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Referred: State Affairs
and Finance

1 IN THE SENATE

BY GROH

2 SENATE BILL NO. 76

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act including emergency service employees under the
7 benefits for policemen and firemen in the public
8 employees' retirement system."

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

10 * Section 1. AS 39.35.160(a) is amended to read:

11 (a) While participating in the system each peace officer, [AND
12 EACH] fireman, and emergency service employee shall contribute five per
13 cent and every other employee shall contribute four and one-quarter
14 per cent of his compensation to the public employees' retirement system.

15 * Sec. 2. AS 39.35.370(c) is amended to read:

16 (c) The monthly amount of the normal retirement pension for a
17 peace officer, [OR A] fireman, or an emergency service employee is two
18 per cent of his average monthly compensation times his years of
19 credited service up through 10 years, plus two and one-half per cent
20 of his average monthly compensation times his years of service over
21 10 years. For every other employee and retired employee it is one
22 and one-half per cent of his average monthly compensation times his
23 years of service up through 10 years, plus one and three-quarters per
24 cent of his average monthly compensation times his years of service
25 from 11 through 20, plus two per cent of his average monthly compensa-
26 tion times his years of service over 20 years.

27 * Sec. 3. AS 39.35.380(a) is amended to read:

28 (a) An employee, other than a peace officer, [OR] fireman, or
29 emergency service employee, is eligible for an early retirement pension

1 on or after his 55th birthday and after he completes five or more
2 years of credited service. A peace officer, [OR] fireman, or emergency
3 service employee is eligible for an early retirement pension on or
4 after his 50th birthday and after he completes five or more years of
5 credited service as a peace officer, [OR] fireman, or an emergency
6 service employee.

7 * Sec. 4. AS 39.35.410(d) is amended to read:

8 (d) The monthly amount of an occupational disability pension
9 for a peace officer, [OR A] fireman, or an emergency service employee
10 shall be two-thirds of his gross monthly compensation at the time of
11 his disability. For any other employee it shall be determined in
12 accordance with sec. 370(c) of this chapter, considering (1) the em-
13 ployee's compensation before his termination of employment, and (2)
14 either the credited service that would have been accumulated if the
15 employee's employment had continued until his 60th birthday or his
16 actual credited service, whichever is greater; except that the amount
17 so determined shall be reduced by assuming that a joint and survivor
18 option of 75 per cent became immediately effective upon retirement,
19 with the employee's spouse as contingent beneficiary. If no spouse
20 exists at the time of actual retirement, the pension shall be deter-
21 mined as if the spouse were the same age as the employee.

22 * Sec. 5. AS 39.35.430(a) is amended to read:

23 (a) If (1) the death of an employee, other than a peace officer,
24 [OR A] fireman, or an emergency service employee, occurs before his
25 retirement and before his normal retirement date, and (2) the proximate
26 cause of death is a bodily injury sustained or a hazard undergone
27 while in the performance and within the scope of the employee's duties,
28 and (3) the injury or hazard is not the proximate result of the wilful
29 negligence of the employee, the surviving spouse of the employee is

1 eligible for a surviving spouse's pension until remarriage. The
2 monthly amount of the surviving spouse's pension shall be equal to
3 the amount the surviving spouse would have received if the employee
4 had retired because of an occupational disability immediately before
5 his death. If the surviving spouse remarries or if there is no sur-
6 viving spouse, the survivor's benefit shall be paid in equal parts
7 to the children of the employee, including those adopted, who are
8 either under 18 years old or under 23 years old and registered at and
9 attending on a full-time basis an accredited educational or a technical
10 institution recognized by the Department of Education.

11 * Sec. 6. AS 39.35.430(b) is amended to read:

12 (b) If (1) the death of a peace officer, [OR A] fireman, or an
13 emergency service employee occurs before his retirement and before
14 his normal retirement date, and (2) the proximate cause of death is a
15 bodily injury sustained or a hazard undergone while in the performance
16 and within the scope of his duties, and (3) the injury or hazard is
17 not the proximate result of the wilful negligence of the employee,
18 a monthly survivor's pension equal to his monthly compensation in the
19 month in which he died shall be paid to his surviving spouse. If his
20 surviving spouse remarries or if there is no surviving spouse, the
21 monthly survivor's pension shall be paid in equal parts to the children
22 of the employee, including those adopted, who are either under 18
23 years old or under 23 years old and registered at and attending on a
24 full-time basis an accredited educational or technical institution
25 recognized by the Department of Education. On the date the normal
26 retirement of the employee would have occurred if he had lived,
27 monthly payments shall equal the monthly amount of the normal retirement
28 benefit to which the employee, had he lived and continued his employ-
29 ment as a peace officer, [OR A] fireman, or an emergency service

1 employee, until his normal retirement date, would have been entitled
2 with an average monthly compensation as existed at his death and the
3 credited service which he would have had.

4 * Sec. 7. AS 39.35.440(a) is amended to read:

5 (a) Upon the death of a retired employee, other than a peace
6 officer, [OR A] fireman, or an emergency service employee who is
7 receiving or is entitled to receive an occupational disability pension,
8 a surviving spouse's pension shall be paid to his surviving spouse.
9 The monthly amount of the pension shall be equal to 75 per cent of the
10 monthly amount of the occupational disability pension which the re-
11 tired employee was receiving or would have been entitled to receive if
12 he had not been entitled to workmen's compensation and wage continuation
13 payments. If the surviving spouse remarries or if there is no sur-
14 viving spouse, the survivor's benefit shall be paid in equal parts to
15 the children of the employee, including those adopted, who are either
16 under 18 years old or under 23 years old and registered at and attend-
17 ing on a full-time basis an accredited educational or a technical
18 institution recognized by the Department of Education.

19 * Sec. 8. AS 39.35.440(b) is amended to read:

20 (b) Upon the death of a retired employee who was a peace officer,
21 [OR A] fireman, or an emergency service employee on the date of his
22 retirement and who is receiving or is entitled to receive an occupa-
23 tional disability pension, a surviving spouse's pension equal to two-
24 thirds of his average monthly compensation shall be paid to his surviv-
25 ing spouse. If his surviving spouse remarries or if there is no
26 surviving spouse, the survivor's pension shall be paid in equal parts
27 to the children of the employee, including those adopted, who are eitne-
28 under 18 years old or under 23 years old and registered at and attend-
29 ing on a full-time basis an accredited educational or a technical

1 institution recognized by the Department of Education.

2 * Sec. 9. AS 39.35.525 is amended to read:

3 Sec. 39.35.525. LIMITATION ON USE OF CREDITED SERVICE AS PEACE
4 OFFICER, [OR] FIREMAN, OR EMERGENCY SERVICE EMPLOYEE. For the purpose
5 of computing benefits for an employee enrolled as a peace officer, [OR]
6 fireman, or an emergency service employee, no more than 30 years of
7 credited service may be considered, except for the purpose of computing
8 average monthly compensation and then the three consecutive years
9 during the entire period of credited service which produced the highest
10 total compensation shall be used.

11 * Sec. 10. AS 39.35.680(11) is amended to read:

12 (11) "normal retirement date" for a peace officer, [OR A]
13 fireman, or an emergency service employee means the first day of the
14 month following either his 55th birthday and eight years of credited
15 service or his 20th year of credited service, whichever is earlier,
16 and for any other employee it means the first day of the month follow-
17 ing either his 60th birthday and eight years of credited service or
18 his 30th year of credited service, whichever is earlier;

19 * Sec. 11. AS 39.35.680 is amended by adding a new paragraph to read:

20 (20) "emergency service employee" means a driver or an
21 attendant of emergency ambulance services for municipalities.
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