

HOUSE BILL NO. 170

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MASEK, Kerttula

Introduced: 3/9/01

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to granting certain employees of the Department of Fish and Game**
2 **status as peace officers under the public employees' retirement system."**

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

4 *** Section 1.** AS 39.35 is amended by adding a new section to article 5 to read:

5 **Sec. 39.35.365. Peace officer status for qualified employees of the**
6 **Department of Fish and Game.** (a) Service as an employee of the Department of
7 Fish and Game on or after July 1, 2001, is considered service as a peace officer under
8 this chapter if the employee is a permanent full-time employee, including a permanent
9 seasonal employee, of the Department of Fish and Game and the employee fills a
10 position that has been certified by the commissioner of fish and game and approved by
11 the commissioner of administration as having duties that require a significant amount
12 of field work, travel, or exposure to hazardous working conditions.

13 (b) An employee who was employed before July 1, 2001, but on or after
14 June 23, 1983, in a position that would be eligible for certification under (a) of this

1 section except for the requirement that the service be performed on or after July 1,
 2 2001, may convert the credited service for that position during that time to credited
 3 service as a peace officer by claiming the service as peace officer service before the
 4 member is appointed to retirement. When the member claims this credited service as
 5 peace officer service, an indebtedness of the member to the system shall be
 6 established. The indebtedness is equal to (1) the contributions to the system that the
 7 employee would have made if the service had counted as peace officer service, less (2)
 8 the contributions to the system that the employee actually made. Interest, as
 9 prescribed by regulation, accrues on this indebtedness, as required by regulation. Any
 10 outstanding indebtedness that exists at the time a person is appointed to retirement will
 11 require an actuarial adjustment to the benefits payable based upon the service claimed
 12 under this subsection.

13 (c) In this section,

14 (1) "a significant amount" means at least five percent of an individual's
 15 working time;

16 (2) "exposure to hazardous working conditions" means actively
 17 engaged in fish and game conservation or protection work that involves a
 18 demonstrated high risk of serious bodily injury or death, and includes

19 (A) conducting aerial surveys in small aircraft;

20 (B) working on vessels on the open sea;

21 (C) traveling in small skiffs over open water or in remote
 22 locations; and

23 (D) conducting stream surveys or other work where contact
 24 with dangerous wild animals is likely;

25 (3) "field work" means working outside of a permanent structure and
 26 does not include working within or in proximity to a permanent residential
 27 community;

28 (4) "travel" means going to and from a place of duty as a passenger or
 29 operator in a plane, bus, train, automobile, boat, or any other form of mechanized
 30 transportation; it does not include travel primarily for the purpose of going from one
 31 established city, village, or community to another.

1 * **Sec. 2.** AS 39.35.680(28) is amended to read:

2 (28) "peace officer" or "fire fighter" means an employee occupying a
3 position as a peace officer, chief of police, correctional officer, correctional
4 superintendent, fire fighter, fire chief, **qualified employee of the Department of Fish**
5 **and Game,** or probation officer;

6 * **Sec. 3.** AS 39.35.680 is amended by adding a new paragraph to read:

7 (41) "qualified employee of the Department of Fish and Game" means
8 an employee of that department who meets the qualifications for peace officer status
9 set out in AS 39.35.365.