

ASSEMBLY BILL NO. 92—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 15, 2008

Referred to Committee on Ways and Means

SUMMARY—Revises the provisions governing the benefits of a retired justice or judge. (BDR 1-400)

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

~

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

AN ACT relating to the judiciary; revising the provisions governing the benefits of a retired justice or judge; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1, 3 and 10** of this bill permit a retired justice or judge who has not
2 reached the maximum service time allowable under the Judicial Retirement System
3 or the Public Employees’ Retirement System and who is reemployed and
4 commissioned as a senior justice, senior judge, senior justice of the peace or senior
5 municipal court judge to reenroll in any retirement plan in which he was previously
6 enrolled. (NRS 1A.260, 1A.370, 286.525) **Sections 2, 3 and 5-10** of this bill
7 provide that a retired justice or judge who is reemployed and commissioned as a
8 senior justice senior judge, senior justice of the peace or senior municipal court
9 judge is entitled to receive a retirement allowance in addition to compensation for
10 his service. (NRS 1A.360, 1A.370, 2.060, 3.090, 286.520, 286.525) **Sections 3, 5-8**
11 **and 10** provide that a retired justice or judge who is reemployed and commissioned
12 as a senior justice, senior judge, senior justice of the peace or senior municipal
13 court judge and who reenrolled in a retirement plan is entitled to receive additional
14 service credit for actual time served. (NRS 1A.370, 2.060, 3.090, 286.525)

15 Finally, **section 4** of this bill clarifies that a member of the Judicial Retirement
16 Plan who is receiving a pension is entitled to receive postretirement increases equal
17 to those provided for members retired under the Public Employees’ Retirement
18 System. (NRS 1A.440)



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

1 **Section 1.** NRS 1A.260 is hereby amended to read as follows:

2 1A.260 ~~[H.]~~ No person may become a member of the System
3 unless he is ~~[a]~~:

4 1. A justice of the Supreme Court ~~[or a]~~;

5 2. A district judge ~~[, or a]~~;

6 3. A justice of the peace or municipal judge who is allowed and
7 elects to participate in the Judicial Retirement Plan pursuant to
8 NRS 1A.285 ~~[~~:

9 ~~2. Except as otherwise provided in NRS 1A.370, persons
10 retired under the provisions of this chapter who are employed as a
11 justice of the Supreme Court, district judge, justice of the peace or
12 municipal judge in any judicial capacity, including, without
13 limitation, employment as a senior justice, senior judge, senior
14 justice of the peace or senior municipal judge of the Nevada Court
15 System, are not eligible to become members of the System.] ; or~~

16 4. *A retired justice or judge who is recalled to active service
17 as a senior justice, senior judge, senior justice of the peace or
18 senior municipal judge in the Nevada Court System and who was
19 previously enrolled in the Judicial Retirement Plan.*

20 **Sec. 2.** NRS 1A.360 is hereby amended to read as follows:

21 1A.360 1. ~~[Except as otherwise provided in subsection 4 and
22 NRS 1A.370, if a retired justice or judge accepts employment as a
23 justice of the Supreme Court, district judge, justice of the peace or
24 municipal judge in any judicial capacity, including, without
25 limitation, employment]~~ *A retired justice or judge may, pursuant to
26 rules adopted by the Supreme Court, be recalled to active service,
27 reemployed and issued a commission as a senior justice, senior
28 judge, senior justice of the peace or senior municipal judge of the
29 Nevada Court System [, he is disqualified from receiving any
30 allowances under the Judicial Retirement Plan for the duration of his
31 active service.] and be compensated for serving as a senior justice,
32 senior judge, senior justice of the peace or senior municipal judge
33 of the Nevada Court System.*

34 2. ~~[H-a]~~ A retired justice or judge *who* accepts ~~[any]~~
35 employment ~~[other than that described in subsection 1, the justice or
36 judge]~~ *as a senior justice, senior judge, senior justice of the peace
37 or senior municipal judge of the Nevada Court System* is entitled
38 to the same *retirement* allowances *under the Judicial Retirement
39 Plan* as a retired justice or judge who has no employment.

40 3. If a retired justice or judge who accepts employment as a
41 justice of the Supreme Court, district judge, justice of the peace or
42 municipal judge in a judicial capacity pursuant to this section elects



1 not to reenroll in the Judicial Retirement Plan pursuant to subsection
2 1 of NRS 1A.370, the Court Administrator if the retired justice or
3 judge is a justice of the Supreme Court or a district judge, the
4 county if the retired justice or judge is a justice of the peace or the
5 city if the retired justice or judge is a municipal judge, may pay
6 contributions on behalf of the retired justice or judge to a retirement
7 fund which is not a part of the Judicial Retirement Plan in an
8 amount not to exceed the amount of the contributions that the Court
9 Administrator, county or city would pay to the System on behalf of
10 a participating justice or judge who is employed in a similar
11 position.

12 ~~[4. The System may waive, for one period of 30 days or less, a
13 retired justice of the Supreme Court's or district judge's
14 disqualification under this section if the Chief Justice of the
15 Supreme Court certifies in writing, in advance, that the retired
16 justice of the Supreme Court or district judge is recalled to meet an
17 emergency and that no other qualified person is immediately
18 available. The System may waive, for one period of 30 days or less,
19 a retired justice of the peace's disqualification under this section if
20 the board of county commissioners of the jurisdiction in which the
21 justice of the peace is to be assigned certifies in writing, in advance,
22 that the retired justice of the peace is recalled to meet an emergency
23 and that no other qualified person is immediately available. The
24 System may waive, for one period of 30 days or less, a retired
25 municipal judge's disqualification under this section if the city
26 council of the jurisdiction in which the municipal judge is to be
27 assigned certifies in writing, in advance, that the retired municipal
28 judge is recalled to meet an emergency and that no other qualified
29 person is immediately available.]~~

30 **Sec. 3.** NRS 1A.370 is hereby amended to read as follows:

31 1A.370 1. A retired justice or judge who accepts employment
32 as a justice of the Supreme Court, district judge, justice of the peace
33 or municipal judge ~~[in any judicial capacity, including, without
34 limitation, employment as a senior justice, senior judge, senior
35 justice of the peace or senior municipal judge of the Nevada Court
36 System,]~~ may enroll in the Judicial Retirement Plan as of the
37 effective date of that employment. As of the date of enrollment:

38 (a) ~~[He]~~ *Except as otherwise provided in subsection 5, he*
39 forfeits all retirement allowances for the duration of that
40 employment; and

41 (b) Except as otherwise required as a result of NRS 1A.400 or
42 1A.410, if the duration of the employment is at least 6 months, he
43 gains additional service credit for that employment and is entitled to
44 have a separate service retirement allowance calculated based on his



1 compensation and service, effective upon the termination of that
2 employment. If the duration of the employment is:

3 (1) Less than 5 years, the additional allowance must be added
4 to his original allowance and must be under the same option and
5 designate the same beneficiary as the original allowance; or

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

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

15 (a) NRS 1A.440; and

16 (b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415.

17 3. Except as otherwise required as a result of NRS 1A.400 or
18 1A.410, a retired justice or judge who has been receiving a
19 retirement allowance pursuant to the Judicial Retirement Plan and
20 who is reemployed and is enrolled in the Plan for at least 5 years
21 may have his additional credit for service added to his previous
22 credit for service. This additional credit for service must not apply
23 to more than one period of employment after the original retirement.

24 4. The survivor of a deceased member of the Judicial
25 Retirement Plan who had previously retired and was reemployed
26 and enrolled in the Plan, who qualifies for benefits pursuant to NRS
27 1A.340 and 1A.530 to 1A.670, inclusive, is eligible for the benefits
28 based on the service accrued through the second period of
29 employment.

30 *5. The provisions of subsections 1 to 4, inclusive, apply to a*
31 *retired justice or judge who is reemployed and receives a*
32 *commission as a senior justice, senior judge, senior justice of the*
33 *peace or senior municipal court judge, except that such a person*
34 *does not forfeit retirement allowances for the duration of that*
35 *employment.*

36 **Sec. 4.** NRS 1A.440 is hereby amended to read as follows:

37 1A.440 Except as otherwise required as a result of NRS
38 1A.400 or 1A.410:

39 1. Except as otherwise provided in this subsection, a monthly
40 service retirement allowance must be determined by multiplying a
41 member of the Judicial Retirement Plan's average compensation by
42 3.4091 percent for each year of service, except that a member of the
43 Plan is entitled to a benefit of not more than 75 percent of his
44 average compensation.



1 2. *A member of the Plan who is receiving a pension pursuant*
2 *to the provisions of this section is entitled to receive postretirement*
3 *increases equal to those provided for members retired under the*
4 *Public Employees' Retirement System.*

5 3. For the purposes of this section, "average compensation"
6 means the average of a member of the Plan's 36 consecutive months
7 of highest compensation as certified by the Court Administrator if
8 the member is a justice of the Supreme Court or a district judge, by
9 the county if the member is a justice of the peace or by the city if the
10 member is a municipal judge.

11 **Sec. 5.** NRS 2.060 is hereby amended to read as follows:

12 2.060 1. Any justice of the Supreme Court who has served as
13 a justice or judge of a district court in any one or more of those
14 courts for a period or periods aggregating 22 years and has ended
15 such service is, after reaching the age of 60 years, entitled to receive
16 annually from the State of Nevada, as a pension during the
17 remainder of his life, a sum of money equal in amount to three-
18 fourths the sum received as a salary for his judicial services during
19 the last year thereof, payable monthly from the Judicial Retirement
20 Fund established pursuant to NRS 1A.160.

21 2. Any justice of the Supreme Court who has served as a
22 justice or judge of a district court in any one or more of those courts
23 for a period or periods aggregating 5 years and has ended such
24 service is, after reaching the age of 60 years, entitled to receive
25 annually from the State of Nevada, as a pension during the
26 remainder of his life, a sum of money equal in amount to 4.1666
27 percent of the sum received as a salary for his judicial services
28 during the last year thereof, payable monthly from the Judicial
29 Retirement Fund established pursuant to NRS 1A.160.

30 3. Any justice of the Supreme Court who qualifies for a
31 pension under the provisions of subsection 2 is entitled to receive,
32 for each year served beyond 5 years up to a maximum of 22 years,
33 an additional 4.1666 percent of the sum received as a salary for his
34 judicial services during the last year thereof, payable as provided in
35 subsection 2.

36 4. Any justice who has retired pursuant to subsection 3 and is
37 thereafter recalled to additional active service in the court system is
38 entitled to receive credit toward accumulating 22 years' service for
39 the maximum pension based upon the time he actually spends in the
40 additional active service.

41 5. Any justice who has the years of service necessary to retire
42 but has not attained the required age may retire at any age with a
43 benefit actuarially reduced to the required retirement age. A benefit
44 under this subsection must be reduced in the same manner as



1 benefits are reduced for persons retired under the Public Employees'
2 Retirement System.

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

7 7. Any justice who desires to receive the benefits of this
8 section must file with the Executive Officer of the Public
9 Employees' Retirement Board an affidavit setting forth the fact that
10 he is ending his service, the date and place of his birth, and the years
11 he has served in any district court or the Supreme Court.

12 8. *Any justice who has retired and is thereafter recalled to*
13 *additional active service in the court system as a senior justice is*
14 *entitled to receive a retirement allowance during the period of*
15 *reemployment in addition to compensation for services.*

16 9. The faith of the State of Nevada is hereby pledged that this
17 section shall not be repealed or amended so as to affect any justice
18 who may have ended his service pursuant to it.

19 ~~9-~~ 10. As used in this section, "salary" includes a salary
20 received for service on a Supreme Court commission created by
21 statute.

22 **Sec. 6.** NRS 2.060 is hereby amended to read as follows:

23 2.060 1. Any justice of the Supreme Court who has served as
24 a justice or judge of a district court in any one or more of those
25 courts for a period or periods aggregating 22 years and has ended
26 such service is, after reaching the age of 60 years, entitled to receive
27 annually from the State of Nevada, as a pension during the
28 remainder of his life, a sum of money equal in amount to three-
29 fourths the sum received as a salary for his judicial services during
30 the last year thereof, payable monthly from the Judicial Retirement
31 Fund established pursuant to NRS 1A.160.

32 2. Any justice of the Supreme Court who has served as a
33 justice or judge of a district court in any one or more of those courts
34 for a period or periods aggregating 5 years and has ended such
35 service is, after reaching the age of 60 years, entitled to receive
36 annually from the State of Nevada, as a pension during the
37 remainder of his life, a sum of money equal in amount to 4.1666
38 percent of the sum received as a salary for his judicial services
39 during the last year thereof, payable monthly from the Judicial
40 Retirement Fund established pursuant to NRS 1A.160.

41 3. Any justice of the Supreme Court who qualifies for a
42 pension under the provisions of subsection 2 is entitled to receive,
43 for each year served beyond 5 years up to a maximum of 22 years,
44 an additional 4.1666 percent of the sum received as a salary for his



1 judicial services during the last year thereof, payable as provided in
2 subsection 2.

3 4. Any justice who has retired pursuant to subsection 3 and is
4 thereafter recalled to additional active service in the court system is
5 entitled to receive credit toward accumulating 22 years' service for
6 the maximum pension based upon the time he actually spends in the
7 additional active service.

8 5. Any justice who has the years of service necessary to retire
9 but has not attained the required age may retire at any age with a
10 benefit actuarially reduced to the required retirement age. A benefit
11 under this subsection must be reduced in the same manner as
12 benefits are reduced for persons retired under the Public Employees'
13 Retirement System.

14 6. Any person receiving a pension pursuant to the provisions of
15 this section is entitled to receive postretirement increases equal to
16 those provided for persons retired under the Public Employees'
17 Retirement System.

18 7. Any justice who desires to receive the benefits of this
19 section must file with the Executive Officer of the Public
20 Employees' Retirement Board an affidavit setting forth the fact that
21 he is ending his service, the date and place of his birth, and the years
22 he has served in any district court or the Supreme Court.

23 8. *Any justice who has retired and is thereafter recalled to*
24 *additional active service in the court system as a senior justice is*
25 *entitled to receive a retirement allowance during the period of*
26 *reemployment in addition to compensation for services.*

27 9. The faith of the State of Nevada is hereby pledged that this
28 section shall not be repealed or amended so as to affect any justice
29 who may have ended his service pursuant to it.

30 **Sec. 7.** NRS 3.090 is hereby amended to read as follows:

31 3.090 1. Any judge of the district court who has served as a
32 justice of the Supreme Court or judge of a district court in any one
33 or more of those courts for a period or periods aggregating 22 years
34 and has ended such service is, after reaching the age of 60 years,
35 entitled to receive annually from the State of Nevada, as a pension
36 during the remainder of his life, a sum of money equal in amount to
37 three-fourths the sum received as a salary for his judicial services
38 during the last year thereof, payable monthly from the Judicial
39 Retirement Fund established pursuant to NRS 1A.160.

40 2. Any judge of the district court who has served as a justice of
41 the Supreme Court or judge of a district court in any one or more of
42 those courts for a period or periods aggregating 5 years and has
43 ended such service is, after reaching the age of 60 years, entitled to
44 receive annually from the State of Nevada, as a pension during the
45 remainder of his life, a sum of money equal in amount to 4.1666



1 percent of the sum received as a salary for his judicial services
2 during the last year thereof, payable monthly from the Judicial
3 Retirement Fund established pursuant to NRS 1A.160.

4 3. Any judge of the district court who qualifies for a pension
5 under the provisions of subsection 2 is entitled to receive, for each
6 year served beyond 5 years up to a maximum of 22 years, an
7 additional 4.1666 percent of the sum received as a salary for his
8 judicial services during the last year thereof, payable as provided in
9 subsection 2.

10 4. Any judge who has retired pursuant to subsection 3 and is
11 thereafter recalled to additional active service in the court system is
12 entitled to receive credit toward accumulating 22 years' service for
13 the maximum pension based upon the time he actually spends in the
14 additional active service.

15 5. Any district judge who has the years of service necessary to
16 retire but has not attained the required age may retire at any age with
17 a benefit actuarially reduced to the required retirement age. A
18 retirement benefit under this subsection must be reduced in the same
19 manner as benefits are reduced for persons retired under the Public
20 Employees' Retirement System.

21 6. Any person receiving a pension pursuant to the provisions of
22 this section is entitled to receive postretirement increases equal to
23 those provided for persons retired in the Public Employees'
24 Retirement System.

25 7. Any judge of the district court who desires to receive the
26 benefits of this section must file with the Executive Officer of the
27 Public Employees' Retirement Board an affidavit setting forth
28 the fact that he is ending his service, the date and place of his birth,
29 and the years he has served in any district court or the Supreme
30 Court.

31 8. *Any judge who has retired and is thereafter recalled to*
32 *additional active service in the court system as a senior judge,*
33 *senior justice of the peace or senior municipal court judge is*
34 *entitled to receive a retirement allowance during the period of*
35 *reemployment in addition to compensation for services.*

36 9. The faith of the State of Nevada is hereby pledged that this
37 section shall not be repealed or amended so as to affect any judge of
38 the district court who may have ended his service pursuant to it.

39 ~~9~~ 10. As used in this section, "salary" includes a salary
40 received for service on a District Court Commission created by
41 statute.

42 **Sec. 8.** NRS 3.090 is hereby amended to read as follows:

43 3.090 1. Any judge of the district court who has served as a
44 justice of the Supreme Court or judge of a district court in any one
45 or more of those courts for a period or periods aggregating 22 years



1 and has ended such service is, after reaching the age of 60 years,
2 entitled to receive annually from the State of Nevada, as a pension
3 during the remainder of his life, a sum of money equal in amount to
4 three-fourths the sum received as a salary for his judicial services
5 during the last year thereof, payable monthly from the Judicial
6 Retirement Fund established pursuant to NRS 1A.160.

7 2. Any judge of the district court who has served as a justice of
8 the Supreme Court or judge of a district court in any one or more of
9 those courts for a period or periods aggregating 5 years and has
10 ended such service is, after reaching the age of 60 years, entitled to
11 receive annually from the State of Nevada, as a pension during the
12 remainder of his life, a sum of money equal in amount to 4.1666
13 percent of the sum received as a salary for his judicial services
14 during the last year thereof, payable monthly from the Judicial
15 Retirement Fund established pursuant to NRS 1A.160.

16 3. Any judge of the district court who qualifies for a pension
17 under the provisions of subsection 2 is entitled to receive, for each
18 year served beyond 5 years up to a maximum of 22 years, an
19 additional 4.1666 percent of the sum received as a salary for his
20 judicial services during the last year thereof, payable as provided in
21 subsection 2.

22 4. Any judge who has retired pursuant to subsection 3 and is
23 thereafter recalled to additional active service in the court system is
24 entitled to receive credit toward accumulating 22 years' service for
25 the maximum pension based upon the time he actually spends in the
26 additional active service.

27 5. Any district judge who has the years of service necessary to
28 retire but has not attained the required age may retire at any age with
29 a benefit actuarially reduced to the required retirement age. A
30 retirement benefit under this subsection must be reduced in the same
31 manner as benefits are reduced for persons retired under the Public
32 Employees' Retirement System.

33 6. Any person receiving a pension pursuant to the provisions of
34 this section is entitled to receive postretirement increases equal to
35 those provided for persons retired in the Public Employees'
36 Retirement System.

37 7. Any judge of the district court who desires to receive the
38 benefits of this section must file with the Executive Officer of
39 the Public Employees' Retirement Board an affidavit setting forth
40 the fact that he is ending his service, the date and place of his birth,
41 and the years he has served in any district court or the Supreme
42 Court.

43 8. *Any judge who has retired and is thereafter recalled to*
44 *additional active service in the court system as a senior judge,*
45 *senior justice of the peace or senior municipal court judge is*



1 *entitled to receive a retirement allowance during the period of*
2 *reemployment in addition to compensation for services.*

3 **9.** The faith of the State of Nevada is hereby pledged that this
4 section shall not be repealed or amended so as to affect any judge of
5 the district court who may have ended his service pursuant to it.

6 **Sec. 9.** NRS 286.520 is hereby amended to read as follows:

7 286.520 1. Except as otherwise provided in this section and
8 NRS 286.525, the consequences of the employment of a retired
9 employee are:

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

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

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

18 (b) If a retired employee accepts employment or an independent
19 contract with a public employer under this System more than 90
20 calendar days after the effective date of his retirement in a position
21 which is not eligible to participate in this System, his allowance
22 under this System terminates upon his earning an amount equal to
23 one-half of the average salary for participating public employees
24 who are not police officers or firefighters in any fiscal year, for the
25 duration of that employment or contract.

26 (c) If a retired employee accepts employment with an employer
27 who is not a public employer under this System, the employee is
28 entitled to the same allowances as a retired employee who has no
29 employment.

30 2. The retired employee and the public employer shall notify
31 the System:

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

34 (b) Within 30 days after the first day of an employment or
35 contract governed by paragraph (b) of subsection 1.

36 (c) Within 10 days after a retired employee earns more than one-
37 half of the average salary for participating public employees who
38 are not police officers or firefighters in any fiscal year from an
39 employment or contract governed by paragraph (b) of subsection 1.

40 3. For the purposes of this section, the average salary for
41 participating public employees who are not police officers or
42 firefighters must be computed on the basis of the most recent
43 actuarial valuation of the System.

44 4. If a retired employee who accepts employment or an
45 independent contract with a public employer under this System



1 pursuant to this section elects not to reenroll in the System pursuant
2 to subsection 1 of NRS 286.525, the public employer with which the
3 retired employee accepted employment or an independent contract
4 may pay contributions on behalf of the retired employee to a
5 retirement fund which is not a part of the System in an amount not
6 to exceed the amount of the contributions that the public employer
7 would pay to the System on behalf of a participating public
8 employee who is employed in a similar position.

9 5. If a retired employee is chosen by election or appointment to
10 fill an elective public office, he is entitled to the same allowances as
11 a retired employee who has no employment, unless he is serving in
12 the same office in which he served and for which he received
13 service credit as a member. A public employer may pay
14 contributions on behalf of such a retired employee to a retirement
15 fund which is not a part of the System in an amount not to exceed
16 the amount of the contributions that the public employer would pay
17 to the System on behalf of a participating public employee who
18 serves in the same office.

19 6. The System may waive for one period of 30 days or less a
20 retired employee's disqualification under this section if the public
21 employer certifies in writing, in advance, that the retired employee
22 is recalled to meet an emergency and that no other qualified person
23 is immediately available.

24 7. A person who accepts employment or an independent
25 contract with either house of the Legislature or by the Legislative
26 Counsel Bureau *or who is recalled to active service in the court*
27 *system as a senior justice, senior judge, senior justice of the peace*
28 *or senior municipal court judge* is exempt from the provisions of
29 subsections 1 and 2 for the duration of that employment or contract.

30 **Sec. 10.** NRS 286.525 is hereby amended to read as follows:

31 286.525 1. A retired employee who accepts employment in a
32 position eligible for membership may enroll in the System as of the
33 effective date of that employment. As of the date of enrollment:

34 (a) ~~He~~ *Except as otherwise provided in subsection 7 of NRS*
35 *286.520, he* forfeits all retirement allowances for the duration of that
36 employment.

37 (b) He is entitled to receive, after the termination of the
38 employment and upon written request, a refund of all contributions
39 made by him during the employment. Except as otherwise required
40 as a result of NRS 286.535 or 286.537, if he does not request the
41 refund and the duration of the employment was at least 6 months, he
42 gains additional service credit for that employment and is entitled to
43 have a separate service retirement allowance calculated based on his
44 compensation and service, effective upon the termination of that
45 employment. If the duration of the employment was:



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

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

7 2. The original service retirement allowance of such a retired
8 employee must not be recalculated based upon the additional service
9 credit, nor is he entitled to any of the rights of membership that were
10 not in effect at the time of his original retirement. The accrual of
11 service credit pursuant to this section is subject to the limits
12 imposed by:

13 (a) NRS 286.551; and

14 (b) Section 415 of the Internal Revenue Code, 26 U.S.C. §
15 415, if the member's effective date of membership is on or after
16 January 1, 1990.

17 3. Except as otherwise required as a result of NRS 286.470,
18 286.535 or 286.537, a retired employee who has been receiving a
19 retirement allowance and who is reemployed and is enrolled in the
20 System for at least 5 years may have his additional credit for service
21 added to his previous credit for service. This additional credit for
22 service must not apply to more than one period of employment after
23 the original retirement.

24 4. The survivor of a deceased member who had previously
25 retired and was rehired and enrolled in the System, who qualifies for
26 benefits pursuant to NRS 286.671 to 286.6793, inclusive, is eligible
27 for the benefits based on the service accrued through the second
28 period of employment.

29 **Sec. 11.** This act becomes effective on July 1, 2009.

