

Retirement Board

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Memorandum

To: Retirement Liaison Officers

From: Tina Leiss, Operations Officer

Date: July 23, 2012

Re: Legislators' Retirement System Official Policies

The Public Employees' Retirement Board has approved for notice the **adoption of new policies and the re-adoption of all previously adopted policies** of the Board in accordance with NRS 218C.150 and NRS 218C.180. Please immediately cause a copy of this notice to be posted on a bulletin board or in some conspicuous place in your office.

The public hearing on the revised policies will take place no earlier than 1:00 p.m. on August 15, 2012, in the PERS' Board Room, 693 West Nye Lane, Carson City. Any person wishing to testify should be in attendance at the meeting. The revised policies may be adopted at the August 15, 2012, meeting and become effective September 1, 2012.

The following pages show the proposed changes to the policy.

ARTICLE I
VESTING

218C.450 _____ Notwithstanding any provisions of the Legislators' Retirement System of Nevada (System) to the contrary, the retirement allowance under the System for a member of the System becomes vested at least as soon as the member reaches normal retirement age. Solely for purposes of this section, normal retirement age is the later of the date the member completes 10 years of accredited service or the date the member reaches age 65.

ARTICLE II
CODE SECTION 415 LIMIT

Policy _____ Solely for purposes of this Article, the term "System" shall mean the Legislators' Retirement System of Nevada and the term "member" shall include a member of the foregoing.

218C.340 _____ The defined benefit payable to a member of the System shall not exceed the applicable limits under Internal Revenue Code 415(b), as periodically adjusted by the Secretary of the Treasury pursuant to Internal Revenue Code section 415(d). The limitation year is the calendar year. This limit shall apply to a member who has had a severance from employment or, if earlier, an annuity starting date. Benefits that are subject to Internal Revenue Code section 415(b) shall comply with the foregoing limit in each year during which payments are made. The foregoing limit shall be adjusted pursuant to the requirements of Internal Revenue Code sections 415(b)(2)(C) and (D) relating to the commencement of benefits at a date prior to age 62 or after age 65, subject to other applicable rules under Internal Revenue Code section 415. No adjustment shall be required to a benefit subject to an automatic benefit increase feature described in Treasury Regulation section 1.415(b)-1(c)(5). To the extent that Internal Revenue Code section 415 and the Treasury Regulations thereunder require that an interest rate under Internal Revenue Code section 417(e) apply, the applicable lookback month shall be the calendar month preceding the current month and the applicable stability period is one calendar month.

Policy _____ If a member is, or has ever been, a participant in another qualified defined benefit plan (without regard to whether the plan has been terminated) maintained by the member's employer, as determined pursuant to Internal Revenue Code sections 414(b), 415(c), and 415, the sum of the member's benefits payable annually in the form of a straight life annuity from all such plans may not exceed the limit described in item (1) above. Where the member's employer-provided benefits under all such defined benefit plans (determined as of the same age) would exceed the limit described in (1) above applicable at that age, the benefits accrued under all such other plans shall be reduced first in order to avoid exceeding the limit and shall be reduced under the System only

to the extent that the reduction under such other plans is insufficient to avoid exceeding the limit.

ARTICLE III
MINIMUM REQUIRED DISTRIBUTIONS

- Policy _____ For purposes of this Article, the term “System” shall mean the Legislators’ Retirement System of Nevada.
- 218C.520 _____ Pursuant to Treasury Regulations under section 401(a)(9) of the Internal Revenue Code (IRC), notwithstanding any provision of the System to the contrary, the System shall comply with IRC 401(a)(9), including the minimum distribution incidental benefits rule of IRC 401(a)(9)(G), pursuant to a reasonable and good faith interpretation of IRS 401(a)(9).