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**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
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April 17, 2003

Mr. Dale H. Everhart, Executive Director
Public School Employees' Retirement Board
5 North 5th Street, 4th Floor
Harrisburg, PA 17108

Re: Regulation #43-9 (IRRC #2320)
Public School Employees' Retirement Board
Optional Alternate Retirement Plans

Dear Mr. Everhart:

Enclosed are the Commission's Comments for consideration when you prepare the final version of this regulation. These Comments are not a formal approval or disapproval; however, they specify the regulatory criteria which have not been met.

The Comments will soon be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

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Enclosure

cc: Honorable Jess M. Stairs, Majority Chairman, House Education Committee
Honorable James R. Roebuck, Jr., Democratic Chairman, House Education Committee
Honorable Jane M. Earll, Chairman, Senate Finance Committee
Honorable John N. Wozniak, Minority Chairman, Senate Finance Committee

Comments of the Independent Regulatory Review Commission

on

Public School Employees' Retirement Board Regulation No. 43-9

Optional Alternate Retirement Plans

April 17, 2003

We submit for your consideration comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Public School Employees' Retirement Board must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 215.36. Optional alternate retirement programs. – Clarity.

We have identified the following sentences or phrases which could be deleted or reformatted to improve clarity:

- The last sentence in Subsection (a) appears to be unnecessary and could be deleted.
- The phrase “as otherwise provided by law,” which appears at the end of the last sentence in proposed Paragraph (a)(1), is unnecessary and should be deleted.
- In proposed Paragraph (a)(2), the second sentence which begins with the phrase “When an employee later is employed in a capacity...,” is long and confusing. Clarity would be improved by breaking the sentence into subparagraphs consistent with the guidelines in Chapter 2 of the *Pennsylvania Code and Bulletin Style Manual*.