

Offered: 4/26/83
Referred: Rules

Original sponsor: Rules/Legislative Council

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 57 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act limiting the adjustment of retirement bene-
7 fits; and providing for an effective date."

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

9 * Section 1. AS 14.25.173 is amended by adding new subsections to read:

10 (b) An adjustment that requires the recovery of benefits may not
11 be made under this section if

12 (1) the incorrect benefit was first paid two years or more
13 before the member or beneficiary was notified of the error;

14 (2) the error was not the result of erroneous information
15 supplied by the member or beneficiary; and

16 (3) the member or beneficiary did not have reasonable
17 grounds to believe that the amount of the benefit was in error.

18 (c) At each regularly scheduled meeting of the Teachers' Retire-
19 ment Board, the administrator shall report to the board on all sit-
20 uations since the administrator's last report in which an adjustment
21 has been prohibited under (b) of this section. If the board finds
22 that there is reason to believe that one or more of the conditions set
23 out in (b) of this section have not been met, the administrator shall
24 notify the member or beneficiary that an adjustment will be made to
25 recover the overpayment. A member or beneficiary who receives notice
26 of adjustment under this subsection may appeal to the board for a
27 waiver of the adjustment under AS 14.25.175. An adjustment that
28 requires the repayment of benefits may not be required while the
29 appeal is pending.

1 * Sec. 2. AS 39.35.520 is amended by adding new subsections to read:

2 (b) An adjustment that requires the recovery of benefits may not
3 be made under this section if

4 (1) the incorrect benefit was first paid two years or more
5 before the member or beneficiary was notified of the error;

6 (2) the error was not the result of erroneous information
7 supplied by the member or beneficiary; and

8 (3) the member or beneficiary did not have reasonable
9 grounds to believe that the amount of the benefit was in error.

10 (c) At each regularly scheduled meeting of the Public Employees'
11 Retirement Board, the administrator shall report to the board on all
12 situations since the administrator's last report in which an
13 adjustment has been prohibited under (b) of this section. If the
14 board finds that there is reason to believe that one or more of the
15 conditions set out in (b) of this section have not been met, the
16 administrator shall notify the member or beneficiary that an
17 adjustment will be made to recover the overpayment. A member or
18 beneficiary who receives notice of adjustment under this subsection
19 may appeal to the board for a waiver of the adjustment under
20 AS 39.35.522. An adjustment may not be required while the appeal is
21 pending.

22 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).