

SENATE BILL NO. 346—SENATOR LEE

MARCH 25, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to Legislators' Retirement System. (BDR 17-970)

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 the Legislators' Retirement System; providing for the voluntary participation of a Legislator in the Legislators' Retirement System; and providing other matters properly relating thereto.

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A Legislator may, within 30 days after he is first elected or appointed to office, elect not to participate as a member of the Legislators' Retirement System by submitting a written notice thereof to the Board and the Director of the Legislative Counsel Bureau.

2. A Legislator may terminate his participation as a member of the System by sending written notice thereof to the Board and the Director of the Legislative Counsel Bureau.

3. A Legislator who terminates his participation as a member of the Legislators' Retirement System is not eligible thereafter to participate as a member of the System.

Sec. 2. NRS 218.2381 is hereby amended to read as follows:

218.2381 1. Except as otherwise provided in NRS 286.385 *or section 1 of this act* or required as a result of NRS 218.2381, each Legislator ~~shall~~ *must* be a member of the Legislators' Retirement System and shall make contributions to the Legislators'



1 Retirement Fund in the amounts and manner provided in NRS
2 218.2371 to 218.2395, inclusive.

3 2. Within 5 days after the commencement of each regular or
4 special session of the Legislature, each Legislator *who is a member*
5 *of the Legislators' Retirement System* *and* who has not previously
6 filed a beneficiary designation form with the Board shall file with
7 the Board, upon a form provided by the Board, the designation of a
8 beneficiary who is entitled to receive the contributions of the
9 Legislator in case of death before retirement or termination of
10 services as a Legislator and subsequent withdrawal of contributions.
11 If no beneficiary is designated, payment must be made to the estate
12 of the deceased Legislator. Payment may be made directly to the
13 designated beneficiary without probate or administration of the
14 estate of the deceased Legislator.

15 3. A beneficiary may be changed at any time by written notice
16 given by a Legislator to the Board on a form prescribed by the
17 Board.

18 **Sec. 3.** NRS 218.2382 is hereby amended to read as follows:

19 218.2382 1. Except as *otherwise* provided in subsection 2 ~~§~~
20 *, for a Legislator who is a member of the Legislators' Retirement*
21 *System:*

22 (a) Service credit for retirement under the Legislators'
23 Retirement System ~~{shall begin}~~ *begins* on the first day of the year
24 of election to the office of Legislator and ~~{shall terminate}~~
25 *terminates* on the first day of the year following the election of a
26 successor. The service credit for a person appointed to an unexpired
27 term shall be deemed to have begun on the first day of the year of
28 ~~{such}~~ *the* appointment.

29 (b) Service credit shall be deemed to terminate on the first day
30 of the year following the expiration of any term during which a
31 Legislator dies, resigns or is removed from office.

32 2. Service credit for a Legislator who takes office on or after
33 July 1, 1975, *and who is a member of the Legislators' Retirement*
34 *System* begins on the day after his election or appointment and
35 terminates on the day of election of his successor, unless sooner
36 terminated on the day of his death, resignation or removal from
37 office.

38 **Sec. 4.** NRS 218.23831 is hereby amended to read as follows:

39 218.23831 Except as otherwise required as a result of
40 NRS 218.23815:

41 1. Any member of the Legislators' Retirement System may
42 purchase all previous creditable service performed in the Legislature
43 if the service was performed before the creation of this System. The
44 Director of the Legislative Counsel Bureau must certify the
45 inclusive dates of service of the Legislator to validate the service.



1 The Legislator must pay the Board's actuary for a computation of
2 costs and pay the full cost as determined by the actuary.

3 2. Any Legislator *who is a member of the Legislators'*
4 *Retirement System* may purchase credit for any period of service for
5 which contributions were not paid while the Legislator was
6 receiving temporary total disability benefits for an industrial injury,
7 if the injury was sustained in performance of his legislative duties
8 for which contributions were required. The Legislator must pay the
9 Board's actuary for any necessary computation ~~and~~ and must also pay
10 the full actuarial costs determined by the actuary.

11 3. Any Legislator who has 5 years of contributing creditable
12 service may purchase up to 5 years of out-of-state service performed
13 with any federal, state, county or municipal public agency if that
14 service is no longer creditable in another public retirement system.
15 To validate such service, the Legislator must obtain a certification of
16 the inclusive dates of previous service performed with the other
17 public agency, together with certification from that agency that his
18 credit is no longer creditable in another public retirement system.
19 Upon application to retire, the Board shall ~~ascertain whether or not~~
20 *determine whether* the purchased service has been reestablished in
21 any other public retirement system. The Legislator must pay the
22 Board's actuary for the computation and pay the full actuarial cost
23 as determined by the actuary. For the purposes of this subsection,
24 the Federal Old-Age and Survivor's Insurance System is not a
25 "public retirement system."

26 4. Any Legislator who has at least 5 years of contributing
27 creditable service may purchase ~~up to~~ *not more than* 5 years of
28 military service regardless of when served if the service is no longer
29 credited in the military retirement system. To validate military
30 service, the Legislator must provide certification of the inclusive
31 dates of active military service performed, pay the Board's actuary
32 for the computation and pay the full actuarial cost as determined by
33 the actuary.

34 5. Any contributing Legislator may purchase previous service
35 performed for any public employer which is not already credited in
36 the Legislators' Retirement System, including service as an elected
37 officer or a person appointed to an elective office for an unexpired
38 term. The former public employer must certify the inclusive dates of
39 employment and number of hours regularly worked by the
40 Legislator to validate such service. The Legislator must pay the
41 Board's actuary for a computation of cost and pay the full cost as
42 determined by the actuary.

43 **Sec. 5.** NRS 218.2387 is hereby amended to read as follows:

44 218.2387 Except as otherwise provided in NRS 286.385, the
45 Director of the Legislative Counsel Bureau shall:



1 1. Deduct from the compensation of each Legislator **who is a**
2 **member of the Legislators' Retirement System** an amount equal to
3 15 percent of the gross compensation earned as a Legislator and
4 transmit that amount to the Board together with the necessary forms
5 prescribed by the Board at intervals designated by the Board; and

6 2. Pay to the Board from the Legislative Fund an amount as the
7 contribution of the State of Nevada as employer which is actuarially
8 determined to be sufficient to provide the System with enough
9 money to pay all benefits for which the System will be liable.

10 **Sec. 6.** NRS 218.23907 is hereby amended to read as follows:

11 218.23907 1. The Board shall not change the actuarial
12 assumptions used in computing the benefits provided to a Legislator
13 ~~[-]~~ **who is a member of the Legislators' Retirement System.**

14 2. The Board shall make available to every Legislator upon
15 request the actuarial assumptions used in computing the benefits
16 provided to a member.

17 **Sec. 7.** NRS 218.2391 is hereby amended to read as follows:

18 218.2391 1. At the time of retirement a Legislator **who is a**
19 **member of the Legislators' Retirement System** may, at his election,
20 choose to receive a reduced service retirement allowance of
21 equivalent actuarial value payable during the member's life with the
22 provision that it ~~[-]~~ continue after his death:

23 (a) For the life of the beneficiary whom he nominates by written
24 designation ~~[-]~~ **that is** acknowledged and filed with the Board at
25 the time of retirement; or

26 (b) At one-half the rate paid to him and ~~[-]~~ **must** be paid at
27 such rate for the life of the beneficiary whom he nominates by
28 written designation ~~[-]~~ **that is** acknowledged and filed with the
29 Board at the time of retirement.

30 2. If the designated beneficiary predeceases the Legislator, the
31 Legislator may ~~[-]~~ receive the full allowance due him at the time
32 of retirement less the actuarial equivalent of the protection received
33 from the time of retirement to the death of the beneficiary. ~~[-]~~
34 **The** adjusted allowance ~~[-]~~ **is** effective on the first day
35 of the month succeeding the death of the beneficiary.

36 **Sec. 8.** NRS 218.2392 is hereby amended to read as follows:

37 218.2392 1. The provisions of NRS 286.671 to 286.679,
38 inclusive, except NRS 286.6775, relating to benefits for survivors
39 pursuant to the Public Employees' Retirement System, are
40 applicable to ~~[-]~~ **the dependents**
41 **of a Legislator who is a member of the Legislators' Retirement**
42 **System, and the** benefits for **the** survivors ~~[-]~~ **must** be paid by
43 the Board following the death of ~~[-]~~ **the** Legislator to the persons
44 entitled thereto from the Legislators' Retirement Fund.



1 2. It is declared that of the contributions required by
2 subsections 1 and 2 of NRS 218.2387 one-half of 1 percent ~~shall~~
3 *must* be regarded as costs incurred in benefits for survivors.

4 **Sec. 9.** NRS 218.2393 is hereby amended to read as follows:

5 218.2393 1. A person receiving a retirement allowance under
6 NRS 218.2371 to 218.2395, inclusive, who is elected or appointed
7 to the Legislature may not receive a retirement allowance during the
8 period ~~of time~~ in which he serves as a Legislator. Upon reentry
9 into retirement he may receive a retirement allowance based upon
10 his previous service and his added service ~~if~~, *if he is a member of*
11 *the Legislators' Retirement System during the period of his added*
12 *service.*

13 2. If a retired Legislator is chosen by election or appointment
14 to fill another elective office, he is entitled to the same allowances
15 as a retired Legislator who has no employment.

16 **Sec. 10.** This act becomes effective upon passage and
17 approval.



