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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 25, 2006

Eric Henry, Executive Director
State Employees' Retirement Board
30 North Third Street
Harrisburg, PA 17108-1147

Re: Regulation #31-6 (IRRC #2558)
State Employees' Retirement Board
Appeal Period

Dear Mr. Henry:

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 of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
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

Comments of the Independent Regulatory Review Commission

on

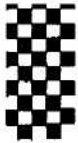
State Employees' Retirement Board Regulation #31-6 (IRRC #2558)

Appeal Period

October 25, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the August 26, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Employees' Retirement Board (SERB) to respond to all comments received from us or any other source.

1. Section 250.2. Appeal Period from decisions of administrative staff. – Clarity. This section states: “Decisions of administrative staff under authority delegated by the [State Employees' Retirement] Board may be appealed to the Board by filing a formal appeal within 30 days after service of notice of the administrative decision....” The General Rules of Administrative Practice and Procedure provides for only a 10-day appeal period (1 Pa. Code § 35.20). In order to reduce the likelihood of confusion and also to provide consistency with the format in Subchapter B, the SERB should include a paragraph (b) which clarifies that this section supersedes 1 Pa. Code § 35.20.



Facsimile Cover Sheet



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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: Bob Gentzel
Agency: State Employees' Retirement Board
Phone: 7-9657
Fax: 3-7300-7-5751
Date: October 25, 2006
Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Employees' Retirement Board's regulation #31-6 (IRRC #2558). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Maileene Hummer Date: 10/25/06