

CORRECTION

1 Re: SENATE CS FOR CS FOR HOUSE BILL NO. 260 (Rules) am S April 30, 1979

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4 CORRECTION

5 Please discard SENATE CS FOR CS FOR HOUSE BILL NO. 260 (Rules) am S

6 and replace with this corrected version.

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Original sponsors: Duncan, Cotten,  
Gardiner, et al

Offered: 4/28/79

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 260 (Rules) am S

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 retirement and benefits; and pro-  
7 viding for an effective date."

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

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

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

16 (1) he directs his employer in writing to

17 (A) pay into this system the employer contributions  
18 required for a member under this chapter; and

19 (B) deduct from his salary and pay into this system

20 (i) the employee contributions required for a  
21 member under this chapter; and

22 (ii) an amount equal to the difference between the  
23 total employer and state contributions required for a member  
24 under this chapter and the employer contributions which would  
25 be required under the public employees' retirement system  
26 (AS 39.35) if the legislator were covered under that system;  
27 and

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

29 (c) A state legislator is not entitled to elect membership under

1 (b) of this section if he is covered for the same period of service  
2 under the public employees' retirement system (AS 39.35). An election  
3 of membership under (b) of this section is retroactive to the date the  
4 state legislator took the oath of his office. A state legislator may  
5 not receive membership credit under (b) of this section for legislative  
6 service performed before the legislative session during which he elected  
7 membership under (b) of this section. In order to continue in member-  
8 ship service under (b) of this section, the state legislator must earn  
9 at least 0.3 years of membership service under other sections of this  
10 chapter during each five-year period.

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

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

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

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

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

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

2 (A) means any remuneration accrued under a contract to a  
3 teacher for professional services rendered during any school year;  
4 for purposes of AS 14.25.050, base salary accrued includes any pay-  
5 ments made after June 30 of a school year for services rendered  
6 before the end of the school year;

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

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

11 (4) "employer" means a public school district, the Board of  
12 Regents of the University of Alaska, [OR] the Department of Education,  
13 or the state legislature with respect to a state legislator who elects  
14 membership under AS 14.25.040(b);

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

16 (5) "membership service" means

17 (A) service as a teacher in a public school within the  
18 Territory or State of Alaska, or both, under the supervision and  
19 control of the Territorial Board of Education, [OR] the Department  
20 of Education, the school board of any city or borough school dis-  
21 trict, or the Board of Regents of the University of Alaska; [, OR]

22 (B) any period during which the teacher is on an ap-  
23 proved sabbatical leave granted in accordance with AS 14.20.310 or  
24 is receiving a disability retirement salary; or

25 (C) continuous service as a state legislator when per-  
26 formed by a state legislator who elects membership under AS 14.25.-  
27 040(b), subject to the requirements of AS 14.25.040(c);

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

29 (15) "teacher" or "member" means a certified teacher, certi-

1 fied school nurse, principal, supervisor, or superintendent employed on  
2 a full-time or a part-time basis in a position having duties which  
3 normally require a year of service in the public schools of the state,  
4 the commissioner of education, supervisors within the Department of  
5 Education, [AND] all full-time resident professional and administrative  
6 personnel of the University of Alaska, and a state legislator who elects  
7 membership under AS 14.25.040(b); in case of doubt, the administrator  
8 shall finally determine whether or not a person is a teacher as defined  
9 in this chapter;

10 \* Sec. 8. AS 39.30.100(1)(A) is repealed and re-enacted to read:

11 (A) an employee, except an emergency employee, who has  
12 served with the same governmental unit as

13 (i) a permanent full-time employee for 30 days or  
14 more;

15 (ii) a permanent part-time employee for 30 days or  
16 more; or

17 (iii) a temporary employee for 30 days or more, who  
18 is presently employed with that governmental unit, and who has  
19 served as a temporary employee of the state for a total of 180  
20 days or more in any consecutive three-year period; however, a  
21 temporary employee employed by a municipality participating in  
22 the provisions of AS 39.30.090 need not be provided coverage.

23 \* Sec. 9. AS 39.35.125(a) is amended to read:

24 (a) An elected official, other than a state legislator who is an  
25 active member of the teachers' retirement system, may be included in the  
26 system if, within 60 days after taking the oath of his office or within  
27 60 days after May 12, 1966

28 (1) he directs his employer in writing to make the necessary  
29 deductions from his salary and to pay into the system the contributions

1 required by and for an employee under this chapter and

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

4 \* Sec. 10. AS 39.35.125(c) is amended to read:

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

10 \* Sec. 11. AS 39.35.360 is amended by adding a new subsection to read:

11 (g) An employee is eligible to receive up to 10 years of credited  
12 service for service rendered before July 1, 1979 as a temporary employee  
13 of the legislature of the state or territory during legislative ses-  
14 sions. To receive retroactive credited service under this subsection,  
15 an employee must, before July 1, 1980, claim the service and pay retro-  
16 active contributions equal to what he would have paid if he had been  
17 eligible for membership in the system. The rate used to calculate the  
18 retroactive contributions may not be less than the rate in effect on  
19 January 1, 1961.

20 \* Sec. 12. AS 39.35.385 is amended by adding a new subsection to read:

21 (f) An employee is eligible for a normal retirement benefit at age  
22 55 or an early retirement benefit at age 50 if he has at least 60 days  
23 of credited service as a temporary employee of the legislature during  
24 each of five legislative sessions.

25 \* Sec. 13. AS 39.35.480(b) is amended to read:

26 (b) A person receiving a cost-of-living allowance under this  
27 section shall notify the administrator when he expects to be absent from  
28 the state for a continuous period that exceeds 90 [60] days. After that  
29 notification, the person is no longer entitled to receive the monthly

1 cost-of-living allowance, except that a person may be absent from the  
2 state for not more than six months without loss of the cost-of-living  
3 allowance if the absence is the result of illness and required by order  
4 of a licensed physician. Upon his return to the state, and upon notifi-  
5 cation to the administrator, the person is again entitled to receive the  
6 monthly cost-of-living allowance, commencing with the first monthly  
7 benefit payment made after notification of the person's return.

8 \* Sec. 14. AS 39.35.480(d) is amended to read:

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

14 \* Sec. 15. AS 39.35.680(35) is amended to read:

15 (35) "seasonal" refers to an employee who is occupying a  
16 position for less than 12 months each year where it is anticipated that  
17 the same employee will return to the position when needed and includes  
18 a temporary employee of the legislature if part of the service for the  
19 legislature during each calendar year is performed during a legisla-  
20 tive session;

21 \* Sec. 16. Sections 11, 12 and 15 of this Act apply to a temporary em-  
22 ployee of the Eleventh Legislature, First Session, even though he may not be  
23 an employee under the public employees' retirement system on July 1, 1979.

24 \* Sec. 17. A qualified member of the Eleventh State Legislature is eli-  
25 gible to elect membership under AS 14.25.040(b), enacted in sec. 1 of this  
26 Act, if he complies with the requirements for electing membership within 30  
27 days after the effective date of that subsection.

28 \* Sec. 18. A person receiving benefits under AS 14.25 on July 1, 1979 is  
29 eligible for any increase in benefits resulting from the amendments to

1 AS 14.25 enacted in secs. 2 and 3 of this Act.

2 \* Sec. 19. A person receiving benefits under AS 39.35 on July 1, 1979 is  
3 eligible for any increase in benefits resulting from the amendments to  
4 AS 39.35 enacted in secs. 13 and 14 of this Act.

5 \* Sec. 20. Sections 2 - 3, 8, 11 - 15, 18, and 19 of this Act take  
6 effect July 1, 1979. Sections 1, 4 - 7, 9, 10, 16, 17, and 20 of this Act  
7 take effect immediately in accordance with AS 01.10.070(c).

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