



LAWS OF ALASKA

1979

Source

CSHB 29 am S

Chapter No.

81

AN ACT

Relating to the public employees' and teachers' retirement systems; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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 1, 1979
Actual Effective Date: July 1, 1979

AN ACT

Relating to the public employees' and teachers' retirement systems; and providing for an effective date.

* Section 1. AS 14.25 is amended by adding a new section to read:

Sec. 14.25.175. WAIVER OF ADJUSTMENTS. (a) Upon appeal by an affected member or beneficiary under (b) of this section, the board may waive an adjustment or a portion of an adjustment made under AS 14.25.-173 if

(1) the adjustment or portion of the adjustment will, in the opinion of the board, cause undue hardship to the member or beneficiary;

(2) the member is retired or has submitted notification of impending retirement to his employer to be effective no later than 180 days after the adjustment was made, or the beneficiary was eligible to receive or was receiving benefits under this chapter before the adjustment;

(3) the adjustment will result in a loss of eligibility for benefits for the member or beneficiary or result in a reduction of benefits received by the member or beneficiary of \$50 per month or more;

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary;

(5) before the adjustment was made, the member or beneficiary received confirmation from the administrator that his records were correct; and

Chapter 81

1 (6) the member or beneficiary had no reasonable grounds to
2 believe his records were incorrect before the adjustment was made.

3 (b) In order to obtain consideration of a waiver under this sec-
4 tion, the affected member or beneficiary must appeal to the board in
5 writing within 30 days after receipt of notice that his records have
6 been adjusted. The board shall rule on an appeal within 120 days after
7 its receipt. The ruling of the board shall be in writing.

8 (c) The board may, at its discretion, conduct a hearing on an
9 appeal under this section. In reaching a decision on an appeal, the
10 board may issue subpoenas, administer oaths, and compel the attendance
11 and testimony of witnesses, the taking of depositions, the submission of
12 affidavits, and the production of documents and records.

13 (d) The board may impose conditions on granting a waiver which it
14 considers equitable. These conditions may include requiring the member
15 or beneficiary to make additional contributions to the system.

16 (e) The board may reconsider a ruling under this section upon
17 request of the member or beneficiary or the administrator if the request
18 is received within 30 days after the initial ruling. Any modification
19 of the initial ruling must be made within 30 days after receipt of a
20 request for reconsideration.

21 (f) Rulings and modifications of rulings under this section must
22 be by a majority of a quorum of the board.

23 (g) Rulings on appeals and requests for reconsideration under this
24 section may be appealed by an aggrieved member or beneficiary to the
25 superior court for abuse of discretion.

26 * Sec. 2. AS 14.25.035 is amended by adding a new subsection to read:

27 (h) The board may waive the requirements of AS 14.25.173 in
28 accordance with AS 14.25.175.

29 * Sec. 3. AS 39.35.360(a) is amended to read:

1 (a) An employee who completes three years of service with the
2 state after January 1, 1961, for which he makes contributions required
3 by this chapter is entitled to credited service for employment rendered
4 to the State and former Territory of Alaska before January 1, 1961,
5 regardless of the office, department, division, or agency of the state
6 or territory in which he was employed; or rendered service to a politi-
7 cal subdivision of the state as a peace officer or correctional officer
8 after January 1, 1961, provided the employee is vested in the state
9 retirement program and is a participating member in the peace officers
10 retirement system as of July 1, 1980, or if the service includes [,
11 INCLUDING] (1) service as a commissioned officer of the United States
12 Public Health Service, (2) service with the United States District court
13 and the United States Commissioner's court serving the Territory and
14 State of Alaska succeeded to by the Alaska court system, (3) persons
15 employed as United States marshals, United States deputy marshals, Civil
16 Aeronautics Administration security guards and United States Corps of
17 Engineers security guards, (4) employees of the Alaska Jail System of
18 the United States Department of Justice, (5) Civil Aeronautics Admini-
19 stration heavy equipment operators, (6) employees of the United States
20 Fish and Wildlife Service, (7) employees of the Alaska Road Commission
21 and Bureau of Public Roads, (8) employees of the Alaska Communications
22 System, and (9) those peace officers of the territory, or of a political
23 subdivision of the territory, who are employees of the state or a parti-
24 cipating political subdivision of the state on July 1, 1978. The retire-
25 ment benefits payable to an employee under this section which are attrib-
26 utable to employment rendered to the State and former Territory of
27 Alaska before January 1, 1961, shall be reduced by the amount of the
28 retirement pension benefits paid to him by the United States government
29 for the same period of service.

Chapter 81

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* Sec. 4. This Act takes effect July 1, 1979.