

**SENATE BILL NO. 94**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/28/03

Referred: State Affairs

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to benefits for retired teachers or employees who participated in  
2 retirement incentive programs and are subsequently reemployed as a commissioner;  
3 and providing for an effective date."

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

5 \* **Section 1.** AS 14.25.043(a) is amended to read:

6 (a) If a retired member again becomes an active member, benefit payments  
7 may not be made during the period of reemployment unless the teacher makes an  
8 election under (b) or (e) of this section. The retirement benefit must be suspended for  
9 the entire school year if the teacher is reemployed as an active teacher for a period  
10 equivalent to a year of service. During the period of reemployment, the member is  
11 subject to AS 14.25.050 and deductions from the member's salary will be made in  
12 accordance with AS 14.25.050.

13 \* **Sec. 2.** AS 14.25.043 is amended by adding new subsections to read:

14 (d) A member who retired under AS 14.25.110(a) and participated in a

1 retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA  
 2 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, who is subsequently reemployed as a  
 3 commissioner may become an active member without losing the incentive credit  
 4 provided under the applicable retirement incentive plan and is not subject to any  
 5 related reemployment indebtedness.

6 (e) A member who retired under AS 14.25.110(a) and participated in a  
 7 retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA  
 8 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, who is subsequently reemployed as a  
 9 commissioner and becomes an active member may, within 30 days of the date of  
 10 reemployment, elect to continue receiving benefit payments during the period of  
 11 reemployment by filing a waiver of coverage with the administrator on a form  
 12 provided by the administrator. An election under this subsection waives coverage for  
 13 the period of reemployment and is irrevocable during the period of reemployment.  
 14 Deductions from the member's salary may not be made under AS 14.25.050 during the  
 15 period of reemployment, and the member may not receive credited service for the  
 16 period of reemployment. A member who makes an election under this section does  
 17 not lose the incentive credit provided under the applicable retirement incentive plan  
 18 and is not subject to any related reemployment indebtedness.

19 \* **Sec. 3.** AS 39.35.150(b) is amended to read:

20 (b) A member who retired under AS 39.35.370(a) and subsequently becomes  
 21 an active member may, within 30 days of the date of reemployment, elect to continue  
 22 receiving benefit payments during the period of reemployment by filing an election  
 23 with the administrator on a form provided by the administrator. An election under this  
 24 subsection waives coverage for the period of reemployment and is irrevocable during  
 25 the period of reemployment. During the period of reemployment, deductions from the  
 26 member's salary may not be made under AS 39.35.160 and the member may not  
 27 receive credited service. A member who participated in a retirement incentive  
 28 program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA 1996; ch. 4, FSSLA  
 29 1996; or ch. 92, SLA 1997, is not eligible to make an election under this subsection  
 30 **unless the member is reemployed as a commissioner.**

31 \* **Sec. 4.** AS 39.35.150 is amended by adding a new subsection to read:

1           (e) A member who retired under 39.35.370(a) and participated in a retirement  
2           incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65, SLA 1996;  
3           ch. 4, FSSLA 1996; or ch. 92, SLA 1997, who is subsequently reemployed as a  
4           commissioner may become an active member without losing the incentive credit  
5           provided under the applicable retirement incentive plan and is not subject to any  
6           related reemployment indebtedness.

7           \* **Sec. 5.** The uncodified law of the State of Alaska enacted in sec. 12, ch. 57, SLA 2001, is  
8           amended to read:

9           Sec. 12. AS 14.20.135; AS 14.25.043(b), **14.25.043(e), added by sec. 2 of**  
10           **this 2003 Act;** AS 39.35.120(b)(2), 39.35.150(b), **as amended by sec. 3 of this 2003**  
11           **Act,** and 39.35.150(c) are repealed July 1, 2005.

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