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SECOND 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 name of such a person; and (2) the amount of annual pension benefit paid to the person.

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



* S B 2 2 4 R 2 *

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

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

(a) The name of the current or former member; and

(b) The amount of annual pension benefit paid to the current or former member.

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

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

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

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

286.110 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public Employees' Retirement System. The System is a public agency supported by administrative fees transferred from the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.

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

3. ~~The~~ *Except as otherwise provided in section 1 of this act, the official correspondence and records* ~~to, other than the files of individual members or retired employees,~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for



1 public inspection. A copy of the minutes or audio recordings must
2 be made available to a member of the public upon request at no
3 charge pursuant to NRS 241.035.

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

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

7 286.117 ~~[AHH]~~ *Except as otherwise provided in section 1 of*
8 *this act, all records and files* maintained for a member, retired
9 employee or beneficiary may be reviewed and copied only by the
10 System, the member, the member's public employer or spouse, or
11 the retired employee or the retired employee's spouse, or pursuant to
12 a court order, or by a beneficiary after the death of the employee on
13 whose account benefits are received. Any member, retired employee
14 or beneficiary may submit a written waiver to the System
15 authorizing the representative of the member, retired employee or
16 beneficiary to review or copy all such records.

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

18 1A.100 1. A system of retirement providing benefits for the
19 retirement, disability or death of all justices of the Supreme Court,
20 judges of the Court of Appeals and district judges, and certain
21 justices of the peace and municipal judges, and funded on an
22 actuarial reserve basis is hereby established and must be known as
23 the Judicial Retirement System.

24 2. The System consists of the Judicial Retirement Plan and the
25 provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to
26 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing
27 benefits to justices of the Supreme Court, judges of the Court of
28 Appeals or district judges who served either as a justice of the
29 Supreme Court or district judge before November 5, 2002. Each
30 justice of the Supreme Court, judge of the Court of Appeals or
31 district judge who is not a member of the Public Employees'
32 Retirement System is a member of the Judicial Retirement System.

33 3. ~~[The]~~ *Except as otherwise provided in section 1 of this act,*
34 *the* official correspondence and records ~~[, other than the files of~~
35 ~~individual members of the System or retired justices or judges,]~~ and,
36 except as otherwise provided in NRS 241.035, the minutes, audio
37 recordings, transcripts and books of the System are public records
38 and are available for public inspection. A copy of the minutes or
39 audio recordings must be made available to a member of the public
40 upon request at no charge pursuant to NRS 241.035.

41 4. The System must be administered exclusively by the Board,
42 which shall make all necessary rules and regulations for the
43 administration of the System. The rules must include, without
44 limitation, rules relating to the administration of the retirement plans



in accordance with federal law. The Legislature shall regularly review the System.

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

1A.110 ~~1A.110~~ *Except as otherwise provided in section 1 of this act, all records and files* maintained for a member of the System, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or the beneficiary of any of them may be reviewed and copied only by the System, the member, the Court Administrator, the board of county commissioners if the records concern a justice of the peace or retired justice of the peace whom the board of county commissioners allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the city council if the records concern a municipal judge or retired municipal judge whom the city council allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the spouse of the member, or the retired justice or judge or his or her spouse, or pursuant to a court order, or by a beneficiary after the death of the justice or judge on whose account benefits are received pursuant to the System. Any member, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or beneficiary may submit a written waiver to the System authorizing his or her representative to review or copy all such records.

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,



1 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
2 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
3 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
4 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
5 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
6 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
7 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
8 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
9 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
10 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
11 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
12 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
13 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
14 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
15 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
16 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
17 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
18 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
19 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
20 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
21 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
22 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
23 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
24 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
25 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
26 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
27 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
28 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
29 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
30 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
31 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
32 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
33 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
34 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
35 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
36 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
37 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
38 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
39 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
40 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
41 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
42 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
43 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
44 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
45 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,



1 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
2 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
3 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
4 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
5 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
6 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
7 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
8 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
9 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
10 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
11 704B.325, 706.1725, 706A.230, 710.159, 711.600, **section 1 of this**
12 **act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011
13 and section 2 of chapter 391, Statutes of Nevada 2013 and unless
14 otherwise declared by law to be confidential, all public books and
15 public records of a governmental entity must be open at all times
16 during office hours to inspection by any person, and may be fully
17 copied or an abstract or memorandum may be prepared from those
18 public books and public records. Any such copies, abstracts or
19 memoranda may be used to supply the general public with copies,
20 abstracts or memoranda of the records or may be used in any other
21 way to the advantage of the governmental entity or of the general
22 public. This section does not supersede or in any manner affect the
23 federal laws governing copyrights or enlarge, diminish or affect in
24 any other manner the rights of a person in any written book or
25 record which is copyrighted pursuant to federal law.

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

28 3. A governmental entity that has legal custody or control of a
29 public book or record shall not deny a request made pursuant to
30 subsection 1 to inspect or copy or receive a copy of a public book or
31 record on the basis that the requested public book or record contains
32 information that is confidential if the governmental entity can
33 redact, delete, conceal or separate the confidential information from
34 the information included in the public book or record that is not
35 otherwise confidential.

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

40 (a) Shall not refuse to provide a copy of that public record in a
41 readily available medium because the officer, employee or agent has
42 already prepared or would prefer to provide the copy in a different
43 medium.

44 (b) Except as otherwise provided in NRS 239.030, shall, upon
45 request, prepare the copy of the public record and shall not require



1 the person who has requested the copy to prepare the copy himself
2 or herself.

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

