

Original sponsors: E. Miller and Huber

Offered: 4/26/72
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 670

SCS

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 the retirement of justices and
7 judges; 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 [65]; except that an actuarially equivalent
14 retirement pay may be commenced after he has reached age 55 [60] or
15 upon his serving 20 years as a justice or judge. The provisions of
16 (b) of this section are an exception to this rule. A justice or judge
17 desiring to retire under this subsection shall file with the governor
18 a notice of his desire, together with a sworn statement of the facts
19 establishing his eligibility to retire. The governor shall certify
20 those facts to the commissioner of administration and declare, in
21 writing, the eligibility or ineligibility for retirement of the justice
22 or judge. If a justice or judge is eligible to receive retirement pay
23 at the time of his retirement, his retirement pay shall commence on
24 the first day of the month coinciding with or after the date the
25 written declaration of the governor is filed with the commissioner of
26 administration. If a justice or judge is not eligible to receive
27 retirement pay at the time of his retirement, his retirement pay shall
28 commence on the first day of the month he reaches age 60 [65] or the
29 month he becomes eligible for an actuarial equivalent if he has

1 applied for this option.

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 AS 22.25.030 is repealed and re-enacted to read:

3 Sec. 22.25.030. SURVIVORS' BENEFITS. (a) Upon the death of a
4 justice or judge who is retired or whose right to retirement pay has
5 vested, his widow is entitled to receive during the remainder of her
6 life or as long as she remains unmarried monthly compensation equal to
7 50 per cent of the actuarial equivalent of the retirement pay the jus-
8 tice or judge was or would have been entitled to receive. However, in
9 order to receive the compensation, his widow must have been his wife
10 continuously for at least five years immediately before his death. In
11 computing the justice's or judge's retirement pay if he was not actually
12 drawing it, the amount shall be the actuarial equivalent of his vested
13 interest at his death.

14 (b) If there is no surviving spouse, or if the surviving spouse
15 does not meet the requirements of (a) of this section, or upon the re-
16 marriage or death of the surviving spouse, the surviving dependent
17 child or children of the justice or judge are entitled to receive in
18 equal shares the amount of the survivor's benefits specified under (a)
19 of this section.

20 (c) The surviving child or children are entitled to the sur-
21 vivors' benefits under (b) of this section during the period of their
22 dependency. Dependency exists with respect to any child of a justice
23 or judge who is either (1) a minor under the laws of Alaska, (2) under
24 the age of 23 and is a student attending on a full-time basis an
25 accredited educational or technical institution recognized by the state
26 Department of Education, or (3) so mentally or physically incapacitated
27 as to be unable to provide for self care.

28 (d) If there are both an eligible surviving spouse and surviving
29 dependent children, but who reside in separate households, the surviving

1 spouse and dependent children will share equally in the benefits
2 payable under (a) of this section.

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

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

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

16 Sec. 22.25.080. TAX EXEMPTION. Benefits paid under this chapter
17 are exempt from state and municipal income taxes.

18 * Sec. 5. This Act takes effect July 1, 1972.
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