

HOUSE BILL NO. 183

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WEYHRAUCH

Introduced: 3/10/03

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to retirement contributions and benefits under the public employees'**
2 **retirement system of certain juvenile detention employees and juvenile correctional**
3 **institution employees."**

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

5 * **Section 1.** AS 39.35.160(a) is amended to read:

6 (a) Beginning January 1, 1987, each peace officer or fire fighter shall
7 contribute to the system an amount equal to seven and one-half percent of the peace
8 officer's or fire fighter's compensation. **Beginning January 1, 2004, each juvenile**
9 **officer shall contribute to the system an amount equal to seven and one-half**
10 **percent of the juvenile officer's compensation.** Except as provided in (d) of this
11 section, beginning January 1, 1987, each other employee shall contribute to the system
12 an amount equal to six and three-quarters percent of the employee's compensation.
13 The contributions shall be deducted by the employer at the end of each payroll period.
14 The contributions shall be deducted from employee compensation before computation

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

5 * **Sec. 2.** AS 39.35.370(a) is amended to read:

6 (a) Subject to AS 39.35.450, a terminated employee is eligible for a normal
 7 retirement benefit

8 (1) at age 60 with at least five years credited service;

9 (2) with at least 20 years of credited service as a peace officer, [OR]
 10 fire fighter, **or juvenile officer**; or

11 (3) with at least 30 years of credited service for all other employees.

12 * **Sec. 3.** AS 39.35.370(c) is amended to read:

13 (c) The monthly amount of a retirement benefit for a peace officer, [OR] fire
 14 fighter, **or juvenile officer** is two percent of the average monthly compensation times
 15 the years of credited service through 10 years, plus two and one-half percent of the
 16 average monthly compensation times the years of service over 10 years. For all other
 17 employees it is

18 (1) two percent of the average monthly compensation times all years of
 19 service before July 1, 1986, and for years of service through a total of 10 years; plus

20 (2) two and one-quarter percent of the average monthly compensation
 21 times all years of service after June 30, 1986, over 10 years of total service through 20
 22 years; plus

23 (3) two and one-half percent of the average monthly compensation
 24 times all years of service after June 30, 1986, over 20 years of total service.

25 * **Sec. 4.** AS 39.35.370(f) is amended to read:

26 (f) A member who is vested in the system as a peace officer, [OR] fire fighter,
 27 **or juvenile officer** at the time the member incurs a permanent disability of at least 33
 28 1/3 percent under workers' compensation and who (1) undergoes retraining because of
 29 the disability; and (2) is subsequently employed with the state or other employer in a
 30 position other than peace officer, [OR] fire fighter, **or juvenile officer** is eligible for a
 31 normal retirement benefit as a peace officer, [OR] fire fighter, **or juvenile officer**

1 under (a) and (c) of this section upon completing 20 years of credited service.

2 * **Sec. 5.** AS 39.35.527 is amended to read:

3 **Sec. 39.35.527. Election to terminate coverage as a peace officer, [OR] fire**
 4 **fighter, or juvenile officer.** (a) Any active member may elect to irrevocably
 5 relinquish **hazardous duty** [PEACE OFFICER OR FIRE FIGHTER] status with the
 6 system and to retain all credited service as if it had been acquired as a member other
 7 than a peace officer, [OR] fire fighter, **or juvenile officer**.

8 (b) In order to relinquish **hazardous duty** [PEACE OFFICER OR FIRE
 9 FIGHTER] status with the system, a person must be an active member and must file a
 10 written request with the administrator by July 1, 1984, **for active members who are**
 11 **peace officers or fire fighters** or within six months after employment as a peace
 12 officer or fire fighter, **or by July 1, 2004, or within six months after employment as**
 13 **a juvenile officer for active members who are juvenile officers**, whichever occurs
 14 later. No person has more than one opportunity to exercise this option.

15 (c) As soon as possible after the relinquishment, the administrator shall refund
 16 to a person who relinquishes **hazardous duty** [PEACE OFFICER OR FIRE
 17 FIGHTER] status under this section a refund equal to the amount by which the
 18 balance of the person's accumulated mandatory contributions plus interest exceeds the
 19 balance **that** [WHICH] would exist if all service credit had been acquired as a member
 20 other than a peace officer, [OR] fire fighter, **or juvenile officer**.

21 (d) A written request to relinquish **hazardous duty** [PEACE OFFICER OR
 22 FIRE FIGHTER] status is irrevocable upon filing with the administrator.

23 **(e) In this section, "hazardous duty status" means status as a peace**
 24 **officer, fire fighter, or juvenile officer under this system.**

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

26 (41) "juvenile officer" means a youth counselor, unit leader, or
 27 superintendent in a juvenile detention or juvenile correctional facility.

28 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 TRANSITION. (a) An employee who was employed before January 1, 2004, but on
 31 or after June 23, 1983, in a position that meets the definition of "juvenile officer" enacted in

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

11 (b) In this section, "juvenile officer service" means service that is eligible for
12 enhanced retirement benefits as established in this Act.