

Original sponsor: Judiciary Committee

Offered: 2/14/72
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to retirement and benefits under the judi-
7 cial retirement system; and providing for an effective date."

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

9 * Section 1. AS 22.25.010(d) is amended to read:

10 (d) A justice or judge may voluntarily retire at any time and
11 shall have a vested right to his accrued retirement pay if he has
12 served five or more years. Retirement pay shall not commence until
13 he has reached age 60 or, in the alternative, he has served 20 years
14 as a judge or justice and then elects to retire [65]; except that an
15 actuarially equivalent retirement pay may be commenced after he has
16 reached age 55 [60 OR UPON HIS SERVING 20 YEARS AS A JUSTICE OR JUDGE].
17 The provisions of (b) of this section are an exception to this rule.
18 A justice or judge desiring to retire under this subsection shall file
19 with the governor a notice of his desire, together with a sworn state-
20 ment of the facts establishing his eligibility to retire. The governor
21 shall certify those facts to the commissioner of administration and
22 declare, in writing, the eligibility or ineligibility for retirement
23 of the justice or judge. If a justice or judge is eligible to receive
24 retirement pay at the time of his retirement, his retirement pay shall
25 commence on the first day of the month coinciding with or after the
26 date the written declaration of the governor is filed with the com-
27 missioner of administration. If a justice or judge is not eligible
28 to receive retirement pay at the time of his retirement, his retire-
29 ment pay shall commence on the first day of the month he reaches age

1 60 [65] or the month he becomes eligible for an actuarial equivalent
2 if he has applied for this option.

3 * Sec. 2. AS 22.25.030 is repealed and re-enacted to read:

4 Sec. 22.25.030. SURVIVORS' BENEFITS. (a) Upon the death of a
5 justice or judge who has served for at least two years, the surviving
6 spouse is entitled to receive monthly compensation equal to one-half
7 of the monthly retirement pay the justice or judge would thereafter
8 have been entitled to receive if retired at the time of death. If at
9 death the justice or judge was not yet entitled to retirement pay,
10 or was or would have been entitled to less than 60 per cent of the
11 monthly salary authorized for his office, the surviving spouse is en-
12 titled to monthly compensation equal to 30 per cent of the salary autho-
13 rized for justices or judges, respectively, at the time each monthly
14 payment is made.

15 (b) To be eligible for the survivors' benefits, the surviving
16 spouse must have been married to the justice or judge for at least
17 two years immediately preceding the death of the justice or judge.
18 The benefits continue until the remarriage or death of the surviving
19 spouse.

20 (c) If there is no surviving spouse, or if the surviving spouse
21 does not meet the requirements of (b) of this section, or upon the re-
22 marriage or death of the surviving spouse, the surviving dependent
23 child or children of the justice or judge are entitled to receive in
24 equal shares 50 per cent of the amount of the survivors' benefits
25 specified under (a) of this section.

26 (d) The surviving child or children are entitled to the sur-
27 vivors' benefits under (c) of this section during the period of their
28 dependency. Dependency exists with respect to any child of a justice
29 or judge who is either (1) a minor under the laws of Alaska, (2) under

1 the age of 23 and is a student attending on a full-time basis an
2 accredited educational or technical institution recognized by the state
3 Department of Education, or (3) so mentally or physically incapacitated
4 as to be unable to provide for self care.

5 (e) If there are both an eligible surviving spouse and surviving
6 dependent children, but who reside in separate households, the surviving
7 spouse and dependent children will share equally in the benefits
8 payable under (a) of this section.

9 * Sec. 3. AS 22.15.170(b) is amended to read:

10 (b) The presiding judge of the superior court in each judicial
11 district may appoint acting district judges as needed to serve at his
12 pleasure for a term of no longer than 12 months or until succeeded by
13 an appointment made under (a) of this section, whichever first occurs.
14 An acting district judge shall be a citizen of the United States and
15 of the state, at least 21 years of age, but need not be licensed to
16 practice law in any of the United States and need not have established
17 Alaska residence before his appointment. Service as an acting district
18 judge is not considered as judicial service for the purposes of ch. 25
19 of this title unless the judge is subsequently appointed under (a) of
20 of this section.

21 * Sec. 4. This Act takes effect July 1, 1972.
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