

Original sponsors: Duncan, Cotten,  
Gardiner, et al

Offered: 4/18/79  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 260

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 participation and benefits in state  
7 retirement systems; and providing for an effective  
8 date."

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

10 \* Section 1. AS 14.25.040 is amended by adding new subsections to read:

11 (b) A state legislator who was an active member of this system  
12 within the 12 months immediately preceding his election to office may  
13 elect to be an active member of this system for as long as he serves  
14 continuously as a state legislator if, within 90 days after taking the  
15 oath of his office,

16 (1) he directs his employer in writing to make the necessary  
17 deductions from his salary and to pay into the system the contributions  
18 required by and for a member under this chapter; and

19 (2) notice is given the administrator in writing.

20 (c) A state legislator is not entitled to elect membership under  
21 (b) of this section if he is covered for the same period of service  
22 under the public employees' retirement system (AS 39.35). An election  
23 of membership under (b) of this section is retroactive to the date the  
24 state legislator took the oath of his office. A state legislator may  
25 not receive membership credit under (b) of this section for legislative  
26 service performed before the legislative session during which he elected  
27 membership under (b) of this section.

28 \* Sec. 2. AS 14.25.142(b) is amended to read:

29 (b) A person receiving a cost-of-living allowance under this

1 section shall notify the administrator when he expects to be absent from  
2 the state for a continuous period that exceeds 90 [60] days. After that  
3 notification, the person is no longer entitled to receive the monthly  
4 cost-of-living allowance, except that a person may be absent from the  
5 state for not more than six months without loss of the cost-of-living  
6 allowance if the absence is the result of illness and required by order  
7 of a licensed physician. Upon his return to the state, and upon notifi-  
8 cation to the administrator, the person is again entitled to receive the  
9 monthly cost-of-living allowance, commencing with the first monthly  
10 benefit payment made after notification of the person's return.

11 \* Sec. 3. AS 14.25.142(c) is amended to read:

12 (c) For purposes of this section, "residing in the state" means  
13 domiciled and physically present in the State of Alaska. Being absent  
14 from the state for a continuous period of 90 [60] days or less or six  
15 months or less when ordered by a physician does not change a person's  
16 status as "residing in the state".

17 \* Sec. 4. AS 14.25.220(2) is amended to read:

18 (2) "base salary" or "basic salary"

19 (A) means any remuneration accrued under a contract to a  
20 teacher for professional services rendered during any school year;  
21 for purposes of AS 14.25.050, base salary accrued includes any pay-  
22 ments made after June 30 of a school year for services rendered  
23 before the end of the school year;

24 (B) has the same meaning as "compensation" under AS 39.-  
25 35.680(8) when applied to a state legislator who elects membership  
26 under AS 14.25.040(b);

27 \* Sec. 5. AS 14.25.220(4) is amended to read:

28 (4) "employer" means a public school district, the Board of  
29 Regents of the University of Alaska, [OR] the Department of Education,

1 or the state legislature with respect to a state legislator who elects  
2 membership under AS 14.25.040(b);

3 \* Sec. 6. AS 14.25.220(5) is amended to read:

4 (5) "membership service" means

5 (A) service as a teacher in a public school within the  
6 Territory or State of Alaska, or both, under the supervision and  
7 control of the Territorial Board of Education, [OR] the Department  
8 of Education, the school board of any city or borough school dis-  
9 trict, or the Board of Regents of the University of Alaska, [ , OR]

10 (B) any period during which the teacher is on an  
11 approved sabbatical leave granted in accordance with AS 14.20.310  
12 or is receiving a disability retirement salary; or

13 (C) continuous service as a state legislator when per-  
14 formed by a state legislator who elects membership under AS 14.25.-  
15 040(b);

16 \* Sec. 7. AS 14.25.220(15) is amended to read:

17 (15) "teacher" or "member" means a certified teacher, certi-  
18 fied school nurse, principal, supervisor, or superintendent employed on  
19 a full-time or a part-time basis in a position having duties which  
20 normally require a year of service in the public schools of the state,  
21 the commissioner of education, supervisors within the Department of  
22 Education, [AND] all full-time resident professional and administrative  
23 personnel of the University of Alaska, and a state legislator who elects  
24 membership under AS 14.25.040(b); in case of doubt, the administrator  
25 shall finally determine whether or not a person is a teacher as defined  
26 in this chapter;

27 \* Sec. 8. AS 39.35.125(a) is amended to read:

28 (a) An elected official, other than a state legislator who is an  
29 active member of the teachers' retirement system, may be included in the

1 system if, within 60 days after taking the oath of his office or within  
2 60 days after May 12, 1966

3 (1) he directs his employer in writing to make the necessary  
4 deductions from his salary and to pay into the system the contributions  
5 required by and for an employee under this chapter and

6 (2) notice is given the commissioner of administration in  
7 writing.

8 \* Sec. 9. AS 39.35.125(c) is amended to read:

9 (c) An elected official, other than a state legislator who is an  
10 active member of the teachers' retirement system, may be included retro-  
11 actively in the system if he makes retroactive contributions equal to  
12 what he would have made if he had elected to be included when he became  
13 eligible under (a) of this section.

14 \* Sec. 10. AS 39.35.480(b) is amended to read:

15 (b) A person receiving a cost-of-living allowance under this  
16 section shall notify the administrator when he expects to be absent from  
17 the state for a continuous period that exceeds 90 [60] days. After that  
18 notification, the person is no longer entitled to receive the monthly  
19 cost-of-living allowance, except that a person may be absent from the  
20 state for not more than six months without loss of the cost-of-living  
21 allowance if the absence is the result of illness and required by order  
22 of a licensed physician. Upon his return to the state, and upon notifi-  
23 cation to the administrator, the person is again entitled to receive the  
24 monthly cost-of-living allowance, commencing with the first monthly  
25 benefit payment made after notification of the person's return.

26 \* Sec. 11. AS 39.35.480(d) is amended to read:

27 (d) For purposes of this section, "residing in the state" means  
28 domiciled and physically present in the State of Alaska. Being absent  
29 from the state for a continuous period of 90 [60] days or less or six

1        months or less when ordered by a physician does not change a person's  
2        status as "residing in the state."

3        \* Sec. 12. A qualified member of the Eleventh State Legislature is eli-  
4        gible to elect membership under AS 14.25.040(b), enacted in sec. 1 of this  
5        Act, if he complies with the requirements for electing membership within 30  
6        days after the effective date of that subsection.

7        \* Sec. 13. A person receiving benefits under AS 14.25 on July 1, 1979 is  
8        eligible for any increase in benefits resulting from the amendments to  
9        AS 14.25 enacted in secs. 2 and 3 of this Act.

10       \* Sec. 14. A person receiving benefits under AS 39.35 on July 1, 1979 is  
11       eligible for any increase in benefits resulting from the amendments to  
12       AS 39.35 enacted in secs. 10 and 11 of this Act.

13       \* Sec. 15. Sections 2, 3, 10, 11, 13, and 14 of this Act take effect  
14       July 1, 1979. Sections 1, 4 - 9, and 12 of this Act take effect immediately  
15       in accordance with AS 01.10.070(c).

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