

Introduced: 2/16/66
Referred: Finance and
Judiciary

BY ZIEGLER, POLLOCK
AND MCNEALY

1 IN THE SENATE

2 SENATE BILL NO. 257

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial retirement in
7 Alaska; and providing for an effective
8 date."

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

10 * Section 1. AS 22.25.010(a) is amended to read:

11 (a) A [SUPREME COURT] justice or [SUPERIOR COURT] judge
12 shall be retired on the date that he reaches the age of 70.
13 He is eligible for retirement pay if he has had five or more
14 years of service at the time of retirement as a justice or
15 judge.

16 * Sec. 2. AS 22.25.010(d) is amended to read:

17 (d) A justice or judge may voluntarily retire, and is
18 eligible for retirement pay when he has (1) reached the age
19 of 60 [65] years and has served for 10 years or more, or (2)
20 his age plus his years of service equal 75. If [IN THE
21 LATTER CASE, IF] the justice or judge has not reached the
22 normal retirement age of 65 years, he may elect either to have
23 his retirement pay begin when he reaches the age of 65 years,
24 or to have his retirement pay begin on an actuarial equivalent
25 basis as of the effective date of his retirement. A justice
26 or judge desiring to retire under this subsection shall file
27 with the governor a notice of his desire, together with a
28 sworn statement of the facts establishing his eligibility to
29 retire. The governor shall certify those facts to the director

1 of the Public Employees' Retirement System and declare, in
2 writing, the eligibility or ineligibility for retirement of
3 the justice or judge. If a justice or judge is eligible for
4 retirement under this subsection, his retirement pay is ef-
5 fective on the first day of the month coinciding with or
6 after the date the written declaration of the governor is
7 filed with the director. A duplicate copy of the declara-
8 tion shall be filed by the governor with the Judicial
9 Council.

10 * Sec. 3. AS 22.25.020 is amended to read:

11 Sec. 22.25.020. RETIREMENT PAY. A retired justice or
12 judge eligible for retirement pay shall receive monthly,
13 while retired, from the date of retirement until his death,
14 compensation equal to five [FOUR] per cent per year of
15 service, to a maximum of 75 [50] per cent, of the monthly
16 salary he is receiving on the date of retirement, except that
17 payments beginning before age 65 for reasons other than in-
18 capacity shall be made on an actuarial equivalent basis. A
19 justice or judge may be permitted to elect any other
20 actuarially equivalent optional form of benefit with the con-
21 sent of the retirement board. The election shall not be
22 effective until attainment of age 65 or two years from the
23 date of the election, whichever is later. The election shall
24 be in accordance with the conditions prescribed by the
25 retirement board which may include the requirement that the
26 justice or judge provide evidence of good health satisfactory
27 to the board.

28 * Sec. 4. AS 22.25 is amended by adding a new section to read:

29 Sec. 22.25.080. DEFINITIONS. In secs. 10 - 70 of this

1 chapter, "justice" means a supreme court justice, and "judge",
2 unless the context clearly indicates otherwise, means a
3 superior court judge, district magistrate, or administrative
4 director of courts.

5 * Sec. 5. AS 39.35.680(5) is amended to read:

6 (5) "employee" means a person who receives re-
7 muneratation for full-time personal services regularly rendered
8 to an employer or who would receive remuneration except for
9 an authorized leave of absence, excluding (A) persons
10 compensated on a contractual or fee basis, (B) casual or
11 part-time workers in a position having duties which will not
12 permit at least six months of service during a calendar year,
13 (C) persons covered by the Alaska teachers' retirement
14 system, (D) employees of the division of marine transporta-
15 tion engaged in operating the state ferry system who are
16 covered by a union or group retirement system to which the
17 state makes contributions, and (E) justices and judges of
18 the supreme and superior courts, district magistrates, and
19 the administrative director of courts covered by the judicial
20 retirement system of Alaska;

21 * Sec. 6. TRANSFER OF CONTRIBUTIONS. Upon the effective date
22 of this Act the commissioner of administration shall transfer to
23 the justices and judges' retirement account provided by AS 22.-
24 25.050 all amounts then credited to the employee contribution
25 account and the employer asset share account of the Public
26 Employees' Retirement System of Alaska which were credited to
27 those accounts by reason of membership of the district magistrates
28 or the administrative director of courts in the Public Employees'
29 Retirement System before the effective date of this Act. Any

1 amount held for the account of a district magistrate or adminis-
2 trative director of courts in an employee saving account, together
3 with interest that may have accrued, shall be distributed to the
4 district magistrate or administrative director of courts as soon
5 as possible following the effective date of this Act. The
6 contributions required to be made under AS 22.25.060 on account
7 of the inclusion of district magistrates and the administrative
8 director of courts in the judicial retirement system shall
9 commence on the effective date of this Act.

10 * Sec. 7. EFFECTIVE DATE. This Act takes effect on July 1,
11 1966.

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