

HOUSE BILL NO. 109

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CHENAULT

Introduced: 2/8/17

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to requiring persons employed in the classified, exempt, or partially
2 exempt service of the state to be a state resident; and prohibiting persons who are
3 subject to the Public Employment Relations Act from negotiating terms contrary to that
4 residency requirement."

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

6 * **Section 1.** AS 23.40.075 is amended to read:

7 **Sec. 23.40.075. Items not subject to bargaining.** The parties may not
8 negotiate terms contrary to the

9 (1) reemployment rights for injured state employees under
10 AS 39.25.158;

11 (2) reemployment rights of the organized militia under AS 26.05.075;

12 (3) authority of the Department of Health and Social Services under
13 AS 47.27.035 to assign Alaska temporary assistance program participants to a work
14 activity considered appropriate by the Department of Health and Social Services;

1 (4) authority for agencies to create temporary positions under
2 AS 47.27.055(c); [OR]

3 (5) provisions contained in a contract under AS 14.40.210(a)(4); **or**

4 **(6) state residency requirements under AS 39.25.025.**

5 * **Sec. 2.** AS 39.25 is amended by adding a new section to read:

6 **Sec. 39.25.025. State residency required.** (a) Except as provided in (b) - (e)
7 of this section, only a resident may hold a position in state service.

8 (b) After making a written finding that a position in state service is vacant or
9 expected to become vacant and no resident is qualified and available for appointment
10 to the position, the commissioner of administration may authorize

11 (1) appointment of a person who is not a resident; or

12 (2) retention of a state employee who is not a resident.

13 (c) Nothing in this section impairs a person's eligibility to apply, or be
14 recruited or considered, for a position in state service.

15 (d) The residency requirements in this section do not apply to a position in
16 state service if all or part of the salary for the position is federally funded.

17 (e) In this section,

18 (1) "resident" means a person who establishes residency in the state
19 under AS 01.10.055;

20 (2) "state service" means the classified, exempt, or partially exempt
21 service.

22 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **APPLICABILITY.** AS 23.40.075, as amended by sec. 1 of this Act, and
25 AS 39.25.025(a), enacted by sec. 2 of this Act, apply to collective bargaining agreements
26 entered into on or after the effective date of this Act.

27 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **TRANSITION.** A person who is not a resident of the state, and who holds a position
30 in state service on the effective date of this Act, may continue to hold that position until
31 July 1, 2018, regardless of state residency. In this section, "resident" and "state service" have

1 the meanings given in AS 39.25.025(e), enacted by sec. 2 of this Act.