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FIRST REPRINT

S.B. 224

SENATE BILL NO. 224—SENATORS RATTI,
PARKS AND WOODHOUSE

FEBRUARY 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public retirement systems. (BDR 23-598)

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 retirement systems; providing for the confidentiality of certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Public Employees' Retirement Board is required to administer the Judicial Retirement System, the Legislators' Retirement System and the Public Employees' Retirement System. (NRS 1A.100, 218C.150, 286.120) Existing law makes the official correspondence and records of those public retirement systems, other than the files of individual members, public records. (NRS 1A.100, 218C.200, 286.110)

Under existing law, a record of a governmental entity is public and open to inspection unless the confidentiality of the record or the information in the record is specifically provided for by law. (NRS 239.010)

Section 1 of this bill generally makes information about a current or former member of a public retirement system administered by the Public Employees' Retirement Board, or a beneficiary of such a member, confidential. **Section 1** further provides, however, that the following information relating to such a current or former member which is contained in a record or file in the possession, control or custody of the Board is a public record: (1) the identification number of such a person; (2) the last public employer of the person; (3) the number of years of service credit such a person has with the public retirement system; (4) the retirement date of the person; (5) the amount of annual pension benefit paid to the person; and (6) whether the person is receiving a disability or service retirement allowance.

Section 1 also prohibits the Board from disclosing confidential information about a member or beneficiary to a third party unless: (1) the disclosure is necessary for the Board to carry out its duties; and (2) the Board executes a confidentiality agreement with the third party before providing the third party



25 with any confidential information. Sections 2-6 of this bill make conforming
26 changes.

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

1 **Section 1.** Chapter 286 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, all*
4 *information about a current or former member of a public*
5 *retirement system administered by the Board, or a beneficiary of*
6 *such a member, which is contained in a record or file in the*
7 *possession, control or custody of the Board is confidential*
8 *regardless of the form, location and manner of creation or storage*
9 *of a record or file containing the information.*

10 2. *The following information about a current or former*
11 *member of such a public retirement system which is contained in a*
12 *record or file in the possession, control or custody of the Board is*
13 *a public record:*

14 (a) *The identification number of the current or former*
15 *member;*

16 (b) *The last public employer of the current or former member;*

17 (c) *The number of years of service credit the current or former*
18 *member has with the public retirement system;*

19 (d) *The retirement date of the current or former member;*

20 (e) *The amount of annual pension benefit paid to the current*
21 *or former member; and*

22 (f) *Whether the current or former member receives a disability*
23 *retirement allowance or a service retirement allowance from the*
24 *public retirement system.*

25 3. *The Board may only disclose information made*
26 *confidential pursuant to subsection 1 to a third party if:*

27 (a) *Such disclosure is necessary for the Board to carry out its*
28 *duties; and*

29 (b) *The Board executes a confidentiality agreement with the*
30 *third party before providing the third party with any confidential*
31 *information.*

32 4. *As used in this section "identification number" means the*
33 *unique number assigned by the public retirement system to the*
34 *record or file of each current or former member or beneficiary of*
35 *such a member.*

36 **Sec. 2.** NRS 286.110 is hereby amended to read as follows:

37 286.110 1. A system of retirement providing benefits for the
38 retirement, disability or death of employees of public employers and
39 funded on an actuarial reserve basis is hereby established and must



1 be known as the Public Employees' Retirement System. The System
2 is a public agency supported by administrative fees transferred from
3 the retirement funds. The Executive and Legislative Departments of
4 the State Government shall regularly review the System.

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

11 3. ~~The~~ *Except as otherwise provided in section 1 of this act,*
12 *the* official correspondence and records ~~[- other than the files of~~
13 ~~individual members or retired employees,]~~ and, except as otherwise
14 provided in NRS 241.035, the minutes, audio recordings, transcripts
15 and books of the System are public records and are available for
16 public inspection. A copy of the minutes or audio recordings must
17 be made available to a member of the public upon request at no
18 charge pursuant to NRS 241.035.

19 4. The respective participating public employers are not liable
20 for any obligation of the System.

21 **Sec. 3.** NRS 286.117 is hereby amended to read as follows:

22 286.117 ~~[- All]~~ *Except as otherwise provided in section 1 of*
23 *this act, all* records *and files* maintained for a member, retired
24 employee or beneficiary may be reviewed and copied only by the
25 System, the member, the member's public employer or spouse, or
26 the retired employee or the retired employee's spouse, or pursuant to
27 a court order, or by a beneficiary after the death of the employee on
28 whose account benefits are received. Any member, retired employee
29 or beneficiary may submit a written waiver to the System
30 authorizing the representative of the member, retired employee or
31 beneficiary to review or copy all such records.

32 **Sec. 4.** NRS 1A.100 is hereby amended to read as follows:

33 1A.100 1. A system of retirement providing benefits for the
34 retirement, disability or death of all justices of the Supreme Court,
35 judges of the Court of Appeals and district judges, and certain
36 justices of the peace and municipal judges, and funded on an
37 actuarial reserve basis is hereby established and must be known as
38 the Judicial Retirement System.

39 2. The System consists of the Judicial Retirement Plan and the
40 provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to
41 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing
42 benefits to justices of the Supreme Court, judges of the Court of
43 Appeals or district judges who served either as a justice of the
44 Supreme Court or district judge before November 5, 2002. Each
45 justice of the Supreme Court, judge of the Court of Appeals or



1 district judge who is not a member of the Public Employees'
2 Retirement System is a member of the Judicial Retirement System.

3 3. ~~{The}~~ *Except as otherwise provided in section 1 of this act,*
4 *the* official correspondence and records ~~{, other than the files of~~
5 ~~individual members of the System or retired justices or judges,}~~ and,
6 except as otherwise provided in NRS 241.035, the minutes, audio
7 recordings, transcripts and books of the System are public records
8 and are available for public inspection. A copy of the minutes or
9 audio recordings must be made available to a member of the public
10 upon request at no charge pursuant to NRS 241.035.

11 4. The System must be administered exclusively by the Board,
12 which shall make all necessary rules and regulations for the
13 administration of the System. The rules must include, without
14 limitation, rules relating to the administration of the retirement plans
15 in accordance with federal law. The Legislature shall regularly
16 review the System.

17 **Sec. 5.** NRS 1A.110 is hereby amended to read as follows:

18 1A.110 ~~{All}~~ *Except as otherwise provided in section 1 of this*
19 *act, all records and files* maintained for a member of the System,
20 retired justice or judge, justice of the Supreme Court, judge of the
21 Court of Appeals or district judge who retired pursuant to NRS
22 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to
23 3.099, inclusive, or the beneficiary of any of them may be reviewed
24 and copied only by the System, the member, the Court
25 Administrator, the board of county commissioners if the records
26 concern a justice of the peace or retired justice of the peace whom
27 the board of county commissioners allowed to participate in the
28 Judicial Retirement Plan pursuant to NRS 1A.285, the city council if
29 the records concern a municipal judge or retired municipal judge
30 whom the city council allowed to participate in the Judicial
31 Retirement Plan pursuant to NRS 1A.285, the spouse of the
32 member, or the retired justice or judge or his or her spouse, or
33 pursuant to a court order, or by a beneficiary after the death of the
34 justice or judge on whose account benefits are received pursuant to
35 the System. Any member, retired justice or judge, justice of the
36 Supreme Court, judge of the Court of Appeals or district judge who
37 retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to
38 2A.150, inclusive, or 3.090 to 3.099, inclusive, or beneficiary may
39 submit a written waiver to the System authorizing his or her
40 representative to review or copy all such records.

41 **Sec. 6.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and
43 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
44 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
45 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,



1 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
2 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
3 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
4 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
5 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
6 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
7 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
8 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
9 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
10 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
11 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
12 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,
13 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
14 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
15 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
16 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
17 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
18 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
19 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
20 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
21 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
22 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
23 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
24 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
25 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
26 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
27 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
28 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
29 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
30 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
31 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
32 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
33 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
34 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
35 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
36 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
37 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
38 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
39 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
40 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
41 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
42 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
43 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
44 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
45 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,



1 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
2 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
3 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
4 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
5 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
6 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
7 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
8 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
9 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
10 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
11 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
12 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
13 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
14 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
15 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
16 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
17 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
18 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
19 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
20 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
21 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
22 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
23 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
24 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
25 704B.325, 706.1725, 706A.230, 710.159, 711.600, **section 1 of this**
26 **act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011
27 and section 2 of chapter 391, Statutes of Nevada 2013 and unless
28 otherwise declared by law to be confidential, all public books and
29 public records of a governmental entity must be open at all times
30 during office hours to inspection by any person, and may be fully
31 copied or an abstract or memorandum may be prepared from those
32 public books and public records. Any such copies, abstracts or
33 memoranda may be used to supply the general public with copies,
34 abstracts or memoranda of the records or may be used in any other
35 way to the advantage of the governmental entity or of the general
36 public. This section does not supersede or in any manner affect the
37 federal laws governing copyrights or enlarge, diminish or affect in
38 any other manner the rights of a person in any written book or
39 record which is copyrighted pursuant to federal law.

40 2. A governmental entity may not reject a book or record
41 which is copyrighted solely because it is copyrighted.

42 3. A governmental entity that has legal custody or control of a
43 public book or record shall not deny a request made pursuant to
44 subsection 1 to inspect or copy or receive a copy of a public book or
45 record on the basis that the requested public book or record contains



1 information that is confidential if the governmental entity can
2 redact, delete, conceal or separate the confidential information from
3 the information included in the public book or record that is not
4 otherwise confidential.

5 4. A person may request a copy of a public record in any
6 medium in which the public record is readily available. An officer,
7 employee or agent of a governmental entity who has legal custody
8 or control of a public record:

9 (a) Shall not refuse to provide a copy of that public record in a
10 readily available medium because the officer, employee or agent has
11 already prepared or would prefer to provide the copy in a different
12 medium.

13 (b) Except as otherwise provided in NRS 239.030, shall, upon
14 request, prepare the copy of the public record and shall not require
15 the person who has requested the copy to prepare the copy himself
16 or herself.

17 **Sec. 7.** This act becomes effective on July 1, 2019.

