

S B

277

DEFINITIONS.

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES,

(1) "ACTIVE MEMBER" MEANS AN EMPLOYEE WHO IS EMPLOYED BY AN EMPLOYER, IS RECEIVING COMPENSATION FOR SEASONAL, PERMANENT FULL-TIME, OR PERMANENT PART-TIME SERVICES, AND IS MAKING CONTRIBUTIONS TO THE SYSTEM;

(2) "ACTUARIAL ADJUSTMENT" MEANS EQUALITY IN VALUE OF THE AGGREGATE EXPECTED PAYMENTS UNDER TWO DIFFERENT FORMS OF PENSION PAYMENTS, CONSIDERING EXPECTED MORTALITY AND INTEREST EARNINGS ON THE BASIS OF TABLES ADOPTED FROM TIME TO TIME BY THE BOARD;

(3) "ADMINISTRATOR" MEANS THE PERSON APPOINTED BY THE COMMISSIONER OF ADMINISTRATION UNDER AS 39.35.050;

(4) "AVERAGE MONTHLY COMPENSATION" MEANS THE RESULT OBTAINED BY DIVIDING THE COMPENSATION EARNED BY AN EMPLOYEE DURING A CONSIDERED PERIOD BY THE NUMBER OF MONTHS, INCLUDING FRACTIONAL MONTHS, FOR WHICH COMPENSATION WAS EARNED; THE

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CONSIDERED PERIOD CONSISTS OF THE THREE CONSECUTIVE CALENDAR YEARS DURING THE PERIOD OF CREDITED SERVICE WHICH YIELDS THE HIGHEST AVERAGE, OR IF THE EMPLOYEE DOES NOT HAVE THREE CONSECUTIVE CALENDAR YEARS, HIS PERIOD OF CREDITED SERVICE; AN EMPLOYEE MUST HAVE AT LEAST 115 DAYS OF CREDITED SERVICE IN THE LAST CALENDAR YEAR IN ORDER TO BE USED AS PART OF THE THREE CONSECUTIVE CALENDAR YEARS;

(5) "BENEFICIARY" MEANS A PERSON DESIGNATED BY AN EMPLOYEE TO RECEIVE BENEFITS THAT MAY BE DUE FROM THE SYSTEM UPON THE EMPLOYEE'S DEATH;

(6) "BOARD" MEANS THE PUBLIC EMPLOYEES' RETIREMENT BOARD;

(7) "CALENDAR YEAR" MEANS THE PERIOD BEGINNING ON JANUARY 1 AND ENDING ON DECEMBER 31;

(8) "COMPENSATION" MEANS THE TOTAL REMUNERATION EARNED BY AN EMPLOYEE FOR PERSONAL SERVICES RENDERED, INCLUDING COST-OF-LIVING DIFFERENTIALS, PAYMENTS FOR LEAVE THAT IS ACTUALLY USED BY THE EMPLOYEE, THE AMOUNT BY WHICH THE EMPLOYEE'S WAGES ARE REDUCED UNDER AS 39.30.150(C), AND ANY AMOUNT DEFERRED UNDER AN EMPLOYER-SPONSORED DEFERRED COMPENSATION PLAN, BUT DOES NOT INCLUDE RETIREMENT BENEFITS, WELFARE BENEFITS, PER DIEM, EXPENSE ALLOWANCES, WORKERS' COMPENSATION PAYMENTS OR PAYMENTS FOR LEAVE NOT USED BY THE EMPLOYEE WHETHER THOSE LEAVE PAYMENTS ARE SCHEDULED PAYMENTS, LUMP-SUM PAYMENTS, DONATIONS, OR CASH-INS;

(9) "CREDITED SERVICE" MEANS THE NUMBER OF YEARS, INCLUDING FRACTIONAL YEARS, RECOGNIZED FOR COMPUTING BENEFITS THAT MAY BE DUE FROM THE SYSTEM;

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(10) "DEFERRED VESTED MEMBER" MEANS AN INACTIVE MEMBER WHO MEETS THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A RETIREMENT BENEFIT;

(11) "DEPENDENT CHILD" MEANS AN UNMARRIED CHILD OF AN EMPLOYEE, INCLUDING ONE ADOPTED, WHO IS DEPENDENT UPON THE EMPLOYEE FOR SUPPORT AND WHO IS EITHER (A) UNDER 19 YEARS OLD OR (B) UNDER 23 YEARS OLD AND REGISTERED AT AND ATTENDING ON A FULL-TIME BASIS AN ACCREDITED EDUCATIONAL OR TECHNICAL INSTITUTION RECOGNIZED BY THE DEPARTMENT OF EDUCATION; AGE RESTRICTIONS SET OUT IN THIS PARAGRAPH DO NOT APPLY TO A CHILD WHO IS TOTALLY AND PERMANENTLY DISABLED;

(12) "DISABLED MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED, WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM AND IS RECEIVING A DISABILITY BENEFIT FROM THE SYSTEM;

(13) "EARLY RETIREMENT" MEANS RETIREMENT FOR A MEMBER WHO IS NOT ELIGIBLE FOR NORMAL RETIREMENT AND WHO IS AT LEAST 50 YEARS OLD AND IS ELIGIBLE TO RECEIVE BENEFITS UNDER AS 39.35.370(B) OR UNDER AS 39.35.385(B) OR (F);

(14) "ELECTED OFFICIAL" MEANS A PERSON WHOSE COMPENSATION RESULTS FROM PERSONAL SERVICES RENDERED TO AN EMPLOYER AS AN ELECTED REPRESENTATIVE;

(15) "EMPLOYEE CONTRIBUTION ACCOUNT" MEANS THE TOTAL MAINTAINED BY THE SYSTEM OF THE EMPLOYEE'S MANDATORY CONTRIBUTIONS, VOLUNTARY CONTRIBUTIONS, INDEBTEDNESS PRINCIPAL, AND INTEREST CONTRIBUTIONS, INTEREST CREDITED TO EACH OF THOSE ACCOUNTS, AND ADJUSTMENTS TO THE ACCOUNTS IN ACCORDANCE WITH AS 39.35.100

(16) "EMPLOYEE SAVINGS ACCOUNT" MEANS THE ACCOUNT

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MAINTAINED BY THE SYSTEM TO RECORD THE VOLUNTARY CONTRIBUTIONS OF EACH EMPLOYEE, INCLUDING INTEREST AND ADJUSTMENTS TO THE ACCOUNT IN ACCORDANCE WITH AS 39.35.100;

(17) "EMPLOYER" MEANS THE STATE OF ALASKA OR A POLITICAL SUBDIVISION OR PUBLIC ORGANIZATION OF THE STATE WHICH PARTICIPATES IN THE SYSTEM;

(18) "FISCAL YEAR" MEANS THE PERIOD BEGINNING ON JULY 1 AND ENDING ON JUNE 30 OF THE FOLLOWING CALENDAR YEAR;

(19) "FORMER MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED AND WHO HAS RECEIVED A TOTAL REFUND OF THE BALANCE OF HIS EMPLOYEE CONTRIBUTION ACCOUNT, OR WHO HAS REQUESTED IN WRITING A REFUND OF THE BALANCE IN HIS EMPLOYEE CONTRIBUTION ACCOUNT, OR WHO IS ELIGIBLE FOR A REFUND UNDER AS 39.35.200(B);

(20) "INACTIVE MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED AND WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM OR AN EMPLOYEE ON LEAVE-WITHOUT-PAY STATUS OR LAYOFF STATUS;

(21) "MEMBER" OR "EMPLOYEE"

(A) MEANS A PERSON ELIGIBLE TO PARTICIPATE IN THE SYSTEM AND WHO IS COVERED BY THE SYSTEM;

(B) INCLUDES

- (I) ACTIVE MEMBER;
- (II) INACTIVE MEMBER;
- (III) VESTED MEMBER;
- (IV) DEFERRED VESTED MEMBER;
- (V) NON-VESTED MEMBER;
- (VI) DISABLED MEMBER;
- (VII) RETIRED MEMBER;

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(C) DOES NOT INCLUDE

- (I) FORMER MEMBERS;
- (II) PERSONS COMPENSATED ON A CONTRACTUAL OR FEE BASIS;
- (III) CASUAL OR EMERGENCY WORKERS OR NONPERMANENT EMPLOYEES AS DEFINED IN AS 39.25.200;
- (IV) PERSONS COVERED BY THE ALASKA TEACHERS' RETIREMENT SYSTEM;
- (V) EMPLOYEES OF THE DIVISION OF MARINE TRANSPORTATION ENGAGED IN OPERATING THE STATE FERRY SYSTEM WHO ARE COVERED BY A UNION OR GROUP RETIREMENT SYSTEM TO WHICH THE STATE MAKES CONTRIBUTIONS;
- (VI) JUSTICES OF THE SUPREME COURT OR JUDGES OF THE COURT OF APPEALS OR OF THE SUPERIOR OR DISTRICT COURTS OF ALASKA;
- (VII) THE ADMINISTRATIVE DIRECTOR OF COURTS APPOINTED UNDER ART. IV, SEC. 16 OF THE STATE CONSTITUTION UNLESS HE BECOMES A MEMBER UNDER AS 39.35.158; AND
- (VIII) MEMBERS OF THE ELECTED PUBLIC OFFICERS' RETIREMENT SYSTEM (FORMER AS 39.37);

(D) MAY INCLUDE EMPLOYEES OF THE DIVISION OF MARINE TRANSPORTATION EXCLUDED UNDER (C)(V) OF THIS PARAGRAPH PROVIDED THAT

(I) THE STATE OF ALASKA FORMALLY AGREES TO THEIR INCLUSION THROUGH THE PROCESS OF COLLECTIVE BARGAINING; AND

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(II) NO COLLECTIVE BARGAINING AGREEMENT HAS THE EFFECT OF OBLIGATING CONTRIBUTIONS MADE BY THE STATE UNDER AS 39.35.150 IN THE EVENT THE STATE RESUMES PARTICIPATION IN THE FEDERAL SOCIAL SECURITY SYSTEM;

(22) "MILITARY SERVICE" MEANS ACTIVE DUTY SERVICE IN THE ARMED FORCES OF THE UNITED STATES;

(23) "NONOCCUPATIONAL DISABILITY" MEANS A PHYSICAL OR MENTAL CONDITION WHICH, IN THE JUDGMENT OF THE ADMINISTRATOR, PRESUMABLY PERMANENTLY PREVENTS AN EMPLOYEE FROM SATISFACTORILY PERFORMING HIS USUAL DUTIES FOR HIS EMPLOYER OR THE DUTIES OF ANOTHER POSITION OR JOB WHICH HIS EMPLOYER MAKES AVAILABLE AND FOR WHICH THE EMPLOYEE IS QUALIFIED BY TRAINING OR EDUCATION, NOT INCLUDING A CONDITION RESULTING FROM A CAUSE WHICH THE BOARD, IN ITS REGULATIONS HAS EXCLUDED;

(24) "NON-VESTED MEMBER" MEANS AN ACTIVE OR INACTIVE MEMBER WHO DOES NOT MEET THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A RETIREMENT BENEFIT;

(25) "NORMAL RETIREMENT" MEANS RETIREMENT FOR A MEMBER WHO IS ELIGIBLE TO RECEIVE BENEFITS UNDER AS 39.35.370(A) OR UNDER 39.35.385(A) OR (F);

(26) "OCCUPATIONAL DISABILITY" MEANS A PHYSICAL OR MENTAL CONDITION WHICH, IN THE JUDGMENT OF THE ADMINISTRATOR, PRESUMABLY PERMANENTLY PREVENTS AN EMPLOYEE FROM SATISFACTORILY PERFORMING HIS USUAL DUTIES FOR HIS EMPLOYER; HOWEVER, THE PROXIMATE CAUSE OF THE CONDITION MUST BE A BODILY INJURY SUSTAINED, OR A HAZARD UNDERGONE, WHILE IN THE

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PERFORMANCE AND WITHIN THE SCOPE OF THE EMPLOYEE'S DUTIES AND NOT THE PROXIMATE RESULT OF THE WILFUL NEGLIGENCE OF THE EMPLOYEE;

(27) "PEACE OFFICER" OR "FIREMAN" MEANS AN EMPLOYEE OCCUPYING A POSITION AS A PEACE OFFICER, CHIEF OF POLICE, CORRECTIONAL OFFICER, CORRECTIONAL SUPERINTENDENT, QUALIFIED EMPLOYEE OF THE DEPARTMENT OF FISH AND GAME, FIREMAN, OR FIRE CHIEF;

(28) "PENSION FUND" MEANS ALL ASSETS HELD IN THE NAME OF THE SYSTEM;

(29) "PERMANENT FULL-TIME" MEANS AN EMPLOYEE WHO IS OCCUPYING A PERMANENT POSITION WHICH REGULARLY REQUIRES WORKING 30 OR MORE HOURS A WEEK;

(30) "PERMANENT PART-TIME" MEANS AN EMPLOYEE WHO IS OCCUPYING A PERMANENT POSITION WHICH REGULARLY REQUIRES WORKING AT LEAST 15 HOURS BUT LESS THAN 30 HOURS A WEEK;

(31) "PRESCRIBED RATE OF INTEREST" MEANS THE RATE OF INTEREST USED FOR COMPUTING EMPLOYER CONTRIBUTIONS, FOR PREPARING ACTUARIAL TABLES USED BY THE SYSTEM AND FOR CREDITING INTEREST TO EMPLOYEE CONTRIBUTIONS AND SAVINGS ACCOUNTS, AND FOR CHARGING INTEREST ON EMPLOYEE INDEBTEDNESS ACCOUNTS;

(32) "QUALIFIED EMPLOYEE OF THE DEPARTMENT OF FISH AND GAME" MEANS A FULL-TIME EMPLOYEE OF THAT DEPARTMENT WHOSE DUTIES NECESSITATE A SIGNIFICANT AMOUNT OF FIELD WORK, TRAVEL, OR EXPOSURE TO HAZARDOUS WORKING CONDITIONS, AND WHO HOLDS A POSITION WHICH IS DESIGNATED AS COMPLYING WITH THE REQUIREMENTS OF THIS SECTION BY REGULATIONS ADOPTED BY THE

AS39.35.680

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COMMISSIONER OF ADMINISTRATION AFTER CONSULTATION WITH THE COMMISSIONER OF FISH AND GAME, EXCEPT THAT OTHER PERSONNEL OF THAT DEPARTMENT ARE NOT EXCLUDED BY THIS PARAGRAPH FROM STATUS AS AN "EMPLOYEE" UNDER (21) OF THIS SECTION;

(33) "RETIRED MEMBER" MEANS AN EMPLOYEE WHO IS TERMINATED, WHO HAS NOT RECEIVED A REFUND FROM THE SYSTEM AND IS RECEIVING A BENEFIT OTHER THAN DISABILITY, FROM THE SYSTEM;

(34) "RETIREMENT" MEANS THAT PERIOD OF TIME FROM THE FIRST DAY OF THE MONTH FOLLOWING (A) THE DATE OF TERMINATION AND (B) APPLICATION FOR RETIREMENT, IN WHICH A PERSON IS APPOINTED TO RECEIVE A RETIREMENT BENEFIT, OTHER THAN OCCUPATIONAL OR NONOCCUPATIONAL DISABILITY BENEFIT;

(35) "SEAS WALK" REFERS TO AN EMPLOYEE WHO IS OCCUPYING A POSITION FOR LESS THAN 12 MONTHS EACH YEAR WHERE IT IS ANTICIPATED THAT THE SAME EMPLOYEE WILL RETURN TO THE POSITION WHEN NEEDED AND INCLUDES A TEMPORARY EMPLOYEE OF THE LEGISLATURE IF PART OF THE SERVICE FOR THE LEGISLATURE DURING EACH CALENDAR YEAR IS PERFORMED DURING A LEGISLATIVE SESSION.

(36) "SURVIVING SPOUSE" MEANS THE SPOUSE OF AN EMPLOYEE WHO HAS BEEN MARRIED TO THE EMPLOYEE FOR AT LEAST ONE YEAR AT THE TIME OF THE EMPLOYEE'S DEATH; THE ONE-YEAR MARRIAGE REQUIREMENT DOES NOT APPLY WHEN THE EMPLOYEE'S DEATH WAS AN OCCUPATIONAL OR ACCIDENTAL DEATH;

(37) "SYSTEM" MEANS THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF ALASKA;

(38) "VESTED MEMBER" IS AN ACTIVE MEMBER WHO MEETS THE FIVE-YEAR CREDITED SERVICE REQUIREMENT TO QUALIFY FOR A

AS39.35.680 DOCUMENT= 1 OF 1 PAGE = 9 OF 9  
RETIREMENT BENEFIT;

(39) "PUBLIC ORGANIZATION" MEANS AN ORGANIZATION OR ENTITY

(A) CREATED BY THE CONSTITUTION OR LAWS OF THE STATE FOR THE PURPOSE OF ADMINISTERING STATE PROGRAMS;

(B) WHOSE OFFICERS AND EMPLOYEES ARE PAID BY A METHOD OTHER THAN BY THE STATE PAYROLL PREPARED BY THE DEPARTMENT OF ADMINISTRATION; AND

(C) WHOSE EMPLOYEES ARE NOT REQUIRED BY LAW TO PARTICIPATE IN THE SYSTEM.

HISTORY

(SEC. 3 CH 143 SLA 1960; AM SEC. 2 CH 93 SLA 1962; AM SEC. 3 CH 102 SLA 1963; AM SEC. 10 CH 155 SLA 1966; AM SEC. 14 CH 83 SLA 1967; AM SECS. 18 - 21 CH 109 SLA 1970; AM SEC. 16 CH 159 SLA 1972; AM SEC. 36 CH 1 SLA 1974; AM SEC. 110 CH 127 SLA 1974; AM SEC. 3 CH 200 SLA 1975; AM SECS. 9, 10, 15 CH 205 SLA 1975; AM SECS. 5, 6 CH 27 SLA 1976; AM SECS. 22, 23 CH 123 SLA 1976; AM SEC. 1 CH 141 SLA 1976; AM SEC. 7 CH 218 SLA 1976; AM SECS. 6, 7 CH 245 SLA 1976; AM SECS. 12, 13 CH 263 SLA 1976; AM SEC. 54 CH 128 SLA 1977; AM SEC. 3 CH 58 SLA 1979; AM SEC. 3 CH 67 SLA 1979; AM SEC. 14 CH 82 SLA 1979; AM SEC. 27 CH 12 SLA 1980; AM SECS. 47, 48 CH 13 SLA 1980; AM SECS. 36, 37 CH 146 SLA 1980; AM SECS. 68 - 73 CH 137 SLA 1982)

**CHAPTER 30.  
PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM**

## Section

## 10. Qualified fish and game employees

**2 AAC 30.010. QUALIFIED FISH AND GAME EMPLOYEES:** (a) Any person who is a permanent, full-time employee (including a seasonal employee) of the Department of Fish and Game, who fills a position which has been certified by the commissioner of fish and game and approved by the commissioner of administration as having duties which necessitate a significant amount of field work, travel, or exposure to hazardous working conditions, is a "qualified employee of the Department of Fish and Game" under AS 39.35.680(32) and will be afforded peace officer coverage in the Public Employees' Retirement System.

(b) Notwithstanding other provisions of this section, any person within the Department of Fish and Game who, before March 21, 1982, filled a position which was treated by the division of retirement and benefits as qualifying for peace officer coverage will continue to be afforded peace officer coverage after March 21, 1982 as long as the person fills that position or any other position within that department that qualifies under this section.

(c) AS 39.35.160 requires each peace officer in the system to contribute five percent of his or her compensation to the Public Employees' Retirement System. Therefore, any person who receives credit as a peace officer for service already rendered must contribute an amount equal to the difference between the contributions which have been made and the contributions that are required for peace officer coverage for the same period of service. Public Employees' Retirement System Board Regulation 81-2 sets the rate of interest to be charged on an indebtedness to the system. Therefore, interest at the rate prescribed by that regulation accrues on any unpaid contributions commencing 90 days after the date of notification of the amount of unpaid contributions.

(d) In this section

(1) "a significant amount" means at least

five percent of an individual's working time;

(2) "field work" means working outside of a permanent structure and does not include work within or in proximity to a permanent residential community;

(3) "travel" means going to and from a place of duty as a passenger or operator in a plane, bus, train, automobile, boat, or any other form of mechanized transportation; it does not include travel primarily for the purpose of going from one established city, town, village, or community to another;

(4) "exposure to hazardous working conditions" means actively engaged in fish and game conservation or protection work which involves a demonstrated high risk of serious bodily injury or death, and includes

(A) aerial surveys in small aircraft;

(B) working on vessels on the open sea;

(C) travel in small skiffs over open water or in remote locations; and

(D) conducting stream surveys or other work where contact with dangerous wild animals is likely. (Eff. 3/21/82, Reg. 81)

Authority: AS 37.05.020

AS 39.35.680(32)



Offered: 5/13/83  
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 277 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to benefits under the public em-  
7 ployees' 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 39.35 is amended by adding a new section to read:

11 Sec. 39.35.527. ELECTION TO TERMINATE COVERAGE AS A PEACE OFFI-  
12 CER OR FIREMAN. (a) Any active member may elect to irrevocably  
13 relinquish peace officer or fireman status with the system and to  
14 retain all credited service as if it had been acquired as a member  
15 other than a peace officer or fireman.

16 (b) In order to relinquish peace officer or fireman status with  
17 the system, a person must be an active member and must file a written  
18 request with the administrator by July 1, 1984, or within six months  
19 after employment as a peace officer or fireman, whichever occurs  
20 later. No person has more than one opportunity to exercise this  
21 option.

22 (c) As soon as possible after the relinquishment, the adminis-  
23 trator shall refund to a person who relinquishes peace officer or  
24 fireman status under this section a refund equal to the amount by  
25 which the balance of the person's accumulated mandatory contributions  
26 plus interest exceeds the balance which would exist if all service  
27 credit had been acquired as a member other than a peace officer or  
28 fireman.

29 (d) A written request to relinquish peace officer or fireman

1 status is irrevocable upon filing with the administrator.

2 \* Sec. 2. AS 39.35.680(27) is amended to read:

3 (27) "peace officer" or "fireman" means an employee occupy-  
4 ing a position as a peace officer, chief of police, correctional  
5 officer, correctional superintendent, [QUALIFIED EMPLOYEE OF THE DE-  
6 PARTMENT OF FISH AND GAME,] fireman, or fire chief;

7 \* Sec. 3. AS 39.35.680(32) is repealed.

8 \* Sec. 4. A person holding a position as a "qualified employee of the  
9 Department of Fish and Game" on June 30, 1983, continues to accrue service  
10 credit as a peace officer under AS 39.35 until

11 (1) that person's employment is terminated with the Department  
12 of Fish and Game; or

13 (2) that person elects to irrevocably relinquish peace officer  
14 status under AS 39.35.527.

15 \* Sec. 5. A person who has not elected to relinquish peace officer  
16 status under AS 39.35.527 retains all accrued credit as a peace officer for  
17 retirement purposes and accrues retirement credit if employed as a peace  
18 officer under AS 39.35.680(27) after June 30, 1983.

19 \* Sec. 6. This Act takes effect immediately in accordance with  
20 AS 01.10.070(c).

*needs to be changed to read "at the time of the effective date of this bill"*

*Added in Labor & Commerce - prevents employees hired in the summer to be "grandfathered" in the system*

May 19, 1983

Honorable Bob Mulcahy  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Mulcahy:

At the Senate Labor and Commerce meeting last Thursday, you asked that I provide statistics which would give some indication of the death rate for fish and game employees as compared to those in other departments. I believe Ken Humphreys provided occupational death statistics based on PERS records at Monday's Senate Finance Committee meeting which this letter will confirm.

The table below gives the number of occupational deaths and disabilities for state employees where benefits were paid under the Public Employees Retirement System (PERS). The period covered is from July 1, 1975 (the date peace officer coverage was first expanded) through April 30, 1983 and the information is broken out by department. The departments not listed had no occupational deaths or disabilities. Temporary employees not covered by PERS who were killed or injured on the job do not appear in this tally.

<u>DEPARTMENT</u>	<u>PERS OCCUPATIONAL DEATHS</u>	<u>PERS OCCUPATIONAL DISABILITIES</u>	<u>FY 83 AUTHORIZED PERMANENT POSITIONS</u>
Commerce	0	1	402
Fish & Game	2	0	1,806
Health & Social Services	1	0	2,284
Labor	0	2	742
Public Safety	2	6	970
Transportation	3	9	3,443
Total	<u>8</u>	<u>18</u>	<u>9,647</u>

I mentioned during my testimony that I felt hazardous duty could be addressed through hazard pay and insurance benefits. We have compiled a schedule to illustrate the benefits that would currently be payable to a PERS employee killed by accident in the line of duty. It is assumed that the employee took full advantage of such optional benefits as Supplemental Benefits (SBS) and optional life insurance. It is also assumed that the

May 19, 1983

deceased was age 30 with 10 years of PERS service, a \$35,000 annual salary and a 30 year old spouse. The benefits shown are lump sum unless otherwise indicated.

SBS life insurance	\$ 48,000
SBS accidental death	100,000
Basic life insurance	2,000
Basic accidental death	5,000
Optional life insurance	35,000
Workers Compensation	164,200 *
PERS	<u>191,000 **</u>
Total	\$575,200 ***

\* This figure represents the present value of the 10 year continuing benefit to the spouse.

\*\* This figure represents the present value of a benefit continuing for the expected life of the spouse. The initial death benefit is the same (40%) for an employee under peace officer coverage as one under standard PERS coverage. Some differences do exist however in converting to a retirement type benefit. In this particular case, the standard PERS benefit shown has a total present value about \$5,000 higher than a peace officer's benefit would be. In other situations where the employee is closer to retirement, this situation is reversed.

\*\*\* Depending on the circumstances, the employee might be eligible for an additional \$75,000 of death benefits under travel/accident coverage administered by the Division of Risk Management.

I believe this package provides an extraordinary level of protection for employees who take advantage of it.

I would like to again express the Sheffield Administration's support for CSSSSB 277. We do feel it could be improved if it also removed peace officer coverage for personnel in the Division of Corrections. This would at least limit that coverage to the group originally included.

Please let me know if you would like further information.

Sincerely yours,

Lisa Rudd  
Commissioner

LR/sd

cc: Members of Senate L&C Committee  
Eleanor Andrews  
Ken Humphreys

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ABRIDGED TITLE: CSSSSB 277(L&C)AM

AN ACT RELATING TO BENEFITS UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: KERTTULA.

CO-SPONSORS:

CURRENT STATUS: 6/22/83 CHAPTER 0027 SLA 83

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DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/30/83	01	0855	FIRST READING -- COMMITTEE REPORTS
05/13/83	02	0976	L&C -- CS02, NR02
05/13/83	03	0976	L&C F/NOTE SEN SUPPL #28
05/17/83	04	1001	FIN -- L&C CS03, NR03
05/17/83	05	1001	FIN F/NOTE SEN SUPPL #29
05/17/83	06	1001	FIN LETTER OF INTENT
05/23/83	07	1083	RLS -- L&C CS(AM)04, OTHER04 TAKEN UP IMMEDIATELY
05/23/83	08	1084	SECOND READING
05/23/83	09	1084	L&C CS ADOPTED BY UNAN CONSENT
05/23/83	10	1084	AM01 ADOPTED BY UNAN CONSENT
05/23/83	11	1084	ADVANCED TO 3RD READING BY UNAN CONSENT
05/23/83	12	1085	THIRD READING
05/23/83	13	1085	SEN LETTER OF INTENT ADOPTED
05/23/83	14	1085	PASSED BY DIV 18-01-01
05/23/83	15	1085	EFFECTIVE DATE VOTE SAME AS PASSAGE
06/15/83	26	1330	TRANSMITTED TO GOVERNOR
06/22/83	27	1455	SIGNED BY GOVERNOR-CH0027. EFF 06/23/83

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

SB 277 HOUSE ACTION 16:22 6/04/84 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
05/24/83	16	1503	FIRST READING -- COMMITTEE REPORTS
06/01/83	17	1626	FIN -- DF04, DNPO2, NR03, OTHER01
06/11/83	18	1676	SECOND READING
06/11/83	19	1676	ADVANCED TO 3RD READING BY UNAN CONSENT
06/11/83	20	1676	THIRD READING
06/11/83	21	1676	PASSED BY DIV 25-11-04
06/11/83	22	1677	EFFECTIVE DATE PASSED BY DIV 36-00-04
06/11/83	23	1677	LETTER OF INTENT ADOPTED
06/11/83	24	1678	NOTICE OF RECONSIDERATION GIVEN
06/13/83	25	1700	RECONSIDERATION NOT TAKEN UP

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

# COMMITTEE REPORT

## SENATE

4/23/83

FURTHER: Finance

Date: 5/12/83

Mr. President:

The Committee on Labor & Commerce has had SS SA 277

*Relating to benefits under the public employees' retirement system; and eff. date.*

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SS SA 277(L+U)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
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[Signature]  
 CHAIRMAN



# Summary of F+G Employees

- # of F+G employees 1827
- # of F+G employees with peace officers coverage 1500
- # of F+G employees with peace officers coverage between 7/1/76 - 3/2/82 750 ✓ 700
- # of requests for peace officer coverage after 3/2/82 (includes most of positions already covered) 1400 ✓
- # positions denied 1

## Comparison of Contribution Costs (FY84)

	All Other Category	Peace Officer
Employee	4.25%	5%
State	13.81%	19.98%

Saving Differential - \$55,300 - FY84  
(if F+G were not in peace officer's coverage)

## Comparison of Death Benefits

Prior to 7/1/76 (before F+G employees had peace officer coverage)

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System  
Teachers' Retirement System  
Judicial Retirement System  
Elected Public Officers Retirement System  
National Guard Retirement System  
Territorial Retirement System  
Retirees' Voluntary Dental-Vision-Audio Plan  
Supplemental Benefits System  
Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

*Bill Sheffield, Governor*

(907) 465-4460

May 18, 1983

Honorable John Sackett  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Sackett:

Following last Thursday's meeting of the Senate Labor and Commerce Committee I learned that the Department of Fish and Game had provided information relating to the percentage of hazardous duty of their employees under the regulation (2 AAC 30.011). In response to your question at the hearing, we have used that information to construct the table below illustrating the number of fish and game positions that would qualify under the regulation at various percentage standards.

Percent of Time in Qualified Duties	Number of Fish & Game Employees Who Would Currently Qualify at a given Percent
5%	1392
10%	909
15%	653
20%	578
25%	491
30%	423
35%	399
40%	344
45%	332
50%	258
60%	240
70%	200
80%	150
90%	120
100%	0

Prior to promulgation of the regulation, about 750 positions in the Department of Fish and Game were qualified under the statute. It was then this department's position that the new regulation should not operate to disqualify any substantial number of those 750 positions already qualified (when vacated) and that the regulation should address the concerns raised


Senator Sackett  
May 18, 1983  
Page 2

by APEA and fish and game employees at the time the regulation was published. In the light of present information it appears that a standard nearer ten percent, qualifying say around 1000 employees, would have better accomplished those objectives.

The division continues to feel that the degree of hazard is not an appropriate standard for determining eligibility for peace officer retirement coverage because the operation of any standard based on hazardousness of duty will lead to further pressure to expand the class of covered employees. This administration's objectives in this regard are well expressed by CSSB 277.

Please let me know if you would like further information.

Sincerely,

  
J.K. Humphreys  
Director

JKH/sf

cc: Members of the Senate Labor and Commerce Committee  
Commissioner Lisa Rudd  
Eleanor Andrews

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees' Retirement System  
Teachers' Retirement System  
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Public Employers Social Security Contributions

*Bill Sheffield, Governor*

(907) 465-4460

May 6, 1983

Honorable Richard I. Eliason  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Eliason:

This letter is in follow-up to our telephone conversation of April 28, 1983, to provide estimates of the amount of money the State would save if current vacant positions in the "peace officer" category were filled with employees covered in the "all other" retirement category instead.

As I mentioned on the phone, we received a report from the Division of Personnel which indicated that there were 774 current vacancies with "peace officer" coverage in the Department of Fish and Game and the Division of Corrections. We estimated the average salary of these vacant positions at \$1966 per month. In estimating what the actual cost savings would be, we have used three different figures for the number of vacant positions. The first figure, 774, is the high estimate and includes approximately 450 seasonal positions in the Department of Fish and Game with employees on seasonal layoff status who are eligible to be reactivated. The low estimate of 324 represents true vacancies and does not include any positions with an incumbent on seasonal layoff. The most likely estimate of 414 is the 324 true vacancies plus our best estimate (20%) of the seasonal layoff employees who will not return. The cost savings are estimated separately for FY 83 and FY 84 using the difference between the State "all other" employer contribution rate and the "peace officer/fireman" contribution rate.

Senator Eliason  
May 6, 1983  
Page 2

	<u>Number of Vacancies</u>	<u>FY 83 Monthly Cost Savings In Thousands Using a 9.65% Differential</u>	<u>FY 84 Monthly Cost Savings In Thousands Using a 6.8% Differential</u>
High Estimate	774	\$146.8	\$103.5
Most Likely Estimate	414	\$ 78.5	\$ 55.3
Low Estimate	324	\$ 61.5	\$ 43.3

Each case above contains 16 vacancies in the Division of Corrections. If these were excluded, it would reduce the estimated monthly savings by about \$3,000 in FY 83 and \$2,000 in FY 84.

If I can provide any further information, please contact me.

Sincerely,



J.K. Humphreys  
Director

JKH/sd  
cc: Larry Crawford  
Eleanor Andrews

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF RETIREMENT & BENEFITS

POUCH CR

JUNEAU, ALASKA 99811

Public Employees Retirement System  
Teachers' Retirement System  
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Retirees' Voluntary Dental-Vision-Audio Plan  
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Group Health/Life Insurance Benefits  
Deferred Compensation Plan  
Public Employers Social Security Contributions

Bill Sheffield, Governor

907 (455-4462)

March 21, 1983

Honorable Richard I. Eliason  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

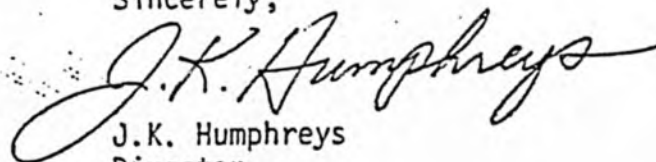
Dear Senator Eliason:

This is in response to your conversation of March 14, 1983 with John Logan, Deputy Director of the Division of Retirement and Benefits, in which you asked for specific information regarding peace officer coverage in the Public Employees' Retirement System (PERS) for Department of Fish and Game Employees.

1. How many positions are in the Department of Fish and Game? 1827.
2. How many positions in the Department of Fish and Game have peace officers coverage in PERS? Approximately 1500.
3. How many positions in the Department of Fish and Game had peace officer coverage prior to the promulgation of 2 AAC 30.010, Qualified Fish and Game Employees? Approximately 750.
4. Since March 21, 1982, the effective date of the regulation, how many requests for peace officer coverage under the regulation have been received from the Department of Fish and Game? The Department of Fish and Game have sent six memorandums requesting that peace officer coverage be granted to approximately 1400 positions. This figure includes most of the positions that already had peace officer coverage.
5. Since the effective date of the regulation, how many positions have been denied the coverage? One.

If you have additional questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "J.K. Humphreys". The signature is written in dark ink and is positioned above the typed name and title.

J.K. Humphreys  
Director

JKH/sd

cc: Eleanor Andrews

PEACE OFFICER AND FIREMAN

Benefits Payable Under Pre-July 1, 1976 Law

1. Benefits payable if member was hired prior to 7/1/76 and surviving spouse elects pre-7/1/76 coverage.
2. The Base Benefit is equal to monthly compensation of the deceased member at the time of death.
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the monthly base benefit, whichever is greater.
5. If surviving spouse remarries or dies, benefit is paid to eligible dependent children.
6. The benefit changes to normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years credited service or age 55.
7. The survivor's benefit is offset by any Workers' Compensation benefits which are payable to the survivors and attributable to the employer.

ALL OTHER CATEGORY

1. Benefits payable if member was hired prior to 7/1/76 and surviving spouse elects pre-7/1/76 coverage.
2. The Base Benefit is equal to a 75% Joint and Survivor Benefit, based on the credited service that the member would have accrued through age 60, (age 55 if hired on or after 7/1/75).
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the monthly base benefit, whichever is greater.
5. If surviving spouse remarries or dies, benefit is paid to eligible dependent children.
6. The benefit changes to normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years credited service or age 60 (55 if hired on or after 7/1/75).
7. The survivor's benefit is offset by any Workers' Compensation benefits which are payable to the survivors and attributable to the employer.

PEACE OFFICER, FIREMAN & ALL OTHER CATEGORY

Benefits Payable Under Post-July 1, 1976 Law

1. To be eligible, the surviving spouse must be named as the sole primary beneficiary.
2. Base Benefit is equal to 40% of monthly compensation at the time of death.
3. Benefits commence the first of the month following the death of the employee.
4. The Cost of Living Allowance, if applicable, is equal to \$50.00 or 10% of the base benefit, whichever is greater.
5. The surviving spouse may remarry and still continue to receive benefits.
6. If the surviving spouse dies, the benefit is paid to eligible dependent children.
7. The survivor's benefit changes to a normal retirement benefit on the date the deceased member, had he lived, would be eligible for a normal retirement benefit, 20 years or age 55.
8. The survivor's benefit is not offset by Workers' Compensation benefits.
9. If there is no surviving spouse, benefits as listed in numbers 2, 4 and 7 would be payable to the dependent children.
10. If there is no dependent children, or if the member named someone other than the surviving spouse or dependent children to receive benefits, then a lump sum death benefit is payable, which is:


Refund of Contributions & Interest  
Refund of Indebtedness Principle & Interest, if any  
Lump Sum benefit of \$1,000.00  
\$100 X total years of credited service



Alaska Public  
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

TO: Senator Eliason, Chairman  
Labor and Commerce Committee

FROM: Cherie Shelley   
Executive Director

SUBJECT: SSSB 277

DATE: May 10, 1983

The Alaska Public Employees Association opposes the provision of SSSB 277 which would remove qualified employees of the Department of Fish and Game from eligibility in the peace officers retirement system. As a group, these employees have one of the highest on-the-job fatality counts of any group of employees currently covered by the system.

The Division of Retirement and Benefits has the authority to establish eligibility guidelines for Fish and Game employees. If the current guidelines are viewed as too liberal, the Division of Retirement can propose changes to conform to the legislative intent of the law.

The elimination of the peace officer retirement system option from all Fish and Game employees is not warranted. The duties associated with many of these positions involve a substantial degree of risk under hazardous conditions.

This provision of the retirement code was intended to acknowledge those occupations which involve hazardous conditions and life-threatening situations. The stressful nature and physical demands of these positions limit the length of service which can reasonably be expected from an employee.

Participation in the peace officers retirement system is a well deserved acknowledgement for a job well done.

CS/rb

Fairbanks Field Office  
825-D College Road  
Fairbanks, AK 99701  
Telephone: (907) 456-5412

Anchorage Field Office  
833 Gambell Street, Suite A  
Anchorage, AK 99501  
Telephone: (907) 274-1688

Juneau Field Office  
227 4th Street  
Juneau, AK 99801  
Telephone: (907) 586-6305

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 30, 1983

SUBJECT: Retirement  
(SB 277)

TO: Senator Richard I. Eliason  
Chairman, Senate Labor and  
Commerce Committee

FROM: Billy G. Berrier *BGB*  
Director  
Division of Legal Services

You have asked whether in our opinion SB 277 poses constitutional questions. In my opinion it does not.

The effect of the bill is to narrow coverage of the special peace officer and fireman provisions of the Public Employees Retirement System (AS 39.25) for persons employed after the effective date of the Act and to allow persons who are eligible for those benefits to termination at their election.

These special provisions offer additional benefits and require higher contributions.

Section 7 of Article XII of the Constitution of the State of Alaska Provides:

RETIREMENT SYSTEM. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

This contractual right arises however only on employment (State ex rel Hammond v. Allen, 625 P.2d 844 (Alaska 1981); and Hammond v. Hoffbeck, 627 P.2d 1052 (Alaska 1981)).

Hammond v. Hoffbeck involved amendments to the peace officer and fireman provision of PERS which the peach officers alleged were unconstitutional. In that case the Court held:

April 30, 1983

We therefore hold that benefits under PERS are in the nature of deferred compensation and that the right to such benefits vests immediately upon an employee's enrollment in that system.

and went on to elaborate holding:

These principles require division of all public safety employees into three distinct groups: those who were employed before the effective date of the legislation in issue here and whose rights to benefits were diminished by the changes made; those who were employed before that date but who elect to be covered by the new legislation; and those who began their employment only after this legislation became effective. It is clear that the changes made in PERS did not unconstitutionally diminish any vested rights of the members of the third group; as appellants point out, repeal of the old provisions made it impossible for the rights of employees hired on or after July 1, 1976, to vest under those provisions. As to the third group, then, the changes made in PERS are not violative of Art. XII, sec. 7. We therefore reverse the superior court insofar as it held that the 1976 amendments were prospectively invalid. We also hold that, as to the second group -- which includes those public safety employees enrolled before July 1, 1976, who wish to be covered by the new legislation -- the 1976 amendments were valid. Our interpretation, then, renders the 1976 amendments considered here constitutional except as to public safety employees hired before July 1, 1976, who opt to receive benefits under the system in effect at the time they were hired.

SB 277 has provisions for continuing in the system of all employees who were eligible on the effective date of the Act. It therefore only affects people hired after the effective date of the Act (the third category in the Court's analysis) and those who elect to change coverage (the second category).

In my opinion under the case law no constitutional question arises since there is no effect on vested rights.

BGB:ljb  
17/011

# 20-year rule may be on way out

## Fish and Game employees may lose early state retirement plan

By DEBBIE REINWAND ROSE  
Empire Staff Reporter

It's an ideal retirement program. A qualified Department of Fish and Game employee works for 20 years, retires and receives a hefty state retirement check each month.

If this retirement plan sounds too good to be true, don't be surprised. It may be just that. If lawmakers and the Sheffield administration push through proposed changes to limit the program.

In a letter to Administration Commissioner Lisa Rudd, Sen. Don Bennett, R-Fairbanks, laid out the concerns of a Finance subcommittee regarding the cost of this program.

The legislative intent of the plan, commonly known as "20 years-and-out," was to cover peace officers who find themselves in "hazardous conditions" daily.

It was also intended that a "limited number" of Fish and Game employees, who face hazardous conditions, be included in the plan, Bennett said.

Currently, about 70 percent of the 800 full-time Fish and Game employees and another 800 seasonal employees are in the 20 years-and-out system because of regulations put together by the Department of Administration approximately a year ago.

To qualify for the peace officer benefits plan, which Bennett said now covers "virtually every non-clerical employee" in the

department, a person must perform a "significant amount of field work, travel or exposure to hazardous working conditions."

However, the regulations define a "significant amount" as 5 percent or more of the employees time — a definition some lawmakers have termed "a joke."

Hazardous working conditions are further defined as aerial surveys in small aircraft, working on vessels on the open sea, travel in small skiffs over open water and conducting stream surveys "or other work where contact with dangerous wild animals is likely."

"If the last three conditions of the regulation were applied to Alaskans who engage in subsistence activities, or who hold hunting and fishing licenses, virtually all would be eligible for coverage in the peace officers retirement system," Bennett said.

Bennett contends the program cost to

the state in the long term could be "astronomical."

Commissioner Rudd agrees with Bennett.

"The program has gotten far out of hand," she said. "We hope to seek legislation to limit membership in the retirement plan."

The Alaska Public Employees Association is in staunch opposition to tightening the regulations, said Executive Director Cherie Shelley. The program, which covers employees beginning at Range 9, does so "rightfully," she said.

"A Range 9 can die just like a Range 10 while working," Shelley said. "If all departments choose to have people flying over streams taking salmon counts, then those people should be covered. If they don't choose to do that, then they don't have to be covered."

Despite a downswing in state revenues,

Continued on Page 2

### 20 years...

Continued from Page 1

Shelley said APFA would lobby against changing the program and in fact will push

legislation to add more employees to the peace officer retirement plan.

"We have legislation pending to include probation officers and park rangers," she said.

The way the retirement figure is

reached, according to ADFG Director Administration Bev Reaume, is by averaging an employee's salary for the last three years of work, taking 2½ percent of that average, then multiplying that by the number of years employed.

Juneau Empire 3/22/83

# Retirement: Hazards key to changes

By DEBBIE REINWAND ROSE  
Empire Staff Reporter

Attempts by the administration and Legislature to streamline the Fish and Game Department employee retirement program will focus on how workers encountering hazards will be handled, state officials said today.

Officials would like to address the question of hazardous conditions "through hazard pay at the bargaining table," said Ken Humphries, director of the Division of Retirement and Benefits.

"Looking at the amount of time an employee spends in "hazardous conditions"

Continued on Page 2

## Retirement...

Continued from Page 1

is not really a valid criteria for evaluating death or disability provisions," Humphries said. "The death benefits are the same as the regular system."

Officials hope to meet with Fish and Game employees and members of the Alaska Public Employees Association this month to work out a compromise aimed at scaling down the Fish and Game retirement plan.

"The program we have looks good, and I'm sure most state employees would like to be in it," but unless checked, the "20-years and out" plan could end up as a

millstone around the state's neck, said Humphries.

Regulations put together one year ago opened up the 20-years and out plan, which was originally intended for peace officers who are placed in dangerous situations nearly every day.

Currently, nearly 1,400 Fish and Game full-time and season employees qualify for retirement after 20 years under the peace officer retirement plan. The normal retirement age for state employees is 55.

What state officials fear because of the broad eligibility requirements are employees who join the department out of college at age 21, work for 20 years, retire at age 41 and receive full benefits for a

number of years while pursuing another career.

"This Cadillac type of system could get out of control. We have to stop it from spreading," Humphries said. "The state has an ample retirement program for all employees. ... As long as the state's ability to pay these retirement benefits is there the system can stay healthy. If not, these such programs become a burden on the state, which is indirectly passed on to the taxpayers through budget cuts."

As it now stands, any Fish and Game employee who spends 5 percent or more of the time in "hazardous working conditions" can qualify for peace officer benefits.

Juneau Empire 3/23/83

# Alaska State Legislature

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Vic Fischer  
Senator Fahrenkamp



Pouch V  
State Capital  
Juneau, Alaska 99811  
Phone: (907) 465-3114

## SENATE ADVISORY COUNCIL

### M E M O R A N D U M

To: Pete Jeans THRU: David Rogers  
From: Katherine Brown  
Date: March 15, 1983  
Subj: Research request

Today I received, through David Rogers, a research request from Senator Eliason regarding peace officer coverage under PERS, of Dept. of Fish and Game employees who are exposed to hazardous working conditions.

2 AAC 30.010 defines "qualified employees" as those ". . . certified by the Commissioner of Fish and Game and approved by the Commissioner of Administration as having duties which necessitate a significant amount of field work, travel, or exposure to hazardous working conditions." (Emphasis added)

Subsection (d)(1) of this section defines "a significant amount" as involving ". . . at least five percent of an individual's working time." "Field work," "travel," and "exposure to hazardous working conditions," are defined in this section rather extensively.

Senator Eliason is concerned that the departments' interpretation of the enabling legislation is far too liberal, including more employees than was intended by the authors of the legislation. He has requested that we locate the original bill and research the legislative intent.

I will contact Billy Berrier to see if he can help me locate the original legislation and then research legislative intent by reviewing committee tapes on file at the state library.

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Vic Fischer  
Senator Fahrenkamp



Pouch V  
State Capital  
Juneau, Alaska 99811  
Phone: (907)465-3114

SENATE ADVISORY COUNCIL

M E M O R A N D U M

To: Pete Jeans, Director  
Senate Advisory Council

THRU: David Rogers

From: Katherine Brown

Date: March 21, 1983

Subj: Research request from Senator Eliason regarding  
peace officer coverage through PERS for DF&G  
employees.

Prior to 1976, only Fish and Game field biologists and technicians were afforded peace officer coverage under PERS.

The amendment which extended coverage to "qualified employees of the Department of Fish and Game" (as reflected in present statute) was the result of a Rules Committee Substitute to Senate Bill 222 which passed the House May 29, 1976, was approved by the Senate on May 31, and became law on July 1, 1976 without the Governor's signature.

There is no intent language regarding Fish and Game employees in the journal or committee records. However, in Finance Committee discussion of inclusion of other employees in the bill, it was decided to leave the language "unrestricted" because eligibility limitations would have also restricted all other employee classifications unless this was undertaken separately by section.

222 covered 1984 - 1985 - 1986 - 1987 - 1988 - 1989 - 1990 - 1991 - 1992 - 1993 - 1994 - 1995 - 1996 - 1997 - 1998 - 1999 - 2000 - 2001 - 2002 - 2003 - 2004 - 2005 - 2006 - 2007 - 2008 - 2009 - 2010 - 2011 - 2012 - 2013 - 2014 - 2015 - 2016 - 2017 - 2018 - 2019 - 2020 - 2021 - 2022

Bill Fact Sheet

Date Received 4/30/83

Bill Number SB277 Title Retirement - same as HB 394

Fiscal Note - Date Requested \_\_\_\_\_ Date Received \_\_\_\_\_

- Of Whom \_\_\_\_\_

Dept. Position Paper - Date Requested \_\_\_\_\_ Date Received \_\_\_\_\_

- Of Whom \_\_\_\_\_

Resource People

Initial Hearing - Date 5/12 2:00  
People Contacted

Kerttula - 5/9

APEA - 6-2334 - 5/9

F+G - Paddy McGuire - 4100 - 5/9

Follow-up Hearing - Date \_\_\_\_\_

Final Action passed out 5/12/83 Date \_\_\_\_\_