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Klein
5/11/23

CS FOR SENATE BILL NO. 88(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS GIESSEL, Bishop, Stevens, Kiehl, Kawasaki, Tobin, Wielechowski, Gray-Jackson,
Dunbar, Claman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Public Employees' Retirement System of Alaska and the
2 teachers' retirement system; providing certain employees an opportunity to choose
3 between the defined benefit and defined contribution plans of the Public Employees'
4 Retirement System of Alaska and the teachers' retirement system; and providing for an
5 effective date."

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

7 * **Section 1.** AS 14.25.009 is repealed and reenacted to read:

8 **Sec. 14.25.009. Applicability of AS 14.25.009 - 14.25.220.** The provisions of
9 AS 14.25.009 - 14.25.220 apply to teachers who are eligible to be members of the
10 defined benefit retirement plan under AS 14.25.009 - 14.25.220 and are not members
11 of the defined contribution retirement plan under AS 14.25.310 - 14.25.590.

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

13 (a) **A teacher or member contracting for service with a participating**

employer is subject to AS 14.25.009 - 14.25.220 unless the [UNLESS A] teacher or member

(1) participates in a university retirement program under AS 14.40.661 - 14.40.799;

(2) became a member after June 30, 2006, and before July 1, 2024, is eligible to participate in the defined contribution retirement plan under AS 14.25.310 - 14.25.590, and does not elect to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220; or

(3) has elected under former AS 14.25.540 to participate in the plan established in AS 14.25.310 - 14.25.590 and does not elect to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220 [, A TEACHER OR MEMBER CONTRACTING FOR SERVICE WITH A PARTICIPATING EMPLOYER IS SUBJECT TO AS 14.25.009 - 14.25.220].

* **Sec. 3.** AS 14.25.040 is amended by adding new subsections to read:

(f) An active member of this plan who is also employed in a position in the public employees' retirement plan under AS 39.35.095 - 39.35.680 may elect to participate solely in this plan if

(1) the member directs the public employees' retirement plan employer in writing to

(A) pay into this plan the employer contributions required for a member under AS 14.25.009 - 14.25.220; and

(B) deduct from the member's salary and pay into this plan

(i) the employee contributions required for a member under AS 14.25.009 - 14.25.220; and

(ii) an amount equal to the difference between the total employer and state contributions required for a member under AS 14.25.009 - 14.25.220 and the employer contributions that would be required under AS 39.35.095 - 39.35.680 if the member participated in that plan; and

(2) the member provides written notice to the administrator.

(g) An active member of this plan who elects to participate solely in this plan

under (f) of this section may not, while participating solely in this plan, receive credited service for benefit eligibility for service performed in a position in the public employees' retirement plan.

(h) A teacher who became a member of the system after June 30, 2006, and before July 1, 2024, or who has elected under former AS 14.25.540 to participate in the defined contribution retirement plan under AS 14.25.310 - 14.25.590, is subject to AS 14.25.009 - 14.25.220 and is not eligible to participate in the defined contribution retirement plan established in AS 14.25.310 - 14.25.590 if the teacher

(1) is not employed by an employer on July 1, 2024;

(2) is reemployed by an employer after July 1, 2024; and

(3) has, before the date of reemployment, received

(A) a distribution, other than a rollover distribution, of the entire balance in the teacher's individual account in the defined contribution retirement plan; or

(B) a rollover distribution of the entire balance in the teacher's individual account in the defined contribution retirement plan under AS 14.25.310 - 14.25.590 and has not within 180 days of reemployment had all or part of a direct rollover distribution from an eligible retirement plan owned by the teacher paid directly into the teacher's individual account under AS 14.25.310 - 14.25.590.

* **Sec. 4.** AS 14.25 is amended by adding a new section to read:

Sec. 14.25.044. Election of defined benefit retirement plan by reemployed teachers. (a) A teacher may make a one-time election to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220 if the teacher

(1) became a member of the defined contribution retirement plan under AS 14.25.310 - 14.25.590 after June 30, 2006, and before July 1, 2024;

(2) is not employed by an employer on July 1, 2024;

(3) is reemployed by an employer after July 1, 2024; and

(4) before the date of reemployment,

(A) has not received a distribution of the entire balance in the teacher's individual account under the defined contribution retirement plan

under AS 14.25.310 - 14.25.590; or

(B) has received a rollover distribution of the entire balance in the teacher's individual account in the plan under AS 14.25.310 - 14.25.590 and has within 180 days of reemployment had all or part of a direct rollover distribution from an eligible retirement plan owned by the teacher paid directly into the teacher's individual account under AS 14.25.310 - 14.25.590.

(b) An election under (a) of this section may be made not more than 180 days after the date of reemployment. A reemployed teacher electing to participate under (a) of this section shall use the balance of the member's individual account in the plan under AS 14.25.310 - 14.25.590, including any rollover contributions, to purchase credited service in the plan under AS 14.25.009 - 14.25.220. An election made under (a) of this section must be made in writing in the manner prescribed by the administrator. An election made by a teacher who is married is not effective unless the election is signed by the teacher's spouse. The administrator shall provide a teacher who is eligible to make an election under (a) of this section with information about the potential consequences of the teacher's election, including calculations to illustrate the effect of moving the teacher's retirement plan from a defined contribution retirement plan to a defined benefit retirement plan.

(c) An election made under (a) of this section to participate in the plan under AS 14.25.009 - 14.25.220 is irrevocable. On the effective date of the election, the teacher shall be enrolled as a member of the plan, and the teacher's participation in the plan shall be governed by the applicable provisions of the plan. The teacher's enrollment in the plan is retroactive to the date of hire.

(d) When a teacher makes an election under this section, the administrator shall cause the total amount of the teacher's member and employer contributions to the plan under AS 14.25.310 - 14.25.590, with investment earnings and losses through the day of the teacher's election to participate as a member in the plan under AS 14.25.009 - 14.25.220, to be actuarially calculated and, subject to (f) of this section, transferred to the retirement fund in the plan under AS 14.25.009 - 14.25.220. On the effective date of the teacher's participation in the plan under AS 14.25.009 - 14.25.220, the teacher shall be credited with service in the plan. The board shall determine the cost of

1 the teacher's actual service time based on the teacher's accrued actuarial liability of
2 pension benefits in the plan, and credit the teacher with service time equal to the value
3 actuarially calculated and transferred to the retirement fund in the plan under
4 AS 14.25.009 - 14.25.220. The board shall adopt regulations establishing transfer
5 procedures. The transfer may not occur later than 60 days after the date the
6 administrator receives the teacher's election, unless the major financial markets for
7 securities available for a transfer are seriously disrupted by an unforeseen event that
8 also causes the suspension of trading on any national securities exchange in the
9 country where the securities were issued. In that event, the 60-day period may be
10 extended by a resolution of the board. A transfer is not commissionable or subject to
11 other fees and may be in the form of cash or a security as determined by the board. A
12 security shall be valued on the date of receipt in the teacher's account.

13 (e) When making a transfer under (d) of this section, or for a reemployed
14 teacher entering the plan under AS 14.25.040(h), the administrator shall transfer an
15 amount equal to the decrease in the accrued actuarial liability of the death and
16 disability trust in the plan established under 14.25.310 - 14.25.590 resulting from the
17 transfer as of the date of transfer, based on the most recent actuarial valuation of the
18 death and disability trust, from the death and disability trust in the plan established
19 under 14.25.310 - 14.25.590 to the retirement fund in the plan under AS 14.25.009 -
20 14.25.220.

21 (f) If the value actuarially calculated under (d) of this section is insufficient to
22 pay for service credit equal to the teacher's actual service time, the administrator shall
23 allow the teacher the option of purchasing service credit in an amount up to the
24 amount needed to eliminate the insufficiency; however, if that value exceeds the
25 amount needed to pay for service credit equal to the teacher's actual service, the
26 administrator shall cause the excess to be paid to the employee as a rollover transfer to
27 either an individual employee annuity account in the Department of Administration
28 under the terms of AS 39.30.150 - 39.30.180 (State of Alaska Supplemental Annuity
29 Plan) or, if the member's employer does not participate in the State of Alaska
30 Supplemental Annuity Plan, to an eligible retirement plan as defined in
31 AS 14.25.360(d). An excess may not be used to purchase additional service credit in

the plan under AS 14.25.009 - 14.25.220. When a reemployed teacher enters the plan under AS 14.25.040(h), the administrator shall allow the teacher to pay for a period of service credit up to the teacher's actual service. When a teacher elects to purchase service credit under this section and does not immediately pay for the service credit purchased, an indebtedness is established. Interest as prescribed by regulation accrues on a teacher's indebtedness. Indebtedness that exists at the time the teacher is appointed to retirement necessitates an actuarial adjustment to the benefits payable due to service in the defined contribution retirement plan.

(g) Actuarial assumptions about the plan under AS 14.25.009 - 14.25.220 must be based on the most recent actuarial valuation of the plan, except that the retirement rates are computed at 25 percent of the retirement rates used in the most recent actuarial valuation of the retirement fund plus 75 percent of the retirement rates used in the most recent actuarial valuation of the plan under AS 14.25.310 - 14.25.590.

(h) The provisions of this section are subject to the requirements of the Internal Revenue Code and the limitations under AS 14.25.010, 14.25.181, 14.25.320(c) and (d), and 14.25.490.

* **Sec. 5.** AS 14.25.048(b) is amended to read:

(b) An employee or former employee who first became a member of the plan before July 1, 2006, may receive credit for retroactive membership service for employment before June 5, 1988, if the employee or former employee met the requirements listed in (a) of this section at the time of the employment. To receive credit for the retroactive membership service, the employee or former employee shall claim the service and pay the retroactive contributions required under **former** AS 14.25.061. However, an employee or former employee may not receive retroactive credit under this subsection if the employee received credited service under AS 39.35 for the employment.

* **Sec. 6.** AS 14.25.048(c) is amended to read:

(c) An employee or former employee who first became a member of the plan before July 1, 2006, and who received credit under AS 39.35 for service that qualifies under (a) of this section may elect to transfer those periods of employment to the plan. To receive credit for retroactive membership service under this subsection,

the employee or former employee shall claim the service and pay the retroactive contributions required under former AS 14.25.061.

* **Sec. 7.** AS 14.25.050(a) is amended to read:

(a) Except as provided in (c) and (e) of this section, beginning January 1, 1991, each member shall contribute to the plan an amount equal to 8.65 percent of the member's base salary accrued from July 1 to the following June 30. [THE EMPLOYER SHALL DEDUCT THE CONTRIBUTION FROM THE MEMBER'S SALARY AT THE END OF EACH PAYROLL PERIOD, AND THE CONTRIBUTION SHALL BE CREDITED BY THE PLAN TO THE MEMBER CONTRIBUTION ACCOUNT. THE CONTRIBUTIONS SHALL BE DEDUCTED FROM EMPLOYEE COMPENSATION BEFORE THE COMPUTATION OF APPLICABLE FEDERAL TAXES AND SHALL BE TREATED AS EMPLOYER CONTRIBUTIONS UNDER 26 U.S.C. 414(h)(2). A MEMBER MAY NOT HAVE THE OPTION OF MAKING THE PAYROLL DEDUCTION DIRECTLY IN CASH INSTEAD OF HAVING THE CONTRIBUTION PICKED UP BY THE EMPLOYER.]

* **Sec. 8.** AS 14.25.050 is amended by adding new subsections to read:

(e) A member who first participates in the plan after June 30, 2006, shall contribute to the plan an amount equal to eight percent of the member's base salary accrued from July 1 to the following June 30. The board may, from time to time, adjust the contribution under this subsection to an amount that,

(1) if decreased, is not less than eight percent of the member's base salary; and

(2) if increased, is not more than 12 percent of the member's base salary.

(f) The employer shall deduct a contribution under this section from the member's salary at the end of each payroll period, and the contribution shall be credited by the plan to the member contribution account. The contributions shall be deducted from member compensation before the computation of applicable federal taxes and shall be treated as employer contributions under 26 U.S.C. 414(h)(2). A member may not have the option of making the payroll deduction directly in cash

1 instead of having the contribution picked up by the employer.

2 (g) The board may increase the member contribution rate under (e) of this
3 section if the board determines that the portion of the liability of the plan that is
4 attributable to all members who first became members of the plan after June 30, 2006,
5 is funded below 90 percent. Before increasing the member contribution rate under (e)
6 of this section, the board shall determine an amount sufficient to address the plan's
7 past service liability attributable to all members who first became members of the plan
8 after June 30, 2006. An increase to the member contribution rate may raise not more
9 than 50 percent of the amount sufficient to address the plan's past service liability
10 attributable to all members who first became members of the plan after June 30, 2006.
11 The board may decrease the rate under (e) of this section if the board determines that
12 the portion of the liability of the plan that is attributable to all members who first
13 became members of the plan after June 30, 2006, is funded above 90 percent.

14 * **Sec. 9.** AS 14.25.065(b) is amended to read:

15 (b) The contributions of employers under AS 14.25.070 must be transmitted to
16 the plan for deposit in the retirement fund and the Alaska retiree health care trust at the
17 close of each pay period. If the contributions are not submitted within the prescribed
18 time limit, interest must be assessed on the outstanding contributions at [ONE AND
19 ONE-HALF TIMES] the most recent actuarially determined rate of earnings for the
20 plan from the date that contributions were originally due. Amounts due from an
21 employer and interest as prescribed in this section may be claimed by the
22 administrator from any agency of the state or political subdivision that has in its
23 possession funds of the employer or that is authorized to disburse funds to the
24 employer that are not restricted by statute or appropriation to a specific purpose. The
25 amount claimed shall be certified by the administrator as sufficient to pay the
26 contributions and interest due from the employer. The amount claimed shall be
27 submitted to the administrator for deposit in the retirement fund and the Alaska retiree
28 health care trust.

29 * **Sec. 10.** AS 14.25.070(a) is amended to read:

30 (a) Each employer shall contribute to the system every payroll period **the**
31 **lesser of**

(1) an amount calculated by applying a rate of 12.56 percent to the total of all base salaries paid by the employer to active members of the system and to members who are retired from the plan and reemployed under AS 14.20.136, including any adjustments to contributions required by AS 14.25.173(a); or

(2) an amount calculated by applying a rate established by the board under AS 37.10.220 to the total of all base salaries paid by the employer to active members of the system and to members who are retired from the plan and reemployed under AS 14.20.136, including any adjustments to contributions required by AS 14.25.173(a); the rate must be at least 12 percent and be sufficient to pay the actuarially determined employer normal cost, all contributions required under AS 14.25.350 and AS 39.30.370, and past service cost for members of the system.

* Sec. 11. AS 14.25.070 is amended by adding a new subsection to read:

(i) If the legislature appropriates funds for the purpose of decreasing an employer's contribution, the employer's contribution under (a) of this section shall decrease by that amount.

* Sec. 12. AS 14.25.075(a) is amended to read:

(a) An employee who is eligible to purchase credited service under AS 14.25.047 or 14.25.048, a member who is eligible to purchase credited service under former AS 14.25.061 or under AS 14.25.048, 14.25.050, 14.25.060, [14.25.061,] 14.25.100, or 14.25.107, or a teacher who is eligible to purchase credited service under AS 14.20.345, AS 14.25.044, 14.25.050 [AS 14.25.050], or 14.25.105, in lieu of making payments directly to the plan, may elect to have the member's employer make payments as provided in this section.

* Sec. 13. AS 14.25.075(b) is amended to read:

(b) A member may elect to have the employer make payments for all or any portion of the amounts payable for the member's purchase of credited service through a salary reduction program as follows:

(1) the amounts paid under a salary reduction program are in lieu of contributions by the member making the election; the electing member's salary or other compensation shall be reduced by the amount paid by the employer under this

subsection;

(2) the member shall make an irrevocable election under this subsection to purchase credited service as permitted in **former AS 14.25.061 or in AS 14.20.345, AS 14.25.044, 14.25.047** [AS 14.25.047], 14.25.048, 14.25.050, 14.25.060, [14.25.061,] 14.25.100, 14.25.105, or 14.25.107 before the member's termination of employment; the irrevocable election must specify the number of payroll periods that deductions will be made from the member's compensation and the dollar amount of deductions for each payroll period during the specified number of payroll periods; the deductions made under this paragraph cease upon the earlier of the member's termination of employment with the employer or the member's death; amounts paid by an employer under (f) of this section may not be applied toward the payment of the dollar amount of the deductions representing the portion of the credited service that is being purchased by the member through payroll deduction in accordance with the member's irrevocable election under this paragraph;

(3) amounts paid by an employer under this subsection shall be treated as employer contributions for the purpose of determining tax treatment under 26 U.S.C. (Internal Revenue Code); the amounts paid by the employer under this section may not be included in the member's gross income for income tax purposes until those amounts are distributed by refund or retirement benefit payments.

* **Sec. 14.** AS 14.25.075(i) is amended to read:

(i) On satisfaction of the eligibility requirements of **former AS 14.25.061 or of AS 14.20.345, AS 14.25.044, 14.25.047** [AS 14.25.047], 14.25.048, 14.25.050, 14.25.060, [14.25.061,] 14.25.100, 14.25.105, or 14.25.107, the requirements of this section, and the administrative filing requirements specified by the administrator, the plan shall adjust the member's credited service history and add any additional service credits acquired.

* **Sec. 15.** AS 14.25 is amended by adding a new section to read:

Sec. 14.25.086. Sub-trust for members who first became members after June 30, 2006. The administrator shall deposit a portion of employer contributions under AS 14.25.070 and 14.25.085 in a sub-trust of the retirement fund established by the board for members who first became members after June 30, 2006. The amount

deposited, when combined with the amount separately computed for medical benefits under AS 14.25.087, must be sufficient to pay the actuarially determined employer normal cost and past service cost for members of the system who first became members after June 30, 2006. When the amount sufficient to pay the actuarially determined employer normal cost, all contributions required under AS 14.25.350 and AS 39.30.370, and past service cost for members of the system is less than 12 percent of all base salaries paid to active members of the system and to members who are retired from the plan and reemployed under AS 14.20.136, including any adjustments to contributions required by AS 14.25.173(a), the administrator shall deposit the difference in the sub-trust established under this section.

* **Sec. 16.** AS 14.25.087 is amended to read:

Sec. 14.25.087. Contributions for medical benefits. Contributions made by an employer under AS 14.25.070 and 14.25.085 must [SHALL] be separately computed for benefits provided by AS 14.25.168, 14.25.171, and AS 39.30.400. The contributions computed for benefits provided under

(1) AS 14.25.168 must [AND SHALL] be deposited in the Alaska retiree health care trust established under AS 39.30.097(a);

(2) AS 14.25.171 must be deposited in the Alaska retiree health care trust established under AS 39.30.097(b); and

(3) AS 39.30.400 must be deposited in the teachers' and public employees' retiree health reimbursement arrangement plan trust fund established under AS 39.30.340.

* **Sec. 17.** AS 14.25.110(a) is amended to read:

(a) Subject to AS 14.25.167,

(1) a member who first became a member of the plan before July 1, 2006, is eligible for a normal retirement benefit if the member

(A) [(1)] was first hired before July 1, 1975, has attained the age of 55 years, and has at least 15 years of credited service, the last five of which have been membership service, or is otherwise vested in the plan;

(B) [(2)] has attained the age of 60 years and has at least eight years of membership service;

1 **(C)** [(3)] has attained the age of 60 years, has at least five years
2 of membership service, and has Alaska BIA service which, when added to the
3 membership service, will equal at least eight years;

4 **(D)** [(4)] has at least 25 years of credited service, the last five
5 of which have been membership service;

6 **(E)** [(5)] has at least 20 years of membership service;

7 **(F)** [(6)] has at least 20 years of combined membership service
8 and Alaska BIA service, the last five of which have been membership service;
9 or

10 **(G)** [(7)] has, for each of 20 school years,

11 **(i)** [(A)] at least one-half year of membership service as
12 a part-time teacher;

13 **(ii)** [(B)] one full year of membership service as a full-
14 time teacher; or

15 **(iii)** [(C)] any combination of service qualified under
16 this **subparagraph;**

17 **(2) a member who first became a member of the plan after**
18 **June 30, 2006, is eligible for a normal retirement benefit if the member**

19 **(A) has attained the age of 60 years and has at least five**
20 **years of membership service; or**

21 **(B) has at least 30 years of membership service**
22 **[PARAGRAPH].**

23 * **Sec. 18.** AS 14.25.110(b) is amended to read:

24 (b) Subject to AS 14.25.167, a member is eligible for an early retirement
25 benefit upon completing the service requirements in **(a)(1)(A)** [(a)(1)] of this section
26 and attaining the age of 50 years or upon completing the service requirements in
27 **(a)(1)(B) or (C)** [(a)(2) OR (3)] of this section and attaining the age of 55 years.

28 * **Sec. 19.** AS 14.25.110(d) is amended to read:

29 (d) The monthly amount of a retirement benefit

30 **(1) for a member who first became a member of the plan before**
31 **July 1, 2006, and** who has paid the full amount of any indebtedness is one-twelfth of

the member's average base salary during any three school years of membership service multiplied by

(A) [(1)] two percent of the years of credited service earned before June 30, 1990, including credited fractional years, and the years of credited service through a total of 20 years; plus

(B) [(2)] two and one-half percent of the years of credited service earned after June 30, 1990, that are more than 20 years of total credited service;

(2) for a member who first became a member of the plan after June 30, 2006, and who has paid the full amount of any indebtedness is one-twelfth of the member's average base salary during any five school years of membership service multiplied by

(A) two percent of the years of credited service through a total of 10 years; plus

(B) two and one-quarter percent of the years over 10 years of total credited service through 20 years; plus

(C) two and one-half percent of the years of credited service that are more than 20 years of total credited service.

* Sec. 20. AS 14.25.142(a) is amended to read:

(a) While residing in the state, a person who first became a member of the plan before July 1, 2006, who is receiving a benefit under AS 14.25.009 - 14.25.220, and who is at least 65 years of age or a person who first became a member of the plan before July 1, 2006, and who is receiving a disability benefit under AS 14.25.009 - 14.25.220 is entitled to receive a monthly cost-of-living allowance in addition to the basic benefit. The amount of this allowance is 10 percent of the basic benefit.

* Sec. 21. AS 14.25.143(a) is amended to read:

(a) Once each year, the administrator shall increase benefit payments to eligible disabled members, to persons age 60 or older receiving benefits under this plan in the preceding calendar year, and to persons who have received benefits under this plan for at least five [EIGHT] years who are not otherwise eligible for an increase

under this section.

* **Sec. 22.** AS 14.25.143(b) is amended to read:

(b) **Subject to (g) and (h) of this section, the** [THE] increase in benefit payments applies to total benefit payments except for the cost-of-living allowance under AS 14.25.142. The amount of the increase is a percentage of the current benefit equal to

(1) the lesser of 75 percent of the increase in the cost of living in the preceding calendar year or nine percent, for recipients who on July 1 are at least 65 years old and for members receiving disability benefits; and

(2) the lesser of 50 percent of the increase in the cost of living in the preceding calendar year or six percent, for recipients who on July 1 are at least 60 but less than 65 years old or for recipients who on July 1 are less than 60 years old but who have received benefits from the plan for at least **five** [EIGHT] years.

* **Sec. 23.** AS 14.25.143 is amended by adding new subsections to read:

(g) Subject to (h) of this section, the amount of an increase for members who first became members of the plan after June 30, 2006, and do not meet the eligibility requirements for a permanent fund dividend in effect on July 1, 2024, under AS 43.23.005(a) is equal to one-half of the applicable percentage under (b) of this section.

(h) If the board determines that the portion of the liability of the plan that is attributable to all members who first became members of the plan after June 30, 2006, is funded below 90 percent, the board may reduce the amount of the increase determined under (b) or (g) of this section that is payable to a member who first became a member after June 30, 2006. At any time, the board may terminate a reduction made under this subsection.

* **Sec. 24.** AS 14.25.168(a) is amended to read:

(a) Except as provided in **AS 14.25.171 and** (c) of this section, the following persons are entitled to major medical insurance coverage under this section:

(1) for teachers first hired before July 1, 1990,

(A) a teacher who is receiving a monthly benefit from the plan and who has elected coverage;

(B) the spouse and dependent children of the teacher described in (A) of this paragraph;

(C) the surviving spouse of a deceased teacher who is receiving a monthly benefit from the plan and who has elected coverage;

(D) the dependent children of a deceased teacher who are dependent on the surviving spouse described in (C) of this paragraph;

(2) for teachers first hired [ON OR] after **June 30** [JULY 1], 1990,

(A) a teacher who is receiving a monthly benefit from the plan and who has elected coverage for the teacher;

(B) the spouse of the teacher described in (A) of this paragraph if the teacher elected coverage for the spouse;

(C) the dependent children of the teacher described in (A) of this paragraph if the teacher elected coverage for the dependent children;

(D) the surviving spouse of a deceased teacher who is receiving a monthly benefit from the plan and who has elected coverage;

(E) the dependent children of a deceased teacher who are dependent on the surviving spouse described in (D) of this paragraph if the surviving spouse has elected coverage for the dependent children.

* **Sec. 25.** AS 14.25 is amended by adding a new section to read:

Sec. 14.25.171. Medical benefit; eligibility of employees first hired after June 30, 2006; surviving spouses and dependents. (a) A teacher who first became a member of the plan after June 30, 2006, receives a monthly benefit from the plan, retired directly from the plan, and has elected benefits under this section is entitled to medical benefits under this section. A member who applies for medical benefits under this section shall apply on the forms and in the manner prescribed by the administrator. A member is eligible to retire from the plan if the member has been an active member for at least 12 months before application for retirement and the member

(1) has at least 30 years of service; or

(2) reaches the age set for Medicare eligibility and has at least 10 years of service.

(b) The member's surviving spouse is eligible to elect medical benefits if the

1 member had retired or was eligible for retirement and medical benefits at the time of
2 the member's death.

3 (c) The medical benefits available to eligible persons are access to the retiree
4 major medical insurance plan and access to the health reimbursement arrangement
5 plan under AS 39.30.300. Access to the retiree major medical insurance plan means
6 that an eligible person may not be denied insurance coverage except for failure to pay
7 the required premium.

8 (d) Retiree major medical insurance plan coverage elected by an eligible
9 member under this section covers the eligible member, the spouse of the eligible
10 member, and the dependent children of the eligible member.

11 (e) Retiree major medical insurance plan coverage elected by a surviving
12 spouse of an eligible member under this section covers the surviving spouse and the
13 dependent children of the eligible member who are dependent on the surviving spouse.

14 (f) Participation in the retiree major medical insurance plan is not required in
15 order to participate in the health reimbursement arrangement plan.

16 (g) A person eligible for medical benefits under this section is not required to
17 participate in the health reimbursement arrangement plan in order to participate in the
18 retiree major medical insurance plan.

19 (h) A person who is eligible for medical benefits under this section must make
20 the irrevocable election to participate or not participate in the retiree major medical
21 insurance plan on or before the date the person reaches 70 1/2 years of age or when the
22 person applies for retirement and medical benefits, whichever is later.

23 (i) Major medical insurance coverage takes effect on the first day of the month
24 following the date of the administrator's approval of the election and stops when the
25 person who elects coverage dies or fails to make a required premium payment.

26 (j) The coverage for persons 65 years of age or older is the same as that
27 available for persons under 65 years of age. The benefits payable to those persons 65
28 years of age or older supplement any benefits provided under the federal old age,
29 survivors, and disability insurance program.

30 (k) The medical and optional insurance premiums owed by the person who
31 elects coverage may be deducted from the health reimbursement arrangement plan. If

the amount of the health reimbursement arrangement plan becomes insufficient to pay the premiums, the person who elects coverage under (a) of this section shall pay the premiums directly.

(l) The cost of premiums for retiree major medical insurance coverage under this section for an eligible member or surviving spouse who is

(1) not eligible for Medicare is an amount equal to the full monthly group premiums for retiree major medical insurance coverage;

(2) eligible for Medicare is the following percentage of the premium amounts established for retirees who are eligible for Medicare:

(A) 30 percent if the member had 10 or more, but less than 15, years of service;

(B) 25 percent if the member had 15 or more, but less than 20, years of service;

(C) 20 percent if the member had 20 or more, but less than 25, years of service;

(D) 15 percent if the member had 25 or more, but less than 30, years of service;

(E) 10 percent if the member had 30 or more years of service.

(m) The eligibility for retiree major medical insurance coverage for an alternate payee under a qualified domestic relations order shall be determined based on the eligibility of the member to elect coverage. The alternate payee shall pay the full monthly premium for retiree major medical insurance coverage.

(n) The administrator shall

(1) inform a person entitled to retiree major medical insurance coverage under this section in writing

(A) that the health insurance coverage available to retired members may be different from the health insurance coverage provided to employees;

(B) of time limits for selecting optional health insurance coverage; and

(C) whether the election is irrevocable; and

(2) require that a person entitled to retiree major medical insurance coverage under this section indicate in writing on a form provided by the administrator whether the person has chosen to receive optional health insurance coverage.

(o) The monthly group premiums for retiree major medical insurance coverage under this section are established by the administrator in accordance with AS 39.30.095. Nothing in this chapter guarantees a person who elects coverage under (a) of this section a monthly group premium rate for retiree major medical insurance coverage other than the premium in effect for the month in which the premium is due for coverage for that month.

(p) In this section, "health reimbursement arrangement plan" means the State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan established in AS 39.30.300.

* **Sec. 26.** AS 14.25.220(5) is amended to read:

(5) "average base salary" means,

(A) for a teacher who first became a member before July 1, 2006, the result obtained by dividing the sum of the member's three highest years' base salary by three, or if a member does not have three years base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the computation of the average base salary; the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

(B) for a teacher who first became a member after June 30, 2006, the result obtained by dividing the sum of the member's five highest years' base salary by five, or if a member does not have five years' base salary, then by dividing the sum of all base salaries by the number of years of base salary; the base salary for a year in which credit is granted for disability totaling more than one-third of a year may not be used in the

computation of the average base salary; the base salary in a school year for which the member receives compensation for less than two-thirds of a year may not be used in the computation of the average base salary; if compensation is received for more than two-thirds of a year, the full base salary for that school year shall be used in the computation of the average base salary;

* **Sec. 27.** AS 14.25.220(6) is amended to read:

(6) "base salary"

(A) means the total remuneration payable under contract for a full year of membership service, including addenda to the contract **and, for a member who elects to participate solely in this plan under AS 14.25.040(f), remuneration paid by the public employees' retirement plan employer,** but, for a member first hired on or after July 1, 1996, does not include remuneration in excess of the limitations set out in 26 U.S.C. 401(a)(17);

(B) has the same meaning as "compensation" under AS 39.35.680(9) when applied to a state legislator who elects membership under AS 14.25.040(b);

* **Sec. 28.** AS 14.25.220(46) is amended to read:

(46) "vested member" or "vested teacher" means an active member who [HAS COMPLETED EITHER]

(A) **first became a member before July 1, 2006, and has completed**

(i) 15 years of service, the last five of which have been membership service, for a member first hired before July 1, 1975;

(ii) [(B)] eight years of membership service;

(iii) [(C)] five years of membership and three years of BIA service; or

(iv) [(D)] 12 school years of part-time membership service or 12 school years in each of which the member earned either part-time or full-time membership service;

(B) first became a member after June 30, 2006, and has

completed five years of membership service;

* **Sec. 29.** AS 14.25.220 is amended by adding a new paragraph to read:

(48) "first became a member after June 30, 2006" and "first became a member of the plan after June 30, 2006" include a member who elected under former AS 14.25.540 to participate in the defined contribution retirement plan under AS 14.25.310 - 14.25.590 and who elects to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220.

* **Sec. 30.** AS 14.25.310 is amended to read:

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

(1) teachers who first become members [ON OR] after June 30, 2006, and before July 1, 2024, and who are eligible but do not elect to participate in a defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680; and

(2) teachers [JULY 1, 2006, 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] who transferred [TRANSFER] into the defined contribution retirement plan under former AS 14.25.540 and do not elect to participate in the defined benefit retirement plan under AS 14.25.009 - 14.25.220.

* **Sec. 31.** 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. 32.** AS 14.25.330(a) is amended to read:

(a) A teacher who first becomes a member [ON OR] after **June 30, 2006, and before July 1, 2024, and who does not participate in a defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680 is** [JULY 1, 2006, SHALL PARTICIPATE IN THE PLAN AS] a member of the defined contribution retirement plan.

* **Sec. 33.** AS 14.25.490(a) is amended to read:

(a) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, the**
[THE] state **may** [HAS THE RIGHT TO] amend the plan at any time and from time to
time, in whole or in part, including the right to make retroactive amendments referred
to in 26 U.S.C. 401(b).

* **Sec. 34.** AS 14.25.490(b) is amended to read:

(b) The plan administrator may not modify or amend the plan retroactively [IN
SUCH A MANNER AS] to reduce [THE] benefits **accrued by a** [OF ANY] member
[ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS
MADE] before the modification or amendment except to the extent that the reduction
is permitted by **art. XII, sec. 7, Constitution of the State of Alaska, and** the Internal
Revenue Code.

* **Sec. 35.** AS 14.25.490(c) is amended to read:

(c) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the**
Internal Revenue Code, the [THE] state may [, IN ITS DISCRETION,] terminate the
plan in whole or part [AT ANY TIME] without liability for the termination. If the plan
is terminated, all investments **at the time of termination** remain in force until all
individual accounts have been completely distributed under the plan. **After** [, AND,
AFTER] all plan liabilities are satisfied, excess assets **of the plan** revert to the
employer.

* **Sec. 36.** AS 14.25.490(d) is repealed and reenacted to read:

(d) Within one year after determining that a contribution to the plan by an
employer was the result of a mistake of fact, the administrator shall return the
contribution to the employer.

* **Sec. 37.** AS 37.10.220(a) is amended to read:

(a) The board shall

(1) hold regular and special meetings at the call of the chair or of at
least five members; meetings are open to the public, and the board shall keep a full
record of all its proceedings;

(2) after reviewing recommendations from the Department of
Revenue, adopt investment policies for each of the funds entrusted to the board;

(3) determine the appropriate investment objectives for the defined

benefit plans established under the teachers' retirement system under AS 14.25 and the public employees' retirement system under AS 39.35;

(4) assist in prescribing the policies for the proper operation of the systems and take other actions necessary to carry out the intent and purpose of the systems in accordance with AS 37.10.210 - 37.10.390;

(5) provide a range of investment options and establish the rules by which participants can direct their investments among those options with respect to accounts established under

(A) AS 14.25.340 - 14.25.350 (teachers' retirement system defined contribution individual accounts);

(B) AS 39.30.150 - 39.30.180 (State of Alaska Supplementary Annuity Plan);

(C) AS 39.35.730 - 39.35.750 (public employees' retirement system defined contribution individual accounts); and

(D) AS 39.45.010 - 39.45.060 (public employees' deferred compensation program);

(6) establish the rate of interest that shall be annually credited to each member's individual contribution account in accordance with AS 14.25.145 and AS 39.35.100 and the rate of interest that shall be annually credited to each member's account in the health reimbursement arrangement plan under AS 39.30.300 - 39.30.495; the rate of interest shall be adopted on the basis of the probable effective rate of interest on a long-term basis, and the rate may be changed from time to time;

(7) adopt a contribution surcharge as necessary under AS 39.35.160(c);

(8) coordinate with the retirement system administrator to have an annual actuarial valuation of each retirement system prepared to determine system assets, accrued liabilities, and funding ratios and to certify to the appropriate budgetary authority of each employer in the system

(A) an appropriate contribution rate for normal costs; [AND]

(B) an appropriate contribution rate for liquidating any past service liability; in this subparagraph, the appropriate contribution rate for liquidating the past service liability of the defined benefit retirement plan under

AS 14.25.009 - 14.25.220 or the past service liability of the defined benefit retirement plan under AS 39.35.095 - 39.35.680 must be determined by a level percent of pay method based on amortization of the past service liability for a closed term of 25 years;

(C) an appropriate monthly employer contribution rate under AS 14.25.070 and AS 39.35.255; and

(D) appropriate adjustments, if any, under AS 14.25.050(e) and AS 39.35.160(e);

(9) review actuarial assumptions prepared and certified by a member of the American Academy of Actuaries and conduct experience analyses of the retirement systems not less than once every four years, except for health cost assumptions, which shall be reviewed annually; the results of all actuarial assumptions prepared under this paragraph shall be reviewed and certified by a second member of the American Academy of Actuaries before presentation to the board;

(10) contract for an independent audit of the state's actuary not less than once every four years;

(11) contract for an independent audit of the state's performance consultant not less than once every four years;

(12) obtain an external performance review to evaluate the investment policies of each fund entrusted to the board and report the results of the review to the appropriate fund fiduciary;

(13) by the first day of each regular legislative session, report to the governor, the legislature, and the individual employers participating in the state's retirement systems on the financial condition of the systems in regard to

(A) the valuation of trust fund assets and liabilities;

(B) current investment policies adopted by the board;

(C) a summary of assets held in trust listed by the categories of investment;

(D) the income and expenditures for the previous fiscal year;

(E) the return projections for the next calendar year;

(F) one-year, three-year, five-year, and 10-year investment

performance for each of the funds entrusted to the board; and

(G) other statistical data necessary for a proper understanding of the financial status of the systems;

(14) submit quarterly updates of the investment performance reports to the Legislative Budget and Audit Committee;

(15) develop an annual operating budget; [AND]

(16) administer pension forfeitures required under AS 37.10.310 using the procedures of AS 44.62 (Administrative Procedure Act);

(17) establish one or more sub-trusts of the pension fund to hold employer contributions deposited under AS 14.25.086 and AS 39.35.281, employee contributions, assets, and earnings attributable to members of the defined benefit retirement plan under AS 14.25.009 - 14.25.220 or the defined benefit retirement plan under AS 39.35.095 - 39.35.680 who first became members of the respective plan after June 30, 2006; and

(18) account for and track employer contributions, employee contributions, assets, and earnings in each trust fund or sub-trust attributable to members who first became members after June 30, 2006, of the defined benefit retirement plan under AS 14.25.009 - 14.25.220 and members who first became members after June 30, 2006, of the defined benefit retirement plan under AS 39.35.095 - 39.35.680; employer contributions that exceed those assigned to members who first became members after June 30, 2006, of the defined benefit retirement plan under AS 14.25.009 - 14.25.220 and members who first became members after June 30, 2006, of the defined benefit retirement plan under AS 39.35.095 - 39.35.680 shall be transferred or retained in trusts or sub-trusts with liability allocated toward employer normal costs for members who became members of the respective defined benefit retirement plan before July 1, 2024, past service costs, the State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan under AS 39.30.300 - 39.30.495, and employer contributions under AS 14.25.350 and AS 39.35.750.

* Sec. 38. AS 37.10.220(b) is amended to read:

(b) The board may

- (1) employ outside investment advisors to review investment policies;
- (2) enter into an agreement with the fiduciary of another state fund in order to assume the management and investment of those assets;
- (3) contract for other services necessary to execute the board's powers and duties;
- (4) enter into confidentiality agreements that would exempt records from AS 40.25.110 and 40.25.120 if the records contain information that could affect the value of investment by the board or that could impair the ability of the board to acquire, maintain, or dispose of investments;

(5) adjust the amount of the increase in benefits payable to a member who first became a member after June 30, 2006, as provided under AS 14.25.143 and AS 39.35.475;

(6) adjust contribution rates under AS 14.25.050(e) and AS 39.35.160(e).

* **Sec. 39.** AS 39.30.090(a) is amended to read:

(a) The Department of Administration may obtain a policy or policies of group insurance covering state employees, persons entitled to coverage under AS 14.25.168, **14.25.171**, 14.25.480, AS 22.25.090, AS 39.35.535, **39.35.537**, 39.35.880, or former AS 39.37.145, employees of other participating governmental units, or persons entitled to coverage under AS 23.15.136, subject to the following conditions:

(1) a group insurance policy shall provide one or more of the following benefits: life insurance, accidental death and dismemberment insurance, weekly indemnity insurance, hospital expense insurance, surgical expense insurance, dental expense insurance, audiovisual insurance, or other medical care insurance;

(2) each eligible employee of the state, the spouse and the unmarried children chiefly dependent on the eligible employee for support, and each eligible employee of another participating governmental unit shall be covered by the group policy, unless exempt under regulations adopted by the commissioner of administration;

(3) a governmental unit may participate under a group policy if

(A) its governing body adopts a resolution authorizing

1 participation and payment of required premiums;

2 (B) a certified copy of the resolution is filed with the
3 Department of Administration; and

4 (C) the commissioner of administration approves the
5 participation in writing;

6 (4) in procuring a policy of group health or group life insurance as
7 provided under this section or excess loss insurance as provided in AS 39.30.091, the
8 Department of Administration shall comply with the dual choice requirements of
9 AS 21.86.310, and shall obtain the insurance policy from an insurer authorized to
10 transact business in the state under AS 21.09, a hospital or medical service corporation
11 authorized to transact business in this state under AS 21.87, or a health maintenance
12 organization authorized to operate in this state under AS 21.86; an excess loss
13 insurance policy may be obtained from a life or health insurer authorized to transact
14 business in this state under AS 21.09 or from a hospital or medical service corporation
15 authorized to transact business in this state under AS 21.87;

16 (5) the Department of Administration shall make available bid
17 specifications for desired insurance benefits or for administration of benefit claims and
18 payments to (A) all insurance carriers authorized to transact business in this state
19 under AS 21.09 and all hospital or medical service corporations authorized to transact
20 business under AS 21.87 who are qualified to provide the desired benefits; and (B)
21 insurance carriers authorized to transact business in this state under AS 21.09, hospital
22 or medical service corporations authorized to transact business under AS 21.87, and
23 third-party administrators licensed to transact business in this state and qualified to
24 provide administrative services; the specifications shall be made available at least once
25 every five years; the lowest responsible bid submitted by an insurance carrier, hospital
26 or medical service corporation, or third-party administrator with adequate servicing
27 facilities shall govern selection of a carrier, hospital or medical service corporation, or
28 third-party administrator under this section or the selection of an insurance carrier or a
29 hospital or medical service corporation to provide excess loss insurance as provided in
30 AS 39.30.091;

31 (6) if the aggregate of dividends payable under the group insurance

policy exceeds the governmental unit's share of the premium, the excess shall be applied by the governmental unit for the sole benefit of the employees;

(7) a person receiving benefits under AS 14.25.110, AS 22.25, AS 39.35, or former AS 39.37 may continue the life insurance coverage that was in effect under this section at the time of termination of employment with the state or participating governmental unit;

(8) a person electing to have insurance under (7) of this subsection shall pay the cost of this insurance;

(9) for each permanent part-time employee electing coverage under this section, the state shall contribute one-half the state contribution rate for permanent full-time state employees, and the permanent part-time employee shall contribute the other one-half;

(10) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35, or former AS 39.37 may obtain auditory, visual, and dental insurance for that person and eligible dependents under this section; the level of coverage for persons over 65 shall be the same as that available before reaching age 65 except that the benefits payable shall be supplemental to any benefits provided under the federal old age, survivors, and disability insurance program; a person electing to have insurance under this paragraph shall pay the cost of the insurance; the commissioner of administration shall adopt regulations implementing this paragraph;

(11) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35, or former AS 39.37 may obtain long-term care insurance for that person and eligible dependents under this section; a person who elects insurance under this paragraph shall pay the cost of the insurance premium; the commissioner of administration shall adopt regulations to implement this paragraph;

(12) each licensee holding a current operating agreement for a vending facility under AS 23.15.010 - 23.15.210 shall be covered by the group policy that applies to governmental units other than the state.

* **Sec. 40.** AS 39.30.097(b) is amended to read:

(b) The commissioner of administration is authorized to prefund medical benefits provided by AS 14.25.171, 14.25.480 [AS 14.25.480], AS 39.30.300,

AS 39.35.537, and 39.35.880 [AS 39.35.880] by establishing an irrevocable trust that is exempt from federal income tax under 26 U.S.C. 115 and subject to the applicable financial reporting, disclosure, and actuarial requirements of the Governmental Accounting Standards Board.

* **Sec. 41.** AS 39.30.300 is amended to read:

Sec. 39.30.300. State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan established. The State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan is established for

(1) teachers who first become members of the [DEFINED CONTRIBUTION PLAN OF THE] teachers' retirement system under AS 14.25.009 - 14.25.590 [AS 14.25.310 - 14.25.590 ON OR] after June 30, 2006 [JULY 1, 2006], and teachers who elected under former AS 14.25.540 to participate in the plan under AS 14.25.310 - 14.25.590; and

(2) employees of the state, political subdivisions of the state, and public organizations of the state who first become members [OF THE DEFINED CONTRIBUTION PLAN] of the Public Employees' Retirement System of Alaska (AS 39.35) [PUBLIC EMPLOYEES' RETIREMENT SYSTEM UNDER AS 39.35.700 - 39.35.990 ON OR] after June 30, 2006, and employees of the state, political subdivisions of the state, and public organizations of the state who elected under former AS 39.35.940 to participate in the plan established under AS 39.35.700 - 39.35.990 [JULY 1, 2006].

* **Sec. 42.** AS 39.30.380 is amended to read:

Sec. 39.30.380. Termination of employment. A person who terminates employment before meeting the eligibility requirements of AS 14.25.171, 14.25.470, AS 39.35.537, or 39.35.870 [AS 14.25.470 OR AS 39.35.870] loses any right to the contributions made on behalf of the person to the teachers' and public employees' retiree health reimbursement arrangement trust fund. If a person returns to employment with a participating employer by December 31 of the year in which the person reaches 65 years of age, the person's account balance shall be restored in the amount recorded on the date of termination from the trust, adjusted for inflation at the

rate of the Consumer Price Index for Anchorage, Alaska. The earlier period of employment with a participating employer shall be credited toward eligibility for medical benefits.

* **Sec. 43.** AS 39.30.390 is amended to read:

Sec. 39.30.390. Eligibility and reimbursement. Persons who meet the eligibility requirements of AS 14.25.171, 14.25.470, AS 39.35.537, or 39.35.870 [AS 14.25.470 AND AS 39.35.870] are eligible for reimbursements from the individual account established for a member under the plan, except members do not have to retire directly from the system. A person who is the dependent child of an eligible member is eligible for reimbursements if the eligible member and surviving spouse have both died so long as the person meets the definition of dependent child.

* **Sec. 44.** AS 39.30.400(a) is amended to read:

(a) The administrator may deduct the cost of monthly premiums from the individual account for retiree major medical insurance on behalf of an eligible person who elected retiree major medical insurance under AS 14.25.171, 14.25.480, AS 39.35.537, or 39.35.880 [AS 14.25.480 OR AS 39.35.880].

* **Sec. 45.** AS 39.30.420(a) is amended to read:

(a) Subject to art. XII, sec. 7, Constitution of the State of Alaska, the [THE] state may [HAS THE RIGHT TO] amend the plan at any time and from time to time, in whole or in part, including the right to make retroactive amendments referred to in 26 U.S.C. 401(b).

* **Sec. 46.** AS 39.30.420(b) is amended to read:

(b) The plan administrator may not modify or amend the plan retroactively [IN SUCH A MANNER AS] to reduce [THE] benefits accrued by a [OF ANY] member [ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS MADE] before the modification or amendment except to the extent that the reduction is permitted by art. XII, sec. 7, Constitution of the State of Alaska, and the Internal Revenue Code.

* **Sec. 47.** AS 39.30.420(c) is amended to read:

(c) Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the Internal Revenue Code, the [THE] state may [, IN ITS DISCRETION,] terminate the

plan in whole or part [AT ANY TIME] without liability for the termination. If the plan is terminated, all investments at the time of termination remain in force until all individual accounts have been completely distributed under the plan. After [, AND, AFTER] all plan liabilities are satisfied, excess assets of the plan revert to the employer.

* **Sec. 48.** AS 39.30.420(d) is repealed and reenacted to read:

(d) Within one year after determining that a contribution to the plan by an employer was the result of a mistake of fact, the administrator shall return the contribution to the employer.

* **Sec. 49.** AS 39.30.495(5) is amended to read:

(5) "eligible person" means a person who meets the eligibility requirements of AS 14.25.171, 14.25.470, AS 39.35.537, or 39.35.870 [AS 14.25.470 OR AS 39.35.870];

* **Sec. 50.** AS 39.30.495(6) is amended to read:

(6) "employer" has the meaning given in AS 14.25.220 for employers of teachers in the defined benefit retirement plan established in AS 14.25.009 - 14.25.220, has the meaning given in AS 14.25.590 for employers of teachers in the defined contribution plan established in AS 14.25.310 - 14.25.590, has the meaning given in AS 39.35.680 for employers of public employees in the defined benefit retirement plan established in AS 39.35.095 - 39.35.680, and has the meaning given in AS 39.35.990 for employers of public employees in the defined contribution plan established in AS 39.35.700 - 39.35.990;

* **Sec. 51.** AS 39.30.495(9) is amended to read:

(9) "member" means a member of the State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan established in AS 39.30.300 - 39.30.495 [DEFINED CONTRIBUTION PLAN OF THE TEACHERS' RETIREMENT SYSTEM IN AS 14.25.310 - 14.25.590 OR A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM IN AS 39.35.700 - 39.35.990];

* **Sec. 52.** AS 39.35.095 is amended to read:

Sec. 39.35.095. Applicability of AS 39.35.095 - 39.35.680. The

[FOLLOWING] provisions of AS 39.35.095 - 39.35.680 [THIS CHAPTER] apply only to members first hired

(1) before July 1, 2006, who have

(A) not elected under former AS 39.35.940 to participate in the defined contribution retirement plan under AS 39.35.700 - 39.35.990; or

(B) elected under former AS 39.35.940 to participate in the defined contribution retirement plan under AS 39.35.700 - 39.35.990 and are former members of the defined contribution retirement plan under AS 39.35.700 - 39.35.990;

(2) after June 30, 2006, and before July 1, 2024, who are former members of the defined contribution retirement plan under AS 39.35.700 - 39.35.990; or

(3) on or after July 1, 2024 [: AS 39.35.095 - 39.35.680].

* **Sec. 53.** AS 39.35.095 is amended by adding a new subsection to read:

(b) An employee who became a member of the system after June 30, 2006, and before July 1, 2024, or who has elected under former AS 39.35.940 to participate in the defined contribution retirement plan under AS 39.35.700 - 39.35.990, is subject to AS 39.35.095 - 39.35.680 if the employee

(1) is not employed by an employer on July 1, 2024;

(2) is reemployed by an employer after July 1, 2024; and

(3) has, before the date of reemployment, received

(A) a distribution, other than a rollover distribution, of the entire balance in the member's individual account in the defined contribution retirement plan; or

(B) a rollover distribution of the entire balance in the member's individual account in the defined contribution retirement plan and has not within 180 days of reemployment had all or part of a direct rollover distribution from an eligible retirement plan owned by the member paid directly into the member's individual account.

* **Sec. 54.** AS 39.35.100(b) is amended to read:

(b) An individual account shall be maintained for each employee to record the amount of the employee's mandatory contributions collected under AS 39.35.160 [AS 39.35.160(a)]. As of the last day of each calendar year and of each fiscal year, this account shall be credited with interest by applying the prescribed rate of interest, as determined by the board, to the balance in the account as of that date. When the employee is appointed to retirement, the amount held in the individual account shall be used first to fully finance the benefits paid. Once this account has been exhausted, the plan shall fully finance the benefits paid that were not financed by the employee's individual account.

* **Sec. 55.** AS 39.35 is amended by adding a new section to article 3 to read:

Sec. 39.35.159. Election of defined benefit retirement plan by reemployed employees. (a) An employee may make a one-time election to participate in the plan under AS 39.35.095 - 39.35.680 if the employee

(1) became a member of the defined contribution retirement plan under AS 39.35.700 - 39.35.990 after June 30, 2006, and before July 1, 2024;

(2) is not employed by an employer on July 1, 2024;

(3) is reemployed by an employer after July 1, 2024; and

(4) before the date of reemployment,

(A) has not received a distribution of the entire balance in the employee's individual account under the defined contribution retirement plan established in AS 39.35.700 - 39.35.990; or

(B) has received a rollover distribution of the entire balance in the member's individual account in the defined contribution retirement plan and has within 180 days of reemployment had all or part of a direct rollover distribution from an eligible retirement plan owned by the member paid directly into the member's individual account.

(b) An election under (a) of this section may be made not more than 180 days after the date of reemployment. A reemployed employee electing to participate under (a) of this section shall use the balance of the employee's individual account in the plan under AS 39.35.700 - 39.35.990, including any rollover contributions, to purchase credited service in the plan under AS 39.35.095 - 39.35.680. An election

made under (a) of this section must be made in writing in the manner prescribed by the administrator. An election made by an employee who is married is not effective unless the election is signed by the employee's spouse. The administrator shall provide an employee who is eligible to make an election under (a) of this section with information about the potential consequences of the employee's election, including calculations to illustrate the effect of moving the employee's retirement plan from a defined contribution retirement plan to a defined benefit retirement plan.

(c) An election made under (a) of this section to participate in the plan under AS 39.35.095 - 39.35.680 is irrevocable. On the effective date of the election, an eligible employee shall be enrolled as a member of the plan, and the employee's participation in the plan shall be governed by the applicable provisions of the plan. The employee's enrollment in the plan is retroactive to the date of hire.

(d) When an eligible employee makes an election under this section, the administrator shall cause the total amount of the employee's employee and employer contributions to the plan under AS 39.35.700 - 39.35.990, with investment earnings and losses through the day of the employee's election to participate as a member in the plan under AS 39.35.095 - 39.35.680, to be actuarially calculated and, subject to (f) of this section, transferred to the pension fund in the plan under AS 39.35.095 - 39.35.680. On the effective date of the employee's participation in the plan under AS 39.35.095 - 39.35.680, the employee shall be credited with service in the plan. The board shall determine the cost of the employee's actual service time based on the employee's accrued actuarial liability of pension benefits in the plan, and credit the employee with service time equal to the value actuarially calculated and transferred to the pension fund in the plan under AS 39.35.095 - 39.35.680. The board shall adopt regulations establishing transfer procedures. The transfer may not occur later than 60 days after the date the administrator receives the employee's election, 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 60-day period may be extended by a resolution of the board. A transfer is not commissionable or subject to other fees and may be in the form of cash or a security as determined by

the board. A security shall be valued on the date of receipt in the employee's account.

(e) When making a transfer under (d) of this section, or for a reemployed employee entering the plan under AS 39.35.095(b), the administrator shall transfer an amount equal to the decrease in the accrued actuarial liability of the death and disability trust in the plan under AS 39.35.700 - 39.35.990 resulting from the transfer as of the date of transfer, based on the most recent actuarial valuation of the death and disability trust, from the death and disability trust in the plan under AS 39.35.700 - 39.35.990 to the pension fund in the plan under AS 39.35.095 - 39.35.680.

(f) If the value actuarially calculated under (d) of this section is insufficient to pay for service credit equal to the employee's actual service, the administrator shall allow the employee the option of purchasing service credit in an amount up to the amount needed to eliminate the insufficiency; however, if that value exceeds the amount needed to pay for service credit equal to the employee's actual service, the administrator shall cause the excess to be paid to the employee as a rollover transfer to either an individual employee annuity account in the Department of Administration under the terms of AS 39.30.150 - 39.30.180 (State of Alaska Supplemental Annuity Plan) or, if the member's employer does not participate in the State of Alaska Supplemental Annuity Plan, to an eligible retirement plan as defined in AS 39.35.760(d). An excess may not be used to purchase additional service credit in the plan under AS 39.35.095 - 39.35.680. When a reemployed employee enters the plan under AS 39.35.095(b), the administrator shall allow the employee to pay for a period of service credit up to the employee's actual service. When an employee elects to purchase service credit under this section and does not immediately pay for the service credit purchased, an indebtedness is established. Interest as prescribed by regulation accrues on an employee's indebtedness. Indebtedness that exists at the time the employee is appointed to retirement necessitates an actuarial adjustment to the benefits payable due to service in the defined contribution retirement plan.

(g) Actuarial assumptions about the plan under AS 39.35.095 - 39.35.680 must be based on the most recent actuarial valuation of the plan, except that the retirement rates are computed at 25 percent of the retirement rates used in the most recent actuarial valuation of the pension fund for the plan plus 75 percent of the

retirement rates used in the most recent actuarial valuation of the plan under AS 39.35.700 - 39.35.990.

(h) The provisions of this section are subject to the requirements of the Internal Revenue Code and the limitations under AS 39.35.115, 39.35.678, 39.35.710(c) and (d), and 39.35.895. In this subsection, "Internal Revenue Code" has the meaning given in AS 39.35.990.

* **Sec. 56.** AS 39.35.160(a) is amended to read:

(a) **Subject to (e) of this section, beginning** [BEGINNING] January 1, 1987, each peace officer or firefighter shall contribute to the plan an amount equal to seven and one-half percent of the peace officer's or firefighter's compensation, **and, except** [EXCEPT] as provided in **(d) - (e)** [(d)] of this section, beginning January 1, 1987, each other employee shall contribute to the plan an amount equal to six and three-quarters percent of the employee's compensation. [THE CONTRIBUTIONS SHALL BE DEDUCTED BY THE EMPLOYER AT THE END OF EACH PAYROLL PERIOD. THE CONTRIBUTIONS SHALL BE DEDUCTED FROM EMPLOYEE COMPENSATION BEFORE COMPUTATION OF APPLICABLE FEDERAL TAXES, AND THE CONTRIBUTIONS SHALL BE TREATED AS EMPLOYER CONTRIBUTIONS UNDER 26 U.S.C. 414(h)(2). A MEMBER MAY NOT HAVE THE OPTION OF MAKING THE PAYROLL DEDUCTION DIRECTLY INSTEAD OF HAVING THE CONTRIBUTION PICKED UP BY THE EMPLOYER.]

* **Sec. 57.** AS 39.35.160 is amended by adding new subsections to read:

(e) An employee who first participates in the plan after June 30, 2006, shall contribute to the plan an amount equal to eight percent of the employee's compensation. The board may, from time to time, adjust the employee contribution under this subsection to an amount that,

(1) if decreased, is not less than eight percent of the employee's compensation; and

(2) if increased, is not more than 12 percent of the employee's compensation.

(f) Contributions under (a) and (e) of this section shall be deducted by the employer at the end of each payroll period. The contributions shall be deducted from

employee compensation before computation of applicable federal taxes, and the contributions shall be treated as employer contributions under 26 U.S.C. 414(h)(2). A member may not have the option of making the payroll deduction directly instead of having the contribution picked up by the employer.

(g) The board may increase the employee contribution rate under (e) of this section if the board determines that the portion of the liability of the plan that is attributable to employees who first participate in the plan after June 30, 2006, is funded below 90 percent. Before increasing the member contribution rate under (e) of this section, the board shall determine an amount sufficient to address the plan's past service liability attributable to all members who first became members of the plan after June 30, 2006. An increase to the employee contribution rate may raise not more than 50 percent of the amount sufficient to address the plan's past service liability attributable to all members who first became members of the plan after June 30, 2006. The board may decrease the rate under (e) of this section if the board determines that the portion of the liability of the plan that is attributable to all members who first became members of the plan after June 30, 2006, is funded above 90 percent.

* **Sec. 58.** AS 39.35.165(a) is amended to read:

(a) An employee who is eligible to purchase credited service under AS 39.35.159, 39.35.310 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.342, 39.35.345, 39.35.360, or 39.35.370, a member who is eligible to purchase credited service under AS 39.35.375, or an elected public official who is eligible to purchase credited service under AS 39.35.381 is an employee for purposes of this section. An employee may, in lieu of making payments directly to the plan, elect to have the employee's employer make payments as provided in this section.

* **Sec. 59.** AS 39.35.165(b) is amended to read:

(b) An employee may elect to have the employer make payments for all or any portion of the amounts payable for the employee's purchase of credited service through a salary reduction program as follows:

(1) the amounts paid under a salary reduction program are in lieu of contributions by the employee making the election; the electing employee's salary or other compensation shall be reduced by the amount paid by the employer under this

subsection;

(2) the employee shall make an irrevocable election under this section to purchase credited service as permitted in AS 39.35.159, 39.35.310 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.342, 39.35.345, 39.35.360, 39.35.370, 39.35.375, or 39.35.381 and before the employee's termination of employment; the irrevocable election must specify the number of payroll periods that deductions will be made from the employee's compensation and the dollar amount of deductions for each payroll period during the specified number of payroll periods; the deductions made under this paragraph cease upon the earlier of the member's termination of employment with the employer or the member's death; amounts paid by an employer under (f) of this section may not be applied toward the payment of the dollar amount of the deductions representing the portion of the credited service that is being purchased by the member through payroll deduction in accordance with the member's irrevocable election under this subsection;

(3) amounts paid by an employer under this subsection shall be treated as employer contributions for the purpose of determining tax treatment under the Internal Revenue Code; the amounts paid by the employer under this section may not be included in the member's gross income for income tax purposes until those amounts are distributed by refund or retirement benefit payments.

* **Sec. 60.** AS 39.35.165(g) is amended to read:

(g) Payments made under this section shall be applied to reduce the employee's outstanding indebtedness described in AS 39.35.159, 39.35.310 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.342, 39.35.345, 39.35.360, 39.35.370, 39.35.375, or 39.35.381 at the time that the contributions are received by the plan.

* **Sec. 61.** AS 39.35.165(i) is amended to read:

(i) On satisfaction of the eligibility requirements of AS 39.35.159, 39.35.310 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.341, 39.35.345, 39.35.360, 39.35.370, 39.35.375, or 39.35.381, the requirements of this section, and the administrative filing requirements specified by the commissioner, the plan shall adjust the employee's credited service history and add any additional service credits acquired.

* **Sec. 62.** AS 39.35.255(a) is amended to read:

(a) Each employer, except as provided in (h) of this section, shall contribute to the system every payroll period the lesser of

(1) an amount calculated by applying a rate of 22 percent of the greater of the total of all base salaries

(A) [(1)] paid by the employer to employees who are active members of the system, including any adjustments to contributions required by AS 39.35.520; or

(B) [(2)] paid by the employer to employees who were active members of the system during the corresponding payroll period for the fiscal year ending

(i) [(A)] June 30, 2008; or

(ii) [(B)] June 30, 2012, if that total is less than the total under (i) of this subparagraph [(A) OF THIS PARAGRAPH], and the employer is a municipality in which the population decreased by more than 25 percent between 2000 and 2010, according to the decennial census conducted by the United States Bureau of the Census; or

(2) an amount calculated by applying a rate established by the board under AS 37.10.220 to the total of all base salaries paid by the employer to active members of the system; the rate must be at least 12 percent and be sufficient to pay the actuarially determined employer normal cost, all contributions required under AS 39.30.370 and AS 39.35.750, and past service cost for members of the system.

* **Sec. 63.** AS 39.35.255 is amended by adding a new subsection to read:

(j) If the legislature appropriates funds for the purpose of decreasing an employer's contribution, the employer's contribution under (a) of this section shall decrease by that amount.

* **Sec. 64.** AS 39.35 is amended by adding a new section to read:

Sec. 39.35.281. Sub-trust for members who first became members after June 30, 2006. The administrator shall deposit a portion of employer contributions under AS 39.35.255 and 39.35.280 in a sub-trust of the retirement fund established by the board for members who first became members after June 30, 2006. The amount

deposited, when combined with the amount separately computed for medical benefits under AS 39.35.282, must be sufficient to pay the actuarially determined employer normal cost and past service cost for members of the system who first became members after June 30, 2006. When the amount sufficient to pay the actuarially determined employer normal cost, all contributions required under AS 39.30.370 and AS 39.35.750, and past service cost for members of the system is less than 12 percent of all base salaries paid to active members of the system, the administrator shall deposit the difference in the sub-trust established under this section.

* **Sec. 65.** AS 39.35.282 is amended to read:

Sec. 39.35.282. Contributions for medical benefits. Contributions made by an employer under AS 39.35.255 and 39.35.280 must [SHALL] be separately computed for benefits provided by AS 39.35.535, 39.35.537, and AS 39.30.400. The contributions computed for benefits provided under

(1) AS 39.35.535 must [AND SHALL] be deposited in the Alaska retiree health care trust established under AS 39.30.097(a);

(2) AS 39.35.537 must be deposited in the Alaska retiree health care trust established under AS 39.30.097(b); and

(3) AS 39.30.400 must be deposited in the teachers' and public employees' retiree health reimbursement arrangement plan trust fund established under AS 39.30.340.

* **Sec. 66.** AS 39.35.340(i) is amended to read:

(i) Notwithstanding (d) of this section, a member who retires as a peace officer or firefighter may elect to use five or fewer years of credited service granted under this section in computing years of credited service under AS 39.35.535(c) or 39.35.537. When eligibility for credited service for military service has been established and an election under this subsection has been made, an indebtedness in addition to the indebtedness determined under (b) of this section shall be determined for each year of military service used under this subsection, in an amount based on the increase, if any, in the present value of future benefits for that year as determined by the department.

* **Sec. 67.** AS 39.35.345(d) is amended to read:

(d) An employee may choose whether the credited service granted under this

section is used to satisfy the credited service requirements for normal retirement under AS 39.35.370(a)(1)(B) or (C), 39.35.370(a)(2)(B), (C), or (D), [AS 39.35.370(a)(2) OR (3)] or 39.35.385(f) or is only used for the calculation of benefits. An election under this subsection is irrevocable and applies to all temporary credited service that the employee has accrued when the employee retires. An election under this subsection does not change the date that an employee is considered to have commenced participation in the plan under AS 39.35.120.

* **Sec. 68.** AS 39.35.370(a) is amended to read:

(a) Subject to AS 39.35.450, a terminated employee

(1) who first became a member before July 1, 2006, is eligible for a normal retirement benefit

(A) [(1)] at age 60 with at least five years **of** credited service;

(B) [(2)] with at least 20 years of credited service as a peace officer or firefighter; or

(C) [(3)] with at least 30 years of credited service;

(2) who first became a member after June 30, 2006, is eligible for a normal retirement benefit

(A) at age 60 with at least five years of credited service;

(B) at age 55 with at least 20 years of credited service as a peace officer or firefighter;

(C) at age 50 with at least 25 years of credited service as a peace officer or firefighter; or

(D) with at least 30 years of credited service [FOR ALL OTHER EMPLOYEES].

* **Sec. 69.** AS 39.35.381(e) is amended to read:

(e) A person who retires under this section is not entitled to disability or death benefits under AS 39.35.400 - 39.35.440, a minimum benefit under AS 39.35.485, or to medical benefits under AS 39.35.535 or 39.35.537. Service earned under this section may not be used for vesting under AS 39.35.095 - 39.35.680.

* **Sec. 70.** AS 39.35.475(b) is amended to read:

(b) Subject to (g) and (h) of this section, the [THE] increase in benefit

payments applies to total benefit payments except for the cost-of-living allowance under AS 39.35.480. The amount of the increase is a percentage of the current benefit equal to

(1) the lesser of 75 percent of the increase in the cost of living in the preceding calendar year or nine percent, for recipients who on July 1 are at least 65 years old and for members receiving disability benefits; and

(2) the lesser of 50 percent of the increase in the cost of living in the preceding calendar year or six percent, for recipients who on July 1 are at least 60 but less than 65 years old or for recipients who are less than 60 years old on July 1 but who have received benefits from the plan for at least five years.

* **Sec. 71.** AS 39.35.475 is amended by adding new subsections to read:

(g) Subject to (h) of this section, the amount of an increase for members who first became members of the plan after June 30, 2006, and do not meet the eligibility requirements for a permanent fund dividend in effect on July 1, 2024, under AS 43.23.005(a) is equal to one-half of the applicable percentage under (b) of this section.

(h) If the board determines that the portion of the liability of the plan that is attributable to all members who first became members of the plan after June 30, 2006, is funded below 90 percent, the board may reduce the amount of the increase determined under (b) or (g) of this section that is payable to a member who first became a member after June 30, 2006. At any time, the board may terminate a reduction made under this subsection.

* **Sec. 72.** AS 39.35.480(a) is amended to read:

(a) While residing in the state, a person **who first became a member of the plan before July 1, 2006, who is** receiving a benefit under AS 39.35.095 - 39.35.680, **and** who is 65 years of age or older or **a person who first became a member of the plan before July 1, 2006, and** who is receiving a disability benefit is entitled to receive a monthly cost-of-living allowance in addition to the basic benefit. The amount of this allowance shall be \$50 or 10 percent of the basic benefit, whichever is greater.

* **Sec. 73.** AS 39.35.535(a) is amended to read:

(a) Except as provided in (d) **and (g)** of this section, the following persons are entitled to major medical insurance coverage under this section:

(1) for employees first hired before July 1, 1986,

(A) an employee who is receiving a monthly benefit from the plan and who has elected coverage;

(B) the spouse and dependent children of the employee described in (A) of this paragraph;

(C) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(D) the dependent children of a deceased employee who are dependent on the surviving spouse described in (C) of this paragraph;

(2) for members first hired [ON OR] after **June 30** [JULY 1], 1986,

(A) an employee who is receiving a monthly benefit from the plan and who has elected coverage for the employee;

(B) the spouse of the employee described in (A) of this paragraph if the employee elected coverage for the spouse;

(C) the dependent children of the employee described in (A) of this paragraph if the employee elected coverage for the dependent children;

(D) the surviving spouse of a deceased employee who is receiving a monthly benefit from the plan and who has elected coverage;

(E) the dependent children of a deceased employee who are dependent on the surviving spouse described in (D) of this paragraph if the surviving spouse has elected coverage for the dependent children.

* **Sec. 74.** AS 39.35.535(c) is amended to read:

(c) A benefit recipient **who became a member before July 1, 2006, or the surviving spouse of the member** may elect major medical insurance coverage in accordance with regulations and under the following conditions:

(1) a person, other than a disabled member or a disabled member who is appointed to normal retirement, **shall** [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 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.

* **Sec. 75.** AS 39.35.535 is amended by adding a new subsection to read:

(g) A benefit recipient who first became a member after June 30, 2006, or a surviving spouse who is eligible under AS 39.35.537(b), is not eligible for benefits under this section but may elect medical benefits under AS 39.35.537.

* **Sec. 76.** AS 39.35 is amended by adding a new section to read:

Sec. 39.35.537. Medical benefit; eligibility of employees first hired after June 30, 2006; surviving spouses and dependents. (a) An employee who first became a member of the plan after June 30, 2006, receives a monthly benefit from the plan, retired directly from the plan, and has elected benefits under this section is entitled to medical benefits under this section. A member who applies for medical benefits under this section shall apply on the forms and in the manner prescribed by the administrator. A member is eligible to retire from the plan if the member has been an active member for at least 12 months before application for retirement and the member

(1) is at least

(A) 50 years of age and has at least 25 years of membership service as a peace officer or firefighter;

(B) 55 years of age and has at least 20 years of membership service as a peace officer or firefighter;

(2) has at least 30 years of membership; or

(3) reaches the age set for Medicare eligibility and has at least 10 years of membership service.

(b) The member's surviving spouse is eligible to elect medical benefits if the member had retired or was eligible for retirement and medical benefits at the time of the member's death.

(c) The medical benefits available to eligible persons are access to the retiree major medical insurance plan and access to the health reimbursement arrangement plan under AS 39.30.300. Access to the retiree major medical insurance plan means that an eligible person may not be denied insurance coverage except for failure to pay the required premium.

(d) Retiree major medical insurance plan coverage elected by an eligible member under this section covers the eligible member, the spouse of the eligible member, and the dependent children of the eligible member.

(e) Retiree major medical insurance plan coverage elected by a surviving spouse of an eligible member under this section covers the surviving spouse and the dependent children of the eligible member who are dependent on the surviving spouse.

(f) Participation in the retiree major medical insurance plan is not required in order to participate in the health reimbursement arrangement plan.

(g) A person eligible for medical benefits under this section is not required to participate in the health reimbursement arrangement plan in order to participate in the retiree major medical insurance plan.

(h) A person who is eligible for medical benefits under this section must make the irrevocable election to participate or not participate in the retiree major medical insurance plan on or before the date the person reaches 70 1/2 years of age or when the person applies for retirement and medical benefits, whichever is later.

(i) Major medical insurance coverage takes effect on the first day of the month following the date of the administrator's approval of the election and stops when the person who elects coverage dies or fails to make a required premium payment.

(j) The coverage for persons 65 years of age or older is the same as that available for persons under 65 years of age. The benefits payable to those persons 65 years of age or older supplement any benefits provided under the federal old age, survivors, and disability insurance program.

(k) The medical and optional insurance premiums owed by the person who elects coverage may be deducted from the health reimbursement arrangement plan. If the amount of the health reimbursement arrangement plan becomes insufficient to pay the premiums, the person who elects coverage under (a) of this section shall pay the premiums directly.

(l) The cost of premiums for retiree major medical insurance coverage under this section for an eligible member or surviving spouse who is

(1) not eligible for Medicare is an amount equal to the full monthly group premiums for retiree major medical insurance coverage;

(2) eligible for Medicare is the following percentage of the premium amounts established for retirees who are eligible for Medicare:

(A) 30 percent if the member had 10 or more, but less than 15, years of service;

(B) 25 percent if the member had 15 or more, but less than 20, years of service;

(C) 20 percent if the member had 20 or more, but less than 25, years of service;

(D) 15 percent if the member had 25 or more, but less than 30, years of service;

(E) 10 percent if the member had 30 or more years of service.

(m) The eligibility for retiree major medical insurance coverage for an alternate payee under a qualified domestic relations order shall be determined based on the eligibility of the member to elect coverage. The alternate payee shall pay the full monthly premium for retiree major medical insurance coverage.

(n) The administrator shall

(1) inform a person entitled to retiree major medical insurance coverage under this section in writing

(A) that the health insurance coverage available to retired members may be different from the health insurance coverage provided to employees;

(B) of time limits for selecting optional health insurance coverage; and

(C) whether the election is irrevocable; and

(2) require that a person entitled to retiree major medical insurance coverage under this section indicate in writing on a form provided by the administrator whether the person has chosen to receive optional health insurance coverage.

(o) The monthly group premiums for retiree major medical insurance coverage under this section are established by the administrator in accordance with AS 39.30.095. Nothing in this chapter guarantees a person who elects coverage under (a) of this section a monthly group premium rate for retiree major medical insurance coverage other than the premium in effect for the month in which the premium is due for coverage for that month.

(p) In this section, "health reimbursement arrangement plan" means the State of Alaska Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan established in AS 39.30.300.

* **Sec. 77.** AS 39.35.610(a) is amended to read:

(a) The contributions of an employer and the contributions of its employees shall be transmitted to the administrator as soon as practicable after the close of the payroll period for which the contributions are made. Subject to (c) of this section, if an employer is delinquent in transferring the contributions for more than 15 days, interest shall be assessed on the outstanding contributions at [ONE AND ONE-HALF TIMES] the most recent actuarially determined rate of earnings for the retirement plan from the date that the contributions were originally due.

* **Sec. 78.** AS 39.35.680(4) is amended to read:

(4) "average monthly compensation" means the result obtained by

dividing the compensation earned by an employee during a considered period by the number of months, including fractional months, for which compensation was earned; an employee must have at least 115 days of credited service in the last payroll year in order for that year to be used as part of the consecutive payroll years; the considered period consists of

(A) for employees first hired before July 1, 1996, the three consecutive payroll years during the period of credited service that yield the highest average;

(B) for employees first hired [ON OR] after June 30 [JULY 1], 1996, the five consecutive payroll years during the period of credited service that yield the highest average;

(C) if the employee does not have the number of consecutive payroll years required by (A) or (B) of this paragraph, the actual number of months, including fractional months, that the employee worked;

(D) for an employee who has made an election under AS 39.35.300(c) or 39.35.310(c), the actual number of months, including fractional months, that the employee worked;

(E) for a peace officer or firefighter hired before July 1, 2006 [AT ANY TIME], the three consecutive payroll years during the period of credited service that yield the highest average;

* **Sec. 79.** 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. 80.** AS 39.35.680 is amended by adding a new paragraph to read:

(44) "first became a member after June 30, 2006" and "first became a member of the plan after June 30, 2006" include a member who elected under former AS 39.35.940 to participate in the plan under AS 39.35.700 - 39.35.990 and who elects to participate in the defined benefit retirement plan under AS 39.35.095 - 39.35.680.

* **Sec. 81.** 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 **June 30, 2006, and before July 1, 2024, who do not participate in a defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680; and**

(2) [JULY 1, 2006, 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] who **transferred** [TRANSFER] into the defined contribution retirement plan under **former** AS 39.35.940 **and do not elect to participate in the defined benefit retirement plan under AS 39.35.095 - 39.35.680.**

* **Sec. 82.** AS 39.35.700 is amended by adding a new subsection to read:

(b) A public organization as defined in AS 39.35.680 or 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. 83.** AS 39.35.720 is amended to read:

Sec. 39.35.720. Membership. An employee who becomes a member [ON OR] after **June 30, 2006, and before July 1, 2024, who does not participate in a defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680** [JULY 1, 2006,] shall participate in the plan set out in AS 39.35.700 - 39.35.990.

* **Sec. 84.** AS 39.35.895(a) is amended to read:

(a) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, the** [THE] state **may** [HAS THE RIGHT TO] amend the plan at any time and from time to

time, in whole or in part, including the right to make retroactive amendments referred to in 26 U.S.C. 401(b).

* **Sec. 85.** AS 39.35.895(b) is amended to read:

(b) The plan administrator may not modify or amend the plan retroactively [IN SUCH A MANNER AS] to reduce [THE] benefits accrued by a [OF ANY] member [ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS MADE] before the modification or amendment except to the extent that the reduction is permitted by art. XII, sec. 7, Constitution of the State of Alaska, and the Internal Revenue Code.

* **Sec. 86.** AS 39.35.895(c) is amended to read:

(c) Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the Internal Revenue Code, the [THE] state may [, IN ITS DISCRETION,] terminate the plan in whole or part [AT ANY TIME] without liability for the termination. If the plan is terminated, all investments at the time of termination remain in force until all individual accounts have been completely distributed under the plan. After [, AND, AFTER] all plan liabilities are satisfied, excess assets of the plan revert to the employer.

* **Sec. 87.** AS 39.35.895(d) is repealed and reenacted to read:

(d) Within one year after determining that a contribution to the plan by an employer was the result of a mistake of fact, the administrator shall return the contribution to the employer.

* **Sec. 88.** AS 14.25.012(c), 14.25.061, 14.25.540; and AS 39.35.940 are repealed.

* **Sec. 89.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: RETIREMENT PLAN ELECTION. (a) A teacher who became a member of the defined contribution retirement plan of the teachers' retirement system after June 30, 2006, and before July 1, 2024, and who, on July 1, 2024, is a member employed by an employer in the defined contribution retirement plan of the teachers' retirement system may, before January 1, 2025, make a one-time election to participate in the defined benefit retirement plan and to transfer all contributions that have been made or should be made to the defined contribution retirement plan for service the member completes before the effective

1 date of the member's participation in the defined benefit retirement plan. The transferred
2 contributions shall be used to purchase credited service in the defined benefit retirement plan
3 on an actuarial equivalent basis determined by the Alaska Retirement Management Board
4 established under AS 37.10.210. The provisions of AS 14.25.044 apply to an election made
5 under this subsection.

6 (b) An employee who became a member of the defined contribution retirement plan
7 of the public employees' retirement system after June 30, 2006, and before July 1, 2024, and
8 who, on July 1, 2024, is a member employed by an employer in the defined contribution
9 retirement plan of the public employees' retirement system may, before January 1, 2025, make
10 a one-time election to participate in the defined benefit retirement plan under AS 39.35.095 -
11 39.35.680 and to transfer all contributions that have been made or should be made to the
12 defined contribution retirement plan for service the member completes before the effective
13 date of the member's participation in the defined benefit retirement plan. The transferred
14 contributions shall be used to purchase credited service in the defined benefit retirement plan
15 on an actuarial equivalent basis determined by the Alaska Retirement Management Board
16 established under AS 37.10.210. The provisions of AS 39.35.159 apply to an election made
17 under this subsection.

18 * **Sec. 90.** The uncoded law of the State of Alaska is amended by adding a new section to
19 read:

20 ADOPTION OF REGULATIONS. (a) The Alaska Retirement Management Board
21 may adopt regulations necessary to implement secs. 37 and 38 of this Act. Regulations
22 adopted by the Alaska Retirement Management Board under this Act relate to the internal
23 management of a state agency and are not subject to AS 44.62 (Administrative Procedure Act)
24 under AS 37.10.240.

25 (b) The commissioner of administration may adopt regulations necessary to
26 implement secs. 1 - 36 and 39 - 89 of this Act. Regulations adopted by the commissioner of
27 administration under this Act relate to the internal management of a state agency and are not
28 subject to AS 44.62 (Administrative Procedure Act) under AS 14.25.005, AS 39.30.098, and
29 AS 39.35.005.

30 (c) Regulations adopted under this section may not take effect before the effective
31 date of the law being implemented by the regulation.

- 1 * **Sec. 91.** Section 90 of this Act takes effect immediately under AS 01.10.070(c).
- 2 * **Sec. 92.** Except as provided in sec. 91 of this Act, this Act takes effect July 1, 2024.