

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Minta Montalbo
Department of Administration

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: December 21, 2017

RE: Filed Permanent Regulations: Department of Administration

Department of Administration Regulation re: 2 AAC 35.227, 2 AAC 36.188, 2 AAC 37.015; Non APA: PERS, TRS, Judicial: Bona Fide Separation Requirements (2 AAC 35.227; 2 AAC 36.188; 2 AAC 37.015)

Attorney General File:	JU2017200610
Regulation Filed:	12/21/2017
Effective Date:	12/22/2017
Print:	225, April 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis


**ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DIVISION OF RETIREMENT AND BENEFITS**

The attached nine (9) pages regulations dealing with bona fide termination and return to work requirements for members of the Teachers' Retirement System (AS 14.25), the Judicial Retirement System (AS 22.25) and the Public Employees' Retirement System (AS 39.35) are adopted and certified to be correct copies of the regulation changes that the Commissioner of Administration adopts under the authority of Alaska Statutes 14.25.003, 22.25.027, 39.30.154, and 39.35.003, and after compliance with Alaska Statutes 14.25.005, 22.25.027 and 39.35.005, specifically including notice and opportunity for public comment.

This action is not expected to require an increased appropriation.

The attached regulations are exempt from the adoption procedures of the Administrative Procedure Act and, under AS 14.25.005(g), 22.25.027(f), 39.30.154 and 39.35.005(g) take effect on the 30th day after their adoption by the Commissioner of Administration.

DATE: 11-22-17
Juneau, Alaska


Leslie Ridle, Commissioner
Department of Administration

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

December 21, 2017, at 10 A.m., I filed the attached regulations


Lieutenant Governor

Effective: December 22, 2017

Register: 225, April 2018

← the header should appear at the top of each page of the regulations. |||

2 AAC 35 is amended by adding a new section to read:

2 AAC 35.227 Bona fide termination of employment. (a) For purposes of this chapter, at

retirement, a member's termination from employment is considered valid only if there is no prearrangement between the member and the employer for continued employment in any capacity after the retirement effective date. If any prearrangement to return to work with the same employer exists before retirement, the member will be deemed to not have a bona fide termination of employment and the member's retirement shall be void.

(b) Unless subsection (f) of this regulation applies, for purposes of a bona fide termination of employment, the following breaks in service requirements shall apply:

(1) A member under age 62 at the time of retirement cannot return to employment in any capacity with the same employer until six months have elapsed from the date of retirement.

(2) A member age 62 or older cannot return to employment with the same employer until 60 days have elapsed from the date of retirement.

(c) If a retired member under age 59½ returns to employment with the same employer with less than a six-month break in service, benefit payments shall not be made during the period of reemployment. All benefit payments received before the date of cessation of payments and occurring while the member was under age 59½ will be coded, under Internal Revenue Service requirements, as an early distribution (no known exception) for tax purposes unless another known exception exists. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(d) If a retired member over age 59½, but less than age 62, returns to employment with the same employer with less than a six-month break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(e) If a retired member age 62 or older returns to employment with the same employer with less than a 60-day break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(f) Regardless of age, retired members who have a prearrangement for reemployment in existence with the same employer before prior to the member's retirement will be deemed to not have a valid termination from employment and shall be ineligible for retirement benefits during the period of reemployment. The member will be required to repay to the plan all retirement and health benefits received from the plan plus applicable interest. Interest will be at the plan rate and is effective as of the date of the member's appointment to retirement. Any amounts not repaid to the plan shall continue to accrue interest and shall be subject to collection from the member's retirement benefit. Based upon the voided retirement, during the continued employment, the member will be treated as having not retired for purposes of benefit accrual and shall be subject to all plan provisions for active members.

(g) For purposes of this section, “bona fide termination of employment” shall have the same meaning as “severance of service date” under ^{26 C.F.R.} ~~Treas. Reg.~~ §1.410(a)–7(b)(2) or as amended.

AUTHORITY: AS 39.35.003

AS 39.35.150

AS 39.35.370

AS 39.35.810

“*bold;
initial
cap only*”

AS 39.35.678

AS 39.35.115

(Eff. 12/22/2017, Register 225)

Register 225, April, 2017 ADMINISTRATION *Header should appear at the top of each page of the regulations.*

2 AAC 36 is amended by adding a new section to read:

2 AAC 36.188 Bona fide termination of employment. (a) For purposes of this chapter, at retirement, a member's termination from employment is considered valid only if there is no prearrangement between the member and the employer for continued employment in any capacity after the retirement effective date. If any prearrangement to return to work with the same employer exists before retirement, the member will be deemed to not have a bona fide termination of employment and the member's retirement shall be void.

(b) Unless subsection (f) of this regulation applies, for purposes of a bona fide termination of employment, the following breaks in service requirements shall apply:

(1) *Lowercase*
(i) A member under age 62 at the time of retirement cannot return to employment in any capacity with the same employer until six months have elapsed from the date of retirement.

(2) *Lowercase*
(ii) A member age 62 or older cannot return to employment with the same employer until 60 days have elapsed from the date of retirement.

(c) If a retired member under age 59½ returns to employment with the same employer with less than a six-month break in service, benefit payments shall not be made during the period of reemployment. All benefit payments received before the date of cessation of payments and occurring while the member was under age 59½ will be coded, under Internal Revenue Service requirements, as an early distribution (no known exception) for tax purposes unless another known exception exists. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(d) If a retired member over age 59½, but less than age 62, returns to employment with the same employer with less than a six-month break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(e) If a retired member age 62 or older returns to employment with the same employer with less than a 60-day break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(f) Regardless of age, retired members who have a prearrangement for reemployment in existence with the same employer before prior to the member's retirement will be deemed to not have a valid termination from employment and shall be ineligible for retirement benefits during the period of reemployment. The member will be required to repay to the plan all retirement and health benefits received from the plan plus applicable interest. Interest will be at the plan rate and is effective as of the date of the member's appointment to retirement. Any amounts not repaid to the plan shall continue to accrue interest and shall be subject to collection from the member's retirement benefit. Based upon the voided retirement, during the continued employment, the member will be treated as having not retired for purposes of benefit accrual and shall be subject to all plan provisions for active members.

(g) For purposes of this section, “bona fide termination of employment” shall have the same meaning as “severance of service date” under 26 C.F.R. ~~Treas. Reg. §1.410(a) - 7(b)(2)~~ or as amended.

AUTHORITY:

(((bold;
initial cap
only)))

AS 14.25.005

AS 14.25.010

AS 14.25.110

AS 14.25.320

AS 14.25.410

(EFF. 12/22/2017, Register 225)

Member should appear at the top of each page of the regulations. »

2 AAC 37 is amended by adding a new section to read:

2 AAC 37.015 Bona fide termination of employment. (a) For the purposes of this chapter, a

bona fide termination of employment is considered valid only if there is no prearrangement

between the member and the employer for continued employment in any capacity after the

retirement effective date. If any prearrangement to return to work with the same employer exists

before prior to retirement, the member will be deemed to not have a valid termination of employment

and the member's retirement shall be void.

(b) Unless subsection (f) of this section applies, for purposes of a bona fide termination of

employment, the following breaks in service requirements shall apply:

(1) lowercase

(i) A member under age 62 at the time of retirement cannot return to employment in any capacity with the same employer until six months have elapsed from the date of retirement.

(2) lowercase

(ii) A member age 62 or older cannot return to employment with the same employer until 60 days have elapsed from the date of retirement.

(c) If a retired member under age 59½ returns to employment with the same employer with

less than a six-month break in service, benefit payments shall not be made during the period of

reemployment. All benefit payments received before prior to the date of cessation of payments and

occurring while the member was under age 59½ will be coded, pursuant to Internal Revenue

Service requirements, as an early distribution (no known exception) for tax purposes unless

another known exception exists. Upon the member's subsequent termination from employment,

a member's entitlement to benefit payments will commence the day after the date of the

termination. The member will again be required to establish a bona fide termination in

accordance with a subsection (b) of this section before reemploying again with the same employer.

(d) If a retired member over age 59½, but less than age 62, returns to employment with the same employer with less than a six-month ~~6-month~~ break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(e) If a retired member age 62 or older returns to employment with the same employer with less than a 60-day break in service, benefit payments shall not be made during the period of reemployment. Upon the member's subsequent termination from employment, a member's entitlement to benefit payments will commence the day after the date of the termination. The member will again be required to establish a bona fide termination in accordance with subsection (b) of this section before reemploying again with the same employer.

(f) Regardless of age, retired members who have a prearrangement for reemployment in before ~~prior to~~ the member's retirement will be deemed to not have a valid termination from employment and shall be ineligible for retirement benefits during the period of reemployment. The member will be required to repay to the plan all retirement and health benefits received from the plan plus applicable interest. Interest will be at the plan rate and is effective as of the date of the member's appointment to retirement. Any amounts not repaid to the plan shall continue to accrue interest and shall be subject to collection from the member's retirement benefit. Based upon the voided retirement, during the continued employment, the member will be treated as having not retired for purposes of benefit accrual and shall be subject to all plan provisions for active members. (Eff. 12/22/2017, Register 225)

AUTHORITY:

«bold; initial
case only»

AS 22.25.010

AS 22.25.020

AS 22.25.025

AS 22.25.027

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 20, 2017

File No.: JU2017200610

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Administration
Regulation re: 2 AAC 35.227, 2 AAC
36.188, 2 AAC 37.015; Non APA:
PERS, TRS, Judicial: Bona Fide
Separation Requirements

We have reviewed the attached Department of Administration changes to regulations relating to bona fide separation of employment and the tax qualification of the state retirement system. The regulations are ready for filing and sending to the publisher for printing in the Alaska Administrative Code. *Please note that under AS 14.25.005(g), AS 22.25.027(f); AS 39.30.154, and 39.35.005(g), the regulations take effect 30 days after adoption by the commissioner.* Commissioner Ridle adopted these regulations November 22, 2017.

The regulations were adopted after the close of the public comment period, by the commissioner of administration, as the individual with authority to adopt regulations to govern the operations of the state retirement systems.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP: srp

cc: (w/encl., via e-mail)

Honorable Leslie Ridle, Commissioner
Department of Administration

Kathy Lea, Deputy Director
Division of Retirement and Benefits
Department of Administration

Joan Wilkerson, Assistant Attorney General
Labor and State Affairs Section
Department of Law

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF
ADMINISTRATION, DIVISION OF RETIREMENT AND BENEFITS

The Division of Retirement and Benefits proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing bona fide separation of employment and the tax qualification of the state retirement systems.

The following regulations will be adopted in the following plans to comply with Internal Revenue Code requirements in Section 401(a) (7) requiring specific language a bona fide separation of employment must occur before retirement benefits may be paid and a defined break in service must be observed before retirees may re-employ with the same employer.

2 AAC 35.227, Public Employees' Retirement System

2 AAC 36.188, Teachers' Retirement System

2 AAC 37.015 Judicial Retirement System

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or kathy.lea@alaska.gov. The comments must be received no later than 5:00 p.m. on October 13, 2017.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Monica Todden at (907) 4460 no later than October 10, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203 Juneau, Alaska 99811-0203 or go to www.state.ak.us/drb.

After the public comment period ends, the Division of Retirement and Benefits will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 14.25.005, AS 14.25.110, AS 14.25.150, AS 22.25.010, AS 22.25.027, AS 22.25.041, AS 39.35.005.

Statutes being Implemented, Interpreted, or Made Specific:

AS 14.25.110, AS 14.25.125, AS 14.25.410, AS 22.010, AS 39.35.370, AS 39.35.381, AS 39.35.385, AS 39.35.810

Fiscal Information: No increased appropriations are anticipated.

DATE: 9/6/2017


Kathy Lea, Chief Pension Officer

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT AND BENEFITS

The Division of Retirement and Benefits proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing with bona fide separation of employment and the tax qualification of the state retirement systems.

The following regulations will be adopted in the following plans to comply with Internal Revenue Code requirements in Section 401(a) (7) requiring specific language that a bona fide separation of employment must occur before retirement benefits may be paid and a defined break in service must be observed before retirees may re-employ with the same employer.

2 AAC 35.227, Public Employees' Retirement System

2 AAC 36.188, Teachers' Retirement System

2 AAC 37.015 Judicial Retirement System

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or kathy.lea@alaska.gov. The comments must be received no later than 5:00 p.m. on October 20, 2017.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Monica Todden at (907) 465-4460 no later than October 16, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203 Juneau, Alaska 99811-0203 or go to alaska.gov/drb.

After the public comment period ends, the Division of Retirement and Benefits will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 14.25.005, AS 14.25.110, AS 14.25.150, AS 22.25.010, AS 22.25.027, AS 22.25.041, AS 39.35.005.

Statutes being Implemented, Interpreted, or Made Specific:

AS 14.25.110, AS 14.25.125, AS 14.25.410, AS 22.010, AS 39.35.370, AS 39.35.381, AS 39.35.385, AS 39.35.810

Fiscal Information: No increased appropriations are anticipated.

Attachments, History, Details

Attachments

2017IRSCompliancePublicNoticeBonaFideTermination.pdf
RetireeReturntoWorkJRS.pdf
RetireeReturntoWorkPERS.pdf
RetireeReturntoWorkTRS.pdf

Revision History

Created 9/19/2017 1:18:31 PM by jdoxman

Details

Department: Administration
Category: Regulations
Sub-Category: Notice of Proposed Regulations
Location(s): Statewide
Project/Regulation #:

Publish Date: 9/20/2017

Modified 9/19/2017 3:28:47 PM by jdoxman

Archive Date:

10/21/2017

Modified 9/20/2017 7:30:46 AM by jdoxman

Events/Deadlines:

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION

I, Kathleen Lea, Deputy Director, of the Division of Retirement and Benefits, Department of Administration, being sworn, state the following:

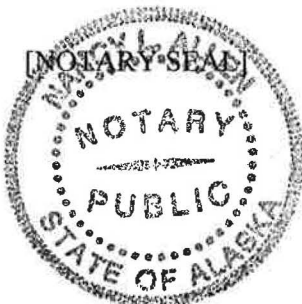
As required by AS 39.35.005, notice of the proposed adoption of changes in Title 2 of the Alaska Administrative Code dealing with the tax qualification of the state retirement systems has been given by being

- (1) posted in public buildings throughout the state;
- (2) published in one or more newspapers of general circulation in each judicial district of the state;
- (3) furnished to interested persons;
- (4) furnished to appropriate state officials;
- (5) furnished to the Department of Law, along with a copy of the proposed regulations;
- (6) electronically transmitted to incumbent State of Alaska legislators;
- (7) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (8) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (9) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the State Affairs Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

DATE: 11/17/17
Juneau, Alaska

Kathleen S. Lea
Kathleen Lea, Deputy Director

SUBSCRIBED AND SWORN TO before me this 17th day of November, 2017.



Nancy Allen
Notary Public in and for the
State of Alaska
My commission expires: with office

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Kathleen Lea, Deputy Director for the Division of Retirement and Benefits being duly sworn, state the following:

In compliance with AS 44.62.215, the Division of Retirement and Benefits has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Retirement and Benefits regulations on bona fide separation of employment and return to work requirements in the Teachers' Retirement System (AS 14.25), the Judicial Retirement System (AS 22.27) and the Public Employees' Retirement System (AS 39.35). The Division of Retirement and Benefits received written public comment regarding the regulations. The comments received did not provide any factual or other substantive information that was relevant to the accuracy, coverage, or other aspect of the Division of Retirement and Benefits regulations on bona fide separation of employment and return to work requirements in the Teachers' Retirement System (AS 14.25), the Judicial Retirement System (AS 22.27) and the Public Employees' Retirement System (AS 39.35).

Date: December 20, 2017

Kathleen R. Lea

Kathleen Lea, Deputy Director

Subscribed and sworn to before me at Juneau, Alaska on December 20, 2017.



Nancy A. Allen

Notary Public in and for the State of Alaska

commission expires with office

268971
0001410259
\$268.94

RECEIVED

SEP 25 2017

Div. of Ret. & Benefits

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

September 20, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 20th day of September, 2017

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT AND BENEFITS

The Division of Retirement and Benefits proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing with bona fide separation of employment and the tax qualification of the state retirement systems.

The following regulations will be adopted in the following plans to comply with Internal Revenue Code requirements in Section 401(a) (7) requiring specific language a bona fide separation of employment must occur before retirement benefits may be paid and a defined break in service must be observed before retirees may re-employ with the same employer.

2 AAC 35.227, Public Employees' Retirement System
2 AAC 36.188, Teachers' Retirement System
2 AAC 37.015 Judicial Retirement System

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or kathy.lea@alaska.gov. The comments must be received no later than 5:00 p.m. on October 20, 2017.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Monica Todden at (907)-465-4460 no later than October 13, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203 Juneau, Alaska 99811-0203 or go to www.state.ak.us/dr/b.

After the public comment period ends, the Division of Retirement and Benefits will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

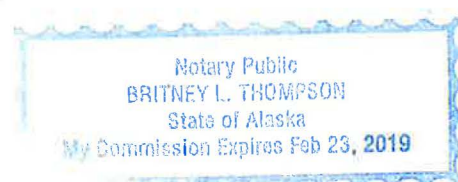
Statutory Authority: AS 14.25.005, AS 14.25.110, AS 14.25.150, AS 22.25.010, AS 22.25.027, AS 22.25.041, AS 39.35.005.

Statutes being Implemented, Interpreted, or Made Specific: AS 14.25.110, AS 14.25.125, AS 14.25.410, AS 22.010, AS 39.35.370, AS 39.35.381, AS 39.35.385, AS 39.35.810

Fiscal Information: No increased appropriations are anticipated.

DATE: September 20, 2017
Kathy Lea, Chief Pension Officer

Published: September 20, 2017





AFFP

Notice of Proposed Changes

Affidavit of Publication

UNITED STATES OF AMERICA
STATE OF ALASKA } SS.
FOURTH DISTRICT

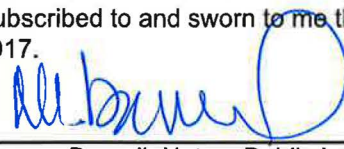
Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

September 20, 2017

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.


Advertising Clerk

Subscribed to and sworn to me this 20th day of September 2017.


Marena Burnell, Notary Public in and for the State Alaska.

My commission expires: December 07, 2017

00007757 00042971 90746563086

ST OF AK/DIVISION OF RETIREMENT & BENEFITS
PO BOX 110203
JUNEAU, AK 99811

42971

NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF
ADMINISTRATION, DIVISION OF RETIREMENT
AND BENEFITS

The Division of Retirement and Benefits proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing with bona fide separation of employment and the tax qualification of the state retirement systems.

The following regulations will be adopted in the following plans to comply with Internal Revenue Code requirements in Section 401(a) (7) requiring specific language a bona fide separation of employment must occur before retirement benefits may be paid and a defined break in service must be observed before retirees may re-employ with the same employer.

2 AAC 35.227, Public Employees' Retirement System

2 AAC 36.188, Teachers' Retirement System

2 AAC 37.015 Judicial Retirement System

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or kathy.lea@alaska.gov. The comments must be received no later than 5:00 p.m. on October 20, 2017.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Monica Todden at (907) 465-4460 no later than October 13, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203 Juneau, Alaska 99811-0203 or go to www.state.ak.us/dr/b.

After the public comment period ends, the



Division of Retirement and Benefits will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 14.25.005, AS 14.25.110, AS 14.25.150, AS 22.25.010, AS 22.25.027, AS 22.25.041, AS 39.35.005.

Statutes being Implemented, Interpreted, or Made Specific: AS 14.25.110, AS 14.25.125, AS 14.25.410, AS 22.010, AS 39.35.370, AS 39.35.381, AS 39.35.385, AS 39.35.810

Fiscal Information: No increased appropriations are anticipated.

DATE: September 20, 2017
Lea, Chief Pension Officer

Kathy

Publish: September 20, 2017

Affidavit of Publication

United States of America

SOA Division of Retirement

Ad #: 8146340

Ref. File#: AO-18-0280-003

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ADMINISTRATION, DIVISION OF RETIREMENT AND BENEFITS

The Division of Retirement and Benefits proposes to adopt regulation changes in Title 2 of the Alaska Administrative Code, dealing with bona fide separation of employment and the tax qualification of the state retirement systems.

The following regulations will be adopted in the following plans to comply with Internal Revenue Code requirements in Section 401(a) (7) requiring specific language a bona fide separation of employment must occur before retirement benefits may be paid and a defined break in service must be observed before retirees may re-employ with the same employer.

2 AAC 35.227, Public Employees' Retirement System
2 AAC 36.188, Teachers' Retirement System
2 AAC 37.015 Judicial Retirement System

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or kathy.lea@alaska.gov. The comments must be received no later than 5:00 p.m. on October 20, 2017.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Monica Todden at (907) 465-4460 no later than October 13, 2017 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Kathy Lea, Division of Retirement of Benefits at P.O. Box 110203 Juneau, Alaska 99811-0203 or go to www.state.ak.us/drb.

After the public comment period ends, the Division of Retirement and Benefits will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 14.25.005, AS 14.25.110, AS 14.25.150, AS 22.25.010, AS 22.25.027, AS 22.25.041, AS 39.35.005.

Statutes being implemented, interpreted, or Made Specific:
AS 14.25.110, AS 14.25.125, AS 14.25.410, AS 22.010, AS 39.35.370, AS 39.35.381, AS 39.35.385, AS 39.35.810

Fiscal Information: No increased appropriations are anticipated.
DATE: September 20, 2017

Kathy Lea, Chief Pension Officer

I, Nicole Quinto, first duly sworn, oath, depose, and say that I am the Principle Clerk of the CAPITAL CITY WEEKLY, a newspaper of general circulation, published in the city of Juneau, State of Alaska; that the publication was published in said newspaper, and on www.juneauempire.com, the online edition, on the 20th day of September 2017 and thereafter for 0 additional day(s), the last date of publication being September 20th, 2017.

Subscribed and sworn to before me this 6th day of November 2017.

Notary Public in and for the State of Alaska.

