

**CS FOR SENATE BILL NO. 145(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/12/01

Referred: Finance

Sponsor(s): SENATORS HALFORD, Ward, Lincoln, Olson, Austerman, Hoffman, Therriault, Kelly, Taylor, Wilken, Davis, Cowdery, Elton, Ellis, Donley, Leman

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to regional and village public safety officers; relating to the expansion**  
2 **of the village public safety officer program to include the provision of probation and**  
3 **parole supervision services; and relating to retirement benefits for village public safety**  
4 **officers."**

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

6 \* **Section 1.** AS 09.65 is amended by adding a new section to read:

7 **Sec. 09.65.280. Civil liability of state for acts or omissions of village public**  
8 **safety officers.** Notwithstanding another provision of law, the state and its officers,  
9 agents, and employees are not liable in tort, except for an act or omission that  
10 constitutes gross negligence or reckless or intentional misconduct, for damages for the  
11 injury to or death of a person or property damage resulting from the supervision of,  
12 training of, actions of or failure to act of, or use of or failure to use village public  
13 safety officers in communicating with or monitoring the activities of persons on  
14 probation or parole.

1 \* **Sec. 2.** AS 18.65.670 is amended to read:

2 **Sec. 18.65.670. Village public safety officers program.** (a) There is created  
3 in the Department of Public Safety a village public safety officer program to assist  
4 local governments and villages through nonprofit regional corporations to appoint,  
5 train, supervise, and retain persons to serve as village public safety officers to  
6 administer functions relative to

7 **(1) the protection of life and property in rural areas of the state; and**

8 **(2) providing probation and parole supervision to persons under**  
9 **supervision by communicating with and monitoring the activities and progress of**  
10 **these persons at the direction of probation and parole officers.**

11 (b) With funds appropriated for that purpose, the commissioner of public  
12 safety shall provide grants to nonprofit regional corporations for village public safety  
13 officers. **The commissioner of public safety shall coordinate with the**  
14 **commissioner of corrections when providing grants under this section, and the**  
15 **commissioners shall jointly execute an agreement with the nonprofit regional**  
16 **corporations.**

17 (c) The commissioner of public safety may adopt regulations related to village  
18 public safety officers, including minimum standards and training, criteria for  
19 community or corporation participation, and the interaction between the Department  
20 of Public Safety and village public safety officers. **The commissioner of corrections**  
21 **may adopt regulations related to the functions of village public safety officers**  
22 **providing probation and parole supervision.**

23 \* **Sec. 3.** AS 18.65 is amended by adding a new section to article 9 to read:

24 **Sec. 18.65.680. Regional public safety officers.** The commissioner of public  
25 safety may appoint regional public safety officers to

26 (1) provide an expanded public safety and law enforcement presence in  
27 rural areas of the state;

28 (2) provide oversight and training for the village public safety officer  
29 program;

30 (3) administer functions relating to

31 (A) protecting life and property in the rural areas of the state;

1 (B) conducting investigations;

2 (C) conducting search and rescue missions;

3 (D) conducting local training programs in drug and alcohol  
4 awareness and prevention, water safety, and gun safety;

5 (4) perform other duties relating to public safety as directed by the  
6 commissioner.

7 \* **Sec. 4.** AS 39.35.120 is amended to read:

8 **Sec. 39.35.120. Commencement of participation.** (a) An employee of the  
9 state shall be included in this system upon commencement of employment with the  
10 state, or on January 1, 1961, whichever is later. Unless an employee has elected to  
11 participate in the optional university retirement program under AS 14.40.661 -  
12 14.40.799, an employee of a political subdivision or public organization that becomes  
13 an employer shall be included in the system on the effective date of the employer's  
14 participation or the date of the employee's commencement of employment with the  
15 employer, whichever is later. **A village public safety officer employed under the**  
16 **village public safety officer program established in AS 18.65.670 is included in**  
17 **this system on the date that the officer's election to participate in the system**  
18 **under AS 39.35.310 takes effect.**

19 (b) Inclusion in the system is a condition of employment for an employee  
20 except as otherwise provided for

21 **(1) an elected official;**

22 **(2) [AND FOR] an employee of the university who has elected to**  
23 **participate in the optional university retirement program under AS 14.40.661 -**  
24 **14.40.799; and**

25 **(3) a village public safety officer employed by a nonprofit regional**  
26 **corporation.**

27 \* **Sec. 5.** AS 39.35.310 is amended by adding new subsections to read:

28 (f) A village public safety officer employed by a nonprofit regional  
29 corporation may elect to participate in the system. The election may be made at any  
30 time after the village public safety officer begins employment with the nonprofit  
31 regional corporation as a village public safety officer. A village public safety officer

1 who elects to participate in the system may terminate participation in the system at any  
 2 time after making the election by filing a written notice with the administrator on a  
 3 form provided by the administrator. An election to participate or terminate  
 4 participation in this system operates prospectively only. A village public safety officer  
 5 who elects to participate in the system is liable for employee contributions under  
 6 AS 39.35.160, and the nonprofit regional corporation that employs the village public  
 7 safety officer is liable for employer contributions under AS 39.35.250.

8 (g) A village public safety officer who has elected to participate in this system  
 9 under (f) of this section is entitled to credited service for service as a village public  
 10 safety officer under the village public safety officer program before the effective date  
 11 of this Act. To receive credited service under this subsection, the village public safety  
 12 officer shall claim the service. A member who claims credited service under this  
 13 subsection is indebted to the system. The amount of the indebtedness is the full  
 14 actuarial cost of providing benefits based on the service as a village public safety  
 15 officer. Interest as prescribed by regulation accrues on this indebtedness. Any  
 16 outstanding indebtedness that exists at the time a person is appointed to retirement  
 17 necessitates an actuarial adjustment to the benefits payable based upon prior service as  
 18 a village public safety officer.

19 \* **Sec. 6.** AS 39.35.342(a) is amended to read:

20 (a) A vested employee is entitled to credited service for employment as a  
 21 village public safety officer under the program established under AS 18.65.670 **for**  
 22 **which the employee has not otherwise received credited service under this**  
 23 **system.** An employee is not entitled to credited service for employment as a village  
 24 public safety officer unless the employee was employed as a village public safety  
 25 officer for at least one year. The credited service allowed may not exceed an  
 26 aggregate period of five years. Benefits are not payable on credited service for village  
 27 public safety officer service **under this section** unless the employee makes retroactive  
 28 contributions to the system for the period of time that service credit is claimed.

29 \* **Sec. 7.** AS 39.35.680(17) is amended to read:

30 (17) "employer" means

31 **(A)** the State of Alaska;

1                   **(B) a nonprofit regional corporation, but only with respect**  
 2                   **to village public safety officers employed by the corporation under**  
 3                   **AS 18.65.670 who have elected to participate in the system under**  
 4                   **AS 39.35.310 and have not terminated that participation;** or

5                   **(C)** a political subdivision or public organization of the state  
 6                   that participates in the system;

7           \* **Sec. 8.** AS 39.35.680(28) is amended to read:

8                   (28) "peace officer" or "fire fighter" means an employee occupying a  
 9                   position as a peace officer, chief of police, correctional officer, correctional  
 10                   superintendent, fire fighter, fire chief, or probation officer, **but does not include a**  
 11                   **village public safety officer employed by a village public safety officer program**  
 12                   **established under AS 18.65.670;**

13           \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
 14           read:

15                   **APPLICABILITY.** This Act does not modify the terms of a contract between the state  
 16                   and a nonprofit regional corporation in existence on the effective date of this Act.