

**ADOPTED REGULATION OF THE BOARD OF THE
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

LCB File No. R062-03

Effective September 24, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 287.043.

Section 1. NAC 287.135 is hereby amended to read as follows:

287.135 “Retired officer or employee” means ~~an~~ :

1. An officer or employee of the State or a public agency who has met the requirements to receive, and is receiving any distribution of, benefits from:

~~1.]~~ *(a)* The Judges’ Retirement System;

~~2.]~~ *(b)* The Public Employees’ Retirement System (PERS);

~~3.]~~ *(c)* The Legislators’ Retirement System;

~~4.— A retirement program for professional employees offered by or through the University and Community College System of Nevada pursuant to NRS 286.802; or~~

~~—5.] or~~

(d) A long-term disability plan of the State or a public agency.

2. An officer or employee of the State or a public agency who:

(a) Has met the requirements to receive, and is receiving any distribution of, benefits from a retirement program for professional employees offered by or through the University and Community College System of Nevada, including, without limitation, a retirement plan

alternative provided pursuant to NRS 286.802, a tax sheltered annuity or a deferred compensation plan; and

(b) Has participated in the retirement program described in paragraph (a) for at least 5 years as a full-time employee or the equivalent of a full-time employee.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R062-03

The Board of the Public Employees' Benefits Program adopted regulations assigned LCB File No. R062-03 which pertain to chapter 287 of the Nevada Administrative Code on September 4, 2003.

Notice date: 8/1/2003
Hearing date: 9/4/2003

Date of adoption by agency: 9/4/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, summary of public response, and an explanation how other interested persons may obtain a copy of the summary.
 - a) A "Notice of Workshop to Solicit Comments on Proposed Regulation" was posted on August 1, 2003. A "Notice of Intent to Act Upon a Regulation" was posted on August 1, 2003.
 - b) Summary of public response: None
 - c) A copy of the summary may be obtained by calling Vicki Smerdon at the Public Employees' Benefits Program at 800-326-5496 or 775-684-7000, or by writing to the Public Employees' Benefits Program at 400 West King Street, Suite 300, Carson City, Nevada 89703.
2. The Number of Persons Who:
 - a) Attended the hearing: 39
 - b) Testified at each hearing: 0
 - c) Submitted to the agency written comments: There were no written comments submitted to the agency.
3. A description of how comment was solicited from affected business, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

Comments were not solicited from any particular business because there is no direct or significant impact on any business.
4. If the regulation was adopted with or without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were proposed.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long term effects.

There are no estimated economic effects on the public, either adverse or beneficial, nor immediate or long term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

None.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are none.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee.