



LAWS OF ALASKA

1972

Source

SCS CSHB 670

Chapter No.

160

AN ACT

Relating to the retirement of justices and judges; and providing for an effective date.

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

* Section 1. AS 22.25.010(d) is amended to read:

(d) A justice or judge may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five or more years. Retirement pay shall not commence until he has reached age 60; except that an actuarially equivalent retirement pay may be commenced after he has reached age 55 or upon his serving 20 years as a justice or judge. The provisions of (b) of this section are an exception to this rule. A justice or judge desiring to retire under this subsection shall file with the governor a notice of his desire, together with a sworn statement of the facts establishing his eligibility to retire. The governor shall certify those facts to the commissioner of administration and declare, in writing, the eligibility or ineligibility for retirement of the justice or judge. If a justice or judge is eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month coinciding with or after the date the written declaration of the governor is filed with the commissioner of administration. If a justice or judge is not eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month he reaches age 60 or the month he becomes eligible for an actuarial equivalent if he has applied for this option.

* Sec. 2. AS 22.25.030 is repealed and re-enacted to read:

Sec. 22.25.030. SURVIVORS' BENEFITS. (a) Upon the death of a justice or judge who has served for at least two

years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the justice or judge would thereafter have been entitled to receive if retired at the time of death. If at death the justice or judge was not yet entitled to retirement pay, or was or would have been entitled to less than 60 per cent of the monthly salary authorized for his office, the surviving spouse is entitled to monthly compensation equal to 30 per cent of the salary authorized for justices or judges, respectively, at the time each monthly payment is made.

(b) To be eligible for the survivors' benefits, the surviving spouse must have been married to the justice or judge for at least two years immediately preceding the death of the justice or judge. The benefits continue until the remarriage or death of the surviving spouse.

(c) If there is no surviving spouse, or if the surviving spouse does not meet the requirements of (b) of this section, or upon the remarriage or death of the surviving spouse, the surviving dependent child or children of the justice or judge are entitled to receive in equal shares 50 per cent of the amount of the survivors' benefits specified under (a) of this section.

(d) The surviving child or children are entitled to the survivors' benefits under (c) of this section during the period of their dependency. Dependency exists with respect to any child of a justice or judge who is either (1) a minor under the laws of Alaska, (2) under the age of 23 and is a student attending on a full-time basis an accredited educational or technical institution recognized by the state Department of Education, or (3) so mentally or physically incapacitated as to be unable to provide for self care.

(e) If there are both an eligible surviving spouse and surviving dependent children, but who reside in separate households, the surviving spouse and dependent children will share equally in the benefits payable under (a) of this section.

* Sec. 3. AS 22.15.170(b) is amended to read:

(b) The presiding judge of the superior court in each judicial district may appoint acting district judges as needed to serve at his pleasure for a term of no longer than 12 months or until succeeded by an appointment made under (a) of this section, whichever first occurs. An acting district judge shall be a citizen of the United States and of the state, at least 21 years of age, but need not be licensed to practice law in any of the United States and need not have established Alaska residence before his appointment. Service as an acting district judge is not considered a judicial service for the purposes of ch. 25 of this title unless the judge is subsequently appointed under (a) of this section.

* Sec. 4. AS 22.25 is amended by adding a new section to read:

Sec. 22.25.080. TAX EXEMPTION. Benefits paid under

this chapter are exempt from state and municipal income taxes.

* Sec. 5. This Act takes effect July 1, 1972.