

S

B

4

8

POSITION PAPER


SB 48

The Division of Retirement and Benefits is complying or is in the process of complying with most of the provisions of the bill. PERS Regulation 82-5 imposes substantially the same requirements as the bill and a similar regulation is proposed for the TRS. The Division is in the process of revising all of the existing regulations to conform with the style and format requirements of the AAC preparatory to having them published voluntarily in the Alaska Administrative Register and Code. There are no objections to the procedures the division is following or plans to follow being incorporated into the law; however, it appears unnecessary.

The Department is opposed to the bill in its present form as it makes no provisions for adopting emergency regulations to take effect without waiting 30 days after adoption in instances where it is warranted.



J.K. Humphreys, Director, Division of Retirement & Benefits

 3/15/83

Lisa Rudd, Commissioner of Administration

FILE WITH SB 48

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill 48 Date on Bill: 1-18-83
Title: An Act Relating to the Adoption of Regulations for State Retirement Systems
Sponsor: Senator Ray
Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital				-				
Operating								
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: J.K. Humphreys Director Phone: 465-4460
 Division: Retirement & Benefits Date: 2-23-83
 Approved by Commissioner: [Signature] Date: 2/24/83
 Department: [Signature]

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

State Retirement Systems
(adoption of regulations)

1/18

SENATE BILL NO. 48, by Senator Ray. Relates to notice requirements and procedure for adoption of regulations for the Teachers', Judicial, and Public Employees' Retirement Systems. (Would also apply to regulations adopted under former AS 39.37, Public Officers Retirement System, which was rejected at referendum.) Adoption of regulations governing the retirement systems are not subject to the Administrative Procedure Act (AS 44.62) since they relate to the internal management of state agencies. The bill establishes notice requirements as follows:

--regulations governing the retirement systems must be published in the Alaska Administrative Register and Code for informational purposes;

--at least 30 days before the adoption, amendment or repeal of a regulation, the retirement board (or Commissioner of Administration for Judicial Retirement) must provide notice of the action being considered; notices must be posted in public buildings throughout the state, must be published in one or more newspapers of general circulation; must be mailed to each person or group that has filed a request for notice of proposed action, and must be furnished to each Legislator and to the Legislative Affairs Agency.

SB 48 (cont'd)

--allows board or commissioner to hold a public hearing on a proposed regulation;

--all regulations would take effect 30 days after adoption by the board.

--any regulation that relates to a state retirement system that is in effect on the effective date of the bill must be published in the Alaska Administrative Register and Code within six months after the effective date.

Does not provide for effective date (90 days after Governor's signature).

Introduced January 18 and referred to State Affairs and Judiciary.

State Retirement Systems
(adoption of regulations)

4/19

SENATE BILL NO. 48, (see page 16). Reported back to the Senate on April 19 by State Affairs with the committee recommending it be replaced with State Affairs Committee Substitute and that it do pass. Concurring: Vic Fischer (Chmn.), Kelly, Sturgulewski, Ray and Rodey. To Judiciary.

The State Affairs CS adds provision for adoption of emergency regulations by the Alaska Teachers' Retirement Board, the Commissioner of Administration (for Judicial Retirement and the Public Officers Retirement System), and the Public Employees Retirement Board. Adoption of an emergency regulation would require a unanimous vote of a quorum of the governing board. The proper board (or the Commissioner) must give the required notice within 10 days of adopting an emergency regulation. The regulation could not remain in effect past the date of the next regulation board meeting (90 days for emergency regulations issued by the Commissioner of Administration) unless the board or Commissioner complies with the new procedures and adopts the regulation as a permanent regulation.

State Retirement System
(adoption of regulations)

4/26

page 627

SENATE BILL NO. 48, (see pages 16;565). Reported back to the Senate April 26 by Judiciary recommending it be replaced with a Judiciary substitute and that it do pass. Concurring: Ray, Chairman, Ziegler, Josephson and Eliason. Not concurring: Pettyjohn had no recommendation. To Rules.

The Judiciary substitute states that notice of adoption, amendment or repeal of a regulation shall be published at least 30 days before the action in one or more newspapers of general circulation in each judicial district of the state (underlined language added by Judiciary)

State Retirement Systems
(adoption of regulations)

page 690

5/5

CS FOR SENATE BILL NO. 48 (JUDICIARY), (see pages 16;565; 627). May 5 the Judiciary CS was adopted and the bill passed the Senate, 18-1-1. Nays: Pettyjohn. Excused: Eliason.

E

5/6

SENATE BILLS RECEIVED IN THE HOUSE

State Retirement System
(adoption of regulations)

CS FOR SENATE BILL NO. 48 (JUDICIARY), (see pages 16;565; 627;690). Received in the House May 6 and referred to State Affairs.

(