

LCB File No. T037-03

**PROPOSED TEMPORARY REGULATION OF THE
PUBLIC EMPLOYEES' BENEFITS PROGRAM**

Notice Of Workshop To Solicit Comments On Proposed Temporary Regulation

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 of regulations pertaining to chapter 287 of the Nevada Administrative Code. A workshop has been set for 9:00 a.m., on June 5, 2003, at the Washoe County District Health Department, 1001 E. Ninth Street, Reno, Nevada, Conference Room B, and videoconference to the Special Children's Clinic Conference Room, 1161 S. Valley View, 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:

University System retiree eligibility requirement for participation in Public Employees' Benefits Program.

A copy of all materials relating to the proposal 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.

PROPOSED TEMPORARY REGULATION OF THE PUBLIC EMPLOYEES' BENEFITS PROGRAM

NOTICE OF INTENT TO ACT UPON A TEMPORARY REGULATION

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

The Public Employees' Benefits Program will hold a public hearing at 9:30 a.m., on June 5, 2003, at the Washoe County District Health Department, 1001 E. Ninth Street, Reno, Nevada, Conference Room B, videoconference to the Special Children's Clinic Conference Room, 1161 S. Valley View, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment 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.
To provide consistency among all retirement plan participants.
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 temporary regulation.
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 Monday, June 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 regulation to be Amended 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 regulation to be Amended 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 regulation 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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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) pursuant to NRS 286.802 *if the retiree has participated in the Retirement Plan Alternate (RPA) for at least five years as a full-time employee or equivalent and is receiving some form of retirement income from a UCCSN approved RPA, tax sheltered annuity or deferred compensation plan*; or
5. A long-term disability plan of the state or a public agency.