

Amendment No. CA45

First Conference Committee Amendment to (BDR 23-750)
Assembly Bill No. 319 Second Reprint

Proposed by: First Conference Committee

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

LJM/BJE



Date: 6/4/2007

A.B. No. 319—Pledges that the retirement benefits for certain public employees will not be increased without adequate funding. (BDR 23-750)



ASSEMBLY BILL NO. 319—COMMITTEE ON WAYS AND MEANS

MARCH 14, 2007

Referred to Committee on Ways and Means

SUMMARY—~~[Pledges that the retirement benefits for certain public employees will not be increased without adequate funding.]~~ **Makes various changes concerning public employees. (BDR [23-750] 17-750)**

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 ~~[employees' retirement;]~~ **employees; [pledging that the Legislature will not increase the retirement benefits for certain public employees unless the retirement fund from which the benefits will be paid is funded at or above a certain level;]** **repealing various provisions concerning compensation for employees of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the retirement benefits of public employees under the Public Employees' Retirement System are generally governed by the provisions of chapter 286 of NRS. There are two separate retirement funds established under the System pursuant to chapter 286 of NRS, the Public Employees' Retirement Fund and the Police and Firefighters' Retirement Fund. (NRS 286.220, 286.225) This bill sets forth the pledge of the Legislature that it will not increase any benefit or allowance payable under the System pursuant to chapter 286 of NRS unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund.]~~ **Section 2 of this bill repeals a prohibition against compensating the Secretary of the Senate and the Chief Clerk of the Assembly for overtime. Section 3 of this bill repeals certain provisions concerning the definition of "compensation" for certain legislative employees for the purposes of the Public Employees' Retirement System.**

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

Section 1. ~~[Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:~~
~~**The Legislature hereby pledges that it will not enact any law which has the effect of increasing any benefit or allowance payable under the System pursuant**~~

~~to this chapter unless the actuarial value of the assets of the retirement fund from which the benefit or allowance will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund, as determined in accordance with generally accepted accounting principles for government as prescribed by the Governmental Accounting Standards Board.~~ (Deleted by amendment.)

Sec. 2. ~~[(Deleted by amendment.)]~~ NRS 218.195 is hereby amended to read as follows:

218.195 1. The compensation of the Secretary of the Senate and the Chief Clerk of the Assembly must be provided for in the budget for the Legislature for the ensuing biennium. The compensation ~~is~~

~~(a) Must~~ must include an annual salary payable on a biweekly basis. The salary must not be increased during the biennium unless otherwise provided by a legislative act. ~~is and~~

~~(b) Must not include compensation for overtime.]~~

2. Except as otherwise provided in this section, the Secretary of the Senate and the Chief Clerk of the Assembly are subject to the same requirements of and entitled to the same benefits and rights as specified for employees of the Legislative Counsel Bureau. For the purposes of this subsection, references in the statutes and in the rules and policies of the Legislative Counsel Bureau to the chief of a division or the Director of the Legislative Counsel Bureau must be replaced by:

(a) The Majority Leader of the Senate in the case of the Secretary of the Senate.

(b) The Speaker of the Assembly in the case of the Chief Clerk of the Assembly.

3. Notwithstanding the provisions of subsection 2, the Secretary of the Senate and the Chief Clerk of the Assembly are not employees of the Legislative Counsel Bureau.

Sec. 3. Sections 1 and 11 of Assembly Bill No. 593 of this session are hereby repealed.

~~[(Sec. 3.)]~~ Sec. 4. This act becomes effective upon passage and approval ~~is~~ and applies retroactively to November 1, 2006.

TEXT OF REPEALED SECTION\

Section 1 of Assembly Bill No. 593 of this session:

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

1. For the purposes of NRS 286.025, salary paid for all hours worked by an executive, administrative, professional or supervisory employee of the Legislative Counsel Bureau in addition to the employee's regularly scheduled workday or 40-hour workweek in the fiscal year that includes a regular session of the Legislature, up to a maximum number of hours designated as required for the classification by the Director of the Legislative Counsel Bureau and approved by the Legislative Commission, constitutes "compensation." The Legislative Counsel Bureau and such employees shall make the appropriate contributions to the Public Employees' Retirement System for such compensation.

2. The maximum number of additional hours that may be designated as required for a classification pursuant to subsection 1 is 750.

Section 11 of Assembly Bill No. 593 of this session:

Sec. 11. A person who worked hours before and during the 2007 regular session of the Legislature that would have been considered as compensation pursuant to the provisions of section 1 of this act, had that section been in effect, may elect to have his payment for those hours, up to the limit established for his classification, and in no case more than 750 hours, considered as compensation by:

1. Notifying the Public Employees' Retirement System of his election; and

2. Paying the amount necessary to make both the employer and employee contributions to the System on the payment for the additional hours that the person desires to have considered as compensation. The Legislative Counsel Bureau shall not make any portion of the required contribution.

➡ The election and payment must be made on or before January 1, 2008.