

**CS FOR HOUSE BILL NO. 416(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/18/02

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON EDUCATION

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to reemployment of and benefits for retired teachers and principals  
2 who participated in retirement incentive programs and to the employment as teachers of  
3 members of the public employees' retirement system who participated in a retirement  
4 incentive program; and providing for an effective date."

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

6 \* **Section 1.** AS 14.20.135(a) is amended to read:

7 (a) **If the Department of Education and Early Development, a** [A] school  
8 district, **or a** regional educational attendance area [THAT] has or anticipates having a  
9 shortage of teachers qualified to teach in a particular discipline or specialty, **the**  
10 **department, district, or attendance area** may, by resolution, adopt a policy that  
11 permits the employment of retired teachers who are qualified to teach in the discipline  
12 or specialty in accordance with this section. The policy must describe the  
13 circumstances that constitute the shortage. If a shortage of teachers exists as described  
14 in the policy, the **department,** district, or attendance area shall notify the

1 administrator of the teachers' retirement system (AS 14.25) that it is hiring retired  
2 teachers under this section.

3 \* **Sec. 2.** AS 14.25.043(b) is amended to read:

4 (b) **The Department of Education and Early Development, a** [A] school  
5 district, or **a** regional educational attendance area that has adopted a policy that  
6 permits the employment of retired teachers in accordance with AS 14.20.135 shall  
7 notify the administrator that it is hiring retired teachers under AS 14.20.135. A  
8 teacher who retired under AS 14.25.110(a) and subsequently becomes an active  
9 member under a policy adopted in accordance with AS 14.20.135 may, within 30 days  
10 of the date of reemployment, elect to continue receiving benefit payments during the  
11 period of reemployment by filing a waiver of coverage with the administrator on a  
12 form provided by the administrator. An election under this subsection waives  
13 coverage for the period of reemployment and is irrevocable during the period of  
14 reemployment. Deductions from the member's salary may not be made under  
15 AS 14.25.050 during the period of reemployment, and the member may not receive  
16 credited service for the period of reemployment. [A MEMBER WHO  
17 PARTICIPATED IN A RETIREMENT INCENTIVE PROGRAM UNDER CH. 26,  
18 SLA 1986; CH. 89, SLA 1989; CH. 65, SLA 1996; CH. 4, FSSLA 1996; OR CH. 92,  
19 SLA 1997, IS NOT ELIGIBLE TO MAKE AN ELECTION UNDER THIS  
20 SUBSECTION.]

21 \* **Sec. 3.** AS 14.25.043 is amended by adding a new subsection to read:

22 (d) A member of the public employees' retirement system who participated in  
23 a retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65,  
24 SLA 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, who subsequently becomes a  
25 qualified teacher, may become an active member under AS 14.25.040 without losing  
26 the incentive credit provided under the applicable retirement incentive plan and is not  
27 subject to any related reemployment indebtedness.

28 \* **Sec. 4.** The uncodified law enacted in sec. 12, ch. 57, SLA 2001, is amended to read:

29 Sec. 12. AS 14.20.135, **as amended by sec. 1 of this 2002 Act;**  
30 **AS 14.25.043(b), as amended by sec. 2 of this 2002 Act; AS 14.25.043(d), added by**  
31 **sec. 3 of this 2002 Act;** AS 39.35.120(b)(2), 39.35.150(b), and 39.35.150(c) are

1 repealed July 1, 2005.

2 \* **Sec. 5.** AS 14.20.135(c) is repealed.

3 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).