

SENATE BILL NO. 356—SENATORS SMITH, PARKS, WOODHOUSE,
KIHUEN, FORD; ATKINSON, DENIS, MANENDO AND SPEARMAN

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN SPRINKLE,
CARRILLO; ARAUJO, JOINER AND SPIEGEL

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Public Employees’
Retirement System. (BDR 23-1092)

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 Public Employees’ Retirement System;
providing that certain records and files of the System, and
the information contained therein, are confidential and not
public books or records; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the official correspondence and records, other than the files
2 of individual members or retired employees, of the Public Employees’ Retirement
3 System are required to be available for public inspection. (NRS 286.110) **Section 1**
4 of this bill provides that any record or file, and information contained therein,
5 related to an individual member, retired employee or beneficiary is confidential and
6 is not a public book or record. **Section 1** also provides that the compilation by the
7 System of information contained in the records or files related to a member, retired
8 employee or beneficiary into a report or publication does not make the information
9 contained in the records or files a public record.

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

1 **Section 1.** NRS 286.110 is hereby amended to read as follows:
2 286.110 1. A system of retirement providing benefits for the
3 retirement, disability or death of employees of public employers and



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1 funded on an actuarial reserve basis is hereby established and must
2 be known as the Public Employees' Retirement System. The System
3 is a public agency supported by administrative fees transferred from
4 the retirement funds. The Executive and Legislative Departments of
5 the State Government shall regularly review the System.

6 2. The System is entitled to use any services provided to state
7 agencies and shall use the services of the Purchasing Division of the
8 Department of Administration, but is not required to use any other
9 service. The purpose of this subsection is to provide to the Board the
10 necessary autonomy for an efficient and economic administration of
11 the System and its program.

12 3. ~~[[The] Except as otherwise provided in subsections 4 and 5~~
13 ~~and NRS 241.035, the official correspondence and records [other~~
14 ~~than the files of individual members or retired employees,] and [~~
15 ~~except as otherwise provided in NRS 241.035,] the minutes, audio~~
16 recordings, transcripts and books of the System are public records
17 and are available for public inspection. A copy of the minutes or
18 audio recordings must be made available to a member of the public
19 upon request at no charge pursuant to NRS 241.035.

20 4. *Every record or file, and information contained therein,*
21 *related to a member, retired employee or beneficiary is*
22 *confidential and is not a public book or record within the meaning*
23 *of NRS 239.010. The System may not be required to produce any*
24 *such record or file for the inspection of any person or in response*
25 *to any request for public records.*

26 5. *The compilation by the System of information contained in*
27 *the records or files related to a member, retired employee or*
28 *beneficiary into a report or publication does not make the*
29 *information contained in the records or files a public record.*

30 6. The respective participating public employers are not liable
31 for any obligation of the System.

32 **Sec. 2.** NRS 286.117 is hereby amended to read as follows:

33 286.117 All records *and files* maintained for a member, retired
34 employee or beneficiary may be reviewed and copied only by the
35 System, the member, the member's public employer or spouse, or
36 the retired employee or the retired employee's spouse, or pursuant to
37 a court order, or by a beneficiary after the death of the employee on
38 whose account benefits are received. Any member, retired employee
39 or beneficiary may submit a written waiver to the System
40 authorizing the representative of the member, retired employee or
41 beneficiary to review or copy all such records.

42 **Sec. 3.** This act becomes effective upon passage and approval.

