

LCB File No. R062-03

**PROPOSED REGULATION OF THE PUBLIC
EMPLOYEES' BENEFIT PROGRAM**

(This proposed regulation was previously adopted as LCB File No. T037-03)

Notice Of Workshop To Solicit Comments On Proposed Permanent Regulations

The Public Employees' Benefits Program, 400 West King Street, Suite 300, Carson City, Nevada 89703, (775) 684-7000 or (800) 326-5496, is proposing the amendment and repeal of regulations pertaining to chapter 287 of the Nevada Administrative Code. A workshop has been set for 9:30 a.m., on September 4, 2003, at the Legislative Building, 401 South Carson Street, Room 1214, and videoconference to the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

- a) To provide consistency among all retirement plan participants**
- b) To make plan year coincide with the fiscal year**

A copy of all materials relating to the proposals may be obtained at the workshop or by contacting the Public Employees' Benefits Program, 400 West King Street, Suite 300, Carson City, Nevada 89703, (775) 684-7000 or (800) 326-5496. A reasonable fee for copying may be charged. You may also access the information at Public Employees' Benefits Program's web site at <http://www.pebp.state.nv.us>.

This notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

ALL NEVADA COUNTY LIBRARIES, NEVADA STATE LIBRARY, LEGISLATIVE COUNSEL BUREAU, BLASDEL BUILDING, 209 East Musser Street, Carson City; PUBLIC EMPLOYEES' BENEFITS PROGRAM, 400 W. King Street #300, Carson City; MOTOR VEHICLES & PUBLIC SAFETY BLDG., 305 Galetti Way, Reno; GOVERNOR'S OFFICE LAS VEGAS, 555 E. Washington Ave. Suite 5100, Las Vegas; MOTOR VEHICLES & PUBLIC SAFETY, 2701 E. Sahara Ave., Las Vegas; UNLV - HUMAN RESOURCES OFFICE, 4505 Maryland Pkway, Las Vegas; UNR - ARTEMESIA BUILDING, 70 Artemesia Way, Reno. In addition, the notice was mailed to all State agencies and to groups and individuals as requested.

**NOTICE OF INTENT TO ACT UPON PROPOSED
PERMANENT REGULATIONS**

**Notice of Hearing for the Amendment and Repeal of Regulations
of the Public Employees' Benefits Program**

LCB File No. R062-03

LCB File No. R067-03

The Public Employees' Benefits Program will hold a public hearing at 10:00 a.m., on September 4, 2003, at the Legislative Building, 401 South Carson Street, Room 1214, Carson City, Nevada, videoconference to the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4412, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment and repeal of regulations that pertain to chapter 287 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.
(a) To provide consistency among all retirement plan participants.
(b) To make plan year coincide with the fiscal year.
2. Either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved.
See attached proposed permanent regulations.
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
(a) Both adverse and beneficial effects; and
Adverse effects: None
Beneficial effects: Makes plan administration more efficient
(b) Both immediate and long term effects:
Makes plan administration more efficient
4. The estimated cost to the agency for enforcement of the proposed regulation.
None.
5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
None.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
Not applicable.

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

Not applicable.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

No.

Persons wishing to comment upon the proposed action of Public Employees' Benefits Program may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Public Employees' Benefits Program, Attention: Vicki Smerdon, 400 West King Street, Suite 300, Carson City, Nevada 89703. Written submissions must be received by the Public Employees' Benefits Program on or before Tuesday, September 2, 2003. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Public Employees' Benefits Program may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended and repealed will be available at the Public Employees' Benefits Program, 400 West King Street, Suite 300, Carson City, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This information is also available at Public Employees' Benefits Program's web site at <http://www.pebp.state.nv.us>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against adoption.

This notice of hearing has been posted at the following locations:

NEVADA STATE LIBRARY, LEGISLATIVE COUNSEL BUREAU, BLASDEL BUILDING, 209 East Musser Street, Carson City; PUBLIC EMPLOYEES' BENEFITS PROGRAM, 400 W. King Street #300, Carson City; MOTOR VEHICLES & PUBLIC SAFETY BLDG., 305 Galetti Way, Reno; GOVERNOR'S OFFICE-LAS VEGAS, 555 E. Washington Ave. Suite 5100, Las Vegas; MOTOR VEHICLES & PUBLIC SAFETY, 2701 E. Sahara Ave., Las Vegas; UNLV - HUMAN RESOURCES OFFICE, 4505 Maryland Pkway, Las Vegas; UNR - ARTEMESIA BUILDING, 70 Artemesia Way, Reno. In addition, the notice was mailed to all State agencies and to groups and individuals as requested.

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**PROPOSED REGULATION OF THE PUBLIC
EMPLOYEES' BENEFIT PROGRAM**

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

AUTHORITY: NRS 287.220

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

“Retired officer or employee” means 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. The judges’ retirement system;
2. The public employees’ retirement system (PERS);
3. The legislators’ retirement system;
4. A retirement program for professional employees offered by or through the University and Community College System of Nevada (UCCSN) *which may include a Retirement Plan Alternative (RPA) pursuant to NRS 286.802, tax sheltered annuity or deferred compensation plan, and has participated in the RPA for at least five years as a full-time employee or equivalent;* or
5. A long-term disability plan of the state or a public agency.