

Introduced: 1/24/75
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY BEIRNE AND URION

2 HOUSE BILL NO. 66

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act including emergency service employees within
7 the public employees' retirement system."

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

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

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

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

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

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

23 (a) An employee, other than a peace officer, [OR] fireman, or
24 emergency service employee is eligible for an early retirement pension
25 on or after his 55th birthday and after he completes five or more years
26 of credited service. A peace officer, [OR] fireman, or emergency service
27 employee is eligible for an early retirement pension on or after his
28 50th birthday and after he completes five or more years of credited
29 service as a peace officer, [OR] fireman, or an emergency service

1 employee.

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

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

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

18 (a) If (1) the death of an employee, other than a peace officer,
19 [OR A] fireman, or an emergency service employee, occurs before his
20 retirement and before his normal retirement date, and (2) the proximate
21 cause of death is a bodily injury sustained or a hazard undergone while
22 in the performance and within the scope of the employee's duties, and
23 (3) the injury or hazard is not the proximate result of the wilful
24 negligency of the employee, the surviving spouse of the employee is
25 eligible for a surviving spouse's pension until remarriage. The
26 monthly amount of the surviving spouse's pension shall be equal to the
27 amount the surviving spouse would have received if the employee had
28 retired because of an occupational disability immediately before his
29 death. If the surviving spouse remarries or if there is no surviving

1 spouse, the survivor's benefit shall be paid in equal parts to the
2 children of the employee, including those adopted, who are either
3 under 18 years old or under 23 years old and registered at and
4 attending on a full-time basis an accredited educational or a technical
5 institution recognized by the Department of Education.

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

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

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

29 (a) Upon the death of a retired employee, other than a peace

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

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

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

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

27 Sec. 39.35.525. LIMITATION ON USE OF CREDITED SERVICE AS PEACE
28 OFFICER, [OR] FIREMAN, OR EMERGENCY SERVICE EMPLOYEE. For the purpose
29 of computing benefits for an employee enrolled as a peace officer, [OR]

1 fireman, or an emergency service employee, no more than 30 years of
2 credited service may be considered, except for the purpose of computing
3 average monthly compensation and then the three consecutive years
4 during the entire period of credited service which produced the highest
5 total compensation shall be used.

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

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

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

15 (23) "emergency service employee" means a driver or an
16 attendant of a municipal emergency ambulance service.
17
18
19
20
21
22
23
24
25
26
27
28
29