

**HOUSE CS FOR CS FOR SENATE BILL NO. 145(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/6/01**

**Referred: Rules**

**Sponsor(s): SENATORS HALFORD, Ward, Lincoln, Olson, Austerman, Hoffman, Therriault, Kelly, Taylor, Wilken, Davis, Cowdery, Elton, Ellis, Donley, Leman**

**REPRESENTATIVES Moses, Foster, Wilson, Kapsner, Croft, James, Morgan, Crawford, Meyer, Halcro**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to regional and village public safety officers; relating to the expansion of the village public safety officer program to include the provision of probation and parole supervision services; and relating to retirement benefits for village public safety officers; and providing for an effective date."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**\* Section 1.** The uncoded law of the State of Alaska is amended by adding a new section to read:

INTENT. This Act is intended to strengthen the delivery of law enforcement to the most remote and inaccessible areas of the state. It enhances the role of the village public safety officer by providing additional responsibilities concurrent with additional pay and improved retirement benefits. In addition, providing delegated probation and parole responsibilities significantly enhances the recovery of offenders, decreasing ultimate state costs while increasing citizen benefits. This Act is intended to improve law enforcement services to rural areas by providing a career path for village public safety officers through the

1 creation of a regional public safety officer program. Regional public safety officers will be  
 2 certified police officers. It is also intended, however, that the regional public safety officer be  
 3 assigned job duties and jurisdictional authorities that are distinct and separate from those  
 4 assigned to state troopers.

5 \* **Sec. 2.** AS 01.10.060(a)(7) is amended to read:

6 (7) "peace officer" means

7 (A) an officer of the state troopers;

8 (B) a member of the police force of a municipality;

9 (C) a village public safety officer;

10 (D) **a regional public safety officer;**

11 **(E)** a United States marshal or deputy marshal; and

12 **(F)** [(E)] an officer whose duty it is to enforce and preserve the

13 public peace;

14 \* **Sec. 3.** AS 09.65 is amended by adding a new section to read:

15 **Sec. 09.65.280. Civil liability of state for acts or omissions of village public**  
 16 **safety officers.** Notwithstanding another provision of law, the state and its officers,  
 17 agents, and employees are not liable in tort, except for an act or omission that  
 18 constitutes gross negligence or reckless or intentional misconduct, for damages for the  
 19 injury to or death of a person or property damage resulting from the supervision of,  
 20 training of, actions of or failure to act of, or use of or failure to use village public  
 21 safety officers in communicating with or monitoring the activities of persons on  
 22 probation or parole.

23 \* **Sec. 4.** AS 18.65.670 is amended to read:

24 **Sec. 18.65.670. Village public safety officers program.** (a) There is created  
 25 in the Department of Public Safety a village public safety officer program to assist  
 26 local governments and villages through nonprofit regional corporations to appoint,  
 27 train, supervise, and retain persons to serve as village public safety officers to  
 28 administer functions relative to

29 **(1) the protection of life and property in rural areas of the state; and**

30 **(2) providing probation and parole supervision to persons under**

31 **supervision by communicating with and monitoring the activities and progress of**

1 **these persons at the direction of probation and parole officers.**

2 (b) With funds appropriated for that purpose, the commissioner of public  
3 safety shall provide grants to nonprofit regional corporations for village public safety  
4 officers. **The commissioner of public safety shall coordinate with the**  
5 **commissioner of corrections when providing grants under this section, and the**  
6 **commissioners shall jointly execute an agreement with the nonprofit regional**  
7 **corporations.**

8 (c) The commissioner of public safety may adopt regulations related to village  
9 public safety officers, including minimum standards and training, criteria for  
10 community or corporation participation, and the interaction between the Department  
11 of Public Safety and village public safety officers. **The commissioner of corrections**  
12 **may adopt regulations related to the functions of village public safety officers**  
13 **providing probation and parole supervision.**

14 \* **Sec. 5.** AS 18.65.670 is amended by adding a new subsection to read:

15 (d) A village public safety officer employed under the village public safety  
16 officer program established by this section is a member of the public employees'  
17 retirement system under AS 39.35 unless the officer waives coverage under  
18 AS 39.35.127.

19 \* **Sec. 6.** AS 18.65 is amended by adding a new section to article 9 to read:

20 **Sec. 18.65.680. Regional public safety officers.** The commissioner of public  
21 safety may appoint regional public safety officers to

22 (1) provide an expanded public safety and law enforcement presence in  
23 rural areas of the state;

24 (2) provide oversight and training for the village public safety officer  
25 program;

26 (3) administer functions relating to  
27 (A) protecting life and property in the rural areas of the state;  
28 (B) conducting investigations;  
29 (C) conducting search and rescue missions;  
30 (D) conducting local training programs in drug and alcohol  
31 awareness and prevention, water safety, and gun safety;

(4) perform other duties relating to public safety as directed by the commissioner.

\* **Sec. 7.** AS 39.35.120 is amended to read:

**Sec. 39.35.120. Commencement of participation.** (a) An employee of the state shall be included in this system upon commencement of employment with the state, or on January 1, 1961, whichever is later. Unless an employee has elected to participate in the optional university retirement program under AS 14.40.661 - 14.40.799, an employee of a political subdivision or public organization that becomes an employer shall be included in the system on the effective date of the employer's participation or the date of the employee's commencement of employment with the employer, whichever is later. Unless the village public safety officer waives coverage under AS 39.35.127, a village public safety officer employed under the village public safety officer program established in AS 18.65.670 is included in this system on the effective date of this bill section or upon the officer's commencement of employment with the employer, whichever is later.

(b) Inclusion in the system is a condition of employment for an employee except as otherwise provided for

(1) an elected official;

(2) [AND FOR] an employee of the university who has elected to participate in the optional university retirement program under AS 14.40.661 - 14.40.799; and

(3) a village public safety officer employed by a nonprofit regional corporation as set out in AS 39.35.127.

\* **Sec. 8.** AS 39.35 is amended by adding a new section to read:

**Sec. 39.35.127. Participation of village public safety officers.** A village public safety officer employed by a nonprofit regional corporation is included in the system unless the officer files a written waiver of coverage with the administrator within 90 days after the effective date of this Act or within 90 days after the date on which the officer begins employment as a village public safety officer, whichever is later. A waiver is retroactive to the effective date of this bill section or to the date on which the officer began employment as a village public safety officer, whichever

1 applies. The waiver must be in writing on a form provided by the administrator and  
 2 must be filed with the administrator. A waiver under this subsection is irrevocable.

3 \* **Sec. 9.** AS 39.35 is amended by adding a new section to read:

4 **Sec. 39.35.285. Employers of village public safety officers.** For purposes of  
 5 AS 39.35.250 - 39.35.290, all the nonprofit regional corporations employing village  
 6 public safety officers shall be treated jointly as a single employer.

7 \* **Sec. 10.** AS 39.35.342(a) is amended to read:

8 (a) **Except for employment for which the employee waived coverage**  
 9 **under AS 39.35.127, a** [A] vested employee is entitled to credited service for  
 10 employment as a village public safety officer under the program established under  
 11 AS 18.65.670 **for which the employee has not otherwise received credited service**  
 12 **under this system.** An employee is not entitled to credited service for employment as  
 13 a village public safety officer unless the employee was employed as a village public  
 14 safety officer for at least one year. [THE CREDITED SERVICE ALLOWED MAY  
 15 NOT EXCEED AN AGGREGATE PERIOD OF FIVE YEARS.] Benefits are not  
 16 payable on credited service for village public safety officer service **under this section**  
 17 unless the employee makes retroactive contributions to the system for the period of  
 18 time that service credit is claimed.

19 \* **Sec. 11.** AS 39.35.680(17) is amended to read:

20 (17) "employer" means

21 **(A)** the State of Alaska;

22 **(B) a nonprofit regional corporation, but only with respect**  
 23 **to village public safety officers employed by the corporation under**  
 24 **AS 18.65.670 who have not terminated participation in the system under**  
 25 **AS 39.35.127;** or

26 **(C)** a political subdivision or public organization of the state  
 27 that participates in the system;

28 \* **Sec. 12.** AS 39.35.680(28) is amended to read:

29 (28) "peace officer" or "fire fighter" means an employee occupying a  
 30 position as a peace officer, chief of police, **regional public safety officer,** correctional  
 31 officer, correctional superintendent, fire fighter, fire chief, or probation officer, **but**

1        **does not include a village public safety officer employed by a village public safety**  
2        **officer program established under AS 18.65.670;**

3        \* **Sec. 13.** The uncoded law of the State of Alaska is amended by adding a new section to  
4 read:

5            APPLICABILITY. This Act does not modify the terms of a contract between the state  
6 and a nonprofit regional corporation in existence on the effective date of this Act.

7        \* **Sec. 14.** The uncoded law of the State of Alaska is amended by adding a new section to  
8 read:

9            NOTICE TO REVISOR. The administrator of the public employees' retirement  
10 system shall notify the revisor of statutes of a ruling described in sec. 15(1) of this Act that is  
11 issued before March 1, 2002.

12        \* **Sec. 15.** Sections 5 and 7 - 11 of this Act take effect on the earlier of

13            (1) a ruling from the United States Internal Revenue Service permitting the  
14 retirement system to include village public safety officers as members of a governmental plan  
15 under the Internal Revenue Code; or

16            (2) March 1, 2002.