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COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

(5)

2/16/82

Date: 3-18-82

Mr. Speaker:

The Committee on LABOR & COMMERCE has had HB 862

"An Act making the repeal of AS 39.35.545 retroactive to July 1, 1968; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass *with letter of intent* [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with CS for \_\_\_\_\_ [ ] same title [ ] new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note
- [ ] reports it back without recommendation
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Signature]*  
 \_\_\_\_\_  
*[Signature]*  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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*[Signature]*  
 \_\_\_\_\_  
 VICE-CHAIRMAN

He Introduced 2-16-82

Rec'd. 2-17-82

errata Finance

nom. hearing 3/18/82 passed with letter of intent

" action passed with letter of intent taken chief clerks' office by  
Rep. Bylsma's office 3/24/82

advise Paul Arnoldt in retirement director introduced by Korbiff introduced F.N. requested. Encl Revenue when scheduled

Paul Arnoldt wanted to be in attendance.

Ken Humphries appeared for Retirement.

3/26/82 called for F/N on statement of Fiscal impact.



# Alaska State Legislature

## House of Representatives

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 18th, 1982

### LETTER OF INTENT

Reporting HB 862 from committee the members desire that bill be limited to the specific circumstances that resulted in bill being introduced. It is not the intent passage be allowed to pyramid benefits.

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Rep. B. C. Bylsma - Vice-Chrm.  
*HOUSE LABOR-COMMERCE COMMITTEE*

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary;

(5) before the adjustment was made, the member or beneficiary received confirmation from the administrator that his records were correct; and

(6) the member or beneficiary had no reasonable grounds to believe his records were incorrect before the adjustment was made.

(b) In order to obtain consideration of a waiver under this section, the affected member or beneficiary must appeal to the board in writing within 30 days after receipt of notice that his records have been adjusted. The board shall rule on his appeal in writing within 120 days after its receipt.

(c) The board may, at its discretion, conduct a hearing on an appeal under this section. In reaching a decision on an appeal, the board may issue subpoenas, administer oaths, compel the attendance and testimony of witnesses, compel the taking of depositions and the submission of affidavits, and compel the production of documents and records.

(d) The board may impose conditions on the granting of a waiver which it considers equitable. These conditions may include requiring the member or beneficiary to make additional contributions to the system.

(e) The board may reconsider a ruling under this section upon request of the member or beneficiary or the administrator if the request is received within 30 days after the initial ruling. Any modification of the initial ruling must be made within 30 days after receipt of a request for reconsideration.

(f) Rulings and modifications of rulings under this section shall be by a majority of a quorum of the board.

(g) Rulings on appeals and requests for reconsideration under this section may be appealed by an aggrieved member or beneficiary to the superior court for abuse of discretion. (§ 9 ch 174 SLA 1978; am § 41 ch 13 SLA 1980)

**Effect of amendment.** — The 1980 amendment inserted "or beneficiary" following "member" wherever it appeared throughout the section; in subsection (a), inserted "or any portion of an adjustment" following "adjustment" in the introductory paragraph, inserted "or portion of the adjustment" following "the adjustment" at the beginning of paragraph (1), added "or the beneficiary was eligible to receive or was receiving benefits under this chapter before the adjustment" at the end of paragraph (2), substituted "benefits" for "retirement" following "eligibility for" near the beginning of paragraph (3), and substituted "being" for "already" following "reduction of benefits" near the end of paragraph (3).

**Sec. 39.35.525. Limitation on use of credited service as peace officer or fireman.** For the purpose of computing benefits for an employee enrolled as a peace officer or fireman, no more than 30 years of credited service may be considered, except for the purpose of

computing average monthly compensation and then the three consecutive years during the entire period of credited service which produced the highest total compensation shall be used. (§ 16 ch 109 SLA 1970)

**Sec. 39.35.530. Limit on pension.** No employee may simultaneously receive a pension under more than one section of this chapter. (§ 42 ch 143 SLA 1960)

**Sec. 39.35.535. Medical benefits.** Each person who is entitled to receive a monthly benefit from the retirement system shall be provided with major medical insurance coverage. Coverage shall become effective on the same date as retirement benefits commence and cease when the retired employee or survivor is no longer eligible to receive a monthly benefit. The level of coverage for persons over age 65 shall be the same as that available prior to reaching age 65 except that the benefits payable shall be supplemental to those afforded under the federal Old Age Survivor and Disability Insurance Program, if any. (§ 2 ch 200 SLA 1975)

**Editor's note.** — Provisions relating to insurance benefits may be found in 42 federal old-age, survivor, and disability U.S.C. § 401 et seq.

**Sec. 39.35.540. Minimum benefit.** The actuarial equivalent of minimum aggregate benefits payable to or on behalf of an employee may not be less than the total of the balances of his employee contribution account and voluntary savings account as of the date of the termination of his employment. (§ 4J ch 143 SLA 1960)

**Sec. 39.35.545. Duplicate benefits.**  
Repealed by § 6 ch 81 SLA 1976.

**Editor's note.** — The repealed section derived from § 11, ch. 235, SLA 1968.

**Sec. 39.35.546. Tax exemption.** Benefits of this chapter are exempt from Alaska state and municipal income taxes. (§ 17 ch 109 SLA 1970; am § 50 ch 128 SLA 1977)

**Effect of amendment.** — The 1977 amendment inserted "Alaska."

**Sec. 39.35.547. Effect of amendments.** (a) An amendment of this chapter is not retroactive unless its retroactivity is expressly stated in the amendment.

(b) The monthly amount of a benefit payable under this chapter shall be determined in accordance with the provisions of this chapter in effect on the date of termination of the member's last segment of employment. (§ 5 ch 81 SLA 1976; am § 42 ch 13 SLA 1980)

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary;

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(6) the member or beneficiary had no reasonable grounds to believe his records were incorrect before the adjustment was made.

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