

Original sponsors: Buchholdt, Meekins  
and McKinnon

Offered: 3/9/79  
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

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CS FOR HOUSE BILL NO. 29 am S

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to the public employees' and  
7 teachers' retirement systems; and providing for  
8 an effective date."

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

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\* Section 1. AS 14.25 is amended by adding a new section to read:

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AS 14.25.175. WAIVER OF ADJUSTMENTS. (a) Upon appeal by an  
12 affected member or beneficiary under (b) of this section, the board may  
13 waive an adjustment or a portion of an adjustment made under AS 14.25.-  
14 173 if

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(1) the adjustment or portion of the adjustment will, in the  
16 opinion of the board, cause undue hardship to the member or benefi-  
17 ciary;

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(2) the member is retired or has submitted notification of  
19 impending retirement to his employer to be effective no later than 180  
20 days after the adjustment was made; or the beneficiary was eligible to  
21 receive or was receiving benefits under this chapter before the adjust-  
22 ment;

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(3) the adjustment will result in a loss of eligibility for  
24 benefits for the member or beneficiary or result in a reduction of  
25 benefits received by the member or beneficiary of \$50 per month or  
26 more;

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(4) the adjustment was not the result of erroneous infor-  
28 mation supplied by the member or beneficiary;

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(5) before the adjustment was made, the member or benefi-

1 ciary received confirmation from the administrator that his records  
2 were correct; and

3 (6) the member or beneficiary had no reasonable grounds to  
4 believe his records were incorrect before the adjustment was made.

5 (b) In order to obtain consideration of a waiver under this sec-  
6 tion, the affected member or beneficiary must appeal to the board in  
7 writing within 30 days after receipt of notice that his records have  
8 been adjusted. The board shall rule on an appeal within 120 days after  
9 its receipt. The ruling of the board shall be in writing.

10 (c) The board, may at its discretion, conduct a hearing on an  
11 appeal under this section. In reaching a decision on an appeal, the  
12 board may issue subpoenas, administer oaths, and compel the attendance  
13 and testimony of witnesses, the taking of depositions, the submission  
14 of affidavits, and the production of documents and records.

15 (d) The board may impose conditions on granting a waiver which  
16 it considers equitable. These conditions may include requiring the  
17 member or beneficiary to make additional contributions to the system.

18 (e) The board may reconsider a ruling under this section upon  
19 request of the member or beneficiary or the administrator if the re-  
20 quest is received within 30 days after the initial ruling. Any modifi-  
21 cation of the initial ruling must be made within 30 days after receipt  
22 of a request for reconsideration.

23 (f) Rulings and modifications of rulings under this section must  
24 be by a majority of a quorum of the board.

25 (g) Rulings on appeals and requests for reconsideration under  
26 this section may be appealed by an aggrieved member or beneficiary  
27 to the superior court for abuse of discretion.

28 \* Sec. 2. AS 14.25.035 is amended by adding a new subsection to read:

29 (h) The board may waive the requirements of AS 14.25.173 in

1 accordance with AS 14.25.175.

2 \* Sec. 3. AS 39.35.360(a) is amended to read:

3 (a) An employee who completes three years of service with the  
4 State after January 1, 1961, for which he makes contributions required  
5 by this chapter is entitled to credited service for employment rendered  
6 to the State and former Territory of Alaska before January 1, 1961,  
7 regardless of the office, department, division, or agency of the state  
8 or territory in which he was employed; or rendered service to a  
9 political subdivision of the state as a peace officer or correctional  
10 officer after January 1, 1961, provided the employee is vested in the  
11 State retirement program and is a participating member in the Peace  
12 Officers retirement system as of July 1, 1980, or if the service  
13 includes [, INCLUDING] (1) service as a commissioned officer of the  
14 United States Public Health Service, (2) service with the United  
15 States District court and the United States Commissioner's court  
16 serving the Territory and State of Alaska succeeded to by the Alaska  
17 court system, (3) persons employed as United States marshals, United  
18 States deputy marshals, Civil Aeronautics Administration security  
19 guards and United States Corps of Engineers security guards, (4)  
20 employees of the Alaska Jail System of the United States Department  
21 of Justice, (5) Civil Aeronautics Administration heavy equipment opera-  
22 tors, (6) employees of the United States Fish and Wildlife Service,  
23 (7) employees of the Alaska Road Commission and Bureau of Public Roads,  
24 (8) employees of the Alaska Communications System, and (9) those  
25 peace officers of the territory, or of a political subdivision of  
26 the territory, who are employees of the state or a participating  
27 political subdivision of the state on July 1, 1978. The retirement  
28 benefits payable to an employee under this section which are attrib-  
29 utable to employment rendered to the State and former Territory of

1 Alaska before January 1, 1961, shall be reduced by the amount of the  
2 retirement pension benefits paid to him by the United States government  
3 for the same period of service.

4 \* Sec. 4. This Act takes effect July 1, 1979.  
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