21 *the survivor beneficiary and any additional payee in the*
22 *proportion designated by the member pursuant to NRS 286.6767.*

23 The payments must begin on the first day of the month immediately
24 following the death of the member and must cease on the last day of
25 the month in which the survivor beneficiary dies. ~~[H]~~

26 2. *Except as otherwise provided in this subsection, if*
27 *payments made pursuant to subsection 1* cease before the total
28 amount of contributions made by the deceased member have been
29 received by the survivor beneficiary, the surplus of contributions
30 over payments received must be paid to the survivor beneficiary.

31 ~~[2-]~~ *If the member had designated one or more payees in*
32 *addition to the survivor beneficiary pursuant to NRS 286.6767, the*
33 *surplus of contributions over payments received must be divided*
34 *between the survivor beneficiary and any additional payee in the*
35 *proportion designated by the member pursuant to NRS 286.6767.*

36 3. The benefits paid pursuant to this section are in addition to
37 any benefits paid pursuant to NRS 286.673.

38 ~~[3-]~~ 4. As used in this section, “survivor beneficiary” means a
39 person designated pursuant to NRS 286.6767.

40 **Sec. 29.** NRS 286.6768 is hereby amended to read as follows:

41 286.6768 1. Except as *otherwise provided in subsection 2*
42 *and as* limited by subsection ~~[3-]~~ 4, the survivor beneficiary of a
43 deceased member who had 10 or more years of accredited
44 contributing service is entitled to receive a monthly allowance
45 equivalent to that provided by:



1 (a) Option 3 in NRS 286.590, if the deceased member had less
2 than 15 years of service on the date of his death; or

3 (b) Option 2 in NRS 286.590, if the deceased member had 15 or
4 more years of service on the date of his death.

5 To apply the provisions of Options 2 and 3, the deceased member
6 shall be deemed to have retired on the date of his death immediately
7 after having named the survivor beneficiary as beneficiary pursuant
8 to the applicable option. This benefit must be computed without any
9 reduction for age for the deceased member. The benefits provided
10 by this subsection must be paid to the survivor beneficiary for the
11 remainder of the life of the survivor beneficiary.

12 2. *If the member had designated one or more payees in*
13 *addition to the survivor beneficiary pursuant to NRS 286.6767, the*
14 *monthly allowance to which a survivor beneficiary is entitled*
15 *pursuant to subsection 1 must be divided between the survivor*
16 *beneficiary and any additional payee in the proportion designated*
17 *by the member pursuant to NRS 286.6767.*

18 3. The survivor beneficiary may elect to receive the benefits
19 provided by any one of the following only:

20 (a) This section;

21 (b) NRS 286.67675; or

22 (c) NRS 286.6769.

23 ~~3.~~ 4. The benefits provided by paragraph (a) of subsection 1
24 may only be paid to the survivor beneficiary *and, if applicable, any*
25 *additional payee* of a member who died on or after January 1, 2002.

26 ~~4.~~ 5. As used in this section, "survivor beneficiary" means a
27 person designated pursuant to NRS 286.6767.

28 **Sec. 30.** NRS 286.67685 is hereby amended to read as
29 follows:

30 286.67685 1. Except as *otherwise provided in subsection 2*
31 *and as* limited by subsection ~~2.~~ 3, the survivor beneficiary of a
32 deceased member who was fully eligible to retire, both as to service
33 and age, is entitled to receive a monthly allowance equivalent to that
34 provided by Option 2 in NRS 286.590. This section does not apply
35 to the survivor beneficiary of a member who was eligible to retire
36 only pursuant to subsection 6 of NRS 286.510. For the purposes of
37 applying the provisions of Option 2, the deceased member shall be
38 deemed to have retired on the date of his death immediately after
39 having named the survivor beneficiary as beneficiary pursuant to
40 Option 2. The benefits provided by this section must be paid to the
41 survivor beneficiary for the remainder of the life of the survivor
42 beneficiary. The survivor beneficiary may elect to receive the
43 benefits provided by any one of the following only:

44 (a) This section;

45 (b) NRS 286.67675;



- 1 (c) NRS 286.6768; or
- 2 (d) NRS 286.6769.

3 2. *If the member had designated one or more payees in*
 4 *addition to the survivor beneficiary pursuant to NRS 286.6767, the*
 5 *monthly allowance to which a survivor beneficiary is entitled*
 6 *pursuant to subsection 1 must be divided between the survivor*
 7 *beneficiary and any additional payee in the proportion designated*
 8 *by the member pursuant to NRS 286.6767.*

9 3. The benefits provided by this section may only be paid to
 10 the survivor beneficiary *and, if applicable, any additional payee* of
 11 a member who died on or after January 1, 2002.

12 ~~3.~~ 4. As used in this section, "survivor beneficiary" means a
 13 person designated pursuant to NRS 286.6767.

14 **Sec. 31.** NRS 286.6769 is hereby amended to read as follows:
 15 286.6769 1. ~~Any~~ *Except as otherwise provided in*
 16 *subsection 2, any survivor beneficiary eligible for payments*
 17 *to the provisions of NRS 286.67675 or 286.6768 may elect*
 18 *to waive payment of a monthly allowance and to receive instead in a*
 19 *lump sum a refund of all contributions to the Public Employees'*
 20 *Retirement Fund or the Police and ~~Fireman's~~ Firefighters'*
 21 *Retirement Fund made by a deceased member plus any*
 22 *contributions made by a public employer in lieu of the employee's*
 23 *contributions, but if more than one person is eligible for benefits on*
 24 *account of the contributions of any one deceased member, no such*
 25 *lump-sum payment may be made.*

26 2. *If the member had designated one or more payees in*
 27 *addition to the survivor beneficiary pursuant to NRS 286.6767, the*
 28 *lump sum to which a survivor beneficiary is entitled pursuant to*
 29 *subsection 1 must be divided between the survivor beneficiary and*
 30 *any additional payee in the proportion designated by the member*
 31 *pursuant to NRS 286.6767.*

32 3. As used in this section, "survivor beneficiary" means a
 33 person designated pursuant to NRS 286.6767.

34 **Sec. 32.** NRS 286.680 is hereby amended to read as follows:
 35 286.680 1. In addition to the provisions of chapter 355 of
 36 NRS, the Board may invest and reinvest the money in its funds as
 37 provided in this section and NRS 286.682 and may employ
 38 investment counsel for that purpose. The Board may also employ
 39 investment supervisory services, trust audit services and other
 40 related investment services which it deems necessary to invest
 41 effectively and safeguard the money in the System's funds.

42 2. No person engaged in business as a broker or dealer in
 43 securities or who has a direct pecuniary interest in any such business
 44 who receives commissions for transactions performed as agent for



1 the board is eligible for employment as investment counsel for the
2 Board.

3 3. The Board shall not engage investment counsel unless:

4 (a) The principal business of the person selected by the Board
5 consists of giving continuous advice as to the investment of money
6 on the basis of the individual needs of each client;

7 (b) The person and his predecessors have been continuously
8 engaged in such a business for a period of 5 or more years;

9 (c) The person is registered as an investment adviser under the
10 laws of the United States as from time to time in effect, or is a bank
11 or an investment management subsidiary of a bank; and

12 (d) The contract between the Board and the investment counsel
13 is of no specific duration and is voidable at any time by either party.

14 4. The Board and its individual members are not liable for
15 investment decisions made by investment counsel if they obtain
16 qualified investment counsel, establish proper objectives and
17 policies for investments, and issue appropriate interim directives.
18 Investment counsel is liable for any investment decision that is not
19 made in accordance with the objectives and policies established by
20 the Board and any applicable interim directives.

21 5. The expenses incurred in obtaining and reviewing services
22 pursuant to the provisions of this section and the reimbursements to
23 employees for their expenses incurred in connection with
24 investment decisions must be paid out of the Public Employees'
25 Retirement Fund and the Police and ~~Fireman's~~ *Firefighters'*
26 Retirement Fund in proportion to their respective assets.

27 6. The Board shall tender invitations to banks and credit unions
28 for commercial banking and trust services, consider proposals
29 submitted by interested banks and credit unions, and consider
30 contracts for commercial banking and trust services at least every 5
31 years.

32 **Sec. 33.** NRS 1A.180 is hereby amended to read as follows:

33 1A.180 1. Beginning July 1, 2003, the Court Administrator
34 shall submit to the System for deposit in the Judicial Retirement
35 Fund on behalf of each member of the System the percentage of
36 compensation of the member that is determined by the actuary of the
37 System to be required to pay the normal cost incurred in making
38 payments pursuant to subsection 5 of NRS 1A.160 and any
39 administrative expenses of the System. Such payments must be:

40 (a) Accompanied by payroll reports that include information
41 deemed necessary by the Board to carry out its duties; and

42 (b) Received by the System not later than 15 days after the
43 calendar month for which the compensation and service credits of
44 members of the System are reported and certified by the Court



1 Administrator. The compensation must be reported separately for
2 each month that it is paid.

3 2. Beginning July 1, 2003, the ~~[Court Administrator]~~ *State of*
4 *Nevada* shall pay to the System for deposit in the Judicial
5 Retirement Fund from any fund created for the purpose of paying
6 pension benefits to justices of the Supreme Court or district judges
7 an amount as the contribution of the State of Nevada as employer
8 which is actuarially determined to be sufficient to provide the
9 System with enough money to pay all benefits for which the System
10 will be liable.

11 *3. Except as otherwise provided in this subsection, the total*
12 *contribution rate that is actuarially determined for members of the*
13 *Judicial Retirement Plan must be adjusted on the first monthly*
14 *retirement reporting period commencing on or after July 1 of each*
15 *odd-numbered year based on the actuarially determined*
16 *contribution rate indicated in the biennial actuarial valuation and*
17 *report. The adjusted rate must be rounded to the nearest one-*
18 *quarter of 1 percent. The total contribution rate must not be*
19 *adjusted pursuant to this subsection if the existing rate is within*
20 *one-half of 1 percent of the actuarially determined rate.*

21 **Sec. 33.5.** NRS 1A.270 is hereby amended to read as follows:

22 1A.270 1. Each justice of the Supreme Court or district judge
23 who is elected or appointed as a justice of the Supreme Court or a
24 district judge on or after November 5, 2002, who takes office on or
25 after January 1, 2003, and who previously has not served as either a
26 justice of the Supreme Court or a district judge must receive benefits
27 for retirement, benefits for disability and survivor benefits under the
28 Judicial Retirement Plan, if eligible to receive such benefits under
29 the Judicial Retirement Plan, unless he is a member of the Public
30 Employees' Retirement System and elects to remain a member
31 pursuant to NRS 1A.280 if eligible to do so.

32 2. Each justice of the Supreme Court or district judge who is
33 elected or appointed as a justice of the Supreme Court or district
34 judge on or after November 5, 2002, and who previously has served
35 as either a justice of the Supreme Court or a district judge *and each*
36 *justice of the Supreme Court or district judge who is serving as a*
37 *justice of the Supreme Court or district judge on November 5,*
38 *2002,* must receive benefits for retirement, benefits for disability and
39 survivor benefits pursuant to either:

40 (a) NRS 2.060 to 2.083, inclusive, or 3.090 to 3.099, inclusive,
41 as those sections existed on November 5, 2002, if eligible to receive
42 such benefits under such provisions; or

43 (b) The Judicial Retirement Plan, if eligible to receive such
44 benefits under the Judicial Retirement Plan,



1 whichever is most beneficial to the justice or judge or his survivor,
2 as determined by the justice or judge at the time of his retirement or
3 the time at which he becomes disabled, or as determined by his
4 survivor at the time of his death, unless he is a member of the Public
5 Employees' Retirement System and elects to remain a member
6 pursuant to NRS 1A.280 if eligible to do so. A survivor may not
7 change a determination that affects the survivor and which was
8 made by a justice or judge pursuant to this section while the justice
9 or judge was alive.

10 3. A determination made pursuant to subsection 2 is final
11 and if a justice or judge or his survivor determines pursuant to
12 subsection 2:

13 (a) To receive benefits pursuant to the Judicial Retirement Plan,
14 the justice, judge or survivor may not receive benefits pursuant to
15 NRS 2.060 to 2.083, inclusive, or pursuant to NRS 3.090 to 3.099,
16 inclusive; or

17 (b) To receive benefits pursuant to NRS 2.060 to 2.083,
18 inclusive, or pursuant to NRS 3.090 to 3.099, inclusive, the justice,
19 judge or survivor may not receive benefits pursuant to the Judicial
20 Retirement Plan.

21 4. No justice of the Supreme Court or district judge or survivor
22 of a justice of the Supreme Court or district judge may receive
23 benefits under both this chapter and:

24 (a) NRS 2.060 to 2.083, inclusive; or

25 (b) NRS 3.090 to 3.099, inclusive.

26 5. A justice of the Supreme Court or district judge or a survivor
27 of a justice of the Supreme Court or district judge who is receiving
28 retirement allowances pursuant to NRS 2.060 to 2.083, inclusive, or
29 pursuant to NRS 3.090 to 3.099, inclusive, on January 1, 2003, is
30 not eligible for transfer to the Judicial Retirement Plan.

31 **Sec. 34.** NRS 1A.310 is hereby amended to read as follows:

32 1A.310 Except as otherwise required as a result of
33 NRS 1A.410:

34 1. A member of the Judicial Retirement Plan who has 5 years
35 of creditable service may, except as otherwise provided in
36 subsection 2, purchase up to 5 years of service. The member must
37 pay the full actuarial cost of the service as determined by an actuary
38 of the System.

39 2. A justice or judge may purchase creditable service pursuant
40 to subsection 1 only if, at the time of the purchase, he is employed
41 in a position ~~[whose occupant is]~~ eligible for membership in the
42 Judicial Retirement Plan.

43 3. A member of the Judicial Retirement Plan may use:



1 (a) All or any portion of the balance of his interest in a qualified
2 trust pursuant to section 401(a) of the Internal Revenue Code, 26
3 U.S.C. § 401(a); or

4 (b) The money contained in an individual retirement account or
5 in an individual retirement annuity of a member, the entire amount
6 of which is:

7 (1) Attributable to a qualified distribution from a qualified
8 trust pursuant to section 401(a) of the Internal Revenue Code, 26
9 U.S.C. § 401(a); and

10 (2) Qualified as an eligible rollover distribution pursuant to
11 section 402 of the Internal Revenue Code, 26 U.S.C. § 402,
12 to purchase creditable service pursuant to subsection 1.

13 4. If a member of the Judicial Retirement Plan enters into an
14 agreement whereby he agrees to pay for the purchase of service
15 credit in installments and he defaults on that agreement, the member
16 is entitled to receive service credit in the proportion that the
17 principal paid bears to the principal due under the agreement.

18 **Sec. 35.** NRS 1A.370 is hereby amended to read as follows:

19 1A.370 1. A retired justice or judge who accepts employment
20 as a justice of the Supreme Court or district judge in any judicial
21 capacity, including, without limitation, employment as a senior
22 justice or senior judge of the Nevada court system, may enroll in the
23 Judicial Retirement Plan as of the effective date of that employment.
24 ~~As~~ *Except as otherwise provided in NRS 1A.380, as* of the date of
25 enrollment:

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

28 (b) Except as otherwise required as a result of NRS 1A.400 or
29 1A.410, if the duration of the employment is at least 6 months, he
30 gains additional service credit for that employment and is entitled to
31 have a separate service retirement allowance calculated based on his
32 compensation and service, effective upon the termination of that
33 employment. If the duration of the employment is:

34 (1) Less than 5 years, the additional allowance must be added
35 to his original allowance and must be under the same option and
36 designated the same beneficiary as the original allowance; or

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

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



1 (a) NRS 1A.440; and
2 (b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415.
3 3. Except as otherwise required as a result of NRS 1A.400 or
4 1A.410, a retired justice or judge who has been receiving a
5 retirement allowance pursuant to the Judicial Retirement Plan and
6 who is reemployed and is enrolled in the Plan for at least 5 years
7 may have his additional credit for service added to his previous
8 credit for service. This additional credit for service must not apply
9 to more than one period of employment after the original retirement.
10 4. The survivor of a deceased member of the Judicial
11 Retirement Plan who had previously retired and was reemployed
12 and enrolled in the Plan, who qualifies for benefits pursuant to NRS
13 1A.340 and 1A.530 to 1A.670, inclusive, is eligible for the benefits
14 based on the service accrued through the second period of
15 employment.

16 **Sec. 36.** NRS 1A.380 is hereby amended to read as follows:

17 1A.380 1. The provisions of subsection 1 of NRS 1A.360 do
18 not apply to a retired justice or judge who accepts employment as a
19 justice of the Supreme Court or district judge in a judicial capacity
20 if:

21 (a) He fills a position for which there is a critical labor shortage;
22 and

23 (b) At the time of his reemployment, he is receiving:

24 (1) ~~{An unmodified benefit;}~~ *A benefit that is not actuarially*
25 *reduced pursuant to subsection 2 of NRS 1A.350;* or

26 (2) A benefit actuarially reduced pursuant to subsection 2 of
27 NRS 1A.350 and has reached the required age at which he could
28 have retired with ~~{an unmodified benefit;}~~ *a benefit that was not*
29 *actuarially reduced pursuant to subsection 2 of NRS 1A.350.*

30 2. A retired justice or judge who is reemployed under the
31 circumstances set forth in subsection 1 may reenroll in the Judicial
32 Retirement Plan as provided in NRS 1A.370.

33 3. The Supreme Court shall designate positions in the Judicial
34 Branch of State Government for which there are critical labor
35 shortages. *The Supreme Court shall not designate a position*
36 *pursuant to this subsection as a position for which there is a*
37 *critical labor shortage for a period longer than 2 years. To be*
38 *redesignated as such a position, the Supreme Court must consider*
39 *whether a critical labor shortage continues to exist for the*
40 *position.*

41 **Sec. 37.** NRS 1A.440 is hereby amended to read as follows:

42 1A.440 Except as otherwise required as a result of NRS
43 1A.400 or 1A.410:

44 1. Except as otherwise provided in this subsection, a monthly
45 service retirement allowance must be determined by multiplying a



1 member of the Judicial Retirement Plan's average compensation by
2 3.4091 percent for each year of service, except that a member of the
3 Plan is entitled to a benefit of not more than 75 percent of his
4 average compensation . ~~{with his eligibility for service credit~~
5 ~~ceasing at 22 years of service.}~~

6 2. For the purposes of this section, "average compensation"
7 means the average of a member of the Plan's 36 consecutive months
8 of highest compensation as certified by the Court Administrator.

9 **Sec. 38.** NRS 1A.620 is hereby amended to read as follows:

10 1A.620 ~~{An unmarried}~~

11 **1.** A member of the Judicial Retirement Plan may designate, in
12 writing, a survivor beneficiary *and one or more additional payees*
13 to receive the payments provided pursuant to NRS 1A.630, 1A.640
14 or 1A.650 if the member is unmarried on the date of his death.

15 **2.** A designation pursuant to ~~{this section}~~ *subsection 1* must
16 be made on a form approved by the Executive Officer of the Board.
17 *If a member has designated one or more payees in addition to the*
18 *survivor beneficiary, the member must designate the percentage of*
19 *the payments that the survivor beneficiary and each additional*
20 *payee is entitled to receive.*

21 **Sec. 39.** NRS 1A.630 is hereby amended to read as follows:

22 1A.630 1. ~~{The}~~ *Except as otherwise provided in this*
23 *subsection, the* survivor beneficiary of a deceased member of the
24 Judicial Retirement Plan is entitled to receive a cumulative benefit
25 of at least \$450 per month. *If a member has designated one or*
26 *more payees in addition to the survivor beneficiary pursuant to*
27 *NRS 1A.620, the cumulative benefit paid pursuant to this*
28 *subsection must be divided between the survivor beneficiary and*
29 *any additional payee in the proportion designated by the member*
30 *pursuant to NRS 1A.620.* The payments must begin on the first day
31 of the month immediately following the death of the member and
32 must cease on the last day of the month in which the survivor
33 beneficiary dies.

34 2. The benefits paid pursuant to this section are in addition to
35 any benefits paid pursuant to NRS 1A.580.

36 3. As used in this section, "survivor beneficiary" means a
37 person designated pursuant to NRS 1A.620.

38 **Sec. 40.** NRS 1A.640 is hereby amended to read as follows:

39 1A.640 1. ~~{The}~~ *Except as otherwise provided in subsection*
40 *2, the* survivor beneficiary of a deceased member of the Judicial
41 Retirement Plan who had 10 or more years of creditable service is
42 entitled to receive a monthly allowance equivalent to that provided
43 by:

44 (a) Option 3 in NRS 1A.450, if the deceased member had less
45 than 15 years of service on the date of his death; or



1 (b) Option 2 in NRS 1A.450, if the deceased member had 15 or
2 more years of service on the date of his death.
3 To apply the provisions of Options 2 and 3, the deceased member
4 shall be deemed to have retired on the date of his death immediately
5 after having named the survivor beneficiary as beneficiary pursuant
6 to the applicable option. This benefit must be computed without any
7 reduction for age for the deceased member. The benefits provided
8 by this subsection must be paid to the survivor beneficiary for the
9 remainder of the life of the survivor beneficiary.

10 2. *If the member had designated one or more payees in*
11 *addition to the survivor beneficiary pursuant to NRS 1A.620, the*
12 *monthly allowance to which a survivor beneficiary is entitled*
13 *pursuant to subsection 1 must be divided between the survivor*
14 *beneficiary and any additional payee in the proportion designated*
15 *by the member pursuant to NRS 1A.620.*

16 3. The survivor beneficiary may elect to receive the benefits
17 provided by any one of the following only:

18 (a) This section; or

19 (b) NRS 1A.630.

20 ~~3.~~ 4. As used in this section, "survivor beneficiary" means a
21 person designated pursuant to NRS 1A.620.

22 **Sec. 41.** NRS 1A.650 is hereby amended to read as follows:

23 1A.650 1. ~~The~~ *Except as otherwise provided in subsection*
24 *2, the* survivor beneficiary of a deceased member of the Judicial
25 Retirement Plan who was fully eligible to retire, both as to service
26 and age, is entitled to receive a monthly allowance equivalent to that
27 provided by Option 2 in NRS 1A.450. This section does not apply to
28 the survivor beneficiary of a member who was eligible to retire only
29 pursuant to subsection 2 of NRS 1A.350. For the purposes of
30 applying the provisions of Option 2, the deceased member shall be
31 deemed to have retired on the date of his death immediately after
32 having named the survivor beneficiary as beneficiary pursuant to
33 Option 2. The benefits provided by this section must be paid to the
34 survivor beneficiary for the remainder of the life of the survivor
35 beneficiary. The survivor beneficiary may elect to receive the
36 benefits provided by any one of the following only:

37 (a) This section;

38 (b) NRS 1A.630; or

39 (c) NRS 1A.640.

40 2. *If the member had designated one or more payees in*
41 *addition to the survivor beneficiary pursuant to NRS 1A.620, the*
42 *monthly allowance to which a survivor beneficiary is entitled*
43 *pursuant to subsection 1 must be divided between the survivor*
44 *beneficiary and any additional payee in the proportion designated*
45 *by the member pursuant to NRS 1A.620.*



1 3. As used in this section, "survivor beneficiary" means a
2 person designated pursuant to NRS 1A.620.

3 **Sec. 42.** NRS 2.079 is hereby amended to read as follows:

4 2.079 1. ~~{An unmarried}~~ A justice of the Supreme Court may
5 designate, in writing, a survivor beneficiary *and one or more*
6 *additional payees* to receive the payments provided pursuant to this
7 section if the justice is unmarried on the date of his death. A
8 designation pursuant to this section must be made on a form
9 approved by the Court Administrator. *If the justice has designated*
10 *one or more payees in addition to the survivor beneficiary, the*
11 *justice must designate the percentage of the payments that the*
12 *survivor beneficiary and each additional payee is entitled to*
13 *receive.*

14 2. ~~{If}~~ *Except as otherwise provided in this subsection, if* a
15 justice of the Supreme Court at the time of his death had retired and
16 was then receiving a pension pursuant to the provisions of NRS
17 2.060, or if at the time of his death the justice had not retired but had
18 performed sufficient service for retirement pursuant to the
19 provisions of NRS 2.060, the survivor beneficiary designated
20 pursuant to subsection 1, if the survivor beneficiary has attained the
21 age of 60 years, is entitled, until his death, to receive monthly
22 payments of \$2,500 per month. *If the justice had designated one or*
23 *more payees in addition to the survivor beneficiary pursuant to*
24 *subsection 1, the monthly payments paid pursuant to this*
25 *subsection must be divided between the survivor beneficiary and*
26 *any additional payee in the proportion designated by the justice*
27 *pursuant to subsection 1.*

28 3. ~~{If}~~ *Except as otherwise provided in this subsection, if* a
29 survivor beneficiary of a justice is not eligible to receive benefits
30 pursuant to subsection 2, he is entitled, until his death or until he
31 becomes eligible to receive those benefits, to receive payments
32 equal in amount to the payment provided in subsection 1 of NRS
33 286.67675 for the survivor beneficiary of a deceased member of the
34 Public Employees' Retirement System. *If the justice had*
35 *designated one or more payees in addition to the survivor*
36 *beneficiary pursuant to subsection 1, the payments paid pursuant*
37 *to this subsection must be divided between the survivor beneficiary*
38 *and any additional payee in the proportion designated by the*
39 *justice pursuant to subsection 1.*

40 4. To obtain ~~{these benefits,}~~ *the benefits authorized in*
41 *subsection 3,* the survivor beneficiary must make application to the
42 Executive Officer of the Public Employees' Retirement Board and
43 furnish such information as may be required pursuant to reasonable
44 regulations adopted for the purpose of carrying out the intent of this
45 section.



1 5. Any person receiving a benefit pursuant to the provisions of
2 this section is entitled to receive postretirement increases equal to
3 those provided for persons retired pursuant to the Public Employees'
4 Retirement System.

5 6. It is the intent of this section that no special fund be created
6 for the purpose of paying these benefits, and all payments made
7 pursuant to the provisions of this section are to be made out of and
8 charged to the Judicial Retirement Fund established pursuant to
9 NRS 1A.160.

10 **Sec. 43.** NRS 3.098 is hereby amended to read as follows:

11 3.098 1. ~~{An unmarried}~~ A district judge may designate, in
12 writing, a survivor beneficiary *and one or more additional payees*
13 to receive the payments provided pursuant to this section if the
14 judge is unmarried on the date of his death. A designation pursuant
15 to this section must be made on a form approved by the Court
16 Administrator. *If the district judge has designated one or more*
17 *payees in addition to the survivor beneficiary, the district judge*
18 *must designate the percentage of the payments that the survivor*
19 *beneficiary and each additional payee is entitled to receive.*

20 2. ~~{H}~~ *Except as otherwise provided in this subsection, if* a
21 district judge at the time of his death had retired and was then
22 receiving a pension pursuant to the provisions of NRS 3.090, or if at
23 the time of his death the *district* judge had not retired but had
24 performed sufficient service for retirement pursuant to the
25 provisions of NRS 3.090, the survivor beneficiary designated
26 pursuant to subsection 1, if the survivor beneficiary has attained the
27 age of 60 years, is entitled, until his death, to receive monthly
28 payments of \$2,500 per month. *If the district judge had designated*
29 *one or more payees in addition to the survivor beneficiary*
30 *pursuant to subsection 1, the monthly payments paid pursuant to*
31 *this subsection must be divided between the survivor beneficiary*
32 *and any additional payee in the proportion designated by the*
33 *district judge pursuant to subsection 1.*

34 3. ~~{H}~~ *Except as otherwise provided in this subsection, if* a
35 survivor beneficiary of a *district* judge is not eligible to receive
36 benefits pursuant to subsection 2, he is entitled, until his death or
37 until he becomes eligible to receive those benefits, to receive
38 payments equal in amount to the payment provided in subsection 1
39 of NRS 286.67675 for the survivor beneficiary of a deceased
40 member of the Public Employees' Retirement System. *If the district*
41 *judge had designated one or more payees in addition to the*
42 *survivor beneficiary pursuant to subsection 1, the payments paid*
43 *pursuant to this subsection must be divided between the survivor*
44 *beneficiary and any additional payee in the proportion designated*
45 *by the district judge pursuant to subsection 1.*



1 4. To obtain ~~[these benefits,]~~ *the benefits authorized by*
2 *subsection 3*, the survivor beneficiary must make application to the
3 Executive Officer of the Public Employees' Retirement ~~[Fund]~~
4 *Board* and furnish such information as may be required pursuant to
5 reasonable regulations adopted for the purpose of carrying out the
6 intent of this section.

7 5. Any person receiving a benefit pursuant to the provisions of
8 this section is entitled to receive postretirement increases equal to
9 those provided for persons retired pursuant to the Public Employees'
10 Retirement System.

11 6. It is the intent of this section that no special fund be created
12 for the purpose of paying these benefits, and all payments made
13 pursuant to the provisions of this section are to be made out of and
14 charged to the Judicial Retirement Fund established pursuant to
15 NRS 1A.160.

16 **Sec. 44.** The designation of a position for which there is a
17 critical labor shortage pursuant to NRS 1A.380 or 286.523 expires
18 on the date on which the authority to make the designation expires.

19 **Sec. 45.** 1. This section and sections 1 to 26, inclusive, and
20 32 to 37, inclusive, and 44 of this act become effective on July 1,
21 2003.

22 2. Sections 27 to 31, inclusive, and 38 to 43, inclusive, of this
23 act become effective on January 1, 2004.

24 3. Sections 20, 21, 35 and 36 of this act expire by limitation on
25 June 30, 2005.

