

SENATE BILL NO. 145

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

BY SENATOR GARY STEVENS

Introduced: 3/17/03

Referred: State Affairs, Health, Education and Social Services

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reemployment of and benefits for retired teachers or employees,
2 including those who participated in retirement incentive programs, and to the
3 employment as teachers of members of the public employees' retirement system who
4 participated in a retirement 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 **or work** in a particular **educational** discipline
10 or specialty, **the department, district, or attendance area** may[, BY
11 RESOLUTION,] adopt a policy that permits the employment of retired teachers **or**
12 **employees** who are qualified to teach **or work** in the **educational** discipline or
13 specialty in accordance with this section. The policy must describe the circumstances
14 that constitute the shortage. If a shortage of teachers exists as described in the policy,

1 the department, district, or attendance area shall notify the administrator of the
 2 teachers' retirement system (AS 14.25) that it is hiring retired teachers under this
 3 section.

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

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

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

24 (d) A member of the public employees' retirement system who participated in
 25 a retirement incentive program under ch. 26, SLA 1986; ch. 89, SLA 1989; ch. 65,
 26 SLA 1996; ch. 4, FSSLA 1996; or ch. 92, SLA 1997, who subsequently becomes a
 27 teacher under a policy adopted in accordance with AS 14.20.135(a) may become an
 28 active member under AS 14.25.040 without losing the incentive credit provided under
 29 the applicable retirement incentive plan and is not subject to any related reemployment
 30 indebtedness.

31 * **Sec. 4.** The uncodified law of the State of Alaska enacted in sec. 12, ch. 57, SLA 2001, is

1 amended to read:

2 Sec. 12. AS 14.20.135, as amended by sec. 1 of this 2003 Act;
3 AS 14.25.043(b), as amended by sec. 2 of this 2003 Act; AS 14.25.043(d), added by
4 sec. 3 of this 2003 Act; AS 39.35.120(b)(2), 39.35.150(b), and 39.35.150(c) are
5 repealed July 1, 2005.

6 * **Sec. 5.** AS 14.20.135(c) is repealed.

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