

**CS FOR HOUSE BILL NO. 348(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/17/10

Referred: Judiciary

Sponsor(s): REPRESENTATIVE LYNN

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the membership of the state personnel board."**

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

3 \* **Section 1.** AS 39.25.060(a) is amended to read:

4 (a) The personnel board is composed of **five** [THREE] members appointed by  
5 the governor and confirmed by the legislature meeting in joint session. **The governor**  
6 **may make an appointment only from a list of at least three nominees selected by**  
7 **the chief justice of the Alaska Supreme Court, subject to the right of the governor**  
8 **to request additional nominations. In appointing members under this subsection,**  
9 **the governor shall ensure that the board has at least one member of the political**  
10 **party of the candidate for governor who received the highest number of votes,**  
11 **and one member of the political party of the candidate for governor who received**  
12 **the second highest number of votes, in the most recent general election at which a**  
13 **governor was elected.** The term of office of a member is six years; **however,**  
14 **notwithstanding AS 39.05.080(4), the member remains in office after expiration**  
15 **of the term until a successor is confirmed.** A vacancy in an unexpired term shall be

1 filled by appointment by the governor for the remainder of the term. The appointment  
 2 is **made from a list of nominees and** subject to confirmation in the same manner as a  
 3 full-term appointment.

4 \* **Sec. 2.** AS 39.25.060(b) is amended to read:

5 (b) Members of the board may not be employees of the state. Not more than  
 6 **three** [TWO] members of the board may be members of the same political party.

7 \* **Sec. 3.** AS 39.25 is amended to by adding a new section to read:

8 **Sec. 39.25.064. Prohibited conduct by board members and board**  
 9 **employees and contractors.** A member of the personnel board, an employee of the  
 10 board, or a person under contract to provide personal services to the board may not,  
 11 during the person's term of office or employment or during the term of the person's  
 12 contract,

13 (1) hold or campaign for elective office;

14 (2) be an officer of a political party, political committee, or political  
 15 group;

16 (3) lobby;

17 (4) employ a lobbyist; or

18 (5) assist in lobbying.

19 \* **Sec. 4.** AS 39.25.070 is amended to read:

20 **Sec. 39.25.070. Powers and duties of personnel board.** In addition to the  
 21 other duties imposed by this chapter, the personnel board shall

22 (1) approve or disapprove amendments to the personnel rules in  
 23 accordance with AS 39.25.140;

24 (2) consider and act upon recommendations for the extension of the  
 25 partially exempt service and the classified service as provided in AS 39.25.130;

26 (3) hear and determine appeals by employees in the classified service  
 27 as provided in AS 39.25.170;

28 (4) establish its own rules of procedure; **three** [TWO] members  
 29 constitute a quorum for the transaction of business and **three** [TWO] affirmative votes  
 30 are required for final action on matters acted upon by the board;

31 (5) elect a chair from its membership;

1                   (6) have the power to administer oaths, subpoena witnesses, and  
 2                   compel the production of books and papers pertinent to a hearing authorized by this  
 3                   chapter;

4                   (7) employ staff members, who shall be in the classified service;

5                   (8) carry out its powers and duties under AS 39.52.

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

8                   MEMBERS OF PERSONNEL BOARD; TRANSITION; STAGGERED TERMS.

9       Notwithstanding AS 39.25.060(a), as amended by sec. 1 of this Act, a member of the  
 10 personnel board serving on the effective date of this Act remains in office for the duration of  
 11 the term to which appointed and confirmed. Within 60 days after the effective date of this  
 12 Act, the chief justice of the Alaska Supreme Court shall submit to the governor a list of at  
 13 least six nominees for the two additional seats on the personnel board. The governor shall  
 14 appoint one member to a five-year term and one member to a six-year term. The governor  
 15 shall specify the term of each member appointed subject to this section.