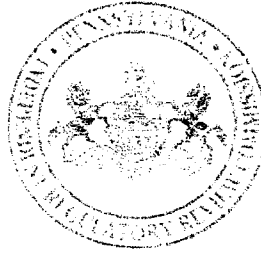


JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 10, 2005

Eric Henry, Executive Director  
State Employees' Retirement Board  
30 North Third Street  
Harrisburg, PA 17108

Re: Regulation #31-2 (IRRC #2322)  
State Employees' Retirement Board  
Optional Alternate Retirement Plans

Dear Mr. Henry:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

  
John R. McGinley, Jr.

Chairman

wbg

Enclosure

cc: Honorable Jane M. Earll, Chairwoman, Senate Finance Committee  
Honorable John N. Wozniak, Minority Chairman, Senate Finance Committee  
Honorable Paul I. Clymer, Majority Chairman, House State Government Committee  
Honorable Babette Josephs, Democratic Chairman, House State Government Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held February 10, 2004

John R. McGinley, Jr., Esq., Chairman  
Daniel F. Clark, Esq.  
Arthur Coccodrilli, by Phone  
Murray Ufberg, Esq.

Regulation No. 31-2  
State Employees' Retirement Board  
Optional Alternate Retirement Plans

On February 3, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Employees' Retirement Board (Board). This rulemaking amends 4 Pa. Code Chapters 243 and 249. The proposed regulation was published in the February 15, 2003 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 26, 2004.

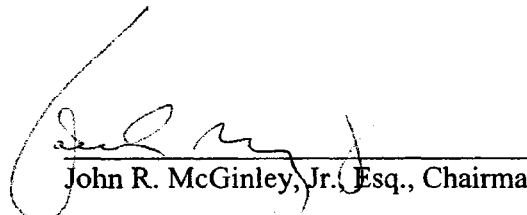
This regulation clarifies when a new employee of the State System of Higher Education (SSHE) may choose an alternate retirement plan. The amendments in the regulation are in response to Act 35 of 2001, which allowed SSHE to add insurance companies or mutual funds as alternate retirement plans for its employees.

We have determined this regulation is consistent with the statutory authority of the Board (71 Pa.C.S. § 5902(h) and 24 P.S. § 20-2013-A) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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John R. McGinley, Jr., Esq., Chairman