

27-LS0011\B

Kirsch

2/7/11

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 4()**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-SEVENTH LEGISLATURE - FIRST SESSION****BY****Offered:****Referred:****Sponsor(s): REPRESENTATIVE LYNN****A BILL****FOR AN ACT ENTITLED****"An Act relating to the members of the state personnel board."****BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:***** Section 1.** AS 39.25.060(a) is amended to read:

(a) The personnel board is composed of five [THREE] members appointed by the governor and confirmed by the legislature meeting in joint session. The board shall be made up of two members selected from a list of four names to be submitted by the central committee of each political party whose candidate for governor received the highest number of votes or the second highest number of votes in the most recent preceding general election at which a governor was elected, and one member nominated by majority vote of the four committee members chosen from a list submitted by a political party. The term of office of a member is six years; however, notwithstanding AS 39.05.080(4), the member remains in office after expiration of the term until a successor is confirmed [. A VACANCY IN AN UNEXPIRED TERM SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE REMAINDER OF THE TERM. THE

1 APPOINTMENT IS SUBJECT TO CONFIRMATION IN THE SAME MANNER
2 AS A FULL-TERM APPOINTMENT].

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

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

7 * **Sec. 3.** AS 39.25.060 is amended by adding a new subsection to read:

8 (e) A vacancy because of the expiration of a term on the board shall be filled
9 within 30 days after the occurrence of the vacancy under (g) or (h) of this section, as
10 applicable.

11 (f) A vacancy in an unexpired term shall be filled by appointment by the
12 governor for the remainder of the term under (g) or (h) of this section, as applicable.
13 The appointment is subject to confirmation in the same manner as a full-term
14 appointment.

15 (g) When replacing a member who was selected from a list submitted by a
16 political party, the governor shall chose from a list of four names to be submitted by
17 the central committee of the party

18 (1) whose candidate for governor received the highest number of votes
19 or the second highest number of votes in the most recent preceding general election at
20 which a governor was elected; and

21 (2) that has the fewest number of members on the board.

22 (h) When replacing a member who was not selected from a list submitted by a
23 political party, the four members selected by the governor from a list submitted by a
24 political party shall, by a majority vote, nominate to the governor an individual to
25 serve as the fifth member of the board. The governor shall either appoint the nominee
26 to the board or reject the nominee and request those four members to nominate another
27 individual to serve as the fifth member of the board.

28 * **Sec. 4.** AS 39.25 is amended by adding a new section to read:

29 **Sec. 39.25.064. Prohibited conduct by board members.** (a) A member of the
30 personnel board may not, during the person's term of office,

31 (1) hold or campaign for elective office;

(2) be an officer of a political party or political group;

(3) lobby;

(4) employ a lobbyist; or

(5) assist in lobbying.

(b) In this section,

(1) "political group" has the meaning given to "group" in AS 15.13.400;

(2) "political party" has the meaning given in AS 15.13.400.

* **Sec. 5.** AS 39.25.070 is amended to read:

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

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

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

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

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

(5) elect a chair from its membership;

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

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

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

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

TRANSITION. Notwithstanding AS 39.25.060(a), as amended by sec. 1 of this Act, a member of the personnel board serving on the effective date of this Act remains in office for the duration of the term to which appointed and confirmed. Within 60 days after the effective

1 date of this Act, the governor shall appoint one member from each of the two political parties
2 whose candidate for governor received the highest number of votes and the second highest
3 number of votes in the most recent preceding general election at which a governor was
4 elected. The appointee from each of the two parties shall be chosen from a list of four names
5 to be submitted by the central committee of the party. The governor shall appoint one member
6 to a four-year term and one member to a six-year term. The governor shall specify the term of
7 each member appointed under this section. When a vacancy occurs after these initial
8 appointments, the governor shall appoint a member from one of the two political parties
9 whose candidate for governor received the highest number of votes or the second highest
10 number of votes in the most recent preceding general election at which a governor was elected
11 until the membership of the board contains four members appointed from a list submitted by a
12 political party. When the next vacancy occurs, the four members selected by the governor
13 from a list submitted by a political party shall, by a majority vote, nominate to the governor an
14 individual to serve as the fifth member of the board. The governor shall either appoint the
15 nominee to the board or reject the nominee and request those four members to nominate
16 another individual to serve as the fifth member of the board.