

Original sponsor: State Affairs Committee

Offered: 3/6/79  
Referred: State Affairs

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 174 am

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 the participation of elected  
7 officials and former elected officials in the public  
8 employees' retirement system; and providing for an  
9 effective date."

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

11 \* Section 1. AS 39.35.120(b) is amended to read:

12 (b) Inclusion in the system is a condition of employment for an  
13 employee except as otherwise provided for an elected official.

14 \* Sec. 2. AS 39.35.125 is repealed and re-enacted to read:

15 Sec. 39.35.125. PARTICIPATION OF ELECTED OFFICIALS. (a) An  
16 elected official other than an active member of the teachers' retirement  
17 system is included in the system unless he files a written waiver of  
18 coverage with the administrator. A waiver under this subsection waives  
19 coverage of future employment as an elected official, regardless of  
20 any change of employer. An elected official may file a waiver under  
21 this subsection at any time after his election to office, including the  
22 period before he takes the oath of his office. An elected official may  
23 revoke a waiver under this subsection by filing a written revocation  
24 with the administrator. A revocation under this subsection operates  
25 prospectively only, and the elected official may not receive credited  
26 service for service as an elected official while the waiver was in  
27 effect. There is no limit on the number of times an elected official  
28 may file a waiver or revocation under this subsection.

29 (b) Service as an elected official before January 1, 1980 with an

1 employer may be included retroactively if the elected official or former  
2 elected official makes retroactive contributions equal to what he would  
3 have made if he had been included when he took the oath of his office as  
4 an elected official. The rate used to calculate the retroactive contri-  
5 butions may not be less than the rate in effect on January 1, 1961. An  
6 elected official or former elected official must claim prior service and  
7 make retroactive contributions before February 1, 1981. An elected  
8 official or former elected official may not receive credited service  
9 under this subsection for any period in which he was receiving a retire-  
10 ment benefit from the system or in which he was an active member of the  
11 teachers' retirement system. An elected official or former elected  
12 official receiving a retirement benefit from the system on January 1,  
13 1980 is not eligible to claim credited service under this subsection  
14 unless he is reemployed as an active member and claims the credited  
15 service before February 1, 1981. Service as an elected official with an  
16 employer constitutes employment as an active member so long as no waiver  
17 of coverage under (a) of this section is in effect.

18 (c) An elected official included in the system and his employer  
19 are liable for contributions whenever he is an elected official unless a  
20 waiver of coverage under (a) of this section is in effect.

21 \* Sec. 3. AS 39.35.680(14) is amended to read:

22 (14) "elected official" means a person [MEMBER] whose com-  
23 pensation results from personal services rendered to an employer as an  
24 elected representative [AND WHO ELECTS COVERAGE UNDER AS 39.35.125];

25 \* Sec. 4. AS 39.35.360(c) is repealed.

26 \* Sec. 5. AS 39.35.125(a), as re-enacted in sec. 1 of this Act, applies  
27 to an elected official holding office on or after January 1, 1980, even  
28 though he may have assumed office before that date.

29 \* Sec. 6. This Act takes effect January 1, 1980.