

Original sponsor: Rules/Governor

Offered: 4/3/80
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 404

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to Alaska National Guard and Naval
7 Militia retirement and survivor benefits; and providing
8 for an effective date."

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

10 * Section 1. AS 26.05.222 is amended to read:

11 Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL
12 GUARD AND ALASKA NAVAL MILITIA RETIREMENT PLAN. There is established in
13 the public employees retirement system of Alaska a separate Alaska
14 National Guard and Alaska Naval Militia retirement plan and account,
15 which shall be administered as a part of and in like manner as the
16 public employees retirement system.

17 * Sec. 2. AS 26.05.223 is amended to read:

18 Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN PLAN. A [AN
19 ACTIVE] member of the Alaska National Guard or Alaska Naval Militia
20 shall be included in this plan upon commencement of [HIS ACTIVE] member-
21 ship in the Alaska National Guard, or on January 1, 1973, whichever is
22 later, or upon commencement of membership in the Alaska Naval Militia or
23 on July 1, 1980, whichever is later. [INCLUSION IN THE PLAN IS A CON-
24 DITION OF ACTIVE MEMBERSHIP IN THE ALASKA NATIONAL GUARD.]

25 * Sec. 3. AS 26.05.224 is amended to read:

26 Sec. 26.05.224. RETIREMENT BENEFITS. (a) A person who was a [AN
27 ACTIVE] member of the Alaska National Guard on or after January 1, 1973.
28 or a member of the Alaska Naval Militia on or after July 1, 1980. is
29 eligible for a retirement pension [PAY]

1 (1) upon voluntary retirement from the Alaska National Guard
2 or Alaska Naval Militia after a total of 20 years or more of satisfac-
3 tory service in the Alaska National Guard, Alaska Naval Militia, or the
4 armed forces of the United States, and the reserves of them, or any com-
5 bination of service in these components if at least five years of the
6 service is in the Alaska National Guard or Alaska Naval Militia; [AND
7 UPON REACHING 55 YEARS OF AGE,] or

8 (2) upon involuntary retirement because of federal standards
9 imposed on the Alaska National Guard or Alaska Naval Militia [MEMBERS],
10 regardless of length of service.

11 (b) Retirement pay is \$100 [\$50] a month, payable [TO BE CON-
12 TINUED] for the same number of months that the member participated
13 satisfactorily in [PERSON WAS A MEMBER OF] the Alaska National Guard or
14 Alaska Naval Militia.

15 (c) An eligible member [WHO RETIRES] may elect to receive his
16 retirement pay beginning on the first day of the month in which he be-
17 comes eligible for [COINCIDING WITH OR AFTER] retirement, or the member
18 [HE] may elect to defer payment to a later date [RECEIVE HIS RETIREMENT
19 PAY AT A DEFERRED DATE BEGINNING ON THE FIRST DAY OF THE MONTH COIN-
20 CIDING WITH OR AFTER THE DATE HE ELECTS FOR THE RETIREMENT PAY TO BEGIN].
21 Payment of a deferred benefit may not commence until application for the
22 benefit is filed with and approved by the Department of Military Affairs.
23 Deferred payments must be made on a monthly basis at the rate of \$100.

24 * Sec. 4. AS 26.05.224 is amended by adding a new subsection to read:

25 (d) If a member or former member of the Alaska National Guard or
26 Alaska Naval Militia who is eligible for a retirement pension dies before
27 the entire accrued retirement benefit has been paid, the total remaining
28 retirement benefit shall be paid in a lump sum to the beneficiaries
29 named by the member or former member in a signed writing filed with the

1 Alaska National Guard or Alaska Naval Militia before his death. In the
2 absence of the writing, the remaining retirement benefit shall be paid
3 to the estate of the member or former member.

4 * Sec. 5. AS 26.05.227 is amended to read:

5 Sec. 26.05.227. DEFINITION. As used in AS 26.05.222 - 26.05.226,
6 "member" means an active commissioned or warrant officer or enlisted
7 person [MAN] in the Alaska National Guard or Alaska Naval Militia.

8 * Sec. 6. AS 26.05.222 is repealed and re-enacted to read:

9 Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL
10 GUARD AND ALASKA NAVAL MILITIA RETIREMENT SYSTEM. (a) There is estab-
11 lished an Alaska National Guard and Alaska Naval Militia retirement
12 system. The commissioner of administration shall administer the Alaska
13 National Guard and Alaska Naval Militia retirement system.

14 (b) The commissioner of administration may adopt regulations to
15 implement the Alaska National Guard and Alaska Naval Militia retirement
16 system. Regulations adopted by the commissioner under this subsection
17 relate to the internal management of state agencies and their adoption
18 is not subject to the Administrative Procedure Act (AS 44.62).

19 * Sec. 7. AS 26.05.223 is amended to read:

20 Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN SYSTEM [PLAN]. A
21 member of the Alaska National Guard or Alaska Naval Militia shall be
22 included in this system [PLAN] upon commencement of membership in the
23 Alaska National Guard, or on January 1, 1973, whichever is later, or
24 upon commencement of membership in the Alaska Naval Militia or on July 1,
25 1980, whichever is later.

26 * Sec. 8. AS 26.05.226 is repealed and re-enacted to read:

27 Sec. 26.05.226. CONTRIBUTIONS. (a) The Department of Military
28 Affairs shall contribute to the Alaska National Guard and Alaska Naval
29 Militia retirement system the amounts determined by the commissioner of

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administration as necessary to

(1) fund the system based on the actuarial requirements of the system; and

(2) administer the system.

(b) The amount required for contributions from the Department of Military Affairs under (a) of this section shall be included in the annual appropriations made to the Department of Military Affairs.

* Sec. 9. A former member of the Alaska National Guard who is receiving retirement pay under AS 22.05.222 - 22.05.227 on the effective date of this Act is entitled to receive retirement pay in the amount of \$100 per month beginning July 1, 1980.

* Sec. 10. AS 39.35.153 is repealed.

* Sec. 11. Sections 1 - 5, 9 and 11 - 12 of this Act take effect July 1, 1980.

* Sec. 12. Sections 6 - 8, and 10 of this Act take effect July 1, 1981.