

SENATE BILL NO. 110

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATORS THERRIAULT, Dyson, Wagoner, Bunde

Introduced: 3/7/07

Referred: Judiciary, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

13 **Sec. 22.25.800. Pension forfeiture.** The provisions of AS 37.10.310 apply to
14 pension benefits under this chapter.

1 * **Sec. 4.** AS 37.10.220(a) is amended by adding a new paragraph to read:

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

4 * **Sec. 5.** AS 37.10 is amended by adding a new section to read:

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

6 (a) A public officer, as defined in AS 39.52.960, a legislator, or a person employed as
7 a legislative director, as that term is defined in AS 24.60.990, who is convicted of a
8 federal or state felony offense of bribery, receiving a bribe, perjury, subornation of
9 perjury, scheme to defraud, or fraud may not receive a state pension benefit if the
10 offense was committed on or after the effective date of this section and was in
11 connection with the person's official duties.

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

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

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

19 (2) member or employee contributions under AS 14.25.050, 14.25.055,
20 14.25.340, 14.25.360(a), AS 22.25.011, AS 39.35.160, 39.35.165(f), 39.35.180,
21 39.35.730, 39.35.760(a), or former AS 39.37.070.

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

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

29 (2) the degree, if any, to which the person's dependent or former
30 spouse profited financially from the person's illegal conduct; and

31 (3) any restitution ordered by the court in the criminal case and the

1 amount of restitution, if any, still owing.

2 * **Sec. 6.** AS 39.35 is amended by adding a new section to read:

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

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

6 **Sec. 39.35.932. Pension forfeiture.** The provisions of AS 37.10.310 apply to
7 pension benefits under AS 39.35.700 - 39.35.990.

8 * **Sec. 8.** AS 44.62.330(a) is amended by adding a new paragraph to read:

9 (47) the Alaska Retirement Management Board for administration of
10 pension forfeitures under AS 37.10.310.

11 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY TO ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM.**
14 The provisions of AS 37.10.310, added by sec. 5 of this Act, apply to benefits under former
15 AS 39.37 (elected public officers' retirement system).