

trict budget approved by the commissioner of education pursuant to the provisions of Sec. 37-3-63, ACLA 1949 as amended or as hereafter amended. Local expenditures above the level of the approved budget may be made by the local school board, but shall be paid for with local funds;

(2) For the second fiscal year of operation, the state shall pay from appropriations available for the support of district schools, 90% of the district budget approved by the commissioner of education pursuant to the provisions of Sec. 37-3-63, ACLA 1949 as amended or as hereafter amended. Local expendi-

tures above the level of the approved budget may be made by the local school board, but shall be paid for with local funds;

(3) For the third fiscal year of operation, and for each and every fiscal year thereafter, the city school district or independent school district shall be placed in the appropriate school district reimbursement category in accordance with then existing state laws.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 8, 1960

---

## CHAPTER 91

### AN ACT

**Relating to the disposition of liquor license application fees; amending Subsec. (I), Sec. 35-4-22, ACLA 1949 as amended by Ch. 131, SLA 1957 and Ch. 197, SLA 1959; and providing for an effective date.**

(H.B. 473)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Subsec. (I), Sec. 35-4-22, ACLA 1949 as amended by Ch. 131, SLA 1957 and Ch. 197, SLA 1959 is amended to read as follows:

(I) Any application fee prescribed by the Board as provided in Sec. 35-4-2 shall be in addition to any other fee charged under this Act and shall be deposited in the general fund.

Sec. 2. This Act shall take effect July 1, 1960.

Approved April 8, 1960

---

## CHAPTER 92

### AN ACT

**Relating to non-retention of teachers; repealing Ch. 71, SLA 1957; and establishing an effective date.**

(C.S.S.B. 141)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. **Non-Retention Cases.** School boards in the several school districts and the Department of Education for schools outside school districts may hire administrators and teachers regularly qualified in accordance with the Department of Education rules and regulations and issue contracts to them for the ensuing

school year (for superintendents the contract may be for more than one school year, but for no more than three consecutive school fiscal years) any time after January 1, and shall notify administrators and teachers of non-retention in writing postmarked or delivered on or before March 15. In the case of teachers and administrators employed by the Department of Education, the notification shall be by certified mail post-

marked not later than March 15, and shall be issued by the commissioner of education or his designee. In the event that written notification of non-retention, together with a clear statement of cause including a bill of particulars for such non-retention, is not issued before March 15, the administrators' and teachers' contracts shall be continued for the ensuing school year in conformity with the state and local salary stipulations including any annual increments. Teachers and administrators who have not been employed for at least two school years in the school system or who are holders of temporary certificates are excluded from any rights under this Act.

**Sec. 2. Definition of Cause.** a. The sole causes for non-retention are as follows:

(1) incompetency, which is defined as the inability or the unintentional or intentional failure to perform one's legitimate duties in a satisfactory manner;

(2) immorality, which is defined as conduct of the person tending to bring the individual concerned or the teaching profession into public disgrace or disrespect;

(3) substantial non-compliance with the school laws of the state or such regulations of the Department of Education or any other governmental agency as are applicable or of the employing school district.

b. Any necessary reduction of staff occasioned by a decrease in school attendance of the district may warrant, in the absence of any of the above reasons, the non-retention of a teacher.

**Sec. 3. Hearing.** a. A teacher or administrator given notification of non-retention under the provisions of this Act by a school district board may, on or before March 25, immediately following receipt of notification of non-retention, notify the president of the school district board in writing that he requests a hearing before said school board. The teacher or administrator may require in the above notification that: the hearing be either public or private; the hearing be under oath or affirmation; he be represented by counsel with the right of cross-examination; and he have the right and privilege of subpoenaing at such hearing any per-

son who has made allegations detrimental to his or her character or which are used as a basis for any decision of the board. Upon receipt of a notification requesting a hearing, the president of the school board shall immediately arrange for a hearing, and shall notify the teacher or administrator in writing of the date, time, and place of the hearing. A written transcript or tape or similar recording of the proceedings shall be kept and transcribed copies furnished to the school board, upon his request, to the teacher or administrator for cost, and to the commissioner of education. The final decision of the board shall require a majority vote of the membership. The vote shall be by roll call and be recorded in the minutes of the meeting. A written notification of the decision of the school board shall be furnished to the teacher or administrator and the commissioner of education within 10 days from the date of the decision.

b. A teacher or administrator employed by the Department of Education, given notification of non-retention under the provisions of this Act by the Department of Education, may request a hearing as provided in the Administrative Procedure Act except that the request shall be addressed to the commissioner of education. The commissioner of education and two members of the Board of Education shall serve as members of the Board of Appeals for teachers or administrators employed by the Department of Education. The final decision of the Board of Appeals shall require a majority vote of its membership.

c. A teacher or administrator, except those employed by the Department of Education, may appeal a decision of a school board. The appeal shall be made in writing to the commissioner of education within 20 days of notice of the original decision. A hearing shall be conducted by three members of State Board of Education within a reasonable time and a decision of majority of the board shall be final.

**Sec. 4. Savings Clause.** Nothing in this Act shall prohibit school district boards from adopting teacher tenure regulations on district option basis insofar as such regulations do not contravene state law or state board of education rules and regulations.

Sec. 5. **Repeal.** Ch. 71, SLA 1957 is repealed.

effect on the day after its passage and approval or on the day it becomes law without such approval.

Sec. 6. **Effective Date.** This Act takes

Approved April 8, 1960

## CHAPTER 93

### AN ACT

**Relating to sick and disabled fishermen; amending the State Organization Act of 1959 by providing for a Fishermen's Fund Advisory and Appeals Council; amending Sec. 13, Ch. 64, SLA 1959.**

(S.B. 189)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. Sec. 13, Ch. 64, SLA 1959 is amended to read as follows:

Sec. 13. **Department of Labor.** There shall be a principal executive officer of the Department of Labor to be known as the Commissioner of Labor.

The Department of Labor is hereby vested with the duties, powers, and responsibilities involved in the enforcement of laws, and in the promulgation of rules and regulations under such laws, concerned with employer-employee relationships, including the safety, hours of work, wages, and conditions of workers, including women and children; the accumulation, analysis, and reporting of labor statistics; and the operation of systems of workmen's compensation and unemployment insurance. The functions and authority heretofore performed and exercised by the Employment Security Commission, the Director of Employment Security, the Alaska Territorial Employment Service, the Territorial Advisory Council, the Alaska Safety Council and Executive Board and the Safety Director; the Department of Labor, the Commissioner of Labor, the Alaska Industrial Board; and the Board for the Care of Sick and Disabled Fishermen are hereby transferred to the Department of Labor.

There is hereby created within the Department of Labor an Employment Security Advisory Council consisting of five members appointed by the Governor for overlapping five-year terms, two members to represent employers, two to represent employees, and one to represent the general public.

There is hereby created within the Department of Labor a Fishermen's Fund Advisory and Appeals Council with which the Commissioner of Labor shall consult before rendering a negative decision on any appeal which has been filed with him in relation to the care of sick and disabled fishermen. The Board shall be composed of the commissioner or his designee acting as chairman and four other members appointed by the Governor for overlapping four-year terms from the following districts:

District 1: Wrangell and areas south;

District 2: Petersburg and areas north to include Yakutat;

District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;

District 4: Areas west of Alaska Peninsula, including Bristol Bay.

Approved April 8, 1960