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Bannister
3/21/09

CS FOR SENATE BILL NO. 89()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY**Offered:**
Referred:**Sponsor(s): SENATE FINANCE COMMITTEE**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to retirement benefits for members of the Alaska Territorial Guard;**
2 **and providing for an effective date."**

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

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

6 **ALASKA TERRITORIAL GUARD INTERIM BENEFIT.** (a) The department shall
7 pay an interim benefit each month to an individual resident of the state whose monthly federal
8 retirement payment was reduced in April 2009 because the individual's service in the Alaska
9 Territorial Guard was not treated as active service under federal military law.

10 (b) The amount of the interim benefit to be paid under (a) of this section is the amount
11 by which the individual's monthly federal retirement payment in January 2009 was reduced in
12 April 2009 because the individual's service in the Alaska Territorial Guard was not treated as
13 active service under federal military law.

14 (c) To be eligible for an interim benefit, an individual shall submit to the department

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1 an application on a form established by the department and provide the department with the
2 information that the department determines is necessary to determine whether the individual
3 is eligible for the interim benefit and to calculate the amount of the interim benefit.

4 (d) The department shall pay the interim benefit to the individual each month until the
5 federal government begins paying to the individual a monthly federal retirement payment that
6 treats the individual's service in the Alaska Territorial Guard as active service under federal
7 military law.

8 (e) If an individual receives for the same month both the interim benefit and a federal
9 retirement payment that treats the individual's service in the Alaska Territorial Guard as active
10 service under federal military law, the individual shall reimburse the department for the
11 interim benefit paid for that month.

12 (f) In this section,

13 (1) "department" means the Department of Military and Veterans' Affairs;

14 (2) "federal military law" means 10 U.S.C. 1401 - 1414, 3991 - 3992, or
15 12731 - 12741;

16 (3) "federal retirement payment" means a retirement payment under 10 U.S.C.
17 (Armed Forces);

18 (4) "interim benefit" means the interim benefit authorized under (a) of this
19 section.

20 * Sec. 2. Section 1 of this Act is repealed February 28, 2010.

21 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 RETROACTIVITY. Section 1 of this Act is retroactive to April 1, 2009.

24 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).