

Original sponsors: Ferguson, Hohman,  
Poland and Sackett

Offered: 5/26/77  
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 226 (2d Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to schools; and providing for an  
7 effective date."

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

9 \* Section 1. Section 42, ch. 124, SLA 1975, as amended by ch. 92, SLA  
10 1976, is amended to read:

11 Sec. 42. The terms of office of members of the first regional  
12 school boards shall terminate as follows:

13 (1) for those with one-year [AND TWO-YEAR] terms, on the date  
14 on which a newly elected board member takes office after the regular  
15 school board election in 1977 [, NOTWITHSTANDING AS 14.08.161(1)];

16 (2) (repealed by sec. 2, ch. 92, SLA 1976)

17 (3) for those with three-year terms, on the date on which a  
18 newly elected board member takes office after the regular school board  
19 election in 1979; [1978]

20 (4) for those with two-year terms, on the date on which a  
21 newly elected board member takes office after the regular school board  
22 election in 1978.

23 \* Sec. 2. AS 14.20 is amended by adding a new section to read:

24 Sec. 14.20.585. BINDING ARBITRATION. (a) If the employee bar-  
25 gaining agency and the school board are unable to reach agreement by  
26 March 31, or if the final mediation report is rejected by either party,  
27 the items at impasse shall be submitted to an arbitrator. Submission  
28 shall be by each party separately. Each submission shall state the  
29 final offer on each of the items at impasse, and only on those items,

1 and shall be certified by the authorized representative of the emplo  
2 bargaining agency or the school board. The arbitrator shall consider  
3 each submission as a total final offer, shall select the final offer of  
4 one of the parties, and shall issue an award incorporating that offer  
5 without modification. The decision of the arbitrator is final and  
6 binding on both parties, and is subject to court action only on the  
7 grounds specified in AS 09.43.120.

8 (b) The arbitrator shall be a person mutually acceptable to both  
9 parties, but if no person is agreed upon within 10 days following  
10 March 31 or the issuance of the final mediation report, the American  
11 Arbitration Association shall be asked to name an arbitrator. Within 10  
12 days of the receipt of the request the American Arbitration Association  
13 shall appoint an arbitrator who must be an Alaskan resident. The  
14 expenses of arbitration shall be shared equally by both parties.

15 (c) The arbitrator may not make an award which will require a  
16 municipality to increase its local tax rate to meet the cost of the  
17 award or will require an increase in state funding for a rural educa-  
18 tional attendance area.

19 (d) Except as provided in sec. 5 of this Act, the provisions of  
20 (a) - (c) of this section are applicable only within a school district  
21 which has chosen to subject itself to the provisions of this section. A  
22 school district may subject itself to the provisions of (a) - (c) of  
23 this section in the following manner:

24 (1) A municipality which is a school district may subject it-  
25 self to the provisions of (a) - (c) of this section by ordinance adopted  
26 by the governing body of the municipality. No ordinance adopting the  
27 provisions of (a) - (c) of this section is effective unless submitted to  
28 the voters of the municipality at a regular election and approved by a  
29 majority of those voting on the question.

1           (2) A regional educational attendance area may subject itself  
2 to the provisions of (a) - (c) of this section. If a number of voters  
3 equal to 10 per cent of the number of votes cast in the regional educa-  
4 tional attendance area at the last regular election for members of the  
5 school board petition the lieutenant governor, he shall place the  
6 question on the ballot for the next regular election of members of the  
7 school board to be held not less than 45 days after return of the peti-  
8 tion to the lieutenant governor. If the question presented is approved  
9 by a majority of those voting on the question, the provisions of (a) -  
10 (c) of this section take effect 30 days after certification of the  
11 results of the election.

12           (e) Except as provided in sec. 5 of this Act, a school district  
13 may exempt itself from the provisions of (a) - (c) of this section in  
14 the following manner:

15           (1) The governing body of a municipality which has subjected  
16 itself to the provisions of (a) - (c) of this section may exempt itself  
17 by repeal of the ordinance adopted under (d)(1) of this section. No  
18 ordinance repealing an ordinance adopted under (d)(1) of this section is  
19 effective unless submitted to the voters of the municipality at a regular  
20 election and approved by a majority of those voting on the question.

21           (2) A regional educational attendance area which has subjected  
22 itself to the provisions of (a) - (c) of this section may exempt itself  
23 from the provisions of (a) - (c) of this section. If a number of voters  
24 equal to 10 per cent of the number of votes cast in the regional educa-  
25 tional attendance area at the last regular election for members of the  
26 school board petition the lieutenant governor, he shall place the ques-  
27 tion on the ballot for the next regular election of members of the  
28 school board to be held not less than 45 days after return of the peti-  
29 tion to the lieutenant governor. If the question presented is approved

1 by a majority of those voting on the question, the regional educational  
2 attendance area is exempted from the provisions of (a) - (c) of this  
3 section 30 days after certification of the results of the election.

4 (f) In a municipality or a regional educational attendance area  
5 which has not exempted itself from the provisions of this section,  
6 certified employees of the school district may not engage in a  
7 strike. In a municipality or a regional educational attendance area  
8 which has exempted itself in the manner provided in (e) of this section,  
9 the certificated employees of the school district have the right to  
10 strike.

11 \* Sec. 3. AS 14.20.560(e) is amended to read:

12 (e) The negotiating meeting and arbitration sessions shall be open  
13 to the public [MAY BE HELD IN EXECUTIVE SESSION UPON MUTUAL AGREEMENT OF  
14 BOTH PARTIES, BUT ALL FINAL AGREEMENTS SHALL BE MADE AT A PUBLIC MEETING  
15 OF THE SCHOOL BOARD].

16 \* Sec. 4. AS 14.20.580(c) is repealed.

17 \* Sec. 5. APPLICABILITY OF SECS. 2, 3 AND 4 OF ACT. (a) The governing  
18 body of each school district, except a school district defined in AS 14.12.-  
19 010(3), shall place on the ballot for the first regular election occurring  
20 within the municipality after the effective date of this Act the following:

21 "BINDING ARBITRATION

22 The Legislature has provided that school districts may enter into binding  
23 arbitration with teachers as part of the collective bargaining process.  
24 Binding arbitration may be made part of the collective bargaining process  
25 only if approved by the voters of the school district. If binding  
26 arbitration is approved, the teachers may not engage in strikes.

27 Shall the provisions of AS 14.20.585 providing for binding arbi-  
28 tration in teacher negotiations be adopted in .....(NAME OF  
29 MUNICIPALITY).....?

1 [ ] Yes

2 [ ] No"

3 If a majority of the voters favors the question presented, the provisions of  
4 AS 14.20.585(a) - (c) apply to negotiations with certificated personnel with-  
5 in the school district. The commissioner of education shall take any action  
6 which he considers reasonable to assure that the question appears on the  
7 regular election ballot including, but not limited to, providing timely  
8 written notice to the election official in each municipality informing the  
9 official of the requirements of this subsection. If a majority of the voters  
10 favors the question presented, the governing body of the municipality shall  
11 adopt the necessary ordinance to provide for binding arbitration not later  
12 than 60 days after the date of certification of the results of the election.

13 (b) The lieutenant governor shall place on the ballot for the first  
14 regular election of members of the school board of each regional educational  
15 attendance areas occurring after the effective date of this Act the following:

16 "BINDING ARBITRATION

17 The Legislature has provided that rural educational attendance areas may  
18 enter into binding arbitration with teachers as part of the collective  
19 bargaining process. Binding arbitration may be made part of the collec-  
20 tive bargaining process only if approved by the voters of the rural  
21 educational attendance area. If binding arbitration is approved, the  
22 teachers may not engage in strikes.

23 Shall the provisions of AS 14.20.585 providing for binding  
24 arbitration in teacher negotiations be adopted in the  
25 ..... REAA?

26 [ ] Yes

27 [ ] No"

28 If a majority of the voters within a regional educational attendance area  
29 favors the question presented, the provisions of AS 14.20.585(a) - (c) apply

1 to negotiations with teachers within the regional educational attendance  
2 area.

3 \* Sec. 6. This Act takes effect July 1, 1977.  
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