

Original sponsors: Buchholdt, Meekins
and McKinnon

Offered: 5/4/79

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE BILL NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public employment and retirement;
7 and providing for an effective date."

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

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

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

14 (1) the adjustment or portion of the adjustment will, in the
15 opinion of the board, cause undue hardship to the member or beneficiary;

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

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

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

26 (5) before the adjustment was made, the member or beneficiary
27 received confirmation from the administrator that his records were
28 correct; and

29 (6) the member or beneficiary had no reasonable grounds to

1 believe his records were incorrect before the adjustment was made.

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

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

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

15 (e) The board may reconsider a ruling under this section upon
16 request of the member or beneficiary or the administrator if the request
17 is received within 30 days after the initial ruling. Any modification
18 of the initial ruling must be made within 30 days after receipt of a
19 request for reconsideration.

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

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

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

26 (h) The board may waive the requirements of AS 14.25.173 in accord-
27 ance with AS 14.25.175.

28 * Sec. 3. AS 39.35.360 is amended by adding a new subsection to read:

29 (g) An employee is entitled to credited service for employment as

1 a peace officer rendered before January 1, 1961 to the state or former
2 Territory of Alaska or to a political subdivision of the state or former
3 Territory of Alaska if the employee

4 (1) rendered employment to a political subdivision of the
5 state after January 1, 1961 and before July 1, 1979; and

6 (2) is vested under this chapter and enrolled as a peace
7 officer under this chapter on July 1, 1980.

8 * Sec. 4. The monetary terms of collective bargaining agreements entered
9 into before May 1, 1979, by the state and its employees are approved.

10 * Sec. 5. Sections 1 - 3 of this Act takes effect July 1, 1979.

11 * Sec. 6. Section 4 of this Act takes effect immediately in accordance
12 with AS 01.10.070(c).

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