

AMENDMENT # 2

OFFERED IN THE SENATE
TO: CSSB 19(FIN)

BY SENATOR THERRIAULT
BUNDE, DYSON,
WAGONER, WILKEN

1 Page 1, line 1, following "Act":

2 Insert "denying public employee retirement pension benefits to certain public
3 officers who commit certain offenses, and adding to the duties of the Alaska Retirement
4 Management Board and to the list of matters governed by the Administrative Procedure
5 Act concerning that denial;"

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7 Page 1, following line 6:

8 Insert new bill sections to read:

9 "* **Section 1.** AS 14.25 is amended by adding a new section to read:

10 **Sec. 14.25.212. Pension forfeiture.** The provisions of AS 37.10.310 apply to
11 pension benefits under AS 14.25.009 - 14.25.220.

12 * **Sec. 2.** AS 14.25 is amended by adding a new section to read:

13 **Sec. 14.25.532. Pension forfeiture.** The provisions of AS 37.10.310 apply to
14 pension benefits under AS 14.25.310 - 14.25.590.

15 * **Sec. 3.** AS 22.25 is amended by adding a new section to read:

16 **Sec. 22.25.800. Pension forfeiture.** The provisions of AS 37.10.310 apply to
17 pension benefits under this chapter."

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19 Page 1, line 7:

20 Delete "**Section 1**"

21 Insert "**Sec. 4**"

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23 Renumber the following bill sections accordingly.

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Page 1, following line 9:

Insert new bill sections to read:

*** Sec. 5.** AS 37.10.220(a) is amended to read:

(16) administer pension forfeitures required under AS 37.10.310 using the procedures of AS 44.62 (Administrative Procedure Act).

*** Sec. 6.** AS 37.10 is amended by adding a new section to read:

Sec. 37.10.310. Pension forfeiture to preserve public trust in government.

(a) A public officer, as defined in AS 39.52.960, who is convicted of a federal or state felony offense of bribery, receiving a bribe, perjury, subornation of perjury, scheme to defraud, or fraud may not receive a state pension benefit if the offense was committed on or after the effective date of this section and was in connection with the person's official duties.

(b) Pension benefits and employee contributions that accrue to a person before the date of the person's commission of the offense described in (a) of this section are not diminished or impaired by that subsection.

(c) A state pension benefit under (a) of this section does not include

(1) insurance, voluntary wage reductions, involuntary wage reductions, or supplemental or health benefits under AS 39.30.090 - 39.30.495 or former AS 39.37.145;

(2) member or employee contributions under AS 14.25.050, 14.25.055, 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f), 39.35.180, 39.35.730, 39.35.760(a), or former AS 39.37.070.

(d) In a pension forfeiture matter under this section the board may award to a dependent or former spouse of the person governed by the limitations in (a) of this section some or all of the amount that, but for the forfeiture under (a) of this section, may otherwise be payable. In determining whether to make an award under this subsection, the board shall consider the totality of circumstances, including

(1) the role, if any, of the person's dependent or former spouse in connection with the illegal conduct for which the person was criminally charged;

(2) the degree, if any, to which the person's dependent or former

1 spouse profited financially from the person's illegal conduct; and

2 (3) any restitution ordered by the court in the criminal case and the
3 amount of restitution, if any, still owing.

4 * **Sec. 7.** AS 39.35 is amended by adding a new section to read:

5 **Sec. 39.35.672. Pension forfeiture.** The provisions of AS 37.10.310 apply to
6 pension benefits under AS 39.35.095 - 39.35.680.

7 * **Sec. 8.** AS 39.35 is amended by adding a new section to read:

8 **Sec. 39.35.932. Pension forfeiture.** The provisions of AS 37.10.310 apply to
9 pension benefits under AS 39.35.700 - 39.35.990."

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11 Renumber the following bill sections accordingly.

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13 Page 4, following line 3:

14 Insert a new bill section to read:

15 "** **Sec. 13.** AS 44.62.330(a) is amended by adding a new paragraph to read:

16 (47) the Alaska Retirement Management Board for administration of
17 pension forfeitures under AS 37.10.310."

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19 Renumber the following bill sections accordingly.

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21 Page 4, lines 5 - 8:

22 Delete all material and insert:

23 "** **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY.** Sections 10, 11, and 14 of this Act apply to a person who leaves
26 state service on or after the effective date of sec. 10 of this Act.

27 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**
30 The provisions of AS 37.10.310, added by sec. 6 of this Act, apply to benefits under former
31 AS 39.37 (elected public officers' retirement system)."