

SENATE BILL NO. 308—SENATOR FLORES

MARCH 20, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to educational personnel. (BDR 23-1018)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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

AN ACT relating to public employees; reducing the number of years of service required for eligibility to receive retirement benefits for certain persons, other than police officers or firefighters, who become members of the Public Employees’ Retirement System on or after July 1, 2023; prohibiting a school district from contracting or partnering with persons or entities who charge more than a certain amount of fees and costs related to the employment of certain visa holders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the board of trustees of a school district or the
- 2 governing body of a charter school to employ teachers and instructors under teacher
- 3 exchange programs authorized by federal law. (NRS 391.070) Under existing
- 4 federal regulations, the participation of the teacher or instructor in the program is
- 5 prohibited from exceeding 3 years but may be extended for 1 or 2 years under
- 6 certain circumstances. (22 C.F.R. § 62.24 (j), (k))
- 7 Existing law provides that a person who becomes a member of the Public
- 8 Employees’ Retirement System on or after July 1, 2015, other than a police officer
- 9 or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years
- 10 of service, at 62 years of age if he or she has at least 10 years of service, at 55 years
- 11 of age if he or she has at least 30 years of service, and at any age if he or she has at
- 12 least 33 1/3 years of service. (NRS 286.510) **Section 1.3** of this bill provides that a
- 13 person who becomes a member of the System on or after July 1, 2023, other than a
- 14 police officer or firefighter, is eligible to retire at 65 years of age if he or she has at
- 15 least 3 years of service, at 62 years of age if he or she has at least 10 years of
- 16 service, at 55 years of age if he or she has at least 30 years of service and at any age
- 17 if he or she has at least 33 1/3 years of service.



18       **Section 1.6** of this bill prohibits a school district that employs, or intends to  
19 employ, a J-1 visa holder through a teacher exchange program from entering into a  
20 contract or partnering with a person or entity that is a sponsor of such a program or  
21 recruits candidates for such a program if the total amount of the fees and costs  
22 charged per person who participates in, or applies to be a candidate for, the  
23 program exceeds \$5,000. **Section 2.5** of this bill provides that this prohibition does  
24 not apply to a contract or partnership existing on July 1, 2023, but does apply to  
25 any renewal or extension of such a contract or partnership after that date.

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

1       **Section 1.** (Deleted by amendment.)

2       **Sec. 1.3.** NRS 286.510 is hereby amended to read as follows:

3       286.510 1. Except as otherwise provided in subsections 2 and  
4 3, a member of the System:

5       (a) Who has an effective date of membership before January 1,  
6 2010, is eligible to retire at age 65 if the member has at least 5 years  
7 of service, at age 60 if the member has at least 10 years of service  
8 and at any age if the member has at least 30 years of service.

9       (b) Who has an effective date of membership on or after  
10 January 1, 2010, and before July 1, 2015, is eligible to retire at age  
11 65 if the member has at least 5 years of service, at age 62 if the  
12 member has at least 10 years of service and at any age if the  
13 member has at least 30 years of service.

14       (c) Who has an effective date of membership on or after July 1,  
15 2015, *and before July 1, 2023*, is eligible to retire at age 65 if the  
16 member has at least 5 years of service, at age 62 if the member has  
17 at least 10 years of service, at age 55 if the member has at least 30  
18 years of service and at any age if the member has at least 33 1/3  
19 years of service. For the purposes of this paragraph, any year or part  
20 of a year of service purchased by a member pursuant to subsection 2  
21 or 3 of NRS 286.300 or purchased on behalf of the member pursuant  
22 to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005  
23 and subsections 1 and 2 of NRS 286.3007 must not be considered in  
24 determining the number of years of service of a member unless the  
25 member has a family medical emergency. For the purposes of this  
26 paragraph, the Board shall define by regulation “family medical  
27 emergency” and set forth by regulation the circumstances in which  
28 purchased service credit may be considered in determining the  
29 number of years of service of a member who has a family medical  
30 emergency.

31       *(d) Who has an effective date of membership on or after*  
32 *July 1, 2023, is eligible to retire at age 65 if the member has at*  
33 *least 3 years of service, at age 62 if the member has at least 10*  
34 *years of service, at age 55 if the member has at least 30 years of*



1 *service and at any age if the member has at least 33 1/3 years of*  
2 *service. For the purposes of this paragraph, any year or part of a*  
3 *year of service purchased by a member pursuant to subsection 2 or*  
4 *3 of NRS 286.300 or purchased on behalf of the member pursuant*  
5 *to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005*  
6 *and subsections 1 and 2 of NRS 286.3007 must not be considered*  
7 *in determining the number of years of service of a member unless*  
8 *the member has a family medical emergency. For the purposes of*  
9 *this paragraph, the Board shall define by regulation “family*  
10 *medical emergency” and set forth by regulation the circumstances*  
11 *in which purchased service credit may be considered in*  
12 *determining the number of years of service of a member who has a*  
13 *family medical emergency.*

14 2. A police officer or firefighter:

15 (a) Who has an effective date of membership before January 1,  
16 2010, is eligible to retire at age 65 if the police officer or firefighter  
17 has at least 5 years of service, at age 55 if the police officer or  
18 firefighter has at least 10 years of service, at age 50 if the police  
19 officer or firefighter has at least 20 years of service and at any age if  
20 the police officer or firefighter has at least 25 years of service.

21 (b) Who has an effective date of membership on or after  
22 January 1, 2010, and before July 1, 2015, is eligible to retire at age  
23 65 if the police officer or firefighter has at least 5 years of service, at  
24 age 60 if the police officer or firefighter has at least 10 years of  
25 service and at age 50 if the police officer or firefighter has at least  
26 20 years of service.

27 (c) Who has an effective date of membership on or after July 1,  
28 2015, is eligible to retire at age 65 if the police officer or firefighter  
29 has at least 5 years of service, at age 60 if the police officer or  
30 firefighter has at least 10 years of service and at age 50 if the police  
31 officer or firefighter has at least 20 years of service. For the  
32 purposes of this paragraph, any year or part of a year of service  
33 purchased by a police officer or firefighter pursuant to subsection 2  
34 or 3 of NRS 286.300 or subsection 7 of NRS 286.367 or purchased  
35 on behalf of the police officer or firefighter as authorized by NRS  
36 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be  
37 considered in determining the number of years of service of a police  
38 officer or firefighter unless the police officer or firefighter has a  
39 family medical emergency. For the purposes of this paragraph, the  
40 Board shall define by regulation “family medical emergency” and  
41 set forth by regulation the circumstances in which purchased service  
42 credit may be considered in determining the number of years of  
43 service of a police officer or firefighter who has a family medical  
44 emergency.



1 ↪ Only service performed in a position as a police officer or  
2 firefighter, established as such by statute or regulation, service  
3 performed pursuant to subsection 3 and credit for military service,  
4 may be counted toward eligibility for retirement pursuant to this  
5 subsection.

6 3. Except as otherwise provided in subsection 4, a police  
7 officer or firefighter who has at least 5 years of service as a police  
8 officer or firefighter and is otherwise eligible to apply for disability  
9 retirement pursuant to NRS 286.620 because of an injury arising out  
10 of and in the course of the police officer's or firefighter's  
11 employment remains eligible for retirement pursuant to subsection 2  
12 if:

13 (a) The police officer or firefighter applies to the Board for  
14 disability retirement and the Board approves the police officer's or  
15 firefighter's application;

16 (b) In lieu of a disability retirement allowance, the police officer  
17 or firefighter accepts another position with the public employer with  
18 which the police officer or firefighter was employed when the police  
19 officer or firefighter became disabled as soon as practicable but not  
20 later than 90 days after the Board approves the police officer's or  
21 firefighter's application for disability retirement;

22 (c) The police officer or firefighter remains continuously  
23 employed by that public employer until the police officer or  
24 firefighter becomes eligible for retirement pursuant to subsection 2;  
25 and

26 (d) After the police officer or firefighter accepts a position  
27 pursuant to paragraph (b), the police officer's or firefighter's  
28 contributions are paid at the rate that is actuarially determined for  
29 police officers and firefighters until the police officer or firefighter  
30 becomes eligible for retirement pursuant to subsection 2.

31 4. If a police officer or firefighter who accepted another  
32 position with the public employer with which the police officer or  
33 firefighter was employed when the police officer or firefighter  
34 became disabled pursuant to subsection 3 ceases to work for that  
35 public employer before becoming eligible to retire pursuant to  
36 subsection 2, the police officer or firefighter may begin to receive a  
37 disability retirement allowance without further approval by the  
38 Board by notifying the Board on a form prescribed by the Board.

39 5. Eligibility for retirement, as provided in this section, does  
40 not require the member to have been a participant in the System at  
41 the beginning of the police officer's or firefighter's credited service.

42 6. Any member who has the years of creditable service  
43 necessary to retire but has not attained the required age, if any, may  
44 retire at any age with a benefit actuarially reduced to the required  
45 retirement age. Except as otherwise required as a result of



1 NRS 286.537, a retirement benefit pursuant to this subsection must  
2 be reduced:

3 (a) If the member has an effective date of membership before  
4 January 1, 2010, by 4 percent of the unmodified benefit for each full  
5 year that the member is under the appropriate retirement age, and an  
6 additional 0.33 percent for each additional month that the member is  
7 under the appropriate retirement age.

8 (b) If the member has an effective date of membership on or  
9 after January 1, 2010, by 6 percent of the unmodified benefit for  
10 each full year that the member is under the appropriate retirement  
11 age, and an additional 0.5 percent for each additional month that the  
12 member is under the appropriate retirement age.

13 ↪ Any option selected pursuant to this subsection must be reduced  
14 by an amount proportionate to the reduction provided in this  
15 subsection for the unmodified benefit. The Board may adjust the  
16 actuarial reduction based upon an experience study of the System  
17 and recommendation by the actuary.

18 **Sec. 1.6.** Chapter 388 of NRS is hereby amended by adding  
19 thereto a new section to read as follows:

20 *1. A school district in this State that employs, or intends to*  
21 *employ, a J-1 visa holder pursuant to a teacher exchange program*  
22 *shall not enter into a contract or partner with any person or entity*  
23 *that is a sponsor of such a program or that recruits candidates for*  
24 *such a program if the total amount of fees and costs charged per*  
25 *person who participates in, or applies to be a candidate for, the*  
26 *program exceeds \$5,000.*

27 *2. As used in this section, "J-1 visa holder" means a person*  
28 *who holds a visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J).*

29 **Sec. 2.** (Deleted by amendment.)

30 **Sec. 2.5.** The provisions of section 1.6 of this act do not apply  
31 to a contract or partnership existing on July 1, 2023, but do apply to  
32 any renewal or extension of such a contract.

33 **Sec. 3.** This act becomes effective on July 1, 2023.

