

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 162

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing retirement and other
7 benefits for justices and judges of the
8 Supreme and Superior Courts of Alaska; and
9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 Section 1. RETIREMENT OF JUSTICES AND JUDGES. a. Each
12 Supreme Court justice and Superior Court judge shall be retired on
13 the date that he reaches the age of 70, unless before that time he
14 is retired for incapacity or retires voluntarily as provided in
15 this section.

16 b. Any justice or judge may be retired for incapacity as
17 provided in Secs. 11 and 27 of Ch. 50, SLA 1959. The effective
18 date of retirement under this subdivision shall be the day upon
19 which the governor files with the personnel director of the
20 Public Employees' Retirement System a written declaration to the
21 effect that a designated justice or judge has been retired for
22 incapacity. A duplicate copy of such declaration by the governor
23 shall be filed with the Judicial Council.

24 c. Any justice or judge who has served in either or both
25 capacities for a period of six years in the aggregate, and who
26 believes that he has become so incapacitated as to prevent him
27 from efficiently performing his judicial duties, may file with
28 the governor a written application for retirement which shall
29 contain a sworn statement of his service and of his incapacity.

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1 The governor thereupon shall appoint a board of three persons to
2 inquire into the circumstances, and may on the board's recommenda-
3 tion retire the justice or judge. The effective date of such
4 retirement shall be as provided in subparagraph (b) of this sec-
5 tion.

6 d. Any justice or judge who has served in either or both
7 capacities for 10 years in the aggregate may voluntarily retire
8 at the age of 60 years or over. Any justice or judge desiring to
9 retire under this subdivision shall file with the governor a
10 notice of his desire, together with a sworn statement stating
11 facts establishing his eligibility to retire. The governor shall
12 certify such facts to the personnel director of the Public Em-
13 ployees' Retirement System and in writing declare the eligibility
14 or ineligibility for retirement of said justice or judge. If a
15 justice or judge is thus eligible for retirement, the effective
16 date of his retirement will be the date upon which such written
17 declaration of the governor is filed with the personnel director
18 of the Public Employees' Retirement System. A duplicate copy of
19 such declaration shall be filed by the governor with the Judicial
20 Council.

21 e. In the computation of service for retirement under this
22 Act, the time served by a judge on the Superior Court shall be
23 added to time served by him, if any, on the Supreme Court, and
24 vice versa; and there shall be included in the computation all
25 service rendered by a justice or judge prior to the effective date
26 of this Act.

27 Sec. 2. RETIREMENT PAY. a. Eligibility for retirement pay
28 shall be as follows:

29 (1) a justice or judge who is retired because of age

1 under Sec. 1 a, or because of incapacity under Sec. 1 b, shall be
2 eligible for retirement pay only if he has had a minimum of four
3 years service.

4 (2) A justice or judge who voluntarily retires because
5 of incapacity under Sec. 1 c, shall be eligible for retirement pay
6 only if he has had a minimum of six years service.

7 (3) A justice or judge who retires voluntarily under
8 Sec. 1 d, shall be eligible for retirement pay only if he has had
9 a minimum of 10 years service.

10 b. A retired justice or judge, eligible for retirement pay,
11 shall receive monthly, from the date of retirement until his
12 death, compensation at the following percentages of the monthly
13 salary that he is receiving on the date of retirement; not to
14 exceed 75 per cent of such salary:

15 (1) After four years of service, 10 per cent.

16 (2) For each additional year, or fraction thereof, five
17 per cent.

18 Sec. 3. DEATH BENEFITS. a. The widow of any judge or jus-
19 tice who retires, or who shall be eligible for retirement at the
20 time of his death, shall be entitled to receive monthly, during
21 the remainder of her life and as long as she remains unmarried,
22 compensation equal to one-half of the retirement pay to which
23 her husband may have been entitled; provided that at the time of
24 his death she had been his wife continuously for 10 years prior
25 to his death. Payments to any widow shall be reduced by the
26 amount received by her subsequent to her husband's death under
27 Social Security, old age assistance, or other grant in aid under
28 state and federal law.

29 b. If the provisions of subparagraph a of this Sec. 3 are

1 not applicable, then upon the death of a justice or judge who had
2 previously retired or who at the time of his death was eligible
3 for retirement, the designated beneficiary or estate of such
4 justice or judge shall be entitled to a refund of the contribu-
5 tions, without interest, made by him pursuant to the provisions
6 of Sec. 6 of this Act.

7 Sec. 4. REFUND OF CONTRIBUTIONS. Any justice or judge who
8 vacates his office other than by reason of retirement or death,
9 and who is not then eligible for retirement, shall be entitled to
10 receive a refund of the total amount of his contributions, with-
11 out interest.

12 Sec. 5. FINANCING: ADMINISTRATION. There shall be estab-
13 lished in the Public Employees' Retirement System of Alaska,
14 created by Senate Bill 108, a separate justice's and judge's re-
15 tirement account, which shall be administered as a part of and
16 in like manner as the Public Employees' Retirement System.

17 There shall be credited to such account: (1) the contribu-
18 tions provided for by Sec. 6 of this Act, and (2) interest in-
19 come and other income accruing to the System under the provisions
20 of Senate Bill 108 in such reasonable pro rata amount as may be
21 determined by the Personnel Advisory Board of the System. Re-
22 tirement pay and other benefits for justices and judges and
23 their beneficiaries, as provided by this Act, shall be paid from
24 such special account.

25 Sec. 6. CONTRIBUTIONS. a. Beginning on the effective date
26 of this Act, each justice and judge shall contribute five per
27 cent of compensation earned and accruing after such date. This
28 contribution shall be made in the form of a deduction from com-
29 pensation, and shall be made notwithstanding that the compensation

1 paid in cash to such justice or judge shall be reduced thereby
2 below the minimum prescribed by law. Every justice and judge
3 shall be deemed to consent to the deduction made from his com-
4 pensation; and payment of compensation less such deduction shall
5 constitute a full and complete discharge and acquittance of all
6 claims and demands whatsoever for the services rendered by him
7 during the period covered by such payment, except as to the bene-
8 fits provided under this Act.

9 b. For services rendered after the effective date of this
10 Act, the state court system shall make contributions concurrently
11 with the contributions by the justices and judges in an amount to
12 be determined in the same manner as employer contributions are
13 determined under the Public Employees' Retirement System. The
14 amount required for contributions by the state court system shall
15 be included in the executive budget, and shall be determined in
16 the same manner as employer contributions are determined for
17 such purpose under the Public Employees' Retirement System. The
18 state court system shall also provide for its pro rata share of
19 the administrative expense of the retirement system.

20 Sec. 7. VACANCY IN OFFICE. At the time that a justice or
21 judge retires under this Act, his office shall be deemed vacant.

22 Sec. 8. EFFECTIVE DATE. This Act takes effect on the day
23 after its passage and approval or on the day it becomes law
24 without such approval.

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