

Introduced: 2/15/70  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY BRADNER

2 HOUSE BILL NO. 696

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a retirement system for the  
7 governor, the secretary of state, the public defender's  
8 office, and the district attorneys' offices; and  
9 providing for an effective date."

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

11 \* Section 1. AS 39.20.060 is amended to read:

12 Sec. 39.20.060. EXCLUSION OF GOVERNOR AND SECRETARY OF STATE FROM  
13 PERSONNEL LAWS. Notwithstanding the provisions of any other law, the  
14 governor and secretary of state are not considered employees of the  
15 state for the purpose of state personnel laws relating to hours of  
16 employment, annual leave, sick leave, overtime, compensatory time,  
17 the state retirement system, and travel allowances. Nothing in this  
18 section shall be construed to deprive the governor and secretary of  
19 state of the right to participate in [THE STATE RETIREMENT SYSTEM OR  
20 IN] state group insurance plans.

21 \* Sec. 2. AS 39.35.680(5)(C) is amended by adding a new clause to read:

22 (vi) the governor, secretary of state, public  
23 defender, assistant public defenders, district attorneys and  
24 assistant district attorneys.

25 \* Sec. 3. AS 39 is amended by adding a new chapter to read:

26 CHAPTER 37. RETIREMENT OF GOVERNOR, SECRETARY OF  
27 STATE, PUBLIC DEFENDER AND DISTRICT ATTORNEY.

28 Sec. 39.37.010. ELIGIBILITY FOR RETIREMENT. (a) A public  
29 defender, assistant public defender, district attorney, or assistant

1 district attorney shall be retired on the date that he reaches the age  
2 of 70. Each of these persons and the governor and secretary of state  
3 is eligible for retirement pay if he has had five or more years of  
4 service at the time of retirement as governor, secretary of state,  
5 public defender, assistant public defender, district attorney, or  
6 assistant district attorney.

7 (b) A person specified in (a) of this section, except the  
8 governor and secretary of state, may be retired for incapacity as  
9 provided by law. He is eligible for retirement pay if he has had  
10 two or more years of service at the time of retirement for incapacity.  
11 The effective date of his retirement under this subsection is the first  
12 day of the month coinciding with or after the date upon which the  
13 governor files with the commissioner of administration a written  
14 declaration to the effect that the individual was retired for incapacity.

15 (c) A person specified in (a) of this section, except the  
16 governor and secretary of state, who served for five years and who  
17 believes that he has become so incapacitated as to prevent him from  
18 efficiently performing his official duties may file with the governor  
19 a written application for retirement which contains a sworn statement of  
20 his service and of his incapacity. When an application is filed, the  
21 governor or his designee shall inquire into the circumstances, and  
22 may retire the person. If the governor or secretary of state has  
23 served five years and believes that he has become so incapacitated  
24 as to prevent him from efficiently performing his official duties,  
25 he may file with the legislative council a written application for  
26 retirement which contains a sworn statement of his service and of his  
incapacity. The council shall inquire into the circumstances, and may  
retire the governor or secretary of state. The effective date of  
retirement is as provided in (b) of this section. The retiree is

1 eligible for retirement pay upon the effective date of retirement.

2 (d) A person specified in (a) of this section may voluntarily  
3 retire at any time and shall have a vested right to his accrued  
4 retirement pay if he has served five or more years. Retirement pay  
5 may not commence until he has reached age 65; however, an actuarially  
6 equivalent retirement pay may be commenced after he has reached age 60  
7 or, in the case of the specified persons other than the governor and  
8 secretary of state, upon his serving 20 years as public defender,  
9 assistant public defender, district attorney, or assistant district  
10 attorney, respectively. The provisions of (b) of this section are an  
11 exception to this rule. A person specified in (a) of this section  
12 other than the governor or secretary of state shall file with the  
13 governor, and the governor and secretary of state shall file with the  
14 legislative council, a notice of his desire to retire and a sworn  
15 statement of the facts establishing his eligibility to retire. The  
16 governor or legislative council, respectively, shall certify those  
17 facts to the commissioner of administration and declare, in writing,  
18 the person's eligibility for retirement. If the person is eligible  
19 to receive retirement pay at the time of his retirement, his retire-  
20 ment pay shall commence on the first day of the month coinciding with  
21 or after the date the written declaration is filed with the commissioner  
22 of administration. If the person is not eligible to receive retirement  
23 pay at the time of his retirement, his retirement pay shall commence  
24 on the first day of the month he reaches age 65 or the month he  
25 becomes eligible for an actuarial equivalent if he has applied for this  
26 option.

27 (e) In the computation of service for retirement under this  
28 chapter, the time served by a public defender, assistant public defender,  
29 district attorney, or assistant district attorney, in any of the other

1 of these four positions is added to the time served by him in the  
2 position from which he retires. However, time served as an assistant  
3 public defender or assistant district attorney is computed at one-half  
4 the rate of time actually served. The time served by a governor or  
5 secretary of state is added to the time served by him, if any, in the  
6 state legislature. However, time served by a governor or secretary  
7 of state as a state legislator is computed at one-half the rate of  
8 time actually served. Time served by a governor as secretary of state  
9 is added at the full rate of time to the time served as governor.

10 Sec. 39.37.020. RETIREMENT PAY. A retired governor, secretary  
11 of state, public defender, assistant public defender, district attorney  
12 or assistant district attorney eligible for retirement pay shall  
13 receive from the date of his eligibility until his death monthly compen-  
14 sation equal to five per cent per year of service, to a maximum of 75  
15 per cent, of the monthly salary authorized for the position from which  
16 he retires, at the time each retirement payment is made.

17 Sec. 39.37.030. DEATH BENEFITS. Upon the death of a governor,  
18 secretary of state, public defender, assistant public defender, district  
19 attorney, or assistant district attorney who is retired or whose right  
20 to his retirement pay has vested, his widow is entitled to receive  
21 during the remainder of her life or as long as she remains unmarried  
22 monthly compensation equal to one-half of the actuarial equivalent of  
23 the retirement pay the decedent would have been entitled to receive.  
24 In computing the decedent's retirement pay if he was not actually  
25 drawing it, the amount shall be the actuarial equivalent of his vested  
26 interest at his death. However, in order to receive the compensation,  
27 his widow must have been his wife continuously for at least five years  
28 immediately before his death.

29 Sec. 39.37.040. APPROPRIATIONS. An estimated amount sufficient

1 to pay all benefits anticipated to be paid under this chapter in each  
2 fiscal year shall be included in the annual appropriation for the  
3 governor's office. If the actual authorized benefits necessary to be  
4 paid in any fiscal year exceed the sum appropriated, the benefits  
5 due shall nevertheless be paid from general funds of the state not  
6 otherwise appropriated.

7           Sec. 39.37.050. EXCLUSION. This chapter does not apply to a  
8 secretary of state who merely succeeds to that office and was not  
9 elected to the office by the voters of the state.

10 \* Sec. 4. By September 1, 1970, all amounts contributed toward retirement  
11 under AS 39.35 by the governor, secretary of state, public defender, assis-  
12 tant public defenders, district attorney, and assistant district attorneys  
13 shall be refunded, and the interest on those amounts shall be paid. Amounts  
14 credited to retirement accounts of these persons by reason of employer con-  
15 tributions under AS 39.35 shall be restored to the general fund.

16 \* Sec. 5. This Act takes effect July 1, 1970.  
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