

the following described lots and parcels of land, situate in the Town of Nome, Alaska, according to the official survey of said Town, more definitely described as follows, to-wit: Lots Eighteen (18) and Nineteen (19) in Block sixty-seven (67), located between 4th and 5th Avenues, between "D" and "F" Streets; and Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8) in Block Sixty-Seven (67), located on Fifth Avenue between "D" and "E" Streets.

Description in
Town of Nome
of said
property.

Section 2. The Governor of Alaska is hereby authorized and directed to execute a quitclaim deed, in the name and on behalf of this Territory, conveying to the United States of America all of the Territory's right, title, interest and estate in and to said Lots and each of them.

Governor
authorized.

Section 3. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Emergency.

Approved March 12, 1945.

CHAPTER 17

AN ACT

[H. B. 9]

To provide for payment of retirement salaries to teachers; to provide for the establishment of a fund for that purpose; to provide for its administration by a board of control and to create a system of contribution to the said fund, and making an appropriation therefor.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. RETIREMENT SYSTEM ESTABLISHED.
That a joint-contributory retirement system for veteran

Retirement sys-
tem established.

and disabled teachers of the public schools of the Territory and the University of Alaska is hereby created and established, and the creation, establishment and maintenance of such a system is hereby declared to be required by sound public policy and for the improvement and betterment of the public schools of the Territory, and the University of Alaska.

Policy Territory
declared.

Section 2. DEFINITION OF TERMS. Whenever in this Act the following words and phrases are used, unless a different meaning is plainly required by the contents, they shall have the following meanings:

Public school
defined.

1. "Public School" shall mean any day school within the Territory under the supervision and control of the Territorial Board of Education, or the school board of any incorporated city, incorporated school district or independent school district, or the board of regents of the University of Alaska.

Teacher defined.

2. "Teacher" shall mean any certified teacher, principal, supervisor, or superintendent employed in the public schools of the Territory, including the Commissioner of Education, the Deputy Commissioner of Education and educational supervisors, and all resident teachers and instructors, including the administrative head, librarian and extension service personnel of the University of Alaska.

3. The "Board" shall mean the "Teachers' Retirement Board" provided for in Section 3 of this Act to administer the retirement system.

Fund defined.

4. "Retirement Fund" shall consist of all matching contributions from funds appropriated by the Territorial Legislature; contributions by incorporated cities, from the School Tax Fund (Chapter 38, SLA 1943), and from the Rural School Fund as provided in Section 10 of this Act; contributions from teachers' salaries; payments of

arrearages as provided in Section 4; income and interest derived from investment of moneys contained in the fund; and all moneys derived or contributed for the same purpose from any other source.

5. "Member" shall mean any teacher included in the membership of the system as provided in Section 8 of this Act. Member defined.

6. "Service" shall mean service as a teacher. Service defined.

7. "Year of Service" shall be construed to mean the school term of not less than seven months. Year defined.

8. "Retirement Salary" shall mean the money received by a retired teacher from the Fund. Retirement salary defined.

9. "Non-Revertible Funds" shall mean all moneys contributed by incorporated cities and the Territory, two-thirds of all contributions by teachers whose years of service in Territorial schools are less than three years and one-fourth of the contributions of all other teachers, to the Fund. "Non-Revertible Funds" defined.

Section 3. TEACHERS' RETIREMENT BOARD:— DUTIES.

A. The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of this Act are hereby vested in a board to be known as the "Teachers' Retirement Board", consisting of the Territorial Board of Education. Duties of Teachers' Retirement Board.

B. The Attorney General shall be the legal advisor for the Board.

C. The Board shall serve without pay but all necessary expense that its members may incur through service on

the Board shall be allowed at such rates as provided in Chapter 67, SLA, 1937.

D. The Board shall:

1. Adopt rules and regulations for its own government.

2. Employ such assistants as are necessary whose salaries shall be determined and paid by the Board from the fund of the retirement system.

3. Establish an adequate system of accounts for the Fund, and prescribe the forms to be used as it may deem necessary to the proper administration of this Act.

4. Pass upon claims for the allowance of retirement salary and to deny or approve the same.

5. Do whatever else may be necessary to effectuate the purposes of this Act.

6. Keep a record of all its proceedings which shall be open to public inspection.

7. Publish biennially a report showing the fiscal transactions of the Retirement System, the amount of accumulated cash, and financial condition of the Retirement Fund.

Qualifications
and amount of
retirement
salary.

Section 4. RETIREMENT AGE BENEFITS. Every certified teacher who has taught school twenty-five years, of which period at least fifteen years have been spent in the public schools of the Territory or the University of Alaska, shall be eligible to retire from active teaching service and upon reaching the age of fifty-five years shall be entitled to receive from the Teachers' Retirement Fund a retirement salary of Twelve Hundred Dollars (\$1200.00) per year payable in four equal quarterly installments, October 1, January 1, April 1, and July 1. To be

eligible to receive retirement salary under this Act a teacher must pay into the Retirement Fund an amount equal to twenty-five times ninety dollars (25 x \$90) and no teacher shall be required to pay a greater sum. Teachers to be eligible for retirement salaries must have taught at least the last five years of their teaching service prior to retirement in the Territory; provided that upon the adoption of the Retirement System teachers actively engaged in the profession in the Territory shall be given credit for all service rendered in the public schools of the Territory or the University of Alaska prior to the establishment of the Retirement System; provided further that such teachers or those who may come into the system at a later date may be given credit for service rendered in any state, territory, or possession of the United States, not to exceed ten years. Such teachers shall have the privilege of paying into the Retirement Fund for each year of prior service, not to exceed twenty-five, and equal amounts shall be paid by the Territory into said fund as provided in Section 10 of this Act; or the quarterly payments to such teachers may be withheld until such time as the total of the accumulated payments shall equal the sum due from such teachers to said fund.

Teachers' retirement salaries shall be exempt from any Territorial or municipal tax and shall not be subject to execution, attachment, garnishment or any other process whatsoever.

Exempt from
Territorial or
municipal tax.

To be eligible for these benefits a teacher must retire from teaching service. After becoming eligible for retirement from active service a teacher may be retired or retained in service at the discretion of the employer and the employee. Retirement is compulsory at the age of sixty-five. Beginning July 1, 1950, compulsory retirement shall be at age sixty; provided, however, the compulsory retirement provisions of this section shall not apply to the administrative head, teachers, instructors,

Must retire.

librarian, and extension service personnel of the University of Alaska.

Disability
Retirement.

Section 5. **DISABILITY RETIREMENT.** Every teacher employed in the public schools of the Territory and the University of Alaska who becomes permanently disabled for teaching while employed as a teacher shall be entitled immediately to the benefits of the Retirement System at the time of his disability in the same proportion as his years of service bear to twenty-five, provided further, he shall not receive more than twenty-five twenty-fifths of the maximum amount allowed under the provisions of this Act. Provided further, that the Teachers' Retirement Board shall have the right to compel such teacher to submit to a physical or mental examination by one or more physicians or medical officers, and provided further the Board shall be the sole judge of what constitutes disability to teach under this Act.

Proportion
salary.

Section 6. **RETIREMENT SALARY CEASES IF REEMPLOYED.** If any retired teacher shall be re-employed as a teacher in this Territory or any State, his retirement salary shall immediately cease.

Benefits to
beneficiary.

Section 7. **RETIREMENT SALARY OF DECEASED TEACHER TO BE PAID TO BENEFICIARY.** When a teacher who has become eligible for retirement salary under this Act, dies before receiving in quarterly payments an amount equal to twenty-two hundred fifty dollars (\$2250.00), (25 x \$90), the remaining amount shall be paid to his beneficiary in quarterly payments as provided in Section 4.

Compulsory, all
teachers.

Section 8. **MEMBERSHIP.** Membership in the Retirement System shall be compulsory for all teachers contracting for service commencing on or after September 1, 1945, unless the teacher's age is such that he cannot teach twenty-five years by the time he has reached the compulsory retirement age as fixed herein; and, with this

one exception, no person shall teach in any public school of the Territory or the University of Alaska after September 1, 1945, who shall not have executed a contract authorizing the deduction and withholding for deposit in said Teachers' Retirement Fund of Ninety Dollars (\$90.00) per year.

Section 9. VETERANS OF WORLD WAR II TO BE GIVEN CREDIT FOR SERVICE. A teacher who entered the armed service of the United States on or after January 1, 1940, directly from the teaching service of the public schools of Alaska or the University of Alaska, or any state, territory, or possession of the United States, may be given credit for teaching service under this Act, each twelve months of military service to count as one school year, provided that such teacher returns to the teaching service within one year after discharge from the military forces; and provided further that the Board shall decide the eligibility of teachers who do not return to the teaching service within one year because of hospitalization or rehabilitation training, or other disability resulting from military service.

Teachers time in military service counted toward retirement.

Section 10. SOURCE OF FUNDS. The Retirement Fund shall be created jointly by the teachers of the Territory, the incorporated cities and the Territory as follows:

Joint Fund—Territory to participate.

1. Contributions by the teacher, Ninety Dollars (\$90.00) per year as provided in Section 8 of this Act. This sum to be deducted by the employer pro-rata on a monthly basis, and the same shall be forwarded semi-annually on the first day of July and the first day of January by said employer to the Territorial Treasurer for deposit in said Teachers' Retirement Fund.

Amount of contributions by Teacher.

2. Contribution by the Territory by special appropriation of Forty-five Dollars (\$45.00) annually per teacher until a \$100,000.00 reserve has been reached as provided

Territorial contribution.

in Section 13 of this Act. This amount is to be covered into the Retirement Fund concurrently on receipt of the teachers' contribution.

Incorporated
cities
contribution.

3. Contributions by the incorporated cities, of Twenty-two and one half dollars (\$22.50) per year for each teacher in the city schools. The sum due from each city to be deducted by the Commissioner of Education semi-annually from Territorial funds due the city and deposited by him in the Teachers' Retirement Fund.

From School
Tax Fund
contribution.

4. Contributions from the Territorial School Tax fund (Chapter 38 SLA 1943), Twenty-two and one half Dollars (\$22.50) per year for each teacher. Concurrently on receipt of the teachers' contribution the sum due from the School Tax Fund shall be covered into the Retirement Fund.

From Rural
School Fund
contribution.

5. Contribution from the Rural School Fund, Twenty-two and one half Dollars (\$22.50) per year for each rural school teacher. Concurrently on receipt of the teachers' contribution the sum due from the Rural School Fund shall be covered into the Retirement Fund.

Contribution
School Tax—
Match arrearage.

6. Contribution from the Territorial School Tax Fund (Chapter 38 SLA 1943) to match arrearage payment by teachers for prior service as provided in Section 4 of this Act. Concurrently on receipt of the teachers' contribution the amount due from the School Tax Fund shall be covered into the Retirement Fund, provided that the amount from this fund for this purpose shall not exceed \$12,000.00 in any one year.

Section 11. FIRST PAYMENT. Retirement salaries shall be paid any time on or after October 1, 1946, for the quarter commencing July 1, 1946.

Applications.

Persons eligible for retirement salary shall make written applications to the Board on forms prescribed by the

Board and duly sworn to. The burden of proof of eligibility as defined in this Act shall fall entirely upon the teacher.

Section 12. WITHDRAWAL FROM SERVICE. Any teacher who has been a contributing member for three or more years, upon leaving the profession, or leaving the Territory before receiving any retirement salary shall be entitled to a refund of seventy-five per cent (75%) of such contributions without interest upon written application to the Board made within twenty-four months after date of such cessation. The beneficiary of a person who has died in service before becoming eligible for retirement salary shall be entitled to seventy-five per cent (75%) of the contributions, without interest, the teacher has made. Teachers with less than three years membership shall be entitled to a refund of thirty-three and one third per cent (33 1/3%) of the amount of their contributions, without interest, provided claim is presented to the Board within twelve months of the termination of service.

Withdrawal from service — amounts refundable.

Amount beneficiary to receive.

Section 13. SUSPENDED CONTRIBUTION BY TERRITORY. Whenever the portion of non-revertible funds, as defined in Section 2, shall reach \$100,000, payments into the fund by the Territory by special appropriation shall be suspended and no further payments shall be made in this manner by the Territory until the portion of non-revertible funds falls below \$100,000.00.

Limitation Fund for Territorial appropriation.

Section 14. USE OF THE FUND BY TERRITORIAL TREASURER. The Territorial Treasurer shall be custodian of the Fund and is hereby given full charge and control of said Fund; with authorization to keep and invest and to pay out and disburse the same. The Treasurer shall be governed by the general laws of the Territory applicable to the handling and investment of other Territorial funds so that the fund may have the same safeguards as the general fund of the Territory.

Territorial Treasurer custodian of fund.

All payments required under this law shall be made in the same manner as all other Territorial funds are disbursed.

Penalties.

Section 15. PROTECTION AGAINST FRAUD. Any person who shall wilfully or knowingly make any false statement, or shall falsify or permit to be falsified any record or records of this Retirement System, shall be guilty of misdemeanor and on conviction thereof in any Court of competent jurisdiction, shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the Court, and shall forfeit all rights under this Act.

Saving clause.

Section 16. CONSTITUTIONALITY. If any section or part of any section of this Act shall be declared unconstitutional, the remainder of the Act shall not thereby be invalidated. All laws or parts of laws in conflict with this Act are hereby repealed.

Appropriation.

Section 17. APPROPRIATION FOR INITIAL ESTABLISHMENT. For the initial establishment of said Teachers' Retirement System, there is hereby appropriated the sum of Twenty-five Hundred Dollars (\$2500.00).

Approved March 13, 1945.

CHAPTER 18

AN ACT

[H. B. 67]

To appropriate the sum of \$280.00 to reimburse Ralph A. Treffers for his expenses in providing transportation for students on the Eagle River Route to and from the Tee Harbor Territorial School from January 17, 1944, to May 19, 1944, inclusive; and to declare