

SENATE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATORS MEYER, Ellis, French, McGuire, Menard, Egan

Introduced: 1/19/11

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a one-time occupational death benefit for peace officers and
2 firefighters."

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

4 * **Section 1.** AS 39.35.430(c) is amended to read:

5 (c) The one-time payment of \$100,000 provided for in (i) of this section
6 and the first payment of the surviving spouse's pension or of a dependent child's
7 pension shall be made for the month following the month in which the employee dies;
8 however, a one-time payment and a \$100,000 or pension payment may not [AND
9 PAYMENT SHALL CEASE TO] be made for a [BEGINNING WITH THE] month
10 in which there is neither a [NO] surviving spouse nor a [OR NO] dependent child.

11 * **Sec. 2.** AS 39.35.430 is amended by adding a new subsection to read:

12 (i) A spouse who is paid a monthly survivor's pension under (b) of this section
13 shall also be paid a one-time payment of \$100,000 if the employee was a peace officer
14 or firefighter. If there is no spouse or if the spouse dies before the month following the

1 month in which the employee dies, the one-time payment of \$100,000 shall be paid in
2 equal parts to the dependent children of the employee. Notwithstanding another
3 provision of this section, a person who is the surviving spouse or a surviving
4 dependent child of a peace officer or firefighter and who committed an act that was a
5 substantial cause of the peace officer's or firefighter's death is ineligible to receive any
6 portion of the one-time payment of \$100,000 provided for under this subsection.

7 * **Sec. 3.** AS 39.35.475(e) is amended to read:

8 (e) When computing an occupational death benefit under AS 39.35.430 or
9 39.35.440 or a survivor's benefit under AS 39.35.450, adjustments granted to the
10 deceased member or survivor under this section shall be included. **A one-time**
11 **payment of \$100,000 under AS 39.35.430 is not subject to this requirement.**

12 * **Sec. 4.** AS 39.35.892(b) is amended to read:

13 (b) The **one-time payment of \$100,000 provided for in (f) of this section**
14 **and the** first payment of the surviving spouse's pension or of a dependent child's
15 pension shall be made for the month following the month in which the employee dies;
16 **however, a one-time payment of \$100,000 may not be made if, in that month,**
17 **there is neither a surviving spouse nor a dependent child. Pension payments [.**
18 **PAYMENTS]** shall cease on the last day of the month in which there is no longer an
19 eligible spouse or eligible dependent child, or the last day of the month following the
20 earliest date the employee would have first qualified for normal retirement if the
21 employee had survived, whichever day is sooner.

22 * **Sec. 5.** AS 39.35.892 is amended by adding a new subsection to read:

23 (f) A spouse who is paid a monthly survivor's pension under (a) of this section
24 shall also be paid a one-time payment of \$100,000 if the employee was a peace officer
25 or firefighter. If there is no spouse or if the spouse dies before the month following the
26 month in which the employee dies, the one-time payment of \$100,000 shall be paid in
27 equal parts to the dependent children of the employee. Notwithstanding another
28 provision of this section, a person who is the surviving spouse or a surviving
29 dependent child of a peace officer or firefighter and who committed an act that was a
30 substantial cause of the peace officer's or firefighter's death is ineligible to receive any
31 portion of the one-time payment of \$100,000 provided for in this subsection.