

CS FOR SENATE BILL NO. 126(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/3/09

Referred: Labor and Commerce, Finance

Sponsor(s): SENATE 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 state
2 comptroller in the Department of Revenue; relating to reemployment of and benefits for
3 or on behalf of reemployed retired teachers and public employees; amending the
4 effective date of secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and sec. 3, ch. 50, SLA 2005; and
5 providing for an effective date."

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

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

8 (a) A school district or regional educational attendance area that has or
9 anticipates having a shortage of teachers qualified to teach in a particular discipline or
10 specialty may, subject to AS 14.25.043(f) [BY RESOLUTION], adopt, by
11 resolution, a policy that permits the employment of retired teachers who have been
12 separated from employment for at least 90 days and who are qualified to teach in
13 the discipline or specialty in accordance with this section. The policy must describe

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

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

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

10 (1) the employer conducted an initial recruitment for the position for at
 11 least 15 days that resulted in fewer than three qualified, eligible, and available
 12 applicants, including the retired member; and

13 (2) the employer then conducted an additional recruitment for the
 14 position and the additional recruitment resulted in fewer than three qualified, eligible,
 15 and available applicants, including the retired member; the additional recruitment
 16 period required by this paragraph added to the initial recruitment period in (1) must
 17 total not fewer than 30 days.

18 * **Sec. 3.** AS 39.25.110 is amended by adding a new paragraph to read:

19 (42) the state comptroller in the Department of Revenue.

20 * **Sec. 4.** AS 39.35.150(g) is amended to read:

21 (g) In accordance with this section, a political subdivision or a public
 22 organization that has or anticipates having a shortage of employees qualified for
 23 particular job classes may, by resolution, adopt a policy that permits the employment
 24 of employees who retired under AS 39.35.370(a), who have been separated from
 25 employment for at least 90 [30] days, and who are qualified for particular job classes.
 26 The policy adopted by resolution must describe the circumstances that constitute the
 27 shortage. The policy must require recruitment procedures [SIMILAR TO THE
 28 PROCEDURE] described in (h) of this section for any position filled by a retired
 29 employee under (f) of this section. If a shortage of qualified employees exists as
 30 described in the policy, the political subdivision or the public organization shall notify
 31 the administrator that it is hiring retired members under (f) of this section and shall

1 provide a copy of the resolution and policy adopted by the resolution to the
2 administrator of the public employees' retirement system (AS 39.35).

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 15 days
9 for the position to be filled by the member making an election under (b) of this section
10 that resulted in fewer than **three** [FIVE] qualified, eligible, and available applicants,
11 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 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 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, **2010** [2009].

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

25 Sec. 12. **AS 14.25.070(e)** [AS 14.25.070(b)]; AS 39.35.150(f), 39.35.150(g),
26 39.35.150(h), and **39.35.255(e)** [39.35.270(b)] are repealed July 1, **2010** [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, 2010 [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, 2010 [2009].

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