

CS FOR HOUSE BILL NO. 157(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/1/09

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the State Personnel Act to place in the exempt service the chief
2 economist and state comptroller in the Department of Revenue and certain professional
3 positions concerning oil and gas within the Department of Natural Resources and the
4 Alaska Oil and Gas Conservation Commission; relating to reemployment of, and
5 benefits for or on behalf of reemployed, retired teachers and public employees;
6 providing for an effective date by amending the effective date of secs. 3, 5, 9, and 12, ch.
7 57, SLA 2001, and sec. 3, ch. 50, SLA 2005; and providing for an effective date."

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

9 * **Section 1.** AS 14.20.135(a) is amended to read:

10 (a) A school district or regional educational attendance area that has or
11 anticipates having a shortage of teachers qualified to teach in a particular discipline or
12 specialty may, subject to AS 14.25.043(f) [BY RESOLUTION], adopt, by
13 resolution, a policy that permits the employment of retired teachers who are qualified

1 to teach in the discipline or specialty in accordance with this section. The policy must
 2 describe the circumstances that constitute the shortage. If a shortage of teachers exists
 3 as described in the policy, the district or attendance area shall notify the administrator
 4 of the teachers' retirement system (AS 14.25) that it is hiring retired teachers under
 5 this section.

6 * **Sec. 2.** AS 14.25.043 is amended by adding a new subsection to read:

7 (f) Notwithstanding (b) and (e) of this section and AS 14.25.135, an employer
 8 that is a school district or regional educational attendance area may not allow a
 9 member hired to fill a position that requires recruitment to make the election provided
 10 in (b) or (e) of this section unless

11 (1) the employer conducted an initial recruitment for the position for at
 12 least 20 days that resulted in fewer than three qualified, eligible, and available
 13 applicants, including the retired member; and

14 (2) the employer then conducted an additional recruitment for the
 15 position and the additional recruitment resulted in fewer than three qualified, eligible,
 16 and available applicants, including the retired member; the additional recruitment
 17 period required by this paragraph added to the initial recruitment period in (1) of this
 18 subsection must total not fewer than 40 days.

19 * **Sec. 3.** AS 39.25.110(14) is amended to read:

20 (14) the director, the deputy director, the petroleum investments
 21 manager, the petroleum market analyst, the petroleum facilities integrity
 22 compliance manager, the petroleum facilities integrity engineer, the petroleum
 23 facilities integrity specialist, petroleum engineers, [AND] petroleum geologists,
 24 petroleum geophysicists, petroleum land managers, petroleum managers, and
 25 commercial analysts employed in a professional capacity in the division of oil and
 26 gas by the Department of Natural Resources; petroleum engineers and petroleum
 27 geologists employed [AND] by the Alaska Oil and Gas Conservation Commission;
 28 and the state geologist, petroleum geologists, and petroleum geophysicists [,
 29 EXCEPT FOR THOSE] employed in the division of geological and geophysical
 30 surveys by [IN] the Department of Natural Resources;

31 * **Sec. 4.** AS 39.25.110 is amended by adding a new paragraph to read:

1 (43) the chief economist and the state comptroller in the Department of
2 Revenue.

3 * **Sec. 5.** AS 39.35.150(h) is amended to read:

4 (h) Notwithstanding (b) of this section, an employer [IN THE EXECUTIVE
5 BRANCH OF STATE GOVERNMENT] may not allow a member hired to fill a
6 position that requires recruitment to make the election provided in (b) of this section
7 unless

8 (1) the employer conducted an initial recruitment for at least **20** [15]
9 days for the position to be filled by the member making an election under (b) of this
10 section that resulted in fewer than **three** [FIVE] qualified, eligible, and available
11 applicants, including the retired member; and

12 (2) the employer then conducted an additional recruitment and the
13 additional recruitment resulted in fewer than **three** [FIVE] qualified, eligible, and
14 available applicants, including the retired member; this additional recruitment period
15 added to the initial recruitment period must be at least **40** [30] days total.

16 * **Sec. 6.** Section 12, ch. 57, SLA 2001, as amended by sec. 6, ch. 15, SLA 2003, and by sec.
17 10, ch. 50, SLA 2005, is further amended to read:

18 Sec. 12. AS 14.20.135, as amended by sec. 2, **ch. 50, SLA 2005** [OF THIS
19 ACT]; AS 14.25.043(b), as amended by sec. 4, **ch. 50, SLA 2005** [OF THIS ACT],
20 14.25.043(e), added by sec. 3, ch. 15, SLA 2003, and as amended by sec. 5, **ch. 50,**
21 **SLA 2005** [OF THIS ACT]; AS 39.35.120(b)(2), 39.35.150(b), as amended by sec. 4,
22 ch. 15, SLA 2003, and by sec. 7, **ch. 50, SLA 2005** [OF THIS ACT], and 39.35.150(c)
23 are repealed July 1, **2013** [2009].

24 * **Sec. 7.** Section 12, ch. 50, SLA 2005, is amended to read:

25 Sec. 12. AS 14.25.070(b); AS 39.35.150(f), 39.35.150(g), 39.35.150(h), and
26 39.35.270(b) are repealed July 1, **2013** [2009].

27 * **Sec. 8.** AS 39.25.120(c)(10) is repealed.

28 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **CONDITIONAL RETROACTIVITY.** If secs. 6, 7, 10, and 11 of this Act take effect
31 after July 1, 2009, secs. 6, 7, 10, and 11 of this Act are retroactive to July 1, 2009.

1 * **Sec. 10.** Section 15, ch. 57, SLA 2001, as amended by sec. 17, ch. 50, SLA 2005, is
2 amended to read:

3 Sec. 15. Sections 3, 5, 9, and 12 of this Act take effect July 1, **2013** [2009].

4 * **Sec. 11.** Section 19, ch. 50, SLA 2005, is amended to read:

5 Sec. 19. Section 3 of this Act takes effect July 1, **2013** [2009].

6 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).