

ASSEMBLY BILL NO. 363—ASSEMBLYMEN DIAZ, ELLIOT
ANDERSON, KIRKPATRICK, CARRILLO, OHRENSCHALL;
ARAUJO, BENITEZ-THOMPSON, BUSTAMANTE ADAMS,
CARLTON, FLORES, JOINER, MUNFORD, NEAL, SPRINKLE
AND THOMPSON

MARCH 17, 2015

Referred to Committee on Government Affairs

SUMMARY—Provides an optional benefit to the surviving spouse
or survivor beneficiary of certain deceased members
of the Public Employees' Retirement System.
(BDR 23-1056)

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; providing an optional benefit
to the surviving spouse or survivor beneficiary of a
member of the Public Employees' Retirement System
who was killed in the performance of his or her duty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth several benefit options for the surviving spouse of a
2 deceased member of the Public Employees' Retirement System. (NRS 286.674-
3 286.6766) This bill provides an additional benefit option for the surviving spouse or
4 survivor beneficiary of a member who was killed in the performance of his or her
5 duty. This additional option authorizes the surviving spouse or survivor beneficiary
6 to elect to receive a benefit that is the equivalent to the greater of: (1) fifty percent
7 of the salary of the member on the date of the member's death; or (2) the retirement
8 allowance that the member was eligible to receive based on the member's years of
9 service obtained before the member's death without any reduction for age for the
10 deceased member.



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:

1. The spouse or survivor beneficiary of a member who was killed in the performance of his or her duty is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) The retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid, as applicable, to:

(a) The spouse until the death or remarriage of the spouse; or

(b) The survivor beneficiary until the death of the survivor beneficiary.

3. The spouse or survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.674 or 286.67675;

(c) NRS 286.676 or 286.6768;

(d) NRS 286.6765 or 286.67685; or

(e) NRS 286.6766 or 286.6769.

4. For the purposes of this section, the Board shall define by regulation "killed in the performance of his or her duty."

Sec. 2. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive **H**,
and section 1 of this act:

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. "Spouse" means the surviving husband or wife of a deceased member.

Sec. 3. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 **H**
and section 1 of this act, if a deceased member had 2 years of
accredited contributing service in the 2 1/2 years immediately



1 preceding the member's death or was a regular, part-time employee
2 who had 2 or more years of creditable contributing service before
3 and at least 1 day of contributing service within 6 months
4 immediately preceding the member's death, or if the employee had
5 10 or more years of accredited contributing service, certain of the
6 deceased member's dependents are eligible for payments as
7 provided in NRS 286.671 to 286.679, inclusive ~~H~~, *and section 1 of*
8 *this act*. If the death of the member resulted from a mental or
9 physical condition which required the member to leave the employ
10 of a participating public employer or go on leave without pay,
11 eligibility pursuant to the provisions of this section extends for 18
12 months after the member's termination or commencement of leave
13 without pay.

14 2. If the death of a member occurs while the member is on
15 leave of absence granted by the member's employer for further
16 training and if the member met the requirements of subsection 1 at
17 the time the member's leave began, certain of the deceased
18 member's dependents are eligible for payments as provided in
19 subsection 1.

20 3. If the death of a member is caused by an occupational
21 disease or an accident arising out of and in the course of the
22 member's employment, no prior contributing service is required to
23 make the deceased member's dependents eligible for payments
24 pursuant to NRS 286.671 to 286.679, inclusive, *and section 1 of*
25 *this act*, except that this subsection does not apply to an accident
26 occurring while the member is traveling between the member's
27 home and the member's principal place of employment or to an
28 accident or occupational disease arising out of employment for
29 which no contribution is made.

30 4. As used in this section, "dependent" includes a survivor
31 beneficiary designated pursuant to NRS 286.6767.

32 **Sec. 4.** NRS 286.679 is hereby amended to read as follows:

33 286.679 1. If payments to a beneficiary pursuant to NRS
34 286.671 to 286.679, inclusive, *and section 1 of this act* cease before
35 the total contributions of a deceased member have been paid in
36 benefits, and there is no person entitled to receive such benefits
37 pursuant to any provision of this chapter, the surplus of such
38 contributions over the benefits actually received may be paid in a
39 lump sum to:

40 (a) The beneficiary whom the deceased member designated for
41 this purpose in writing on a form approved by the System.

42 (b) If no such designation was made or the person designated is
43 deceased, the beneficiary who previously received the payments.



* A B 3 6 3 R 1 *

1 (c) If no payment may be made pursuant to paragraphs (a) and
2 (b), the persons entitled as heirs or residuary legatees to the estate of
3 the deceased member.

4 2. A lump-sum payment made pursuant to this section fully
5 discharges the obligations of the System.

6 **Sec. 5.** This act becomes effective upon passage and approval.

