

AMENDMENT #2

OFFERED IN THE SENATE
TO: CSSB 20(STA)

BY SENATOR THERRIAULT
BUNDE, DYSON,
WAGONER, WILKEN

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

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

6

7 Page 1, following line 5:

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."

18

19 Page 1, line 6:

20 Delete "Section 1"

21 Insert "Sec. 4"

22

23 Renumber the following bill sections accordingly.

1

2 Page 3, following line 5:

3 Insert new bill sections to read:

4 **** Sec. 7.** AS 37.10.220(a) is amended to read:5 (16) administer pension forfeitures required under AS 37.10.310 using
6 the procedures of AS 44.62 (Administrative Procedure Act).7 *** Sec. 8.** AS 37.10 is amended by adding a new section to read:8 **Sec. 37.10.310. Pension forfeiture to preserve public trust in government.**9 (a) A legislator or a person employed as a legislative director, as that term is defined in
10 AS 24.60.990, who is convicted of a federal or state felony offense of bribery,
11 receiving a bribe, perjury, subornation of perjury, scheme to defraud, or fraud may not
12 receive a state pension benefit if the offense was committed on or after the effective
13 date of this section and was in connection with the person's official duties.14 (b) Pension benefits and employee contributions that accrue to a person
15 before the date of the person's commission of the offense described in (a) of this
16 section are not diminished or impaired by that subsection.

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

18 (1) insurance, voluntary wage reductions, involuntary wage reductions,
19 or supplemental or health benefits under AS 39.30.090 - 39.30.495 or former
20 AS 39.37.145;21 (2) member or employee contributions under AS 14.25.050, 14.25.055,
22 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f), 39.35.180,
23 39.35.730, 39.35.760(a), or former AS 39.37.070.24 (d) In a pension forfeiture matter under this section the board may award to a
25 dependent or former spouse of the person governed by the limitations in (a) of this
26 section some or all of the amount that, but for the forfeiture under (a) of this section,
27 may otherwise be payable. In determining whether to make an award under this
28 subsection, the board shall consider the totality of circumstances, including29 (1) the role, if any, of the person's dependent or former spouse in
30 connection with the illegal conduct for which the person was criminally charged;

31 (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. 9.** 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. 10.** 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.

10 * **Sec. 11.** AS 44.62.330(a) is amended by adding a new paragraph to read:

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

13
14 Renumber the following bill sections accordingly.

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16 Page 3, line 8:

17 Delete "Section 2":

18 Insert "Section 5"

19
20 Page 3, line 13:

21 Delete "sec. 2"

22 Insert "sec. 5"

23
24 Page 3, following line 14:

25 Insert a new bill section to read:

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

28 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**

29 The provisions of AS 37.10.310, added by sec. 8 of this Act, apply to benefits under former
30 AS 39.37 (elected public officers' retirement system)."

1 Renumber the following bill section accordingly.