

HOUSE BILL NO. 368

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HUGHES

Introduced: 2/24/16
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the preparation, electronic distribution, and posting of reports by**
2 **state agencies; limiting the number of special assistants in the executive branch;**
3 **changing the amount of the required employee contribution to health care premiums for**
4 **certain state employees; establishing an award for state employees who report or suggest**
5 **certain efficiencies; relating to retirement incentives for members of the defined benefit**
6 **plan of the Teachers' Retirement System of Alaska and the defined benefit plan of the**
7 **Public Employees' Retirement System of Alaska; and providing for an effective date."**

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

9 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
10 to read:

11 **PURPOSE AND INTENT.** The purpose of the proposed amendments to uncodified
12 law in this Act is to make a variety of management tools temporarily available to the state and
13 to municipalities and school districts in the state. This will enable those entities to reduce

1 operating costs by incentivizing employees to reduce costs and by allowing certain positions
2 to become vacant and then eliminating those positions or leaving them vacant.

3 * **Sec. 2.** AS 14.56.120(a) is amended to read:

4 (a) Each state agency shall deposit, upon release, at least **five** [FOUR] copies
5 of each of its state publications in the center. Additional copies of each publication
6 may be requested by the center for deposit in quantities necessary to meet the needs of
7 the depository library system and to provide inter-library service to those libraries not
8 having depository status.

9 * **Sec. 3.** AS 14.56.170 is amended to read:

10 **Sec. 14.56.170. Distribution of state publications and research data.** The
11 center may not engage in general public distribution of either (1) state publications or
12 lists of publications or (2) the index of publications and research data. However,
13 unless expressly prohibited by law, the center shall make available to any person, upon
14 request and under procedures established by it, publications, summaries, research data,
15 indices, and other materials in its possession. **Except as provided in AS 44.99.260,**
16 **reasonable** [REASONABLE] fees for reproduction or printing costs and for mailing
17 and distribution of materials may be charged by the center.

18 * **Sec. 4.** AS 39.25.120(c) is amended to read:

19 (c) The following positions in the state service constitute the partially exempt
20 service:

21 (1) deputy and assistant commissioners of the principal departments of
22 the executive branch, including the assistant adjutant general of the Department of
23 Military and Veterans' Affairs;

24 (2) the directors of the major divisions of the principal departments of
25 the executive branch and the regional directors of the Department of Transportation
26 and Public Facilities;

27 (3) attorney members of the staff of the Department of Law, of the
28 public defender agency, and of the office of public advocacy in the Department of
29 Administration;

30 (4) one private secretary for each head of a principal department in the
31 executive branch;

1 (5) employees of councils, boards, or commissions established by
 2 statute in the Office of the Governor or the office of the lieutenant governor, unless a
 3 different classification is provided by statute;

4 (6) not more than one [TWO] special assistant [ASSISTANTS] to the
 5 commissioner of each of the principal departments of the executive branch [, BUT
 6 THE NUMBER MAY BE INCREASED IF THE PARTIALLY EXEMPT SERVICE
 7 IS EXTENDED UNDER AS 39.25.130 TO INCLUDE THE ADDITIONAL
 8 SPECIAL ASSISTANTS];

9 (7) the principal executive officer of the following boards, councils, or
 10 commissions:

11 (A) Alaska Public Broadcasting Commission;

12 (B) Professional Teaching Practices Commission;

13 (C) Parole Board;

14 (D) Board of Nursing;

15 (E) Real Estate Commission;

16 (F) Alaska Royalty Oil and Gas Development Advisory Board;

17 (G) Alaska State Council on the Arts;

18 (H) Alaska Police Standards Council;

19 (I) Alaska Commission on Aging;

20 (J) Alaska Mental Health Board;

21 (K) State Medical Board;

22 (L) Governor's Council on Disabilities and Special Education;

23 (M) Advisory Board on Alcoholism and Drug Abuse;

24 (N) Statewide Suicide Prevention Council;

25 (O) State Board of Registration for Architects, Engineers, and

26 Land Surveyors;

27 (P) Alaska Health Care Commission;

28 (8) Alaska Pioneers' Home and Alaska Veterans' Home managers;

29 (9) hearing examiners in the Department of Revenue;

30 (10) the comptroller in the division of treasury, Department of
 31 Revenue;

1 (11) airport managers in the Department of Transportation and Public
2 Facilities employed at the Anchorage and Fairbanks International Airports;

3 (12) the deputy director of the division of insurance in the Department
4 of Commerce, Community, and Economic Development;

5 (13) the executive director and staff of the Alaska Public Offices
6 Commission;

7 (14) the rehabilitation administrator of the division of workers'
8 compensation;

9 (15) guards employed by the Department of Public Safety for
10 emergencies;

11 (16) marine pilot coordinator of the Board of Marine Pilots;

12 (17) guards employed by the Department of Corrections, other than in
13 state correctional facilities, to carry out the responsibility of the commissioner of
14 corrections under AS 33.30.071(b);

15 (18) hearing officers and administrative law judges of the Regulatory
16 Commission of Alaska;

17 (19) the compact administrator appointed under AS 33.36.130;

18 (20) the chief administrative law judge and administrative law judges
19 of the office of administrative hearings;

20 (21) the executive secretary of the Board of Public Accountancy.

21 * **Sec. 5.** AS 39.25.130 is amended by adding a new subsection to read:

22 (d) Notwithstanding (a) of this section, a principal department of the executive
23 branch may not have more than one special assistant to the commissioner position in
24 the partially exempt service.

25 * **Sec. 6.** AS 39.25 is amended by adding a new section to article 2 to read:

26 **Sec. 39.25.139. Definitions.** In AS 39.25.090 - 39.25.130, "special assistant to
27 the commissioner" includes deputy commissioner and assistant commissioner.

28 * **Sec. 7.** AS 39.27.011 is amended by adding a new subsection to read:

29 (l) The governor may grant one pay step under (a) of this section or one pay
30 increment under (h) of this section to an employee who is entitled to receive an award
31 under AS 44.19.018(a). A pay step or pay increment granted under this section is in

1 addition to a pay step or pay increment for which an employee may be eligible under
 2 this section based on the employee's length of service and an evaluation of the
 3 employee's performance. The number of grants under this subsection in a calendar
 4 year may not exceed five.

5 * **Sec. 8.** AS 39.30.095(e) is amended to read:

6 (e) **The** [NOTWITHSTANDING (b) OF THIS SECTION, THE] rate of
 7 employer contribution to provide hospital, surgical, dental, audiovisual, and other
 8 medical care benefits under AS 39.30.091 is **90 percent of the amount the**
 9 **commissioner determines to be necessary to provide those benefits under (b) of**
 10 **this section** [\$515 MONTHLY BEGINNING JULY 1, 2000; \$575 MONTHLY
 11 BEGINNING JULY 1, 2001; AND \$630 MONTHLY BEGINNING JULY 1, 2002,]
 12 for the following employees and officials:

13 (1) employees in the executive branch of the state government,
 14 including the governor and lieutenant governor, who are not members of a collective
 15 bargaining unit established under the authority of AS 23.40.070 - 23.40.260 (Public
 16 Employment Relations Act);

17 (2) officials and employees of the legislative branch of state
 18 government under AS 24;

19 (3) employees in the judicial branch of state government, including
 20 magistrates and other judicial officers, who are not members of a collective bargaining
 21 unit established under AS 23.40.070 - 23.40.260 (Public Employment Relations Act).

22 * **Sec. 9.** AS 44.19 is amended by adding a new section to read:

23 **Sec. 44.19.018. Efficiency incentives awards.** (a) The governor may award
 24 to a state employee who makes a report or suggestion under this section that the
 25 governor approves

26 (1) a pin that includes the seal of the state and a symbol or words that
 27 signify employee excellence; and

28 (2) to not more than five state employees each calendar year, an extra
 29 pay increment or an extra monthly base salary pay step under AS 39.27.011(l).

30 (b) The governor shall make arrangements for the pin under (a) of this section
 31 to be produced in a suitable quantity and at nominal cost to the state based on a design

1 determined through a statewide design competition participated in by the school
 2 children of the state. Production or use of a pin is subject to the limitations and
 3 potential penalties under AS 44.09.015.

4 (c) A state employee may

5 (1) suggest to the governor an efficiency, including a new policy or
 6 practice, that will

7 (A) reduce or eliminate government waste, the state's debt, or
 8 an operating or capital cost;

9 (B) improve service to the public; or

10 (C) make an operation of state government more efficient;

11 (2) report to the governor a waste by the state of a government
 12 resource.

13 (d) The governor may maintain and make available, at no cost to state
 14 employees, a telephone number, electronic mail address, Internet website, and other
 15 means to make a report under this section.

16 (e) A state employee who makes a report under this section may provide or
 17 withhold information that personally identifies the state employee.

18 (f) In addition to limitations or protections under AS 39.26.010(a) and
 19 AS 39.90.100 - 39.90.150 that may apply, action affecting the employment status of a
 20 state employee, including appointment, reduction of compensation, promotion,
 21 demotion, suspension, or removal, may not be taken or withheld in retaliation against
 22 the employee for making a report or suggestion to the governor under this section.

23 (g) This section does not

24 (1) authorize the disclosure of information that is legally required to be
 25 kept confidential; or

26 (2) diminish or impair the rights of an employee under a collective
 27 bargaining agreement.

28 (h) In this section,

29 (1) "government resource" means public funds, facilities, equipment,
 30 services, or employees;

31 (2) "state employee" means a person employed by the state in the

1 executive branch who is paid a wage or salary, but does not include a person hired by
 2 the state to work as an independent contractor or a person who is in the custody of the
 3 state;

4 (3) "waste" means an extravagant, unnecessary, or fiscally imprudent
 5 use of a government resource.

6 * **Sec. 10.** AS 44.62.175(a) is amended to read:

7 (a) The lieutenant governor shall develop and supervise the Alaska Online
 8 Public Notice System, to be maintained on the state's site on the Internet. The
 9 lieutenant governor shall prescribe the form of notices posted on the system by state
 10 agencies. The Alaska Online Public Notice System must include

11 (1) notices of proposed actions given under AS 44.62.190(a);

12 (2) notices of state agency meetings required under AS 44.62.310(e),
 13 even if the meeting has been held;

14 (3) notices of solicitations to bid issued under AS 36.30.130;

15 (4) notices of state agency requests for proposals issued under
 16 AS 18.55.255, 18.55.320; AS 36.30.210; AS 37.05.316; AS 38.05.120; and
 17 AS 43.40.010;

18 (5) executive orders and administrative orders issued by the governor;

19 (6) written delegations of authority made by the governor or the head
 20 of a principal department under AS 44.17.010;

21 (7) the text or a summary of the text of a regulation or order of repeal
 22 of a regulation for which notice is given under AS 44.62.190(a), including an
 23 emergency regulation or repeal regardless of whether it has taken effect;

24 (8) notices required by AS 44.62.245(b) regarding an amended version
 25 of a document or other material incorporated by reference in a regulation;

26 (9) a summary of the text of recently issued published opinions of the
 27 attorney general;

28 (10) a list of vacancies on boards, commissions, and other bodies
 29 whose members are appointed by the governor;

30 (11) in accordance with AS 39.52.240(h), advisory opinions of the
 31 attorney general; [AND]

1 (12) notices required by AS 26.30.010(d) and (e) regarding
2 applications for military facility zones; **and**

3 **(13) reports of state agencies, if required under AS 44.99.250.**

4 * **Sec. 11.** AS 44.99 is amended by adding new sections to read:

5 **Article 3A. Distribution of Agency Reports.**

6 **Sec. 44.99.250. Electronic distribution and posting.** (a) A state agency that
7 produces and distributes a report shall, if the agency has the technological capability to
8 do so, provide copies electronically and post the report on the Alaska Online Public
9 Notice System (AS 44.62.175). An agency may not produce print copies of reports
10 except as

11 (1) required

12 (A) under AS 14.56.120;

13 (B) by agreement; or

14 (C) by federal law; or

15 (2) requested under AS 44.99.260 or specifically approved by the head
16 of a state agency or the head's designee.

17 (b) A report produced and distributed by a state agency shall prominently state
18 the Internet website where a digital copy and the physical address where a print copy
19 of the report may be found.

20 (c) Except as provided in (a) of this section, electronic distribution and
21 electronic posting on the Alaska Online Public Notice System (AS 44.62.175) fulfills
22 any obligation in state law to publish, prepare, or present a report, and electronic
23 distribution fulfills any obligation in state law to submit a report.

24 **Sec. 44.99.260. Print copy requests.** A person may obtain, at no charge, up to
25 two print copies of reports from the state library distribution and data access center
26 under AS 14.56.170 each day. A person may obtain additional print copies of reports
27 from the state library distribution and data access center for a reasonable fee under
28 AS 14.56.170.

29 **Sec. 44.99.270. Graphic design for reports.** Notwithstanding AS 44.99.200,
30 when preparing reports, a state agency may not hire contractors to provide
31 photographs or graphics unless

1 (1) no agency employee qualified to perform the work is available; or

2 (2) the agency would use fewer state resources by hiring a contractor.

3 **Sec. 44.99.290. Definitions.** In AS 44.99.250 - 44.99.290,

4 (1) "report" means an official document that a state agency is required
5 by law to prepare and distribute to the legislature or the public without a specific
6 request, but does not include proposed regulations or documents related to the
7 adoption or amendment of regulations;

8 (2) "state agency" means a department, institution, board, commission,
9 division, authority, public corporation, committee, or other administrative unit of the
10 executive branch of state government, including the University of Alaska, the Alaska
11 Railroad Corporation, the Alaska Permanent Fund Corporation, and the Alaska
12 Housing Finance Corporation.

13 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **RETIREMENT INCENTIVE PROGRAM.** (a) An employer, including a state agency,
16 a political subdivision of the state, a public organization, and the University of Alaska, may
17 elect to adopt a retirement incentive program under secs. 12 - 22 of this Act. The employer
18 may limit applicability of the program to employees

19 (1) in specific budget or administrative components designated by the
20 employer;

21 (2) in specific job classifications designated by the employer;

22 (3) in specific geographic locations identified by the employer; or

23 (4) based on any combination of factors under (1) - (3) of this subsection.

24 (b) Only the administrator may approve or deny an employee's application to
25 participate in a retirement incentive program adopted by an employer under (a) of this section.

26 (c) An employer that elects to adopt a retirement incentive program under (a) of this
27 section shall propose the adopted program to the administrator for approval. The administrator
28 shall approve the program if the program meets the requirements of this section and, if the
29 employer is a state agency, sec. 19(a) of this Act. A program proposed under this section must

30 (1) designate job classifications, and specific budget and administrative
31 components related to those job classifications, that are wholly or partially made up of

1 employees who may be eligible to participate in the program;

2 (2) include a reimbursement agreement that requires

3 (A) the employer, for each employee who participates in the program,
4 to reimburse the defined benefit plan in the appropriate retirement system, within three
5 years after the end of the fiscal year in which the employee is appointed to retirement,
6 in an amount equal to the actuarial equivalent of the difference between the benefits
7 the participant receives after the addition of the credit under (i) of this section and the
8 benefits the participant would have received without the credit, less the amount the
9 participant has paid on the indebtedness determined under (g) or (h) of this section;
10 and

11 (B) the employer's obligation to contribute under this section be given
12 priority over other financial obligations of the employer to the maximum extent
13 permitted by law.

14 (d) An employer that elects, under (a) of this section, to adopt a retirement incentive
15 program may request that the administrator establish one or more periods during which one or
16 more employees of the employer who are eligible under (e) of this section may apply to
17 participate in the program. A period established by the administrator under this subsection
18 may not begin earlier than 30 days after the date it is established or end later than June 30,
19 2019, and must be not less than 30 days and not more than 60 days in duration.

20 (e) The administrator may not allow an employee to participate in a retirement
21 incentive program adopted under secs. 12 - 22 of this Act unless the employee is eligible
22 under the program for appointment to retirement not later than the earlier of

23 (1) the first day of the sixth month that follows the last day of the application
24 period established by the administrator under (d) of this section; or

25 (2) a date set by the retirement incentive program as the date employees are
26 required to be eligible for appointment to retirement.

27 (f) An employee is eligible to participate in a retirement incentive program under
28 secs. 12 - 22 of this Act only if

29 (1) the employee is a vested member of a defined benefit plan in the public
30 employees' retirement system or the teachers' retirement system;

31 (2) the employee has credit for service under AS 14.25.110 or AS 39.35.370

1 that occurred before July 1, 2006;

2 (3) the employee is at least 50 years of age, and, before application of credit
3 described in (i) of this section, has

4 (A) at least 17 years of credited service as a peace officer or firefighter,
5 as those terms are defined in AS 39.35.680; or

6 (B) at least 20 years of credited service as an employee other than an
7 employee described in (A) of this paragraph;

8 (4) the employee will be qualified to retire under AS 14.25.110 or
9 AS 39.35.370 after receipt of the credit described in (i) of this section;

10 (5) if the employer is a state agency, the employee satisfies the additional
11 requirements under sec. 13 of this Act; and

12 (6) the savings to the employer in personal services costs for the employee's
13 position will exceed the costs to the employer for that position within three years after the
14 employee is appointed to retirement.

15 (g) A member of the defined benefit plan in the teachers' retirement system who
16 participates in an approved retirement incentive program under secs. 12 - 22 of this Act is
17 indebted to the defined benefit retirement plan for an amount calculated under this subsection.
18 The indebtedness is 25.95 percent of the member's actual compensation for the school year in
19 which the member terminates employment, or the calculated school year compensation for a
20 member who works less than the entire school year, plus an appropriate share of the
21 administrative costs of the program. The member may apply annual or personal leave to the
22 indebtedness before appointment to retirement. If the indebtedness is outstanding
23 indebtedness at the time the member is appointed to retirement under the retirement incentive
24 program, the pension benefits payable to the member shall be reduced by an actuarial
25 adjustment that eliminates the indebtedness.

26 (h) A member of the defined benefit plan in the public employees' retirement system
27 who participates in an approved retirement incentive program under secs. 12 - 22 of this Act
28 is indebted to the defined benefit retirement plan for an amount calculated under this
29 subsection. The indebtedness is 22.5 percent for a peace officer or firefighter, and 20.25
30 percent for other members, of the member's actual annual compensation for the year in which
31 the member terminates employment, or the calculated annual compensation for a member

1 who works fewer than 12 months, plus an appropriate share of the administrative costs of the
 2 program. The member may apply annual or personal leave to the indebtedness before
 3 appointment to retirement. If the indebtedness is outstanding at the time the member is
 4 appointed to retirement under the retirement incentive program, the pension benefits payable
 5 to the member shall be reduced by an actuarial adjustment that eliminates the indebtedness.

6 (i) An employee who participates in an approved retirement incentive program under
 7 this Act receives a credit of three years. The three years must be applied in the following
 8 order of priority until exhausted:

9 (1) to meet the age or service required for eligibility for normal retirement
 10 under AS 14.25.110 or AS 39.35.370, as appropriate;

11 (2) to meet the age required for early retirement under AS 14.25.110 or
 12 AS 39.35.370, as appropriate;

13 (3) to reduce the actuarial adjustment required for early retirement under
 14 AS 14.25.110 or AS 39.35.370, as appropriate;

15 (4) as years of credited service for calculating retirement benefits.

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

18 **AUTHORIZATION FOR STATE EMPLOYEE RETIREMENT INCENTIVE.** (a)

19 Subject to (b) of this section, an employee of a state agency may participate in a retirement
 20 incentive program approved under sec. 12 of this Act by the administrator if the employee is
 21 eligible to participate under sec. 12 of this Act and the employee

22 (1) has been continuously employed by the state for at least one year before
 23 the employee applies to participate in the program;

24 (2) is a permanent seasonal employee employed by the state in a permanent
 25 seasonal position for the entire period the position was filled during the 12 months preceding
 26 the employee's application to participate in the program;

27 (3) has been employed under a job-sharing agreement in which a state agency
 28 allowed two or more employees to share a single position that is identified by a single
 29 position control number, for the entire period in which the position was shared during the 12
 30 months preceding the employee's application to participate in the program; or

31 (4) meets a combination of the requirements of this subsection.

1 (b) The governor, the lieutenant governor, and a commissioner, deputy commissioner,
2 or assistant commissioner of a principal department of the executive branch of state
3 government may not retire under a retirement incentive program adopted under secs. 12 - 22
4 of this Act.

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

7 AUTHORIZATION FOR RETIREMENT INCENTIVE FOR EMPLOYEES OF THE
8 UNIVERSITY OF ALASKA. Notwithstanding AS 14.40.661 - 14.40.799, a participant in a
9 university retirement program under AS 14.40.661 - 14.40.799 who is vested in a defined
10 benefit plan in the public employees' retirement system or the teachers' retirement system may
11 participate in a retirement incentive program for that defined benefit retirement plan if the
12 participant satisfies the requirements under secs. 12 and 13 of this Act that apply to
13 participants in that retirement incentive program.

14 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 POLITICAL SUBDIVISION OR PUBLIC ORGANIZATION EMPLOYMENT.
17 Notwithstanding AS 14.25 or AS 39.35, for purposes of determining the years of service
18 required for retirement under AS 14.25.110 or AS 39.35.370, as appropriate, an employee of a
19 state agency who has vested as a member of a defined benefit plan in the teachers' retirement
20 system or the public employees' retirement system and applies to participate in a retirement
21 incentive program approved under secs. 12 - 22 of this Act may receive credit for service
22 while employed with a political subdivision or a public organization that occurred before the
23 political subdivision or public organization elected to participate in that defined benefit
24 retirement plan. The credit may not be applied for the purpose of determining the amount of a
25 retirement benefit.

26 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 RECOVERY OF EMPLOYER DELINQUENCIES. To recover a delinquency owed
29 under secs. 12 - 22 of this Act by an employer other than the state, the commissioner of
30 administration may

31 (1) withhold an amount of money equal to the amount of the delinquency, or a

1 lesser amount, from money payable to the employer by the state, and credit it against the
2 delinquency; and

3 (2) bring an action against the employer.

4 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **STOPPING ENROLLMENT FOR ACTUARIAL REASONS.** If the administrator
7 determines after approving a retirement incentive program under secs. 12 - 22 of this Act that
8 an increase in the number of participants in that retirement incentive program will have a
9 significant negative effect on the actuarial soundness of a defined benefit plan in the teachers'
10 retirement system or the public employees' retirement system, the administrator may close the
11 program to new applicants.

12 * **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 **REEMPLOYMENT INDEBTEDNESS; PROHIBITION ON REEMPLOYMENT.** (a)
15 If an individual is reemployed as a member of the defined benefit plan in the public
16 employees' retirement system under AS 39.35, the defined benefit plan in the teachers'
17 retirement system under AS 14.25, the defined benefit plan in the judicial retirement system
18 under AS 22.25, or the defined benefit plan in the optional university retirement program
19 under AS 14.40.661 - 14.40.799 after appointment to retirement under this Act, that
20 individual forfeits incentive credit received or due under sec. 12(i) of this Act and incurs an
21 indebtedness to the defined benefit retirement plan under which the individual has been
22 reemployed as a member. The indebtedness is 110 percent of the amount, including health
23 insurance premium costs, that the individual received solely as a result of participation in a
24 retirement incentive program under secs. 12 - 22 of this Act. The administrator shall apply the
25 amount the individual has paid under sec. 12 of this Act as a requirement for participation in
26 the retirement incentive as a credit toward the member's reemployment indebtedness under
27 this subsection. Interest on the reemployment indebtedness accrues from the date of
28 reemployment until the date that the individual either is appointed to retirement and accepts
29 an actuarial adjustment to the individual's future benefits or repays the indebtedness in full.
30 The rate of interest is that established by regulation for the member's defined benefit
31 retirement plan by the Alaska Retirement Management Board.

1 (b) A state agency or the University of Alaska may not employ or contract for
 2 personal services with an individual who is appointed to retirement under a retirement
 3 incentive program authorized by secs. 12 - 22 of this Act for a period of three years
 4 immediately following the date of the individual's appointment to retirement, except that the

5 (1) University of Alaska may enter into a personal services contract with the
 6 individual for teaching or research;

7 (2) individual may accept employment with the legislature during a legislative
 8 session if the employment is on an hourly basis and does not entitle the individual to receive
 9 retirement, health, or leave benefits;

10 (3) individual may accept employment with a school district as a substitute
 11 teacher; and

12 (4) individual may accept employment with a school district if the individual
 13 participated in the defined benefit plan in the teachers' retirement system and the employment
 14 is on an hourly basis and does not entitle the individual to receive retirement, health, or leave
 15 benefits.

16 (c) Notwithstanding the prohibition in (b) of this section, a state agency or the
 17 University of Alaska may enter into a personal services contract with an individual who was
 18 appointed to retirement under secs. 12 - 22 of this Act if the administrator approves the
 19 contract.

20 * **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 **OFFICE OF MANAGEMENT AND BUDGET.** (a) The director of the office of
 23 management and budget shall review each retirement incentive program adopted by a state
 24 agency, determine whether the program will result in a net reduction to the operating costs of
 25 the state agency that adopted it for a five-year period beginning July 1, 2016, and report the
 26 outcome of the review to the administrator. The administrator may not approve a retirement
 27 incentive program adopted by a state agency under sec. 12 of this Act unless the office of
 28 management and budget determines that the program's expected effect on the state agency's
 29 operation costs is a net reduction. The state agency that adopts the program shall cooperate
 30 with and provide information to the office of management and budget to aid with the
 31 preparation of the review under this subsection and reports under (b) of this section.

1 (b) Beginning January 15, 2017, and continuing through June 30, 2019, the office of
 2 management and budget shall submit to the senate secretary and the chief clerk of the house
 3 of representatives an annual report on the retirement incentive programs established under this
 4 Act and notify the legislature that the report is available. Each report must provide the
 5 information necessary for the legislature to evaluate the retirement incentive programs,
 6 including the effect of the programs on the defined benefit plans of the teachers' retirement
 7 system and the public employees' retirement system, and whether the programs are
 8 economical for employers. The report must include, for each program,

- 9 (1) the designated employee categories;
- 10 (2) the employer's cost for each participant;
- 11 (3) the actual annual cost to the state;
- 12 (4) for state agencies, the budgeted annual cost;
- 13 (5) the cost paid by each participant;
- 14 (6) the number of positions that became vacant as a result of the program and
 15 how many of those positions remain vacant;
- 16 (7) for the relevant three-year period, the projected net savings and the actual
 17 net savings resulting from the program.

18 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 PROGRAM CHANGES. An individual employee does not have a vested or
 21 contractual right to a benefit under this Act until an agreement is executed with the
 22 administrator that authorizes the employee to participate in that retirement incentive program.
 23 The legislature may change a retirement incentive program established under secs. 12 - 22 of
 24 this Act as it relates to employees for whom an agreement under this section has not been
 25 executed.

26 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 REGULATIONS. The commissioner of administration may adopt regulations under
 29 AS 44.62 (Administrative Procedure Act) to implement and interpret secs. 12 - 22 of this Act.

30 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 DEFINITIONS. (a) Unless provided otherwise in this Act, the definitions set out in
2 AS 14.25.220 apply to provisions in secs. 12 - 22 of this Act that relate to the teachers'
3 retirement system and members of the teachers' retirement system.

4 (b) Unless provided otherwise in this Act, the definitions set out in AS 39.35.680
5 apply to provisions in secs. 12 - 22 of this Act that relate to the public employees' retirement
6 system and members of the public employees' retirement system.

7 (c) In secs. 12 - 22 of this Act,

8 (1) "administrator" means the commissioner of administration or the
9 commissioner's designee;

10 (2) "employer" has the meaning given in AS 14.25.220 and AS 39.35.680;

11 (3) "office of management and budget" means the office of management and
12 budget in the Office of the Governor;

13 (4) "public employees' retirement system" means the Public Employees'
14 Retirement System of Alaska (AS 39.35);

15 (5) "public organization" has the meaning given in AS 39.35.680;

16 (6) "state agency" means

17 (A) the legislative branch of state government;

18 (B) a principal department of the executive branch of state
19 government;

20 (C) an independent state entity that is attached to a principal
21 department of the executive branch of state government for administrative purposes
22 and is not a public organization as defined in AS 39.35.680; or

23 (D) the Office of the Governor;

24 (7) "teachers' retirement system" means the Teachers' Retirement System of
25 Alaska (AS 14.25).

26 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **APPLICABILITY TO EXISTING BENEFICIARIES.** (a) Notwithstanding sec. 24 of
29 this Act, sec. 8 of this Act may not impair or diminish the retirement benefits of a person who
30 is appointed to retirement under a defined benefit plan in the teachers' retirement system or
31 the public employees' retirement system, or receives a benefit under that plan, before the

1 effective date of sec. 8 of this Act.

2 (b) Sections 1 and 12 - 22 of this Act may not impair or diminish the retirement
3 benefits of a person who is appointed to retirement under a defined benefit plan in the
4 teachers' retirement system or the public employees' retirement system, or receives a benefit
5 under that plan, before the effective date of sec. 1 of this Act.

6 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **APPLICABILITY TO CONTRACTS.** Sections 1, 4 - 8, and 12 - 22 of this Act apply
9 to contracts made on or after the effective date of this Act.

10 * **Sec. 25.** Sections 1 and 12 - 22 of this Act are repealed July 1, 2019.

11 * **Sec. 26.** AS 39.30.095(e), as amended by sec. 8 of this Act, takes effect January 1, 2017.

12 * **Sec. 27.** Sections 1 - 7 and 9 - 26 of this Act take effect immediately under
13 AS 01.10.070(c).