Kevin Meyer Lieutenant Governor State Capitol Juneau, Alaska 99811 907.465.3520 WWW.LTGOV.ALASKA.GOV



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

### OFFICE OF THE LIEUTENANT GOVERNOR ALASKA

### MEMORANDUM

TO:

Paula Vrana

Department of Administration

FROM:

April Simpson, Office of the Lieutenant Governor

465.4081

DATE:

April 23, 2019

RE:

Filed Permanent Regulations: Department of Administration

Department of Administration Non-Administrative Procedure Act regulations re: defined contribution plan periodic payment distribution options for the Public

Employees' Retirement System (PERS) and Teachers' Retirement System (TRS) (2 AAC

35.231; 2 AAC 36.194)

Attorney General File:

2018201019

Regulation Filed:

4/23/2019

Effective Date:

4/28/2019

Print:

230, July 2019

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 two pages of regulations dealing with the addition of a periodic payment distribution option to the Teachers' Retirement System (AS 14.25) and the Public Employees' Retirement System (AS 39.35) are adopted and certified to be a correct copies of the regulation changes that the Commissioner of Administration adopts under the authority of Alaska Statutes 14.25.003, and 39.35.003, and after compliance with Alaska Statutes 14.25.005 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) and 39.35.005(g) take effect on the 30th day after their adoption by the Commissioner of Administration.

DATE: March 29, 2019

Juneau, Alaska

Kfshibaka Kelly Tshibaka, Commissioner Department of Administration

### FILING CERTIFICATION

I, Kevin Meyers, Lieutenant Governor for the State of Alaska, certify that on

April 33, 2019, at 3:49 fm., I filed the attached regulations.

Effective: April 28, 2019.

Register: 230, July 2019.

Register 230, July 2019 ADMINISTRATION

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

Tash 2 AAC 35.231 Forms of distribution under the defined contribution plan. In addition to distribution options under AS 39.35.820(a), a participant may elect to receive the participant's share of the individual account in a period payment paid monthly, quarterly, semi-annually or annually which allows the participant to received benefit payments out of their accounts while staying invested in the current fund offerings provided by the plan. A participant may select from the following payment schedules:

- (1) a period certain where the participant selects length of time to receive funds;
- (2) a minimum distribution option where the amounts paid will be recalculated annually and paid at the minimum distribution level; or
- (3) a payment certain where the participant selects amount to be paid out and continue until funds are depleted.

All distributions of benefits must be made in accordance with Internal Revenue Code provisions, which shall override any distribution options inconsistent with such provisions. Any distribution, if applicable, will be subject to the withholding of taxes which will be remitted to the Internal Revenue Service. (Eff. 4/28/2619, Register 236)

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**ÚTHORITY:** AS 39.35.004

AS 39.35.005

AS 39.35.820

cap only 11)

Register 230, July 2019 ADMINISTRATION

Fo Article 2

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

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options under AS 14.25.420(a), a participant may elect to receive the participant's share of the individual account in a period payment paid monthly, quarterly, semi-annually or annually which allows the participant to received benefit payments out of their accounts while staying invested in the current fund offerings provided by the plan. A participant may select from the following payment schedules.

- (1) a period certain, where the participant selects length of time to receive funds;
- (2) a minimum distribution option, where the ramounts paid will be recalculated annually and paid at the minimum distribution level; or
- (3) a payment certain where the participant selects amount to be paid out and continue until funds are depleted.

All distributions of benefits must be made in accordance with Internal Revenue Code provisions, which shall override any distribution options inconsistent with such provisions. Any distribution, if applicable, will be subject to the withholding of taxes which will be remitted to the Internal Revenue Service. (Eff. 4/28/2019, Register 230)

AUTHORITY:

AS 14.25.004

AS 14.25.005

AS 14.25.420

### **MEMORANDUM**

# State of Alaska

Department of Law

To: The Honorable Kevin Meyer

Lieutenant Governor

Date: April 23, 2019

File No.: 2018201019

Susan R. Pollard Chief Assistant Attorney General Tel. No.: 465-3600

and Regulations Attorney

Legislation and Regulations Section

Steven C. Weaver ACA Senior Assistant Attorney General

and Assistant Regulations Attorney Legislation and Regulations Section

Re: Department of Administration Non-Administrative Procedure Act regulations re: defined contribution

plan periodic payment distribution options for the Public Employees' Retirement System (PERS) and Teachers' Retirement System (TRS)

(2 AAC 35.231; 2 AAC 36.194)

The Department of Law has reviewed the attached non-Administrative Procedure Act (non-APA) regulations of the Department of Administration. The regulations establish additional periodic payment distribution options under the defined contribution plans for the Public Employees' Retirement System and Teachers' Retirement System.

Because these regulations are not subject to AS 44.62 (Administrative Procedure Act). the Department of Law reviews them only for printing in the Alaska Administrative Code (AAC). We have edited the regulations for style in order to forward them for printing in the AAC, and corrected manifest clerical errors.

Hon. Kevin Meyer, Lieutenant Governor

Our file: 2018201019

April 23, 2019

Page 2

Please note that under AS 14.25.005(g) and AS 39.35.005(g) the regulation changes take effect April 28, 2019, 30 days after adoption by the commissioner of administration.

**SCW** 

cc: Honorable Kelly Tshibaka, Commissioner Department of Administration

Paula Vrana, Special Assistant and Regulations Contact Department of Administration

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

Kevin M. Dilg, Assistant Attorney General Labor and State Affairs Section

# 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 the disbursement options for the Public Employees' and Teachers' Defined Contribution Retirement Plans.

- (1) 2 AAC 35.231 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.
- (2) (1) 2 AAC 36.194 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement and Benefits at P.O. Box 110203, Juneau, AK 99811-0203, by fax at (907) 465-3086 or kathy.lea@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on February 15, 2019.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Monica Todden at (907) 465-4460 not later than February 1, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Kathy Lea, Division of Retirement and 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 the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 14.25.004; AS 14.25.005; AS 39.35.004; AS 39.35.005

Statutes being implemented, interpreted, or made specific: 14.25.420; AS 39.35.820

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Division of Retirement and Benefits keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Retirement and Benefits at P.O. Box 110203, Juneau, AK 99811-0203, giving your name, and either your email address or mailing address, as you prefer, for receiving notices.

Attachments, History, Details

#### Attachments

PeriodicPaymentDisbursementOptionsPERS.pdf PeriodicPaymentDisbursementOptionsTRS.pdf PublicNotice-Regulations-DisbursementOption.pdf **Details** 

Department: Category:

Sub-Category:

Administration Regulations Notice of Proposed

Regulations

Location(s):

Statewide

# 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 the disbursement options for the Public Employees' and Teachers' Defined Contribution Retirement Plans.

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- (2) (1) 2 AAC 36.194 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

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Statutory authority: AS 14.25.004; AS 14.25.005; AS 39.35.004; AS 39.35.005

Statutes being implemented, interpreted, or made specific: 14.25.420; AS 39.35.820

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

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### Attachments, History, Details

#### **Attachments**

PeriodicPaymentDisbursementOptionsPERS.pdf PeriodicPaymentDisbursementOptionsTRS.pdf PublicNotice-Regulations-DisbursementOption.pdf

### **Details**

Department: Category:

Sub-Category:

Administration Regulations Notice of Proposed

Regulations Statewide

Location(s):

STATE	)	
		) 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 addition of disbursement options in 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: april 10, 2019

Kathleen Lea, Deputy Director

SUBSCRIBED AND SWORN TO before me this \ day of \

[NOTARY SEAL]

OFFICIAL SEAL
Nicole Giordano
NOTARY PUBLIC
My Commission Expires With Office

Notary Public in and for the

State of Alaska

My commission expires:

### 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 a periodic payment disbursement option for the Teachers' Retirement System (AS 14.25), and the Public Employees' Retirement System (AS 39.35). The Division of Retirement and Benefits received no written public comment regarding the regulations.

Date: april 10, 2019

Kathleen Lea, Deputy Director

Subscribed and sworn to before me at Juneau, Alaska on April 10

STATE OF ALASKA

OFFICIAL SEAL

Nicole Giordano

NOTARY PUBLIC

My Commission Expires With Office

Notary Pub

[NOTARY SEAL]

Notary Public in and for the State of Alaska

# ANCHORAGE DAILY NEWS

### AFFIDAVIT OF PUBLICATION

Account #: 268971

ST OF AK/DEPT ADMIN

DIV OF RETIREMENT AND BENEFITS

PO BOX 110203

HINEALL AK GORTINGUS

Order# Cost

0001432660

Minimum Distribution.

\$328.70

**Product** 

**Position** 

ADN-Anchorage Daily News

Placement

0300 0301

### 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 Anchorage Daily 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

January 16, 2019

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 17th day of January, 2019

Notary Public in and for

The State of Alaska.

Third Division Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public BRITNEY L. THOMPSON State of Alaska

Ny Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMET 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 the disbursement options for the Public Employees' and Teachers' Defined Contribution Retirement Plans.

(1) 2 AAC 35.227 is proposed to be added to allow for a periodic distribution from an existing the proposed of the public plants. distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required

(2) (1) 2 AAC 36.187 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

You may comment on the proposed regulation changes by submitting written comments to Kathy Lea, Division of Retirement and Benefits at P.O. Box 110203, Juneau, AK 99811-0203, by fax at (907) 465-3086 or kathy.lea@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on February 15, 2019.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact. Monica Todden at (907) 465-4460 not later than February 1, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Kathy Lea, Division of Retirement and Benefits at P.O. Box 110203, Juneau, Alaska 99811-0203 or go to www.state.ak/drb.

After the public comment period ends, the Division of Retirement and Benefits will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 14.25.004; AS 14.25.005; AS 39.35.004; AS 39.35.005

Statutes being Implemented, interpreted, or made specific: 14.25.420; AS 39.35.820

Fiscal information: The proposed regulation changes are not expected to require an increased Appropriation.

The Division of Retirement and Benefits keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Retirement and Benefits at P.O. Box 110203, Juneau, AK 99811-0203, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Published: January 16, 2019

### Affidavit of Publication

**United States of America** SOA - Dept of Retirement and Benefits Ad No. 839972

I, Anna Uttereyuk, 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 on the 16th day of January 2019.

> Caleb Come NOTARY PUBLIC e of Alz

Subscribed and sworn to before me this

Notary Public in and for the State of Alaska.

#### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMET OF ADMINISTRATION **DIVISION OF RETIREMENT AND BENEFITS**

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(1) 2 AAC 35.227 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

(2) (1) 2 AAC 36.187 is proposed to be added to allow for a periodic distribution from an eligible participant's account monthly, quarterly, semi-annually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

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posed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 14.25.004; AS 14.25.005; AS 39.35.004; AS 39.35.005

Statutes being implemented, interpreted, or made specific: 14.25.420; AS 39.35.820 Fiscal information: The proposed regulation changes are not expected to require an increased Appro-

The Division of Retirement and Benefits keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Retirement and Benefits at P.O. Box 110203, Juneau, AK 99811-0203, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices. Pub: 1/16/19

**AFFP** AO-19-280-001

### Affidavit of Publication

UNITED STATES OF AMERICA STATE OF ALASKA FOURTH DISTRICT

Before me, the undersigned, a notary public, this day ADMINISTRATION, DIVISION OF RETIREMENT personally appeared Crystal Wise, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the The Division of Retirement and Benefits proposes Fairbanks Daily News-Miner, a newspaper (i) published in to adopt regulation changes in Title 2 of the Alaska newspaper format, (ii) distributed daily more than 50 weeks per Administrative Code, dealing with the year, (iii) with a total circulation of more than 500 and more than disbursement options for the Public Employees' and Teachers' Defined Contribution Retirement 10% of the population of the Fourth Judicial District, (iv) holding Plans. a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (1) 2 AAC 35.227 is proposed to be added to allow (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):

January 16, 2019

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

Advertising/Clerk

Subscribed to and sworn to me this 16th day of January 2019.

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

My commission expires: December 07, 2021

00007757 00048302 90746563086

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

48302

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF AND BENEFITS

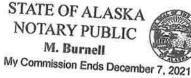
for a periodic distribution from an eligible participant's account monthly, quarterly, semiannually or annually in a stated amount; for a stated period of time; or in the amount of the IRS Required Minimum Distribution.

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A copy of the proposed regulation changes is



# Periodic Payment Option Regulations Record of Public Comment

Public Notice January 16, 2019 through February 15, 2019

			Date of	Change Needed
Date	Received From	Comment	Response	
		NO COMMENTS RECEIVED	-	
			-	
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