

Introduced: 1/23/85
Referred: judiciary and
Finance

1 IN THE HOUSE

BY TAYLOR

2

HOUSE BILL NO. 94

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to participation by magistrates in
7 the judicial retirement system; and providing for an
8 effective date."

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

10 * Section 1. AS 22.25.010(g) is amended to read:

11 (g) The word "justice" means a supreme court justice, and the
12 word "judge," unless the context clearly indicates otherwise, means a
13 judge of the court of appeals, a superior court judge, a [OR] district
14 court judge, or a magistrate.

15 * Sec. 2. AS 39.35.680(21) is amended to read:

16 (21) "member" or "employee"

17 (A) means a person eligible to participate in the
18 system and who is covered by the system;

19 (B) includes

- 20 (i) active member;
21 (ii) inactive member;
22 (iii) vested member;
23 (iv) deferred vested member;
24 (v) non-vested member;
25 (vi) disabled member;
26 (vii) retired member;

27 (C) does not include

- 28 (i) former members;
29 (ii) persons compensated on a contractual or fee

1 basis;

2 (iii) casual or emergency workers or nonpermanent
3 employees as defined in AS 39.25.200;

4 (iv) persons covered by the Alaska Teachers'
5 Retirement System;

6 (v) employees of the division of marine transpor-
7 tation engaged in operating the state ferry system who are
8 covered by a union or group retirement system to which the
9 state makes contributions;

10 (vi) justices of the supreme court or judges of
11 the court of appeals or of the superior or district courts
12 or magistrates of the district courts of Alaska;

13 (vii) the administrative director of courts ap-
14 pointed under art. IV, sec. 16 of the state constitution
15 unless the director becomes a member under AS 39.35.158; and

16 (viii) members of the elected public officers'
17 retirement system (former AS 39.37);

18 (D) may include employees of the division of marine
19 transportation excluded under (C)(v) of this paragraph provided
20 that

21 (i) the State of Alaska formally agrees to their
22 inclusion through the process of collective bargaining; and

23 (ii) no collective bargaining agreement has the
24 effect of obligating contributions made by the state under
25 AS 39.30.150 in the event the state resumes participation in
26 the federal social security system;

27 * Sec. 3. (a) Notwithstanding AS 39.35.240, a person employed as a
28 magistrate on July 1, 1985, may withdraw from the public employees' retire-
29 ment system (AS 39.35) and receive a refund of the balance of the employee

1 contribution account and employee savings account.

2 (b) A person who is employed as a magistrate on July 1, 1985, may
3 receive prior service credit under AS 22.25, to a maximum of 10 years, for
4 service as a magistrate of the state court system before July 1, 1985, if
5 the magistrate

6 (1) withdraws from the public employees' retirement system
7 (AS 39.35) and receives a refund of all contributions made under AS 39.35;

8 (2) on or before June 30, 1985, elects to receive service credit
9 under AS 22.25 for prior service as a magistrate; and

10 (3) makes retroactive contributions to the judicial retirement
11 system for service as a magistrate after July 1, 1975, including service
12 before July 1, 1978; retroactive contributions shall be calculated at seven
13 percent of the salary the magistrate received during the period for which
14 the magistrate is making contributions.

15 * Sec. 4. Notwithstanding the amendment to AS 39.35.680(21) made in
16 sec. 2 of this Act, a person employed as a magistrate on July 1, 1985, may
17 continue as a member of the public employees' retirement system for credit-
18 ed service before July 1, 1985, if the magistrate has not withdrawn from
19 the system and received a refund of contributions to the system.

20 * Sec. 5. The amendments to AS 22.25.010(g) and AS 39.35.680(21) made
21 in secs. 1 and 2 of this Act apply only to a magistrate who retires from
22 state service after June 30, 1985.

23 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).