

Chapter 287 of NAC

LCB File No. T010-09

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

**NOTICE OF INTENT TO ACT UPON
A PROPOSED TEMPORARY REGULATION**

**Notice of Hearing for the Amendment of a Regulation
of the Public Employees' Benefits Program**

The Board of the Public Employees' Benefits Program will hold a public hearing at 9:00 a.m., on March 12, 2009, at 901 S. Stewart Street, Suite 1002, Carson City, Nevada, videoconference to the Department of Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference Room C, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of a regulation that pertains 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.
Modify the definition of "Plan Year" as currently contained in NAC 287.100
2. Either the terms or the substance of the regulation to be adopted or a description of the subjects and issues involved.
See attached proposed 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 known at this time
Beneficial effects: None known at this time
 - (b) Both immediate and long term effects:
None.
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, 901 South Stewart Street, Suite 1001, Carson City, Nevada 89701. Written submissions must be received by the Public Employees' Benefits Program on or before Wednesday, March 11, 2009. 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 proposed regulation 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, 901 South Stewart Street, Suite 1001, 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:

The Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada, The Legislative Building, 401 South Carson Street, Carson City, Nevada, The Blasdel Building, 209

East Musser Street, Carson City; Nevada, The Public Employees' Benefits Program, 901 South Stewart Street, Carson City; Nevada, and The Department of Employment, Training & Rehabilitation, 2800 East St. Louis Avenue, Las Vegas, Nevada. In addition, the notice was mailed to all State agencies and to groups and individuals as requested.

Date: February 9, 2009

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

AUTHORITY: §1, NRS 287.043

Section 1. NAC 287.100 is hereby amended to read as follows:

287.100 "Plan year" means the period ~~starting on July 1 and ending on the following June 30~~ in which Program benefits and rates are offered for enrollment. *The time period shall be determined by the Board.*