

SENATE BILL NO. 45—SENATOR MATHEWS

PREFILED JANUARY 30, 2003

Referred to Committee on Finance

SUMMARY—Revises requirements concerning eligibility to participate in Public Employees’ Retirement System as police officer under certain early retirement provisions. (BDR 23-307)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Public Employees’ Retirement System; revising the requirements concerning eligibility to participate in the System as a police officer under certain early retirement provisions; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 286.061 is hereby amended to read as follows:
2 286.061 **1.** “Police officer” means a member who is ~~f:~~
3 ~~1. Filling~~ **filling** a full-time position with a participating public
4 employer ~~[, the principal duties of which require emotional stability~~
5 ~~and physical capacity in protecting the public and enforcing the laws~~
6 ~~of the State of Nevada or any of its political subdivisions.~~
7 ~~2. The former holder of a position defined in subsection 1 who~~
8 ~~has:~~
9 ~~(a) Earned at least 2 years of creditable service in that position;~~
10 ~~and~~
11 ~~(b) Been promoted or transferred within the chain of command~~
12 ~~by the same public employer to a position related to the protection~~
13 ~~of the public and law enforcement.~~



1 ~~3. The former holder of a position defined in subsection 1 who:~~
 2 ~~(a) Has earned at least 2 years of creditable service in that~~
 3 ~~position; and~~
 4 ~~(b) Is employed by a different employer in a position that would~~
 5 ~~have been eligible under paragraph (b) of subsection 2 had he~~
 6 ~~remained with his former employer.] pursuant to which the~~
 7 *member has some or all of the powers of a peace officer pursuant*
 8 *to NRS 289.150 to 289.360, inclusive.*

9 *2. The term does not include:*
 10 *(a) A person who has the powers of a peace officer pursuant to*
 11 *subsection 2 of NRS 289.190;*
 12 *(b) A person who has concurrent power with peace officers*
 13 *pursuant to subsection 3 of NRS 289.190; or*
 14 *(c) The Commissioner of Insurance or the Chief Deputy of the*
 15 *Commissioner of Insurance pursuant to NRS 289.310.*

16 **Sec. 2.** NRS 286.211 is hereby amended to read as follows:
 17 286.211 1. The Board shall, with the advice of the Interim
 18 Retirement and Benefits Committee of the Legislature created
 19 pursuant to NRS 218.5373:

20 (a) Adopt regulations for the evaluation of requests *from*
 21 *firemen* for enrollment under the Police and Firemen’s Retirement
 22 Fund; and
 23 (b) Determine those positions eligible under the early retirement
 24 provisions for ~~[police officers and]~~ firemen.

25 2. Service in any position which has not been determined by
 26 the Board to be eligible does not entitle a member to early
 27 retirement as a fireman. ~~[or police officer.]~~

28 **Sec. 3.** NRS 286.410 is hereby amended to read as follows:
 29 286.410 1. The employee contribution rate must be:

30 (a) The matching contribution rate for employees and employers
 31 that is actuarially determined for police officers and firemen 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
 39 1 percent.

40 2. The employee’s portion of the matching contribution rate for
 41 employees and employers must not be adjusted in accordance with
 42 the provisions of paragraph (b) of subsection 1 if the existing rate is
 43 within one-quarter of 1 percent of the actuarially determined rate.

44 3. From each payroll during the period of his membership, the
 45 employer shall deduct the amount of the member’s contributions



1 and transmit the deduction to the Board at intervals designated and
2 upon forms prescribed by the Board. The contributions must be paid
3 on compensation earned by a member from his first day of service.

4 4. Any employee whose position ~~[is determined]~~ after July 1,
5 1971, ~~[to be]~~ *becomes* eligible under the early retirement provisions
6 for police officers and firemen shall contribute the additional
7 contributions required of police officers and firemen from July 1,
8 1971, to the date of his enrollment under the Police and Firemen's
9 Retirement Fund, if employment in this position occurred before
10 July 1, 1971, or from date of employment in this position to the date
11 of his enrollment under the Police and Firemen's Retirement Fund,
12 if employment occurs later.

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

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

25 **Sec. 4.** 1. The Public Employees' Retirement Board shall
26 allow any police officer who is serving in a position for which he is
27 enrolled under the Police and Firemen's Retirement Fund on
28 June 30, 2003, to continue to be eligible under the early retirement
29 provisions for police officers as long as the police officer remains in
30 that position.

31 2. As used in this section, "police officer" has the meaning
32 ascribed to it in NRS 286.061 as that section existed on June 30,
33 2003.

34 **Sec. 5.** This act becomes effective on July 1, 2003.

