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1 IN THE SENATE

CS
2 SENATE BILL NO. 241

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 medical service employees
7 under the benefits for policemen and firemen in the
8 public employees retirement system; and providing for
9 an effective date."

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

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

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

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

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

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

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

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

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

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

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

21 (a) If (1) the death of an employee, other than a peace officer,
22 [OR A] fireman, or an emergency medical service employee, occurs before
23 his retirement and before his normal retirement date, and (2) the proxi-
24 mate cause of death is a bodily injury sustained or a hazard undergone
25 while in the performance and within the scope of the employee's duties,
26 and (3) the injury or hazard is not the proximate result of the wilful
27 negligence of the employee, the surviving spouse of the employee is
28 eligible for a surviving spouse's pension until remarriage. The monthly
29 amount of the surviving spouse's pension shall be equal to the amount

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

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

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

1 would have had.

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

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

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

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

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

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

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

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

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

18 (23) "emergency medical service employee" means one who,
19 after appropriate training and education, has been hired by an agency of
20 the State of Alaska or a municipality to render full time medical or
21 para-medical emergency assistance to injured persons including the
22 transportation of injured persons to health care facilities.

23 * Sec. 12. This Act takes effect immediately in accordance with AS 01.10.

24 070(c).
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