

SENATE CS FOR CS FOR HOUSE BILL NO. 78(FIN) am S(efd fld H)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/29/26

Offered: 4/27/26

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the public employees' retirement system and the teachers'**
2 **retirement system; and providing certain employees an opportunity to choose between**
3 **the defined benefit and defined contribution plans of the public employees' retirement**
4 **system and the teachers' retirement system."**

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

6 * **Section 1.** AS 14.25.009 is repealed and reenacted to read:

7 **Sec. 14.25.009. Applicability of AS 14.25.009 - 14.25.220.** The provisions of
8 AS 14.25.009 - 14.25.220 apply to teachers who are eligible to be members of the
9 defined benefit retirement plan under AS 14.25.009 - 14.25.220 and are not members
10 of the defined contribution retirement plan under AS 14.25.310 - 14.25.590.

11 * **Sec. 2.** AS 14.25.040(a) is amended to read:

12 (a) **A teacher or member contracting for service with a participating**
13 **employer is subject to AS 14.25.009 - 14.25.220 unless the** [UNLESS A] teacher or
14 member

1 **(1)** participates in a university retirement program under AS 14.40.661
2 - 14.40.799;

3 **(2) became a member after June 30, 2006, and before July 1, 2027,**
4 **is eligible to participate in the defined contribution retirement plan under**
5 **AS 14.25.310 - 14.25.590, and does not elect to participate in the defined benefit**
6 **retirement plan under AS 14.25.009 - 14.25.220;** or

7 **(3)** has elected under AS 14.25.540 to participate in the plan
8 established in AS 14.25.310 - 14.25.590 **and does not elect to participate in the**
9 **defined benefit retirement plan under AS 14.25.009 - 14.25.220** [, A TEACHER
10 OR MEMBER CONTRACTING FOR SERVICE WITH A PARTICIPATING
11 EMPLOYER IS SUBJECT TO AS 14.25.009 - 14.25.220].

12 * **Sec. 3.** AS 14.25.040 is amended by adding new subsections to read:

13 (f) An active member of this plan who is also employed in a position in the
14 public employees' retirement plan under AS 39.35.095 - 39.35.680 may elect to
15 participate solely in this plan if

16 (1) the member directs the public employees' retirement plan employer
17 in writing to

18 (A) pay into this plan the employer contributions required for a
19 member under AS 14.25.009 - 14.25.220; and

20 (B) deduct from the member's salary and pay into this plan

21 (i) the employee contributions required for a member
22 under AS 14.25.009 - 14.25.220; and

23 (ii) an amount equal to the difference between the total
24 employer and state contributions required for a member under
25 AS 14.25.009 - 14.25.220 and the employer contributions that would be
26 required under AS 39.35.095 - 39.35.680 if the member participated in
27 that plan; and

28 (2) the member provides written notice to the administrator.

29 (g) An active member of this plan who elects to participate solely in this plan
30 under (f) of this section may not, while participating solely in this plan, receive
31 credited service for benefit eligibility for service performed in a position in the public

1 employees' retirement plan.

2 (h) A teacher who became a member of the system after June 30, 2006, and
3 before July 1, 2027, or who has elected under AS 14.25.540 to participate in the
4 defined contribution retirement plan under AS 14.25.310 - 14.25.590, is subject to
5 AS 14.25.009 - 14.25.220 and is not eligible to participate in the defined contribution
6 retirement plan established in AS 14.25.310 - 14.25.590 if the teacher

7 (1) is not employed by an employer on July 1, 2027;

8 (2) is reemployed by an employer after July 1, 2027; and

9 (3) has, before the date of reemployment, received

10 (A) a distribution, other than a rollover distribution, of the
11 entire balance in the teacher's individual account in the defined contribution
12 retirement plan; or

13 (B) a rollover distribution of the entire balance in the teacher's
14 individual account in the defined contribution retirement plan under
15 AS 14.25.310 - 14.25.590 and has not within 180 days of reemployment had
16 all or part of a direct rollover distribution from an eligible retirement plan
17 owned by the teacher paid directly into the teacher's individual account under
18 AS 14.25.310 - 14.25.590.

19 * **Sec. 4.** AS 14.25 is amended by adding a new section to read:

20 **Sec. 14.25.044. Election of defined benefit retirement plan by reemployed**
21 **teachers.** (a) A teacher may make a one-time election to participate in the defined
22 benefit retirement plan under AS 14.25.009 - 14.25.220 if the teacher

23 (1) became a member of the defined contribution retirement plan under
24 AS 14.25.310 - 14.25.590 after June 30, 2006, and before July 1, 2027;

25 (2) is not employed by an employer on July 1, 2027;

26 (3) is reemployed by an employer after July 1, 2027; and

27 (4) before the date of reemployment,

28 (A) has not received a distribution of the entire balance in the
29 teacher's individual account under the defined contribution retirement plan
30 under AS 14.25.310 - 14.25.590; or

31 (B) has received a rollover distribution of the entire balance in

1 the teacher's individual account in the plan under AS 14.25.310 - 14.25.590
2 and has within 180 days of reemployment had all or part of a direct rollover
3 distribution from an eligible retirement plan owned by the teacher paid directly
4 into the teacher's individual account under AS 14.25.310 - 14.25.590.

5 (b) An election under (a) of this section may be made not more than 180 days
6 after the date of reemployment. A reemployed teacher electing to participate under (a)
7 of this section shall use the balance of the teacher's individual account in the plan
8 under AS 14.25.310 - 14.25.590, including any rollover contributions, to purchase
9 credited service in the plan under AS 14.25.009 - 14.25.220. An election made under
10 (a) of this section must be made in writing in the manner prescribed by the
11 administrator. An election made by a teacher who is married is not effective unless the
12 election is signed by the teacher's spouse. The administrator shall provide a teacher
13 who is eligible to make an election under (a) of this section with information about the
14 potential consequences of the teacher's election, including calculations to illustrate the
15 effect of moving the teacher's retirement plan from a defined contribution retirement
16 plan to a defined benefit retirement plan.

17 (c) An election made under (a) of this section to participate in the plan under
18 AS 14.25.009 - 14.25.220 is irrevocable. On the effective date of the election, the
19 teacher shall be enrolled as a member of the plan, and the teacher's participation in the
20 plan shall be governed by the applicable provisions of the plan. The teacher's
21 enrollment in the plan is retroactive to the date of hire.

22 (d) When a teacher makes an election under this section to participate in the
23 plan under AS 14.25.009 - 14.25.220, the administrator shall cause the total amount of
24 the teacher's member and employer contributions to the plan under AS 14.25.310 -
25 14.25.590, with investment earnings and losses through the day of the teacher's
26 election to participate as a member in the plan under AS 14.25.009 - 14.25.220, to be
27 actuarially calculated and, subject to (f) of this section, transferred to the retirement
28 fund in the plan under AS 14.25.009 - 14.25.220. On the effective date of the teacher's
29 participation in the plan under AS 14.25.009 - 14.25.220, the teacher shall be credited
30 with service in the plan. The board shall determine the cost of the teacher's actual
31 service time based on the teacher's accrued actuarial liability of pension benefits in the

1 plan, and credit the teacher with service time equal to the value actuarially calculated
2 and transferred to the retirement fund in the plan under AS 14.25.009 - 14.25.220. The
3 board shall adopt regulations establishing transfer procedures. The transfer may not
4 occur later than 60 days after the date the administrator receives the teacher's election,
5 unless the major financial markets for securities available for a transfer are seriously
6 disrupted by an unforeseen event that also causes the suspension of trading on a
7 national securities exchange in the country where the securities were issued; in that
8 event, the 60-day period may be extended by a resolution of the board. A transfer is
9 not commissionable or subject to a fee and may be in the form of cash or a security as
10 determined by the board. The value of a security shall be assessed on the date the
11 security is received in the teacher's account.

12 (e) When making a transfer under (d) of this section or a transfer for a
13 reemployed teacher subject to the plan under AS 14.25.040(h), the administrator shall
14 transfer

15 (1) an amount equal to the decrease in the accrued actuarial liability of
16 the death and disability trust in the plan established under AS 14.25.310 - 14.25.590
17 resulting from the transfer as of the date of transfer, based on the most recent actuarial
18 valuation of the death and disability trust, from the death and disability trust in the
19 plan established under AS 14.25.310 - 14.25.590 to the retirement fund in the plan
20 established under AS 14.25.009 - 14.25.220; and

21 (2) an amount equal to the increase in the accrued actuarial liability of
22 the health care trust in the plan established under AS 14.25.009 - 14.25.220 resulting
23 from the transfer as of the date of transfer, based on the actuarial assumptions set out
24 in (g) of this section, from the trust established under AS 39.30.097(b) for the
25 prefunding of medical benefits provided by AS 14.25.480 to the trust established
26 under AS 39.30.097(a) for the prefunding of medical benefits provided by
27 AS 14.25.171.

28 (f) If the value actuarially calculated under (d) of this section is insufficient to
29 pay for service credit equal to the teacher's actual service time, the administrator shall
30 allow the teacher the option of purchasing service credit in an amount up to the
31 amount needed to eliminate the insufficiency; however, if that value exceeds the

1 amount needed to pay for service credit equal to the teacher's actual service, the
 2 administrator shall cause the excess to be paid to the employee as a rollover transfer
 3 either to an individual employee annuity account in the Department of Administration
 4 under the terms of AS 39.30.150 - 39.30.180 (State of Alaska Supplemental Annuity
 5 Plan) or, if the member's employer does not participate in the State of Alaska
 6 Supplemental Annuity Plan, to an eligible retirement plan as defined in
 7 AS 14.25.360(d). An excess may not be used to purchase additional service credit in
 8 the plan under AS 14.25.009 - 14.25.220. When a reemployed teacher enters the plan
 9 under AS 14.25.040(h), the administrator shall allow the teacher to pay for a period of
 10 service credit up to the teacher's actual service. When a teacher elects to purchase
 11 service credit under this section and does not immediately pay for the service credit
 12 purchased, an indebtedness is established. Interest as prescribed by regulation accrues
 13 on a teacher's indebtedness. If the indebtedness exists when the teacher is appointed to
 14 retirement, the administrator shall make a corresponding actuarial adjustment to the
 15 benefit payable to the teacher for service in the defined contribution retirement plan.

16 (g) Actuarial assumptions about the plan under AS 14.25.009 - 14.25.220
 17 must be based on the most recent actuarial valuation of the plan, except that the
 18 retirement rates are computed at 25 percent of the retirement rates used in the most
 19 recent actuarial valuation of the retirement fund plus 75 percent of the retirement rates
 20 used in the most recent actuarial valuation of the plan under AS 14.25.310 - 14.25.590.

21 (h) The provisions of this section are subject to the requirements of the
 22 Internal Revenue Code and the limitations under AS 14.25.010, 14.25.181,
 23 14.25.320(c) and (d), and 14.25.490.

24 * **Sec. 5.** AS 14.25.048(b) is amended to read:

25 (b) An employee or former employee **who first became a member of the**
 26 **plan before July 1, 2006,** may receive credit for retroactive membership service for
 27 employment before June 5, 1988, if the employee or former employee met the
 28 requirements listed in (a) of this section at the time of the employment. To receive
 29 credit for the retroactive membership service, the employee or former employee shall
 30 claim the service and pay the retroactive contributions required under **former**
 31 AS 14.25.061. However, an employee or former employee may not receive retroactive

1 credit under this subsection if the employee received credited service under AS 39.35
2 for the employment.

3 * **Sec. 6.** AS 14.25.048(c) is amended to read:

4 (c) An employee or former employee **who first became a member of the**
5 **plan before July 1, 2006, and** who received credit under AS 39.35 for service that
6 qualifies under (a) of this section may elect to transfer those periods of employment to
7 the plan. To receive credit for retroactive membership service under this subsection,
8 the employee or former employee shall claim the service and pay the retroactive
9 contributions required under **former** AS 14.25.061.

10 * **Sec. 7.** AS 14.25.050(a) is amended to read:

11 (a) Except as provided in (c) **and (e)** of this section, beginning January 1,
12 1991, each member shall contribute to the plan an amount equal to 8.65 percent of the
13 member's base salary accrued from July 1 to the following June 30. [THE
14 EMPLOYER SHALL DEDUCT THE CONTRIBUTION FROM THE MEMBER'S
15 SALARY AT THE END OF EACH PAYROLL PERIOD, AND THE
16 CONTRIBUTION SHALL BE CREDITED BY THE PLAN TO THE MEMBER
17 CONTRIBUTION ACCOUNT. THE CONTRIBUTIONS SHALL BE DEDUCTED
18 FROM EMPLOYEE COMPENSATION BEFORE THE COMPUTATION OF
19 APPLICABLE FEDERAL TAXES AND SHALL BE TREATED AS EMPLOYER
20 CONTRIBUTIONS UNDER 26 U.S.C. 414(h)(2). A MEMBER MAY NOT HAVE
21 THE OPTION OF MAKING THE PAYROLL DEDUCTION DIRECTLY IN CASH
22 INSTEAD OF HAVING THE CONTRIBUTION PICKED UP BY THE
23 EMPLOYER.]

24 * **Sec. 8.** AS 14.25.050 is amended by adding new subsections to read:

25 (e) A member who first participates in the plan after June 30, 2006, shall
26 contribute to the plan an amount equal to eight percent of the member's base salary
27 accrued from July 1 to the following June 30. The board may, from time to time,
28 increase or decrease the contribution under this subsection; however, the contribution
29 may not be decreased to less than eight percent of the member's base salary.

30 (f) The employer shall deduct a contribution under this section from the
31 member's salary at the end of each payroll period, and the contribution shall be

1 credited by the plan to the member contribution account. The contributions shall be
 2 deducted from member compensation before the computation of applicable federal
 3 taxes and shall be treated as employer contributions under 26 U.S.C. 414(h)(2). A
 4 member may not have the option of making the payroll deduction directly in cash
 5 instead of having the contribution picked up by the employer.

6 (g) The board shall increase the member contribution under (e) of this section
 7 if the board determines that, unless the contribution is increased, the portion of the
 8 liability of the plan that is attributable to all members who first became members of
 9 the plan after June 30, 2006, will be funded below 90 percent. The board may not
 10 increase the member contribution unless the board increases the employer contribution
 11 under AS 14.25.070(a)(2) by an equal amount. The board may decrease the
 12 contribution under (e) of this section if the board determines that, after the
 13 contribution is decreased, the portion of the liability of the plan that is attributable to
 14 all members who first became members of the plan after June 30, 2006, will be funded
 15 above 90 percent. The board may not decrease the member contribution unless the
 16 board decreases the employer contribution under AS 14.25.070(a)(2) by an equal
 17 amount.

18 (h) The board may not increase the employer contribution under
 19 AS 14.25.070(a) unless the board increases the member contribution under (e) of this
 20 section by a comparable amount.

21 * **Sec. 9.** AS 14.25.065(b) is amended to read:

22 (b) The contributions of employers under AS 14.25.070 must be transmitted to
 23 the plan for deposit in the retirement fund and the Alaska retiree health care trust at the
 24 close of each pay period. If the contributions are not submitted within the prescribed
 25 time limit, interest must be assessed on the outstanding contributions at [ONE AND
 26 ONE-HALF TIMES] the most recent actuarially determined rate of earnings for the
 27 plan from the date that contributions were originally due. Amounts due from an
 28 employer and interest as prescribed in this section may be claimed by the
 29 administrator from any agency of the state or political subdivision that has in its
 30 possession funds of the employer or that is authorized to disburse funds to the
 31 employer that are not restricted by statute or appropriation to a specific purpose. The

1 amount claimed shall be certified by the administrator as sufficient to pay the
 2 contributions and interest due from the employer. The amount claimed shall be
 3 submitted to the administrator for deposit in the retirement fund and the Alaska retiree
 4 health care trust.

5 * **Sec. 10.** AS 14.25.070(a) is amended to read:

6 (a) Each employer shall contribute to the system every payroll period **the**
 7 **lesser of**

8 **(1)** an amount calculated by applying a rate of 12.56 percent to the
 9 total of all base salaries paid by the employer to active members of the system and to
 10 members who are retired from the plan and reemployed under AS 14.20.136,
 11 including any adjustments to contributions required by AS 14.25.173(a); **or**

12 **(2)** **an amount calculated by applying a rate established by the**
 13 **board under AS 37.10.220 to the total of all base salaries paid by the employer to**
 14 **active members of the system and to members who are retired from the plan and**
 15 **reemployed under AS 14.20.136, including any adjustments to contributions**
 16 **required by AS 14.25.173(a); the rate must be at least 12 percent and be sufficient**
 17 **to pay the actuarially determined employer normal cost, all contributions**
 18 **required under AS 14.25.350 and AS 39.30.370, and past service cost for**
 19 **members of the system.**

20 * **Sec. 11.** AS 14.25.070 is amended by adding a new subsection to read:

21 (i) If the legislature appropriates funds for the purpose of decreasing an
 22 employer's contribution, the employer's contribution under (a) of this section shall
 23 decrease by that amount.

24 * **Sec. 12.** AS 14.25.075(a) is amended to read:

25 (a) An employee who is eligible to purchase credited service under
 26 AS 14.25.047 or 14.25.048, a member who is eligible to purchase credited service
 27 under **former AS 14.25.061 or under** AS 14.25.048, 14.25.050, 14.25.060,
 28 [14.25.061,] 14.25.100, or 14.25.107, or a teacher who is eligible to purchase credited
 29 service under AS 14.20.345, **AS 14.25.044, 14.25.050** [AS 14.25.050], or 14.25.105,
 30 in lieu of making payments directly to the plan, may elect to have the member's
 31 employer make payments as provided in this section.

1 * **Sec. 13.** AS 14.25.075(b) is amended to read:

2 (b) A member may elect to have the employer make payments for all or any
3 portion of the amounts payable for the member's purchase of credited service through
4 a salary reduction program as follows:

5 (1) the amounts paid under a salary reduction program are in lieu of
6 contributions by the member making the election; the electing member's salary or
7 other compensation shall be reduced by the amount paid by the employer under this
8 subsection;

9 (2) the member shall make an irrevocable election under this
10 subsection to purchase credited service as permitted in **former AS 14.25.061 or in**
11 AS 14.20.345, **AS 14.25.044, 14.25.047** [AS 14.25.047], 14.25.048, 14.25.050,
12 14.25.060, [14.25.061,] 14.25.100, 14.25.105, or 14.25.107 before the member's
13 termination of employment; the irrevocable election must specify the number of
14 payroll periods that deductions will be made from the member's compensation and the
15 dollar amount of deductions for each payroll period during the specified number of
16 payroll periods; the deductions made under this paragraph cease upon the earlier of the
17 member's termination of employment with the employer or the member's death;
18 amounts paid by an employer under (f) of this section may not be applied toward the
19 payment of the dollar amount of the deductions representing the portion of the credited
20 service that is being purchased by the member through payroll deduction in
21 accordance with the member's irrevocable election under this paragraph;

22 (3) amounts paid by an employer under this subsection shall be treated
23 as employer contributions for the purpose of determining tax treatment under 26
24 U.S.C. (Internal Revenue Code); the amounts paid by the employer under this section
25 may not be included in the member's gross income for income tax purposes until those
26 amounts are distributed by refund or retirement benefit payments.

27 * **Sec. 14.** AS 14.25.075(i) is amended to read:

28 (i) On satisfaction of the eligibility requirements of **former AS 14.25.061 or**
29 **of** AS 14.20.345, **AS 14.25.044, 14.25.047** [AS 14.25.047], 14.25.048, 14.25.050,
30 14.25.060, [14.25.061,] 14.25.100, 14.25.105, or 14.25.107, the requirements of this
31 section, and the administrative filing requirements specified by the administrator, the

1 plan shall adjust the member's credited service history and add any additional service
2 credits acquired.

3 * **Sec. 15.** AS 14.25 is amended by adding a new section to read:

4 **Sec. 14.25.086. Sub-trust for members who first became members after**
5 **June 30, 2006.** The administrator shall deposit a portion of employer contributions
6 under AS 14.25.070 and 14.25.085 in a sub-trust of the retirement fund established by
7 the board for members who first became members after June 30, 2006. The amount
8 deposited, when combined with the amount separately computed for medical benefits
9 under AS 14.25.087, must be sufficient to pay the actuarially determined employer
10 normal cost and past service cost for members of the system who first became
11 members after June 30, 2006. When the amount sufficient to pay the actuarially
12 determined employer normal cost, all contributions required under AS 14.25.350 and
13 AS 39.30.370, and past service cost for members of the system is less than 12 percent
14 of all base salaries paid to active members of the system and to members who are
15 retired from the plan and reemployed under AS 14.20.136, including any adjustments
16 to contributions required by AS 14.25.173(a), the administrator shall deposit the
17 difference in the sub-trust established under this section.

18 * **Sec. 16.** AS 14.25.087 is amended to read:

19 **Sec. 14.25.087. Contributions for medical benefits.** Contributions made by
20 an employer under AS 14.25.070 and 14.25.085 must [SHALL] be separately
21 computed for benefits provided by AS 14.25.168 and retiree major medical
22 insurance plan benefits provided under AS 14.25.171, and must [SHALL] be
23 deposited in the Alaska retiree health care trust established under AS 39.30.097(a).

24 * **Sec. 17.** AS 14.25.110(a) is amended to read:

25 (a) Subject to AS 14.25.167,

26 **(1)** a member who first became a member of the plan before July 1,
27 2006, is eligible for a normal retirement benefit if the member

28 **(A)** [(1)] was first hired before July 1, 1975, has attained the
29 age of 55 years, and has at least 15 years of credited service, the last five of
30 which have been membership service, or is otherwise vested in the plan;

31 **(B)** [(2)] has attained the age of 60 years and has at least eight

1 years of membership service;

2 (C) [(3)] has attained the age of 60 years, has at least five years
3 of membership service, and has Alaska BIA service which, when added to the
4 membership service, will equal at least eight years;

5 (D) [(4)] has at least 25 years of credited service, the last five
6 of which have been membership service;

7 (E) [(5)] has at least 20 years of membership service;

8 (F) [(6)] has at least 20 years of combined membership service
9 and Alaska BIA service, the last five of which have been membership service;
10 or

11 (G) [(7)] has, for each of 20 school years,

12 (i) [(A)] at least one-half year of membership service as
13 a part-time teacher;

14 (ii) [(B)] one full year of membership service as a full-
15 time teacher; or

16 (iii) [(C)] any combination of service qualified under
17 this subparagraph;

18 (2) a member who first became a member of the plan after
19 June 30, 2006, is eligible for a normal retirement benefit if the member

20 (A) has attained the age of 60 years and has at least five
21 years of membership service; or

22 (B) has at least 30 years of membership service
23 [PARAGRAPH].

24 * **Sec. 18.** AS 14.25.110(b) is amended to read:

25 (b) Subject to AS 14.25.167, a member is eligible for an early retirement
26 benefit upon completing the service requirements in (a)(1)(A) [(a)(1)] of this section
27 and attaining the age of 50 years or upon completing the service requirements in
28 (a)(1)(B) or (C) [(a)(2) OR (3)] of this section and attaining the age of 55 years.

29 * **Sec. 19.** AS 14.25.110(d) is amended to read:

30 (d) The monthly amount of a retirement benefit

31 (1) for a member who first became a member of the plan before

1 **July 1, 2006, and** who has paid the full amount of any indebtedness is one-twelfth of
 2 the member's average base salary during any three school years of membership service
 3 multiplied by

4 (A) [(1)] two percent of the years of credited service earned
 5 before June 30, 1990, including credited fractional years, and the years of
 6 credited service through a total of 20 years; plus

7 (B) [(2)] two and one-half percent of the years of credited
 8 service earned after June 30, 1990, that are more than 20 years of total credited
 9 service;

10 **(2) for a member who first became a member of the plan after**
 11 **June 30, 2006, and who has paid the full amount of any indebtedness is one-**
 12 **twelfth of the member's average base salary during any five school years of**
 13 **membership service multiplied by**

14 (A) **two percent of the years of credited service through a**
 15 **total of 10 years; plus**

16 (B) **two and one-quarter percent of the years over 10 years**
 17 **of total credited service through 20 years; plus**

18 (C) **two and one-half percent of the years of credited service**
 19 **that are more than 20 years of total credited service.**

20 * **Sec. 20.** AS 14.25.142(a) is amended to read:

21 (a) While residing in the state, a person **who first became a member of the**
 22 **plan before July 1, 2006, who is** receiving a benefit under AS 14.25.009 - 14.25.220,
 23 **and** who is at least 65 years of age or **a person who first became a member of the**
 24 **plan before July 1, 2006, and** who is receiving a disability benefit under
 25 AS 14.25.009 - 14.25.220 is entitled to receive a monthly cost-of-living allowance in
 26 addition to the basic benefit. The amount of this allowance is 10 percent of the basic
 27 benefit.

28 * **Sec. 21.** AS 14.25.143(a) is amended to read:

29 (a) Once each year, the administrator shall increase benefit payments to
 30 eligible disabled members, to persons age 60 or older receiving benefits under this
 31 plan in the preceding calendar year, and to persons who have received benefits under

1 this plan for at least **five** [EIGHT] years who are not otherwise eligible for an increase
2 under this section.

3 * **Sec. 22.** AS 14.25.143(b) is amended to read:

4 (b) **Subject to (g) and (h) of this section, the** [THE] increase in benefit
5 payments applies to total benefit payments except for the cost-of-living allowance
6 under AS 14.25.142. The amount of the increase is a percentage of the current benefit
7 equal to

8 (1) the lesser of 75 percent of the increase in the cost of living in the
9 preceding calendar year or nine percent, for recipients who on July 1 are at least 65
10 years old and for members receiving disability benefits; and

11 (2) the lesser of 50 percent of the increase in the cost of living in the
12 preceding calendar year or six percent, for recipients who on July 1 are at least 60 but
13 less than 65 years old or for recipients who on July 1 are less than 60 years old but
14 who have received benefits from the plan for at least **five** [EIGHT] years.

15 * **Sec. 23.** AS 14.25.143 is amended by adding new subsections to read:

16 (g) Subject to (h) of this section, the amount of an increase for members who
17 first became members of the plan after June 30, 2006, and do not meet the eligibility
18 requirements for a permanent fund dividend under AS 43.23.005(a) in effect on July 1,
19 2026, is equal to one-half of the applicable percentage under (b) of this section.

20 (h) If the board determines that the portion of the liability of the plan that is
21 attributable to all members who first became members of the plan after June 30, 2006,
22 is funded below 90 percent, the board shall reduce the amount of the increase
23 determined under (b) or (g) of this section that is payable to a member who first
24 became a member after June 30, 2006. At any time, the board may terminate a
25 reduction made under this subsection.

26 * **Sec. 24.** AS 14.25.168(a) is amended to read:

27 (a) Except as provided in **AS 14.25.171 and** (c) of this section, the following
28 persons are entitled to major medical insurance coverage under this section:

29 (1) for teachers first hired before July 1, 1990,

30 (A) a teacher who is receiving a monthly benefit from the plan
31 and who has elected coverage;

1 (B) the spouse and dependent children of the teacher described
2 in (A) of this paragraph;

3 (C) the surviving spouse of a deceased teacher who is receiving
4 a monthly benefit from the plan and who has elected coverage;

5 (D) the dependent children of a deceased teacher who are
6 dependent on the surviving spouse described in (C) of this paragraph;

7 (2) for teachers first hired [ON OR] after **June 30** [JULY 1], 1990,

8 (A) a teacher who is receiving a monthly benefit from the plan
9 and who has elected coverage for the teacher;

10 (B) the spouse of the teacher described in (A) of this paragraph
11 if the teacher elected coverage for the spouse;

12 (C) the dependent children of the teacher described in (A) of
13 this paragraph if the teacher elected coverage for the dependent children;

14 (D) the surviving spouse of a deceased teacher who is receiving
15 a monthly benefit from the plan and who has elected coverage;

16 (E) the dependent children of a deceased teacher who are
17 dependent on the surviving spouse described in (D) of this paragraph if the
18 surviving spouse has elected coverage for the dependent children.

19 * **Sec. 25.** AS 14.25 is amended by adding a new section to read:

20 **Sec. 14.25.171. Medical benefit; eligibility of employees first hired after**
21 **June 30, 2006; surviving spouses and dependents.** (a) A teacher who first became a
22 member of the plan after June 30, 2006, receives a monthly benefit from the plan,
23 retired from the plan, and has elected benefits under this section is entitled to medical
24 benefits under this section. A member who applies for medical benefits under this
25 section shall apply on the forms and in the manner prescribed by the administrator. A
26 member is eligible to retire from the plan if the member

27 (1) has at least 25 years of service; or

28 (2) reaches the age set for Medicare eligibility and has at least 10 years
29 of service.

30 (b) The member's surviving spouse is eligible to elect medical benefits if the
31 member had retired or was eligible for retirement and medical benefits at the time of

1 the member's death.

2 (c) The medical benefits available to eligible persons are access to the retiree
3 major medical insurance plan and access to the health reimbursement arrangement
4 plan under AS 39.30.300. Access to the retiree major medical insurance plan means
5 that an eligible person may not be denied insurance coverage except for failure to pay
6 the required premium.

7 (d) Retiree major medical insurance plan coverage elected by an eligible
8 member under this section covers the eligible member, the spouse of the eligible
9 member, and the dependent children of the eligible member.

10 (e) Retiree major medical insurance plan coverage elected by a surviving
11 spouse of an eligible member under this section covers the surviving spouse and the
12 dependent children of the eligible member who are dependent on the surviving spouse.

13 (f) Participation in the retiree major medical insurance plan is not required in
14 order to participate in the health reimbursement arrangement plan.

15 (g) A person eligible for medical benefits under this section is not required to
16 participate in the health reimbursement arrangement plan in order to participate in the
17 retiree major medical insurance plan.

18 (h) A person who is eligible for medical benefits under this section must make
19 the irrevocable election to participate or not participate in the retiree major medical
20 insurance plan on or before the date the person reaches 70 1/2 years of age or when the
21 person applies for retirement and medical benefits, whichever is later.

22 (i) Major medical insurance coverage takes effect on the first day of the month
23 following the date of the administrator's approval of the election and stops when the
24 person who elects coverage dies or fails to make a required premium payment.

25 (j) The coverage for persons 65 years of age or older is the same as that
26 available for persons under 65 years of age. The benefits payable to those persons 65
27 years of age or older supplement any benefits provided under the federal old age,
28 survivors, and disability insurance program.

29 (k) The medical and optional insurance premiums owed by the person who
30 elects coverage may be deducted from the health reimbursement arrangement plan. If
31 the amount of the health reimbursement arrangement plan becomes insufficient to pay

1 the premiums, the person who elects coverage under (a) of this section shall pay the
2 premiums directly.

3 (l) The cost of premiums for retiree major medical insurance coverage under
4 this section for an eligible member or surviving spouse who is

5 (1) not eligible for Medicare is an amount equal to the full monthly
6 group premiums for retiree major medical insurance coverage;

7 (2) eligible for Medicare is the following percentage of the premium
8 amounts established for retirees who are eligible for Medicare:

9 (A) 30 percent if the member had 10 or more, but less than 15,
10 years of service;

11 (B) 25 percent if the member had 15 or more, but less than 20,
12 years of service;

13 (C) 20 percent if the member had 20 or more, but less than 25,
14 years of service;

15 (D) 15 percent if the member had 25 or more, but less than 30,
16 years of service;

17 (E) 10 percent if the member had 30 or more years of service.

18 (m) The eligibility for retiree major medical insurance coverage for an
19 alternate payee under a qualified domestic relations order shall be determined based
20 on the eligibility of the member to elect coverage. The alternate payee shall pay the
21 full monthly premium for retiree major medical insurance coverage.

22 (n) The administrator shall

23 (1) inform a person entitled to retiree major medical insurance
24 coverage under this section in writing

25 (A) that the health insurance coverage available to retired
26 members may be different from the health insurance coverage provided to
27 employees;

28 (B) of time limits for selecting optional health insurance
29 coverage; and

30 (C) whether the election is irrevocable; and

31 (2) require that a person entitled to retiree major medical insurance

1 coverage under this section indicate in writing on a form provided by the administrator
2 whether the person has chosen to receive optional health insurance coverage.

3 (o) The monthly group premiums for retiree major medical insurance coverage
4 under this section are established by the administrator in accordance with
5 AS 39.30.095. Nothing in this chapter guarantees a person who elects coverage under
6 (a) of this section a monthly group premium rate for retiree major medical insurance
7 coverage other than the premium in effect for the month in which the premium is due
8 for coverage for that month.

9 (p) In this section, "health reimbursement arrangement plan" means the State
10 of Alaska Teachers' and Public Employees' Retiree Health Reimbursement
11 Arrangement Plan established in AS 39.30.300.

12 * **Sec. 26.** AS 14.25.220(5) is amended to read:

13 (5) "average base salary" means,

14 **(A) for a teacher who first became a member before July 1,**
15 **2006,** the result obtained by dividing the sum of the member's three highest
16 years' base salary by three, or if a member does not have three years base
17 salary, then by dividing the sum of all base salaries by the number of years of
18 base salary; the base salary for a year in which credit is granted for disability
19 totaling more than one-third of a year may not be used in the computation of
20 the average base salary; the base salary in a school year for which the member
21 receives compensation for less than two-thirds of a year may not be used in the
22 computation of the average base salary; if compensation is received for more
23 than two-thirds of a year, the full base salary for that school year shall be used
24 in the computation of the average base salary;

25 **(B) for a teacher who first became a member after June 30,**
26 **2006, the result obtained by dividing the sum of the member's five highest**
27 **years' base salary by five, or if a member does not have five years' base**
28 **salary, then by dividing the sum of all base salaries by the number of**
29 **years of base salary; the base salary for a year in which credit is granted**
30 **for disability totaling more than one-third of a year may not be used in the**
31 **computation of the average base salary; the base salary in a school year**

1 **for which the member receives compensation for less than two-thirds of a**
 2 **year may not be used in the computation of the average base salary; if**
 3 **compensation is received for more than two-thirds of a year, the full base**
 4 **salary for that school year shall be used in the computation of the average**
 5 **base salary;**

6 * Sec. 27. AS 14.25.220(6) is amended to read:

7 (6) "base salary"

8 (A) means the total remuneration payable under contract for a
 9 full year of membership service, including addenda to the contract **and, for a**
 10 **member who elects to participate solely in this plan under AS 14.25.040(f),**
 11 **remuneration paid by the public employees' retirement plan employer,**
 12 but, for a member first hired on or after July 1, 1996, does not include
 13 remuneration in excess of the limitations set out in 26 U.S.C. 401(a)(17);

14 (B) has the same meaning as "compensation" under
 15 AS 39.35.680(9) when applied to a state legislator who elects membership
 16 under AS 14.25.040(b);

17 * Sec. 28. AS 14.25.220(46) is amended to read:

18 (46) "vested member" or "vested teacher" means an active member
 19 who [HAS COMPLETED EITHER]

20 (A) **first became a member before July 1, 2006, and has**
 21 **completed**

22 (i) 15 years of service, the last five of which have been
 23 membership service, for a member first hired before July 1, 1975;

24 (ii) [(B)] eight years of membership service;

25 (iii) [(C)] five years of membership and three years of
 26 BIA service; or

27 (iv) [(D)] 12 school years of part-time membership
 28 service or 12 school years in each of which the member earned either
 29 part-time or full-time membership service;

30 (B) **first became a member after June 30, 2006, and has**
 31 **completed five years of membership service;**

1 * **Sec. 29.** AS 14.25.220 is amended by adding a new paragraph to read:

2 (48) "first became a member after June 30, 2006" and "first became a
3 member of the plan after June 30, 2006" include a member who elected under
4 AS 14.25.540 to participate in the defined contribution retirement plan under
5 AS 14.25.310 - 14.25.590 and who elects to participate in the defined benefit
6 retirement plan under AS 14.25.009 - 14.25.220.

7 * **Sec. 30.** AS 14.25.310 is amended to read:

8 **Sec. 14.25.310. Applicability of AS 14.25.310 - 14.25.590.** The provisions of
9 AS 14.25.310 - 14.25.590 apply only to

10 (1) teachers who first become members [ON OR] after **June 30, 2006,**
11 **and before July 1, 2027, and who are eligible but do not elect to participate in a**
12 **defined benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 -**
13 **39.35.680; and**

14 (2) teachers [JULY 1, 2006, TO MEMBERS WHO ARE
15 EMPLOYED BY EMPLOYERS THAT DO NOT PARTICIPATE IN THE
16 DEFINED BENEFIT RETIREMENT PLAN ESTABLISHED UNDER AS 14.25.009
17 - 14.25.220, TO FORMER MEMBERS UNDER AS 14.25.220, OR TO MEMBERS]
18 who transferred [TRANSFER] into the defined contribution retirement plan under
19 AS 14.25.540 and do not elect to participate in the defined benefit retirement plan
20 under AS 14.25.009 - 14.25.220.

21 * **Sec. 31.** AS 14.25.310 is amended by adding a new subsection to read:

22 (b) An employer that participates in the plan shall also participate in the
23 defined benefit retirement plan under AS 14.25.009 - 14.25.220.

24 * **Sec. 32.** AS 14.25.330(a) is amended to read:

25 (a) A teacher who first becomes a member [ON OR] after **June 30, 2006, and**
26 **before July 1, 2027, and who does not participate in a defined benefit retirement**
27 **plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 - 39.35.680 is** [JULY 1, 2006,
28 SHALL PARTICIPATE IN THE PLAN AS] a member of the defined contribution
29 retirement plan.

30 * **Sec. 33.** AS 14.25.470(a) is amended to read:

31 (a) In order to obtain medical benefits under AS 14.25.480, a member must

1 retire [DIRECTLY] from the plan. A member is eligible to retire from the plan if
 2 [THE MEMBER HAS BEEN AN ACTIVE MEMBER FOR AT LEAST 12
 3 MONTHS BEFORE APPLICATION FOR RETIREMENT AND]

4 (1) the member has at least 25 [30] years of service; or

5 (2) the member reaches the normal retirement age, [AND] has at least
 6 10 years of service, and has been an active member for at least 12 months
 7 immediately before application for retirement.

8 * **Sec. 34.** AS 14.25.490(a) is amended to read:

9 (a) Subject to art. XII, sec. 7, Constitution of the State of Alaska, the
 10 [THE] state may [HAS THE RIGHT TO] amend the plan at any time and from time to
 11 time, in whole or in part, including the right to make retroactive amendments referred
 12 to in 26 U.S.C. 401(b).

13 * **Sec. 35.** AS 14.25.490(b) is amended to read:

14 (b) The plan administrator may not modify or amend the plan retroactively [IN
 15 SUCH A MANNER AS] to reduce [THE] benefits accrued by a [OF ANY] member
 16 [ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS
 17 MADE] before the modification or amendment except to the extent that the reduction
 18 is permitted by art. XII, sec. 7, Constitution of the State of Alaska, and the Internal
 19 Revenue Code.

20 * **Sec. 36.** AS 14.25.490(c) is amended to read:

21 (c) Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the
 22 Internal Revenue Code, the [THE] state may [, IN ITS DISCRETION,] terminate the
 23 plan in whole or part [AT ANY TIME] without liability for the termination. If the plan
 24 is terminated, all investments at the time of termination remain in force until all
 25 individual accounts have been completely distributed under the plan. After [, AND,
 26 AFTER] all plan liabilities are satisfied, excess assets of the plan revert to the
 27 employer.

28 * **Sec. 37.** AS 14.25.490(d) is repealed and reenacted to read:

29 (d) Within one year after determining that a contribution to the plan by an
 30 employer was the result of a mistake of fact, the administrator shall return the
 31 contribution to the employer.

1 * **Sec. 38.** AS 14.25.540(a) is amended to read:

2 (a) **An** [SUBJECT TO (i) OF THIS SECTION, AN] active member of the
3 defined benefit retirement plan of the teachers' retirement system is eligible to
4 participate in the defined contribution retirement plan established under AS 14.25.310
5 - 14.25.590 if that member has not vested. Participation in the defined contribution
6 retirement plan is in lieu of participation in the defined benefit retirement plan
7 established under AS 14.25.009 - 14.25.220.

8 * **Sec. 39.** AS 14.25.540(c) is amended to read:

9 (c) Each eligible member who elects to participate in the defined contribution
10 retirement plan shall have transferred to a new account the member contribution
11 account balance held in trust for the member under the defined benefit retirement plan
12 of the teachers' retirement system. **An** [A MATCHING] employer contribution **equal**
13 **to 88 percent of the transferred account balance** shall be made on behalf of that
14 employee to the new account. The **administrator** [EMPLOYER] shall make the
15 **payment for that purpose** [MATCHING CONTRIBUTION] from [FUNDS OTHER
16 THAN] the **sub-trust established under AS 14.25.086** [TRUST FUNDS OF THE
17 DEFINED BENEFIT RETIREMENT PLAN]. The amount of the [MATCHING]
18 employer contribution is subject to, and may not exceed, the limitation of 26 U.S.C.
19 415(c) during the applicable limitation year as defined in AS 14.25.590. If the
20 [MATCHING] employer contribution would exceed the limits during the limitation
21 year in which the transfer occurs, the remaining amount of the [MATCHING]
22 employer contribution shall be made in the next limitation year, if the limits **during**
23 **that year** would not be exceeded.

24 * **Sec. 40.** AS 14.25.540(h) is amended to read:

25 (h) **An** [A MEMBER WHO IS ELIGIBLE TO ELECT TRANSFER TO THE
26 DEFINED CONTRIBUTION RETIREMENT PLAN MUST MAKE THE
27 ELECTION NOT LATER THAN 12 MONTHS AFTER THE FIRST DAY OF THE
28 MONTH FOLLOWING THE ADMINISTRATOR'S RECEIPT OF THE
29 NOTIFICATION THAT THE MEMBER'S EMPLOYER CONSENTS TO
30 TRANSFERS OF ITS MEMBERS UNDER (i) OF THIS SECTION. THE] election to
31 participate in the defined contribution retirement plan must be made in writing on

1 forms and in the manner prescribed by the administrator. Before accepting an election
 2 to participate in the defined contribution retirement plan, the administrator must
 3 provide the employee planning on making an election to participate in the defined
 4 contribution retirement plan with information, including calculations to illustrate the
 5 effect of moving the employee's retirement plan from the defined benefit retirement
 6 plan to the defined contribution retirement plan as well as other information to clearly
 7 inform the employee of the potential consequences of the employee's election. An
 8 election made under this subsection to participate in the defined contribution
 9 retirement plan is irrevocable. Upon making the election, the participant shall be
 10 enrolled as a member of the defined contribution retirement plan, the member's
 11 participation in the plan shall be governed by the provisions of AS 14.25.310 -
 12 14.25.590, and the member's participation in the defined benefit retirement plan under
 13 AS 14.25.009 - 14.25.220 shall terminate. The participant's enrollment in the defined
 14 contribution retirement plan shall be effective the first day of the month after the
 15 administrator receives the completed enrollment forms. An election made by an
 16 eligible member who is married is not effective unless the election is signed by the
 17 individual's spouse.

18 * **Sec. 41.** AS 37.10.220(a) is amended to read:

19 (a) The board shall

20 (1) hold regular and special meetings at the call of the chair or of at
 21 least five members; meetings are open to the public, and the board shall keep a full
 22 record of all its proceedings;

23 (2) after reviewing recommendations from the Department of
 24 Revenue, adopt investment policies for each of the funds entrusted to the board,
 25 **including a policy to prevent each fund from having an unfunded liability greater**
 26 **than 10 percent;**

27 (3) determine the appropriate investment objectives for the defined
 28 benefit plans established under the teachers' retirement system under AS 14.25 and the
 29 public employees' retirement system under AS 39.35;

30 (4) assist in prescribing the policies for the proper operation of the
 31 systems and take other actions necessary to carry out the intent and purpose of the

1 systems in accordance with AS 37.10.210 - 37.10.390;

2 (5) provide a range of investment options and establish the rules by
3 which participants can direct their investments among those options with respect to
4 accounts established under

5 (A) AS 14.25.340 - 14.25.350 (teachers' retirement system
6 defined contribution individual accounts);

7 (B) AS 39.30.150 - 39.30.180 (State of Alaska Supplementary
8 Annuity Plan);

9 (C) AS 39.35.730 - 39.35.750 (public employees' retirement
10 system defined contribution individual accounts); and

11 (D) AS 39.45.010 - 39.45.060 (public employees' deferred
12 compensation program);

13 (6) establish the rate of interest that shall be annually credited to each
14 member's individual contribution account in accordance with AS 14.25.145 and
15 AS 39.35.100 and the rate of interest that shall be annually credited to each member's
16 account in the health reimbursement arrangement plan under AS 39.30.300 -
17 39.30.495; the rate of interest shall be adopted on the basis of the probable effective
18 rate of interest on a long-term basis, and the rate may be changed from time to time;

19 (7) adopt a contribution surcharge as necessary under AS 39.35.160(c);

20 (8) coordinate with the retirement system administrator to have an
21 annual actuarial valuation of each retirement system prepared to determine system
22 assets, accrued liabilities, and funding ratios and to certify to the appropriate
23 budgetary authority of each employer in the system

24 (A) an appropriate contribution rate for normal costs; [AND]

25 (B) an appropriate contribution rate for liquidating any past
26 service liability; in this subparagraph, the appropriate contribution rate for
27 liquidating the past service liability of the defined benefit retirement plan under
28 AS 14.25.009 - 14.25.220 or the past service liability of the defined benefit
29 retirement plan under AS 39.35.095 - 39.35.680 must be [DETERMINED BY
30 A LEVEL PERCENT OF PAY METHOD] based on amortization of the past
31 service liability for a closed term of 25 years;

1 **(C) an appropriate monthly employer contribution under**
 2 **AS 14.25.070 and AS 39.35.255; and**

3 **(D) appropriate adjustments, if any, under AS 14.25.050(e)**
 4 **and AS 39.35.160(e);**

5 (9) review actuarial assumptions prepared and certified by a member
 6 of the American Academy of Actuaries and conduct experience analyses of the
 7 retirement systems not less than once every four years, except for health cost
 8 assumptions, which shall be reviewed annually; the results of all actuarial assumptions
 9 prepared under this paragraph shall be reviewed and certified by a second member of
 10 the American Academy of Actuaries before presentation to the board;

11 (10) contract for an independent audit of the state's actuary not less
 12 than once every four years;

13 (11) contract for an independent audit of the state's performance
 14 consultant not less than once every four years;

15 (12) obtain an external performance review to evaluate the investment
 16 policies of each fund entrusted to the board and report the results of the review to the
 17 appropriate fund fiduciary;

18 (13) by the first day of each regular legislative session, report to the
 19 governor, the legislature, and the individual employers participating in the state's
 20 retirement systems on the financial condition of the systems in regard to

21 (A) the valuation of trust fund assets and liabilities;

22 (B) current investment policies adopted by the board;

23 (C) a summary of assets held in trust listed by the categories of
 24 investment;

25 (D) the income and expenditures for the previous fiscal year;

26 (E) the return projections for the next calendar year;

27 (F) one-year, three-year, five-year, and 10-year investment
 28 performance for each of the funds entrusted to the board; and

29 (G) other statistical data necessary for a proper understanding
 30 of the financial status of the systems;

31 (14) submit quarterly updates of the investment performance reports to

1 the Legislative Budget and Audit Committee;

2 (15) develop an annual operating budget; [AND]

3 (16) administer pension forfeitures required under AS 37.10.310 using
4 the procedures of AS 44.62 (Administrative Procedure Act);

5 **(17) establish one or more sub-trusts of the pension fund to hold**
6 **employer contributions deposited under AS 14.25.086 and AS 39.35.281,**
7 **employee contributions, assets, and earnings attributable to members of the**
8 **defined benefit retirement plan under AS 14.25.009 - 14.25.220 or the defined**
9 **benefit retirement plan under AS 39.35.095 - 39.35.680 who first became**
10 **members of the respective plan after June 30, 2006; and**

11 **(18) account for and track employer contributions, employee**
12 **contributions, assets, and earnings in each trust fund or sub-trust attributable to**
13 **members who first became members after June 30, 2006, of the defined benefit**
14 **retirement plan under AS 14.25.009 - 14.25.220 and members who first became**
15 **members after June 30, 2006, of the defined benefit retirement plan under**
16 **AS 39.35.095 - 39.35.680; employer contributions that exceed those assigned to**
17 **members who first became members after June 30, 2006, of the defined benefit**
18 **retirement plan under AS 14.25.009 - 14.25.220 and members who first became**
19 **members after June 30, 2006, of the defined benefit retirement plan under**
20 **AS 39.35.095 - 39.35.680 shall be transferred or retained in trusts or sub-trusts**
21 **with liability allocated toward employer normal costs for members who became**
22 **members of the respective defined benefit retirement plan before July 1, 2027,**
23 **past service costs, the health reimbursement arrangement plan under**
24 **AS 39.30.300 - 39.30.495, and employer contributions under AS 14.25.350 and**
25 **AS 39.35.750.**

26 * Sec. 42. AS 37.10.220(b) is amended to read:

27 (b) The board may

28 (1) employ outside investment advisors to review investment policies;

29 (2) enter into an agreement with the fiduciary of another state fund in
30 order to assume the management and investment of those assets;

31 (3) contract for other services necessary to execute the board's powers

1 and duties;

2 (4) enter into confidentiality agreements that would exempt records
3 from AS 40.25.110 and 40.25.120 if the records contain information that could affect
4 the value of investment by the board or that could impair the ability of the board to
5 acquire, maintain, or dispose of investments;

6 **(5) adjust the amount of the increase in benefits payable to a**
7 **member who first became a member after June 30, 2006, as provided under**
8 **AS 14.25.143 and AS 39.35.475;**

9 **(6) adjust contributions under AS 14.25.050(e) and**
10 **AS 39.35.160(e).**

11 * **Sec. 43.** AS 39.30.090(a) is amended to read:

12 (a) The Department of Administration may obtain a policy or policies of group
13 insurance covering state employees, persons entitled to coverage under AS 14.25.168,
14 **14.25.171**, 14.25.480, AS 22.25.090, AS 39.35.535, **39.35.537**, 39.35.880, or former
15 AS 39.37.145, employees of other participating governmental units, or persons
16 entitled to coverage under AS 23.15.136, subject to the following conditions:

17 (1) a group insurance policy shall provide one or more of the following
18 benefits: life insurance, accidental death and dismemberment insurance, weekly
19 indemnity insurance, hospital expense insurance, surgical expense insurance, dental
20 expense insurance, audiovisual insurance, or other medical care insurance;

21 (2) each eligible employee of the state, the spouse and the unmarried
22 children chiefly dependent on the eligible employee for support, and each eligible
23 employee of another participating governmental unit shall be covered by the group
24 policy, unless exempt under regulations adopted by the commissioner of
25 administration;

26 (3) a governmental unit may participate under a group policy if

27 (A) its governing body adopts a resolution authorizing
28 participation and payment of required premiums;

29 (B) a certified copy of the resolution is filed with the
30 Department of Administration; and

31 (C) the commissioner of administration approves the

1 participation in writing;

2 (4) in procuring a policy of group health or group life insurance as
3 provided under this section or excess loss insurance as provided in AS 39.30.091, the
4 Department of Administration shall comply with the dual choice requirements of
5 AS 21.86.310, and shall obtain the insurance policy from an insurer authorized to
6 transact business in the state under AS 21.09, a hospital or medical service corporation
7 authorized to transact business in this state under AS 21.87, or a health maintenance
8 organization authorized to operate in this state under AS 21.86; an excess loss
9 insurance policy may be obtained from a life or health insurer authorized to transact
10 business in this state under AS 21.09 or from a hospital or medical service corporation
11 authorized to transact business in this state under AS 21.87;

12 (5) the Department of Administration shall make available bid
13 specifications for desired insurance benefits or for administration of benefit claims and
14 payments to (A) all insurance carriers authorized to transact business in this state
15 under AS 21.09 and all hospital or medical service corporations authorized to transact
16 business under AS 21.87 who are qualified to provide the desired benefits; and (B)
17 insurance carriers authorized to transact business in this state under AS 21.09, hospital
18 or medical service corporations authorized to transact business under AS 21.87, and
19 third-party administrators licensed to transact business in this state and qualified to
20 provide administrative services; the specifications shall be made available at least once
21 every five years; the lowest responsible bid submitted by an insurance carrier, hospital
22 or medical service corporation, or third-party administrator with adequate servicing
23 facilities shall govern selection of a carrier, hospital or medical service corporation, or
24 third-party administrator under this section or the selection of an insurance carrier or a
25 hospital or medical service corporation to provide excess loss insurance as provided in
26 AS 39.30.091;

27 (6) if the aggregate of dividends payable under the group insurance
28 policy exceeds the governmental unit's share of the premium, the excess shall be
29 applied by the governmental unit for the sole benefit of the employees;

30 (7) a person receiving benefits under AS 14.25.110, AS 22.25,
31 AS 39.35, or former AS 39.37 may continue the life insurance coverage that was in

1 effect under this section at the time of termination of employment with the state or
2 participating governmental unit;

3 (8) a person electing to have insurance under (7) of this subsection
4 shall pay the cost of this insurance;

5 (9) for each permanent part-time employee electing coverage under
6 this section, the state shall contribute one-half the state contribution rate for permanent
7 full-time state employees, and the permanent part-time employee shall contribute the
8 other one-half;

9 (10) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
10 or former AS 39.37 may obtain auditory, visual, and dental insurance for that person
11 and eligible dependents under this section; the level of coverage for persons over 65
12 shall be the same as that available before reaching age 65 except that the benefits
13 payable shall be supplemental to any benefits provided under the federal old age,
14 survivors, and disability insurance program; a person electing to have insurance under
15 this paragraph shall pay the cost of the insurance; the commissioner of administration
16 shall adopt regulations implementing this paragraph;

17 (11) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
18 or former AS 39.37 may obtain long-term care insurance for that person and eligible
19 dependents under this section; a person who elects insurance under this paragraph
20 shall pay the cost of the insurance premium; the commissioner of administration shall
21 adopt regulations to implement this paragraph;

22 (12) each licensee holding a current operating agreement for a vending
23 facility under AS 23.15.010 - 23.15.210 shall be covered by the group policy that
24 applies to governmental units other than the state.

25 * **Sec. 44.** AS 39.30.097(a) is amended to read:

26 (a) The commissioner of administration is authorized to prefund medical
27 benefits provided by AS 14.25.168, 14.25.171, AS 22.25.090, [AND] AS 39.35.535,
28 and 39.35.537 by establishing an irrevocable trust that is exempt from federal income
29 tax under 26 U.S.C. 115 and subject to the applicable financial reporting, disclosure,
30 and actuarial requirements of the Governmental Accounting Standards Board.

31 * **Sec. 45.** AS 39.30.097(b) is amended to read:

1 (b) The commissioner of administration is authorized to prefund medical
 2 benefits provided by AS 14.25.480 [, AS 39.30.300,] and AS 39.35.880 by
 3 establishing an irrevocable trust that is exempt from federal income tax under 26
 4 U.S.C. 115 and subject to the applicable financial reporting, disclosure, and actuarial
 5 requirements of the Governmental Accounting Standards Board.

6 * **Sec. 46.** AS 39.30.097 is amended by adding a new subsection to read:

7 (f) The commissioner of administration is authorized to prefund medical
 8 benefits provided by AS 39.30.300 by establishing an irrevocable trust that is exempt
 9 from federal income tax under 26 U.S.C. 115 and subject to the applicable financial
 10 reporting, disclosure, and actuarial requirements of the Governmental Accounting
 11 Standards Board.

12 * **Sec. 47.** AS 39.30.300 is amended to read:

13 **Sec. 39.30.300. State of Alaska Teachers' and Public Employees' Retiree**
 14 **Health Reimbursement Arrangement Plan established.** The State of Alaska
 15 Teachers' and Public Employees' Retiree Health Reimbursement Arrangement Plan is
 16 established for

17 **(1)** teachers who first become members of the [DEFINED
 18 CONTRIBUTION PLAN OF THE] teachers' retirement system under **AS 14.25.009 -**
 19 **14.25.590** [AS 14.25.310 - 14.25.590 ON OR] after **June 30, 2006** [JULY 1, 2006],
 20 and **teachers who elected under AS 14.25.540 to participate in the plan under**
 21 **AS 14.25.310 - 14.25.590; and**

22 **(2)** employees of the state, political subdivisions of the state, and
 23 public organizations of the state who first become members [OF THE DEFINED
 24 CONTRIBUTION PLAN] of the **public employees' retirement system (AS 39.35)**
 25 **[PUBLIC EMPLOYEES' RETIREMENT SYSTEM UNDER AS 39.35.700 -**
 26 **39.35.990 ON OR]** after **June 30, 2006, and employees of the state, political**
 27 **subdivisions of the state, and public organizations of the state who elected under**
 28 **AS 39.35.940 to participate in the plan established under AS 39.35.700 - 39.35.990**
 29 [JULY 1, 2006].

30 * **Sec. 48.** AS 39.30.340 is amended to read:

31 **Sec. 39.30.340. Powers and duties of the administrator.** The administrator

1 shall establish a teachers' and public employees' retiree health reimbursement
 2 arrangement plan trust fund under AS 39.30.097(f) in which the assets of the plan
 3 shall be deposited and held. [THE RETIREE HEALTH REIMBURSEMENT
 4 ARRANGEMENT PLAN TRUST FUND MAY BE A SUB-TRUST OF THE
 5 ALASKA RETIREE HEALTH CARE TRUST ESTABLISHED UNDER
 6 AS 39.30.097(b).] The administrator has the same powers and duties with regard to
 7 the plan and the trust fund as provided in AS 14.25.003 and 14.25.004.

8 * **Sec. 49.** AS 39.30.370 is amended to read:

9 **Sec. 39.30.370. Contributions by employers. Except as required under (b)**
 10 **of this section, for** [FOR] each member of the plan, an employer shall contribute to
 11 the teachers' and public employees' retiree health reimbursement arrangement plan
 12 trust fund an amount equal to three percent of the average annual compensation of all
 13 employees of all employers in the teachers' retirement system and public employees'
 14 retirement system. [THE ADMINISTRATOR SHALL MAINTAIN A RECORD FOR
 15 EACH MEMBER TO ACCOUNT FOR EMPLOYER CONTRIBUTIONS ON
 16 BEHALF OF THAT MEMBER. THE BOARD SHALL ESTABLISH BY
 17 REGULATION THE RATE OF INTEREST TO BE APPLIED ANNUALLY TO
 18 THE AMOUNT IN A MEMBER'S INDIVIDUAL ACCOUNT.]

19 * **Sec. 50.** AS 39.30.370 is amended by adding new subsections to read:

20 (b) For each member of the plan who is a peace officer or firefighter, an
 21 employer shall contribute to the teachers' and public employees' retiree health
 22 reimbursement arrangement plan trust fund an amount equal to four percent of the
 23 average annual compensation of all employees of all employers in the teachers'
 24 retirement system and public employees' retirement system.

25 (c) The administrator shall maintain a record for each member to account for
 26 employer contributions on behalf of that member. The board shall establish by
 27 regulation the rate of interest to be applied annually to the amount in a member's
 28 individual account.

29 (d) In this section, "peace officer" and "firefighter" have the meaning given in
 30 AS 39.35.990.

31 * **Sec. 51.** AS 39.30.380 is amended to read:

1 **Sec. 39.30.380. Termination of employment.** A person who terminates
 2 employment before meeting the eligibility requirements of **AS 14.25.171, 14.25.470,**
 3 **AS 39.35.537, or 39.35.870** [AS 14.25.470 OR AS 39.35.870] loses any right to the
 4 contributions made on behalf of the person to the teachers' and public employees'
 5 retiree health reimbursement arrangement trust fund. If a person returns to
 6 employment with a participating employer by December 31 of the year in which the
 7 person reaches 65 years of age, the person's account balance shall be restored in the
 8 amount recorded on the date of termination from the trust, adjusted for inflation at the
 9 rate of the Consumer Price Index for Anchorage, Alaska. The earlier period of
 10 employment with a participating employer shall be credited toward eligibility for
 11 medical benefits.

12 * **Sec. 52.** AS 39.30.390 is amended to read:

13 **Sec. 39.30.390. Eligibility and reimbursement.** Persons who meet the
 14 eligibility requirements of **AS 14.25.171, 14.25.470, AS 39.35.537, or 39.35.870**
 15 [AS 14.25.470 AND AS 39.35.870] are eligible for reimbursements from the
 16 individual account established for a member under the plan [, EXCEPT MEMBERS
 17 DO NOT HAVE TO RETIRE DIRECTLY FROM THE SYSTEM]. A person who is
 18 the dependent child of an eligible member is eligible for reimbursements if the eligible
 19 member and surviving spouse have both died so long as the person meets the
 20 definition of dependent child.

21 * **Sec. 53.** AS 39.30.400(a) is amended to read:

22 (a) The administrator may deduct the cost of monthly premiums from the
 23 individual account for retiree major medical insurance on behalf of an eligible person
 24 who elected retiree major medical insurance under **AS 14.25.171, 14.25.480,**
 25 **AS 39.35.537, or 39.35.880** [AS 14.25.480 OR AS 39.35.880].

26 * **Sec. 54.** AS 39.30.420(a) is amended to read:

27 (a) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, the**
 28 [THE] state **may** [HAS THE RIGHT TO] amend the plan at any time and from time to
 29 time, in whole or in part, including the right to make retroactive amendments referred
 30 to in 26 U.S.C. 401(b).

31 * **Sec. 55.** AS 39.30.420(b) is amended to read:

1 (b) The plan administrator may not modify or amend the plan retroactively [IN
2 SUCH A MANNER AS] to reduce [THE] benefits **accrued by a** [OF ANY] member
3 [ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS
4 MADE] before the modification or amendment except to the extent that the reduction
5 is permitted by **art. XII, sec. 7, Constitution of the State of Alaska, and** the Internal
6 Revenue Code.

7 * **Sec. 56.** AS 39.30.420(c) is amended to read:

8 (c) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the**
9 **Internal Revenue Code, the** [THE] state may [, IN ITS DISCRETION,] terminate the
10 plan in whole or part [AT ANY TIME] without liability for the termination. If the plan
11 is terminated, all investments **at the time of termination** remain in force until all
12 individual accounts have been completely distributed under the plan. **After** [, AND,
13 AFTER] all plan liabilities are satisfied, excess assets **of the plan** revert to the
14 employer.

15 * **Sec. 57.** AS 39.30.420(d) is repealed and reenacted to read:

16 (d) Within one year after determining that a contribution to the plan by an
17 employer was the result of a mistake of fact, the administrator shall return the
18 contribution to the employer.

19 * **Sec. 58.** AS 39.30.495(5) is amended to read:

20 (5) "eligible person" means a person who meets the eligibility
21 requirements of **AS 14.25.171, 14.25.470, AS 39.35.537, or 39.35.870** [AS 14.25.470
22 OR AS 39.35.870];

23 * **Sec. 59.** AS 39.30.495(6) is amended to read:

24 (6) "employer" has the meaning given in **AS 14.25.220 for employers**
25 **of teachers in the defined benefit retirement plan established in AS 14.25.009 -**
26 **14.25.220, has the meaning given in** AS 14.25.590 for employers of teachers in the
27 defined contribution plan established in AS 14.25.310 - 14.25.590, **has the meaning**
28 **given in AS 39.35.680 for employers of public employees in the defined benefit**
29 **retirement plan established in AS 39.35.095 - 39.35.680,** and has the meaning given
30 in AS 39.35.990 for employers of public employees in the defined contribution plan
31 established in AS 39.35.700 - 39.35.990;

1 * **Sec. 60.** AS 39.30.495(9) is amended to read:

2 (9) "member" means a member of the **plan** [DEFINED
3 CONTRIBUTION PLAN OF THE TEACHERS' RETIREMENT SYSTEM IN
4 AS 14.25.310 - 14.25.590 OR A MEMBER OF THE PUBLIC EMPLOYEES'
5 RETIREMENT SYSTEM IN AS 39.35.700 - 39.35.990];

6 * **Sec. 61.** AS 39.35.095 is amended to read:

7 **Sec. 39.35.095. Applicability of AS 39.35.095 - 39.35.680.** The
8 [FOLLOWING] provisions of **AS 39.35.095 - 39.35.680** [THIS CHAPTER] apply
9 only to

10 **(1) members first hired before July 1, 2006, who**

11 **(A) have not elected under AS 39.35.940 to participate in**
12 **the defined contribution retirement plan under AS 39.35.700 - 39.35.990;**
13 **or**

14 **(B) have elected under AS 39.35.940 to participate in the**
15 **defined contribution retirement plan under AS 39.35.700 - 39.35.990 and**
16 **are former members of the defined contribution retirement plan under**
17 **AS 39.35.700 - 39.35.990;**

18 **(2) members hired by the state, or by an employer that is a**
19 **political subdivision or public organization of the state that elects to provide**
20 **defined benefits under AS 39.35.095 - 39.35.680 to employees who first become**
21 **members of the plan after June 30, 2006, who are**

22 **(A) former members of the defined contribution retirement**
23 **plan under AS 39.35.700 - 39.35.990 first hired after June 30, 2006, and**
24 **before July 1, 2026; or**

25 **(B) members first hired after June 30, 2026** [: AS 39.35.095
26 - 39.35.680].

27 * **Sec. 62.** AS 39.35.095 is amended by adding a new subsection to read:

28 (b) An employee who became a member of the system after June 30, 2006,
29 and before July 1, 2027, or who has elected under AS 39.35.940 to participate in the
30 defined contribution retirement plan under AS 39.35.700 - 39.35.990, is subject to
31 AS 39.35.095 - 39.35.680 if the employee

1 (1) is not employed by an employer on July 1, 2027;

2 (2) is reemployed after July 1, 2027, by an employer that provides
3 defined benefits under AS 39.35.095 - 39.35.680 to employees who first become
4 members of the plan after June 30, 2006; and

5 (3) has, before the date of reemployment, received

6 (A) a distribution, other than a rollover distribution, of the
7 entire balance in the member's individual account in the defined contribution
8 retirement plan; or

9 (B) a rollover distribution of the entire balance in the member's
10 individual account in the defined contribution retirement plan and has not
11 within 180 days of reemployment had all or part of a direct rollover
12 distribution from an eligible retirement plan owned by the member paid
13 directly into the member's individual account.

14 * **Sec. 63.** AS 39.35.100(b) is amended to read:

15 (b) An individual account shall be maintained for each employee to record the
16 amount of the employee's mandatory contributions collected under **AS 39.35.160**
17 [AS 39.35.160(a)]. As of the last day of each calendar year and of each fiscal year, this
18 account shall be credited with interest by applying the prescribed rate of interest, as
19 determined by the board, to the balance in the account as of that date. When the
20 employee is appointed to retirement, the amount held in the individual account shall
21 be used first to fully finance the benefits paid. Once this account has been exhausted,
22 the plan shall fully finance the benefits paid that were not financed by the employee's
23 individual account.

24 * **Sec. 64.** AS 39.35 is amended by adding a new section to article 3 to read:

25 **Sec. 39.35.159. Election of defined benefit retirement plan by reemployed**
26 **employees.** (a) An employee of an employer that provides defined benefits under
27 AS 39.35.095 - 39.35.680 to employees who first become members of the plan after
28 June 30, 2006, may make a one-time election to participate in the plan under
29 AS 39.35.095 - 39.35.680 if the employee was first hired after June 30, 2006, and
30 before July 1, 2027, and, if not employed by an employer on July 1, 2027, is
31 reemployed by an employer after July 1, 2027, and, before the date of reemployment,

1 (1) has not received a distribution of the entire balance in the
2 employee's individual account under the defined contribution retirement plan
3 established in AS 39.35.700 - 39.35.990; or

4 (2) has received a rollover distribution of the entire balance in the
5 member's individual account in the defined contribution retirement plan and has
6 within 180 days of reemployment had all or part of a direct rollover distribution from
7 an eligible retirement plan owned by the member paid directly into the member's
8 individual account.

9 (b) An election under (a) of this section may be made not more than 180 days
10 after the date of reemployment. A reemployed employee electing to participate under
11 (a) of this section shall use the balance of the employee's individual account in the
12 plan under AS 39.35.700 - 39.35.990, including any rollover contributions, to
13 purchase credited service in the plan under AS 39.35.095 - 39.35.680. An election
14 made under (a) of this section must be made in writing in the manner prescribed by the
15 administrator. An election made by an employee who is married is not effective unless
16 the election is signed by the employee's spouse. The administrator shall provide an
17 employee who is eligible to make an election under (a) of this section with
18 information about the potential consequences of the employee's election, including
19 calculations to illustrate the effect of moving the employee's retirement plan from a
20 defined contribution retirement plan to a defined benefit retirement plan.

21 (c) An election made under (a) of this section to participate in the plan under
22 AS 39.35.095 - 39.35.680 is irrevocable. On the effective date of the election, an
23 eligible employee shall be enrolled as a member of the plan, and the employee's
24 participation in the plan shall be governed by the applicable provisions of the plan.
25 The employee's enrollment in the plan is retroactive to the date of hire.

26 (d) When an eligible employee makes an election under this section to
27 participate in the plan under AS 39.35.095 - 39.35.680, the administrator shall cause
28 the total amount of the employee's employee and employer contributions to the plan
29 under AS 39.35.700 - 39.35.990, with investment earnings and losses through the day
30 of the employee's election to participate as a member in the plan under AS 39.35.095 -
31 39.35.680, to be actuarially calculated and, subject to (f) of this section, transferred to

1 the pension fund in the plan under AS 39.35.095 - 39.35.680. On the effective date of
 2 the employee's participation in the plan under AS 39.35.095 - 39.35.680, the employee
 3 shall be credited with service in the plan. The board shall determine the cost of the
 4 employee's actual service time based on the employee's accrued actuarial liability of
 5 pension benefits in the plan, and credit the employee with service time equal to the
 6 value actuarially calculated and transferred to the pension fund in the plan under
 7 AS 39.35.095 - 39.35.680. The board shall adopt regulations establishing transfer
 8 procedures. The transfer may not occur later than 60 days after the date the
 9 administrator receives the employee's election, unless the major financial markets for
 10 securities available for a transfer are seriously disrupted by an unforeseen event that
 11 also causes the suspension of trading on a national securities exchange in the country
 12 where the securities were issued; in that event, the 60-day period may be extended by
 13 a resolution of the board. A transfer is not commissionable or subject to a fee and may
 14 be in the form of cash or a security as determined by the board. The value of a security
 15 shall be assessed on the date the security is received in the employee's account.

16 (e) When making a transfer under (d) of this section or a transfer for a
 17 reemployed employee subject to the plan under AS 39.35.095(b), the administrator
 18 shall transfer

19 (1) an amount equal to the decrease in the accrued actuarial liability of
 20 the death and disability trust in the plan under AS 39.35.700 - 39.35.990 resulting
 21 from the transfer as of the date of transfer, based on the most recent actuarial valuation
 22 of the death and disability trust, from the death and disability trust in the plan under
 23 AS 39.35.700 - 39.35.990 to the pension fund in the plan under AS 39.35.095 -
 24 39.35.680; and

25 (2) an amount equal to the increase in the accrued actuarial liability of
 26 the health care trust in the plan under AS 39.35.095 - 39.35.680 resulting from the
 27 transfer as of the date of transfer, based on the actuarial assumptions set out in (g) of
 28 this section, from the trust established under AS 39.30.097(b) for the prefunding of
 29 medical benefits provided by AS 39.35.880 to the trust established under
 30 AS 39.30.097(a) for the prefunding of medical benefits provided by AS 39.35.537.

31 (f) If the value actuarially calculated under (d) of this section is insufficient to

1 pay for service credit equal to the employee's actual service, the administrator shall
 2 allow the employee the option of purchasing service credit in an amount up to the
 3 amount needed to eliminate the insufficiency; however, if that value exceeds the
 4 amount needed to pay for service credit equal to the employee's actual service, the
 5 administrator shall cause the excess to be paid to the employee as a rollover transfer
 6 either to an individual employee annuity account in the Department of Administration
 7 under the terms of AS 39.30.150 - 39.30.180 (State of Alaska Supplemental Annuity
 8 Plan) or, if the member's employer does not participate in the State of Alaska
 9 Supplemental Annuity Plan, to an eligible retirement plan as defined in
 10 AS 39.35.760(d). An excess may not be used to purchase additional service credit in
 11 the plan under AS 39.35.095 - 39.35.680. When a reemployed employee enters the
 12 plan under AS 39.35.095(b), the administrator shall allow the employee to pay for a
 13 period of service credit up to the employee's actual service. When an employee elects
 14 to purchase service credit under this section and does not immediately pay for the
 15 service credit purchased, an indebtedness is established. Interest as prescribed by
 16 regulation accrues on an employee's indebtedness. If the indebtedness exists when the
 17 employee is appointed to retirement, the administrator shall make a corresponding
 18 actuarial adjustment to the benefit payable to the employee for service in the defined
 19 contribution retirement plan.

20 (g) Actuarial assumptions about the plan under AS 39.35.095 - 39.35.680
 21 must be based on the most recent actuarial valuation of the plan, except that the
 22 retirement rates are computed at 25 percent of the retirement rates used in the most
 23 recent actuarial valuation of the pension fund for the plan plus 75 percent of the
 24 retirement rates used in the most recent actuarial valuation of the plan under
 25 AS 39.35.700 - 39.35.990.

26 (h) The provisions of this section are subject to the requirements of the
 27 Internal Revenue Code and the limitations under AS 39.35.115, 39.35.678,
 28 39.35.710(c) and (d), and 39.35.895. In this subsection, "Internal Revenue Code" has
 29 the meaning given in AS 39.35.990.

30 * **Sec. 65.** AS 39.35.160(a) is amended to read:

31 (a) **Subject to (e) of this section, beginning** [BEGINNING] January 1, 1987,

1 each peace officer or firefighter shall contribute to the plan an amount equal to seven
 2 and one-half percent of the peace officer's or firefighter's compensation, **and, except** [.
 3 EXCEPT] as provided in **(d) - (e)** [(d)] of this section, beginning January 1, 1987,
 4 each other employee shall contribute to the plan an amount equal to six and three-
 5 quarters percent of the employee's compensation. [THE CONTRIBUTIONS SHALL
 6 BE DEDUCTED BY THE EMPLOYER AT THE END OF EACH PAYROLL
 7 PERIOD. THE CONTRIBUTIONS SHALL BE DEDUCTED FROM EMPLOYEE
 8 COMPENSATION BEFORE COMPUTATION OF APPLICABLE FEDERAL
 9 TAXES, AND THE CONTRIBUTIONS SHALL BE TREATED AS EMPLOYER
 10 CONTRIBUTIONS UNDER 26 U.S.C. 414(h)(2). A MEMBER MAY NOT HAVE
 11 THE OPTION OF MAKING THE PAYROLL DEDUCTION DIRECTLY INSTEAD
 12 OF HAVING THE CONTRIBUTION PICKED UP BY THE EMPLOYER.]

13 * **Sec. 66.** AS 39.35.160 is amended by adding new subsections to read:

14 (e) An employee who first participates in the plan after June 30, 2006, shall
 15 contribute to the plan an amount equal to eight percent of the employee's
 16 compensation. The board may, from time to time, increase or decrease the contribution
 17 under this subsection; however, the contribution may not be decreased to less than
 18 eight percent of the employee's compensation.

19 (f) Contributions under (a) and (e) of this section shall be deducted by the
 20 employer at the end of each payroll period. The contributions shall be deducted from
 21 employee compensation before computation of applicable federal taxes, and the
 22 contributions shall be treated as employer contributions under 26 U.S.C. 414(h)(2). A
 23 member may not have the option of making the payroll deduction directly instead of
 24 having the contribution picked up by the employer.

25 (g) The board shall increase the employee contribution under (e) of this
 26 section if the board determines that, unless the contribution is increased, the portion of
 27 the liability of the plan that is attributable to employees who first participate in the
 28 plan after June 30, 2006, will be funded below 90 percent. The board may not increase
 29 the employee contribution unless the board increases the employer contribution under
 30 AS 39.35.255(k)(2) by an equal amount. The board may decrease the contribution
 31 under (e) of this section if the board determines that, after the contribution is

1 decreased, the portion of the liability of the plan that is attributable to all members
 2 who first became members of the plan after June 30, 2006, will be funded above 90
 3 percent. The board may not decrease the employee contribution required unless the
 4 board decreases the employer contribution under AS 39.35.255(k)(2) by an equal
 5 amount.

6 (h) The board may not increase the employer contribution under
 7 AS 39.35.255(k) unless the board increases the member contribution under (e) of this
 8 section by a comparable amount.

9 * **Sec. 67.** AS 39.35.165(a) is amended to read:

10 (a) An employee who is eligible to purchase credited service under
 11 **AS 39.35.159, 39.35.310** [AS 39.35.310], 39.35.330, 39.35.340, 39.35.342, 39.35.345,
 12 39.35.360, or 39.35.370, a member who is eligible to purchase credited service under
 13 AS 39.35.375, or an elected public official who is eligible to purchase credited service
 14 under AS 39.35.381 is an employee for purposes of this section. An employee may, in
 15 lieu of making payments directly to the plan, elect to have the employee's employer
 16 make payments as provided in this section.

17 * **Sec. 68.** AS 39.35.165(b) is amended to read:

18 (b) An employee may elect to have the employer make payments for all or any
 19 portion of the amounts payable for the employee's purchase of credited service
 20 through a salary reduction program as follows:

21 (1) the amounts paid under a salary reduction program are in lieu of
 22 contributions by the employee making the election; the electing employee's salary or
 23 other compensation shall be reduced by the amount paid by the employer under this
 24 subsection;

25 (2) the employee shall make an irrevocable election under this section
 26 to purchase credited service as permitted in **AS 39.35.159, 39.35.310** [AS 39.35.310],
 27 39.35.330, 39.35.340, 39.35.342, 39.35.345, 39.35.360, 39.35.370, 39.35.375, or
 28 39.35.381 and before the employee's termination of employment; the irrevocable
 29 election must specify the number of payroll periods that deductions will be made from
 30 the employee's compensation and the dollar amount of deductions for each payroll
 31 period during the specified number of payroll periods; the deductions made under this

1 paragraph cease upon the earlier of the member's termination of employment with the
 2 employer or the member's death; amounts paid by an employer under (f) of this
 3 section may not be applied toward the payment of the dollar amount of the deductions
 4 representing the portion of the credited service that is being purchased by the member
 5 through payroll deduction in accordance with the member's irrevocable election under
 6 this subsection;

7 (3) amounts paid by an employer under this subsection shall be treated
 8 as employer contributions for the purpose of determining tax treatment under the
 9 Internal Revenue Code; the amounts paid by the employer under this section may not
 10 be included in the member's gross income for income tax purposes until those amounts
 11 are distributed by refund or retirement benefit payments.

12 * **Sec. 69.** AS 39.35.165(g) is amended to read:

13 (g) Payments made under this section shall be applied to reduce the
 14 employee's outstanding indebtedness described in AS 39.35.159, 39.35.310
 15 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.342, 39.35.345, 39.35.360, 39.35.370,
 16 39.35.375, or 39.35.381 at the time that the contributions are received by the plan.

17 * **Sec. 70.** AS 39.35.165(i) is amended to read:

18 (i) On satisfaction of the eligibility requirements of AS 39.35.159, 39.35.310
 19 [AS 39.35.310], 39.35.330, 39.35.340, 39.35.341, 39.35.345, 39.35.360, 39.35.370,
 20 39.35.375, or 39.35.381, the requirements of this section, and the administrative filing
 21 requirements specified by the commissioner, the plan shall adjust the employee's
 22 credited service history and add any additional service credits acquired.

23 * **Sec. 71.** AS 39.35.255(a) is amended to read:

24 (a) Each employer, except as provided in (h) **and (k)** of this section, shall
 25 contribute to the system every payroll period an amount calculated by applying a rate
 26 of 22 percent of the greater of the total of all base salaries

27 (1) paid by the employer to employees who are active members of the
 28 system **and who first became members of the retirement plan under AS 39.35.095**
 29 **- 39.35.680 before July 1, 2006**, including any adjustments to contributions required
 30 by AS 39.35.520; or

31 (2) paid by the employer to employees who were active members of

1 the system during the corresponding payroll period for the fiscal year ending

2 (A) June 30, 2008; or

3 (B) June 30, 2012, if that total is less than the total under (A) of
4 this paragraph, and the employer is a municipality in which the population
5 decreased by more than 25 percent between 2000 and 2010, according to the
6 decennial census conducted by the United States Bureau of the Census.

7 * **Sec. 72.** AS 39.35.255(d) is amended to read:

8 (d) Notwithstanding (a) **and (k)** of this section, the annual employer
9 contribution rate may not be less than the rate sufficient to allow payment of the
10 employer normal cost and the employer contributions required under AS 39.30.370
11 and AS 39.35.750.

12 * **Sec. 73.** AS 39.35.255 is amended by adding new subsections to read:

13 (j) If the legislature appropriates funds for the purpose of decreasing an
14 employer's contribution, the employer's contribution under (a) and (k) of this section
15 shall decrease by that amount.

16 (k) Notwithstanding (a) of this section, and except as provided in (h) of this
17 section, the state and each employer that elects to provide defined benefits under
18 AS 39.35.095 - 39.35.680 to employees who first become members of the plan after
19 June 30, 2006, shall contribute to the system every payroll period the lesser of

20 (1) an amount calculated by applying a rate of 22.5 percent of the
21 greater of the total of all base salaries

22 (A) paid by the employer to employees who are active
23 members of the system, including any adjustments to contributions required by
24 AS 39.35.520; or

25 (B) paid by the employer to employees who were active
26 members of the system during the corresponding payroll period for the fiscal
27 year ending

28 (i) June 30, 2008; or

29 (ii) June 30, 2012, if that total is less than the total
30 under (i) of this subparagraph, and the employer is a municipality in
31 which the population decreased by more than 25 percent between 2000

1 and 2010, according to the decennial census conducted by the United
2 States Bureau of the Census; or

3 (2) an amount calculated by applying a rate established by the board
4 under AS 37.10.220 to the total of all base salaries paid by the employer to active
5 members of the system; the rate must be at least 12 percent and be sufficient to pay the
6 actuarially determined employer normal cost, all contributions required under
7 AS 39.30.370 and AS 39.35.750, and the past service cost attributable to active
8 members of the system who first became members of the retirement plan under
9 AS 39.35.095 - 39.35.680 after June 30, 2006.

10 * **Sec. 74.** AS 39.35 is amended by adding a new section to read:

11 **Sec. 39.35.281. Sub-trust for members who first became members after**
12 **June 30, 2006.** The administrator shall deposit a portion of employer contributions
13 under AS 39.35.255 and 39.35.280 in a sub-trust of the retirement fund established by
14 the board for members who first became members after June 30, 2006. The amount
15 deposited, when combined with the amount separately computed for medical benefits
16 under AS 39.35.282, must be sufficient to pay the actuarially determined employer
17 normal cost and past service cost for members of the system who first became
18 members after June 30, 2006. When the amount sufficient to pay the actuarially
19 determined employer normal cost, all contributions required under AS 39.30.370 and
20 AS 39.35.750, and past service cost for members of the system is less than 12 percent
21 of all base salaries paid to active members of the system, the administrator shall
22 deposit the difference in the sub-trust established under this section.

23 * **Sec. 75.** AS 39.35.282 is amended to read:

24 **Sec. 39.35.282. Contributions for medical benefits.** Contributions made by
25 an employer under AS 39.35.255 and 39.35.280 **must** [SHALL] be separately
26 computed for benefits provided by AS 39.35.535 **and retiree major medical**
27 **insurance plan benefits provided under AS 39.35.537,** and **must** [SHALL] be
28 deposited in the Alaska retiree health care trust established under AS 39.30.097(a).

29 * **Sec. 76.** AS 39.35.340(i) is amended to read:

30 (i) Notwithstanding (d) of this section, a member who retires as a peace officer
31 or firefighter may elect to use five or fewer years of credited service granted under this

1 section in computing years of credited service under AS 39.35.535(c) or 39.35.537.
 2 When eligibility for credited service for military service has been established and an
 3 election under this subsection has been made, an indebtedness in addition to the
 4 indebtedness determined under (b) of this section shall be determined for each year of
 5 military service used under this subsection, in an amount based on the increase, if any,
 6 in the present value of future benefits for that year as determined by the department.

7 * **Sec. 77.** AS 39.35.345(d) is amended to read:

8 (d) An employee may choose whether the credited service granted under this
 9 section is used to satisfy the credited service requirements for normal retirement under
 10 AS 39.35.370(a)(1)(B) or (C), 39.35.370(a)(2)(B), (C), or (D), [AS 39.35.370(a)(2)
 11 OR (3)] or 39.35.385(f) or is only used for the calculation of benefits. An election
 12 under this subsection is irrevocable and applies to all temporary credited service that
 13 the employee has accrued when the employee retires. An election under this
 14 subsection does not change the date that an employee is considered to have
 15 commenced participation in the plan under AS 39.35.120.

16 * **Sec. 78.** AS 39.35.370(a) is amended to read:

17 (a) Subject to AS 39.35.450, a terminated employee

18 (1) who first became a member before July 1, 2006, is eligible for a
 19 normal retirement benefit

20 (A) [(1)] at age 60 with at least five years of credited service;

21 (B) [(2)] with at least 20 years of credited service as a peace
 22 officer or firefighter; or

23 (C) [(3)] with at least 30 years of credited service;

24 (2) who first became a member of the plan after June 30, 2006, is
 25 eligible for a normal retirement benefit

26 (A) at age 60 with at least five years of credited service;

27 (B) at age 55 with at least 20 years of credited service as a
 28 peace officer or firefighter;

29 (C) at age 50 with at least 25 years of credited service as a
 30 peace officer or firefighter; or

31 (D) with at least 30 years of credited service [FOR ALL

1 OTHER EMPLOYEES].

2 * **Sec. 79.** AS 39.35.381(e) is amended to read:

3 (e) A person who retires under this section is not entitled to disability or death
4 benefits under AS 39.35.400 - 39.35.440, a minimum benefit under AS 39.35.485, or
5 to medical benefits under AS 39.35.535 or 39.35.537. Service earned under this
6 section may not be used for vesting under AS 39.35.095 - 39.35.680.

7 * **Sec. 80.** AS 39.35.475(b) is amended to read:

8 (b) Subject to (g) and (h) of this section, the [THE] increase in benefit
9 payments applies to total benefit payments except for the cost-of-living allowance
10 under AS 39.35.480. The amount of the increase is a percentage of the current benefit
11 equal to

12 (1) the lesser of 75 percent of the increase in the cost of living in the
13 preceding calendar year or nine percent, for recipients who on July 1 are at least 65
14 years old and for members receiving disability benefits; and

15 (2) the lesser of 50 percent of the increase in the cost of living in the
16 preceding calendar year or six percent, for recipients who on July 1 are at least 60 but
17 less than 65 years old or for recipients who are less than 60 years old on July 1 but
18 who have received benefits from the plan for at least five years.

19 * **Sec. 81.** AS 39.35.475 is amended by adding new subsections to read:

20 (g) Subject to (h) of this section, the amount of an increase for members who
21 first became members of the plan after June 30, 2006, and do not meet the eligibility
22 requirements for a permanent fund dividend under AS 43.23.005(a) in effect on July 1,
23 2026, is equal to one-half of the applicable percentage under (b) of this section.

24 (h) If the board determines that the portion of the liability of the plan that is
25 attributable to all members who first became members of the plan after June 30, 2006,
26 is funded below 90 percent, the board shall reduce the amount of the increase
27 determined under (b) or (g) of this section that is payable to a member who first
28 became a member after June 30, 2006. At any time, the board may terminate a
29 reduction made under this subsection.

30 * **Sec. 82.** AS 39.35.480(a) is amended to read:

31 (a) While residing in the state, a person who first became a member of the

1 **plan before July 1, 2006, who is** receiving a benefit under AS 39.35.095 - 39.35.680,
 2 **and** who is 65 years of age or older or **a person who first became a member of the**
 3 **plan before July 1, 2006, and** who is receiving a disability benefit is entitled to
 4 receive a monthly cost-of-living allowance in addition to the basic benefit. The
 5 amount of this allowance shall be \$50 or 10 percent of the basic benefit, whichever is
 6 greater.

7 * **Sec. 83.** AS 39.35.530 is amended to read:

8 **Sec. 39.35.530. Service credit and limit [LIMIT] on pension benefits.** An
 9 employee may not simultaneously receive a pension under more than one section of
 10 AS 39.35.095 - 39.35.680. However, benefits under AS 39.35.420(b), 39.35.430,
 11 39.35.440, [OR] 39.35.450, **or the defined contribution retirement plan under**
 12 **AS 39.35.700 - 39.35.990** shall be paid in addition to the benefits or service credit a
 13 person is entitled to receive because of the person's own membership in the **defined**
 14 **benefit** retirement plan. An employee may not (1) receive duplicate credit under **the**
 15 **defined benefit retirement** [THIS] plan for the same period of service, (2) receive
 16 more than one year of service credit in the course of any calendar year, or (3) receive a
 17 benefit while accruing service credit under **the** [THIS] plan, except as provided in this
 18 section.

19 * **Sec. 84.** AS 39.35.535(a) is amended to read:

20 (a) Except as provided in (d) **and (g)** of this section, the following persons are
 21 entitled to major medical insurance coverage under this section:

22 (1) for employees first hired before July 1, 1986,

23 (A) an employee who is receiving a monthly benefit from the
 24 plan and who has elected coverage;

25 (B) the spouse and dependent children of the employee
 26 described in (A) of this paragraph;

27 (C) the surviving spouse of a deceased employee who is
 28 receiving a monthly benefit from the plan and who has elected coverage;

29 (D) the dependent children of a deceased employee who are
 30 dependent on the surviving spouse described in (C) of this paragraph;

31 (2) for members first hired [ON OR] after **June 30** [JULY 1], 1986,

1 (A) an employee who is receiving a monthly benefit from the
2 plan and who has elected coverage for the employee;

3 (B) the spouse of the employee described in (A) of this
4 paragraph if the employee elected coverage for the spouse;

5 (C) the dependent children of the employee described in (A) of
6 this paragraph if the employee elected coverage for the dependent children;

7 (D) the surviving spouse of a deceased employee who is
8 receiving a monthly benefit from the plan and who has elected coverage;

9 (E) the dependent children of a deceased employee who are
10 dependent on the surviving spouse described in (D) of this paragraph if the
11 surviving spouse has elected coverage for the dependent children.

12 * **Sec. 85.** AS 39.35.535(c) is amended to read:

13 (c) A benefit recipient **who became a member before July 1, 2006, or the**
14 **surviving spouse of the member** may elect major medical insurance coverage in
15 accordance with regulations and under the following conditions:

16 (1) a person, other than a disabled member or a disabled member who
17 is appointed to normal retirement, **shall** [MUST] pay an amount equal to the full
18 monthly group premium for retiree major medical insurance coverage if the person is

19 (A) younger than 60 years of age and has less than

20 (i) 25 years of credited service as a peace officer under
21 AS 39.35.360 and 39.35.370; or

22 (ii) 30 years of credited service under AS 39.35.360 and
23 39.35.370 that is not service as a peace officer; or

24 (B) of any age and has less than 10 years of credited service;

25 (2) a person is not required to make premium payments for retiree
26 major medical coverage if the person

27 (A) is a disabled member;

28 (B) is a disabled member who is appointed to normal
29 retirement;

30 (C) is 60 years of age or older and has at least 10 years of
31 credited service; or

1 (D) has at least

2 (i) 25 years of credited service as a peace officer under
3 AS 39.35.360 and 39.35.370; or

4 (ii) 30 years of credited service under AS 39.35.360 and
5 39.35.370 not as a peace officer.

6 * **Sec. 86.** AS 39.35.535 is amended by adding a new subsection to read:

7 (g) A benefit recipient who first became a member after June 30, 2006, or a
8 surviving spouse who is eligible under AS 39.35.537(b), is not eligible for benefits
9 under this section but may elect medical benefits under AS 39.35.537.

10 * **Sec. 87.** AS 39.35 is amended by adding a new section to read:

11 **Sec. 39.35.537. Medical benefit; eligibility of employees first hired after**
12 **June 30, 2006; surviving spouses and dependents.** (a) An employee who first
13 became a member of the plan after June 30, 2006, receives a monthly benefit from the
14 plan, retired from the plan, and has elected benefits under this section is entitled to
15 medical benefits under this section. A member who applies for medical benefits under
16 this section shall apply on the forms and in the manner prescribed by the
17 administrator. A member is eligible to retire from the plan if the member

18 (1) has at least 20 years of membership service as a peace officer or
19 firefighter;

20 (2) has at least 25 years of membership; or

21 (3) reaches the age set for Medicare eligibility and has at least 10 years
22 of membership service.

23 (b) The member's surviving spouse is eligible to elect medical benefits if the
24 member had retired or was eligible for retirement and medical benefits at the time of
25 the member's death.

26 (c) The medical benefits available to eligible persons are access to the retiree
27 major medical insurance plan and access to the health reimbursement arrangement
28 plan under AS 39.30.300. Access to the retiree major medical insurance plan means
29 that an eligible person may not be denied insurance coverage except for failure to pay
30 the required premium.

31 (d) Retiree major medical insurance plan coverage elected by an eligible

1 member under this section covers the eligible member, the spouse of the eligible
2 member, and the dependent children of the eligible member.

3 (e) Retiree major medical insurance plan coverage elected by a surviving
4 spouse of an eligible member under this section covers the surviving spouse and the
5 dependent children of the eligible member who are dependent on the surviving spouse.

6 (f) Participation in the retiree major medical insurance plan is not required in
7 order to participate in the health reimbursement arrangement plan.

8 (g) A person eligible for medical benefits under this section is not required to
9 participate in the health reimbursement arrangement plan in order to participate in the
10 retiree major medical insurance plan.

11 (h) A person who is eligible for medical benefits under this section must make
12 the irrevocable election to participate or not participate in the retiree major medical
13 insurance plan on or before the date the person reaches 70 1/2 years of age or when the
14 person applies for retirement and medical benefits, whichever is later.

15 (i) Major medical insurance coverage takes effect on the first day of the month
16 following the date of the administrator's approval of the election and stops when the
17 person who elects coverage dies or fails to make a required premium payment.

18 (j) The coverage for persons 65 years of age or older is the same as that
19 available for persons under 65 years of age. The benefits payable to those persons 65
20 years of age or older supplement any benefits provided under the federal old age,
21 survivors, and disability insurance program.

22 (k) The medical and optional insurance premiums owed by the person who
23 elects coverage may be deducted from the health reimbursement arrangement plan. If
24 the amount of the health reimbursement arrangement plan becomes insufficient to pay
25 the premiums, the person who elects coverage under (a) of this section shall pay the
26 premiums directly.

27 (l) The cost of premiums for retiree major medical insurance coverage under
28 this section for an eligible member or surviving spouse who is

29 (1) not eligible for Medicare is an amount equal to the full monthly
30 group premiums for retiree major medical insurance coverage;

31 (2) eligible for Medicare is the following percentage of the premium

1 amounts established for retirees who are eligible for Medicare:

2 (A) 30 percent if the member had 10 or more, but less than 15,
3 years of service;

4 (B) 25 percent if the member had 15 or more, but less than 20,
5 years of service;

6 (C) 20 percent if the member had 20 or more, but less than 25,
7 years of service;

8 (D) 15 percent if the member had 25 or more, but less than 30,
9 years of service;

10 (E) 10 percent if the member had 30 or more years of service.

11 (m) The eligibility for retiree major medical insurance coverage for an
12 alternate payee under a qualified domestic relations order shall be determined based
13 on the eligibility of the member to elect coverage. The alternate payee shall pay the
14 full monthly premium for retiree major medical insurance coverage.

15 (n) The administrator shall

16 (1) inform a person entitled to retiree major medical insurance
17 coverage under this section in writing

18 (A) that the health insurance coverage available to retired
19 members may be different from the health insurance coverage provided to
20 employees;

21 (B) of time limits for selecting optional health insurance
22 coverage; and

23 (C) whether the election is irrevocable; and

24 (2) require that a person entitled to retiree major medical insurance
25 coverage under this section indicate in writing on a form provided by the administrator
26 whether the person has chosen to receive optional health insurance coverage.

27 (o) The monthly group premiums for retiree major medical insurance coverage
28 under this section are established by the administrator in accordance with
29 AS 39.30.095. Nothing in this chapter guarantees a person who elects coverage under
30 (a) of this section a monthly group premium rate for retiree major medical insurance
31 coverage other than the premium in effect for the month in which the premium is due

1 for coverage for that month.

2 (p) In this section, "health reimbursement arrangement plan" means the State
3 of Alaska Teachers' and Public Employees' Retiree Health Reimbursement
4 Arrangement Plan established in AS 39.30.300.

5 * **Sec. 88.** AS 39.35.610(a) is amended to read:

6 (a) The contributions of an employer and the contributions of its employees
7 shall be transmitted to the administrator as soon as practicable after the close of the
8 payroll period for which the contributions are made. Subject to (c) of this section, if an
9 employer is delinquent in transferring the contributions for more than 15 days, interest
10 shall be assessed on the outstanding contributions at [ONE AND ONE-HALF TIMES]
11 the most recent actuarially determined rate of earnings for the retirement plan from the
12 date that the contributions were originally due.

13 * **Sec. 89.** AS 39.35.680(4) is amended to read:

14 (4) "average monthly compensation" means the result obtained by
15 dividing the compensation earned by an employee during a considered period by the
16 number of months, including fractional months, for which compensation was earned;
17 an employee must have at least 115 days of credited service in the last payroll year in
18 order for that year to be used as part of the consecutive payroll years; the considered
19 period consists of

20 (A) for employees first hired before July 1, 1996, the three
21 consecutive payroll years during the period of credited service that yield the
22 highest average;

23 (B) for employees **who first become members of the plan**
24 [FIRST HIRED ON OR] after **June 30** [JULY 1], 1996, the five consecutive
25 payroll years during the period of credited service that yield the highest
26 average;

27 (C) if the employee does not have the number of consecutive
28 payroll years required by (A) or (B) of this paragraph, the actual number of
29 months, including fractional months, that the employee worked;

30 (D) for an employee who has made an election under
31 AS 39.35.300(c) or 39.35.310(c), the actual number of months, including

1 fractional months, that the employee worked;

2 (E) for a peace officer or firefighter hired **before July 1, 2006**
3 [AT ANY TIME], the three consecutive payroll years during the period of
4 credited service that yield the highest average;

5 **(F) for a peace officer or firefighter who first becomes a**
6 **member of the plan after June 30, 2006, the five consecutive payroll years**
7 **during the period of credited service that yield the highest average;**

8 * **Sec. 90.** AS 39.35.680(18) is amended to read:

9 (18) "employer" means

10 (A) the State of Alaska;

11 (B) a political subdivision or public organization of the state
12 that participates in the plan based on a resolution to participate in the plan that
13 was approved by the administrator [ON OR BEFORE JULY 1, 2006]; or

14 (C) a political subdivision or public organization of the state
15 that, as a result of consolidation or reorganization [THAT OCCURS ON OR
16 AFTER JULY 1, 2006], assumes liability under the plan of a political
17 subdivision or public organization described in (B) of this paragraph;

18 * **Sec. 91.** AS 39.35.680 is amended by adding a new paragraph to read:

19 (44) "first became a member after June 30, 2006" and "first became a
20 member of the plan after June 30, 2006" include a member who elected under
21 AS 39.35.940 to participate in the plan under AS 39.35.700 - 39.35.990 and who
22 elects to participate in the defined benefit retirement plan under AS 39.35.095 -
23 39.35.680.

24 * **Sec. 92.** AS 39.35.700 is amended to read:

25 **Sec. 39.35.700. Applicability of AS 39.35.700 - 39.35.990.** The provisions of
26 AS 39.35.700 - 39.35.990 apply only to

27 **(1) members first hired [ON OR] after June 30, 2006, who are not**
28 **active members of a defined benefit retirement plan under AS 14.25.009 -**
29 **14.25.220 or AS 39.35.095 - 39.35.680; and**

30 **(2) [JULY 1, 2006, TO] members [WHO ARE EMPLOYED BY**
31 **EMPLOYERS THAT DO NOT PARTICIPATE IN THE DEFINED BENEFIT**

1 RETIREMENT PLAN ESTABLISHED UNDER AS 39.35.095 - 39.35.680, TO
 2 FORMER MEMBERS AS DEFINED IN AS 39.35.680, OR TO MEMBERS] who
 3 **transferred** [TRANSFER] into the defined contribution retirement plan under
 4 AS 39.35.940 **and are not active members of the defined benefit retirement plan**
 5 **under AS 39.35.095 - 39.35.680.**

6 * **Sec. 93.** AS 39.35.720 is amended to read:

7 **Sec. 39.35.720. Membership.** An employee who becomes a member [ON OR]
 8 after **June 30, 2006, and before July 1, 2027, who does not participate in a defined**
 9 **benefit retirement plan under AS 14.25.009 - 14.25.220 or AS 39.35.095 -**
 10 **39.35.680** [JULY 1, 2006,] shall participate in the plan set out in AS 39.35.700 -
 11 39.35.990.

12 * **Sec. 94.** AS 39.35.870(a) is amended to read:

13 (a) In order to obtain medical benefits under AS 39.35.880, an active member
 14 must retire [DIRECTLY] from the plan. A member is eligible to retire from the plan if
 15 [THE MEMBER HAS BEEN AN ACTIVE MEMBER FOR AT LEAST 12
 16 MONTHS BEFORE APPLICATION FOR RETIREMENT AND]

17 (1) the member has at least **20** [25] years of membership service as a
 18 peace officer or firefighter or at least **25** [30] years of membership service for all other
 19 employees; or

20 (2) the member reaches the normal retirement age, [AND] has at least
 21 10 years of membership service, **and has been an active member for at least 12**
 22 **months immediately before application for retirement.**

23 * **Sec. 95.** AS 39.35.895(a) is amended to read:

24 (a) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, the**
 25 [THE] state **may** [HAS THE RIGHT TO] amend the plan at any time and from time to
 26 time, in whole or in part, including the right to make retroactive amendments referred
 27 to in 26 U.S.C. 401(b).

28 * **Sec. 96.** AS 39.35.895(b) is amended to read:

29 (b) The plan administrator may not modify or amend the plan retroactively [IN
 30 SUCH A MANNER AS] to reduce [THE] benefits **accrued by a** [OF ANY] member
 31 [ACCRUED TO DATE UNDER THE PLAN BY REASON OF CONTRIBUTIONS

1 MADE] before the modification or amendment except to the extent that the reduction
 2 is permitted by **art. XII, sec. 7, Constitution of the State of Alaska, and** the Internal
 3 Revenue Code.

4 * **Sec. 97.** AS 39.35.895(c) is amended to read:

5 (c) **Subject to art. XII, sec. 7, Constitution of the State of Alaska, and the**
 6 **Internal Revenue Code, the** [THE] state may [, IN ITS DISCRETION,] terminate the
 7 plan in whole or part [AT ANY TIME] without liability for the termination. If the plan
 8 is terminated, all investments **at the time of termination** remain in force until all
 9 individual accounts have been completely distributed under the plan. **After** [, AND,
 10 AFTER] all plan liabilities are satisfied, excess assets **of the plan** revert to the
 11 employer.

12 * **Sec. 98.** AS 39.35.895(d) is repealed and reenacted to read:

13 (d) Within one year after determining that a contribution to the plan by an
 14 employer was the result of a mistake of fact, the administrator shall return the
 15 contribution to the employer.

16 * **Sec. 99.** AS 39.35.940(a) is amended to read:

17 (a) **An employee may not be an active member of the defined contribution**
 18 **retirement plan and the defined benefit retirement plan at the same time, except**
 19 **as provided in this subsection. An** [SUBJECT TO (i) OF THIS SECTION, AN]
 20 active member of the defined benefit retirement plan of the public employees'
 21 retirement system is eligible to participate in the defined contribution retirement plan
 22 established under AS 39.35.700 - 39.35.990 if that member

23 **(1) has not vested in the defined benefit retirement plan; or**

24 **(2) was first hired after June 30, 2006, and is employed by an**
 25 **employer that is a political subdivision or public organization of the state that**
 26 **does not elect to provide defined benefits under AS 39.35.095 - 39.35.680 to**
 27 **employees who first become members of the plan after June 30, 2006** [.
 28 PARTICIPATION IN THE DEFINED CONTRIBUTION RETIREMENT PLAN IS
 29 IN LIEU OF PARTICIPATION IN THE DEFINED BENEFIT RETIREMENT PLAN
 30 ESTABLISHED UNDER AS 39.35.095 - 39.35.680].

31 * **Sec. 100.** AS 39.35.940(c) is amended to read:

1 (c) Each eligible member who elects to participate in the defined contribution
 2 retirement plan shall have transferred to a new account the employee contribution
 3 account balance held in trust for the member under the defined benefit retirement plan
 4 of the public employees' retirement system. An [A MATCHING] employer
 5 contribution equal to 63 percent of the transferred account balance shall be made
 6 on behalf of that employee to the new account. The administrator [EMPLOYER]
 7 shall make the payment for that purpose [MATCHING CONTRIBUTION] from
 8 [FUNDS OTHER THAN] the sub-trust [TRUST FUNDS OF THE DEFINED
 9 BENEFIT RETIREMENT PLAN] established under AS 39.35.281 [AS 39.35.095 -
 10 39.35.680]. The amount of the [MATCHING] employer contribution shall be subject
 11 to, and may not exceed, the limitation of 26 U.S.C. 415(c) during the applicable
 12 limitation year as defined by AS 39.35.990. If the [MATCHING] employer
 13 contribution would exceed the limits during the limitation year in which the transfer
 14 occurs, the remaining amount of the [MATCHING] employer contribution shall be
 15 made in the next limitation year, if the limits during that year would not be exceeded.

16 * **Sec. 101.** AS 39.35.940(h) is amended to read:

17 (h) An [EMPLOYEE WHO IS ELIGIBLE TO ELECT TRANSFER TO THE
 18 DEFINED CONTRIBUTION RETIREMENT PLAN MUST MAKE THE
 19 ELECTION NOT LATER THAN 12 MONTHS AFTER THE FIRST DAY OF THE
 20 MONTH FOLLOWING THE ADMINISTRATOR'S RECEIPT OF THE
 21 NOTIFICATION THAT THE EMPLOYEE'S EMPLOYER CONSENTS TO
 22 TRANSFERS OF ITS EMPLOYEES UNDER (i) OF THIS SECTION. THE] election
 23 to participate in the defined contribution retirement plan must be made in writing on
 24 forms and in the manner prescribed by the administrator. Before accepting an election
 25 to participate in the defined contribution retirement plan, the administrator must
 26 provide the employee planning on making an election to participate in the defined
 27 contribution retirement plan with information, including calculations to illustrate the
 28 effect of moving the employee's retirement plan from the defined benefit retirement
 29 plan to the defined contribution retirement plan as well as other information to clearly
 30 inform the employee of the potential consequences of the employee's election. An
 31 election made under this subsection to participate in the defined contribution

1 retirement plan is irrevocable. Upon making the election, the participant shall be
 2 enrolled as a member of the defined contribution retirement plan, the member's
 3 participation in the plan shall be governed by the provisions of AS 39.35.700 -
 4 39.35.990, and the member's participation in the defined benefit retirement plan under
 5 AS 39.35.115 shall terminate. The participant's enrollment in the defined contribution
 6 retirement plan shall be effective the first day of the month after the administrator
 7 receives the completed enrollment forms. An election made by an eligible member
 8 who is married is not effective unless the election is signed by the individual's spouse.

9 * **Sec. 102.** AS 14.25.012(c), 14.25.061, 14.25.540(i); and AS 39.35.940(i) are repealed.

10 * **Sec. 103.** The uncodified law of the State of Alaska is amended by adding a new section
 11 to read:

12 TRANSITION: RETIREMENT PLAN ELECTION. (a) A teacher who became a
 13 member of the defined contribution retirement plan of the teachers' retirement system after
 14 June 30, 2006, and before July 1, 2027, and who, on July 1, 2027, is a member employed by
 15 an employer in the defined contribution retirement plan of the teachers' retirement system
 16 may, before January 1, 2028, make a one-time election to participate in the defined benefit
 17 retirement plan and to transfer all contributions that have been made or should be made to the
 18 defined contribution retirement plan for service the member completes before the effective
 19 date of the member's participation in the defined benefit retirement plan. The transferred
 20 contributions shall be used to purchase credited service in the defined benefit retirement plan
 21 on an actuarial equivalent basis determined by the Alaska Retirement Management Board
 22 established under AS 37.10.210. The provisions of AS 14.25.044 apply to an election made
 23 under this subsection.

24 (b) An employee who became a member of the defined contribution retirement plan
 25 of the public employees' retirement system after June 30, 2006, and before July 1, 2027, and
 26 who, on July 1, 2027, is a member employed by an employer in the defined contribution
 27 retirement plan of the public employees' retirement system may, before January 1, 2028, make
 28 a one-time election to participate in the defined benefit retirement plan under AS 39.35.095 -
 29 39.35.680 and to transfer all contributions that have been made or should be made to the
 30 defined contribution retirement plan for service the member completes before the effective
 31 date of the member's participation in the defined benefit retirement plan, unless the member's

1 employer elects under sec. 104 of this Act not to provide defined benefits under AS 39.35.095
2 - 39.35.680. The transferred contributions shall be used to purchase credited service in the
3 defined benefit retirement plan on an actuarial equivalent basis determined by the Alaska
4 Retirement Management Board established under AS 37.10.210. The provisions of
5 AS 39.35.159 apply to an election made under this subsection.

6 * **Sec. 104.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 TRANSITION: EMPLOYER PARTICIPATION IN THE DEFINED BENEFIT
9 RETIREMENT PLAN. An employer that is a political subdivision or public organization of
10 the state may, during the period beginning January 1, 2027, and ending June 30, 2027, elect
11 not to provide defined benefits under AS 39.35.095 - 39.35.680 to employees who first
12 become members of the plan after June 30, 2006.

13 * **Sec. 105.** The uncodified law of the State of Alaska is amended by adding a new section
14 to read:

15 ADOPTION OF REGULATIONS. (a) The Alaska Retirement Management Board
16 may adopt regulations necessary to implement secs. 41 and 42 of this Act. Regulations
17 adopted by the Alaska Retirement Management Board under this Act relate to the internal
18 management of a state agency and are not subject to AS 44.62 (Administrative Procedure Act)
19 under AS 37.10.240.

20 (b) The commissioner of administration may adopt regulations necessary to
21 implement secs. 1 - 40 and 42 - 104 of this Act. Regulations adopted by the commissioner of
22 administration under this Act relate to the internal management of a state agency and are not
23 subject to AS 44.62 (Administrative Procedure Act) under AS 14.25.005, AS 39.30.098, and
24 AS 39.35.005.

25 (c) Regulations adopted under this section may not take effect before the effective
26 date of the law being implemented by the regulation.