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Alaska Fire Chiefs' Association



TELECONFERENCE TESTIMONY 10-12-81:

The Alaska Fire Chief's Assn became aware of a problem in the PERS at the 1980 conference in Juneau.

One of our members made note that there had been a change made in the Police/Fire section of PERS wherein various police officers were allowed PERS credit for pre-statehood service. Obviously this was of concern to our members.

The Assn passed a unanimous resolution to work toward a change or an amendment to the Act to also include members of the fire service th had served the State in the pre-statehood days. Since the retirement system serves both the police and fire officers of the state, our members were sure that the makers of the 1980 changes left the fire service members out through an oversight only.

This oversight was pointed out to Senator Ray, who sponsored the 1980 change, and he agreed to sponsor the bill to include firefighters -- the result was SB 121.

The only change to the 1980 bill was the inclusion of the words "or fireman" in two places where those people qualified were listed. The 1980 Bill was not changed or amended in any other way.

Our Assn feels very strongly that the legislature agrees that the members of the fire service in Alaska are an important part of the protection services of this State, and are certainly equally entitled to the provisions of the police/fire retirement sections of PERS.

To do otherwise would relegate firemen to a lesser class of employee than the others in the PERS police/fire section. I'm sure that this is not now, or ever in the past, the intent of the Alaska legislature.

If there are any questions that I can answer at this time I will be happy to do so, and as always, our Association places itself at your disposal for assistance, advice, or resource, in this or any other fire and life safety matter.



JAMES R. EVANS, President

1140 Airport Heights Rd.
Anchorage, Alaska 99504

January 11, 1981

Senator Bill Ray
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

During the 1980 legislative session various changes were made in the Public Employees Retirement Law. These changes, briefly, were to assure that certain people who worked in Public Safety before statehood were credited with the pre-statehood service-time.

As I'm sure you are aware the Public Employees Retirement Law also covers persons working for the various parts of the Fire Service of Alaska. However, the 1980 changes speak only to various police and correctional type officers, totally forgetting about the people who worked in the Fire Service.

I am sure that this was merely an oversight on the part of those who wrote the new language for the law.

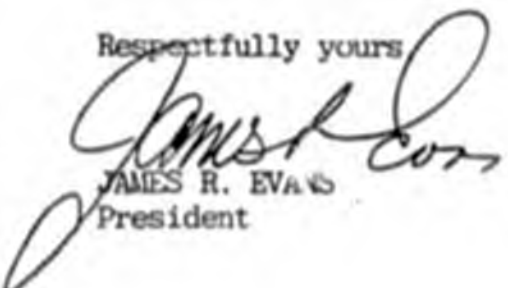
The Alaska Fire Chief's Association took note of this oversight at our annual conference in Juneau, and passed a Resolution to effect correction during the 1981 legislature. I have attached a copy of our Resolution, as well as the 1980 changes. I have also taken the liberty to enclose a draft of a proposed amendment to FOCSSB 26, Chapter 146, Laws of Alaska, 1980, to reflect our Association's suggested changes.

I know that you have always supported fair treatment of all of the public officers of this State, and I felt that you would be the proper sponsor of these changes.

If you have any questions regarding this proposal please feel free to contact me at anytime at my office, 278-4413, or at home, 337-1681.

Thank you in advance for your consideration, and best wishes for a totally productive 1981 session.

Respectfully yours


JAMES R. EVANS
President

Alaska Fire Chiefs' Association

RESOLUTION #80-13

WHEREAS: The Public Employees Retirement System provides that certain territorial and municipal employees receive credited time for the years employed by the territory or municipalities prior to Statehood, and

WHEREAS: Firefighters have been inequitably excluded from this service credit while Public Health Service Officers, employees of the U.S. District Court and U.S. Commissioners Court, U.S. Marshal's, U.S. Deputy Marshals, CAA security guards, U.S. Corps of Engineers security guards, employees of Alaska jail system of the U.S. Department of Justice, CAA radio operators and heavy equipment operators, employees of the U.S. Fish and Wildlife Service, employees of the Alaska Road Commission and Bureau of Public Roads, employees of ACS and peace officers of the territory, or of a political subdivision of the territory, who are employees of the state or a participating political subdivision of the state on July 1, 1978, U.S. Corps of Engineers Civil Service personnel and U.S. Navy Civil Service personnel all receive credit for employment rendered to the State and former Territory of Alaska before January 1, 1961, now therefore be it

RESOLVED: That this membership go on record as stating that municipal firefighters, employed by the territory or subdivision thereof prior to January 1, 1961, should receive credit for such time served under the provisions of the Public Employees Retirement System.

APPROVED IN CONFERENCE
October 31, 1980


PRESIDENT



LAWS OF ALASKA

1980

Source

Chapter No.

FOCSSB 26

146

AN ACT

Relating to public employee benefit programs; amending the duties of the Public Employees Retirement Board; relating to earlier service credit under the teachers' retirement system and the public employees' retirement system; establishing minimum retirement benefits; relating to participation in the state program of supplemental employee benefits; relating to the deferred compensation program; repealing the Legislative Board of Retirement Benefits; creating the Alaska National Guard retirement system; relating to the judicial retirement system; increasing the benefits paid under the territorial public employees' retirement system; relating to retirement benefit eligibility for disabled peace officers and firemen; relating to retirement benefits of the administrative director of courts; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 23

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 30, 1980
Actual Effective Date: Sections 1, 3 - 7, 18, 19, 22, 24 - 26, 29 - 34, 37, 38, 40, 43, 44(2) and (3), 45 and 47 - 57 take effect July 1, 1980 with section 43 retroactive to January 1, 1978; sections 16, 17, 20, 21, 23 and 39 take effect September 28, 1980 and are retroactive to January 1, 1980; sections 2, 27, 28, 35, 36, 41, 44(1) take effect January 1, 1981; sections 8 - 15 and 42 take effect July 1, 1981.

(2) any contributions for services as administrative director refunded to him by the system at the time he became a member of the judicial retirement system.

* Sec. 31. AS 39.35.360(a) is repealed and re-enacted to read:

(a) An employee employed before January 1, 1980, who completes three years of credited service with the state after January 1, 1961, for which the employee makes contributions required by this chapter is entitled to credited service for service rendered (1) before January 1, 1961, as an employee of the State and former Territory of Alaska; (2) before January 1, 1961, as an employee of the United States government in Alaska, excluding service in the armed forces of the United States; or (3) after January 1, 1961, as a peace officer or correctional officer of a participating political subdivision of the state if the employee is vested and is an active peace officer in the system as of July 1, 1980. The retirement benefits payable to an employee under this section shall be reduced by the amount of the retirement pension benefits paid to him by the United States government for the same period of service.

* Sec. 32. AS 39.35.360 is amended by adding a new subsection to read:

(h) An employee of the state is eligible to receive credited service as provided under AS 39.35.300(b) for service rendered as a permanent part-time employee before January 1, 1976. To receive retroactive credited service under this subsection, the employee must claim the service before July 1, 1981. When the employee claims retroactive credited service, an indebtedness of the employee to the system shall be established. The amount of this indebtedness is equal to the contributions the employee would have made if he had been eligible for membership in the system. The rate used to calculate the contributions may not be less than the rate in effect on January 1, 1961. Interest as prescribed by regulation accrues on the indebtedness beginning July 1, 1981. Any

PROPOSED AMMENDMENT TO FCCSSB 26, CHAPTER 146, LAWS OF ALASKA, 1980

Amended to read as follows:

Sec. 31. AS 39.35.360(a) is repealed and re-enacted to read:

(a) An employee employed before January 1, 1980, who complete three years of credited service with the state after January 1, 1961, for which the employee makes contributions required by this chapter is entitled to credited service for service rendered (1) before January 1, 1961, as an employee of the State and former Territory of Alaska (2) before January 1, 1961, as an employee of the United States government in Alaska, excluding service in the armed forces of the United States; or (3) after January 1, 1961, as a peace officer, correctional officer or fireman of a participating political subdivision of the state if the employee is vested and is an active peace officer, correctional officer or fireman in the system as of July 1, 1980. The retirement benefits payable to an employee under this section shall be reduced by the amount of the retirement pension benefits paid to him by the United States government for the same period of service.

NOTE: Underlined text indicates proposed ammendment to Section 31 to include firemen.

It might be well to request a major revision of the entire reference to "firemen" in the text of Part II of the Alaska Public Employees' Retirement System (that is the special provisions for Peace Officers and Firemen) to reflect the more appropriate term "firefighter".

1621 West 15th Avenue
Anchorage, Alaska 99501
March 6, 1981

The Honorable Thelma Buchholdt
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Buchholdt:

I am writing in reference to Senate Bill 121 by Ray.

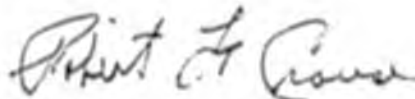
I support the concept of granting firemen the same credit for prior service with municipalities that is already granted to peace officers and correctional officers.

However, under the amendments in this bill, those of us who served with municipal fire departments prior to January 1, 1961, still are unable to receive credit for time served.

I served with the City of Anchorage as a fireman and officer from April 6, 1953 until September 15, 1959, and would like to have the January 1, 1961 date on line 17 of SB 121 moved back to at least April 6, 1953, so the time I served could be credited to my retirement. I would otherwise qualify under AS 39.35.360(a), having served as State Fire Marshal from September 15, 1959 until October 3, 1967, and as Fire Protection Engineer for the Division of Fire Prevention from March 26, 1975 until December 31, 1980.

When the Fire Marshal Office was established, all firemen were required to assist the State Fire Marshal in enforcing the State Fire Safety Code without compensation from the state, as the word "shall" was used, making it mandatory for those of us serving on municipal fire departments to do so.

Sincerely,



Robert F. Crouse

cc: Ronald A. Hendrie
State Fire Marshal

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

The State Affairs Committee considered SENATE BILL NO. 168 (relating to earlier service retirement credit for territorial employees) and recommends it be replaced with COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168 and reports it back as follows: Senator Mulcahy, Chairman and Senators Ziegler, Kelly, Bradley and Rodey signed "do pass". The Committee further attaches a letter of intent.

SB 168

From
Dep. Comm
Tered
Muller
4-14-81

SENATE BILL NO. 168 was referred to the Finance Committee.

Letter of intent accompanying SENATE BILL NO. 168 follows:

FOR SENATE BILL NO. 168

SB

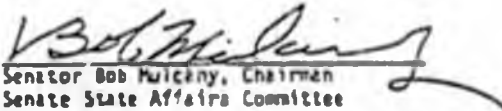
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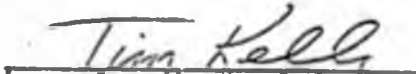
AS 39.35.360 provides that State employees may receive credited service in the Public Employees' Retirement System (PERS) for periods of employment prior to 1961 with the Territory of Alaska; however, it further provides that service in a variety of employment categories, primarily with federal agencies, may also be credited. Inasmuch as the employees receive this service credit for free because no contributions of any type are required, the cost of providing benefits which are derived from this service must be borne entirely by additional State funds paid into the PERS.

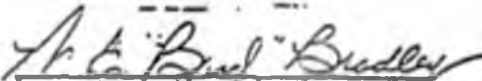
AS 39.35.010 states that the purpose of the PERS is to encourage qualified personnel to enter and remain in the service of the State. To fulfill the purpose of the PERS as established by the Legislature, this committee believes that any proposed modifications to the PERS which would increase costs to the State must be based on a demonstrated need to recruit or retain personnel, and should be served by amending the law. The members of this committee believe that after nearly twenty years of statehood, little, if any, need remains to recruit personnel from the pre-statehood era; most of those choosing to pursue a public service career are already in the employ of the State or local government. Permitting the crediting of additional service in the PERS, particularly at no cost to the employee, only encourages employees to retire earlier than they otherwise would.

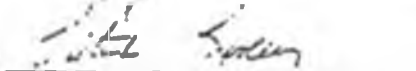
Therefore, it is the intent of the Senate State Affairs Committee that, following the enactment of SB 168 and SB 174, there be no further amendments to AS 39.35.360 which would have the effect of allowing service with agencies or in employment categories, other than those

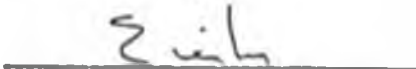
SB 168 already enumerated therein, to be credited under the Public Employees' Retirement System. It is the determination of this Committee that the purpose of the chapter as stated in AS 39.35.010 will not be served if other agencies or employment categories being added to Sec. 360 by subsequent amendment.


 Senator Bob Mulcahy, Chairman
 Senate State Affairs Committee


 Senator Tim Kelly, Vice-Chairman
 Senate State Affairs Committee


 Senator W. L. "Bac" Bradley, Member
 Senate State Affairs Committee


 Senator Patrick Hooey, Member
 Senate State Affairs Committee


 Senator Robert Stegler, Member
 Senate State Affairs Committee

SB 202 The Commerce Committee considered SENATE BILL NO. 202 (special appropriation from the International Airports Construction Fund to the Fairbanks International Airport) and reports it back as follows: Senator Bradley, Chairman and Senators Kelly, Stimson and Sturgulevski signed "do pass". The Committee further attaches a letter of intent.

SENATE BILL NO. 202 was referred to the Finance Committee.

Letter of intent accompanying SENATE BILL NO. 202 follows:

LETTER OF INTENT

The Senate Commerce Committee has considered Senate Bill No. 202, "An Act making a special appropriation from the International Airports Construction Fund to the Fairbanks International Airport; and providing for an effective date," and a majority of the Committee reports it back with a recommendation of "Do Pass" with the following intent:

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 121
 Title An Act Authorizing Credited Service Under PERS for Certain Firemen
 Requested by Senator Vic Fischer Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits

Program Category Affected Labor Services

BRU, Program, or Subprogram(s) Affected 02-96-8-01-01 (PERS)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS	-0-	16.9	18.6	20.4	22.5	24.7
TOTAL	-0-	16.9	18.6	20.4	22.5	24.7

FUNDING (Thousands of Dollars)

GENERAL FUND		13.8	15.2	16.7	18.4	20.2
FEDERAL FUNDS		.8	.9	.9	1.0	1.1
VETERAN'S FUND		.1	.1	.1	.1	.1
FISH & GAME FUND		.1	.1	.1	.1	.2
HIGHWAY FUND		.2	.2	.3	.3	.3
AIRPORT FUND		.5	.5	.6	.7	.7
CAPITAL FUND		1.4	1.6	1.7	1.9	2.1
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section IID)

1. Estimate that approximately 18 members could qualify for benefits under this bill.
2. Estimate that these members will receive an average of two years additional service credit under this bill.
3. Estimate FY 82 State covered payroll to be \$296,614,000; increasing 10% annually.
4. Increase in State contribution rate would be .0057% of covered payroll.

IV. DATE April 7, 1981

PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Senator Ray
 Office of the Governor (Keith Specking)

John A. Logan *gc*