

**SENATE BILL NO. 135**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DUNCAN

Introduced: 2/20/91

Referred: State Affairs and Finance

**A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to the state personnel system and to membership on the Public  
2 Employees' Retirement Board; and providing for an effective date."

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

4 \* **Section 1.** AS 18.07.111(9) is amended to read:

5 (9) "health care facility" means a private, municipal, state or federal hospital,  
6 psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center  
7 (including freestanding hemodialysis units), intermediate care facility, and ambulatory surgical  
8 facility; the term excludes

9 (A) an Alaska Pioneers' Home administered by the Department of  
10 Administration under AS 44.21.020 [AS 44.21.020(10)] and AS 47.55; and

11 (B) the offices of private physicians or dentists whether in individual or  
12 group practice;

13 \* **Sec. 2.** AS 39.25.040 is amended to read:

14 Sec. 39.25.040. **DIRECTOR OF PERSONNEL.** The head of the division of personnel

1 is the director of personnel appointed by the personnel board [COMMISSIONER OF  
2 ADMINISTRATION] and responsible to the board [COMMISSIONER OF ADMINISTRATION]  
3 for the execution of the duties and responsibilities imposed by this chapter and the rules adopted  
4 under this chapter. The director of personnel shall have at least five [THREE] years of  
5 professional [PRACTICAL] working experience in the field of personnel administration. The  
6 personnel board may establish additional qualifications for the personnel director. The  
7 director serves at the pleasure of the personnel board.

8 \* Sec. 3. AS 39.25.060(a) is amended to read:

9 (a) The personnel board is composed of five [THREE] members appointed by the  
10 governor and confirmed by the legislature meeting in joint session. The board shall contain a  
11 representative from management, labor, the public, minority groups, and the rural areas  
12 of the state. Each member of the board must be supportive of the merit principles of  
13 employment, and have demonstrated an interest in public administration and the  
14 development of efficient methods of employing personnel and administering personnel  
15 systems. The term of office of a member is six years. A vacancy in an unexpired term shall  
16 be filled by appointment by the governor for the remainder of the term. The appointment is  
17 subject to confirmation in the same manner as a full-term appointment.

18 \* Sec. 4. AS 39.25.060(b) is amended to read:

19 (b) Members of the board may not be employees of the state. Not more than three  
20 [TWO] members of the board may be members of the same political party.

21 \* Sec. 5. AS 39.25.070 is amended to read:

22 Sec. 39.25.070. POWERS AND DUTIES OF PERSONNEL BOARD. In addition to the  
23 other duties imposed by this chapter, the personnel board shall

24 (1) approve or disapprove amendments to the personnel rules in accordance with  
25 AS 39.25.140;

26 (2) consider and act upon recommendations for the extension of the partially  
27 exempt service and the classified service as provided in AS 39.25.130;

28 (3) hear and determine appeals by employees in the classified service as provided  
29 in AS 39.25.170;

30 (4) establish its own rules of procedure; three [TWO] members constitute a  
31 quorum for the transaction of business and three [TWO] affirmative votes are required for final

1 action on matters acted upon by the board;

2 (5) elect a chairman from its membership;

3 (6) have the power to administer oaths, subpoena witnesses, and compel the  
4 production of books and papers pertinent to a hearing authorized by this chapter;

5 (7) employ staff members, who shall be in the classified service;

6 (8) retain independent counsel in accordance with AS 39.52.310(c);

7 (9) appoint, and review the findings, conclusions, and recommendations of,  
8 hearing officers in accordance with AS 39.52.350(c), 39.52.360, and 39.52.370;

9 (10) issue findings, conclusions, and decisions regarding violations of the code  
10 of ethics in AS 39.52.110 - 39.52.190; and

11 (11) impose the penalties described in AS 39.52.410, 39.52.440, and 39.52.450.

12 \* Sec. 6. AS 39.25.130(a) is amended to read:

13 (a) The personnel board, upon written recommendation of the director of  
14 personnel [COMMISSIONER OF ADMINISTRATION], may extend the partially exempt service  
15 to include any position in the classified service which, in the judgment of the board,

16 (1) involves principal responsibility for the determination of policy;

17 (2) involves principal responsibility for the way in which policies are carried out;

18 or

19 (3) involves responsibilities and duties of a type not susceptible to the ordinary  
20 recruiting and examining procedures.

21 \* Sec. 7. AS 39.25.130(c) is amended to read:

22 (c) The personnel board, upon written recommendation of the director of personnel  
23 [COMMISSIONER OF ADMINISTRATION], may extend the classified service to include any  
24 position in the partially exempt service.

25 \* Sec. 8. AS 39.25.140(a) is amended to read:

26 (a) The director of personnel shall prepare and submit to the personnel  
27 board [COMMISSIONER OF ADMINISTRATION ANY] proposed amendments to the  
28 personnel rules for all positions and employees subject to this chapter.

29 \* Sec. 9. AS 39.25.140(g) is amended to read:

30 (g) An amendment to the personnel rules takes effect 30 days after it is approved by the  
31 personnel board. The board, if requested to do so, shall [MAY] hold one or more [A] public

1 hearings [HEARING] on a proposed amendment. The hearings shall permit public  
2 participation from around the state in person or by telephone or teleconference.

3 \* **Sec. 10.** AS 39.25.150(1) is amended to read:

4 (1) the preparation, maintenance, and revision by the director of personnel, subject  
5 to approval of the [COMMISSIONER OF ADMINISTRATION AND THE] personnel board, of  
6 a position classification plan for all positions in the classified and partially exempt services; the  
7 position classification plan must [SHALL] include

8 (A) a grouping together of all positions into classes on the basis of duties  
9 and responsibilities;

10 (B) an appropriate title, a description of the duties and responsibilities,  
11 training and experience qualifications, and other necessary specifications for each class  
12 of positions;

13 \* **Sec. 11.** AS 39.25.153(d) is amended to read:

14 (d) The assumption of a power set out in (b) of this section must be approved by the  
15 director of personnel [COMMISSIONER OF ADMINISTRATION] and must be in harmony  
16 with the merit principle of personnel administration (AS 39.25.010).

17 \* **Sec. 12.** AS 39.35.030(b) is amended to read:

18 (b) Three members of the board are the members of the personnel board of the  
19 Department of Administration (AS 39.25.060) designated by the chair of the personnel board.

20 \* **Sec. 13.** AS 44.21.020 is amended to read:

21 Sec. 44.21.020. DUTIES OF DEPARTMENT. The Department of Administration shall

22 (1) [REPEALED

23 (2)] make surveys and studies to improve administrative procedures, methods, and  
24 organization;

25 (2) [(3)] keep general accounts;

26 (3) [(4)] approve vouchers and disburse funds for all purposes;

27 (4) [(5)] operate centralized purchasing and supply services, and necessary  
28 storerooms and warehouses;

29 (5) [(6)] allot space in state buildings to the various departments according to  
30 need and available space;

31 (6) [(7)] supervise telephone, mailing, messenger, duplicating, and similar services

1        adaptable to centralized management;  
2                    (7) [(8)] administer the public employees' retirement system and teachers'  
3 retirement system;  
4                    (8) [(9)] administer a statewide personnel program, including central personnel  
5 services as directed by the personnel board such as recruitment, examination, position  
6 classification, and pay administration;  
7                    (9) [(10)] administer the Alaska Pioneers' Homes;  
8                    (10) [(11)] administer and supervise a statewide automatic data processing  
9 program;  
10                    (11) [(12)] REPEALED  
11                    (13)] study, design, implement, and manage the telecommunications systems and  
12 services of the state under AS 44.21.305 - 44.21.330.  
13 \* **Sec. 14.** Notwithstanding the amendment to AS 39.25.060(a) made by sec. 3 of this Act, one of  
14 the additional members appointed to the personnel board shall serve for a term expiring in 1995, and  
15 the second additional member shall serve for a term expiring in 1993.  
16 \* **Sec. 15.** AS 39.25.140(b) is repealed.  
17 \* **Sec. 16.** This Act takes effect January 1, 1992.