

Amendment No. 764

Senate Amendment to Assembly Bill No. 363 First Reprint (BDR 23-1056)

Proposed by: Senate Committee on Government Affairs

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

HAC/JWP



Date: 5/14/2015

A.B. No. 363—Provides an optional benefit to the surviving spouse or survivor beneficiary of certain deceased members of the Public Employees’ Retirement System. (BDR 23-1056)



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~~ **additional** benefit ~~to~~ **option for** 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~~ **additional** benefit ~~to~~ **option for** the surviving spouse or survivor beneficiary of a **police officer or firefighter killed in the line of duty or other** member of the Public Employees' Retirement System ~~who was~~ killed in the ~~performance of his or her duty;~~ **course of employment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth several benefit options for the surviving spouse of a deceased member of the Public Employees' Retirement System. (NRS 286.674-286.676) ~~This Existing law also sets forth several benefit options for the survivor beneficiary of a deceased member of the System if the member is unmarried on the date of the member's death. (NRS 286.6767-286.6769) Section 1.3 of this bill~~ provides an additional benefit option for the surviving spouse ~~for survivor beneficiary~~ of a member who ~~was~~ **is** killed in the ~~performance of his or her~~ **line of duty, or the course of employment, as applicable.** This additional option authorizes the surviving spouse ~~for survivor beneficiary~~ to elect to receive a benefit that is the equivalent to the greater of: (1) fifty percent of the salary of the member on the date of the member's death; or (2) **one hundred percent of** 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. **Section 1.5 of this bill provides that this additional benefit option is available to a survivor beneficiary if the deceased member is unmarried on the date of the member's death.**

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 ~~to a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. 1. ~~The spouse for survivor beneficiary of a member who was a police officer or firefighter killed in the performance of his or her line of duty or the spouse of any other member killed in the course of employment 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) ~~One hundred percent of 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 to, 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; for the remainder of the spouse's life.~~

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

(a) ~~This section;~~

(b) ~~NRS 286.674; for 286.67675;~~

(c) ~~NRS 286.676; for 286.6768;~~

(d) ~~NRS 286.6765; for 286.67685;~~ or

(e) ~~NRS 286.6766; for 286.6769;~~

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

Sec. 1.5. 1. Except as otherwise provided in subsection 2, the survivor beneficiary of a member who is a police officer or firefighter killed in the line of duty or the survivor beneficiary of any other member killed in the course of employment 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) One hundred percent of 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. If the member had designated one or more payees in addition to the survivor beneficiary pursuant to NRS 286.6767, the monthly allowance to which a survivor beneficiary is entitled pursuant to subsection 1 must be divided between the survivor beneficiary and any additional payees in the proportion designated by the member pursuant to NRS 286.6767.

3. The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the survivor beneficiary's life.

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

(a) This section;

(b) NRS 286.67675;

(c) NRS 286.6768;

(d) NRS 286.67685; or

(e) NRS 286.6769.

5. For the purposes of this section, the Board shall define by regulation “killed in the line of duty” and “killed in the course of employment.”

6. As used in this section, “survivor beneficiary” means a person designated pursuant to NRS 286.6767.

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

286.671 As used in NRS 286.671 to 286.679, inclusive, ~~§~~, and ~~section 1.3 and 1.5 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 ~~§~~ and ~~section 1.3 and 1.5 of this act~~, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member’s death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member’s death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member’s dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive ~~§~~, and ~~section 1.3 and 1.5 of this act~~. If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member’s termination or commencement of leave without pay.

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

3. If the death of a member is caused by an occupational disease or an accident arising out of and in the course of the member’s employment, no prior contributing service is required to make the deceased member’s dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, and ~~section 1.3 and 1.5 of this act~~, except that this subsection does not apply to an accident occurring while the member is traveling between the member’s home and the member’s principal place of employment or to an accident or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, “dependent” includes a survivor beneficiary designated pursuant to NRS 286.6767.

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

286.679 1. If payments to a beneficiary pursuant to NRS 286.671 to 286.679, inclusive, and ~~section 1.3 and 1.5 of this act~~ cease before the total contributions of a deceased member have been paid in benefits, and there is no person entitled to receive such benefits pursuant to any provision of this chapter, the surplus of such contributions over the benefits actually received may be paid in a lump sum to:

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

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

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

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

9 **Sec. 4.5. NRS 218C.580 is hereby amended to read as follows:**

10 218C.580 1. The provisions of NRS 286.671 to 286.679, inclusive, except
11 NRS 286.6775 ~~+~~ **and sections 1.3 and 1.5 of this act,** relating to benefits for
12 survivors pursuant to the Public Employees' Retirement System, are applicable to
13 the dependents of a Legislator who is a member of the Legislators' Retirement
14 System, and the benefits for the survivors must be paid by the Board following the
15 death of the Legislator to the persons entitled thereto from the Legislators'
16 Retirement Fund.

17 2. It is declared that of the contributions required by subsections 1 and 2 of
18 NRS 218C.390, one-half of 1 percent must be regarded as costs incurred in benefits
19 for survivors.

20 **Sec. 5.** This act becomes effective ~~upon passage and approval,~~ **on July 1,**
21 **2015.**