

2009 Legislative Session

June 2009 – Final Report

The complete Bill Draft Request (BDR) list for the 2009 Legislative Session is now available on the Legislature's web site (www.leg.state.nv.us). The bills and BDRs listed below are being tracked by PERS' staff for potential impacts to the Retirement System. Currently, there is no additional language available for the BDRs. Once the BDR is introduced as a bill and the language is available, the Retirement Board will determine their position on the bill which staff will then post. **Items in blue ink have been added since the last report. Bills that failed the April 10th deadline will be in red ink.** This list will be updated monthly.

Assembly Bills

Assembly Bill 92 (BDR #400) – Requested by the Nevada Supreme Court – Revises the provisions governing benefits of a retired justice or judge. The Board has adopted a neutral position on Sections 1-8 of this bill, so long as the costs associated with the benefit modifications to the Judicial Retirement System are recognized and funded. The Board has adopted a position opposing Sections 9 and 10. This bill was prefiled and introduced on December 15, 2008. On February 2, 2009, the bill was referred to the Assembly Committee on Ways and Means. This bill was declared exempt on March 2, 2009. An amendment was proposed by PERS and accepted by the Supreme Court. A hearing was held on May 13th, when the bill was amended. On May 16th the Committee Report was amend and do pass as amended. The bill was read a second time and amended. On May 18th the bill was read a third time and passed as amended. The bill was then transmitted to the Senate. On May 18th the bill was read for the first time in the Senate and referred to the Senate Committee on Finance. The Board has adopted a neutral position on the amended version of Assembly Bill 92. A hearing was held on May 27th in Senate Finance and the bill was passed. On May 28th the bill was declared an emergency measure under the Constitution and was read a third time and passed. On May 29th the bill was delivered to the Governor and approved by the Governor on June 1st. The bill becomes effective July 1, 2009, and expires by limitation on June 30, 2015.

Assembly Bill 198 (BDR #29) – Requested by Assemblyman Segerblom – Makes certain changes concerning the Public Employees' Retirement System. This bill creates the Deferred Savings Option Program within the Public Employees' Retirement System. This bill was introduced on February 19, 2009 and referred to the Assembly Committee on Government Affairs. The Retirement Board has adopted a position in opposition to Assembly Bill 198, as drafted based upon concerns raised by PERS' tax counsel, the uncertainty as to the potential cost, and the Retirement Board's funding policy. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 282 (BDR #23-633) – Requested by Assembly Minority Leader – Revises provisions relating to the Public Employees' Retirement System. This bill amends the eligibility requirements for retirement of certain members of the System whose effective date of membership is on or after July 1, 2009; and requires a portion of the unrestricted balance in the State General Fund at the end of each biennium be deposited in PERS under certain circumstances. This bill was introduced on March 10, 2009 and referred to concurrent committees, Assembly Committee on Ways and Means and Assembly Committee on Government Affairs. On March 16th, this bill was declared exempt. The Retirement Board adopted a position opposing Section 1 of Assembly Bill 282, as written and adopted a neutral

position on Section 2 of Assembly Bill 282. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 356 (BDR #23-1081) – Requested by Assemblyman Ohrenschall – Revises provisions relating to the Public Employees’ Retirement System. This bill provides that a person may present certain evidence to the PERS Board to be named a survivor beneficiary or additional payee of a deceased member who has not designated a survivor beneficiary or additional payee on a form provided by the System. This bill was introduced on March 16, 2009 and referred to the Assembly Committee on Government Affairs. The Retirement Board adopted a position in opposition to Assembly Bill 356. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 374 (BDR #174) – Requested by Assemblywoman McClain – Revises provisions concerning the Public Employees’ Retirement System. This bill revises provisions governing the employment of retired public employees with public employers under the System. This bill was introduced on March 16, 2009 and referred to the Assembly Committee on Government Affairs. The Retirement Board adopted a position in opposition to Assembly Bill 374. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 434 (BDR #23-206) – Requested by Assemblyman Cobb – Provides for use of 401(k) plans by state employees. This bill creates the Public Employees’ Retirement Management Board; requires this Board to establish a defined contribution retirement plan for public employees; requires new public employees to participate in the retirement plan; and provides forfeiture of public employee retirement benefits if the employee is convicted of certain crimes. This bill was introduced on March 16, 2009 and referred to the Assembly Committee on Government Affairs. The Retirement Board adopted a position in opposition to Assembly Bill 434. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 440 (BDR #23-132) – Requested by Assemblyman Hardy – Revises provisions governing the reemployment of certain retired persons under the Public Employees’ Retirement System. This bill repeals the prospective expiration of provisions governing the reemployment of certain retired public employees who are hired to fill positions for which there is a critical labor shortage; prohibits such employees from reenrolling in PERS; and limits the compensation and certain benefits paid to such employees. This bill was introduced on March 16, 2009 and referred to the Assembly Committee on Government Affairs. The Retirement Board adopted a position in opposition to Assembly Bill 440. Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.

Assembly Bill 488 (BDR #34-782) – Requested by the Assembly Committee on Education – This bill revises provisions governing the allowances that may be paid to a retired public employee who accepts employment or an independent contract with the Board of Trustees of a school district or the governing body of a charter school in a position for which there is a critical labor shortage. This bill was introduced on March 23, 2009, and referred to the Assembly Committee on Education. On March 30th the bill received notice of eligibility for exemption. On April 9th this bill was declared exempt and re-referred to the Assembly Committee on Ways and Means without recommendation. The Retirement Board adopted a position in opposition to Assembly Bill 488 as written, due to both cost and equity for all members. A hearing was held on April 29, 2009. PERS proposed an amendment to the bill that the sponsor agreed to which removed the issues the Board was opposed to. No action was taken at the hearing. On May 4th the Committee amended and do passed the bill. On May 12th

the bill was read a second time and amended. It was placed on general file and passed as amended. The bill was transmitted to the Senate. On May 15th the bill was read the first time in the Senate and referred to the Senate Committee on Finance. A hearing was scheduled for May 19th in Senate Finance. An amendment was proposed by the Senate Committee on Finance and adopted. On May 20th the bill was read a second time and amended. On May 21st the bill was read a third time and passed as amended. On May 22nd the bill was transmitted to the Assembly. The Board has adopted a neutral position on the amended version of Assembly Bill 488. On May 22nd the Assembly concurred in Senate Amendment No. 859. The bill was delivered to the Governor on May 23rd. On May 29, 2009, the Governor approved the bill.

Assembly Bill 493 - As Amended (BDR #23-1232) – Requested by the Assembly Committee on Government Affairs. This bill requires the Public Employees’ Retirement Board to identify and report concerning investments of money from the Public Employees’ Retirement System in certain scrutinized companies with certain business activities or connections to Iran’s petroleum sector. This bill was introduced on March 23, 2009, in its original form and referred to Assembly Government Affairs. A hearing was held on April 6th which was when the amendment to the bill was proposed. The Committee voted to Amend, and do pass as amended. On April 14th the bill was read a second time and amended. On April 15th the bill was taken from General File and placed on the Chief Clerk’s Desk. On April 20th the bill was taken from the Chief Clerk’s Desk and placed on General File. The bill was read a third time; Passed, as amended. The bill was then transmitted to the Senate. On April 21st the bill was read the first time in the Senate and referred to the Committee on Finance. A hearing was held on May 14th with no action taken. On May 15th the Committee passed the bill and on May 18th the bill was read a second time. On May 19th the bill was read a third time and passed. The bill was transmitted to the Assembly. On May 20th the bill was enrolled and delivered to the Governor on May 22nd. The Governor vetoed the bill on May 28th. The Assembly voted not to sustain the veto on May 31st. On June 1st the Senate made AB 493 a Special Order of Business and voted not to sustain the veto. This bill becomes effective on October 1, 2009.

Senate Bills

Senate Bill 41 (BDR #308) – Requested by PERS – Revises certain administrative provisions and provides clarification of choices within the Judicial Retirement System. This bill contains technical language changes for PERS and the JRS requested by the Retirement Board. The Board has adopting a position supporting Senate Bill 41. This bill was prefiled and introduced on December 5, 2008. On February 2, 2009, the bill was referred to the Senate Committee on Finance. A hearing for SB 41 was held on March 2, 2009, and no action was taken on the bill. On March 16, 2009, the Senate Committee on Finance voted Do Pass. On March 17, 2009 SB 41 was read a second time. On March 19th the bill was placed on the General File for the next legislative day. On March 24th the bill was read for the third time and passed. The bill was transmitted to the Assembly. On March 27th the bill was read for the 1st time and referred to the Assembly Committee on Government Affairs. A hearing was held on May 13th and the bill was do passed. On May 13th the bill was read a second time. On May 15th the bill was placed on general file for the next legislative day. On May 16th the bill was taken from general file and placed on the Chief Clerk’s desk. On May 22nd the bill was taken from the Chief Clerk’s desk and placed on general file. The bill was read a third time and passed. The bill was enrolled and delivered to the Governor on May 23rd.

Senate Bill 71 (BDR #325) – Requested by the Department of Veterans Affairs – Revises provision relation to veterans. The Board has adopted a position supporting Sections 18 through 20 which allows veterans to purchase service for military time. This bill was prefiled and introduced on December 12, 2008. The bill was referred to the Senate Committee on Health and Education on February 2, 2009. A hearing was scheduled for February 18th and no action was taken. A second hearing was held on February 23, 2009, and no action was taken on the bill. On March 16th Senate Bill 71 received notice of eligibility for exemption. On April 16th the Committee voted to amend, and re-refer to the Committee on Finance. The bill was placed on second reading file. The bill was read a second time and amended. The bill was re-referred to the Committee on Finance and declared exempt. **This bill failed to pass.**

Senate Bill 81 (BDR #34-15) – Requested by Senator Cegavske – Establishes the Special Needs Scholarship Program. This bill allows private schools to participate in the scholarship program. Section 40 of this bill amends NRS 286.070 to exclude a private school from the definition of “public employer”. Under NRS 286.070 private schools do not fall under the definition of “public employer” therefore, an amendment is unnecessary and could create confusion as to the definition of “public employer”. The Board has adopted a position opposing Section 40 of Senate Bill 81. This bill was prefiled and introduced on December 15, 2008. On February 2, 2009 the bill was referred to the Senate Committee on Finance. A hearing was scheduled for March 2, 2009, and PERS offered an amendment to remove section 40 from the bill. No action was taken on the bill. On February 24th, 2009, Senate Bill 81 was declared exempt. **This bill failed to pass.**

Senate Bill #174 (BDR #23-768) – Requested by Senator McGinness – Exempts certain retired public employees who are serving as volunteer firefighters from certain consequences of reemployment with a public employer. This bill was introduced on March 5, 2009, and referred to the Senate Committee on Finance. The Retirement Board has adopted a neutral position on Senate Bill 174. This bill was introduced on March 5th and referred to the Senate Committee on Finance. The bill has been scheduled for hearing on April 3rd. On April 6th the Committee on Finance voted do pass. On April 8th the bill was read a second time. On April 13th the bill was read a third time and passed. On April 14th the bill was read for the first time in the Assembly and referred to the Committee on Government Affairs. A hearing was held on May 13th and the bill was do passed. The bill was then read a second time. On May 16th the bill was read a third time and passed. The bill was then transmitted to the Senate. On May 18th the bill was enrolled and delivered to the Governor on May 19th. The Governor approved SB 174 on May 22nd which becomes effective July 1, 2009.

Senate Bill 284 (BDR #23-687) – Requested by Senator Townsend – Exempts certain retired public officers and employees from disqualification for retirement allowances for reemployment with a public employer under PERS. This bill was introduced on March 16, 2009 and referred to the Senate Committee on Finance. The Retirement Board has adopted a position in opposition to Senate Bill 284. This bill was introduced on March 16th and referred to the Senate Committee on Finance. The bill was heard on April 3rd with no action taken. **This bill failed to pass.**

Senate Bill 367 (BDR #1168) – Requested by the Department of Administration – This bill contains the SAGE Commission recommended changes to the Public Employees’ Retirement System for public employees who are hired on or after January 1, 2010. This bill was introduced on March 23rd and referred to the Senate Committee on Finance. The bill has been scheduled for hearing on April 3rd. The Retirement Board has adopted a neutral position on Sections 1-6 and Section 8, the Board is opposed to the disparate multiplier in Section 7 and neutral on the remaining provisions of Section 7. At the hearing on April 3rd the Committee took no action. On April 6th the bill received notice of eligibility for exemption and was declared exempt. **This bill failed to pass.**

Senate Bill 387 (BDR #1166) – Requested by the Department of Administration – This bill revises provisions regarding procedures for state agency lay-offs and eliminates NRS 286.3007(3)(4) which requires state agencies to purchase retirement credit for employees laid off. This bill was introduced on March 23rd and referred to the Senate Committee on Government Affairs. The Retirement Board adopted a neutral position on Section 5 of this bill. ***Pursuant to Standing Joint Rule 14.3.1, no further action is allowed on this bill. April 10th failed deadline.***

Senate Bill 427 (BDR #23-1290) – Requested by the Senate Committee on Finance – Revises provisions governing the Public Employees' Retirement System. This bill makes various changes to public employees hired on or after January 1, 2010. The Retirement Board has adopted a neutral position on this bill. The bill was introduced on May 19th and referred to the Committee on Finance. A hearing was held on May 21st with no action taken. On May 28th Senate Finance amended the bill and passed it. The bill was read a second time and amended. The bill was declared an emergency measure under the Constitution and was read a third time and passed; as amended. The bill was transmitted to the Assembly. The bill was read the first time and declared an emergency measure under the Constitution and was read a third time. The bill passed and was delivered to the Governor on June 1st.
