

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR EGAN

Introduced:

Referred:

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the public employees' retirement system and the teachers'
2 retirement system; and providing for an effective date."

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

4 * **Section 1.** AS 14.25.009 is repealed and reenacted to read:

5 **Sec. 14.25.009. Applicability of AS 14.25.009 - 14.25.220.** (a) The provisions
6 of AS 14.25.009 - 14.25.220 apply to teachers who are eligible to be members of the
7 teachers' retirement system under AS 14.25.009 - 14.25.220 and are not members of
8 the defined contribution retirement plan under AS 14.25.310 - 14.25.590.

9 (b) An employer that participates in the plan shall also participate in the
10 defined contribution retirement plan under AS 14.25.310 - 14.25.590.

11 * **Sec. 2.** AS 14.25.040(a) is amended to read:

12 (a) Unless a teacher or member participates in a university retirement program
13 under AS 14.40.661 - 14.40.799 or has elected under **AS 14.25.330 or former**
14 AS 14.25.540 to participate in the plan established in AS 14.25.310 - 14.25.590, a

1 teacher or member contracting for service with a participating employer is subject to
2 AS 14.25.009 - 14.25.220.

3 * **Sec. 3.** AS 14.25.130(c) is amended to read:

4 (c) Once each year during the first five years following appointment to
5 disability under this section, and once every three-year period thereafter, the
6 administrator may require a disabled member who **first became a member before**
7 **July 1, 2011, and who** has not attained eligibility for normal retirement to undergo a
8 medical or mental examination by a competent physician. The administrator shall
9 suspend any disability benefit for a disabled member who refuses to undergo a
10 physical or mental examination when requested under this section.

11 * **Sec. 4.** AS 14.25.130 is amended by adding new subsections to read:

12 (g) A person who first becomes a member after June 30, 2011, and who is
13 receiving a benefit under this section shall undergo a medical examination as often as
14 the administrator considers advisable, but not more frequently than once each year.
15 The administrator shall determine the place of the examination and engage the
16 physician or physicians. If, in the judgment of the administrator, the examination
17 indicates that the disabled member is no longer incapacitated because of a total and
18 apparently permanent occupational disability, the administrator may not issue further
19 disability benefits to the member.

20 (h) A person who first becomes a member after June 30, 2011, and who is
21 appointed to disability benefits shall apply to the division of vocational rehabilitation
22 of the Department of Labor and Workforce Development within 30 days after the date
23 disability benefits commence. The member shall be enrolled in a rehabilitation
24 program if the member meets the eligibility requirements of the division of vocational
25 rehabilitation. Unless the member demonstrates cause, benefits shall terminate at the
26 end of the first month in which a disabled member

27 (1) fails to report to the division of vocational rehabilitation;

28 (2) is certified by the division of vocational rehabilitation as failing to
29 cooperate in a vocational rehabilitation program;

30 (3) fails to interview for a job; or

31 (4) fails to accept a position offered.

1 * **Sec. 5.** AS 14.25.168(d) is amended to read:

2 (d) A **person who first becomes a** benefit recipient **before July 1, 2011,** may
3 elect major medical insurance coverage in accordance with regulations and under the
4 following conditions:

5 (1) a person who has less than 25 years of membership service and
6 who is younger than 60 years of age must pay an amount equal to the full monthly
7 group premium for retiree major medical insurance coverage;

8 (2) a disabled member, a disabled member who is appointed to normal
9 retirement, a person 60 years of age or older, or a person who has at least 25 years of
10 membership service is not required to make premium payments.

11 * **Sec. 6.** AS 14.25.168 is amended by adding a new subsection to read:

12 (g) A person who first becomes a benefit recipient after June 30, 2011, may
13 elect major medical insurance coverage in accordance with regulations and under the
14 following conditions:

15 (1) a person who has less than 25 years of membership service and
16 who is younger than the age set for Medicare eligibility at the time the member retires
17 must pay an amount equal to the full monthly group premium for retiree major
18 medical insurance coverage;

19 (2) a disabled member, a disabled member who is appointed to normal
20 retirement, a person who has reached the age set for Medicare eligibility at the time
21 the member retires and who has at least eight years of membership service, or a person
22 who has at least 25 years of membership service is not required to make premium
23 payments.

24 * **Sec. 7.** AS 14.25.310 is amended to read:

25 **Sec. 14.25.310. Applicability of AS 14.25.310 - 14.25.590.** The provisions of
26 AS 14.25.310 - 14.25.590 apply only to

27 **(1) teachers who first become members on or after July 1, 2006, and**
28 **before the effective date of this section who do not transfer to a defined benefit**
29 **retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680;**

30 **(2) teachers described in AS 14.25.330 who elect under that section**
31 **to become** [TO MEMBERS WHO ARE EMPLOYED BY EMPLOYERS THAT DO

NOT PARTICIPATE IN THE DEFINED BENEFIT RETIREMENT PLAN ESTABLISHED UNDER AS 14.25.009 - 14.25.220, TO FORMER MEMBERS UNDER AS 14.25.220, OR TO] members; and

(3) teachers who transferred [TRANSFER] into the defined contribution retirement plan under former AS 14.25.540.

* **Sec. 8.** AS 14.25.310 is amended by adding a new subsection to read:

(b) An employer that participates in the plan shall also participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220.

* **Sec. 9.** AS 14.25.330 is repealed and reenacted to read:

Sec. 14.25.330. Retirement plan election option. (a) A teacher who is first hired on or after the effective date of this section may make a one-time election to participate in the defined contribution retirement plan under AS 14.25.310 - 14.25.590 and transfer to that plan employee contributions, if any, and employer contributions, if any, that have been made to the defined benefit retirement plan under AS 14.25.009 - 14.25.220. Before employer contributions are transferred under this subsection, the administrator shall recalculate them under AS 14.25.070.

(b) The election to participate in the defined contribution retirement plan under (a) of this section must be made within 60 days after the date of hire, and be made in writing on a form and in the manner prescribed by the administrator. Before accepting an election to participate in the defined contribution retirement plan, the administrator shall, within five days after the teacher's hire, provide the teacher eligible to make an election to participate in the defined contribution retirement plan under AS 14.25.310 - 14.25 590 with

(1) information, including calculations to illustrate the effect of moving the teacher's retirement plan from the defined benefit retirement plan to the defined contribution retirement plan; and

(2) other information to clearly inform the teacher of the potential consequences of the teacher's election.

(c) An election made under (a) of this section to participate in the defined contribution retirement plan is irrevocable. On the effective date of the election, the teacher shall be enrolled as a member of the defined contribution retirement plan

under AS 14.25.310 - 14.25.590, the member's participation in the plan shall be governed by the provisions for the defined contribution retirement plan, and the member's participation in the defined benefit retirement plan under AS 14.25.009 - 14.25.220 shall terminate. The member's enrollment in the defined contribution retirement plan is effective the first day of the month after the administrator receives the completed enrollment forms. An election made by an eligible member who is married is not effective unless the election is signed by the member's spouse.

(d) When a member makes an election under (a) of this section, the Alaska Retirement Management Board shall cause the total amount of the member's employee and employer contributions, with interest through the effective date of the member's participation in the defined contribution retirement plan, to be actuarially calculated and transferred to the member's designated account in the defined contribution retirement plan. The board shall establish transfer procedures by regulation, but the actual transfer may not be later than 30 days after the effective date of the member's participation in the defined contribution retirement plan, unless the major financial markets for securities available for a transfer are seriously disrupted by an unforeseen event that also causes the suspension of trading on any national securities exchange in the country where the securities were issued. In that event, the 30-day period of time may be extended by a resolution of the board. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the board. Securities shall be valued on the date of receipt in the member's account.

(e) An election made by an eligible member who is married is not effective unless the election is signed by the individual's spouse. An eligible member whose accounts are subject to a qualified domestic relations order may not make an election to participate in the defined contribution retirement plan under this section unless the qualified domestic relations order is amended or vacated and court-certified copies of the order are received by the administrator.

* **Sec. 10.** AS 39.35.095 is repealed and reenacted to read:

Sec. 39.35.095. Applicability of AS 39.35.095 - 39.35.680. (a) The provisions of AS 39.35.095 - 39.35.680 apply to public employees who are eligible to be members of the public employees' retirement system under AS 39.35.095 - 39.35.680

1 and are not members of the defined contribution retirement plan under AS 39.35.700 -
2 39.35.990.

3 (b) A municipality or other political subdivision of the state that participates in
4 the plan shall also participate in the defined contribution retirement plan under
5 AS 39.35.700 - 39.35.900.

6 * **Sec. 11.** AS 39.35 is amended by adding a new section to read:

7 **Sec. 39.35.128. Participation of elected officials of political subdivisions. (a)**

8 A person who is an elected official of a political subdivision of the state and who has
9 not participated in the plan or waived participation in the plan before July 1, 2011, is a
10 member of the plan if

11 (1) the political subdivision has elected under AS 39.35.600 -
12 39.35.650 to designate elected officials in the classifications of employees entitled to
13 participate in the plan; and

14 (2) the elected official receives compensation from the political
15 subdivision for services as an elected official in the amount of at least \$2,001 a month.

16 (b) An elected official entitled to participate under this section, and who either
17 has no previous service under the system with the political subdivision or is retired
18 under the system, may file a waiver of participation in the plan with the administrator
19 within 30 days after the later of July 1, 2011, or the date that the elected official's term
20 of office begins. A waiver is irrevocable for the remainder of the elected official's
21 service as an elected official or employee of the political subdivision.

22 * **Sec. 12.** AS 39.35.410(g) is amended to read:

23 (g) A disabled employee **who first became a member before July 1, 2011,**
24 **and who is** receiving an occupational disability benefit shall undergo a medical
25 examination as often as the administrator considers advisable but not more frequently
26 than once each year. The administrator shall determine the place of the examination
27 and engage the physician or physicians. If, in the judgment of the administrator, the
28 examination indicates that the retired employee is no longer incapacitated because of a
29 total and apparently permanent occupational disability, the administrator may not issue
30 further disability benefits to the employee.

31 * **Sec. 13.** AS 39.35.410 is amended by adding a new subsection to read:

(k) A person who first becomes a member after June 30, 2011, and who is appointed to disability benefits shall apply to the division of vocational rehabilitation within 30 days after the date disability benefits commence. The employee shall be enrolled in a rehabilitation program if the employee meets the eligibility requirements of the division of vocational rehabilitation. Unless the employee demonstrates cause, benefits shall terminate at the end of the first month in which a disabled employee

(1) fails to report to the division of vocational rehabilitation;

(2) is certified by the division of vocational rehabilitation as failing to cooperate in a vocational rehabilitation program;

(3) fails to interview for a job; or

(4) fails to accept a position offered.

* **Sec. 14.** AS 39.35.535(c) is amended to read:

(c) A benefit recipient may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person who becomes a member before July 1, 2011, other than a disabled member or a disabled member who is appointed to normal retirement, must pay an amount equal to the full monthly group premium for retiree major medical insurance coverage if the person is

(A) younger than 60 years of age and has less than

(i) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(ii) 30 years of credited service under AS 39.35.360 and 39.35.370 that is not service as a peace officer; or

(B) of any age and has less than 10 years of credited service;

(2) a person who becomes a member before July 1, 2011, is not required to make premium payments for retiree major medical coverage if the person

(A) is a disabled member;

(B) is a disabled member who is appointed to normal retirement;

(C) is 60 years of age or older and has at least 10 years of credited service; or

(D) has at least

(i) 25 years of credited service as a peace officer under AS 39.35.360 and 39.35.370; or

(ii) 30 years of credited service under AS 39.35.360 and 39.35.370 not as a peace officer;

(3) a person who first becomes a member after June 30, 2011, is not required to make premium payments for retiree major medical coverage if the person

(A) is a disabled member;

(B) is a disabled member who is appointed to normal retirement;

(C) has at least 25 years of credited service as a peace officer or firefighter;

(D) has at least 30 years of credited service that is not service as a peace officer or firefighter; or

(E) has at least 10 years of credited service and has reached the age set for Medicare eligibility.

* **Sec. 15.** AS 39.35.620(k) is amended to read:

(k) Termination of an employer's participation in the plan does not bar future participation in the system by that employer if the employer is current with payments on amounts due under AS 39.35.625. [IF A PREVIOUSLY TERMINATED EMPLOYER RETURNS TO THE SYSTEM, THE EMPLOYER MAY ONLY PARTICIPATE IN THE PLAN ESTABLISHED UNDER AS 39.35.700 - 39.35.990. EMPLOYEES MAY BE CREDITED UNDER AS 39.35.700 - 39.35.990 ONLY WITH SERVICE SUBSEQUENT TO THE DATE OF RETURN.]

* **Sec. 16.** AS 39.35.680(18) is amended to read:

(18) "employer" means

(A) the State of Alaska;

(B) a political subdivision or public organization of the state that participates in the plan based on a resolution to participate in the plan that was approved by the administrator [ON OR BEFORE JULY 1, 2006]; or

(C) a political subdivision or public organization of the state that, as a result of consolidation or reorganization [THAT OCCURS ON OR AFTER JULY 1, 2006], assumes liability under the plan of a political subdivision or public organization described in (B) of this paragraph;

* **Sec. 17.** AS 39.35.700 is amended to read:

Sec. 39.35.700. Applicability of AS 39.35.700 - 39.35.990. The provisions of AS 39.35.700 - 39.35.990 apply only to

(1) members first hired on or after July 1, 2006, and before the effective date of this section who do not transfer to a defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680;

(2) public employees described in AS 39.35.720 who elect under that section to become [TO MEMBERS WHO ARE EMPLOYED BY EMPLOYERS THAT DO NOT PARTICIPATE IN THE DEFINED BENEFIT RETIREMENT PLAN ESTABLISHED UNDER AS 39.35.095 - 39.35.680, TO FORMER MEMBERS AS DEFINED IN AS 39.35.680, OR TO] members; and

(3) members who transferred [TRANSFER] into the defined contribution retirement plan under former AS 39.35.940.

* **Sec. 18.** AS 39.35.700 is amended by adding a new subsection to read:

(b) A municipality or other political subdivision of the state that participates in the plan shall also participate in the defined benefit retirement plan under AS 39.35.095 - 39.35.680.

* **Sec. 19.** AS 39.35.720 is repealed and reenacted to read:

Sec. 39.35.720. Retirement plan election option. (a) A public employee who is first hired on or after the effective date of this section may make a one-time election to participate in the defined contribution retirement plan under AS 39.35.700 - 39.35.990 and to transfer to that plan employee contributions, if any, and employer contributions, if any, that have been made to the defined benefit retirement plan under AS 39.35.095 - 39.35.680. Before employer contributions are transferred under this subsection, the administrator shall recalculate them under AS 39.35.255.

(b) The election to participate in the defined contribution retirement plan under (a) of this section must be made within 60 days after the date of hire, and be

1 made in writing on a form and in the manner prescribed by the administrator. Before
2 accepting an election to participate in the defined contribution retirement plan under
3 AS 39.35.700 - 39.35.990, the administrator shall, within five days after the public
4 employee's hire, provide the employee eligible to make an election to participate in the
5 defined contribution retirement plan with

6 (1) information, including calculations to illustrate the effect of
7 moving the employee's retirement plan from the defined benefit retirement plan to the
8 defined contribution retirement plan; and

9 (2) other information to clearly inform the employee of the potential
10 consequences of the employee's election.

11 (c) An election made under (a) of this section to participate in the defined
12 contribution retirement plan is irrevocable. On the effective date of the election, the
13 employee shall be enrolled as a member of the defined contribution retirement plan
14 under AS 39.35.700 - 39.35.990, the member's participation in the plan shall be
15 governed by the provisions for the defined contribution retirement plan, and the
16 member's participation in the defined benefit retirement plan under AS 39.35.095 -
17 39.35.680 shall terminate. The member's enrollment in the defined contribution
18 retirement plan is effective the first day of the month after the administrator receives
19 the completed enrollment forms. An election made by an eligible member who is
20 married is not effective unless the election is signed by the member's spouse.

21 (d) When a member makes an election under (a) of this section, the Alaska
22 Retirement Management Board shall cause the total amount of the member's employee
23 and employer contributions, with interest through the effective date of the member's
24 participation in the defined contribution retirement plan, to be actuarially calculated
25 and transferred to the member's designated account in the defined contribution
26 retirement plan. The board shall establish transfer procedures by regulation, but the
27 actual transfer may not be later than 30 days after the effective date of the member's
28 participation in the defined contribution retirement plan, unless the major financial
29 markets for securities available for a transfer are seriously disrupted by an unforeseen
30 event that also causes the suspension of trading on any national securities exchange in
31 the country where the securities were issued. In that event, the 30-day period of time

1 may be extended by a resolution of the board. Transfers are not commissionable or
 2 subject to other fees and may be in the form of securities or cash as determined by the
 3 board. Securities shall be valued on the date of receipt in the member's account.

4 (e) An election made by an eligible member who is married is not effective
 5 unless the election is signed by the individual's spouse. An eligible member whose
 6 accounts are subject to a qualified domestic relations order may not make an election
 7 to participate in the defined contribution retirement plan under this section unless the
 8 qualified domestic relations order is amended or vacated and court-certified copies of
 9 the order are received by the administrator.

10 * **Sec. 20.** AS 14.25.012(c), 14.25.540; AS 39.35.940, and 39.35.957(b) are repealed.

11 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
 12 read:

13 RETIREMENT PLAN ELECTION CHOICE. (a) A teacher who was first hired on or
 14 after July 1, 2006, and before the effective date of this section and who is a member of the
 15 defined contribution plan of the teachers' retirement system under AS 14.25.310 - 14.25.590
 16 may make a one-time election, within 60 days after the effective date of this section, to
 17 participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220 and to
 18 transfer all contributions, including employer contributions, that have been made or should be
 19 made to the defined contribution retirement plan for service the member completes before the
 20 effective date of the member's participation in the defined benefit retirement plan.

21 (b) A public employee who was first hired on or after July 1, 2006, and before the
 22 effective date of this section and who is a member of the defined contribution plan of the
 23 public employees' retirement system under AS 39.35.700 - 39.35.990 may make a one-time
 24 election, within 60 days after the effective date of this section, to participate in the defined
 25 benefit retirement plan under AS 39.35.095 - 39.35.680 and to transfer all contributions,
 26 including employer contributions, that have been made or should be made to the defined
 27 contribution retirement plan for any service the member completes before the effective date of
 28 the member's participation in the defined benefit retirement plan.

29 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 RETIREMENT PLAN ELECTION PROCEDURE; REGULATIONS REQUIRED.

1 (a) The election to participate in the defined benefit retirement plan under sec. 21 of this Act
2 must be made in writing on forms and in the manner prescribed by the administrator. Before
3 accepting an election to participate in the defined benefit retirement plan, the administrator
4 shall provide the employee planning on making an election to participate in the defined
5 benefit retirement plan with information, including calculations to illustrate the effect of
6 moving the employee's retirement plan from the defined contribution retirement plan to the
7 defined benefit retirement plan as well as other information to clearly inform the employee of
8 the potential consequences of the employee's election.

9 (b) An election made under sec. 21 of this Act to participate in the defined benefit
10 retirement plan is irrevocable. On the effective date of the election, the participant shall be
11 enrolled as a member of the defined benefit retirement plan, the member's participation in the
12 plan shall be governed by the provisions for the defined benefit retirement plan, and the
13 member's participation in the defined contribution retirement plan shall terminate. The
14 participant's enrollment in the defined benefit retirement plan shall be effective the first day of
15 the month after the administrator receives the completed enrollment forms. An election made
16 by an eligible member who is married is not effective unless the election is signed by the
17 individual's spouse.

18 (c) When a member makes a one-time election under sec. 21 of this Act, the Alaska
19 Retirement Management Board shall cause the total amount of the member's employee and
20 employer contributions, with interest through the effective date of the member's participation
21 in the defined contribution retirement plan, to be actuarially calculated and, subject to (d) of
22 this section, transferred to the pension fund in the defined benefit retirement plan. On the
23 effective date of the member's participation in the defined benefit retirement plan, the member
24 shall be credited with service in the defined benefit retirement plan that is equal to the
25 member's service in years, including fractional years, recognized for computing benefits that
26 may be due from the defined contribution retirement plan. The board shall establish transfer
27 procedures by regulation, but the actual transfer may not be later than 30 days after the
28 effective date of the member's participation in the defined benefit retirement plan unless the
29 major financial markets for securities available for a transfer are seriously disrupted by an
30 unforeseen event that also causes the suspension of trading on any national securities
31 exchange in the country where the securities were issued. In that event, the 30-day period of

time may be extended by a resolution of the board. Transfers are not commissionable or subject to other fees and may be in the form of securities or cash as determined by the board. Securities shall be valued on the date of receipt in the participant's account.

(d) If the value actuarially calculated under (c) of this section is insufficient to pay for a service credit equal to the participant's actual service, the administrator shall cause the amount of the deficit to be paid from the general fund; however, if the value exceeds the amount needed to pay for a service credit equal to the participant's actual service, the administrator shall cause the excess to be paid into an individual employee annuity account in the Department of Administration under the terms of AS 39.30.150 - 39.30.180 (Alaska Supplemental Annuity Plan).

(e) The provisions of this section are subject to the requirements of the Internal Revenue Code and the limitations under AS 14.25.010, 14.25.320(c) and (d), 14.25.490, AS 39.35.115, 39.35.678, 39.35.710(c) and (d), and 39.35.895.

(f) In this section,

(1) "administrator" means the person appointed or designated by the commissioner of administration under AS 39.35.003 for a public employees' retirement plan and under AS 14.25.003 for a teachers' retirement plan;

(2) "board" means the Alaska Retirement Management Board established under AS 37.10.210;

(3) "defined benefit retirement plan" means the retirement plan established under

(A) AS 14.25.009 - 14.25.220 for a teacher; or

(B) AS 39.35.095 - 39.35.680 for a public employee;

(4) "defined contribution retirement plan" means the retirement plan established under

(A) AS 14.25.310 - 14.25.590 for a teacher; or

(B) AS 39.35.700 - 39.35.990 for a public employee;

(5) "Internal Revenue Code" the meaning given in AS 39.35.990.

* **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to read:

ADOPTION OF REGULATIONS. The commissioner of administration shall adopt

1 regulations consistent with this Act, but in no event may the regulations take effect before the
2 effective date of sec. 21 of this Act.

3 * **Sec. 24.** Sections 22 and 23 of this Act take effect immediately under AS 01.10.070(c).