

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 additional benefit 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 additional benefit 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 killed in the course of employment; 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) Existing law also sets forth several benefit options for the survivor
4 beneficiary of a deceased member of the System if the member is unmarried on the
5 date of the member’s death. (NRS 286.6767-286.6769) **Section 1.3** of this bill
6 provides an additional benefit option for the surviving spouse of a member who is
7 killed in the line of duty or the course of employment, as applicable. This additional
8 option authorizes the surviving spouse to elect to receive a benefit that is the
9 equivalent to the greater of: (1) fifty percent of the salary of the member on the date
10 of the member’s death; or (2) one hundred percent of the retirement allowance that
11 the member was eligible to receive based on the member’s years of service
12 obtained before the member’s death without any reduction for age for the deceased
13 member. **Section 1.5** of this bill provides that this additional benefit option is
14 available to a survivor beneficiary if the deceased member is unmarried on the date
15 of the member’s death.



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 the provisions set forth as sections 1.3 and 1.5 of this act.

3 **Sec. 1.3. 1.** *The spouse of a member who is a police officer*
4 *or firefighter killed in the line of duty or the spouse of any other*
5 *member killed in the course of employment is entitled to receive a*
6 *monthly allowance equivalent to the greater of:*

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

9 (b) *One hundred percent of the retirement allowance that the*
10 *member was eligible to receive based on the member's years of*
11 *service obtained before the member's death without any reduction*
12 *for age for the deceased member.*

13 2. *The benefits provided by this section must be paid to the*
14 *spouse for the remainder of the spouse's life.*

15 3. *The spouse may elect to receive the benefits provided by*
16 *any one of the following only:*

17 (a) *This section;*

18 (b) *NRS 286.674;*

19 (c) *NRS 286.676;*

20 (d) *NRS 286.6765; or*

21 (e) *NRS 286.6766.*

22 4. *For the purposes of this section, the Board shall define by*
23 *regulation "killed in the line of duty" and "killed in the course of*
24 *employment."*

25 **Sec. 1.5. 1.** *Except as otherwise provided in subsection 2,*
26 *the survivor beneficiary of a member who is a police officer or*
27 *firefighter killed in the line of duty or the survivor beneficiary of*
28 *any other member killed in the course of employment is entitled to*
29 *receive a monthly allowance equivalent to the greater of:*

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

32 (b) *One hundred percent of the retirement allowance that the*
33 *member was eligible to receive based on the member's years of*
34 *service obtained before the member's death without any reduction*
35 *for age for the deceased member.*

36 2. *If the member had designated one or more payees in*
37 *addition to the survivor beneficiary pursuant to NRS 286.6767, the*
38 *monthly allowance to which a survivor beneficiary is entitled*
39 *pursuant to subsection 1 must be divided between the survivor*
40 *beneficiary and any additional payees in the proportion designated*
41 *by the member pursuant to NRS 286.6767.*



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

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

- 6 **(a) This section;**
- 7 **(b) NRS 286.67675;**
- 8 **(c) NRS 286.6768;**
- 9 **(d) NRS 286.67685; or**
- 10 **(e) NRS 286.6769.**

11 **5. For the purposes of this section, the Board shall define by**
12 **regulation "killed in the line of duty" and "killed in the course of**
13 **employment."**

14 **6. As used in this section, "survivor beneficiary" means a**
15 **person designated pursuant to NRS 286.6767.**

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

17 286.671 As used in NRS 286.671 to 286.679, inclusive **H** ,
18 **and sections 1.3 and 1.5 of this act:**

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

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

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

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

30 286.672 1. Except as otherwise provided in subsection 3 **H**
31 **and sections 1.3 and 1.5 of this act**, if a deceased member had 2
32 years of accredited contributing service in the 2 1/2 years
33 immediately preceding the member's death or was a regular, part-
34 time employee who had 2 or more years of creditable contributing
35 service before and at least 1 day of contributing service within 6
36 months immediately preceding the member's death, or if the
37 employee had 10 or more years of accredited contributing service,
38 certain of the deceased member's dependents are eligible for
39 payments as provided in NRS 286.671 to 286.679, inclusive **H** ,
40 **and sections 1.3 and 1.5 of this act**. If the death of the member
41 resulted from a mental or physical condition which required the
42 member to leave the employ of a participating public employer or
43 go on leave without pay, eligibility pursuant to the provisions of this
44 section extends for 18 months after the member's termination or
45 commencement of leave without pay.



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

7 3. If the death of a member is caused by an occupational
8 disease or an accident arising out of and in the course of the
9 member's employment, no prior contributing service is required to
10 make the deceased member's dependents eligible for payments
11 pursuant to NRS 286.671 to 286.679, inclusive, *and sections 1.3*
12 *and 1.5 of this act*, except that this subsection does not apply to an
13 accident occurring while the member is traveling between the
14 member's home and the member's principal place of employment or
15 to an accident or occupational disease arising out of employment for
16 which no contribution is made.

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

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

20 286.679 1. If payments to a beneficiary pursuant to NRS
21 286.671 to 286.679, inclusive, *and sections 1.3 and 1.5 of this act*
22 cease before the total contributions of a deceased member have been
23 paid in benefits, and there is no person entitled to receive such
24 benefits pursuant to any provision of this chapter, the surplus of
25 such contributions over the benefits actually received may be paid in
26 a lump sum to:

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

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

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

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

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

37 218C.580 1. The provisions of NRS 286.671 to 286.679,
38 inclusive, except NRS 286.6775 ~~H~~ *and sections 1.3 and 1.5 of this*
39 *act*, relating to benefits for survivors pursuant to the Public
40 Employees' Retirement System, are applicable to the dependents of
41 a Legislator who is a member of the Legislators' Retirement
42 System, and the benefits for the survivors must be paid by the Board
43 following the death of the Legislator to the persons entitled thereto
44 from the Legislators' Retirement Fund.



- 1 2. It is declared that of the contributions required by
2 subsections 1 and 2 of NRS 218C.390, one-half of 1 percent must be
3 regarded as costs incurred in benefits for survivors.
4 **Sec. 5.** This act becomes effective on July 1, 2015.

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